



## District of Lantzville

### Subdivision Guide

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This guide has been prepared to assist developers, property owners or others involved in the process of subdivision within the District of Lantzville (DOL).

Subdivision is the division of land or a building into 2 or more separate legal titles and includes:

- Conventional (or fee simple) division of land;
- Bare Land Strata;
- Strata conversion of a previously occupied building;
- Building Strata;
- Boundary adjustments.

All are defined as 'subdivision', however although some issues are common to all forms of subdivision, each type will have different requirements. This guide is primarily intended for the more common 'fee simple' form of subdivision.

Legislation in British Columbia governing subdivision stems from the *Local Government Act*, the *Strata Property Act* and the *Land Title Act*.

The *Local Government Act* stipulates that a local government must appoint a Subdivision Approving Officer (SAO) or (AO) to oversee and administer subdivision. The District Council is not directly involved in the review or administration of individual subdivision applications and the Subdivision Approving Officer or Approving Officer is independent of Council (provincial legislation). The provincial and federal regulations that an Approving Officer adheres to (or follows) when entertaining subdivision applications are:

- *Fish Protection Act* (including Riparian Areas Regulation);
- *Water Act*;
- *Sewage System Regulations*;
- *Federal Fisheries Act*;
- *Local Government Act*;
- *Land Title Act*;
- *Strata Property Act*.

The District of Lantzville bylaws include the "District of Lantzville Subdivision and Development Bylaw No. 55, 2005" the "District of Lantzville Zoning Bylaw No. 60, 2005" and the "District of Lantzville Official Community Plan Bylaw No. 50, 2005" and relevant District of Lantzville Council policies are also applicable.

#### **Pre-Application**

Prior to submitting a formal application for subdivision, a pre-application meeting with the Approving Officer is encouraged so that options and requirements can be discussed. Items for discussion will include zoning issues, servicing requirements, lot size and shape. In addition, the following will be briefly discussed:

- The "District of Lantzville Development Cost Charge (DCC) Bylaw No. 52, 2005" which identifies fees charged for new and additional development, including new lots created through subdivision of land. The DCC fees applicable to the specific subdivision will be identified.
- The District's Official Community Plan Bylaw establishes Development Permit Areas throughout the community. Where a Development Permit Area impacts a property proposed for subdivision, then a Development Permit is required prior to the subdivision being approved.
- Park land dedication (in some cases cash-in-lieu of land dedication) as it applies to the specific subdivision proposal, and depending on the number of new lots proposed.
- The retaining of consultants including agents, surveyors, professional engineers, contractors, lawyers.

### **Application**

A formal subdivision application is to include the following:

- Application fee, as per the attached schedule.
- Completed application form signed by the property owner(s) or a letter signed by the owner(s) authorizing an agent to act on their behalf.
- A Title Search or Corporate Search in the case of business-owned property(s), dated no more than 3 days prior to the date of the application.
- Copies of any and all rights-of-way, easements, restrictive covenants registered against the title of the property(s).
- A completed site profile if the lands have been used for any "Schedule 2 activities" as described in the *Environmental Management Act*.
- Three paper prints (maximum size 24" x 36") of the subdivision proposal which includes:
  - a) metric dimensions and a scale
  - b) North arrow
  - c) legal description of the property(s) proposed to be subdivided
  - d) existing road or street names
  - e) heavy or bold outline of the property(s) proposed to be divided
  - f) dimension locations of all existing buildings, including dimensions to existing and proposed new lot boundaries including outbuildings where the size is greater than 3 metres by 3 metres
  - g) dimensioned locations of septic disposal tank and field and well(s) (if applicable)
  - h) the dimensions and area of the proposed lot(s)
  - i) dimensioned location and names, if applicable, of water courses, creeks, etc. on or immediately adjacent to the subject property(s).

Note: an application is **only** deemed to be complete once all of the above information is received, including payment.

### **Application Process**

When the information noted above is received and acceptable to the Approving Officer, the information is reviewed and circulated to other internal staff for comment and recommendations. In some situations, referrals to 'outside' agencies is also made.

