



District of Peachland Subdivision Process Guide

General Overview



Scope

There are two types of subdivisions governed by the **Local Government Act** (RSBC 2015) that are possible within the boundaries of the District of Peachland:

1. **Land Title Act** (R.S.B.C. 1996, c.250) Subdivisions (Fee Simple)
2. **Strata Property Act** (R.S.B.C. 1996, c.64) Subdivisions (Strata)

The District's Approving Officer administers the two-part subdivision process which consists of:

1. Preliminary Layout Review (PLR); and
2. Subdivision Approval.

The *Local Government Act* and *Land Title Act* give the Approving Officer discretionary powers to refuse the approval of a subdivision plan if:

- The subdivision does not conform to all applicable provisions of the *Local Government Act*, District of Peachland Zoning Bylaw and Subdivision and Development Servicing (SDS) Bylaw; or
- The subdivision plan is, in the Approving Officer's opinion, against the public interest.

Any person, being the owner of land, has the right to apply for subdivision. In accordance with Section 85 of the *Land Title Act*, a subdivision plan must be approved or rejected by the Approving Officer within two (2) months after the date it is tendered for examination. Under section 89 (1) of the *Land Title Act*, the decision of the Approving Officer to deny an application for subdivision may be appealed by the Owner to the Supreme Court within one (1) month of rejection or one (1) month after the time frame for approval has passed.

A subdivision that consists of a lot line adjustment, consolidation or the creation of two or three lots, where the roads fronting the property have already been constructed to full District standards and/or utility services are available without further extension, may not be subject to some of the requirements listed in the process section below. However, each subdivision proposal is unique. Exact requirements for approval of subdivision can only be determined after District Planning and Engineering Staff have had the opportunity to review the proposal and discuss the matter with the Owner. The general process for approval of subdivisions under both the *Land Title Act* and the *Strata Property Act* is outlined in the flow diagram to the left and the following process description.

The process explained is also relevant to the provision of works and services prior to issuance of a Building Permit. However, Strata Title conversion, another form of subdivision, is not addressed in this guide.

Process

Step 1 – Preliminary Inquiry

The Owner should arrange for a pre-application meeting with the Approving Officer or delegate to identify the scope and nature of the proposal. The Owner is encouraged to bring the following information to the meeting:

- Description of how the proposal meets Official Community Plan (OCP) policies, including consideration of Environmental and hazardous conditions (steep slope and wildfire interface issues);
- Site photos;
- Proposed layout with areas shown; and
- Any other relevant material.

The Approving Officer or delegate will use this opportunity to provide information regarding the requirements of any applicable bylaws and explain the process. The Approving Officer may also provide an indication of whether or not the proposal is appropriate according to the requirements of the District of Peachland Zoning, OCP and SDS Bylaws. Personnel from other relevant departments may be invited to the meeting to consider issues as fully as possible at the outset. If the proposal does not conform to land use policies for the area, the Owner may consider changes to the proposal or to pursue other avenues such as an amendment to the OCP and/or Zoning Bylaws to accommodate the proposed use. Technical Development Permits will be identified; application for these should be submitted and issued prior to application for subdivision.

Prior to Subdivision Approval or issuance of a Building Permit, the subdivision or development must be provided with Works and Services within the subdivision or on the lot being developed in accordance with the Subdivision and Development Servicing (SDS) Bylaw.

Applicants are responsible to pay for the following costs associated with obtaining approval for a subdivision where applicable:

- | | |
|---|---|
| ✓ Application, examination and inspection fees | ✓ Any fees required by utility companies or other agencies |
| ✓ On-site and off-site servicing costs | ✓ Performance Bond for construction security |
| ✓ Development Cost Charges | ✓ Maintenance Bond of 10% for one year after construction is complete |
| ✓ Current assessed taxes | |
| ✓ Land surveyor fees, consultant fees, e.g. engineer, solicitor, surveyor | |

Applicants are also responsible to pay all engineering and legal fees and outside consulting costs incurred by the District relating to the subdivision and servicing of the land, including detailed review and approval of the Design Drawings, monitoring of the installation of the works and services and the costs of connecting the works and services to existing District Works and Services. Council Policy FIN-075 Development Review Deposits requires that applicants for projects involving six or more units or lots to deposit funds in trust with the District in the amount of \$70 per unit/lot plus 15% administration or a minimum of \$5,000 whichever is greater. Recoverable work will be deducted from the developer's deposit on a monthly basis and a statement showing the deposit balance, together with copies of the invoices paid by the District will be provided. It is the developer's responsibility to ensure timely payment of deposit advances; failure to maintain adequate deposits will result in delays in processing applications. Where applicable, a Letter of Understanding for Costs of Reviewing a Development Proposal will form part of a complete application package.

