



City of Courtenay

Subdivision Application
Approval Process

User Guide



CITY OF
COURTENAY
Development Services

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This User Guide is to assist you in understanding the City's Subdivision Approval Procedures. Adherence to this guide does not guarantee application approval. The right to grant subdivision is at the sole discretion of the Approving Officer. Upon review of the material, anyone interested in submitting an application is encouraged to request a pre-application meeting with Staff to better understand both general and site specific requirements.

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What is Subdivision?

Subdivision: Subdivision is the process of altering legal property boundaries and creating new parcels of land with individual legal description and Parcel Identifier (PID). There are several types of subdivision:

- **Fee Simple** – subdividing land into two or more parcels.
- **Bare Land Strata** – creates strata lots within one parcel of land where the owners of each strata lot created have joint ownership over common lands (common property) within the Bare Land Strata Plan.
- **Building Strata** – creates individual units within a building which have separate titles allowing each unit to be sold separately. However, each unit has joint ownership of common elements of the building or complex.
- **Phased Strata** – either Bare Land Strata or Building Strata that is built out over several phases as regulated by the Strata Property Act.
- **Strata Conversion of an Existing Building/Dwelling** – converts an existing building/dwelling (e.g. apartment building) to strata titled units for individual ownership.

Why you need to obtain the City's Approval for Subdivision

The Approving Officer is appointed under the Land Title Act and by the Strata Property Act, to make decisions and exercise discretionary powers with respect to the subdivision of land. Authority to approve or deny a subdivision application is at the sole discretion of the Approving Officer through Provincial Legislation and contained in the Courtenay Subdivision Control Bylaw as well as several key provincial statutes. It is the responsibility of the Approving Officer to ensure that subdivisions are in accordance with Provincial statutes, regulations and local government bylaws regulating subdivision and zoning.

The subdivision of land can be a complicated process involving overlapping interests, and approval or denial is at the sole discretion of the Approving Officer. The ability to subdivide is a combination of meeting the policy documents including the Zoning and various other City bylaws requirements and having adequate services and capacity to service the additional lots. Ensuring the land is suitable for the intended purpose, the role of the Approving Officer is to exercise an understanding of Provincial legislation and municipal regulations with consideration of the long term public good before approving or denying subdivision. The review and approval process for subdivisions is necessary to ensure that all statutory and City Bylaw requirements are addressed including but not limited to:

- Size and shape of lots/buildable area;
- Roads, lanes and emergency vehicles access;
- Parks, open space and walkways;
- Preservation of natural features (ravines, streams, trees, etc.);
- Compatibility of subdivision pattern with surrounding neighbourhood;
- Sanitary sewer, water, drainage, street lights and other services; and,
- Municipal infrastructure such as protection of opportunity for future development for lands adjacent to or beyond the lands being subdivided.

Who is involved in the Subdivision Process

Approving Officer: All subdivision must receive the approval of the Approving Officer. The Approving Officer is a statutory official with separate and independent jurisdiction from the local government (Mayor and City Council).

Development Services Department: The Development Services Department coordinates the subdivision process, ensures technical compliance with the servicing standards that have been established in the Subdivision Control Bylaw, provides recommendations to the Approving Officer and plays a major role in assisting the applicant to satisfy the various requirements of the process.

Other City Departments: Through the Development Application Review Team (DART) City Staff can collectively review applications to ensure adherence to applicable bylaws. Key attendees include:

- Manager of Planning (Chair)
- Development Engineer (Approving Officer)
- Manager of Parks
- Manager of Public Works
- Land Use Planner
- Fire Department
- Building Inspector

External Agencies: Subdivision applications are referred to various external agencies for review and comments. These agencies include:

- Comox Valley Regional District (CVRD)
- Agriculture Land Commission (ALC)
- Department of Fisheries and Oceans (DFO) Canada
- Provincial Ministries responsible for:
 - Agriculture
 - Environment
 - Natural Resources
 - Health
 - Transportation
- School District No. 71
- Utilities (B.C. Hydro, Terasen Gas, Telus Canada Post)

Land Title Office: All subdivision must be registered in the Victoria Land Title Office, at which time they are assigned a legal description and a property identification number (PID).

Consultants: The subdivision of property typically requires the outside expertise of qualified professions. To adequately address PLR requirements, you may need to hire consultants, such as:

- **Civil Engineer (P.Eng.)** is typically the coordinating professional and the engineer of record. The Civil Engineer will ensure the engineering components of the PLR are satisfied, including ensuring that all connections to City services will be adequately sized based on the calculated need.
- **Surveyor (BCLS)** will prepare a legal plan of the subdivision upon which the PLR is based. This information will form the base from which civil engineering plans are required, required for servicing approval. A qualified surveyor is also responsible for preparing and signing your final plan of subdivision before it is submitted to the Approving Officer for approval. The surveyor may also be involved in submitting the approved plan to the Land Title Office for registration.
- **Arborist** is a person certified by the International Society of Arboriculture available to provide advice on the classification and resiliency of trees. Properties that qualify, according to the Tree Management and Protection Bylaw (No. 2461), are required to retain such professional services.
- **Geotechnical Engineer (P.Eng.)** will ensure the structural integrity of soils for proposed works and services and may be required to comment on constructability within/upon the proposed lots.
- **Traffic Engineer (P.Eng.)** provides traffic studies related to the impact of traffic generated by the proposed subdivision on existing infrastructure and provides any recommendations regarding upgrades and/or timing of upgrades to the road network.

