

Subdivision Application Guide

This handout provides information on the requirements and processes for a subdivision of land. It is intended for general guidance only. Applicants should also refer to:

- Official Community Plan
- The Zoning Bylaw and Zoning Maps
- The Subdivision and Development Servicing Bylaw
- Development Cost Charges Fee Guide
- Fee Schedule, Application Form and Checklist

These can be obtained at the City's Engineering Department or on the City's website (www.cranbrook.ca).

When is a Subdivision Application Required?

Subdivision is the process of altering property (lot) boundaries. The subdivision approval process requires formal approval from the City of Cranbrook Approving Officer, and registration of the new subdivision at the Land Titles Office. A subdivision application is required when:

- Creating two or more lots from one or more existing lots;
- Adjusting or realigning an existing property line;
- Dedicating property for a road or park;
- Cancelling an existing road allowance;
- Creating a bare land strata development;
- Creating several strata lots from one or more existing properties;
- Creating a phased strata development;
- Converting an existing multi-unit development to strata title ownership.

Subdivision approval is not required from the Approving officer when consolidating two or more properties into one lot.

The Local Government Act, the Land Title Act, and the Strata Property Act of British

Columbia, provide authority to a legally appointed City Approving Officer to approve subdivision applications. The City of Cranbrook's Subdivision and Development Servicing Bylaw further sets standards and requirements to aid the City in reviewing subdivision applications. City Council has no jurisdiction over subdivision approvals.

Pre-Application

The following steps are recommended prior to submitting an application:

- 1. Official Community Plan – Land Use Designations:** The Official Community Plan (OCP) designates the types of land uses intended for all areas of the City. Check the OCP land use maps for the designation of your property and the types of land uses allowed within that designation (corresponding zone). Copies of the land use maps are available at the Planning Department or can be accessed on the City's website (www.cranbrook.ca).
- 2. Zoning Maps and Zoning Bylaw:** All land in the City is assigned a zone as shown on the City's Zoning Bylaw Maps and is subject to specific zoning regulations. Check the City's Zoning Maps and Zoning Bylaw to find the zoning designation and zoning requirements for your property, including minimum lot size, minimum lot dept, and minimum lot width.
- 3. Development Servicing:** All development must provide water, sanitary sewer, storm sewer systems, and other services at the developer's costs. The servicing of roads, lanes and sidewalks adjacent to the land being subdivided is required for all subdivision applications and must meet the requirements of the Subdivision and Development Servicing Bylaw.
- 4. Contact the Approving Officer or Assistant Approving Officer:** These staff members are available to meet with prospective applicants and their consultants to discuss proposed development, and provide advice on submission requirements and review procedure. This will assist in the efficient and timely processing of the application when submitted.

The Subdivision Application Process

To proceed with a subdivision application, complete a Subdivision Application Form and Checklist available at the City's Engineering Department. All information requested in the Checklist **must** be

provided at time of submittal. This will ensure that your application will be referred to the appropriate City Departments and external agencies and responded to in a timely manner.

- **Step 1 - Referrals:** The Approving Officer refers the application to appropriate City Departments, including but not limited to Planning, Leisure Services, Building, Engineering, Public Works, Fire and RCMP. The Approving Officer may in some circumstances refer the application to external agencies including the Provincial Ministry of Transportation, and/ or the Provincial Ministry of Environment. When an application is sent to external agencies it can usually take six to eight weeks to review.

- **Step 2 –Subdivision Advisory Committee:** The Subdivision Advisory Committee, which includes City staff from Planning, Engineering, Public Works, and Leisure Services Departments, reviews the subdivision application to ensure it meets certain City standards, including but not limited to the following:

- Official Community Plan policies;
- Lot size and dimensions;
- Road, lane, walkway and emergency vehicle access;
- Parks, natural features protection;
- Compatibility with existing subdivision patterns and future subdivision potential of neighbouring properties;
- Sewer, water, street light, and other services;
- Neighbourhood amenity preservation.

The Committee may refer the application to the neighbouring property owners for comment if the neighbourhood’s established amenities may be negatively impacted by the proposed subdivision.

- **Step 3 - Requirements Letter:** The applicant is sent a letter detailing the results of the Subdivision Advisory Committee review. The applicant may be required to supply further information to assist the Committee in its review. This may include a soils report, proposed lot grading and site servicing plans, a flood proofing study, and/or a transportation impact study.

