



**Galiano, Mayne, North Pender,
Saturna, South Pender Islands**

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Ph: (250) 405-5151
southinfo@islandstrust.bc.ca

**Salt Spring Island, Ballenas-
Winchelsea Islands**

Salt Spring Office
4 - 121 McPhillips Avenue
Salt Spring Island, BC V8K 2T6
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca

**Denman, Gabriola, Gambier,
Hornby, Lasqueti, Thetis**

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
Ph: (250) 247-2063
northinfo@islandstrust.bc.ca

Subdivision

Information about Subdivision

Subdivision is the legal process used to create new, titled parcels of land. Subdivision may take several forms, including:

- 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 Transit (MoTT), is the independent authority responsible for subdivision approval within the Islands Trust Area (except Bowen Island Municipality). When 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 planning and land use decisions in the Local Trust Area
- Review and confirm compliance with the Land Use Bylaw (LUB) and applicable subdivision regulations; subdivision regulations may include minimum or maximum lot area, lot dimensions, and road frontage requirements; there may also be requirements to demonstrate proof of water and sewage disposal capacity
- If existing buildings or uses do not comply with the LUB, you may need to apply for one or more variances or 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 any 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 the Ministry of Transportation and Transit (MoTT)

- Please visit the [Province's Subdivision Approval Process](#) webpage to initiate your subdivision application and obtain further information.

Application Referral to Islands Trust

- MoTT will refer the subdivision application to other relevant agencies and First Nations for comment
- Once the Islands Trust receives a referral from MoTT, the applicant will be asked to submit a subdivision review application along with required information and fees to the Islands Trust
- An Islands Trust planner will review the application and may request additional information
- If the proposal 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 Ministry of Transportation and Transit (MoTT)

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

Application Consideration and Decision by Ministry of Transportation and Transit (MoTT)

- The PAO's considerations for subdivision approval are outlined in Sections 86 and 87 of the [Land Title Act](#)
- After reviewing agency and First Nations comments and other required considerations under the [Land Title Act](#), the PAO may issue a Preliminary Layout Review (PLR). The PLR outlines how to proceed with the subdivision and lists any conditions that must be met
- Conditions of the PLR may include requirements to comply with Local Trust Committee bylaws
- The PAO may refuse to approve a subdivision plan under the relevant provisions of Local Trust Committee bylaws or 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

Submit the following materials online via the [Islands Trust Portal](#):

- A completed [Planning Application Authorization Form](#)
- Current title search** (issued within the last 30 days)
- Copies of all relevant **title charges** (restrictive covenants, easements, rights-of-ways, etc.)
- A written description (**Project Narrative**) 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.
 - g. If applicable, please include the following on the site plan:
 - i. Proposed buildable site areas for each proposed parcel
 - ii. Location of existing and/or proposed park lands to be dedicated
 - iii. Parcel averaging calculations
- Copy of **ALC Decision** (if applicable)
- An application fee** (information related to the application fee will be emailed to the applicant after all requirements are submitted to the Islands Trust Portal)

NOTE: This information is intended to provide guidance 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 Islands Trust.

Additional Requirements

- Applicants are also responsible for meeting all other regulatory requirements applicable to land use and development in BC, such as: [BC Building Code](#), [Transportation Act](#), [Water Sustainability Act](#), [Environmental Management Act](#), [Public Health Act](#), and [Agricultural Land Commission Act](#)

For further information and local bylaws, please visit www.islandstrust.bc.ca.