



Subdivision Application Guide

# Subdivisions

This brochure provides an overview of the steps involved in the Development Permit application process. This is a general guide only. It is not meant to replace bylaws or other legal documents. Applicants are advised to meet with the Planning Department to discuss their specific development proposal and to consult the relevant bylaws referenced in this document prior to submitting an application.

## WHAT IS A SUBDIVISION?

Subdivision is the process of altering legal property boundaries. Subdivisions can involve:

- Dividing larger tracts of land or parcels into smaller lots or properties;
- Adjusting or moving a lot line between two properties;
- Consolidating existing lots; and
- Strata plan subdivisions which may involve a strata plan for a specific apartment or town home project, a phasing plan for a phased development or a bare land strata.

## WHY DO I NEED APPROVAL FOR SUBDIVISION?

The Local Government Act, the Land Title Act and the Strata Property Act of British Columbia require that all subdivisions be approved by a legally appointed Approving Officer. This approval is needed to ensure that:

- The size and shape of lots allow adequate building area;
- Open space is adequate;
- Sewer, drainage, water, streetlights and other services are fully provided;
- Adequate road, lane and emergency vehicle access are provided;
- Natural features such as ravines, streams and trees are protected; and
- Subdivision patterns are compatible with surrounding neighbourhoods.

## WHO APPROVES SUBDIVISIONS?

Approval for the following types of subdivision is required through the Approving Officer:

- Adjusting or realigning an existing property line;
- Creating several lots from one or more existing lot(s);
- Creating several strata lots from one or more existing lots (bare land strata);
- Phased strata plans – where either a building strata or a bare land strata is created in phases; and
- Leases of lands for periods of greater than three years.

The following types of subdivision must be processed through the Planning Department and do not require involvement from the Approving Officer:

- Strata title conversion – where a previously occupied building may be converted into strata titled “lots”.

The following types of subdivision do not require involvement from the Town of Gibsons:

- Strata title subdivision of a previously unoccupied building;
- Consolidation of parcels within the same plan number;
- Land leases of less than three years; and
- Leases of all or part of a building.

## APPLICATION FEES

At the time of submitting your application, you are required to pay the applicable fee(s), which are detailed in the Town's Rates, Fees and Charges Bylaw No. 1196, 2014.

## STEPS TO SUBDIVISION APPROVAL

### □ STEP 1 PRE-APPLICATION MEETING

Before submitting an application, you are advised to meet with the Approving Officer and staff from the Planning and Infrastructure Services Departments to review your proposed plans to establish zoning requirements for minimum lot size and dimensions, building location, setbacks, and frontage requirements.

At this meeting it will be determined whether any other development applications need to be completed concurrently or prior to the subdivision. A Rezoning, Official Community Plan (OCP) Amendment, Development Variance Permit, or Development Permit could be required. The OCP will also be reviewed to ensure your proposal meets any Development Permit Area (DPA) criteria. If the property is in a DPA, you must obtain a Development Permit prior to final subdivision approval.

You will also need to:

- Provide all necessary servicing upgrades (eg. roads, water, sewer, drainage, street lighting, curb, gutter and sidewalk) to the current Subdivision & Development Services Bylaw standards;
- Hire an independent civil engineering firm to design the servicing and assist with the application requirements (for certain applications this may not be necessary);
- Pay Development Cost Charges (Bylaw No. 1218, 2016) prior to final approval of the subdivision: it is important to be clear on the calculation of these charges as they can be significant; and,
- If the application creates more than two new lots or if the parent parcel was created by subdivision within the past five years, you are required to dedicate 5% of the gross area of the land as park, or pay for the equivalent of 5% of the market value of all the land proposed for the subdivision (you would be responsible for hiring a land appraiser to determine this amount). The Approving Officer will determine if land or payment is to be provided.
- As of February 1, 2021, the Contaminated Sites Regulation under BC's Environmental Management Act requires that all development applications to the Town include a completed Site Disclosure Statement.
  - A Site Disclosure Statement is a form that requires readily available information about the past and present Schedule 2 uses of a site, as well as basic land descriptions. The site owner, operator or agent can fill out the form, but only the site owner or operator can sign the form.
  - The Town will review the statement prior to proceeding with the application to determine if further review is required by the Province.

## □ **STEP 2 SUBMISSION OF APPLICATION**

Once you have refined your project proposal, submit a completed application form together with all the necessary attachments. (See Subdivision Application Form)

## □ **STEP 3 PRELIMINARY APPLICATION REVIEW AND REFERRAL TO AGENCIES**

Applicants may be requested to post a sign on the property advising of the subdivision application and hold a neighbourhood information meeting to discuss the proposed development.

The preliminary application will be reviewed in detail by the Approving Officer who will refer the application for comment to Planning, Infrastructure Services, and Public Works staff. The application will also be sent to any relevant outside agencies such as the Gibsons and District Volunteer Fire Department, Ministry of Transportation and Infrastructure, and utility agencies such as B.C. Hydro, Telus, and FortisBC. During this step, the majority of the Town's review takes place, and you can expect a period of 4-6 weeks processing time. Major subdivisions can take longer to review and process.

Following this initial review the Approving Officer will contact you to inform you of the status of your application. The Approving Officer may also ask for clarification, further information, or plan revisions if your proposal does not meet required standards.