- *Acoustical Engineer (P.Eng.)* is required to mitigate sound from development in urban areas.
- *Biologist (RPBio / QEP)* is required to ensure the long term protection of sensitive habitat where any type of watercourse, including creeks, ravines, rivers, lakes, ponds or swamps are present, or adjacent to the subject property.
- *Solicitor* is required to review all legal agreements and documents and witness the execution of, and on occasion coordinate the registration of, subdivision plans. The solicitor is responsible for registering documents in a specific order and/or preparing and registering the discharge of documents and charges on title that are no longer needed.

The Subdivision Application / Approval Process



1. Pre-Application Meeting

The pre-application meeting is an opportunity for initial discussion with Staff regarding the applicant's development intentions. The more information the applicant is able to gather before submitting an application, the more efficiently the process is likely to proceed. It is strongly encouraged to discuss your proposal with staff to identify any plans, policies and regulations which may apply:

Official Community Plan (OCP): Courtenay's OCP divides the City into land use designations. Each designation allows specific types of land uses and zoning categories. Check the OCP for the designation of the subject property and the land uses of zoning allowed within that designation. Also, check if the subject property is within a Development Permit Area. Development Permits regulate form and character, signage, siting, landscaping, screening, lighting and parking through a complementary approval process.

Local Area Plans (LAP): Courtenay has prepared more detailed plans for specific areas in the City. Check to see if your property is located within one of these areas, and if so, that your proposed subdivision adheres to the plan.

Zoning Bylaw: Each property in Courtenay has specific zoning requirements. Check the zoning map for the existing zoning on the subject property, and then check the Zoning Bylaw to find the regulations for that zone. If the present zoning does not allow for the proposed subdivision, rezoning and/or OCP amendment may be required in advance of subdivision approval.

Development Services: All developments must meet City standards for sanitary sewer, storm water disposal, water supply, roads, sidewalks, traffic controls and street lighting. These services are provided at the developer's expense. Check with the Development Services Department to see if the required services are available or whether additional services are required. Check the Subdivision Control Bylaw for servicing and access requirements.

2. Application Submission

When you are ready to proceed, complete an application form. All subdivision applications must be accompanied by:

- Completed application form signed by the registered owners and agent acting on behalf of the owner. If represented by an agent a letter of agency is required to be signed and submitted by the owner;
- Certificate of Title dated no more than 5 days prior to the date of the application, as well as a copy of any/all easements, Statutory Rights-of-Way (SRW) and/or or covenants registered on Title;
- Application Fee;
- Design brief outlining high level servicing requirements and how services will be provided for the subdivision, based on design criteria;

- A plan or sketch in metric showing proposed roadways, lots with dimensions, existing and proposed easements and right of ways and existing buildings;
- Legal survey plan showing property boundaries, topography and bylaw sized trees;
- Ministry of the Environment's Site Profile for Contaminated Sites (available at the front counter);
- Written statement on conformance to Sustainability Evaluation Checklist (as required); and,
- Written statement on conformance to the Affordable Housing Policy (as required).

Applicants should ensure that all information provided is clear, consistent and that no submissions are conflicting.

Upon receipt of your application, Courtenay staff may ask for additional information such a traffic study, soil stability study or tree preservation plan where applicable.

3. Internal (DART) and External Review

The Development Application Review Team (DART) was formed in September 2014 to improve internal circulation of information and efficiencies when reviewing development applications. The DART holds bi-monthly meetings with key staff from departments responsible for development, subdivision and capital project delivery.

DART provides the following benefits and efficiencies to the application review process:

- Inter-Department, internal review is initiated early in the development process, providing an opportunity for staff to share knowledge and project background, ask questions, seek clarity and engage in open discussion.
- Helps identify and resolve conflicting goals, objectives and standards early in the development process.
- Impacts of decisions on various departments can be identified and issues resolved more efficiently and openly.
- Platform for high-level foundational questions resulting in new initiatives or regulatory changes to be discussed.

New projects are reviewed by DART and comments are provided to the Application within 2 weeks of the meeting. Additional questions from the Applicant can be directed to the Engineering Department, in writing, after initial PLR comments are received.

Staff will determine which external review agencies are required. It is the responsibility of the Applicant to coordinate and seek approval from these external agencies. A list of potential review agencies is provided on Page 3.