Step 2 – Submission of Application

If the Approving Officer determines that the proposal is consistent with the requirements identified above, the Owner or the Owner's Agent, may make application for **Preliminary Layout Review (PLR)**. To facilitate the Approving Officer's review, the Owner must provide information regarding all servicing and utility requirements. This can include, but is not limited to information regarding:

- **Roads** – Are changes to the road system going to be required as a result of the proposed subdivision?
- **Water** – Is there sufficient capacity in the available water system? Will extensions or upgrading be required?
- **Sanitary Sewer** – Will the current systems be sufficient? Is an upgrade in capacity going to be necessary? Will a community system extension be required? If community sewer is not available, will the proposed lots support on-site septic systems? Contact the Public Health Inspector; find out more at www.interiorhealth.ca
- **Storm Sewer/Drainage Ditches** – Will the current system be sufficient? Will capacity upgrades be required?

Installation of following works and services may be required:

- Roads, curb, gutter, sidewalk
- Water, sanitary sewer
- Storm water management (i.e. storm drains or drywells)
- Fire hydrants, street lights
- Electrical (BC Hydro), Natural Gas, Telephone, Cable and or other utilities

To address these issues, an application for PLR includes a **Pre-Design Report** prepared by the applicant's Consulting Engineer outlining anticipated site impacts, existing Works and Services and how it will be affected by the demands of the proposed development (including calculation of demands and flows as applicable), geotechnical conditions and an overall conceptual plan for Works and Services extensions and **Conceptual Design Drawings** for utility services. The applicant is responsible for all costs involved in any required upgrades to, and/or extensions of, existing works and services infrastructure. Applicants may also be required to provide excess or extended services with cost recovery by Latercomer's Charges as set out in a Latecomer's Agreement.

The application submission must be complete including:

- Application Form**
- Application Fee of **\$260.00**
- Proof of Ownership** (State of Title Certificate or Title Search print dated no more than 30 days prior to submission of the application)
- Copies of registered easements, rights-of-ways and covenants obtained within the past 90 days from the Land Title Office;
- Owner's Authorization** if the applicant is not the registered land owner and has been appointed an agent
- Owner/Consulting Engineering Confirmation Letter** to demonstrate that the Owner has retained or shall retain the services of a suitably qualified professional to undertake the design, inspection, testing and record-keeping for the works and services required to be installed prior to Subdivision approval
- Letter of Understanding** for Costs of Reviewing a Development Proposal (six or more lots or units)
- Site Profile or Site Profile Waiver in accordance with the *Environmental Management Act*
- Zoning Analysis Table illustrating how the proposal meets or deviates from the requirements of the current and any proposed zone(s)
- Project Description including the design rationale explaining the project's conformity with the OCP including relevant development permit guidelines
- If the land may be re-subdivided, a sketch plan showing how the lot can conveniently be further subdivided into smaller lots
- Photographs of the site and surrounding context (i.e. neighbouring properties, on-site structures, boulevard trees, sidewalks, overhead utilities) in colour and at a size which is legible to the reader
- Site Plan (Minimum 1:200 scale) in metric units including:
 - i. Civic address and legal description of the lot(s) to be subdivided;
 - ii. The dimensions of the lot(s) to be subdivided or eliminated with the boundaries outlined in red;
 - iii. All existing and proposed streets, with their widths and internal access routes for strata developments;
 - iv. The approximate dimensions and area of each proposed lot complete with lot numbers;
 - v. The existing and proposed uses of the lot(s) to be subdivided;
 - vi. Existing buildings and/or structures with dimensions and distances to existing and proposed property lines;
 - vii. The approximate location of any buildings to be demolished to facilitate subdivision;
 - viii. All existing and proposed works and services (water lines, sewers and other utilities), existing rights-of-way and proposed extensions, identified with dimensions;
 - ix. The location of existing septic tanks and drainage fields where applicable;
 - x. The location of any wells within 30 metres of the lot or lots to be subdivided if the proposed lots are to be served by septic systems;
 - xi. The location of any existing drainage facilities, such as storm sewers, ditches, tile drains or culverts, whether in use or not; and
 - xii. A scale, north arrow and any other relevant plan identification.
- Grading Plan, including:
 - i. Existing topography based upon true datum with contour lines at no greater than one metre intervals; and
 - ii. Location of existing creeks, watercourses, natural drainage channels and other pertinent topographic features, including all large or desirable trees on or near proposed roadways;

