

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
SUBDIVISION AND DEVELOPMENT CONTROL BYLAW**

SCHEDULE 'A'

DEVELOPMENT PROCEDURES AND POLICIES

INDEX

	<u>PAGE</u>
1.0 INTRODUCTION	1
2.0 GENERAL INFORMATION AND POLICIES	1
3.0 RIGHT-OF-WAY OR EASEMENT DOCUMENTS	1
4.0 ENGINEERING SUPERVISION	2
5.0 CIRCULATION AND APPROVAL OF DESIGN DRAWINGS	3
6.0 SERVICE INSTALLATION	4
7.0 APPROVAL FOR REGISTRATION OF A SUBDIVISION OR ISSUANCE OF A BUILDING PERMIT	5
8.0 MUNICIPAL ACCEPTANCE OF WORKS AND SERVICES	6
9.0 WARRANTY OF WORKS & SERVICES	7
10.0 TESTING	8

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
SUBDIVISION AND DEVELOPMENT CONTROL BYLAW
SCHEDULE 'A'
DEVELOPMENT PROCEDURES AND POLICIES

1.0 Introduction

1.01 This section contains Development Procedures and Policies that are particular to the Township of Esquimalt.

2.0 General Information and Policies

2.01 Development in the Township of Esquimalt is the responsibility of private enterprise. The entire cost of Works and Services is usually at the Applicant's expense.

2.02 Topographical surveys, design and preparation of drawings for all services shall be carried out by Consulting Engineers engaged by the Applicant.

2.03 If approval of a subdivision plan is requested prior to completion of the Works and Services required by this bylaw, a covenant under Section 219 of the Land Title Act shall be registered against the properties that prohibits building permit issuance until water, sanitary sewer, and drainage works together with a road capable of supporting emergency and service vehicles are installed and approved by the Director, Planning and Engineering Services, as ready for use. In addition, all road cuts and underground service work which might restrict use of the road shall be completed and as-built drawings for the water, sewer, and drain works must have been delivered to, and approved by the Municipality.

3.0 Right-of-Way or Easement Documents

3.01 The Applicant shall prepare all Right-of-Way documents for Sewer, Drain and Water as required by the Approving Officer where the Municipality will assume responsibility for maintenance. A sample document will be provided and all clauses and conditions shall be included.

(a) Documents for Rights-of-Way outside of the Subdivision shall be deposited in the Land Title Office by the Applicant for registration prior to Design Approval.

- (b) Any private easement documents must also be prepared by the applicant's lawyer and must be submitted for review by the Approving Officer prior to plan approval. A lawyer's letter of undertaking to register the Municipal Right-of-Way and private easement documents with the Subdivision Plan is required prior to finalization of the Subdivision Plan for registration.
- 3.02 Right-of-Way documents for power, telephone and cablevision facilities shall be prepared and registered by the respective Utility companies.
- 3.03 Where a single storm drain, sanitary sewer or water Right-of-Way is required, the minimum acceptable width is 3.1 m.
- 3.04 Where more than one service is installed in a Right-of-Way, the width of the Right-of-Way must be increased sufficiently to accommodate the pipe sizes required together with no less than 1.2 m of clearance between pipes and edge of Right-of-Way. The minimum acceptable width is 3.7 m.
- 3.05 Rights-of-Way shall be located within a single property adjacent and parallel to property boundaries and shall be clear of proposed building sites.
- 3.06 Rights-of-Way shall be provided by the Applicant for the eventual extension of the sanitary sewer and/or storm drains required by the Approving Officer.

4.0 Engineering Supervision

- 4.01 The Consulting Engineer shall be responsible for the layout, inspection and approval of materials and the supervision of installation of all services which are the responsibility of the Applicant, all in accordance with the requirements and standards of this bylaw.
- 4.02 Engineering Supervision shall consist of general and sufficient resident inspection to ensure that the works and services are constructed in accordance with the approved design drawings. Sufficient inspection shall range from a minimum of one site visit per day during construction to full-time resident inspection for major developments. The Consulting Engineer shall submit copies of his inspection reports, when requested, to the Municipal Engineer.
- 4.03 In addition to the Consulting Engineer carrying out supervision, the Municipality may periodically inspect the work and assist in co-ordinating Subdivision construction with any related Municipal works. Any use of unacceptable materials or practices shall be brought to the attention of the Contractor and the Consulting

Engineer. If remedial action is not taken to the satisfaction of the Director, Planning and Engineering Services, he may issue instructions to the Consulting Engineer to cease construction until remedial action is taken.

- 4.04 If the Consulting Engineer wishes to make any changes in approved design either before or during the execution of the work, he shall first submit a marked print showing proposed revisions to the Director, Planning and Engineering Services. If approval is granted for revision, the original drawing shall be immediately revised, signed by the Director, Planning and Engineering Services and new prints issued. These two operations may be carried out simultaneously.
- 4.05 The attention of the Consulting Engineer is directed to the safety regulations of the Workers Compensation Board.
- 4.06 All Municipal employees have been instructed not to enter excavations which are not properly braced and, therefore, no approval will be given to installations which cannot be inspected because of unsafe working conditions.

5.0 Circulation and Approval of Design Drawings

- 5.01 Design drawings must be submitted to and approved by the Director, Planning and Engineering Services before the construction of any Works and Services within any Highway or municipal Right-of-Way commences. All pertinent design information must be completed on the design drawing submission by the Consulting Engineer. Design Drawing Numbers must be obtained from the Municipal Engineering Department prior to submission.
- 5.02 If the drawings are not satisfactory for circulation, a marked set and correction sheet will be returned to the Consulting Engineer.
- 5.03 After circulation and review by Municipal Departments, a comment sheet is compiled. This is returned to the Consulting Engineer for revisions to the design drawing.
- 5.04 When all items have been corrected the Consulting Engineer shall submit estimates, drawings and other required data for final approval. If all items are not received, drawing approval will be withheld.
- 5.05 Approval by Parks and Recreation Department must be obtained prior to Design Drawing Approval for any tree removal within the boulevard or works within parkland.

- 5.06 A letter of confirmation to the Municipal Engineer, in the form set out in Schedule F-1 to this bylaw, that an Engineer Client agreement is in force must be received prior to design approval by the Municipality. The Engineer Client Agreement must provide for the level of engineering service required in this specification.
- 5.07 A print of the registerable plan of Subdivision must be submitted to the Approving Officer prior to design approval.
- 5.08 Any right-of-way outside of the proposed Subdivision plan must be obtained and registered by the Applicant or his agent prior to Design Approval. See section 3.0 of this specification for Right-of-Way preparation procedure.
- 5.09 Where authorization and/or permits are required from Senior Governments or other agencies, it is the Applicant's responsibility, through his agents, to obtain these. Developments adjacent to, affected by, or affecting the following, will require plans to be submitted to the appropriate non-municipal agency:
- (a) Provincial Highways
 - (b) Railway, B.C. Hydro, Centra Gas, B.C. Telephone, Shaw Cable rights-of-way
 - (c) Main water courses
 - (d) Drain outfalls
 - (e) Canada Post Super Mail Box locations

The above approvals are required prior to design approval except for Super Mail Box locations which must be obtained prior to Subdivision approval.

- 5.10 Upon completion of all drawings and estimates to the satisfaction of the Director, Planning and Engineering Services as being in accordance with good engineering practice, he shall approve the design of all drawings (four prints).
- 5.11 A covering letter is prepared detailing the costs of Works and Services to be completed by the Applicant and payments required for those Works and Services to be completed by Municipal forces at the Applicant's expense.
- 5.12 Following approval, the covering letter and an approved print of the design are returned to the Consulting Engineer.

6.0 Service Installation

- 6.01 The following steps shall be carried out prior to start of construction of the Works and Services:

- (a) Design drawings must have approval of the Director, Planning and Engineering Services.
- (b) The Consulting Engineer shall make arrangements to inspect the site of the work in the company of the Municipal Engineer, or his designate, and Contractor 24 hours prior to start of construction.

If work proceeds without Municipal inspection, the Director, Planning and Engineering Services may require that works to be exposed for an inspection prior to approval.

- (c) Proof of Public Liability Insurance in the amount of \$5 million per occurrence, with a deductibility of not more than \$10,000 shall be provided to the Director, Planning and Engineering Services prior to work on a Municipal road allowance and/or right-of-way.
- (d) Works and Services that must be carried out by Municipal crews are subject to prepayment of the estimated or fixed costs. Two weeks must be allowed after payment for preparation of work order and scheduling of the work.
- (e) Every effort must be made to protect boulevard trees from harm during service installation. No tree root over 25 mm in diameter may be cut or damaged on any boulevard tree.

6.02 A copy of the approved Design Drawing and Municipal Specifications and Standard Drawing shall be maintained by the Contractor at the construction site during the installation of all services.

6.03 Underground Subdivision services shall not be permitted to operate as part of existing Municipal services until the respective Subdivision services have been inspected, tested and approved in writing by the Director, Planning and Engineering Services.

7.0 Approval for Registration of a Subdivision or Issuance of a Building Permit

7.01 To facilitate early registration of the Subdivision plan or issuance of a Building Permit prior to service installation the following criteria must be completed:

- (a) Development Servicing Agreement between the Applicant and the Municipality shall be executed.

- (b) Materials and Workmanship Warranty Agreements shall be executed.
- (c) State of Title Certificate of each legal description involved shall be delivered to the Director, Planning and Engineering Services.
- (d) Certified cheque or irrevocable letter of credit equal to 120 % of the deposit total. Irrevocable letters of credit will not be accepted for deposit totals less than \$3,000.00.
- (e) Payment by cheque or cash for the Works and Services to be installed by Municipal crews.
- (f) Legal descriptions and references to ownership on all documents must conform exactly to that appearing on the State of Title Certificate.

7.02 Should service installation be completed prior to Subdivision Plan registration or building permit issuance, the following criteria must be completed:

- (a) Submission and approval of as-built drawings.
- (b) Posting of Material and Workmanship Warranty bonding.
- (c) Completion of sections (b), (c), and (e) of Section 7.01.

7.03 Right-of-Way documents (if applicable) must be prepared and registered to the satisfaction of the Municipality. See Section 3.0 of this specification for details.

8.0 Municipal Acceptance of Works and Services

8.01 Upon the authorization of the Director, Planning and Engineering Services and after receipt of satisfactory as-built drawings, warranty security and the acceptance of the required Works and Services, any relevant deposits guaranteeing the satisfactory installation of the Works and Services shall be returned to the Applicant.

8.02 Warranty security shall be held by the Municipality in the form of an irrevocable letter of credit or cash deposit for the one (1) year period of warranty for all services. The security shall be 5% of the deposit total, with a minimum of a five hundred dollar (\$500.00) deposit.

- 8.03 The Director, Planning and Engineering Services may release a portion of any deposit for work requiring an extended period to construct provided that:
- (a) The Consulting Engineer certifies in writing the extent and value of work completed, as well as itemizing the outstanding work and cost of same (including outstanding engineering fees for as-built submission if applicable), and that the completed Works and Services meet the specifications of the Municipality.
 - (b) Verification is obtained from the Municipality that the work to date is acceptable.
- 8.04 Deposits may be released according to the following schedule:
- (a) If the total estimated value of construction is less than \$10,000., no reductions will be permitted.
 - (b) If the total estimated value of construction is \$10,000. or greater, but less than \$100,000., up to 75 % may be released to a minimum of \$10,000.
 - (c) If the total estimated value of construction is \$100,000. or greater, up to 85 % may be released to a minimum of \$25,000.
- 8.05 As-built drawings are checked for field deficiencies, drafting requirements, agreement with the site layout and adherence to Regional Specification B-2 in Schedule B. If the drawings are unacceptable, a correction list is prepared and sent to the Consulting Engineer.
- (a) Construction Completion Certificate - When all field deficiencies and as-built drawing corrections have been rectified, a Construction Completion Certificate shall be prepared for signature of the Director, Planning and Engineering Services. The period of the Material and Workmanship Warranty will begin on the date the as-built drawing is approved.

9.0 Warranty of Works and Services

- 9.01 The Owner/Applicant shall be responsible for and at his own expense execute all work, repair, alteration, reconstruction or replacement required to remedy any defect, fault or deficiency in or developing in the completed work not only up to the receipt and approval of the Consulting Engineer's as-built drawing but also during the period of warranty of twelve (12) months after the date of approval of each as-built drawing.

- 9.02 All such works of rectification, repair and warranty shall be executed upon the written request of the Director, Planning and Engineering Services. Should the Applicant neglect or fail to commence the execution of such works within the time period given by the Director, Planning and Engineering Services, the Municipality shall complete the remedial works according to the terms of the Warranty Agreement.
- 9.03 Final Acceptance by the Municipality
- (a) The Municipality shall inspect the Works and Services prior to the expiration of the warranty period. Any deficiencies shall be corrected as noted above prior to release of deposits.
 - (b) If rectification or repair does not take place within the time allowed by the Municipality, the Municipality may complete the remedial works according to the terms of the Warranty Agreement.
 - (c) If no deficiencies have developed during the warranty period, deposits shall be released.

10.0 Testing

- 10.01 After the sewer pipe has been laid and the trench has been backfilled, the Contractor shall test all sanitary sewer for water-tightness, improper jointing, fractures, broken pipes and other defects in the presence of the Consulting Engineer and Municipal representative.
- 10.02 Air testing will be the primary means of testing sewer lines up to and including 750 mm in diameter, a modified air test will be the primary acceptance test. Infiltration or exfiltration tests shall be substituted for air testing if required by the Director, Planning and Engineering Services
- 10.03 If the sewer being tested fails to pass the pressure test, the Contractor shall, at his own expense, determine the cause of failure and make all required repairs. The main shall be re-tested after being repaired.
- 10.04 The Consulting Engineer shall, at his direction, arrange for periodic compaction testing within the trench where trenches are over one metre deep. Test results shall be submitted to the Director, Planning and Engineering Services.
- 10.05 The Municipality shall flush all sewer and drain mains prior to use as a municipal system. The cost of such flushing will be borne by the applicant.