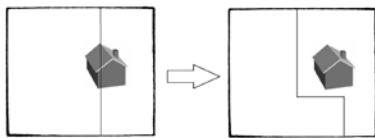


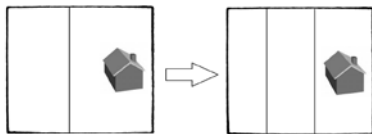
### WHAT IS A SUBDIVISION?

Section 1 of the Land Title Act defines a subdivision as the “division of land into two or more parcels”. The following are some examples of subdivision:

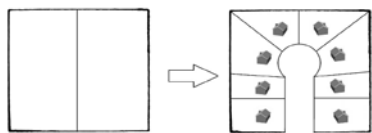
Adjusting or re-aligning a property line between existing lots:



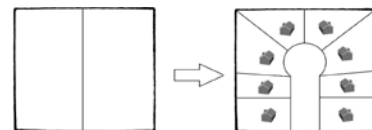
Creating new fee simple lots without the creation of new roads:



Creating new fee simple lots with the creation of new roads:



Creating new bareland strata lots and new common access routes:



### WHY DO I NEED APPROVAL FOR A SUBDIVISION?

The Land Title Act of BC requires that all subdivisions within a municipality be approved by an Approving Officer that is appointed by a Municipal Council. Approval of subdivisions ensures that new lots meet the standards of provincial legislation (Land Title Act, Strata Property Act, Local Government Act) and local government bylaws (Official Community Plan, Zoning Bylaw, Subdivision Servicing Bylaw) and allows them to be registered with the Provincial Land Title Office.

### PRE-APPLICATION STAGE

Persons interested in subdividing a property are encouraged to meet with a member of the Planning Department located at the Township of Spallumcheen municipal office at 4144 Spallumcheen Way, Spallumcheen to familiarize themselves with subdivision requirements. Depending on the complexity of your proposal, you may wish to hire an agent to help you through the application process.

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## **PRELIMINARY REVIEW PROCESS**

The Township requires that a Preliminary Review Application be submitted for all subdivision proposals. The review of these applications provides an opportunity for those contemplating a subdivision to obtain information from the Approving Officer before incurring surveying, engineering or other expenses. It is strongly recommended that an application for preliminary review be made before the investment of much time, money or effort.

A Preliminary Review Application is referred for comment to external and internal agencies so they can provide comments regarding their subdivision conditions. Such agencies include the Ministry of Transportation, Interior Health Authority, BC Hydro, FortisBC Gas, local cable providers, and the Building Inspection and Public Works Departments.

If the requirements of the Provincial legislation and Township bylaws can be met, the applicant will receive a Letter of Preliminary Review outlining the conditions which have to be met before final approval of the subdivision can be granted by the Approving Officer. These letters provide a high level of assurance that if the conditions are satisfied, the final subdivision plan will be approved. General processing time to provide a Preliminary Review letter is 6 to 8 weeks. The time frame depends on the completeness and complexity of the application proposal and workload of the Planning Department.

Applications can be obtained at the Township Municipal office and on the Department / Development section of the Township's website at [www.spallumcheentwp.bc.ca](http://www.spallumcheentwp.bc.ca).

Completed applications can be mailed or delivered to the Township Municipal Office along with the applicable fee and the following support documentation:

- one copy of a preliminary plan of subdivision drawn to a scale, showing:
- proposed subdivision layout with dimensions and areas of all existing and proposed parcels and roads;
- location of all existing buildings, structures, driveways, easements, rights-of-ways, watercourses and existing services (wells, sewerage disposal areas, etc.);
- a current Title Search for each parcel under application with copies of any registered rights-of-way, easements or restrictive covenants. Copies of these documents can be purchased through a lawyer, notary public, surveyor or directly from a Provincial Land Title Office.

## **FINAL SUBDIVISION APPROVAL**

In order to complete the requirements outlined in the Approving Officer's Letter of Preliminary Review you will be required to hire the services of various professionals including:

- A British Columbia Land Surveyor to prepare the final subdivision plan;
- A lawyer or notary public to register the subdivision plan and any associated legal documents in the Land Title Office.