The Approving Officer may determine that additional information is required in order for the review to continue, such as:

- a) Topographic information, showing contours at 2 metre intervals or 1 metre intervals where the slope of the land is judged to be in excess of 20 percent.

- b) An assessment by a qualified environmental professional (QEP) of any watercourse on the property(s) in accordance with the Provincial Riparian Area Regulations to determine watercourse setback for building and any mitigation measures necessary to protect the riparian area adjacent to a watercourse.
- c) An assessment by a geotechnical engineer to determine the suitability of the land for building and construction as well as a recommended location for a building site.
- d) Survey information to determine the location of natural features such as environmentally sensitive areas, floodplains, areas of unsuitable soils.
- e) A traffic or access impact study prepared by a qualified professional.

Where a proposed subdivision is in an area of the community where municipal sewer and water supply are not available and where the proposed lots require on-site well for water supply and on-site sewage disposal, the applicant(s) will be required to retain consultants to evaluate the property and determine:

- a) Well location including water volume and quality.
- b) Suitability of on-site soils to satisfy the Vancouver Island Health Authority (VIHA) subdivision standards including identifying a disposal and reserve field area. A separate application for on-site sewage disposal is made by the DOL on behalf of the property owner to VIHA.

### **Application Response**

When the review of the application and any other supporting information is complete, the Approving Officer will notify the applicant if the proposal is either acceptable with conditions; or the application is rejected and identify the reason for the rejection.

If the proposal is acceptable in principle then the Approving Officer will issue a Preliminary Layout Review (PLR) which will identify the conditions which must be satisfied for approval of the subdivision.

The applicant will be responsible for all costs associated with fulfilling the requirements and conditions for the subdivision. If additional costs are incurred by the District associated with the proposal, such as legal opinion or review of documents, then these costs must be paid in full by the applicant prior to final approval of the subdivision plan.

### **Completing the Conditions Required for Subdivision**

Where the PLR identifies that requirements such as new municipal roads or road improvements and utilities and services are to be built or installed, the applicant is responsible to retain consultants and contractors to design and construct these works.

Where construction of new municipal roads or services is required, the District's Director of Public Works will become involved in the process.

Where engineering design is necessary, the design must be prepared by a professional engineer and reviewed and accepted by the Director of Public Works prior to commencement of construction. A cost estimate of these works is to be prepared by the professional engineer and provided to the Director of Public Works who will then identify the value of the administration fee payable to the DOL. This fee is to be provided before design approval is issued. Once the design approval is issued, then the contractor(s) retained by the applicant can complete the works as approved. The applicant's engineer is required to over see construction and when the works are completed, confirm to the DOL that the works have been completed in accordance with the DOL construction specifications.

As-built drawings (engineering record) are to be prepared by the engineer and provided to the DOL. The applicant is to provide monetary security to the DOL for a 1 year maintenance period. At the end of this period and subject to there being no deficiencies in the work, the security is refunded to the applicant.

A Land surveyor, registered in B.C., is to be retained by the applicant to prepare subdivision, easement and right-of-way plans.

In most situations, a lawyer has to be retained by the applicant to prepare legal documents, such as covenants. It is recommended that drafts of all documents are provided to the DOL for review prior to preparation of the final documents.

### **Final Approval**

When all of the conditions required by the AO have been completed, then final approval of the subdivision will be issued.

Final approval includes the preparation of the subdivision plan and the insertion of signatures of all owners, charge holders (mortgage companies, easements or other charges, etc.) and the subdivision approving officer's signature. Any right-of-way plans, easements, covenant documents, etc, require appropriate signature also. When all of the conditions for subdivision have been completed to the satisfaction of the AO, final approval is issued. The reproducible subdivision plan and documents to be registered against the title(s) of the new lots are then submitted as a package to the LTO (Land Titles Office) in Victoria where registration of the plan and documents is processed.

When the plans submitted to (Land Titles Office) receive a registration number then the new lots may be sold or application for building permits may be made.

Questions and comments regarding this guide are welcomed.