



CASTLEGAR

DEVELOPING IN CASTLEGAR

A GUIDE TO PROCEDURE

SUBDIVISION

“Any person being the owner of land or having the written permission of the owner may apply for Subdivision.”

The **Subdivision and Development Bylaw** governs subdivisions within the City of Castlegar.

All applications for subdivision must be approved by the Approving Officer of the City of Castlegar. The approval of the Ministry of Transportation and Highways and the Ministry of Environment also may be required. Applications are processed by the Development Services Department, with the involvement of other City Departments, Provincial Ministries and outside agencies, as necessary.

In view of the numerous technical and legal details involved in the subdivision process, applicants should be prepared to discuss their proposals with the Development Services Department and consult a registered British Columbia Land Surveyor (B.C.L.S.) and lawyer or notary public.

SCHEDULE OF FEES

Number of Lots Created	Application Fee
1- 2	\$115, plus \$35/each additional lot
3 - 10	\$600 plus \$35/each additional lot
Over 10	\$1,400 plus \$35/each additional lot

For additional information please contact:

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The following guide is intended to generally illustrate the procedure involved in a Subdivision Application. It does not cover the numerous technical details often encountered during the Subdivision process.

PROCEDURE FOR SUBDIVISION

1. It is recommended that the applicant make preliminary enquiries to the Development Services Department regarding the general feasibility of the proposal prior to submitting an application for subdivision (ie. zoning of the property, basic lot requirements, etc.).

2. The applicant completes the form "Application for Preliminary Layout Approval of a Subdivision" and submits it to the Development Services Department. The application must include the required application fee, Certificate of Indefeasible Title (available from the Land Title Office, Kamloops, B.C.), the written authorization of the registered property owner and four copies of a sketch plan showing all roads, existing and proposed lot lines, dimensions, location of buildings and any other pertinent features.

Note: An application form can be obtained on the Internet at:

<http://www.castlegar.ca/pdfs/SubdivisionApplication.pdf>

3. Contaminated Sites Legislation which became effective April 1, 1997 requires that **in some cases** a Site Profile must be submitted to the Municipality, assessed by the Ministry of Environment and Ministry approval received before a subdivision application can be approved. City staff will advise whether or not a Site Profile is required. If required, submit the completed Site Profile form, along with a \$50 application fee to the Development Services Department.

4. The Development Services Department processes and reviews the application. Factors considered include: oad widening, Works and Services requirements, Zoning Bylaw, floodplain, soil stability, Development Cost Charges, park dedication and public interest.

5. Following the technical review, the application is either denied or given **Preliminary Layout Approval**, which is valid for 180 days. The applicant is informed of the servicing and other requirements which must be met prior to final subdivision approval.

6. If Works and Services are required, the applicant must have **Construction Drawings** and a construction cost estimate prepared by a Professional Engineer. These Construction Drawings will be reviewed by the Public Works Department.

7. If the required works and services are to be installed on an existing road right-of-way,

installation is generally performed by the City. In this case, the design will be provided by the City and the applicant simply pays the estimated cost for the design, installation, inspection and as-constructed drawings.

8. Following approval of the Construction Drawings, and before the required works and services can be installed:

- inspection fee must paid
- contingencies must be paid
- pre-construction meeting may be required

9. The applicant can postpone all, or a portion, of the required works and services construction until after the final approval of the subdivision if a security is posted (Letter of Credit, term deposit or cash), and a servicing agreement is entered into between the City and the applicant.

10. The applicant has a B.C. Land Surveyor prepare the final **Subdivision Plan**. The 2 original mylar plans plus six paper copies are submitted to the Development Services office for final approval.

11. The Local Government Act requires that, when a subdivision creates 3 or more additional lots, the owner must provide up to 5% of total area as park land or pay the equivalent amount of cash to the City.

12. The final plans are reviewed by the Development Services Department and other Departments or agencies as deemed necessary. The application may be rejected by the Approving Officer or granted final approval (valid for 60 days). Factors considered:

- property taxes must be paid
- works completed or agreement signed
- utility easements (if applicable)
- restrictive covenants (if applicable)
- development cost charges paid
- buildings removed (if applicable)
- maintenance security posted.

13. The applicant, or his agent, submits the approved subdivision plan to the Land Title Office in Kamloops for **registration**.

14. Within 14 days of being registered, the applicant is to forward to the Development Services Department copies of the registered plans, documents and State of Title Certificates as proof of registration.

SUBDIVISION BACKGROUND

Subdivisions are defined as “the division of land into two or more parcels”. This includes a simple lot line adjustment but, with respect to this approval process, does not include a site consolidation.

Regulations governing subdivisions are contained in the LAND TITLE ACT and the LOCAL GOVERNMENT ACT.

Subdivisions must be approved by the Approving Officer. They are then sent to the Land Title Office in Kamloops for registration. Land Title Office staff prepare documents known as “Certificates of Indefeasible Title” for each new parcel. At the top of the Certificate of Title the owner of the parcel is shown as “registered owner in fee-simple”. Fee simple basically means that the owner has an absolute right to deal with the land as he sees fit, subject to the law. Subdivisions of this type are commonly referred to as “FEE SIMPLE” subdivisions.

“STRATA” subdivisions are a different matter and are not covered by this brochure. Please refer to our brochure entitled “Strata Subdivision”.

The Subdivision and Development Bylaw establishes levels of works and services to be provided within and adjacent to a subdivision. The Bylaw also outlines design guidelines and construction standards. The applicant is responsible for all costs to provide the required works and services.

Prior to any works and services construction, Engineering design drawings must be approved by the Public Works Department.

Before a final Subdivision Plan can be approved the Developer has the option to:

- install required works and services;
- provide security to guarantee works and services construction (requires Council/Developer Agreement), or
- when required works and services are on an existing road right-of-way, pay the estimated costs for the City crews to install same.

Why You Need to Obtain Approval for Subdivision

The Local Government Act and Land Title Act of British Columbia require that all subdivisions be approved by the Approving Officer.

Approval for subdivision is needed in order to ensure that the community’s standards are met with regard to:

- size and shape of lots, and adequacy of buildable area;
- adequacy of roads, lanes and emergency vehicle access;
- adequacy of open spaces and walkways;
- preservation of natural features like ravines, streams, trees;
- protection of views;
- compatibility of overall subdivision pattern with the neighborhood;
- adequacy of sanitary sewer, water, drainage, street lights, and other services, and
- protection of opportunity for future subdivisions for lands adjacent to or beyond the lands being subdivided.

NOTE: This pamphlet is prepared for information purposes only and the City of Castlegar disclaims any liability arising from reliance on information contained in this guide. This pamphlet is not a procedures manual pursuant to Section 895 of the Local Government Act.

SUBDIVISION APPLICATION FLOW CHART

