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Denman, Gabriola, Gambier, Hornby,  
Lasqueti, Thetis, Ballenas-  
Winchelsea Islands

## Schedule J: Subdivision

### Information about Subdivision

Subdivision can generally be described as the legal mechanism to create new, titled parcels of land. Subdivisions may occur in various forms such as:

- Adjusting lot boundaries between two or more parcels;
- Creating several new lots from one or more parcels;
- Creating lots in a bare land strata development;
- Creating a phased strata plan development;

The Provincial Approving Officer (PAO), working with the Ministry of Transportation and Infrastructure (MOTI), is the independent authority responsible for subdivision approval within the Islands Trust Area (except Bowen Island Municipality). In considering subdivision applications, the PAO will request that the Islands Trust confirm that the proposal is consistent with Local Trust Committee policies and regulations.

## Application Process

### Pre-Application

- Review the **Official Community Plan (OCP)** and **Land Use Bylaw (LUB)**, Which guide decisions on planning and land use management in the Local Trust Area.
- Review and confirm compliance with the Land Use Bylaw (LUB) and applicable subdivision regulations with the LUB. Subdivision regulations may include minimum or maximum lot area, lot dimensions, and road frontage requirements. There may also be requirements including demonstrating proof of water and sewage disposal capacity. If existing buildings or uses do not comply with the LUB, you may need to request one or more variances or apply for rezoning.
- If your proposed subdivision is located within the Agricultural Land Reserve, the Agricultural Land Commission must first authorize the subdivision to proceed.
- Determine whether or not proposed uses, buildings or structures will be located within a Development Permit Area; if so, an application for a Development Permit may also be required.

**Please note, prior to granting subdivision approval, the PAO will seek to confirm with the Islands Trust that the proposed subdivision complies with all applicable land use regulations, which are typically found in the LUB, in addition to other Provincial legal requirements. If it is not possible to comply with all bylaw requirements, the application will need to be modified, or an application will need to be made for a bylaw amendment or variance to the land use bylaw.**

### Application to MOTI

- Please visit [https://www.th.gov.bc.ca/DA/Subdivision\\_Home.asp](https://www.th.gov.bc.ca/DA/Subdivision_Home.asp) for more information.

### Application Referral to Islands Trust

- MOTI will forward (refer) the subdivision application to other agencies and First Nations for comment.
- Once the Islands Trust has received a referral from MOTI, the applicant is asked to complete and submit a subdivision review application along with required information and fees to the Islands Trust.
- An Islands Trust planner will review the application; additional information may be requested, if needed.
- If the application does not comply with applicable local trust committee bylaws, the planner will request that the application be modified or that an additional application be made for a development permit, or bylaw amendment.

## Application Referral Response to MOTI

- Islands Trust staff will prepare a referral report for the PAO (MOTI), which confirms whether or not the proposed subdivision complies with all applicable land use regulations and whether or not the proposed subdivision is consistent with the Islands Trust Policy Statement and Official Community Plan. The referral report will indicate whether or not approvals from the Local Trust Committee or another agency are needed before the subdivision can proceed.
- A separate application to the Local Trust Committee may be required. The applicant may need to obtain a development permit, approval of a variance to a land use bylaw provision, approval of the relaxation of a minimum frontage requirement or approval of the consideration of park land or cash-in-lieu of park land.
- The applicant will need to obtain prior authorization from the Agricultural Land Commission (ALC) if land to be subdivided is located within the Agricultural Land Reserve (ALR).

## Application Consideration and Decision by MOTI

- The matters to be considered by the PAO when considering subdivision proposals are outlined in Sections 86 and 87 of the *Land Title Act*.
- Upon consideration of agency and First Nations comments and the other matters to be considered under the *Land Title Act*, the PAO may issue a Preliminary Layout Approval of Subdivision letter (PLA) or a Non-Preliminary Layout Approval of Subdivision letter (Non-PLA). This information will provide direction to the applicant as to how to proceed with the subdivision proposal, including any conditions that must be met.
- Conditions of PLA or Non-PLA may include requirements to comply with local trust committee bylaws.
- The PAO may decide to refuse to approve a subdivision plan under the relevant provisions of local trust committee bylaws, Provincial statutes and regulations. If a subdivision plan is rejected, the applicant may only appeal the decision to the BC Supreme Court under s. 89 of the *Land Title Act*.
- If approved by the PAO, the final subdivision plan will be registered at the Land Title Office.

