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Subdivision Guide

Background Information

Types of subdivision

Subdivision is the creation of new lots. This can be the division of one property into two or more lots, adjusting the boundary line between properties, or creating a strata development with individual lots.

Lot consolidation (the merging together two or more lots) does not require municipal approval. Lot consolidation is completed by a British Columbia Land Surveyor (BCLS), who registers the consolidation with the provincial Land Title Office.

References

- [Zoning Bylaw](#)
- [Official Community Plan](#)
- [Subdivision and Development Bylaw](#)
- [Development Cost Charges Bylaw](#)

Pre-application meeting

A pre-application meeting is the first step when considering a subdivision. This meeting is an opportunity for applicants and City staff to discuss a subdivision proposal and identify any items that need to be addressed. Contact the Planning Department at 250-490-2501 or planning@penticton.ca to book a pre-application meeting.

Lot features to consider

- [Agricultural Land Reserve](#)
Properties within the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act and Regulations. In order to subdivide a property in the ALR, a subdivision application must first be made to the ALC through their website. The ALC subdivision application is then referred by the ALC to the City for local endorsement. The application is reviewed by staff, as well as the City's Agriculture Advisory Committee before being presented to City Council for consideration. If City Council endorses the application, it gets referred back to the ALC for their final decision. For more information, visit the ALC website at www.alc.gov.bc.ca. Should the ALC approve the subdivision application, a subsequent subdivision application to the City is required. This subsequent application will address the technical requirements of subdivision.
- [Zoning](#)
The Zoning Bylaw contains the use, subdivision, and development regulations for every property in the City. Each zone has different subdivision regulations, such as the minimum lot width and lot area required for new lots. Zoning Bylaw requirements must be considered when subdividing to ensure that each new lot complies with the minimum size requirements. Refer to the City of Penticton's [Public Parcel Viewer](#) to check the zoning on a property, or contact Planning Department staff to confirm.

- Development Permit Areas

The City of Penticton Official Community Plan (OCP) establishes Development Permit Areas to achieve the community's vision for future development and high quality design. The Development Permit Areas are divided into use-specific and area-specific. The area-specific Development Permit Areas are important to note when subdividing. The property may be within the Riparian Development Permit Area (Map 5 of the OCP) or the Environmental Development Permit Area (Map 6 of the OCP). If so, a Development Permit is required to subdivide the property as a condition of Preliminary Layout Approval. The Official Community Plan can be found on the City's website www.penticton.ca.

- Easements and Rights-of-Way

There may be easements or rights-of-way registered on the property's Certificate of Title that should be considered when planning a subdivision. Easements and rights-of-way are generally for the purpose of accessing a property or maintaining infrastructure such as pipes or electrical lines. Easements and rights-of-way are registered on the Title of a property, so if you are subdividing it's important to note any easements or rights-of-way to ensure they can be reflected on the titles of the new lots. If you are unsure if there are any easements or rights-of-way registered on your property, please check the Certificate of Title or confirm with a solicitor.

- Covenants

A covenant is a contractual agreement registered on the Title of a property. A covenant is different from an easement or right-of-way, because a covenant stipulates conditions on how the land can or cannot be developed or used. If you are unsure if a covenant may be registered on your property, please check the Certificate of Title or confirm with a solicitor.

- Access

It is important to consider access to new properties when subdividing. In most cases, each lot will need its own separate frontage and access to a public road. There may be some exceptions to this, for example in a strata development. Access can be limited by various features such as the steepness of the road or the road classification (arterial vs local roads).

