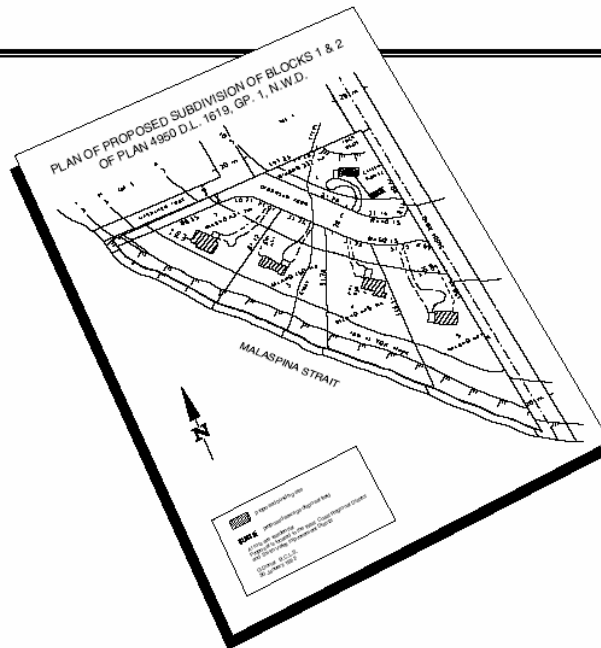


Subdivision Application Guide

Application Process

- ◆ Pre-application Check
- ◆ Application
- ◆ Evaluation Agencies
- ◆ Preliminary Approval
- ◆ Implementation
- ◆ Final Plans
- ◆ Final Approval
- ◆ Registration



March 2005



Ministry of Transportation

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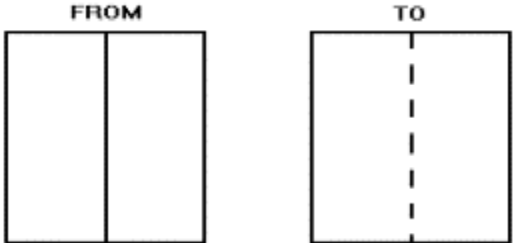
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1. General

What is a Subdivision?

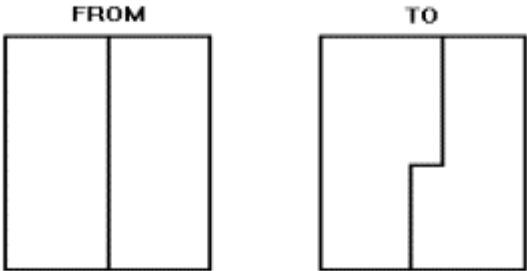
Any of the following constitutes a subdivision and must therefore be approved by the appropriate Approving Officer:

Consolidating two or more properties into one lot

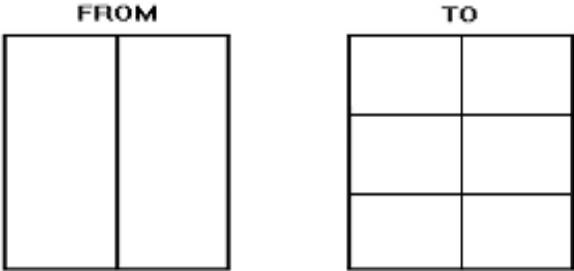


Part 8 of the **Land Title Act** provides for the cancellation of interior lot lines. This does not require the Approving Officer's approval but is approved by the Registrar of the **Land Title & Survey Authority**. The above diagram shows an example of a consolidation that may require review or approval.

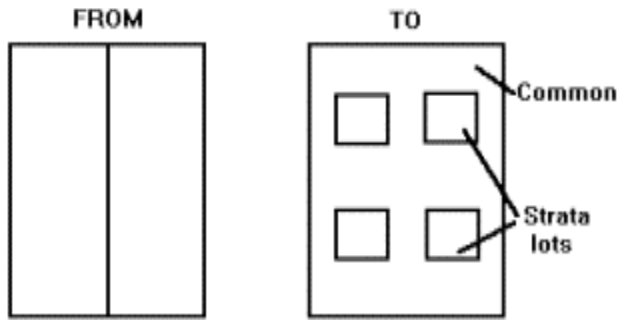
Adjusting or realigning an existing property line



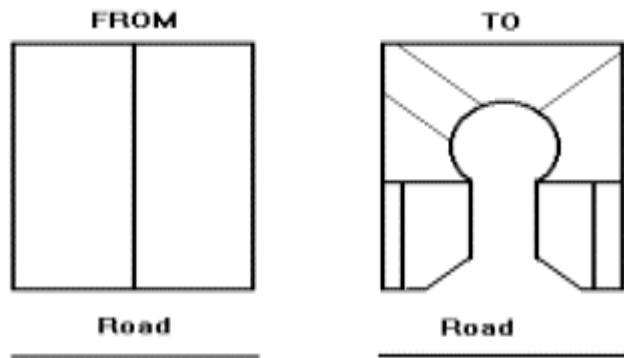
Creating several lots from one or more existing properties



Creating several strata lots from one or more existing properties



Creating several lots from an existing property, with creation of a road



Types of Subdivision

There are five basic types of subdivisions:

- Conventional (Fee Simple) Subdivision

A land estate in which the owner is entitled to the entire property with unconditional power of disposition except as limited by the original grant or contained in any other grant or disposition from the Crown. A fee-simple subdivision results in a separate indefeasible title for each lot created under the **Land Title Act**.

- Strata

A development where fee simple land is divided into multiple units, with all unit owners having a right to use common elements. Under the category of strata properties, there are three subtypes, as follows:

- a. Bare land

This is a strata subdivision where no buildings currently exist. Some parcels of it will be held individually, while others will be considered common area.

b. Building strata

The strata plan for a building not previously occupied does not need the approval of the Approving Officer or other approving authority. See Section 241(1) of the **Strata Property Act**.

