

THE CORPORATION OF THE VILLAGE OF CLINTON
Village of Clinton Subdivision Development Procedure Bylaw No. 535, 2016

A Bylaw to establish Procedures for the Development of Subdivisions within the Village of Clinton.

WHEREAS: The Village of Clinton has adopted a Official Community Plan, Zoning Bylaw and a Subdivision Bylaw;

AND WHEREAS: Section 895 of the Local Government Act requires the adoption of a bylaw to establish procedures for establishing a subdivision and Strata Title Conversions and for the issuance or permits related to such plans or Bylaws;

NOW THEREFORE: the Council of the Corporation of the Village of Clinton, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the "Village of Clinton Subdivision Development Procedure Bylaw No.535, 2016

2. REPEAL

All previous Village of Clinton Subdivision Procedures related to this bylaw is hereby repealed.

3. PROCEDURES

Procedures are hereby established for the Village of Clinton Subdivision Bylaw for the issuance of a subdivision application including the requirements for strata title conversion of previously occupied buildings. (See Schedule "A")

4. SEVERABILITY

If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

5. COMMENCEMENT


This Bylaw shall come into force on the date of final adoption.

READ A FIRST TIME this 9th day of March, 2016.

READ A SECOND TIME this 9th day of March, 2016.

READ A THIRD TIME this 9th day of March, 2016.

RECONSIDERED and FINALLY ADOPTED this 23rd day of March, 2016.



MAYOR



CORPORATE OFFICER

CLINTON

Where History



Subdivision Application Guide

Village of Clinton
Bylaw No. 347, 1997

Last updated March 23, 2016

Village of Clinton PO Box 309 1423 Cariboo Highway, Clinton BC V0K 1K0
Phone (250) 459-2261 Fax (250) 459-2227
admin@clinton.bc.ca

Introduction – Subdivision Applications

Subdivision of land is officially defines as “the division of a parcel of land into parts for which a separate title to each is obtained.” In the Village of Clinton, an Approving Officer (CAO) ensures land is subdivided with due regard to the public interest and conforms to the Official Community Plan (OCP). You must receive approval before you subdivide to ensure that all statutory and Village Bylaw requirements are met. These requirements include:

- Appropriate Zoning;
- Does your application require ALC approval?
- Legal/adequate physical access to all lots;
- Minimum lot size and satisfactory building area;
- Adequacy of roads, lanes and emergency vehicle access;
- Adequacy of parks, open spaces and walkways;
- Preservation of natural features including streams, ravines and trees;
- Adequacy of sewer, water, drainage and other services and utilities;
- Compatibility of overall subdivision pattern with the existing neighbourhood and protection of future subdivision;
- Hazard avoidance/mitigation (steep slopes, flood plains, etc.).

The Village of Clinton is building a positive reputation for projects that are affordable, support healthy lifestyle and are sustainable. We are here to work with you to ensure that the subdivision process, whether it be for one lot or multiple lots, is as efficient as possible for everyone involved, while at the same time ensuring community sustainability. This guide provides you with information about the process, the types of information that may be required, and suggestion as to how you can make the process as smooth as possible. Our subdivision approval process consists of a number of steps that must be completed before an Approving Officer signs the survey plan (prepared by a B.C. Land Surveyor).

How long will the application process take?

Every project is unique, so no definite timeline can be provided. Factors that influence the speed of application processing are:

- The type, size and complexity of the project
- The number of other application in the progress
- Your ability to provide complete information and supply financing to guarantee the installation of essential works and utilities

Simple applications may take several weeks, whereas complex application involving Rezoning and a Development Permit may take much longer to finalize. Approvals required from outside agencies such as Ministry of Transportation and Infrastructure, Department of Fisheries and Oceans Canada, Ministry of Environment and Agricultural Land Commission (ALC) may also extend the process.

Generally speaking, you can expedite your proposal by discussing it with staff, by providing information in a timely manner, and by employing consultants such as planner, architects, engineers, landscape

architects or surveyors who are knowledgeable regarding the Village of Clinton's standards and processes.

How much will it cost?

Depending on the project, the costs to subdivide can vary. See the Subdivision Application Fees schedule for the current structure. The fee schedule is posted on the Village website, or a hard copy can be obtained in person at the Village Office.

Other costs may include:

- Works and services for off-site requirements to bring the property into conformance with the zone you are applying for (these are items like waterlines, sewer lines, sidewalks, roads etc.)
- Legal and survey fees
- Consultant fees
- Development cost charges
- Landscaping
- Building Permit application fees
- Development Permit application fees
- Servicing agreement fees

We encourage you to talk to professionals before making any financial or other commitments.