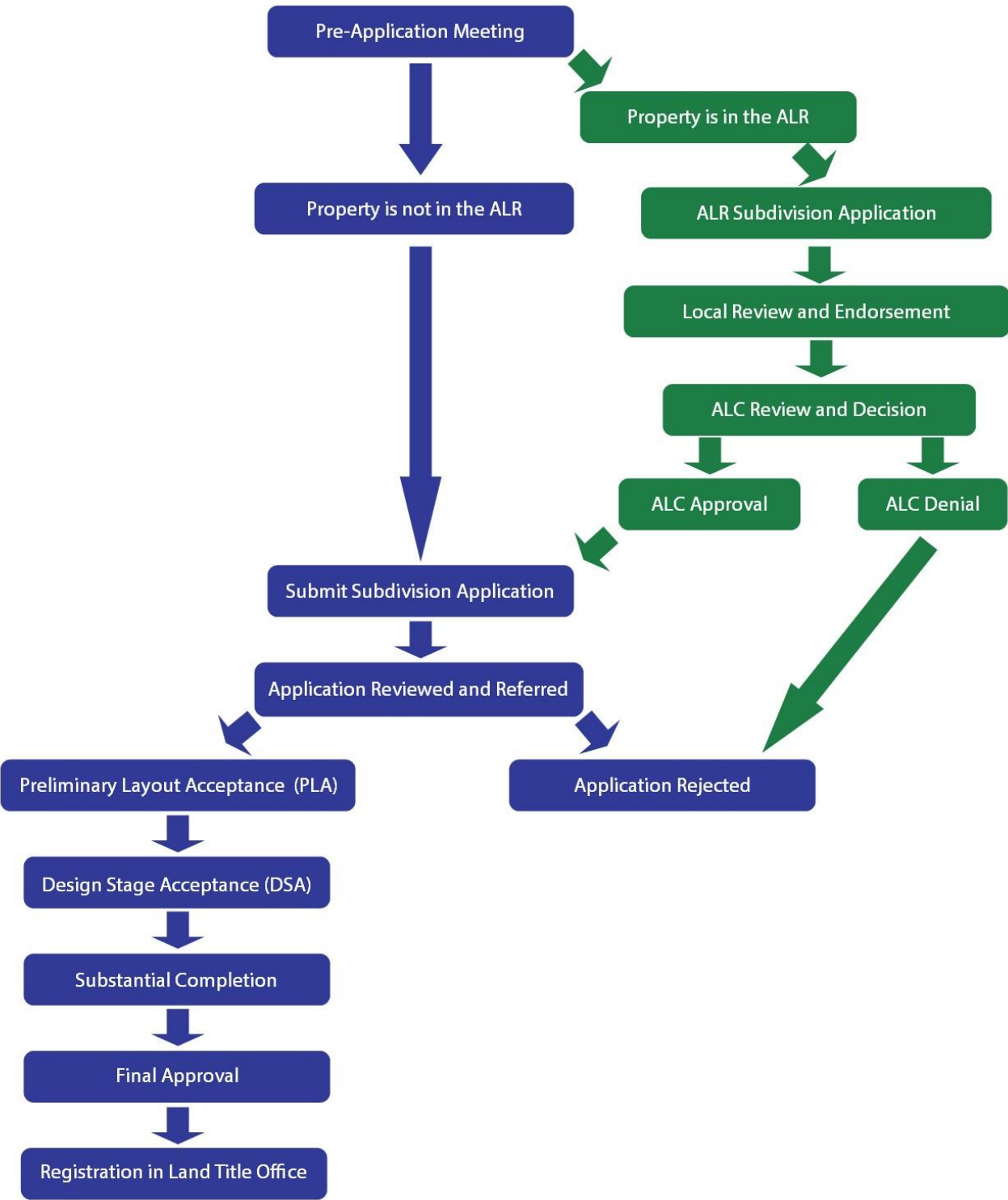
- Municipal services

Where municipal services exist, connections to those services are required. Water, sanitary, and electrical are City-owned utilities. Other services, such as natural gas or telecommunications, are provided through private companies.

- Topography and environmental features

The natural environment may impact the feasibility of future construction on a parcel of land. Certain properties have increased risk of soil instability for wildfire hazard. It's important when considering subdivision to ensure that a sufficient buildable area exists. Professional reports may be required through the subdivision process to assess the hazard and mitigate risk of creating new lots. Examples of these reports include: geotechnical, wildfire, and environmental.

Subdivision Process Flow Chart



Step 1: Pre-Application Meeting

Staff offer pre-application meetings with people interested in development. The purpose of the pre-application meeting is to outline the subdivision process and requirements for a complete application. Staff may provide an early idea whether the proposed subdivision is permitted through the City's policies, consideration of lot features, and an overview of servicing and engineering requirements. Please schedule a pre-application meeting by contacting the Planning Department at 250-490-2501 or planning@penticton.ca.

Step 2: Submit the Subdivision Application

Application packages are available on the City's website. Subdivision applications are made to the Planning Department. Required materials for a complete subdivision are included in a checklist in the application form document.

Step 3: Application Reviewed by City Staff

Once the application and required materials are submitted, staff in various departments review the application. Depending on the location of the property, a referral to the Ministry of Transportation and Infrastructure or the Ministry of Environment may be required. Relevant departments may include Planning, Engineering, Building, Public Works, Fire, Electrical and Parks. Through this review, requirements related to servicing, upgrades, or required works will be outlined for the applicant.

Step 4: Preliminary Layout Acceptance (PLA)

Once any required adjustments to the subdivision plan are made, the City's Approving Officer may grant Preliminary Layout Acceptance (PLA). PLA is conditional approval of the subdivision, subject to a number of conditions that vary with each application. The applicant has 12 months to complete the PLA conditions, which may include:

- Road, sidewalk, curb or gutter construction
- Servicing requirements – on-site or off-site
- Payment for boulevard trees
- Development permits
- Parkland dedication or payment of cash-in-lieu of parkland
- Required reports or studies
- Identification of legal documents
- Requirements of other agencies
- Payment of Development Cost Charges (DCC's)
- Any other approvals required to facilitate subdivision

This is not an exhaustive list of conditions. Conditions and their associated costs are the responsibility of the applicant.