# Application Requirements

Please provide the following information in addition to the completed application form, fee, title search and title charges:

- Copy of ALC Decision (if applicable);
- A written description of the proposed subdivision;
- A Proposed Subdivision Plan, drawn to scale (not larger than 1:500), including the following details:
  - a. The location and dimensions of parent parcel(s) and proposed parcel(s);
  - b. The location of existing and future roads, trails, rights-of-way and easements;
  - c. The location of existing and proposed covenant areas;
- A Site Plan, drawn to scale (not larger than 1:500), including the following details:
  - a. The location of all watercourses and the sea, environmentally sensitive areas, natural hazard areas, steep banks, floodplains, and associated setbacks;
  - b. The location, dimensions and floor area of existing and proposed uses, buildings and structures, including setbacks to lot lines and the natural boundary of any watercourse on or adjacent to the subject parcels;
  - c. The location of existing and proposed water infrastructure (e.g. septic tanks, disposal fields, wells, water lines, cisterns, retention ponds, etc.) on both the subject property and neighbouring properties (if applicable);
  - d. The location of existing and proposed driveways, off-street parking, loading, outdoor storage, stream crossings, pathways, decks and patios;
  - e. The area of the subject property;
  - f. The height of existing and proposed buildings and structures.
- If applicable, please include the following:
  - a. Proposed buildable site areas for each proposed parcel;
  - b. Location of existing and/or proposed park lands to be dedicated;
  - c. Parcel averaging calculations.

## Additional Requirements

Applicants are responsible for meeting all other regulatory requirements applicable to land use and development in BC (e.g. *BC Building Code, Transportation Act, Water Sustainability Act, Environment Act, Public Health Act, Agricultural Land Commission Act*).

For further information, visit the Islands Trust website at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) and applicable bylaws.

**NOTE:** This information is intended to provide guidance only and should not be interpreted as a right to a development approval if the steps indicated are followed. Please consult the Local Government Act and its regulations, as well as the other Islands Trust applicable bylaws for the definitive requirements and procedures. For any further information, please contact the Islands Trust.



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# Land Use Application

**Application Type:** *Check all that apply*

*See Associated Schedules for Information and Application Requirements*

<input type="checkbox"/> Bylaw Amendment	<input type="checkbox"/> OCP <input type="checkbox"/> Land Use / Rezoning <input type="checkbox"/> Land Use Contract	Schedule A
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Renewal or Amendment	Schedule B
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Renewal	Schedule C
<input type="checkbox"/> Heritage Alteration Permit		Schedule D
<input type="checkbox"/> LCRB License	<input type="checkbox"/> Liquor <input type="checkbox"/> Temporary Change <input type="checkbox"/> Cannabis Retail	Schedule E
<input type="checkbox"/> Order - Board of Variance		Schedule F
<input type="checkbox"/> Siting & Use Permit		Schedule G
<input type="checkbox"/> Soil Deposit / Removal	<input type="checkbox"/> Registration <input type="checkbox"/> Permit	Schedule H
<input type="checkbox"/> Strata Conversion		Schedule I
<input type="checkbox"/> Subdivision Review		Schedule J
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Renewal	Schedule K

**Description of Subject Property:**

Civic Address	PID
Legal Description	

**Purpose of Application:** *Provide a brief description (attached additional pages if needed)*

**Applicant:**

<i>Name</i>	<i>Company</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Email</i>

**Declaration:**

*As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.*

Signature

**Office Use Only:**

Date Received	Fees Paid	Receipt No.	TAPIS No.
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## Owner Authorization:

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Print Name (Complete if applicant is not the owner(s))

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

## All registered owners on title must be listed on and sign the application. Corporations must include a list of directors.

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

## Application Checklist The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, QEP Report registered in Province of BC Riparian Areas Regulation (RAR) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws**

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

**NOTE:** Pursuant to section 4(4) of the Contaminated Sites Regulation, BC Reg. 375/96, a site profile is not required and will not be accepted by the Islands Trust.

## Freedom of Information

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.