

DISTRICT OF LAKE COUNTRY

BYLAW 628, 2007

CONSOLIDATED VERSION

(Includes amendment as of July 18, 2017)

This is a consolidated copy to be used for convenience only. Users are asked to refer to the Highway Access and Driveway Regulation Bylaw as amended from time to time to verify accuracy and completeness.

Amending Bylaw	Summary of Amendments	Adoption
988	<ul style="list-style-type: none">• Delete and replace section 2.(1)(b)• Delete and replace section 6.(2)	January 17, 2017
1015	<ul style="list-style-type: none">• Delete and replace section 2.(1)(b)• Delete and replace section 6.(2) <p><i>*See Report to Council of July 4, 2017</i></p>	July 17, 2017

DISTRICT OF LAKE COUNTRY**BYLAW 628, 2007**

**A BYLAW TO REGULATE ACCESS TO AND FROM PUBLIC HIGHWAYS TO PRIVATE LANDS
AND TO REGULATE THE LOCATION AND CONSTRUCTION OF DRIVEWAYS AND
BUILDING SITES ON PRIVATE LANDS**

WHEREAS the Council of the District of Lake Country has established guidelines for development;

AND WHEREAS the Council of the District of Lake Country deems it necessary to regulate access, driveways and building sites;

NOW THEREFORE the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

Definitions

1. (1) In this bylaw, unless the context otherwise requires;
 - (a) "Building Inspector" means the Building Inspector of the District or his designate;
 - (b) "Clerk" means the Municipal Clerk of the District, and includes the lawful deputy of that person, or his designate;
 - (c) "Council" means the Municipal Council of the District;
 - (d) "District" means the Municipality of the District of Lake Country;
 - (e) "District Engineer" means the Director of Engineering of the District, or his designate;
 - (f) "fire limit area" means that property on which a building is constructed where the principal entry of a building will be sited more than 45 metres from a constructed and maintained public road;
 - (g) "fire staging area" means a parking space designed to accommodate a fire vehicle for pumping or shuttling water to a fire scene;
 - (h) "Frontage" means that portion of the undeveloped road right of way, adjacent to and parallel with the front property line of the subject property.
 - (i) "geotechnical engineer" means a person registered or licensed under the Engineers and Geoscientists Act;
 - (j) "grade" means the slope measured in percent;
 - (k) "hardsurface" means a durable dust free surface such as concrete or asphalt, and does not include crushed gravel or shale.

- (l) “highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;
 - (m) “Official Community Plan” means the Official Community Plan Bylaw of the District as amended or replaced from time to time.
 - (n) “parcel” means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;
 - (o) “private driveway” means the access or roadway located on and serving private property;
 - (p) “professional engineer” means a person registered or licensed under the Engineers and Geoscientists Act;
 - (q) “property” means a parcel as defined herein;
 - (r) “shared driveway” means a private driveway serving more than one lot;
 - (s) “slope” means ground that forms an incline measured in percent;
 - (t) “sprinkler system” means a functional sprinkler system to the 13D or 13R standard of the National Fire Protection Association Regulations as amended from time to time;
 - (u) “use” means the carrying on of any activity or function on a parcel of land, or on or within any building or other structure on the land, and includes those activities and functions specifically listed as permitted uses in the Zoning Bylaw.
 - (v) “Zoning Bylaw” means the Zoning Bylaws of the District, including the Town Centre Zoning and Signage Regulation Bylaw, as amended or replaced from time to time.
1. (2) Except as provided in subsection 2.(1), all words, terms and expressions used in this bylaw shall be interpreted in accordance with the definitions in the Local Government Act.

Application Requirements

2. (1) Application for Permit for Access to Rights-of-way or Private Lands shall be submitted in conjunction with a Development Permit or a Building Permit. Each application for a Permit for Access to Rights-of-way or Private Lands shall:
- a) be submitted in the application form prescribed by the Clerk;
 - b) be accompanied by permit fees as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time;
 - c) provide a site plan showing:
 - i) building location;
 - ii) driveway location, grade, surfacing;
 - iii) property lines.

Amended by Bylaws 988 & 1015

Other information may be required as follows:

- iv) one (1) metre contours showing the extent of the cuts and fills
- v) physical features of the property such as water bodies, gullies, etc.;
- vi) septic drainfield location;
- vii) drainage works;
- viii) centreline of public road;
- ix) existing utilities.

2. (2) The District Engineer may require plans to be certified by a professional engineer where:
 - a) the slope of the lot exceeds 20%;
 - b) drainage works are required;
 - c) a driveway will serve more than one (1) lot; or
 - d) works are required for a shared driveway.