## □ **STEP 4 PRELIMINARY LAYOUT APPROVAL**

The Preliminary Layout Approval (PLA) is a letter stating that your proposed subdivision layout is acceptable to the Town's Approving Officer and generally meets the Town's bylaw requirements. Requesting a PLA is optional but recommended. The PLA specifies conditions that must be met prior to final approval of the subdivision by the Approving Officer. The term of the PLA will be stated in the document, during which time all requirements and conditions must be completed. Typical requirements of the PLA could include:

- Requirements for any layout changes (lot dimensions, road patterns);
- Dedication of park land, linear open space and walkways;
- Requirements of outside agencies (eg. Ministry of Transportation and Infrastructure or B.C. Hydro);
- Completion of a Development Permit where applicable;
- Submission of detailed geotechnical engineering report where applicable;
- Submission of detailed on & off-site engineering design plans and cost estimate;
- Completion of a Servicing Agreement with the Town (see Step 5);
- Preparation of legal subdivision plan by a B.C. Land Surveyor;
- Preparation by a lawyer and a B.C. Land Surveyor of all legal documents and explanatory plans for rights-of-way, easements and covenants; and,
- A tree cutting and replacement plan drawn to approximate scale identifying:
  - the boundaries of the subject lot;
  - any abutting streets, lanes or public access rights of way;
  - the location of existing buildings and structures;

- the location, species and diameter at breast height (DBH) of those trees proposed to be cut or removed;
- the location, species and DBH of those trees proposed to be retained and protected;
- the location, species and DBH of proposed replacement trees;
- the location of significant topographic and hydrographic features and other pertinent site information; and,
- the location of proposed tree protection barriers.

## □ **STEP 5 SERVICING AGREEMENT**

### A) APPROVED PLANS

Once the PLA is issued to the applicant, applicants are required to prepare detailed servicing plans providing design and location of extensions or connections for sanitary and storm sewers, water service, roads, sidewalks, street lighting, drainage plans, and infrastructure extensions for outside agency utilities such as B.C. Hydro, Telus and FortisBC.

You must hire a Professional Engineer (registered in B.C.) to prepare your servicing plans according to the specifications of the Town's Subdivision and Development Servicing and Stormwater Management Bylaw No. 1175, 2012. Both the plans and cost estimate must be reviewed and approved by the Director of Infrastructure Services before the Servicing Agreement can be prepared.

### B) SERVICING AGREEMENT

Upon approval of servicing plans, you will be required to enter into a Servicing Agreement with the Town. The Servicing Agreement is prepared by Town staff (see Bylaw No. 1175) and specifies:

- The necessary works that the developer will construct for the subdivision;
- The Security Deposit required for these works;
- Any easements, rights-of-ways, or covenants required;
- The Administration Fees to be paid; and
- Conditions of construction or services.

The following items are required prior to executing the Servicing Agreement by the Town:

- Three sets of approved servicing plans. One of these sets will be returned to the applicant as an attachment to a signed copy of the Servicing Agreement;
- A copy of the contractor's liability insurance as specified by the Servicing Agreement;
- A copy of the contractor's Business Licence;
- A clearance letter from WorkSafeBC;
- Payment of the Administration Fee (plus applicable taxes);
- Payment of the Security Deposit; and
- Signature of the Servicing Agreement by the applicant(s) as well as a witness.

## C) INSTALLATION OF WORKS AND SERVICES

Once the Servicing Agreement has been signed, the contractor must arrange a preconstruction meeting with the Director of Infrastructure Services to review the construction requirements.

Prior to commencing any construction of off-site works, in the public right-of-way or road, applicants or their contractors must receive a written permission to construct from the Director of Infrastructure Services.

Applicants are advised that their civil engineer must submit a Letter of Assurance of Professional Design and Commitment for Field Review to the Town confirming that they are responsible throughout the construction period for inspection of all works and ensuring that all works meet required standards.

### **STEP 6 FINAL APPROVAL**

Applicants are to submit plans for Final Approval by the Approving Officer; the following documents will be required:

- The signed Servicing Agreement (with approved plans, Security Deposit payment, & Administration fee) has been submitted to the Infrastructure Services Department;
- Development Cost Charges have been paid;
- Legal survey plans of the subdivision are submitted to the Town;
- All covenants, rights of way and easement documents are submitted; and,
- All other conditions of the PLA are met, and any payments for cash-in-lieu of park land or other specific requirements are completed.

When the subdivision and any right-of-way plans have been signed by the Approving Officer, the applicant is required to register the plans and legal agreements at the Land Title Office, along with other documentation which may have been required for the subdivision plan.

## WHAT'S NEXT?

As you develop your subdivision it will be inspected to ensure compliance with the servicing plan requirements. When works and services are completed to the satisfaction of the Infrastructure Services Department, a Certificate of Substantial Completion will be issued by the Director of Infrastructure Services. The Security Deposit for servicing (submitted as part of your Servicing Agreement) will be released, less the value of any deficiencies plus a "Maintenance Holdback" that is held for a minimum period of 12 months from the date of issuance.

As-built drawings for services installed as part of the subdivision are required in both electronic and paper format.

A Certificate of Substantial Completion must be issued by the Director of Infrastructure Services before Building Permits can be issued.

## CONTACTS

**Town of Gibsons Planning Department:** 604-886-2274

**Town of Gibsons Infrastructure Services Department:** 604-886-2274

**Town of Gibsons Building Department:** 604-886-2274

**Gibsons and District Volunteer Fire Department:** 604-885-6870

**Ministry of Transportation and Infrastructure:** 604-740-8987

This brochure is meant for guidance only and is not intended to replace the requirements of the *Local Government Act* and applicants should obtain copies of the relevant bylaws before proceeding with development applications. For specific information, please contact the staff at:

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