Depending on the servicing requirements associated with the subdivision, you may also be required to hire the services of other professionals including, but not limited to:

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- A Professional Engineer to design, monitor and inspect the construction of roads and services associated with the subdivision;
- A qualified person to install, inspect and report on the construction of ground water sources associated with the subdivision;
- A qualified person to inspect and report on the sewerage disposal (septic) system associated with the subdivision;
- A Geotechnical Engineer to provide recommendations with respect to slope stability or floodplain management;
- A Registered Professional Forester to provide recommendations for wildfire protection.
- potable water supplies including ground water, surface water or community water systems;
- community sewer systems for lots less than 1 ha in size. For lots less than 2 ha in size, approval from the Interior Health Authority must be provided for on-site sewage disposal; and
- power services (BC Hydro) for lots less than 8 ha in size.

**ZONING REQUIREMENTS**

Subdivisions must comply with the requirements of the Township’s Zoning Bylaw which divides the Township into zones. Each zone has regulations that establish minimum lot size requirements, building setback requirements, lot (road) frontage requirements, driveway and building site requirements and restrictions on the number of dwellings that may be located on a lot.

Approval of a rezoning application is required for subdivision proposals which do not comply with the minimum lot size requirements. Subdivisions for a relative may however be approved without complying with the minimum lot size requirements provided the subdivision meets the requirements of Section 514 of the Local Government Act.

Once the proposed lots have been serviced and all other requirements outlined in the Letter of Preliminary Review have been met, a request for Final Subdivision Approval can be made to the Approving Officer by the applicant’s lawyer or notary public. A plan approved by the Approving Officer will be returned to the applicant’s lawyer or notary public for registration in the Land Title Office.

The amount of time and cost it takes to obtain Final Subdivision Approval is dependent on the complexity of the requirements of the subdivision.

**SERVICING REQUIREMENTS**

Servicing requirements are outlined in Subdivision Servicing Bylaw No. 1404, 1996.

As a condition of subdivision, all lots must be serviced by the following:

- highways (road access) which are constructed to the bylaw standards;

**AGRICULTURAL LAND RESERVE**

If a parcel to be subdivided lies within the Agricultural Land Reserve (ALR), the Approving Officer cannot grant Final Approval unless approval has first been granted by the Provincial Agricultural Land Commission (ALC). Approvals in this regard must be obtained through the submission of an application to the ALC.

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## **PARK REQUIREMENTS**

As a condition of subdividing a property into three or more lots which are less than 2 ha in area, up to five percent of the land being subdivided is required to be dedicated for park purposes without compensation. If it is determined by the Township Council that park land is not required, you may be required to pay an amount equal to 5% of the market value of the land being subdivided.

## **WILDFIRE INTERFACE AREAS**

If a parcel to be subdivided is within a wildfire interface area, registration of a wildfire protection covenant which reflects the fire safe recommendations of a registered forester may be required.

## **RIPARIAN AREAS**

If a parcel to be subdivided contains or is within 30 metres of a watercourse, the Provincial Riparian Areas Regulation (RAR) will apply and a riparian area assessment will need to be completed by a Qualified Environmental Professional and filed with the Ministry of Environment. Alternatively, a covenant can be registered on the title of the proposed lots to state that no development may occur within 30 m of the watercourse.

## **CONTROLLED ACCESS HIGHWAYS**

If a parcel to be subdivided is adjacent to a Controlled Access Highway (Highways 97 and 97A), the plan of subdivision must also be approved by the Ministry of Transportation and Infrastructure.

## **APPLICANT COSTS ASSOCIATED WITH APPLICATIONS FOR A LETTER OF PRELIMINARY REVIEW**

- Application Fee;
- Costs associated with preparing the preliminary plan of subdivision;
- Costs associated with obtaining a Title Search and legal documents.

## **APPLICANT COSTS ASSOCIATED WITH OBTAINING FINAL SUBDIVISION APPROVAL**

- Current Assessed Taxes;
- Surveying costs associated with the subdivision plan and any required easements or right of ways;
- Fees for additional lots being created as required by Bylaw 1929, 2017 'A Bylaw to Impose Roads Development Cost Charges' (DCC's)
- Fees required by other agencies;
- Legal costs associated with registering the subdivision and any required covenants, easements or right of ways;
- Any professional reports the applicant may be required to supply, including geotechnical riparian, wildfire interface, groundwater and sewerage disposal;
- All costs associated with providing services to the proposed lots including road, water services, sewer services and power services.

## **QUESTIONS**

If you have any questions regarding the Subdivision process, it is recommended that you meet with a member of the Planning Department located at the Spallumcheen Municipal Office, 4144 Spallumcheen Way, Spallumcheen or call the Planning Department at (250) 546-3013.

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