

Subdivision

A guide to subdividing property

Regional
District of
Central
Okanagan

Development &
Environmental
Services

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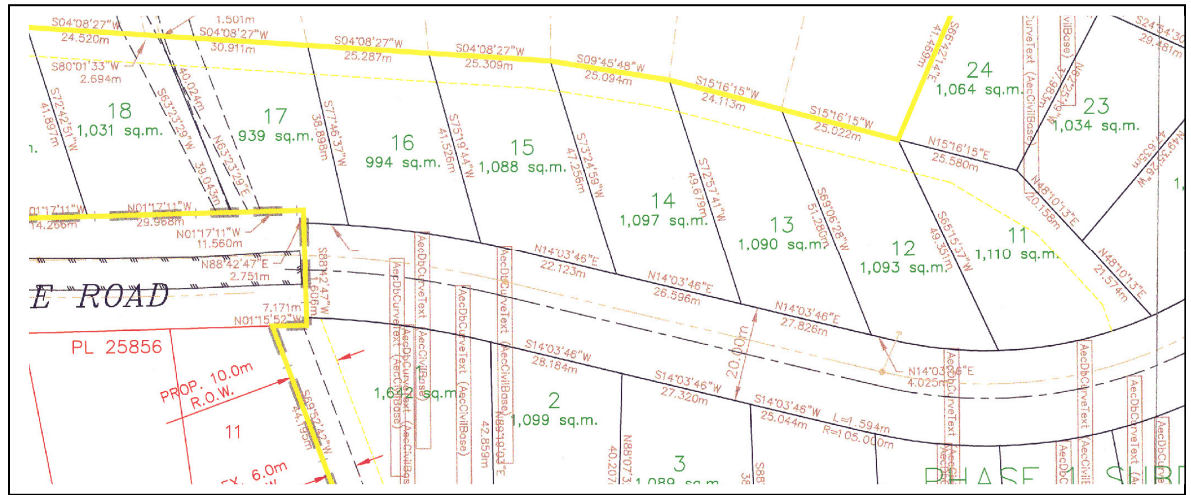
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What is a
subdivision?

Who approves
subdivisions in the
Regional District?

How is a
subdivision
application made?

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This Guide explains:

- Types of subdivision
- Subdivision applications
- The subdivision process
- Commonly asked questions

What is a subdivision?

A subdivision is typically the creation of two or more properties from one original property.

Common types of subdivision are:

- Fee simple or bare land strata
- Boundary adjustments

Who approves subdivisions in the Regional District?

The approving authority for subdivisions in the Regional District is the Ministry of Transportation & Infrastructure (MoT). The Ministry of Transportation & Infrastructure refers applications to any agency that has some jurisdiction related to the property under application. The Regional District and MoT work together in evaluating and processing subdivision applications.

How is a subdivision application made?

The first step is to check the zone of the property in Zoning Bylaw #871, (or, in the case of Joe Rich, the designation in the Rural Land Use Bylaw). All the proposed lots must be more than the minimum lot size stated in the zone. If the zone/designation does not support additional subdivision the application will not be successful.

If the property is correctly zoned/designated, a subdivision application is made directly to either:

Ministry of Transportation & Infrastructure
#300 – 1358 St. Paul Street
Kelowna, BC V1Y 2E1
Phone (250) 712-3660

or

Ministry of Transportation & Infrastructure
4791 – 23rd Street
Vernon, BC V1T 4K9
Phone (250) 503 – 3664

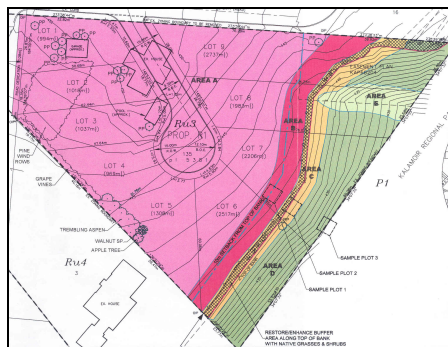
(Vernon MoT is responsible for properties in the general vicinity of Caesars Landing and north up to and including Westshore Estates)

What are the costs for subdivision?

The cost of subdivision can vary greatly depending upon the complexity of the application. Large rural lots have very different requirements from urban residential lots. Typical examples of costs are:

- Ministry of Transportation & Infrastructure application fee and associated costs. Contact MoT for their application requirements,
- Any professional reports the applicant may be required to supply. Required reports may include professional evaluation of geotechnical issues, impact on local roads, wildfire hazard, the environment, etc.,
- All costs for any development permit applications required in conjunction with the subdivision application,
- All costs associated with capital works required to construct the subdivision. This includes onsite and offsite infrastructure,
- Costs to the applicant for Engineering and professional drawings,
- Costs to the applicant for property surveys,
- Regional District application fees, development cost charges and latecomer fees (if applicable),
- Any legal fees associated with the application, covenants, rights of way, and the cost of registering a final plan.

There may be costs associated with agencies other than the Regional District such as a water purveyor or the Ministry of Transportation & Infrastructure.



What are the important regulations affecting subdivision?

The Bylaws that apply to subdivisions are:

- Zoning Bylaw #871, (or the Joe Rich Rural Land Use Bylaw only for properties in the Joe Rich area)
- Development permits identified in the Official Community Plan (OCP) for the area or the Joe Rich Rural Land Use Bylaw (RLUB)
- Subdivision and Development Servicing Bylaw #704
- Protection of wetlands is mandated by the Province of BC and enforced through Regional District applications.

The Zoning Bylaw divides the Regional District into zones. Each zone has regulations that cover minimum lot sizes, building setbacks, frontage requirements and permitted uses.

