



Village of Port Clements
36 Cedar Avenue West
Port Clements, BC V0T 1R0
Office: (250) 557-4295

SUBDIVISION APPROVAL PROCESS

Land Development Application Forms Policy Schedule D

Subdivision is the process of altering legal property boundaries and creating new parcels of land. The subdivision of land must meet requirements in the Zoning and Subdivision Servicing Bylaws and other relevant bylaws and regulations. Authority to grant subdivision approval is granted to the Approving Officer through the *Land Title Act*. Fee simple subdivision of land, strata conversion of previously occupied buildings and phased strata developments must be approved by the Approving Officer before they can be registered in the Land Title Office to legally create the new parcels.

STEP 1 - Pre-Application Meeting

This initial discussion with staff to review your development intentions is your opportunity to seek more information in advance of submitting a formal Preliminary Subdivision Application form. To make the best use of your time, provide a sketch plan and prepare specific questions in advance. Be prepared and knowledgeable about your proposed subdivision. The more information you can gather before applying, the more efficiently the process is likely to run.

If the proposed subdivision does not conform to land use policies for the area, the Approving Officer will suggest changes to the proposal, or other avenues such as an amendment to the OCP and/or Zoning Bylaws to accommodate the proposed use.

STEP 2 - Application Submission

If your property is appropriately zoned, you may submit a Preliminary Subdivision Application form to seek subdivision approval. Part B of the Application form contains a checklist outlining required documents and plan criteria that must accompany your submission. Incomplete applications will not be accepted.

STEP 3 - Preliminary Layout Review

The Village's Approving Officer reviews the application and refers it to internal departments for comments to establish site specific technical requirements, which must be completed to the satisfaction of the Approving Officer.

The Approving Officer may also refer the application to external agencies for comment and their respective approval requirements. It is the Applicant's responsibility to fulfill external agency requirements and obtain all necessary approvals, studies or permits for the proposed development.

The Approving Officer collects, compiles and reviews all internal and external review comments, and reviews relevant legislation and Village bylaws to determine if a proposal is eligible to be issued a notice of Preliminary Layout Review (PLR).

STEP 4 - Preliminary Layout Review

Once issued, the notice of PLR outlines subdivision completion requirements that must be met to proceed to Final Subdivision Approval. The PLR is valid for ninety (90) days, with the possibility of up to two (2) further extensions of ninety (90) days, where progress on the project is demonstrated. Thereafter, a new application is required and will be dealt with as an original application.

A notice of PLR, whether conditional or unconditional, is considered to be 'acceptance in principle', and does not bind the Approving Officer to grant Final Approval. The notice of PLR also doesn't exempt the Applicant from seeking a Final Subdivision Approval prior to the deposit of the subdivision plan in the Land Title Office.

In the case of a **denial**, the notice of refusal will explicitly state the reason for refusal. Under Section 89 of the *Land Title Act* the Owner may appeal the decision to deny the application to the Supreme Court within one (1) month of receiving the Approving Officer's rejection.

STEP 5 - Completion of PLR Requirements

The notice of PLR outlines subdivision requirements such as infrastructure improvements (road paving, water, sewer and stormwater system upgrades, utilities, etc.) legal agreements, studies/reports, and environmental protection reviews. It is the responsibility of the Applicant to advise the Approving Officer when the PLR requirements are completed.

NOTE: All studies required to support the application must be reviewed and accepted by the Approving Officer prior to the Applicant submitting detailed engineering drawings for review.

STEP 6 - Completion or Bonding of Works and Services

If you are seeking subdivision approval before installing works and services, you will need a Servicing Agreement. All services must be installed at the Owner's expense prior to Final Subdivision Approval, unless the Owner provides security and enters into a subdivision servicing agreement with the Village to complete the required works by a specified date.

A Servicing Agreement requires the Applicant to provide:

- A cost estimate of the proposed subdivision servicing works including engineering fees, construction costs with the appropriate contingency sum, and warranty deposit amount. This estimate must be certified by a **Professional Engineer** and forms the basis of the security required by the Applicant for execution of the agreement.
- Security in the amount of cost estimate above, augmented by the contingency required by the Village over and above that identified in the estimate. The Approving Officer will advise the Applicant of the current security requirements.
- Liability insurance where the construction of works is proposed to extend into Village controlled lands or road dedication. The Approving Officer will advise the Applicant of the current insurance requirements.

STEP 7 - Final Subdivision Approval

Once the Servicing Agreement and other conditions of the PLR have been addressed, you may apply for Final Subdivision Approval to the Village's Approving Officer. In doing so, you must provide:

- A cover letter identifying the request and providing the documentation demonstrating that all the conditions of the PLR have been met;
- The final survey plan as prepared by a B.C. Land Surveyor (BCLS);
- Payment of all application fees and/or outstanding service/connection or other fees (as applicable);
- Proof that all property taxes are paid in full;
- Payment for any applicable Development Cost Charge amount; and
- Provide all other required documentation as defined in the PLR.

The Approving Officer will approve the subdivision by signing the Final Subdivision Plan.

STEP 8 - Plan Registration

Once signed by the Approving Officer, your plan(s) will be returned to you and are now ready to be registered at the Land Title Office (by you or your solicitor) along with other documents which may have been required (restrictive covenants, rights-of-way, etc.). This is the process that creates legal title for each new parcel defined on the subdivision plan. The plans must be registered **within two (2) months** of signing by the Approving Officer.