- ☑ **Pre-Design Report & Conceptual Design Drawings** that satisfy SDS Bylaw Schedule B – Submissions and Approvals section 2.0 or Schedule D – Hillside Development Design Criteria section 2.0, including but not limited to:
 - i. Description of existing or readily available services;
 - ii. Proposed water supply method;
 - iii. Proposed sewage disposal method;
 - iv. Proposed storm drainage method; and
- ☑ A PDF version of all conceptual plans and drawings.

At the time of providing application forms, the Approving Officer or delegate may require that the following information accompany the application prior to PLR:

- ☑ Any elevations, cross-sections or detail drawings which may be relevant
- ☑ Copies of any previous studies or reports made on the subject property relating to its present condition and suitability for the proposed use/development, e.g. geotechnical reports, site contamination and remediation studies
- ☑ A development servicing and phasing analysis; and/or
- ☑ A Stormwater Management Plan [for any development larger than 0.4 ha (.98 ac.) in size]. At a minimum the plan must satisfy the requirements of SDS Bylaw Schedule 2 – Storm Drainage

In steep-slope areas Owners can expect to be required to make application for Technical Development Permits either prior to, or in conjunction with Application for PLR. The intention is to use the findings from the technical review of all potential geotechnical, hydrological, natural hazard and sensitive environmental issues to influence the subdivision and/or development plans so as to minimize disturbance of areas that need to be protected either from an environmental or safety perspective. Further to this, the recommendations of the Technical Development Permits must be reflected in the proposed subdivision or development plans. This may include, but not be limited to, the requirement to identify driveway and building locations on individual lots that will satisfy the SDS Bylaw standards and OCP objectives. The Approving Officer may require these areas to be surveyed and protected by a *Land Title Act* section 219 Restrictive Covenant.

Following submission of an application for PLR, where the subdivision involves the dedication of a new road, the Owner should be in contact with the Peachland Historical Society to discuss possible road names. The Owner will be encouraged to select street names from the Street Names Master List.

Step 3 - Preliminary Layout Review

The Approving Officer can proceed with the PLR of the proposed subdivision if:

- ☑ All the necessary information has been submitted
- ☑ All planning considerations have been addressed

The Approving Officer may investigate the following aspects of the application as part of the PLR:

- ☑ **Floodplain** – Is the subject property located in the floodplain?
- ☑ **Geotechnical** – Is the land stable to support all proposed buildings, works and services on the subject property?
- ☑ **Development Permit** – Is the subject property located within a Development Permit area?
- ☑ **Highway** – Is the subject property located adjacent to a provincial or controlled access highway?
- ☑ **Taxes** – Does the owner of the subject property owe any outstanding property taxes to the District?
- ☑ **Public Open Space** – Will the Owner be required to provide parkland or cash-in-lieu of parkland under to section 510 of the *Local Government Act*.
- ☑ **Emergency Access Routes** – How will the proposal impact neighbourhood connectivity?
- ☑ **Community Mailboxes** – The Owner is required to supply, install and locate the mail delivery equipment to Canada Post specifications; where will these be located? All community mailbox sites must be fully accessible.

The Approving Officer will endeavor to identify all requirements as early in the review process as possible. The Preliminary Review timeline does not begin until all requested information is received.