The strata plan for a building that has been previously occupied requires the approval of the approving authority (the regional board, for land not located in a municipality).

c. Phased strata

A phased strata plan involves the development of strata lots on one or more separate parcels of land in two or more phases. A strata plan is deposited for each separate phase. Upon deposit in the local Land Title Office, the land in the relevant phase is subdivided from the remainder of the lands yet to be developed. Successively developed phases are automatically consolidated upon deposit of the phase strata plan, and the strata corporation for each new phase is automatically consolidated with the strata corporation governing previous phases.

- Cooperative Association / Shared Interest

Under the **Real Estate Development Marketing Act**, developers can sell shares in a land-owning company. The company share method of land ownership is called a cooperative association.

- Indian Reserves

On Indian Reserves, the subdivision of land lies under federal jurisdiction unless it conforms to Part 24 of the **Land Title Act**.

- Leases

Leases exceeding three years or with an option to extend past three years are considered subdivisions under Section 74 of the **Land Title Act** and must be approved by an Approving Officer.

- Air Space Parcels

An owner of land not only owns the surface but also the space above and below. Although upper and lower limits for a standard parcel of land are not clearly defined or delineated on a plan, the courts have generally accepted that these ownership rights extend above and below the surface as necessary for the ordinary use and enjoyment of the land.

- Accreted Land

Accretion is the growth in size of a land area, usually by the gradual and imperceptible accumulation of land by natural causes, such as out of the sea or a river. Under common law, the property owner owns the accreted land but has to gain title to it.

- Subdivision by Description

Section 99(a) of the **Land Title Act** provides for the Registrar to accept subdivisions by description only. A parcel can be subdivided only once using a description or explanatory plan. Only one new lot and a remainder can be created. There cannot be any road dedication.

- Subdivision of Land for Relatives

Under Section 946 of the **Local Government Act** (O.I.C. 996 B.C. Regulation 189/89), a person may subdivide to produce a lot on which a separate residence will be constructed for a relative.

Roles and Authorities

In British Columbia, a person may divide his or her property into one or more parcels and register them in the **Land Title & Survey Authority**. Before such a subdivision plan can be registered, however, the **Land Title Act, Strata Property Act, Real Estate Development Marketing Act** and **Local Government Act** of British Columbia require an official known as an Approving Officer to approve the plan.

Collection of Information Authority

The **Freedom of Information and Protection of Privacy Act** was proclaimed on October 4, 1993. All personal and business information collected by the Ministry is subject to the provisions of the Act. The personal information on the subdivision application form is collected under the authority of the **Land Title Act**. The information collected will be used to process the preliminary subdivision application, and it may be necessary for the Ministry to provide this information to other agencies. The District Development Technician will answer any questions the applicant may have about the collection, use, and disclosure of this information.

Role of the Approving Officer

Approving Officers are appointed under the Land Title Act. There are four separate jurisdictions:

- Municipal Approving Officers, whom municipal councils appoint to rule on subdivision proposals within municipal boundaries (**Section 77**)
- Regional District and Islands Trust Approving Officers, who are appointed by the Regional District Board or the Islands Trust council to rule on subdivision proposals within the boundaries of those local governments that have assumed the rural subdivision approving authority (**Section 77.1**)
- Ministry of Transportation Provincial Approving Officers, whom Cabinet appoints to rule on subdivision proposals outside municipal boundaries and within those regional districts and the Islands Trust boundaries that have not assumed the rural subdivision approving authority (**Section 77.2**)
- Nisga'a Approving Officers, who are appointed by the Nisga'a Lisims Government to rule on subdivision proposals within Nisga'a Lands, including Nisga'a Village Lands (**Section 77.3**)

Generally, these Approving Officers have separate jurisdictions of authority for approving subdivision plans. Municipal Approving Officers can not approve subdivisions in rural areas, and Ministry of Transportation Provincial Approving Officers do not have the subdivision approval authority within municipalities or in rural areas where a regional district has assumed subdivision authority. Neither the Provincial nor the Regional District Approving Officers have authority within Nisga'a Lands.

Provincial Approving Officers are quasi-judicial officials who act independently to ensure that the subdivision complies with Provincial Acts and Regulations as well as bylaws, and to protect the best interests of the public.

Ministry of Transportation Involvement

In rural areas the Ministry of Transportation is responsible for maintaining and upgrading public highways. This includes highways created by rural subdivisions. Therefore, the Ministry has a regulatory role in determining the highway component for all rural subdivisions.

Authority for Controlled Access Highways

Section 48 of the **Transportation Act** designates some highways as "Controlled Access Highways". These highways may be located anywhere in the Province. The Ministry of Transportation has zoning, access and subdivision regulatory roles over the land adjacent to these highways.

The Minister of Transportation regulates subdivisions adjacent to controlled access highways to minimize the impact of development on safety and traffic flow on these highways. This requirement applies whether the lots proposed abut the controlled access highway or only the remainder is adjacent to the highway. The Ministry of Transportation requires all access to be via a local street or frontage road if at all possible.

Time Required

How much time does this take?

Development Approvals are processed on a first-come, first-served basis, and both the number of applications in the system, and the complexity of each one can affect the timing. A proposal which comes in with a complete application and all the supporting documents takes at least six weeks to reach Preliminary Layout Approval stage, depending on the nature of the proposal. The average time for approval varies around the province due to seasonal conditions and staffing levels within and outside the Ministry of Transportation. Sixteen to 24 weeks is not atypical for processing a preliminary subdivision application. Ministry of Transportation staff can give you a time estimate when you apply.

After you have received Preliminary Layout Approval, you have a year to complete servicing of your development and submit plans for the Final Approval. Final Approval takes up to 60 days maximum.

Expect delays if you hand in incomplete information, if referring agencies delay making recommendations to the Ministry of Transportation, or if your application requires numerous site visits. Plans must be registered at the Land Title Office within 60 days.

What could cause the application to take longer?

One of the main factors that will influence the time it takes to process your application is whether you have provided complete information. Applications are dealt with on a “first come, first served” basis, and your proposal can spend time in the queue, only to be handed back with a request for more information. Please make sure you have included all the information listed on our **checklists** as you prepare your preliminary application.