Step 5: Design Approval and Acceptance (DAA)

With the conditions of the PLA clearly outlined, the applicant may be required to retain a professional civil engineer to prepare and submit detailed design drawings for the design of any roads, services and utilities being installed as part of the subdivision. The hired engineer will work with the City's Development Engineering Department. The detailed designs, if required, will indicate the location of all future City owned infrastructure. Once the drawings meet City standards and are accepted, Design Approval and Acceptance (DAA) can be issued.

Step 6: Substantial Completion

With DAA approval, the applicant can hire a contractor to complete the construction of the required works and services in accordance with the DAA drawings. The contractor will provide liability insurance naming the City as an additional insured. Throughout the construction phase the applicant's Engineer will oversee and inspect the works and services under construction and report any issues to the City. The City will perform the installation of City Services at the applicant's expense (i.e. water and sanitary sewer connections).

Step 7: Final Approval

A final inspection is requested after construction of the required works for the subdivision. The purpose of the final inspection is to ensure the construction matches the approved DAA plans. The consulting engineer will provide a Certification of Installed Works that itemizes the quantity and value of the various components so that the City can determine the financial security required for the maintenance period of the new infrastructure. The consulting Engineer is responsible for maintaining or correcting the work if any defects arise from the installation, materials, workmanship or engineering design, which may appear within one year of the Certificate of Installed Works being issued. An Early Registration Agreement is an opportunity in some cases prior to all required works being completed.

When the approving officer has reviewed the plans and supporting documentation, and is satisfied that all PLA conditions are met, the plans and documents will be executed by the Approving Officer and City as necessary. The signed plans and documents will be returned to the applicant's Licensed Depositor (i.e. a surveyor, lawyer, or engineer who is registered with the Land Title and Survey Authority of BC to deposit subdivision plans) with a Letter of Undertaking. The Letter of Undertaking will specify that the plans and supporting documents will be registered at the Land Title Office within 60 days of signature by the Approving Office and that Proof of Registration will be provided to the Approving Officer.

Step 8: Release of Security

After issuance of Final Approval and receipt of Proof of Registration, the Approving Officer's involvement in the subdivision is reduced and the Development Engineering Department coordinates the release of the financial security. The Licensed Depositor (i.e. a surveyor, lawyer, or engineer) takes the plan of subdivision and all other associated legal documents to the Land Title and Survey Authority Officer of BC to be registered. After this stage, each lot has a separate title and the subdivision is complete.

Frequently Asked Questions

What are the costs involved in subdividing?

Costs can vary widely depending on the scale and complexity of the subdivision. Typical costs to consider include:

Payable to the City

- Subdivision application fee
 - see application form for Fee Schedule
- Application fees for other municipal approvals
 - For example: rezoning, development permit, development variance permit
- Service connection fees
 - For example: water, sewer, storm
- Final Approval application fee
- Development Cost Charges
- Parkland dedication or cash-in-lieu of parkland (as per Section 510 of the *Local Government Act*)

Payable to others

- Legal and survey fees
 - For example: covenants, rights-of-way, survey plan, plan registration
- Consultant fees
 - If a professional is leading the application on the property owner's behalf
- Professional studies or reports
 - For example: geotechnical report, environmental assessment, servicing study
- Engineering and professional drawings
- Construction costs for any works required
 - For example: road construction, service extensions, water reservoir
- Costs to other agencies or service providers

How long does the subdivision process take?

Application timelines always vary depending on the scale and complexity of the development. Staff work closely with applicants in order to identify any development constraints at an early stage and bring applications through the approvals process in an efficient manner. Applications that are subject to another level of approvals (i.e. ALC) may have significantly longer timelines, as they require another process prior to application.

What are Development Cost Charges (DCC's)?

Development Cost Charges are fees that are paid to the City to offset the increased demand on City services from new development. DCC's are paid at the subdivision stage when single detached and duplex lots are being created. DCC's are paid at the building permit stage for all other development (multifamily residential, commercial, industrial and institutional).

What is parkland dedication?

Parkland dedication is a tool under the BC *Local Government Act* that allows local governments to secure land for public parks through the subdivision process. This benefits the future residents of the subdivision and the community at large by providing public green space. Cash-in-lieu of parkland is utilized in cases where securing physical land is not desirable or possible, for example in a subdivision creating less than 3 additional lots, subdivision where the smallest lot created is larger than 2 hectares, lot consolidation, or development on an existing lot. In these circumstances, the local government accepts a financial contribution which is put towards existing parks in the City.

For more information on subdivision, please contact the Planning Department

Phone: (250) 490-2501

Email: planning@penticton.ca