The District Engineer may require an engineering report to address grade of driveway, soil stability, drainage, impact on infrastructure, public safety, or other items as determined by the District Engineer. The report shall include one (1) metre contour plans showing physical features of the property, and proposed location of the driveway and building.
2. (3) The submission of an engineering report and plans for the purpose of Section 2 (2) may be used for application of a Development Permit where the property is located in a Development Permit area as defined in the Official Community Plan.
2. (4) The Building Inspector may require a report certified by a geotechnical engineer pursuant to Section 56 of the Community Charter, R.S.B.C., 2003, c. 26.
2. (5) Where application for a Permit for Access to Rights-of-way or Private Lands complies with the requirements contained herein, a Permit for Access to Rights-of-way or Private Lands shall be issued by the District Engineer or his designate.

General Requirements

3. (1) No person shall commence construction of an access to an adjoining highway or on private lands without having first obtained a Permit for Access to Rights-of-way or Private Lands in the form prescribed by the City Clerk;
3. (2) Each access shall comply with the requirements of this bylaw and the specifications set out in Schedule "A" attached to and forming part of this bylaw;
3. (3) A Permit for Access to Rights-of-way or Private Lands is not required to enter private lands for the purposes of assessing preliminary design or determining building construction location, provided that neither excavation of

property nor construction of any works, access, driveway or buildings takes place.

3. (4) Notwithstanding Section 3(1), the District Engineer or his designate may issue a Temporary Permit for Access to Rights of Way or Private Lands for a showhome, construction office or real estate sales centre where he is satisfied that:
 - (a) the location of the building is not permanent, or
 - (b) subsequent road and access construction contained within a servicing agreement and bonded for as part of a subdivision or development application will result in a permanent access in conformity with this bylaw.
- 3 (5) The District Engineer shall determine the term of the temporary permit to a maximum of five (5) years and may take security to ensure the removal of the structure.

Design Requirements:

Location:

4. (1) The location of each driveway shall be subject to consideration of the following:
 - a) each property shall have one (1) access. Additional access may be obtained to single family residential parcels only if separated by eighteen (18) metres. Properties ten (10) acres or greater may also be permitted one (1) additional access;
 - b) protection of existing works and utilities located on public road;
 - c) location of signage, street lighting, and other infrastructure works;
 - d) traffic safety and good engineering practice, including sight distances;
 - e) policies in the Official Community Plan respecting major network roads;
 - f) policies in the Official Community Plan respecting development permit guidelines;
 - g) volumes and types of traffic;
 - h) all portions of access shall be constructed within the frontage of the property served by the access.

Angle:

4. (2) The first 6 metres of every access (measured from the ditch centerline or road shoulder as applicable) shall be constructed at an angle of not less than 70 degrees nor more than 110 degrees to the adjacent highway right-of-way.

Grade:

4. (3) a) The maximum grade for a private or shared driveway shall be 2% for the first six (6) metres and 15% thereafter where hardsurfaced;

- b) The maximum grade for a private or shared driveway shall be 2% for the first six (6) metres and 12% thereafter where not hardsurfaced;
4. (4) Notwithstanding Section 4(3) the Director of Engineering or his designate may consider applications where the maximum grade exceeds the provisions of Section 4(3) over a small portion of the entire access and may approve applications for Access to Rights of Way or Private Lands in such cases where appropriate emergency access can be achieved by attaching special conditions.

Swale:

4. (5) An open shoulder access with a level or rising grade shall be constructed with a swale over the ditch line to ensure that surface water enters the ditch and does not enter the highway.

Width and Turning Radius:

4. (6) The minimum width and turning radius for access shall be
- a) 6 m for residential use or farm use;
 - b) 9 m for commercial, industrial or logging use;
 - c) Where the principle entry of the building is more than 45 m from a constructed and maintained highway, the minimum turning radii shall be 12 m for curves.

Connected to Highway:

4. (7) Except as outlined in Section 5 (2), each access shall serve one (1) property only, and shall be connected to a highway fronting or flanking the subject property.