Another potential bottleneck is when your application is referred to other agencies for their comments and recommendations. While the Ministry makes every effort to expedite the process, you may wish to contact the referral agency directly to try to resolve issues which have reached an impasse or are delayed due to lack of information. For instance the Health Authorities may not understand your intent with respect to drinking water or sewage disposal. These issues can often be resolved by discussion and perhaps modifications to your proposal. A Regional District may have a land use or zoning concern which can often be resolved by direct contact rather than the Ministry acting as an intermediary for you.

Add more time, if applicable, for the Agricultural Land Commission, the Department of Fisheries and Oceans, and the Islands Trust to comment. Any investigation by professionals will also take additional time.

Subdivision Fees and Costs

The Ministry of Transportation charges fees at the initial application stage, and again at the final stage of subdivision approval. Local governments and referral agencies may also charge a fee for examining or processing a development proposal; these include the regional district, the regional Health Authority, and the Agricultural Land Commission, if applicable. As well, you can expect to pay :

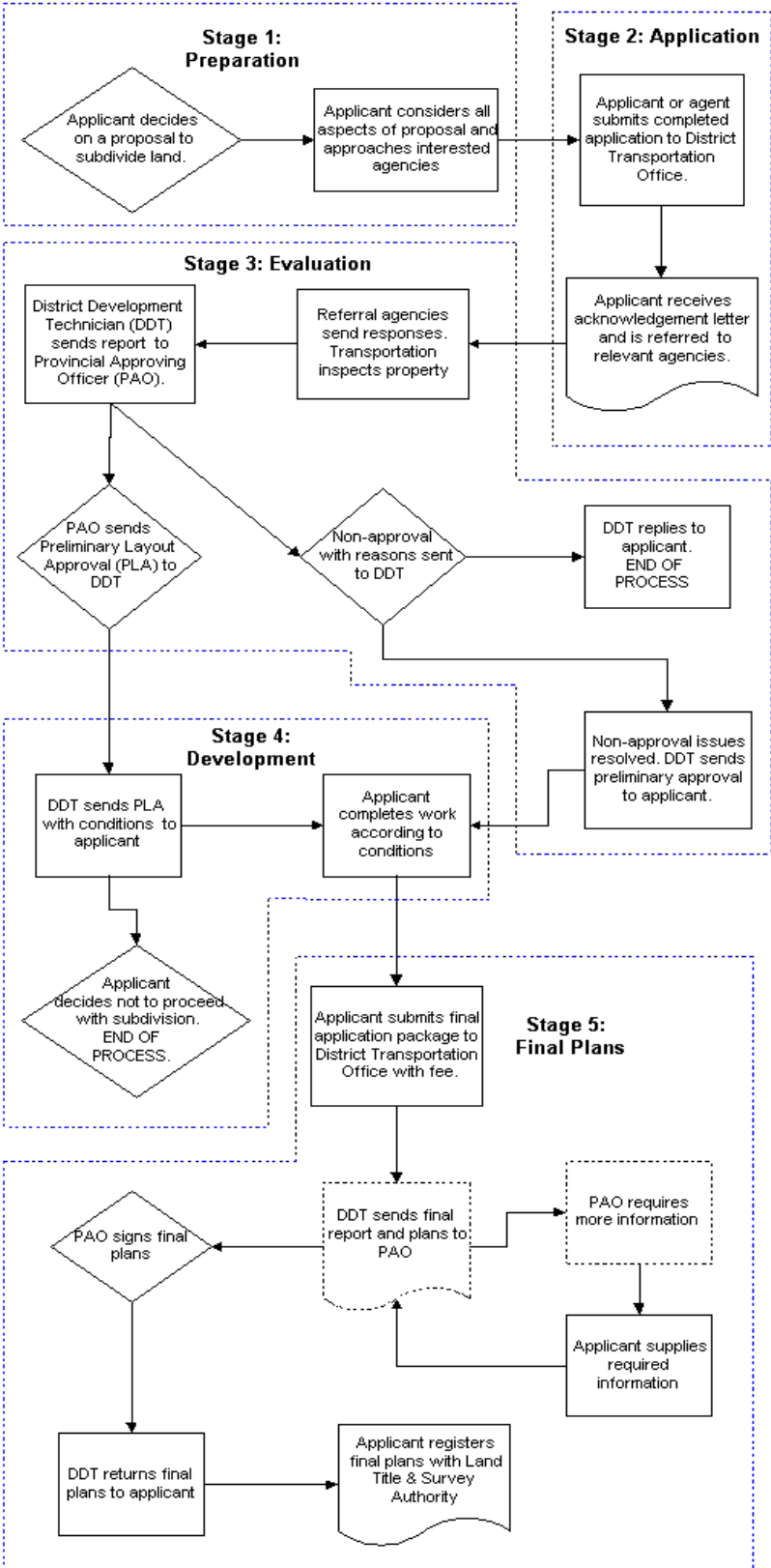
- current taxes and professional fees
- fee for a review of a contaminated site profile
- servicing costs
- development
- costs of engineering reports
- costs of public consultation
- costs of site inspection, if exceptional

The MoT preliminary application fee is ten dollars (\$10.00) per lot. The first preliminary application extension is free, but the fee is charged again for subsequent extensions. Ministry fees are payable by cash or cheque, and made out to the Minister of Finance. Final Fees are spelled out in detail in the Manual for Rural Subdivision Approvals

2.Rural Subdivision Approval Process

The Ministry's application process has five stages, each with a number of separate steps.

**Ministry of Transportation Rural Subdivision
Approval Process**



Stage 1: Preparation

Read this information carefully, and either download a **Preliminary Subdivision Application** or pick one up at your **District Transportation office**. Depending on the nature of the project and your experience with the process, you may need the services of a consultant to prepare the initial proposal.