The Joe Rich Rural Land Use Bylaw covers lands east of the City of Kelowna and has policies and permitted uses relating to rural lands within the Regional District.

Most areas in the Regional District are located within an OCP or the RLUB (in the case of the Joe Rich area). These bylaws identify areas where a development permit (DP) is required. DP's ensure that how a development is constructed responds to a set of guidelines to meet specific objectives such as reduced environmental impact, reduction of wildfire hazard, or sensitive hillside design. Development permits are a separate application and if DP's are required they must be obtained prior to approval of the subdivision.

The Subdivision and Development Servicing Bylaw contains regulations for servicing and infrastructure (i.e., water, sewer, sidewalks, street lighting, etc.).

There are also bylaws for Development Cost Charges and Latecomer Agreements that may apply. These charges are related to servicing and infrastructure upgrading either made necessary by, or benefiting, the proposed subdivision.

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What are the costs associated with a subdivision?

What are the important regulations affecting subdivision?

What is the subdivision process?

The Province of BC requires the Regional District and Ministry of Transportation & Infrastructure to follow specific steps in reviewing an application. Those steps are outlined in a flow chart in this brochure.

Included in the process is an evaluation of the application by affected government agencies. MoT then reviews all the comments and decides whether to issue a Preliminary Layout Approval (PLA). The PLA contains the requirements that the applicant must fulfill before he can obtain final approval for the subdivision.

The PLA has an expiry date of one year. The subdivision must be completed within that time or a new application will be required. Under certain circumstances, MoT may agree to a brief extension.

If an applicant wishes to change a subdivision layout in the PLA that change is made through revising the application with the Ministry of Transportation & Infrastructure.

How long does the subdivision process take?

Regional District staff does their best to ensure that referrals are dealt with in a timely manner. The Regional District usually responds to the referral from MoT within four (4) weeks. MoT has its own time frame in considering and issuing a PLA.

The time it takes to complete the requirements for subdivision is largely dependant upon the applicant. The applicant must complete all the requirements listed on the PLA before MoT can consider the subdivision for final approval.

The Subdivision Process

Discuss the proposal with staff at the Regional District and the Ministry of Transportation

Submit application to the Ministry of Transportation & Infrastructure (MoT)

Subdivision application referred out
MoT refers the application to the Regional District and affected government agencies such as Irrigation Districts, Utilities, or provincial agencies.

Application reviewed
Departments within the Regional District review the application and provide comments to the Development Services Dept. Those comments are forwarded to MoT

MoT determines whether to grant Preliminary Layout Approval (PLA)
The Approving Officer of MoT reviews all the input and decides whether the subdivision can proceed. If so, MoT will issue a PLA, which outlines the requirements necessary for the submission of the final subdivision. *The following steps assume that PLA is granted.*

Applicant fulfills the requirements listed on the PLA

Regional District sends a sign off letter to MoT
As the applicant completes the requirements of the Regional District, Planning Staff are notified. When the applicant has completed all the requirements for the Regional District listed on the PLA, the Development & Environmental Services Department notifies MoT in writing

Consideration of final approval
When all the requirements listed on the PLA are complete, MoT will consider the subdivision for final approval.

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What is the subdivision process?

How long does the subdivision process take?

The Subdivision Process Flowchart

What is evaluated in a subdivision application?

Several Departments in the Regional District review the subdivision application and provide comments to the Development & Environmental Services Department. Planning Staff then coordinates the comments and provides a response to the MoT. Briefly, some items that are considered by the various departments of the Regional District are:

Planning Staff

- Coordinates Regional District's departmental comments and provides a response to the Ministry of Transportation & Infrastructure,
- Checks conformance with lot sizes and frontage requirements, etc. in the Zoning Bylaw or Joe Rich Rural Land Use Bylaw,
- Wildfire hazard evaluation,
- Environmental impacts,
- Required development permits (the site cannot be altered until the development permit is issued),
- If the property is in the ALR, checking that approval from the Agricultural Land Commission has been obtained,
- Checks conformance with the Official Community Plan including sensitive hillside development, trail and walkway connections.

Engineering Staff

- **The approval of Engineering Staff is required prior to altering the site in any way and prior to subdivision construction.**
- The level of service required such as community water system versus well, or septic field versus community sewer system,
- Checks conformance with the Subdivision and Development Servicing Bylaw for infrastructure requirements such as sewer, curb, gutter, street lighting, bike paths, and sidewalks,
- Development Cost Charges (DCC) and latecomer fees to pay for infrastructure or park development made necessary by

- or benefiting, the proposed subdivision,
- Right-of-ways or easements if necessary,
- Standards and requirements for drawings and infrastructure.

Inspection Staff

- Geotechnical hazards evaluation,
- Determines buildable area,
- Issues related to building safety.

Parks Department

- Requirements for dedicating park (the Local Government Act entitles the public to 5% of land for public park in most subdivisions of three (3) or more additional parcels).

For more information...

For more information, please contact planning staff at the Development & Environmental Services Department at (250) 469-6227. We will be pleased to help you and answer any questions that you might have.

This brochure is to be used in conjunction with our other informational brochures and as an aid in discussions with staff. It is general in nature, and is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents. You should always refer to the official copies of the Official Community Plans, Zoning Bylaw, Subdivision and Development Bylaw and other formal Regional District documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

This brochure does not apply to incorporated areas within the Regional District of Central Okanagan such as Peachland, Kelowna, or Lake Country, nor does it apply to First Nation land.

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What is evaluated in a subdivision application?

How to find more information?