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## **SUBDIVISION SUBMISSION PROCEDURES**

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### **GENERAL**

Subdivision in general means the division of land into two or more parcels or the consolidation of parcels.

Only when the titles to new parcels are registered in the Land Title Office in Kamloops, BC, may the new lots be sold and the titles transferred to new owners.

The Land Title Act requires that all subdivision plans be either approved or rejected by the Approving Officer.

### **PROCEDURES**

#### **Preliminary Layout Review - PLR**

Although there is no statutory requirement for Preliminary Layout Review (PLR) by the Approving Officer, in order to expedite public business, a practice has been developed to allow the subdivider to submit a Preliminary Layout Review request.

- Preliminary discussion is recommended with a Subdivision Planner in the Subdivision Approvals Branch of the Development Services Department, prior to submitting a request for PLR. Confirmation can then be given as to the zoning, Agricultural Land Reserve status and general review of the subdivision proposal.
- A Request to Subdivide Land form may then be submitted to the Development Services Department requesting a Preliminary Layout Review. Depending on the complexity of the proposed subdivision, you may wish to retain a British Columbia Land Surveyor or other consultant at this stage since some of the information required may be of a technical nature. Please refer to the [PRELIMINARY LAYOUT REVIEW SUBMISSION REQUIREMENTS CHECKLIST](#) for the details on what is required with this submission.
- The Approving Officer may, upon examination of the Preliminary Layout Review request, require the submission of further information such as:
  - A plan to show how the land may be further conveniently subdivided.
  - More detailed topographic information (e.g. slope analysis) or information regarding any natural features existing on or around the subject property.
  - Geotechnical or hydro-geotechnical reports concerning drainage, ground water, erosion, land slippage or any other pertinent item.
- After a complete review of the PLR request the Approving Officer will provide the applicant with a Preliminary Layout Review Letter advising the applicant of the preliminary determination. This letter will include any items that would be required for a Subdivision Approval Request, including construction requirements (i.e. servicing). The Preliminary Layout Review Letter is valid for 180 days.

- PLR in support of a proposed subdivision does not constitute Subdivision Approval and can be revoked at any time.
- Depending on the workload, complexity of the request and the number of agencies beyond the jurisdiction of the City of Kelowna from whom comments must be obtained (e.g. Provincial Government Departments); approximately 12 weeks should be allowed for processing.
- In accordance with the City of Kelowna Sunset Clause Policy for subdivision requests, up to two PLR extensions will be considered before a subdivision file is closed. Further PLR extensions may be considered in the case of larger scale, phased subdivisions or where the applicant can demonstrate that the proposed subdivision request is being actively pursued.

### **Construction Requirements and Bonding**

- If construction is required, the applicant must retain a Professional Engineer to prepare construction design drawings, in accordance with the City of Kelowna Subdivision, Development & Servicing Bylaw #7900. These drawings are then submitted to the City's Development Engineering Manager for approval.
- After the construction design drawings have been approved, construction may proceed. The construction must be supervised by a Professional Engineer who will be required to provide the Development Engineering Manager with a certificate that the works were constructed in accordance with the construction design drawings. Upon completion of the total work, "as-built" drawings and discs must be provided to the Development Engineering Manager in accordance with the City of Kelowna Subdivision, Development & Servicing Bylaw #7900.
- If the applicant wishes to apply for Subdivision Approval before construction is completed a Performance Bond will be required to cover the value of construction not completed and a Servicing Agreement must be entered into with the City of Kelowna. A Performance Bond means that the applicant deposits with the City of Kelowna a security equal to 140% of the estimated value of the required facilities not installed. The estimate is prepared by a Professional Engineer and approved by the Development Engineering Manager. The security may be in one of the following forms:
  - An Irrevocable Letter of Credit from a City approved financial institution.
  - Term deposits or negotiable bonds acceptable to the City General Accounting Manager made out in the name of the City of Kelowna.
  - Cash or certified cheque made out to the City of Kelowna and dated within the previous three months.
- A Maintenance Bond amounting to 5% of the total value of the work completed must be left with the City of Kelowna for a period of one (1) year from the date of Subdivision Approval or date of completion of construction, whichever comes last. The minimum amount to be retained for a Maintenance Bond is \$1,000.00.
- A standard legal agreement between the applicant and the City of Kelowna must be executed when any Servicing Agreement is involved. Copies of the City's standard form for a letter of credit and Servicing Agreement are available at the Development Services Department.

## **Subdivision Approval**

Subdivision Approval is a request for the Subdivision Approving Officer to sign the legal subdivision plan.

- After all PLR requirements have been attended to and construction is completed, or arrangements made with the Development Engineering Manager for bonding, an application may be made for Subdivision Approval.
- All required survey plans must be prepared by a British Columbia Land Surveyor.
- Please refer to the SUBDIVISION APPROVAL REQUIREMENTS CHECKLIST for the details on what is required with this submission.
- Fees, Charges and Levies
  - Application Fee – refer to current fee schedule available at the front counter of the Development Services Department.
  - Development Cost Charges (DCC's) - A Development Cost Charge Bylaw was approved by City Council on February 2, 2009 and DCC's are payable at the time of application for final approval in accordance with this bylaw. The DCC must be by **CERTIFIED CHEQUE** or bank draft made payable to the City of Kelowna.
  - Survey Monument Fee – is payable to offset the cost of providing geodetic control monuments. The cost is \$50.00 per net lot created.
  - Fire Protection Levy – is payable to offset the additional load on fire protection services created by the subdivision. It is calculated at the rate of \$220.00 for each additional lot created (i.e. – the net number of lots). If hydrant installation is required, the developer arranges for the purchase and installation of hydrants and no Fire Protection Levy is charged.
  - Street Name and Traffic Control Signs – The owner is responsible for the purchase and installation costs of all signs required for their development. The Works and Utilities Department will determine these costs.
  - Administration Fee – The administration fee is calculated based on 3% of the value of construction work as determined by the Development Engineering Manager with a minimum charge of \$300.00 plus applicable taxes.
- An application to deposit a subdivision plan must be tendered for deposit to the Registrar of the Land Title Office in Kamloops, BC, within two (2) months after the Approving Officer has signed it. If the application and the plan are not tendered to the Registrar within the time allowed, the approval of the plan is deemed to have been revoked.

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**NOTE: APPLICATIONS WILL NOT BE ACCEPTED UNLESS CHECKED COMPLETE AS PER THE APPROPRIATE SUBMISSION REQUIREMENTS CHECKLIST**

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