Step 4 - Referral to Government Agencies

At the discretion of the Approving Officer, the application for subdivision may be referred to appropriate agencies whose interests may be affected. These agencies may include but are not limited to:

- Agricultural Land Commission
- BC Assessment Authority
- BC Hydro
- BC Transit
- Canada Post
- Fortis
- Interior Health (Penticton)
- Provincial Ministry of Forests, Lands and Natural Resource Operations
- Provincial Ministry of Transportation and Infrastructure
- Ok Environmental Services
- District of Peachland Operations Department
- District of Peachland Fire Department
- RCMP
- Regional District of Central Okanagan
- School District No. 23
- Shaw Cable
- Telus
- Westbank First Nation

Referral agencies comments will be forwarded to the Owner as received. It may be necessary to revise the proposed subdivision or development layout to address issues identified by referral agencies prior to proceeding.

Step 5 - Public Notification

The Approving Officer will forward a Notice of Application to all immediately adjacent property owners of the land under application for Subdivision.

Under section 86 of the *Land Title Act*, the Approving Officer is under no obligation to hear from surrounding landowners or any other person in the community. However, the Approving Officer may decide that public consultation may be beneficial to gain input with respect to the proposed subdivision and may require the Owner to hold a public meeting in accordance with Council Policy DEV-110 Public Notification & Consultation for Development Applications.

The Approving Officer will advise the Owner if a public meeting is required at this stage, with all fees associated with this public consultation to be paid for by the Owner.

Step 6 – Preliminary Layout Review Letter

Once an application has been thoroughly reviewed and all referral comments considered (i.e. the PLR has been completed) the Approving Officer has four options:

- Provide a Letter of Preliminary Layout Review;
- Ask the Owner for additional information in order to further consider the application;
- Refer the application and the results of the technical review to the District’s planning and engineering staff and/or consultants for their comments; or
- Deny the application.

Under section 85 of the *Land Title Act*, the Approving Officer must approve or reject a subdivision plan within two (2) months of the date it is tendered for examination. In accordance with section 85 of the *Land Title Act*, if the application is **rejected** the Approving Officer must immediately notify the Owner in writing. The Approving Officer must briefly state the reason for rejection and the officer’s requirements for approval, if applicable.

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.

If the subdivision is **supportable**, the PLR Letter outlines the requirements for final approval of the subdivision, including construction specifications and other requirements. The PLR will identify whether off-site works are required and the scope of those works. It will also identify the legal requirements such as road and lane dedications, restrictive covenants and rights-of-way required. There may also be a requirement to dedicate land for park or pay cash-in-lieu and to apply for demolition permits. The payment of Development Cost Charges, the current years' property taxes, subdivision approval, utility and inspection fees are also usually specified.

The Subdivision Application Form, the Street Name Designation Form and a copy of Council Policy DEV-190 Street Naming will be provided to the Owner with the Preliminary Review Layout Letter. The Owner should complete and return the Street Name Designation Form as soon as possible. The Planning Department will consult external agencies and neighbouring municipalities to verify the acceptability of the name. Staff will prepare a report for Council consideration to receive Council approval of the proposed name.

Step 7 - Notification of Applicant

The Approving Officer will advise the Owner in writing if the application has been either rejected or granted a Letter of PLR. If granted, the PLR Letter is valid for a period of 180 days (six months). The Owner may apply for one (1) six-month extension, which may be granted by the Approving Officer. After this period, if the subdivision has not proceeded as per the conditions outlined by the Approving Officer PLR Stage and granted Final Approval, the Owner must reapply for subdivision. Exceptions to this policy may be considered in the case of larger scale, phased subdivisions where the Owner can demonstrate that the proposed subdivision request is being actively pursued.

NOTE: A PLR in support of a proposed subdivision does not constitute Subdivision Approval and can be revoked at any time. Any PLR extension is subject to any new regulations and District policies that have come into force since the date of the original PLR Letter.

Step 8– Servicing Agreement

Prior to issuance of a Certificate to Proceed with Construction, a Road Construction Permit, a Building Permit or Subdivision Approval, the subdivision or development must be provided with both:

- Off-site works and services as determined by the Approving Officer, and
- On-site works and services within the subdivision, or on the lot being developed, as prescribed in the schedules of the District of Peachland SDS Bylaw.

Therefore, if the PLR Letter contains requirements related to works and services, a Servicing Agreement is required.

