



District of Peachland What is Subdivision?

Subdivision is the process of altering legal property boundaries. It usually involves the dividing of a property into smaller lots. It can also include the realignment of existing property lines or the consolidation of two or more lots into a single lot. The following are types of subdivision where approval of the Approving Officer is required:

- Adjusting lot boundaries between two or more lots;
- Creating several new lots from one or more lots;
- Creating lots in a bare land strata development;
- Creating strata lots through a phased strata plan;
- Subdivision of land the purpose of leasing for a term longer than 3 years;
- Air space parcel subdivisions; and
- Strata Conversion.

An application to strata title an existing building is not included in this information sheet because, while it is a form of subdivision, the process is different than that for the subdivision of land.

The subdivision approval process enables the District of Peachland to ensure that new lots are created in a manner that is beneficial to the overall well-being of the community and in compliance with applicable bylaws, regulations and procedures.

The *Local Government Act*, *Land Title Act* and the District of Peachland Subdivision and Development Servicing Bylaw regulate the subdivision of land. The *Land Title Act* provides for the appointment of Approving Officers who are responsible for administering any application to subdivide lands. All requests for subdivision in the District of Peachland must be processed through the subdivision approval process and approved by the Approving Officer. City Council has no authority with respect to the subdivision of land.

The Approving Officer ensures that each subdivision meets the requirements of the Official Community Plan, Zoning Bylaw and the Subdivision and Development Servicing Bylaws. Matters of lot size, road widths, access, road and park dedication and works and services such as water, sewer, stormwater management and other utilities are considered by the Approving Officer. The Approving Officer is charged with protecting sensitive environments and the community from natural hazards through the application of Official Community Plan Development Permit Area guidelines, Provincial regulations where applicable and sound subdivision practices. The Approving Officer is also responsible for protecting the future development potential of adjacent lands, most particularly with respect to the provision of legal road access.

There is a wide range of both provincial and local government legislation and regulations taken into consideration in assessing a subdivision application including, but not limited to:

Provincial Government

- *Land Title Act* http://www.bclaws.ca/Recon/document/ID/freeside/96250_02
- *Local Government Act* http://www.bclaws.ca/civix/document/LOC/lc/statreg/--%20L%20--/Local%20Government%20Act%20%5BR%20SBC%202015%5D%20c.%201/00_Act/r15001_01.xml
- *Strata Property Act* http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/98043_01
- Bare Land Strata Regulations http://www.bclaws.ca/Recon/document/ID/freeside/11_75_78
- *Agricultural Land Commission Act* http://www.bclaws.ca/civix/document/id/complete/statreg/02036_01
- Site Profiles <http://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/administrative-guidance/ag13.pdf>

Local Government

- Zoning Bylaw <https://peachland.civicweb.net/filepro/documents/56528?preview=56533>
- Subdivision and Development Servicing Bylaw <https://peachland.civicweb.net/filepro/documents/7702?preview=40846>
- Official Community Plan <https://peachland.civicweb.net/filepro/documents/6957?preview=40845>

Prior to Subdivision Approval or issuance of a Building Permit, a subdivision or development must be provided with Works and Services within the subdivision or on the lot being developed in accordance with the standards established by 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:

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| <ul style="list-style-type: none"> ✓ Application, examination and inspection fees ✓ On-site and off-site servicing costs (i.e. Installation of following may be required: <ul style="list-style-type: none"> • Roads, curb, gutter, sidewalk • Water, sanitary sewer • Storm water management (i.e. storm drains or drywells) • Fire hydrants, street lights • BC Hydro, Fortis Gas, Telus, Cable and other utilities | <ul style="list-style-type: none"> ✓ Legal and survey costs ✓ Development Cost Charges ✓ Current assessed taxes, Consultant fees (i.e. Engineer, Qualified Environmental Professional, Lawyer, Surveyor) ✓ Utility installation and fees (i.e. cable, gas and telephone) ✓ Performance Bond for construction security ✓ Maintenance Bond of 10% [for one year after construction is complete] |
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Applicants are also responsible to pay all engineering and legal fees as well as 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 the installation of the works and services and the costs of connecting the works and services to the District's existing infrastructure.

Where a proposed subdivision complies with current zoning regulations, an application for subdivision may be submitted to the Approving Officer for consideration. Once all bylaw requirements and the Approving Officer are satisfied, the plan can be signed and registered at the Land Title Office to give the subdivision full legal affect. Only when the subdivision plan has been registered at the Land Title Office are titles created and lots available to be transferred to new owners.

Anyone wanting to subdivide land in Peachland is encouraged to talk with staff in the Planning and Development Services Department before submitting an application. Staff can help confirm the applicable land use designations and provide guidance with respect to the process to be followed. Further information is available in the District of Peachland Subdivision Process Guide on the District of Peachland website under Forms and Publications > Building and Development <http://www.peachland.ca>