- **Step 4 – Preliminary Layout Approval:** Upon receipt of any required additional information, the application will be scheduled for a Subdivision Advisory Committee review. If the Subdivision Advisory Committee is satisfied, it will either recommend the subdivision “Technically Feasible” (where an

associated rezoning application is necessary) or propose the subdivision, to the approving officer, for Preliminary Layout Approval (PLA) with conditions that must be met prior to final approval. Conditions of the PLA typically include, but are not necessarily limited to, the applicant providing the following:

- Development servicing infrastructure, including roads, sewer, sidewalks,
- Legal documents for any required statutory rights-of-way, covenants, or easements,
- Payment of Development Cost Charges (DCCs), Connection Fees, School Site Acquisition Charges,
- Dedication of five percent (5%) parkland, or payment in-lieu for a subdivision creating three or more lots, and
- Payment of any current or outstanding property taxes.

The PLA is valid for one year from the date the Approving Officer grants approval. If the conditions cannot be satisfied within one year, an application for a time extension may be requested from the Approving Officer, in writing, before the date of expiration. Upon review of the extension application, the Approving Officer may add to or revise the PLA conditions.

- **Step 5- Final Approval:** Once all PLA conditions are satisfied the Approving Officer can grant Final Approval. Including all works, services, facilities, and utilities that are required by design must have been approved for Total Performance or have a security posted for 125% of the cost of completion as approved by the City Engineer. The applicant is then responsible for registering the subdivision plan with the Land Title Office.

Road Cancellations

City Council must approve lane or road cancellations. The applicant is responsible for all costs such as appraisals, surveys, legal fees, and monetary compensation to the City for the value of the land being acquired, as determined by an independent appraiser.

Provision of Parkland

Under the provisions of the Local Government Act, an owner of land that is being subdivided must either:

- Provide, without compensation, park land equivalent to five percent of the total land area being subdivided, or

- Pay to the municipality five percent of the market value of the land being subdivided, valued on the date of preliminary approval.

The City will accept land dedication where the Official Community Plan identifies the need for a park. All other applications are subject to payment of cash in lieu.

This provision does not apply to a subdivision of land creating fewer than three additional lots or for subdivisions where the smallest lot being created is larger than two hectares.

Development Cost Charges

Some developments under the Development Cost Charges Bylaw must pay Development Cost Charges (DCCs) to the City. For the subdivisions that are applicable, these are paid at the time of final approval of the subdivision. The Approving Officer will provide the applicant with an estimate of the City's DCCs, which will be required at the time of PLA.

Legal Costs

Restrictive covenants, statutory rights-of-way or other legal agreements and documents may be required as part of the PLA conditions. It is the applicant's responsibility to have these documents prepared for the City's review.

Strata Subdivision Process

Strata subdivisions involve the subdivision of land (bare land strata) or the subdivision of buildings. Within a strata development, some areas are owned collectively (in common) by all owners within the development and remaining areas independently owned.

Bare Land Strata

Bare land strata applications follow the same general subdivision process as outlined above.

Phased Strata Plans

For phased strata plans, complete and submit a subdivision application form and checklist, strata plans and a "Form P Phased Strata Plan Declaration" from the Strata Property Act to the Approving Officer. Form "P" is a legal document that identifies the number of phases and timing of those phases within the

proposed strata. The Subdivision Advisory Committee reviews the application and, if found acceptable, the Approving Officer will sign the Form “P” and the strata plans once all requirements are met.

Strata Title Conversions

For the process for Strata Title Conversions contact the City’s planning department at city hall (250-426-4211).

More Questions?

If you have questions regarding:

- Subdivision applications
- Site servicing, street works or utility construction
- Grading or earth work
- Transportation

Contact Engineering Services at 250-489-0230.

Note: For subdivision applications also requiring a rezoning and/or development permit application, the subdivision application will be processed concurrently. However, subdivision preliminary approval cannot be granted until an accompanying rezoning amendment bylaw has been given three readings and adoption by City Council.

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- Official Community Plan
- The Zoning Bylaw and Zoning Maps
- The Subdivision and Development Servicing Bylaw
- Erosion and Sediment Control Bylaw
- Development Cost Charges Fee Guide
- Fee Schedule, Application Form and Checklist

These can be obtained at the City’s Engineering Department or on the City’s website (www.cranbrook.ca).