Consider the following:

- Is your proposal in keeping with the **land use bylaws** of the local government body? If not, ask yourself whether you wish to redesign the proposal or apply to rezone the property before submitting your subdivision application. It is recommended that you discuss your intent with the local government prior to submitting an application.
- Is your proposal affected by the Agricultural Land Reserve? If so, has the **Agricultural Land Commission** or local government, if delegated the authority, agreed to your subdivision?
- Does the local government body have an established policy on the provision of **parkland and open space**?
- Does the local government body have development concept plans to guide the format of subdivisions in your area?
- Is the road serving as access to your property a **public road**? The Transportation office can advise you.
- Is the **road** leading to your property of sufficient standard to support your development ideas? Again your Transportation office can advise you if it is sufficient or if it needs improving before it can support further subdivision activity.
- Is an adequate **supply of potable water** available? Are there water licences attached to the property? If so, you will need to amend the licenses before you subdivide. Please contact your regional **Land and Water British Columbia Office** for further information on amending water licences.
- Is your land subject to **natural hazards** such as flooding, snow avalanche, rock fall, erosion, land slide, tidal action, and so on? You may need to retain professional expertise to investigate.
- Has the land been used for commercial or industrial purposes? If so, the **Contaminated Sites** Regulation may apply.
- How do you plan to dispose of **sewage**? If you plan on-site disposal, is the soil on site suitable to receive waste?
- Will your proposal have a significant **environmental effect**? You should consider minimizing impacts by consulting **Ministry of Water Land and Air Protection guidelines** .
- Are there sensitive or exceptional environmental values, especially **riparian areas** that may be affected? Check the **Water Land and Air Protection Guide**

- Is there potential of **archaeological or other heritage values** on site that may be affected? You may be required to retain professional expertise to investigate.
- Are there utility rights of way or easements on the site? Approvals may be required.
- Does your proposal conform to existing **covenants** on the title?

Stage 2: Application

The applicant submits the following to the District Transportation Office. Be as thorough as possible, since Ministry staff will return applications with required items missing. We strongly suggest that the applicant submit all the other items as well; any missing information delays processing.

Required items include:

- Subdivision application form
- The Preliminary Subdivision Application fee
- An authorization letter from the owner if someone else, such as an agent, is applying on the owner's behalf
- Original plus five copies of a sketch plan to scale of the proposed layout.

Where the applicant plans to build a road, he or she should consider its design when configuring the lots. The sketch must include the approximate grades and widths of roads and a design profile. The design work should include a sample cross-section of the proposed road. The District Development Technician is available to provide advice. Properly engineered drawings will be required for final approval. The sketch should contain:

- The date it was drawn
- The scale
- North arrow
- Legal description of the property being subdivided, and its adjacent properties
- Outline of the subdivision in red or heavy black line
- All proposed lots, remainders, parks, rights of way, easements and roads showing dimensions and areas
- Any existing property lines or roads proposed to be removed, closed or relocated
- All steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area

- Location of existing buildings and structures on the property and adjacent properties within 30m of property boundaries
 - Location of any onsite water sources to be developed
 - Approximate location of all existing and proposed utility services
 - Existing access roads and other roads and trails on the property (state names of roads)
 - Site locations of the soil inspection test holes and the percolation tests on each parcel
 - Approximate extent of area available for sewage disposal surrounding the test holes
 - Location of sewage disposal system and wells on adjacent properties within 30 m of property boundaries
- One copy of the current State of Title Certificate so that property encumbrances can be checked
 - Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the **Land Title & Survey Authority**

Include these items as well, where applicable:

- A copy of the Agricultural Land Commission application or approval (if located within ALR).

While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only grant approval if the proposal has been approved by the ALC

- A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed
- One copy of any the results of any test required by the Regional Health Authority
- A municipal development permit and plan where applicable.
- A copy of BC Assessment Authority Tax Notice showing property tax classification.

Stage 3: Evaluation

The Ministry of Transportation receives the application and evaluates it according to various criteria.

Factors that they consider include, but are not limited to:

- Size and shape of lots
- Adequacy of buildable area
- Adequacy of roads, lanes, and emergency vehicle access
- Legal and reasonable access to all lots being created, lands beyond and access to water, as per requirements of Section 75 of the **Land Title Act**.
- Natural hazards, such as flooding, erosion, landslides, or avalanches.
- Adequacy of open spaces and walkways.
- Preservation of natural features.
- Compatibility of overall subdivision pattern with the neighborhood.
- Adequacy of sewer, water, and other services.
- Opportunity for future subdivisions.
- Adherence to Ministry construction standards.
- Public interest issues, pursuant to Section 85(3) of the **Land Title Act**.

Ministry Reviews Application and Sends to Referral Agencies

The District Development Technician will review your application and refer it to other agencies, such as the Regional Health Authority or the Regional District, for their recommendations or approval. The District Technician will review your application with respect to roads, access, parcel layout, natural hazards and storm drainage.

Other agencies will comment on health and safety, official community plans, and other considerations

You will receive a letter that gives you the following information:

- Acknowledgement that your application has been received.
- A statement about which agencies have been asked to respond to your proposal
- An estimate of the time it will take to get to the notice of preliminary layout approval.

The letter will contain the file number assigned to your proposed development. Keep this number handy for reference whenever you contact the Ministry about the application.

Application Goes to Approving Officer

After receiving all referral agency responses and conducting his or her own internal review, the Development Technician will send your application to the Approving Officer.

Health and Safety

Evaluating for health and safety happens both within the Ministry of Transportation and through referral agencies, particularly the regional Health Authority. Assessing potential risks and obstacles such as water supply, sewage disposal or natural hazards protects the applicant, the public and the regulatory authorities from costly mistakes.

Community Sewer Systems

If a community sewer system operated by an Improvement District or Regional District will serve the proposed subdivision, the referring officer will refer the application to the Improvement or Regional District, stating that suitable arrangements for the installation of the sewer system have been completed.

The applicant must submit a letter to the District Transportation Office before final approval of the subdivision plan.

On-Site Sewage Disposal

The Regional Health Authority must be referred to for recommendations regarding all subdivisions in which the minimum lot size is less than two hectares. When considering subdivision proposals with on-site sewage disposal, such as septic tanks, the Medical Health Officer requires that percolation and ground water table tests be performed. The Medical Health Officer or his/her designate must be invited to these tests.

- A review by the local Environmental Health Officer or Public Health Inspector may still be required for lots exceeding two hectares if the Approving Officer deems it necessary.
- The intended land use is not “domestic.”