A Servicing Agreement is used to confirm the works and services to be constructed. It is registered as a section 219 covenant (*Land Title Act*) so that the obligations of the subdivision applicant will be binding on any party who purchases the lands before the works have been constructed. All works and services to be constructed either off-site or on-site, in a right-of-way to be dedicated in favour of the District, must be bonded for prior to the commencement of construction as described in Step 9.

Under the terms of the *Local Government Act*, a Servicing Agreement requires the posting of security (a.k.a. Performance Bond) in the amount specified in the SDS Bylaw. Therefore, the following are required:

- Servicing Agreement** executed by the Owner and the District; and
- Performance Bond in the amount of 125% of the Engineering Cost Estimate for installation of the works.

The Owner's Consulting Engineer prepares the works and services Design Approval submission and coordinates discussions with the District Engineers.

The Owner is responsible for coordinating the preparation of all legal documents with their Lawyer, a registered BC Land Surveyor or other qualified professionals as may be required. It is particularly important that all documents correctly reflect the location of works and services "as constructed". Where approvals are granted ahead of construction the Approving Officer will require that the Servicing Agreement be registered pursuant to section 219 of the *Land Title Act*.

A Servicing Agreement may also be used if the Owner wishes to submit an Application for Subdivision Approval or Building Permit prior to completion of on and off-site works. If the Approving Officer enters into a Servicing Agreement with the Owner, Final Approval of the subdivision may be granted or the Building Permit issued, as applicable.

Steps 9, 10 and 11 are required to complete the Servicing Agreement package.

Step 9 - Design Approval

If the Owner wishes to proceed, an application for **Design Approval** including detailed engineering drawings (both electronic and hard-copy versions) and detailed cost information for the installation of on and off-site works and services are required.

Design Drawings, accompanied by a Report and an **Engineering Cost Estimate** are submitted to the Approving Officer for review by District Staff and/or the District's consultants. Final approval is granted by the Approving Officer. It is strongly recommended that Consulting Engineers review the SDS Bylaw in detail to apprise themselves of the standards for development in the District of Peachland. The schedules to the bylaw provide detailed technical information that simply cannot be summarized here. However, additional geotechnical investigation may be required to address issues such as groundwater table, soil permeability, composition and stability prior to preparation of final works and services design where more intensive development is proposed.

The application for design approval for some types of works and services may need prior approval of a preliminary design report; the Consulting Engineer is expected to be familiar enough with the schedules of the SDS Bylaw to arrange for these to be submitted prior to the submission of final design drawings. The **Design Approval** submission must include:

- ☑ **Original survey plans** prepared by a registered BC Land Surveyor (BCLS)
- ☑ **Design plans** according to the SDS Bylaw including but not limited to, a composite utility plan, site grading, retaining wall, storm water management, erosion and sediment control plans, pump station design based on pre-approved pre-design plans (including sealed mechanical and electrical drawings), driveway profiles, etc.
- ☑ A PDF version of all "For Construction" plans and drawings
- ☑ **Owner/Consulting Engineer or Contractor Agreement Confirmation Letter** to confirm that the Owner has or shall retain the services of one or more qualified contractors to undertake the construction of the works and services
- ☑ **Design Quality Control and Assurance Plan**
- ☑ **Construction Quality Control and Assurance Plan** including proposed schedule
- ☑ **Record-keeping Quality and Assurance Plan**
- ☑ **A schedule of quantities and cost estimates**, sealed by a Professional Engineer, for any off site works triggered by the proposed development
- ☑ **Copy of Liability Insurance** policy saving the District harmless

The Owner's Consulting Engineer submits a copy of each of the **Quality Control and Assurance Plans** to the District for approval coincident with submission of the *first* Design Drawings to ensure and verify that the works and services shall be designed and constructed in accordance with the conceptual designs, plans, drawings and specifications. The plan will include milestone dates of provisional and final performance, nature and frequency of site inspections, nature and frequency of proposed field and laboratory testing requirements including material and equipment to be tested, type of test and where tests are to take place.

With respect to retaining walls (retention systems and structures) where practical, retaining walls shall be rock gravity walls designed to be consistent with the natural surroundings of the area. The colour of the retaining wall must be submitted to the District for approval; preference will be given to earth tones. Consulting Engineers are advised to review SDS Bylaw Schedule 6 – Retaining Wall Systems and Alterations for further information. Building Permits are required for all retention structures more than 1.5m high and/or terraced at a slope steeper than 2 horizontal to 1 vertical.