Fire Protection

Fire Limit Area:

5. (1) Where the principal entry of a building will be more than 45 metres (as measured along the centerline of the driveway access) from a fully constructed and maintained highway, the subject property shall be deemed a "fire limit area for emergency vehicle access" subject to the following requirements:
- (a) A fire staging area 10 metres long by 6 metres wide with a maximum grade of 5% connected to a constructed and maintained highway shall be provided within 45 metres (as measured along the centerline of the driveway access) of the principal entry to the principal building;
 - (b) Where the driveway from the maintained highway to the fire staging area exceeds 8% grade, a sprinkler system must be provided in all buildings over 10 sq. m;

- (c) If the fire staging area is located more than 30 metres from a fully constructed and maintained highway, then a turnaround is required at the fire staging area.
 - (d) No person shall park vehicles or store any chattels or equipment in a fire staging area.
- (2) A shared driveway may be used to provide access to *residential* lots existing before May 2, 1995 where it is not otherwise possible to construct individual private driveways in compliance with this bylaw as follows:
- a) The shared driveway must be protected by a 10 metre wide easement in favour of each property owner with the District of Lake Country as a signatory;
 - b) The maximum length of an easement driveway is 150 metres;
 - c) A turnaround must be provided;
 - d) The finished surface shall be *hardsurfaced* 6 metres wide;
 - e) The shared driveway shall be connected to a constructed and maintained highway.
5. (3) The Director of Engineering or his designate may consider applications that do not meet the provisions of Section 5(2) and may approve applications for Access to Rights of Way or Private Lands where, in his opinion, emergency access or traffic safety are not compromised. The Director of Engineering shall consider the average width of the access, the finished surface materials, the requirement for a pull-out or turnaround and may attach conditions to address the safety and convenience of those using the shared access where provisions of 5(2) cannot otherwise be met.

Appeals

6. (1) A property owner may appeal to Council to vary one or more of the provisions in Sections 3, 4 and 5 in this bylaw.
6. (2) Appeals must be made in writing to the District Engineer and shall include those items identified in Section 2. (1) (c) and be accompanied by permit fees as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time.
6. (3) The appellant and all other property owners with the right to use the access will be notified at least 10 days prior to the meeting date that the appeal will be discussed and afforded the opportunity to speak with regards to the appeal.

Amended by
Bylaws 988 &
1015

Construction Requirements

Costs Borne by Property Owner:

7. (1) The full cost of construction and maintenance of a highway access, including the cost of any required culvert(s) and any costs incurred to maintain the clearances

set out in Section 7(2), is the sole responsibility of the property owner constructing the access, or on whose behalf the access is constructed.

Culvert:

7. (2) Where the installation of a culvert is required by the District, the following requirements shall apply:
- (a) culverts for residential or farm use access shall be a minimum 400 mm in diameter;
 - (b) culverts for commercial, industrial, or logging use access shall be a minimum 600 mm in diameter; and
 - (c) the culvert shall be adequate in design and condition to provide the load-bearing capacity required for its intended use.

Deposit Mud or Debris:

7. (3) No person shall permit surface water to deposit mud or debris onto a highway from an access adjacent to such a highway during heavy rainfall or otherwise. An engineered drawing addressing drainage issues shall be provided when requested by the District Engineer;

Control Stormwater:

7. (4) Persons whose access is below the highway must take appropriate measures to control stormwater from the highway adjacent to the access;

Costs of Cleaning Borne by Property Owner:

7. (5) Persons that permit surface water to run off an access onto a highway in a manner which obstructs, damages or fouls the highway may be charged the cost of removing the mud or other obstruction from the highway and repairing any damage to the highway;

Paving/Concrete:

7. (6) No person shall permit or allow any concrete or asphalt to be placed on any portion of a highway for the purpose of connecting an access to the highway, or for any other purpose, without first obtaining written permission to do so from the District Engineer;
7. (7) No person shall construct a highway access that results in less than the following clearances from the finished road surface to underground or overhead utility services or vegetation:

- (a) Overhead utility services:
 - Electrical cables 4.75 m
 - Communication cables 4.30 m
- (b) Underground utility services:
 - Electrical cables or ducts 900 mm
 - Communication cables or ducts 600 mm
- (c) All obstructions such as branches, boughs, etc. shall be removed to allow overhead clearance of not less than 4.5 m from the finished road surface;
- (d) All vegetation including trees, shrubs, etc. shall be cleared from the edge of the access for a minimum distance of 1.5 m.

Security

8. As a condition of issuing a Permit for Access to Rights-of-way or Private Lands, the District may require the property owner to provide the District with a Performance Bond or Letter of Credit as a guarantee that the access will be constructed in accordance with the Permit conditions and bylaw requirements.

Administration of Bylaw

9. The District Engineer, or his designate, shall administer this bylaw.

Offences and Penalties

10. (1) Any person who violates any provision of this bylaw or who causes or permits any actor thing to be done in contravention to this bylaw, or who refuses or omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this bylaw commits an offence and is liable on summary conviction to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Dollars (\$2,000.00) plus the costs of prosecution for each offence.
10. (2) Each day during which any violation of a provision of this bylaw is continued shall constitute a new and separate offence.
10. (3) If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of the bylaw.