Percolation Tests and Ground Water Table Elevation

Sewage Disposal may be served with individual on-site systems, a new sewage system or extension of an existing system. A soil assessment ensures that on-site disposal is feasible. The Environmental Health Officer of the applicable local office of the Regional Health Authority applies the requirements of the **Local Services Act** Sewage Disposal Regulations when determining if a proposed parcel can accommodate on-site sewage disposal. The "ground water table elevation test" is an important part of these Regulations. If the tile field is in water, aerobic bacteria cannot function, and the efficiency of the septic tank system is reduced. If the water is flowing, it may carry the effluent to a highway ditch or to some other property's source of domestic water.

In areas without sewage systems, water should soak into the soil at a certain rate. The "percolation (perc) test" indicates how fast this occurs.

The Regional Health Authority normally supplies a handout to give to subdividers and their agents. It spells out the various test requirements. >more [Section 1 of the Sewage Disposal Regulations Site Investigation Schedule states that subsurface ground conditions in the area of the absorption field should be determined by doing the following:

- Digging or boring a representative number of holes to a minimum depth as required by Environmental Health Officer
- Reporting the conditions found
- Leaving the excavated material for inspection
- Covering the test holes

You may have to delay completion of these tests depending on the season.

Applicants should submit the test results to the District Transportation Office with the subdivision application. The District Development Technician will then forward the test results with a copy of the plan to the local office of the Regional Health Authority for comments and recommendation. If the test results are not submitted with the application, the review will continue but preliminary approval may not be given before the soil tests are complete.

Water Supply

Regardless of parcel size, assurance of an adequate supply of potable water suitable for the proposed land use is required.

Water may be supplied from:

- individual surface sources
- individual wells on site
- new water system
- extension of an existing water system

If there is no subdivision bylaw regulating proof of water supply, the Approving Officer may require proof of 2500 litres per day per dwelling unit, as well as a statement from a laboratory regarding the water's quality.

If there is a subdivision bylaw regulating proof of water supply, the proposed subdivision must comply with it. In general, the local government determines whether the proof of water supply requirements has been met. (See "Water Systems") The local government may also specify that 'fire flows' be provided in water supply systems.

For further information on Water Supply requirements, see the **Drinking Water Protection Act** and Regulation BC Reg, 200/2003 [effective November 1, 2005] and the Guidelines for Canadian Drinking Water Quality. You may also wish to contact local government and the local Health Authority for their guidelines on potable water

Water Systems

The Approving Officer may require the provision of water in proposed subdivisions regardless of parcel sizes.

Water systems serving two or more residences are water supply systems as defined by the Drinking Water Protection Act. They require a Construction Permit issued by a Public Health Engineer of the Regional Health Authority. They also require an Operating Permit issued by the Regional Health Authority's Drinking Water Officer.

Water systems serving five lots or more are water utilities as defined by the Water Utility Act.

Where such systems are involved, the applicant must submit the following to the District Transportation Office before final approval of the subdivision plan:

- A letter from the Water Use Planning and Utilities Branch of Land and Water British Columbia Inc. stating that the water system has been installed to acceptable standards and confirmation that 'as built' drawings have been approved by the Comptroller of Water.
- An amendment to the Certificate of Public Convenience and Necessity (CPCN) is required if an extension to an existing water system is proposed to be constructed. Sometimes the CPCN covers a larger area than is presently served so an amendment is not required. For new community water systems, a new Certificate of Public Convenience and Necessity is required.

Usually proof of an adequate supply of potable water is a requirement in the local government's Subdivision Servicing Bylaw.

Storm Drainage (Runoff)

Drainage is a critical requirement for every subdivision. Inadequate drainage can lead to flooding resulting in erosion, loss of stability or in property damage. In addition, subdivisions that are not properly drained can result in damage to highways both in and downstream from the subdivision, resulting in a public safety hazard.

Storm water must be considered both in the subdivision and downstream from it. The applicant may be required to have a drainage study or design prepared by a Professional Engineer or hydrologist. Drainage should be carried to a natural outfall or approved storm drain capable of carrying the additional flow.

Flooding

Local governments may have flood bylaws. Talk to your District Development Technician if you plan to subdivide near a body of water.

Natural Hazard Identification

It is most important that natural hazards be identified on land that is about to be subdivided. Such hazards include:

- Avalanche
- Flooding
- Erosion
- Landslip
- Wildfire
- Rock fall
- Debris torrent

If these are confirmed by a review, the subdivision must be refused unless the potential hazard can be mitigated.

District Development Technicians may identify natural hazard potential. When a potential risk is identified, you may be required to retain a certified professional to provide a report to the Approving Officer.

You can learn more about natural hazard identification through the Ministry of Transportation publication [Natural Hazards in BC](#)

Contaminated Sites

On April 1, 1997 the [Contaminated Sites Regulation](#) of the [Waste Management Act](#) (B.C. Reg. 375/96) took effect. If the subdivision involves land that has been used or is used for industrial or commercial purposes or activities, you may have to provide a [site profile](#), a form which describes the potential hazards on the land.

Schedule 2 of the regulation sets out some examples of the types of industrial or commercial land uses to which site profile requirements apply. More information is available from Ministry of Water, Land and Air Protection Regional and Victoria offices.

Applications involving contaminated sites may not be issued preliminary approval unless Ministry of Water, Land and Air Protection consents to the proposal.

Land Use

Local Government Bylaws

The [Local Government Act](#) gives Regional Districts the authority to enact subdivision servicing and zoning bylaws. [Section 87](#) of the Land Title Act authorizes the Approving Officer to refuse a subdivision if it does not conform to these bylaws. A local government may regulate the development of subdivisions in subdivisions by bylaw, including the provision of works and services pursuant to [Section 938](#) of the Local Government Act.

Improvement District Bylaws

You must comply with Improvement District bylaws. If the land in question is within an improvement district it should be reflected on the Certificate of Title or on the tax assessment form. Contact the improvement district to discuss your proposal and see what roles or bylaws they have.

Not all Improvement Districts have subdivision servicing bylaws; ask your District Development Technician if an Improvement District has any jurisdiction in your area.