7 Steps to the Subdivision Approval Process

1. Subdivision Inquiry Meeting
2. Submission of completed application form with required documentation and fees
3. Circulation of application (technical review by staff and outside agencies)
4. Preliminary layout approval (PLA)
5. Secure for complete subdivision works and services
6. Final subdivision approval
7. Subdivision plan/legal documents registration at Land Titles Office

Step 1: Schedule a Subdivision Inquiry Meeting

Call 250-459-2261 to schedule your meeting with Village staff.

Meet with Village Staff and determine if the application is consistent with the requirements established by the Village's bylaws and policies. If the application is consistent with those requirements, the applicant may complete the Subdivision Application Form.

After this meeting you will be familiar with the Villages basic zoning, servicing, lot size, frontage, easement and layout requirements. If it impacts your project, you'll also learn about requirements regarding the natural environment.

Please note: information obtained in your meeting should not be used as a basis for making financial or other commitments without first obtaining your own professional legal, planning and engineering advice.

Step 2: Complete and Submit the Application

What you need to submit:

- Completed development application form.
- State of Title Certificate;
- Agent's Authorization Form. If you are applying on behalf of the property owner, an agent's form must be signed by the property owner(s) and submitted with the application. You must also indicate to whom all correspondence shall be sent. Staff will only deal with the applicant.
- A complete Site Profile pertaining to possible soil contamination of the property from types of industrial or commercial purposes or activities.
- Plans of the proposed subdivision indicating all existing and proposed lot boundaries and dimensions.
- A topographic contour survey at maximum 1 metre intervals showing location and accurate depiction of ravines, streams, existing contours, utilities. The Approving Officer may request that the tree survey be supported by a report from a Professional Arborist or Forester. Proposed new lot lines are also to be shown on this plan.
- A completed Archaeological study of proposed subdivision land.
- A survey certificate prepared by a B.C. Land Surveyor where any existing buildings are to be retained.
- Copies of any non-financial charges registered against title.
- Application fee. (as per the Village of Clinton Subdivision and Development Servicing Bylaw No. 347 as amended from time to time.)

Step 3: Circulation of Application:

After submitting your application it will be reviewed by the Approving Officer and external agencies if applicable. Referrals may be made to the following:

- Ministry of Transportation and Infrastructure reviews all subdivision applications where the subject lands abut a Provincial Highway.
- If your subdivision is to be serviced by wells or a septic field, you are required to perform specific testing procedures as required by the Interior Health Authority. Your application cannot proceed if your well or septic field do not meet standards and requirements of the Interior Health Authority.

Other departments and agencies may also be asked to advise the Approving Officer. These include: Fire Department, B.C. Hydro, Fortis, Telus, Ministry of Environment and Department of Fisheries and Oceans and others.

After the review by the Approving Officer you may be required to submit revised plans and documents to address the issues identified by staff and/or external agencies.

Step 4: Preliminary Layout Approval (PLA)

After examination of the application and consideration of comments from the external agencies, the Approving Officer shall either grant or refuse preliminary layout approval. If approval is granted, a letter of Preliminary Layout Approval (PLA) will be issued authorizing you to apply for Final Approval once the requirements outlined in the letter are satisfied.

- Preliminary Layout Approval is valid for one year
- It may be renewed for another six months upon submission of a fee and written request.

If the Approving Officer refuses Preliminary Layout Approval of the subdivision application, reason(s) for refusal will be outlined in a letter of notification.

To satisfy all of the requirements of the PLA, you may have to retain the services of engineering consultants, landscape architect/designers, lawyers, and other professionals. A B.C. Land Surveyor (BCLS) is also retained at this stage to prepare the final legal survey plan.

Please note that PLA shall neither exempt the applicant from obtaining Final Approval prior to deposit of the subdivision plan in the Land Title Office nor shall it bind the Approving Officer to grant Final Approval.

Step 5: Secure for/Complete all Subdivision Works & Services

Upon receipt of PLA and approval of Engineering Works and Services design drawings:

- The applicant may carry out the construction and once proof is provided to the Villages satisfaction the work has been completed according to Village standards, may apply for Final Approval.
- Alternatively, the Approving Officer may sign the subdivision plan, enabling registrations at the Land Title Office, prior to constructions of works and services, if the applicant provides sufficient securities to cover the construction and signs a servicing agreement to this effect.

After all required works and services are satisfactorily completed, the amount of security held by the Village from the developer is reduced and a one year warranty period begins. During this time, the developer is responsible for maintenance and correcting any deficiencies in the installed works and services.