Ticketable Offences

11. (1) Ticketable offences under this bylaw, and the fines therefore, shall be those set out in the District's Municipal Ticket Information Bylaw.
11. (2) Tickets issued for ticketable offences shall be as set out under the provisions of the Municipal Act.

Repeal

12. "District of Lake Country Highways Access and Driveway Regulation Bylaw 98-207" is hereby repealed in its entirety.

Title

13. This bylaw may be cited as "Highway Access and Driveway Regulation Bylaw 628, 2007".

READ A FIRST TIME this 15th day of May, 2007 .

READ A SECOND TIME this 15th day of May, 2007.

READ A THIRD TIME this 15th day of May, 2007.

ADOPTED this 22nd day of May, 2007.

"original signed by James Baker"

Mayor

"original signed by Hazel Christy"

Clerk

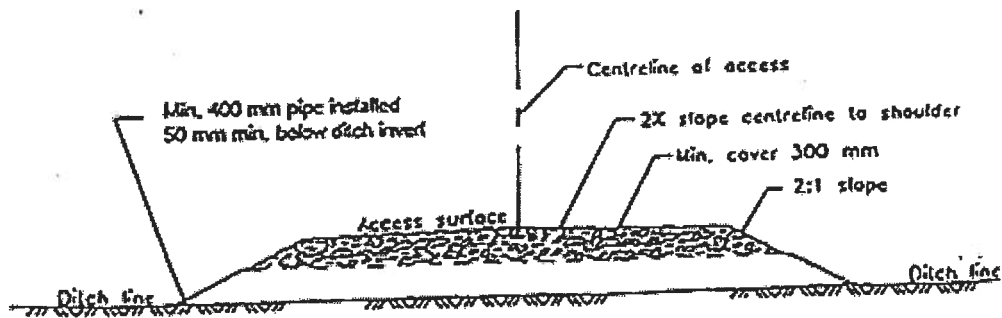
I hereby certify the foregoing to be a true and correct copy of Bylaw 628, 2007 cited as the as "Highway Access and Driveway Regulation Bylaw 628, 2007" as adopted by the Municipal Council on the 22nd day of May, 2007.

Dated at Lake Country, B. C.

Clerk

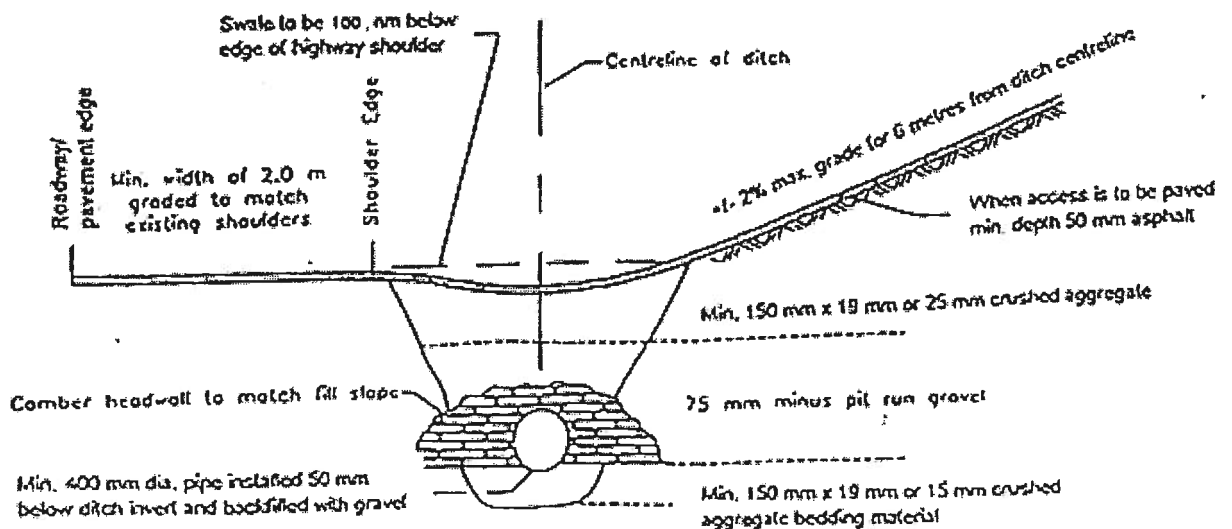
HIGHWAY ACCESS SPECIFICATIONS

1. Culvert Installation



Note: Inlet and/or outlets of culverts subject to erosion shall have sandbags or headwalls installed.

2. Access Cross section



3. Typical Culvert Installation Layout