Suitability for Intended Use

Section 86(1)(c)(ix) of the **Land Title Act** allows the Approving Officer to refuse to approve a subdivision plan if the subdivision is unsuited to the configuration of the land or for the use intended.

Parcels without any of the following are may not be suitable for residential land use:

- Building site
- Available source of potable water
- Sewage disposal capability
- Vehicular Accessibility

If the intended land use is not stated, the requirements should be based on single-family residential land use.

Parcel Size

Parcel size in subdivisions is tied to health concerns such as water supply and sewage disposal capability, and to local government zoning bylaws. In areas that are not governed by any subdivision or zoning bylaws Section 6 of the Subdivision Regulations (B.C. Regulation 262/70) of the **Local Services Act** governs parcel size.

Subdivision plans that do not meet parcel size or zoning requirements may not be approved, except in the following cases:

- One new lot is being created for a separate residence for a relative, pursuant to Section 946 of the **Local Government Act**. (See “Subdivision of Land for Relatives”)
- A proposal met parcel size requirements when Preliminary Layout Approval was issued, and then rezoning rendered the proposal non-conforming under Section 943 of the **Local Government Act**. In such a case, the proposal can be given final approval within one year of the adoption of the bylaw.

Frontage of Lots

If a parcel being created by a subdivision fronts on a highway, Section 944 of the Local Government Act requires that the minimum frontage on the highway be the greater of the following:

- 10% of the perimeter of the lot, or
- The minimum frontage required by a bylaw

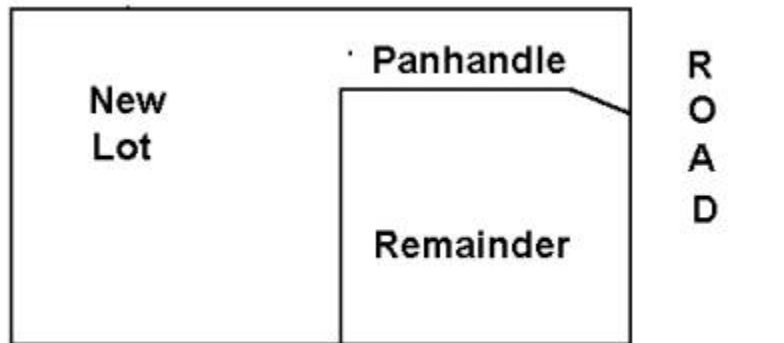
In general, the 10% rule is a good rule of thumb for avoiding parcel shapes that would be too small for a building envelope (building site, access, and so on) and for any further development of the parcel.

Panhandles

A panhandle is a long, narrow portion of a lot whose principal function is to provide access to the lot. It generally touches a road. Panhandles should be of sufficient width to serve the intended use. If the lot can be further subdivided, the panhandle should be wide enough to contain a public road. Local bylaws may apply.

Panhandle lots must also meet the following requirements:

- There must be a waiver from the frontage requirements
- Panhandles for lots that can be further subdivided must be suitable for construction of a future road. They must meet intersection and grade requirements. If it is anticipated that a 20-metre panhandle will become a future road, provision should be made to allow for future corner cut-offs.



- The area of the panhandle cannot be included in the area of the lot for the purpose of meeting minimum parcel size.

Remainders

Remainders are always considered as another lot in the subdivision. Even though they are outside the bold outline, they are required to conform to all subdivision requirements. They must be considered for road requirements, including but not limited to access to lands beyond and access to a body of water.

Environmental Considerations

Approving officers, pursuant to Section 86 of the Land Title Act, have the authority to consider the public interest in subdivision proposals. The subdivision should be designed so that it protects the natural environment as much as reasonably possible. This would include issues such as buffer zones, creekside protection, groundwater contamination, noxious weeds, wildlife, fisheries and wildfire concerns. Developers should prepare a plan that minimizes changes to the existing terrain. In general, the Ministry of Water, Land and Air Protection and the Ministry of Forests are considered to be the Provincial experts on environmental issues.

Esthetics

As this is a land use question, it is usually left up to the local government. Local bylaws may speak to this and can be considered (eg: Development Permit Area).

Access and Roads

Highway access through the rural subdivision is an essential component to the development. If you are subdividing, you will need to service your subdivision with roads.

The **Land Title Act** indicates that the authority to ensure suitable highway access is the jurisdiction of the Approving Officer. Where the Ministry of Transportation is the subdivision approving authority, the Provincial Approving Officer will approve the plan and ensure suitable highway access is acquired.

Except in special circumstances, access to a subdivision should be via at least a two-lane, minimum-standard, all-weather road. *In all cases, however, the road must be sufficient to serve the intended land use.* For subdivision road standards, see the Subdivision Road Construction Specifications of the current British Columbia Supplement to the Transportation Association of Canada Geometric Design Guide for Canadian Roads (**TAC Guide**)

- **All-weather** means that the road is passable all year except for short stretches of a few days each because of flooding, spring break-up, and so on.
- **Minimum-standard** – Refer to the **TAC Guide**

Access requirements must conform to **Section 75** of the Land Title Act. These requirements include:

- necessary and reasonable access to all new parcels and lands beyond the subdivision
- no unnecessary jogs in the alignment
- clearing, drainage, construction and surfacing to the Approving Officer's satisfaction
- access to water

In addition, the Minister of Transportation must approve subdivisions adjacent to a controlled access highway before it is approved by a local government approving officer pursuant to **Section 80 (b)** of the Land Title Act. This is to ensure the lots in the subdivision plan have alternate highway access from the Controlled Access Highway.

Access to Lands Beyond

Subdivisions should provide highway access to land lying beyond or around the subdivided land where it does not already exist. This secures access to other properties, which otherwise would not have access. It provides for expansion of the highway network, especially in rural areas, and for access to Crown land. The requirement is only for the legal dedication of the right-of-way. This highway access would be constructed at the discretion of the Provincial Approving Officer

Access to a Body of Water

When a property that is proposed for subdivision is contiguous with a body of water, highway access to the water is required under **Section 75(1)(c) and (d)** of the Land Title Act. This is to allow upland property owners and/or the general public access to bodies of water at regular intervals.