Near the end of the warranty period, a final inspection takes place and if the works and services are found to be acceptable, the remainder of the developer's warranty deposit is returned.

Step 6: Final Subdivision Approval:

Once you have addressed all the conditions outlined in the PLA letter, you may submit an application for Final Approval to the Approving Officer. The forms you will need are available at the Village Office. Include the following items with your application:

1. Final survey plans prepared by a B.C. Land Surveyor including:
 - 1 signed Mylar original
 - 1 Mylar print

- 10 paper prints
- 2. Final examination fee as established by Council Bylaw
- 3. Payment of Development Cost Charges, if applicable
- 4. Securities to bond for any remaining required works, services and landscaping
- 5. Documentation satisfying all requirements of the PLA

Electronic filing of documentation will be considered under certain circumstances. For further information, please discuss with the Approving Officer.

Step 7: Subdivision Plan Registration

When your subdivision plans are signed by the Approving Officer, your solicitor can arrange to have the plans and all other associated legal documentation registered at the Kamloops Land Titles Office in Kamloops, B.C.

To expedite release of the subdivided lots for building permits, your next steps are to:

- Provide us with registration particulars once the plans are accepted by the Land Title Office for registration (this information is also required to finalize addressing of the lots)
- Obtain Certificate of Substantial Completion ensuring that all works and services and outstanding deficiencies have been completed.

Strata Conversion Subdivision Approval Process

Under the *Strata Property Act*, Council is the approving authority for applications to convert previously occupied buildings into strata units. Generally, to be considered for approval, the conversion must be acknowledged and consented to by the tenants and meet all applicable fire, safety and bylaw requirements.

In addition to all applicable subdivision requirements, the following applies to any application for strata subdivision conversion of a previously occupied building as defined under the *Strata Property Act*.

The application must include:

- Proposal for Tenant Relocation. The applicant will submit a written statement of how they intend to comply with the *Residential Tenancy Act*;
- Building Report. The applicant will submit a written report by a Professional Engineer or Architect that provides a *BC Code* review that specifically addresses: fire separation, soundproofing, structural integrity, and mechanical review. The report should also include information on the building's state of repair, general workmanship, life expectancy, projected major increases in maintenance costs due to the condition of the building(s), and assessments of the condition of the roof and exterior surfaces and details of the building. If the building does not comply with the current BC Building Code the professional shall identify the work that is required to bring the structure up to code. This report will be retained as public record.

Additional information may be requested at any time during the process.

Owners applying to strata title plan previously occupied building must submit the proposed strata plan to Council as the approving authority in compliance with the *Land Title Act* and the *Strata Property Act*.

Council must consider the following prior to making its decision:

Village of Clinton PO Box 309 1423 Cariboo Highway, Clinton BC V0K 1K0
 Phone (250) 459-2261 Fax (250) 459-2227
 admin@clinton.bc.ca

- a. The priority of rental accommodation over privately owned housing in the area;
- b. Any proposals for the relocation of persons occupying a residential building proposed for conversion;
- c. The life expectancy of the building;
- d. Projected major increases in maintenance costs due to the condition of the building; and
- e. Any other matters that in the *Council's* opinion is relevant.

Council shall not approve a strata plan unless the building substantially complies with:

- a. All applicable bylaws of the Village; and
- b. The *British Columbia Building Code* referred to in the *Building Regulations of British Columbia*.

Council may approve the strata conversion plan with or without terms and conditions. Where terms and conditions are set, the authorized signatory of Council must not endorse the strata plan until the terms and conditions have been met.

Council delegates the *Approving Officer* to exercise the duties of the approving authority pursuant to the *Strata Property Act* upon *Council* approval of a strata conversion plan.

It is the developer's responsibility to comply with all provincial regulations relative to the conversion of a building into strata units, including but limited to the *Strata Property Act*, the *Residential Tenancy Act*, and the *BC Building Code*.

Questions?

We are here to help make the Subdivision Application process as smooth as possible. If you have any questions, please contact us.

Village of Clinton
 1423 Highway 97
 Clinton, B.C. V0K 1K0
 Telephone: 250-459-2261
 Fax: 250-459-2227
 Email: reception@village.clinton.bc.ca

Disclaimer:

This is a summary of the Subdivision application process and is intended to assist you in the subdividing of land. While every care has been taken in the preparation of this guide, the Village of Clinton assumes no liability for its contents. This guide is intended as a guide only and is not a legal document. You are advised to review the applicable legislation and bylaws and conduct your own inquiries with staff and other agencies.

This brochure is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable Village bylaws, plans, policies and guidelines will be resolved by reference to the bylaws or other official document.