Step 10 - Provision of Performance Security

Once the Servicing Agreement is ready for execution, the Owner submits a **Performance Bond** in the form of an Unconditional Irrevocable Standby Letter of Credit in a form acceptable to the District, expiring no earlier than one year from the date of issuance and providing for a right of renewal unless the bond or letter of credit is perpetual, issued to the District by a local branch of a chartered bank, credit union or trust company. The Letter of Credit will be held in safe-keeping by the District of Peachland Finance Department. If the Owner does not construct and install the works and services by the date specified in the agreement, the Owner will be required to forfeit the security. The Owner is responsible for the actual cost of the Works and Services regardless of the adequacy of the security deposited with the District.

Step 11 - Provision of Insurance

Prior to issuing a Certificate to Proceed with Construction or a Construction Permit, the District will require evidence of acceptable liability insurance with appropriate clauses indemnifying and saving harmless the District of Peachland and its employees. This must identify, but will not be limited to the:

- Level of insurance
- Name of insured
- Standard time period where amendments are not permitted
- Coverage (type of policy)

Step 12 – Issuance of Certificate to Proceed with Construction

Prior to the granting of a **Certificate to Proceed with Construction** (a.k.a. permission to commence construction) the District Engineer must approve **For-Construction Drawings** and all required documents listed below. All applicable fees and charges must be paid in full.

If the Owner is installing the works and services the following are required:

- Proof of Prime Contractor Agreement
- Current Business License
- Road Construction Permit(s)
- Security in the amount of \$2,500 per drawing sheet (based on approved drawings) for provision of approved Record Drawings, service cards, inspection report and videos and all testing result and certifications
- Inspection Fee in the amount of 3% + GST of the estimated cost to construct the works and services based on the Engineering Cost Estimate or a minimum of \$500.00 whichever is greater
- Service Application and Connection Fees for individual service connections, as applicable
- Signed District of Peachland Respectful Workplace Policy from each individual working on the project

If the District is constructing the off-site works and services payment of the estimated cost of construction is required prior to issuance of the **Certificate to Proceed with Construction**.

Where the Owner is required to provide excess or extended services, the Owner is entitled to receive Latecomer Charges in accordance with:

- The *Local Government Act*,
- The Latecomer Policy of the District, where applicable; and
- The Latecomer Agreement in a form acceptable to the Approving Officer.

The Owner must provide the appropriate documentation and associated costs respecting potential latecomer eligible properties prior to issuance of a **Certificate to Proceed with Construction**. The interest rate applicable to latecomer charges as per the *Local Government Act* shall be calculated by the District at the time the Latecomer Agreement is signed and shall be set by Bylaw and reviewed by Council from time to time.

Step 13 - Construction of Works and Services

Once the **Certificate to Proceed with Construction** is issued, construction may proceed in accordance with the approved design drawings and specifications. If changes are made during construction, they must be approved by the District and reflected on the Record [As-built] Drawings.

Step 14 - Inspection of Works and Services

The Owner's Consulting Engineer is responsible for inspecting the works and services throughout the construction period to confirm that they are completed in accordance with the approved design drawings and specifications. The District Engineer or delegate may also conduct inspections on behalf of the District. However, these inspections do not relieve the Owner or his Consulting Engineer from their responsibilities to confirm works and services are constructed in compliance with the approved design (i.e. Certification of all works and services below areas to be paved must be provided prior to paving).

Step 15 – Certificate of Substantial Completion and As-Built/Record Drawings

When the installation of the works and services is complete the following are submitted:

- Certificate of Substantial Completion** sealed by the Owner's Consulting Engineer
- Record drawings, in both hard copy and digital (PDF) versions as described in the SDS Bylaw Schedule 11 – Engineering Drawing Submission
- Four (4) copies of any Operations and Maintenance Manual relevant to works and services constructed, as applicable (i.e. Reservoirs, pump stations, etc.). Manuals must be hardbacked and bound with the name of the facility embossed on the cover; contain a Table of Contents with each section identified by a plasticized, labelled divider
- Property record cards
- Statutory Declaration (i.e. Evidence of substantial performance pursuant to the *Builder's Lien Act*)
- Deficiency list
- Final approval from Interior Health if required following water testing, etc.
- Other information requested by the District Engineer

The Owner's Statutory Declaration ensures that all amounts owing to third parties as of the date on which it is signed have been paid, including all amounts owing to contractors and subcontractors (i.e. evidence of substantial performance pursuant to the *Builder's Lien Act*) and levies under applicable legislation have been paid.