If the bed is owned by a person other than the Crown, access is *not* required in the following cases:

- *Lakes or ponds* where the surface area at mean annual high water is less than 1.5 hectares and the mean depth at mean annual high water is less than 0.6 metres.
- *Rivers, creeks, or watercourses* where the average width at mean annual high water is less than 6 metres and the average depth at mean annual high water is less than 0.6 metres.
- *Reservoirs or ponds* where the bed is owned by a public body other than the Crown and used to supply water for domestic or industrial purposes.

Historically these accesses were used to provide livestock access to water and to transport logs from the water to the mill. Their main use today is for recreational access. Other uses for these accesses may include:

- Access to coastline oil spills
- Access for public inspectors to test for water quality, red tides, and pollution
- Facilitation of search-and-rescue operations on bodies of water
- Water access for firefighting, irrigation from lakes and to install utilities such as telecommunication cables, sewer lines, storm drains, and domestic water pipes

The Approving Officer must ensure that subdivisions comply with Section 75 of the Land Title Act. **Section 75(1)(c)** applies where the bed of the body of water belongs to the

Crown. **Section 75(1)(d)** applies where the bed is owned by a person other than the Crown.

The Ministry of Transportation has two additional regulatory roles regarding accesses to water. The first role is in granting relief from providing highway access to water bodies pursuant to **Section 76(3)** of the Land Title Act. The second role is granting relief from providing these water accesses for shore land subdivisions where a municipality is the subdivision approving authority. The Minister of Transportation or the Provincial Approving Officer may grant relief from providing access to these water bodies pursuant to **Section 76(4)** of the Land Title Act. However, in these local government areas, the request for granting relief from access to water requirement must be supported by the local government Approving Officer.

Public Roads and Highways

The *Highway Functional Classification Study* adopted in June 1992 provides a system for categorizing the provincial roadways according to the function that the road provides. Different types of roads and highways provide for access to subdivisions. Others may be affected by traffic from subdivisions nearby.

Local roads provide access to properties fronting directly on the road as well as to lands beyond, in accordance with **Section 75(1)(a)(ii)** of the Land Title Act. Roads located within the common property of a strata development are not public roads and service only lots in the development.

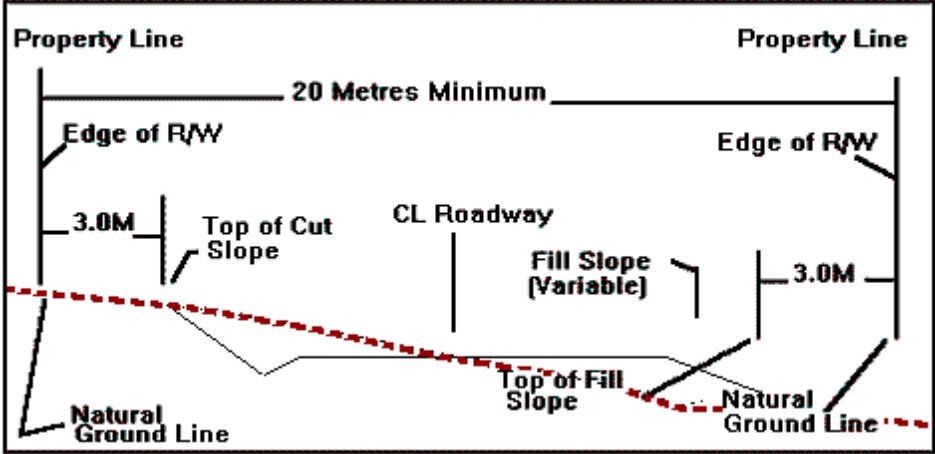
Major and minor roads carry vehicles between major traffic-generating areas or between such areas and the primary and secondary highways. They are defined in the Ministry's Major Road or Street Network Plan. Local access to individual properties from major and minor roads should be minimized.

Primary and secondary highways allow high-speed movement of inter-and intra-provincial traffic. These are often designated Controlled Access highways. They are expected to provide high overall travel speeds with minimum interference to through movements. Access to individual properties is minimized.

Right-of-Way Widths

In general, the minimum right-of-way width required for a public road is 20 metres or cross section plus 3 metres on each side, whichever is greater. Cross-section is defined as road prism (travelled road surface, shoulders, containment slopes) plus any slope areas necessary to contain the road prism.

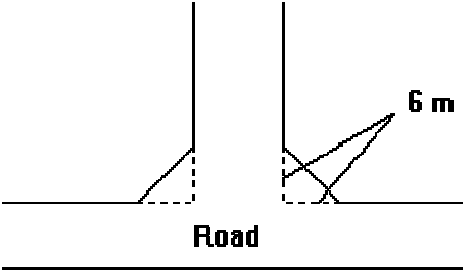
The following diagram shows a typical roadway cross section (not to scale). It shows how the right of way should be established relative to the cross section of the road. Cut and fill slopes will vary depending on specific soil conditions and standards. Applicants should contact the District Development Technician for details.



The minimum right-of-way width for roads accessing lands beyond should be 20 metres unless adjacent to an existing 10-metre dedication. There should be no subdividing off of a right of way less than 20 metres across.

Intersections

Corner cut-offs (truncations) of six metres along each boundary are required at all road intersections. This is to maintain safe sight distance. The authority for corner cut-offs is found in Section 11 of the Provincial Public Undertakings Regulation BC Reg. 513/2004.



Turnarounds

In progressive subdivisions, it may be preferable to establish the additional right-of-way necessary for the creation of a cul-de-sac turnaround by means of a Statutory Right-of-Way in favour of the Province, pursuant to **Section 218** of the Land Title Act. This would allow those portions of the cul-de-sac rendered surplus by the further extension of the public road to be quit-claimed, avoiding a lengthy road closure process. The turnaround would still have to be constructed for maintenance purposes.

Cul-de-sac turnarounds should be at least 15 metres in radius plus required right-of-way to include ditches. In areas where snowfall is heavy, increase right-of-way accordingly.

Lanes

Very few subdivision applications contain lanes nowadays, although they are allowed and may even be beneficial in some cases. Lanes can provide secondary access to parcels. They are useful if direct access is not desirable, such as in business districts or major streets where entrance conflicts would reduce the level of service to through traffic or pedestrians. In narrower lots, they can be used to access carports or garages.