4. Preparation of the PLR

The Approving Officer collects, compiles and reviews all internal and external review comments, and reviews relevant legislation and City Bylaws in order to determine if a proposal is eligible for **Preliminary Layout Review (PLR)** letter issuance. The PLR is a letter outlining all the subdivision completion requirements that must be satisfied by the Applicant. An initial calculation of Development Cost Charges (DCC)s and other Municipal fees are also provided by Staff and included in the PLR letter. The PLR is valid for six months, with the possibility of up to a 6 month extension where progress on the project is demonstrated.

5. Completion of the PLR Requirements by the Applicant

The PLR outlines all the subdivision completion requirements that must be satisfied by the Applicant. Requirements may include infrastructure improvements (road paving, water, sanitary and stormwater system upgrades, etc.), legal agreements and environmental protection requirements.

Typical requirements that must be met prior to final approval include:

- Engineered construction drawings for all required works (within or beyond the boundary of the subdivided lands);
- Subdivision Plan (lot dimensions, road patterns);
- Dedication of parkland, linear open space and walkways;

- Legal agreements/documents and plans, including legal survey plans Restrictive Covenants and Easements;
- Tree removal permit;
- Certification of non-encroachment showing the location of existing buildings and site services being retained, including wells, septic fields and utility lines;
- Geotechnical engineer's report regarding soil stability and conditions for construction;
- Sewerage system filed with the Health Authority, if applicable;
- Payment of applicable development cost charges, sanitary sewer, storm sewer and water connection fees, administration/ inspection fees, warranty charges, taxes and other charges;
- Payment of the current year's property taxes;
- Executed Servicing Agreement with the City for works and services required for the development; and,
- Requirements from outside agencies, as referred by the Approving Officer or Engineering Department, have been adequately met.

6. Completion or Security of Works and Services

All services are required to be installed at the owner's expense prior to final subdivision approval, unless the owner provides security for the works and enters into a subdivision servicing agreement with the Municipality to complete the required works by a specified date.

A Servicing Agreement requires the Applicant to provide:

- A cost estimate of the proposed subdivision servicing works including engineering fees, construction costs with the appropriate contingency sum, and warranty deposit amount. This estimate must be certified by a Professional Engineer and forms the basis of the security required by the Applicant for execution of the agreement.
- Security in the amount of cost estimate above, augmented by the contingency required by the City over and above that identified in the estimate. The Engineering Division will advise the Applicant of the current security requirements.
- Liability insurance where the construction of works is proposed to extend into City controlled lands or road dedication. The Engineering Division will advise the Applicant of the current insurance requirements.

7. Subdivision Approval

Once the Servicing Agreement and other conditions of the PLR have been addressed, applicants may submit an application for subdivision approval to the Approving Officer. In doing so, you must provide:

- A cover letter identifying the request and providing the documentation demonstrating that all the conditions of the PLR have been met
- The final survey plan as prepared by a B.C. Land Surveyor (BCLS)
- Payment of all application fees and/or outstanding service/connection or other fees (as applicable)
- Proof that all property taxes are paid in full
- Payment for the applicable Development Cost Charge amount
- Provide all other required documentation as defined in the PLR

If appropriate, the Approving Officer will approve the subdivision by signing the final subdivision plan.

8. Plan Registration

Once signed by the Approving Officer, plans are returned to the application and are ready to be registered at the Land Title Office (by the Applicant or Applicant's Solicitor) along with other documents which may have been required (restrictive covenants, right-of-ways, etc.). This is the process that creates legal title for each new parcel defined on the subdivision plan. The plans must be registered within 2 months of signing by the Approving Officer.

Timetable for the Subdivision Application / Approval Process

The amount of time to process a subdivision application is largely dependent upon the complexity of the application. The time it takes to complete the requirements for subdivision is largely dependent on the preparedness of the applicant and ability of the applicant to meet the established requirements in a timely and complete manner.

Costs Involved in Obtaining Approval for a Subdivision

The subdivision applicant is responsible to pay for the following costs (where applicable):

- application fee;
- on-site and off-site servicing costs;
- Development Cost Charges (DCC's);
- current assessed property taxes;
- BC Land Surveyor plan preparation and signing fees;
- consultant fees (engineers/architects/ solicitors, etc. are typically hired for most projects);
- any fees required by other utility companies or agencies;
- plan registration by a solicitor or notary public;
- cash in lieu of parkland dedication (if applicable); and,
- other fees as determined through the subdivision process.

Subdivision application fees are non-refundable.

Application fees are required at the time of subdivision application submission. To calculate the processing fee, subtract the number of parent parcels from the number of lots proposed. If the applicant has questions regarding fee calculation, please contact the Engineering Department. Please note, legal fees for document registration of discharge are the responsibility of the applicant, to be determined prior to Subdivision Approval.

Fees for fee simple and bare land strata subdivision proposals (see page 3 for definitions):

- Application Fee \$600
- Processing Fee (For each additional lot) \$150

Fees for strata conversions (see page 3 for definition):

- Application Fee \$500
- Inspection Fee \$100
- Processing Fee (For each additional lot) \$100

Refer to the City of Courtenay Fees and Charges Bylaw (No. 1637) for all current application fees.