The One Year Maintenance Period does not commence until all deficiencies have been completed or corrected to the satisfaction of the District Engineer.

If the Owner wishes to have the Approving Officer sign the Final Subdivision Plan prior to the Approving Officer receiving the construction Record Drawings, the Owner must provide Construction Record Security as per the SDS Bylaw. The District will hold this security until the Record Drawings are received. This could occur, for example, if the Owner wanted to apply for a Building Permit prior to receiving Final Approval of the subdivision.

The District may agree to reduce the Performance Bond in amounts equal to the percentage of work completed as verified through a **Certificate of Substantial Completion** from the Owner's Consulting Engineer. No reduction is allowed for any amount less than 10% of total cost of construction and installation of work or \$2,000 until expiry of the one-year maintenance period.

Step 16 - Maintenance Bond

Upon acceptance of the **Certificate of Substantial Completion** the District will:

- Return the **Performance Bond** collected less ten percent (10%) of off-site construction cost estimates to cover deficiencies during the one year **Maintenance Period** (or submission of a new security in the new amount)
- Establish the date of commencement of the one year Maintenance Period
- Advise of the Terms and Conditions of the one year Maintenance Period

The Maintenance security may be a deposit in the form of cash, a certified cheque or an Unconditional Irrevocable Standby Letter of Credit (expiring no earlier than one year from the date of issuance and providing for a right of renewal unless the Letter of Credit is perpetual) issued to the District by a local branch of a chartered bank, credit union or trust company.

If the Maintenance Period commences between the period of November 1st and March 31st, the Approving Officer may require it to be extended so that it terminates on April 1st following the one year anniversary of the commencement of the Maintenance Period.

All Works and Services required to be constructed or provided by the Servicing Agreement shall remain the sole responsibility of the Owner until a Certificate of Acceptance has been issued by the District. The Owner shall maintain the works and services and repair or replace any defective works and services during the one-year Maintenance Period. Should the Owner fail to maintain, repair or replace the works and services, the District may undertake such maintenance, repairs or replacement using the Maintenance security. Any additional costs incurred that exceed the Maintenance security are the responsibility of the Owner and are payable to the District.

Security Deposits will not be required for private developments not requiring subdivision or works not within the Dedicated Road, on District property or within a right-of-way dedicated to the District.

Step 17 – Certificate of Total Completion

At the end of the one-year maintenance period, the Owner's Consulting Engineer is responsible for providing the District with a **Certificate of Total Completion** for all works and services including confirmation that all incomplete, defective or deficient works and services that were apparent when the **Certificate of Substantial Completion** was issued have been completed or corrected.

Step 18 - Certificate of Acceptance

Following a review of the **Certificate of Total Completion**, if the District Engineer is satisfied that the works and services have been constructed as per the approved drawings, the District will issue a **Certificate of Acceptance** verifying that conditions of the SDS Bylaw have been met by the Owner.

The Works and Services become the property of the District or the agency having jurisdiction, subject to no encumbrances, on issuance of the **Certificate of Acceptance**. The Maintenance Bond will be released and maintenance will be taken over by the District.

Step 19 – Final Subdivision Approval

Once either a Servicing Agreement is executed or a Certificate of Acceptance issued, the Owner submits an Application for Final Subdivision Approval or Building Permit application, as applicable, including but not limited to the following:

In the case of **Subdivision**:

- Final Subdivision Plan prepared by a registered BC Land Surveyor, signed by all parties having a registered interest in the land (dated within 90 days of execution by the Land Surveyor)
- Fees: \$150 for the first lot created + \$105 for each additional lot + the Document Execution Fee [for the signing of any required covenants]
- Development Cost Charges (DCCs) based on the total of the District of Peachland Development Cost Charge Bylaw; Westbank Sewage Specified Area Development Cost Charge payable to the Regional District of Central Okanagan; and School District No. 23 School Site Acquisition Charges are due at the time indicated in the table below:

Development Type	Peachland DCCs	RDCO DCCs	School District #23 Site Acquisition	Due prior to:
Single Family Residential	\$15,715/lot	\$3,188	<21 units/ha = \$756/unit 21-50 units/ha = \$681/unit	Subdivision Approval
Multiple Unit Residential	\$11,525/unit	\$3,188/unit Duplex/Triplex \$2,125/unit 4 or more units	51-125 units/ha = \$605/unit 126-200 units/ha = \$529/unit > 200 units/ha = \$454/unit	Building Permit
Commercial	\$30.88/m ² GFA	\$1,381/100m ² GFA	0	Building Permit
Industrial	\$26.55/m ² GFA	\$1,381/100m ² GFA	0	Building Permit
Institutional	\$5,776/bed	\$1,169/100m ² GFA	0	Building Permit

NOTE: This information is provided for convenience only. Always consult the original bylaw for legal purposes.

- Community Amenity Contributions as per Council Policy DEV-100:
 - \$1,877/per unit residential; and
 - \$26.80/m² Non-Residential (Commercial & Industrial)
- 5% Park Land dedication or cash-in-lieu based on the assessed value of the land before subdivision for all subdivisions 3 lots or more as per *Local Government Act* sec. 510
- Proof of payment of all property taxes for the subject property
- Proof of payment of municipal utilities (current and arrears) for the subject property
- Latecomer Charges may be payable on a per lot basis where services have previously been extended by others (*Local Government Act* sec. 508) i.e. sanitary sewer extension
- Submission of all plans and documents for the District and Approving Officers review and signature

All covenant, right-of-way and easement documents must be registered prior to or in conjunction with the subdivision on an undertaking from the Owner's lawyer as an "all or nothing" package. In the case of rights-of-way for works and services located other than on the road right-of-way, the Approving Officer may require registration of the documents prior to release of security being held for those works and services and prior to Subdivision Approval. The Owner must submit a copy of the registered rights-of-way and agreement(s) to the District registered prior as part of the approval submission package.

NOTE:

- All plans and documents must be registered within 60 days of signature of the Approving Officer.
- Development Cost Charges will be collected at the time of subdivision for one lot. The balance of Multi-unit Residential DCCs are payable at the time of Building Permit.

In the case of a **Building Permit:**

- Fee: In accordance with Building Bylaw Schedule 'H' as amended from time to time (Minimum \$100)
- Schedule "D" Certified Residential Builder's Project Assurance Schedule
- Schedule "S-1" Assurance of Professional Design and Commitment for Field Review signed and sealed by a Registered Professional for structural or geotechnical aspects, as applicable
- Schedule "S-2" Summary of Design and Field Review Requirements signed and sealed by a Registered Professional for structure or geotechnical aspects, as applicable
- Damage Deposit of \$1000
- Development Cost Charges

The Approving Officer will either grant Final Subdivision Approval or notify the Owner in writing that Final Approval is being withheld. Under section 87 of the *Land Title Act*, Final Approval may be withheld for the following reasons only:

- The completed works are not constructed as per the Record Drawings submitted to the District
- The required works have not been constructed according to the requirements of the SDS Bylaw, or an agreement satisfactory to the District has not been achieved relating to the provision of these works
- Applicable connection fees and charges have not been paid
- Taxes and charges have not been paid; or
- Ministry of Transportation approval has not been given if the subdivision is adjacent to a controlled access highway.

Step 20 - Registration

Once approved, all executed documents are returned to the Owner (Owner's Lawyer or Consultant) for registration at the Land Title Office. The Owner is responsible for all costs associated with preparation and registration of the required legal documents.

Following registration, the Owner must submit the following to the Approving Officer:

- The subdivision and any rights-of-way, easement or covenant plans that affect the subject property. The plans must contain controlled survey points with a legal base that is tied to the coordinate system used by the District (Universal Transverse Mercator, or UTM)
- Text documents
- Certificates of Title

These documents assure the Approving Officer that registration has occurred.

Disclaimer: This process guide is not a legal document. Any contradiction, dispute or difference between the contents of it and applicable District bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents. Always refer to the official copies of the OCP, Zoning Bylaw and/or SDS Bylaw if you are unsure of any procedure or requirement.