The minimum width for a lane is six metres. When the lane provides alternative access to lots on a controlled access highway, the lane should have a minimum width of 8 metres.

It must be made clear that lanes do not receive the same level of maintenance as roads.

Drainage Easements

Easements for road drainage are required if the District Development Technician determines that there may be a drainage concern. They are necessary to ensure that runoff of groundwater does not collect in the development but is carried to an approved natural outfall.

Drainage easements should be located where they have a minimal effect on property values, such as along a property line rather than through the middle of the property. They should be a minimum of six metres wide, so that equipment can be brought in to maintain the drainage channel.

Note: Diversions of, or alterations to, watercourses require a permit from the Operations Division Manager of the appropriate regional office of **Land and Water British Columbia Inc.**

The subdivider should do the following:

- Arrange for the preparation of any necessary legal survey plans
- Prepare the easement documents in a form acceptable to the Registrar of the **Land Title & Survey Authority**
- Submit the documents to the District Transportation Office with the final subdivision plan
- Submit a current State of Title Certificate to the District Transportation Office. The District Development Technician checks this against the easement document to ensure that all persons with a financial interest in the land have signed the easement document.
- Deposit the easement documents in the **Land Title & Survey Authority** together with any necessary plans.

If charges of a financial nature are registered against the title of the parent property, the chargeholders must submit *postponement* or *priority agreements*. These allow the easement to be registered with priority over the financial charge.

Traffic

By their existence, nature, layout, or design, subdivisions should not contribute to undue traffic congestion, which would jeopardize the integrity of the highway and street system and reduce the level of service to the public. Evaluating a subdivision's impact on traffic involves three things:

- Estimating projected traffic volumes
- Relating projected traffic volumes to the characteristics and features of the street system
- Ensuring that the characteristics of the subdivision layout do not promote congestion but promote safe operation and the accommodation of bicycles, pedestrians, and transit or commercial vehicle needs as required

The District Development Technician can advise if a traffic impact study may be required. For more information on traffic impact studies, consult the **Site Impact Analysis Manual**, or the **Parking and Trip Generation Manual**, both provided in .PDF form on this website.

Stage 4: Preliminary Layout Approval (PLA) and Development

Once all the information (zoning, health requirements, access, layout and other) on your application has been received and reviewed you will be notified of the decision on your preliminary subdivision application. If the Approving Officer finds that your application conforms to all the legislation, regulations, bylaws and policies concerning subdivision, and does not otherwise unreasonably affect the public interest, you will be issued a Preliminary Layout Approval (PLA). If not, Transportation staff will contact you with the reasons why your subdivision proposal was not approved.

Some examples of the PLA conditions are:

- Layout changes
- Road or park dedication
- Servicing requirements such as access, water, sewer, drainage, etc.
- Referral agency comments such as local government, health authorities, Agricultural Land Commission, etc.
- Obtaining specialists' reports on traffic impacts, geophysical hazards, environmental assessments, etc.
- Local government bylaw requirements

The PLA is valid for one year. Applicants who cannot meet the conditions within one year may apply to the District Transportation Office for an extension to the PLA.

Although Preliminary Layout Approval gives you a measure of assurance that the subdivision will be approved, it is not a guarantee of final approval.

If any law, regulation, or bylaw changes, the Approving Officer must follow the new law, regulation, or bylaw and consider new information that may affect the subdivision proposal.

Getting preliminary approval is not a statutory requirement, but it is strongly recommended. The process is designed to minimize your risk of proceeding with construction only to find that it is not acceptable.

Implementation of Preliminary Layout Approval

The applicant completes any work required by the Preliminary Layout Approval.

This is the stage where you:

- Obtain approval for design of water and sewer systems from the responsible authorities.
- Construct roads and services according to inspection requirements contained in the current edition of the “**TAC Guide**”.
- Have your BC Land Surveyor prepare the final survey plans for the subdivision.
- Arrange for other documentation as required in the PLA, such as restrictive covenants, easements, and statutory rights of way.
- Obtain a tax certificate confirming that current taxes are paid. Tax certificates are available from Provincial Collectors located in the Provincial Government Agent’s Office.
- Complete other requirements in the PLA

As you develop your subdivision, make sure that the responsible agency inspects your work. For example, roads must be inspected at several steps along the way. The local District office will advise you of the standards and the inspection schedule.

Similarly, other authorities will inspect the construction of other services, such as water and electricity. In some instances, it may be necessary for a Professional Engineer or Geoscientist to certify that the work has been constructed in accordance with established standards.

As a general rule, it is good practice to maintain contact with the agency who will take over the utility or facility after the subdivision is approved. Representatives from those agencies can supply you with information on inspections.

Stage 5: Final Plan Submission

After completing the requirements of the PLA, submit your final package to the District Transportation Office:

- Original tracing of the survey plan, plus two paper prints

The survey plan is the final subdivision plan prepared by a registered BC Land Surveyor. It must contain the signatures of all parties with a registered interest in the land before being deposited in the **Land Title & Survey Authority**. You should submit the survey plan within three months from the date the survey was completed. If the survey plan is older than three months, the Approving Officer may require the BC Land Surveyor to reinspect the plan.

- Current Tax Clearance Certificate
- Originals of all legal documents requiring approval, such as covenants and statutory rights of way
- Copies of permits, certificates, licenses, approvals, and orders
- Plan examination fee
The plan examination fee is paid to the Provincial Government to recover a portion of the costs of the final checking, approval, and signing of the subdivision plans.

Report on Final Subdivision

The District Development Technician checks that all conditions are satisfactory, and forwards the application to the Approving Officer.

Final Approval or Rejection

The Approving Officer checks the plans and documentation. Having considered all aspects of the proposal, the Approving Officer makes the approval decision and either signs the plans and returns them to the applicant, or returns the rejected plans with reasons for the rejection.

Final Approval

The Provincial Approving Officer makes a final approval decision. If the plans are approved, the applicant/agent registers them with the **Land Title & