

DEVELOPMENT INFORMATION PACKAGE

KEMP LAKE WATERWORKS DISTRICT

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Introduction

This development information package is intended to bring together all the requirements for development of land within the Kemp Lake Waterworks District (KLWD) as well as provide some explanation or clarification of these requirements. The hope is that this will make the process easier for all concerned. This package is a dynamic one in that it will be modified and updated as bylaws and/or procedures change. Check with the District office regarding the most recent edition. Questions or comments regarding this information or its presentation are welcome.

This package contains some or all of the following, but is not limited to:

- (a) notes on the development process,
- (b) a development procedure checklist,
- (c) application forms,
- (d) copies of relevant bylaws and
- (e) a copy of KLWD engineering standards,

Bylaws

All development of property within the Kemp Lake Waterworks District is subject to one or more of the following bylaws:

- "Comprehensive Capital Expenditure Charge (Water) Bylaw" (CEC)
- "Subdivision Water Regulation Bylaw" (SWR)
- "Multiple Occupancy Water Regulations Bylaw" (MOWR)
- "Connection Charge Bylaw" (CC)

A brief synopsis of the bylaws is provided in the Bylaw Synopsis section.

NOTE: In the event of a discrepancy between the information in this package and the Bylaws of the District or Resolutions of the Board of Trustees, the Bylaws of the District and Resolutions of the Board of Trustees shall take precedence.

Development Types Overview

Development within the Kemp Lake Waterworks District can be divided into the following four types:

1. **Subdivision under the Land Titles Act.** Where a parcel of land is divided into a number of parcels, and these new parcels are completely independent parcels of land.
2. **Subdivision under the Strata Property Act.** Where a parcel of land is divided into a number of parcels by way of a Bare-Land Strata Plan, with some shared common property.
3. **Multiple Occupancy** development is the creation of multiple units on a single parcel of land. Some examples of this kind of development are: mobile home parks, duplexes, additional homes on residential acreage. For a complete list and definition of units see Appendix A.

4. **Water Service Request** for an existing parcel of land/unit. For example, the construction of a single family residence on a single empty parcel needs a water connection, or an owner may request water service for an empty parcel of land that they wish to garden.

After reading the General Requirements for all Developments, use the definitions above to determine the type of development that you are contemplating and see the corresponding section below.

General Requirements for all Developments

The following relates to all development within the KLWD.

The works required can range from a single service connection pipe for a single new lot to installing mains and service connections on new roads and/or upgrading existing supply infrastructure.

The development may require the services of an engineer. The owner of the proposed development should retain their own engineer. The District's engineer should not work directly for an owner as this places the district's engineer in a conflict of interest.

All costs, whether incurred by the owner or by the district, related to the proposed development, are the owner's responsibility. These costs include but may not be limited to engineering, permits and works within the development, bordering the development or augmentation of the district's water supply.

All work to be done on public highway, road allowance or district property will be performed by the KLWD contractor. Final connection to the existing district's works will be made by the KLWD contractor.

Final approval of the development is only granted after: all required works are completed, tested and accepted; all requirements of all applicable district bylaws have been met and all monies owing to the district have been received by the district.

Development Type Specific Requirements

Subdivision under the Land Titles Act

Development of this type is subject to the following bylaws:

- "Comprehensive Capital Expenditure Charge (Water) Bylaw" (CEC)
- "Subdivision Water Regulation Bylaw" (SWR)
- "Connection Charge Bylaw" (CC)

For a subdivision under the Land Titles Act, the owner is **required to submit plans** prior to the start of any construction, showing the subdivision layout and proposed water works along with **an Application for Water Service Study**. A copy of this application is included in this information package. Upon receipt of this signed application, the district

will provide an estimate of the study costs and request a deposit from the applicant. The results of the study will identify the servicing requirements within the proposed development, along any existing roads bordering the development as well any requirements to augment district supply capacity.

Generally, water must be provided to the property line of every lot in the proposed development in accordance with the KLWD Engineering Specifications.

For the actual installation of the water works that takes place on the owner's property, the owner may either hire their own qualified contractor or hire the KLWD.

Subdivision under the Strata Property Act

Development of this type is subject to the following bylaws:

- "Comprehensive Capital Expenditure Charge (Water) Bylaw" (CEC)
- "Subdivision Water Regulation Bylaw" (SWR)
- "Connection Charge Bylaw" (CC)

For a subdivision under the Strata Property Act, the owner is **required to submit plans** prior to the start of any construction, showing the subdivision layout and proposed water works along with **an Application for Water Service Study**. A copy of this application is included in this information package. Upon receipt of this signed application, the district will provide an estimate of the study costs and request a deposit from the applicant. The results of the study will identify the servicing requirements along any existing roads bordering the development as well any requirements to augment district supply capacity.

Under the Local Government Act, the district can only regulate the design and installation of water to the strata property as a whole, not the internal distribution of water within the strata property. We require the submission of the proposed strata plans showing internal water works in order to determine water supply requirements and the proposed water use within the development. All works related to the proposed development but not internal to the development will be done in accordance with the KLWD Engineering Specifications. We recommend using the same or similar set of standards for the internal water system.

Multiple Occupancy

Development of this type is subject to the following bylaws:

- "Comprehensive Capital Expenditure Charge (Water) Bylaw" (CEC)
- "Multiple Occupancy Water Regulations Bylaw" (MOWR)
- "Connection Charge Bylaw" (CC)

For a multiple occupancy development, the owner is **required to submit plans** prior to the start of any construction showing the development layout and proposed water works along with **an Application for Water Service Study**. A copy of this application is included in this information package. Upon receipt of this signed application, the district

will provide an estimate of the study costs and request a deposit from the applicant. The results of the study will identify the servicing requirements along any existing roads bordering the development as well any requirements to augment district supply capacity.

We require the submission of the proposed plans showing internal water works in order to determine water supply requirements and the proposed water use within the development. All works related to the proposed development but not internal to the development will be done in accordance with the KLWD Engineering Specifications. We recommend using the same or similar set of standards for the internal water system.

Water Service Request

Development of this type is subject to the following bylaw:
"Connection Charge Bylaw" (CC)

Included in this information package is an application form titled 'Application for Water Service Connection'. This application is the first step in the process of getting water service to the property. Generally, if there is an existing water main running in front of the property and the connection is just a matter of installing a service connection pipe from the main to the property line, the only requirement is to pay the deposit required under the Connection Charge Bylaw. The difference between the actual cost and the deposit is either refunded to you or charged to you before the water is turned on.

In the rare case that there is not an adequate water supply running in front of the property the next step would be to fill out and submit an 'Application for Water Service Study'. A copy of this form titled 'Application for Water Service Study' is included in this information package. Upon receipt of this application, the district will provide an estimate of the study costs and request a deposit from the applicant. The results of the study will identify the servicing requirements and an estimated cost of installing the works.

It should be noted that the CC bylaw defines a Service Connection as "...pipeline installation from the improvement district's main to the property line of the property to be served...". This means that easements across other property for the purposes of a water connection are not allowed.

Bylaw Synopsis

This section provides a brief description of the main points of relevant bylaws and some examples of their application. See the full bylaw for complete information.

NOTE: In the event of a discrepancy between the information in this package and the Bylaws of the District or Resolutions of the Board of Trustees, the Bylaws of the District and Resolutions of the Board of Trustees shall take precedence.

Comprehensive Capital Expenditure Charge (Water) Bylaw (CEC)

Except in the case of a *Water Service Request* as defined above, all developers of property within the Kemp Lake Waterworks District are subject to charges under this bylaw. The charge is applied to each new lot created or each additional unit added to an existing lot.

The applicable amount is that which is in effect at the time that the "Preliminary Layout Approval" is issued by Ministry of Transportation or a building permit is issued by the Capital Regional District. The payment of this charge is due before final sign off and completion of the subdivision or development. The amount of the charge is not affected by a subsequent CEC bylaw change if the subdivision/development completes within one year after the subsequent CEC bylaw change. See current bylaw for rates in affect at this time.

Example 1: In the case of a subdivision that would create a total of 5 new lots out of one existing lot, there would be 4 more lots after subdivision then before. The charge would then be calculated as 4 times the current charge rate.

Example 2: If an additional home or mobile home is added to a property, the charge would then be calculated as 1 times the current charge rate.

"Subdivision Water Regulation Bylaw" (SWR)

For subdivision under the Land Titles Act or the Strata Property Act, this bylaw requires submission of plans showing proposed water works for preliminary approval. It requires the owner/developer to install at their own expense and at no cost to the KLWD, the water works *'deemed necessary by the District to provide an adequate supply of water for domestic and commercial use and fire protection'*. The works include all engineering and permits required as well as the physical piping and fittings.

These works can range from a single service connection pipe for a single new lot to installing mains and service connections on new roads and/or upgrading existing supply infrastructure.

Final approval of the subdivision is only granted after all required works are completed, tested and accepted as well as other applicable bylaws have been met.

The bylaw contains a penalty clause for non compliance.

"Multiple Occupancy Water Regulations Bylaw" (MOWR)

Under this bylaw, 'Multiple Occupancy' means any land or building upon or in which are more than one unit of whatever kind. The bylaw defines the different types of units; 'Dwelling Unit', 'Commercial Unit' and 'Industrial Unit'. See Appendix A for unit definitions.

Owners proposing to locate a Multiple Occupancy development within the KLWD must submit proper plans to the KLWD for approval. These plans are to show the proposed location of all construction including a detailed layout of proposed water system. The owners are responsible for the installation of all works to approved standards at not cost to the district and shall operate them in a manner satisfactory to regulating authorities.

Owner may be required to upgrade existing KLWD works in order to meet the requirements of the proposed development.

Any existing 'Multiple Occupancy' property shall not be extended or modify their operations unless proposed changes are submitted as above and approved by the KLWD.

The bylaw contains a penalty clause for no compliance.

"Connection Charge Bylaw" (CC)

This bylaw stipulates that application must be made on the form prescribed by the Trustees. It sets the charges for connection as total cost of installing the connection included related permits as well as an administration fee. It also sets the deposits required for each of two cases, whether the connection requires a road crossing or not. The difference between the actual cost and the deposit will either be refund or charged to the property owner as the case may be.

It should be noted that the CC bylaw defines a Service Connection as "...pipeline installation from the improvement district's main to the property line of the property to be served...". This means that easements across other property for the purposes of a water connection are not allowed.

Appendices

Appendix 1 - Definitions

The following is a list of definitions used in various bylaws of the Kemp Lake Waterworks District.

- 1) "applicant" means the owner of property, or the authorized agent of the owner, who has submitted a completed application for the subdivision of land to which water may be supplied by the District.
- 2) "bare-land strata plan" means a strata plan on which the boundaries of the strata lots are defined on a horizontal plane by reference to survey markers, and not by reference to the floors, walls and ceilings of a building.
- 3) "Commercial Unit" shall mean any unit of divided space for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services, and administrative, commercial and professional offices.
- 4) "common property" means so much of the land and buildings designated on the bare-land strata plan, or designated by the strata corporation for the use of the strata lot owners.
- 5) "District" means the Kemp Lake Waterworks District.
- 6) "District's system" means the water distribution system including all works owned and operated by the District.
- 7) "Dwelling Unit" shall mean any room or suite of rooms used or intended to be used as a place of habitation by one or more persons and a dwelling unit shall include, without prejudice to the said generality, a single family dwelling, a trailer, a mobile home and a self-contained room or suite of rooms in a building.
- 8) "Industrial Unit" shall mean any unit of divided space for which the use is the provision for the processing, fabricating, testing, servicing, repairing or wrecking or salvaging of goods and materials, and the selling of heavy industrial equipment.
- 9) "Multiple Occupancy" shall mean any land or building upon or in which are more than one unit of whatever kind.
- 10) "Parcel" means any lot, block or other area, which is the subject of separate registration in the Land Title Office.

- 11) "Recreational Unit" shall mean any designated area used for or intended to be used for the temporary or permanent location of a tent or a recreational vehicle of any type.
- 12) "service connection" - Shall mean the pipeline installation from the improvement district's main to the property line of the property to be served, when such property line coincides with the established road allowance.
- 13) "service pipe" shall mean the pipeline installation from the property side of the meter check valve at the property line to the premises of the owner.
- 14) "standards" means the District's water system construction and design standards attached as Schedule B to this bylaw.
- 15) "strata corporation" means the corporation created by the Strata Property Act.
- 16) "strata council" means the Council designated or elected pursuant to the bylaws.
- 17) "strata lot" means a lot shown as such in a bare-land strata plan.
- 18) "subdivision" means a subdivision as defined in the *Land Title Act* or the *Strata Property Act*.
- 19) "swimming pool" shall mean an artificially created body of water having a depth of 18" or more used for recreational or physiotherapy purposes.
- 20) "trustees" means the trustees of the District or their duly authorized representatives.
- 21) "water" shall mean water conveyed through the works operated or maintained by the District.
- 22) "works" means any structures, including pipes, and all attachments, fittings, fire hydrants, service connections, meters and facilities for the storage, supply, conveyance, treatment and distribution of water.
- 23) "Unit" means any Dwelling Unit, Recreational Unit, Commercial Unit or Industrial Unit.

KEMP LAKE WATERWORKS DISTRICT

Appendix 2 - Subdivision Procedure Checklist

(For the following types of development: subdivision under Land Title Act or Strata Property Act)

Subdivision Application: _____

Prior to Construction:

- q Have detailed design drawings, stamped and signed by a professional engineer, been approved by the District?
- q Has a letter of confirmation of a signed engineer/client agreement been deposited with the District? (Specification A-2, Section 5.04)
- q Have all permits and approvals been obtained? (Specification A-2, Section 5.06)
- q Has a warranty security deposit been deposited with the District? (Specification A-2, Section 8.02)
- q Has a performance bond in the amount of 150% of estimated works within a public right-of-way been deposited with the District? (Specification A-2, Section 2.07)
- q Has proof of adequate liability insurance been deposited with the District? (Specification A-2, Section 2.05)
- q Has a copy of the District's engineering specifications and standard drawings been obtained?

Prior to Final Approval:

- q Has a leak/pressure test of all installed works been satisfactorily passed? (Specification A-2, Section 10.0 and Specification W-2, Section 6.0)
- q Has the system been adequately disinfected, flushed, and tested for presence of coliform? (Specification W-2, Section 7.0)
- q Have approved as-constructed drawings been deposited with the District? (Specification A-2, Section 7.0 and Specification B-2)
- q Has payment of all connection charges been made to the District?
- q Has payment of all applicable development cost charges been made to the District?

Appendix 3 - Subdivision Development Application

SCHEDULE A of
SUBDIVISION WATER REGULATION BYLAW NO. 156

KEMP LAKE WATERWORKS DISTRICT
P.O. Box 465, Sooke, BC, V0S 1N0 Telephone: (250) 642-2875

Property Address(es): _____

Legal Description of Property (ies): _____

Registered Owner(s): _____

Address (Correspondence/calls
to be directed to): _____

Phone: _____ Fax: _____

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

1. Copy of Indefeasible Title(s), dated within 30 days of the date of application.
2. A letter of authorization if the applicant is not the owner.
3. Plan of proposed subdivision with dimensions clearly illustrating lot layout, roads, etc. to a scale of not less than 1:2000. Four copies are required.
4. The layout sketch plan, in metric, must be prepared by a consulting engineer, planner, or land surveyor and show the following:
 - the full legal description of the parcel(s) to be subdivided;
 - the dimensions and area of all proposed lots;
 - the arrangement of parcels and streets which will be created by the subdivision, including the widths of the proposed streets and alteration of lot lines or subdivision of any existing parcels;
 - the location of all existing buildings and structures on the property;
 - existing property lines and highways to be eliminated by the proposed subdivision;
 - the location of all natural features and watercourses;
 - the relationship of the development to neighbouring parcels and highways;
 - intended use of each parcel to be created by the subdivision;
 - topographic information where land affected by the application is steep, irregular, or otherwise difficult to appraise in respect of the proposed development;

- A plan of the water system to service the subdivision designed in accordance with the District's Standards.

5. An application fee of \$ 75.00.

6. Evidence of approval or authorization from other agencies involved in the subdivision process.

PLEASE NOTE THE FOLLOWING:

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement of District bylaws related to subdivision. Personal information or business information submitted on this form is not considered to be supplied in confidence.

The District trustee(s), or their duly appointed representative, are authorized to enter the property for inspection purposes.

By signing this application, I/we acknowledge our responsibility for all costs incurred by the district in relation to this proposed subdivision.

Property owner(s) signature(s) : _____

OR:

Authorized agent's signature: _____

Dated this day ___ of _____, 200__

Approved this day ___ of _____, 200__ .

Authorized Signature

Appendix 4 - Multiple Occupancy Development Application

SCHEDULE A of
MULTIPLE OCCUPANCY DEVELOPMENT
WATER REGULATION BYLAW NO. 155

KEMP LAKE WATERWORKS DISTRICT
P.O. Box 465, Sooke, BC, V0S 1N0 Telephone: (250) 642-2875

Property Address(es): _____

Legal Description of Property (ies): _____

Registered Owner(s): _____

Address (Correspondence/calls
to be directed to): _____

Phone: _____ Fax: _____

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

1. Copy of Indefeasible Title(s), dated within 30 days of the date of application.
2. A letter of authorization if the applicant is not the owner.
3. Plan of proposed development with dimensions clearly illustrating the number and types of units, etc. to a scale of not less than 1:2000. Four copies are required.
4. The layout sketch plan, in metric, must show the following:
 - the full legal description of the parcel(s) to be developed;
 - the number of types of proposed and existing units;
 - the relationship of the development to neighbouring parcels and highways;
 - the proposed location and size of water service connection for the proposed development;
 - topographic information where land affected by the application is steep, irregular, or otherwise difficult to appraise in respect of the proposed development.
5. An application fee of \$75.

PLEASE NOTE THE FOLLOWING:

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement of District bylaws related to

development. Personal information or business information submitted on this form is not considered to be supplied in confidence.

The District, or their duly appointed representative, is authorized to enter the property for inspection purposes.

By signing this application, I/we acknowledge our responsibility for all costs incurred by the district in relation to this proposed development.

Property owner(s) signature(s) : _____

OR:

Authorized agent's signature: _____

Dated this day ____ of _____ 200__

Approved this day ____ of _____ 200__ .

Authorized Signature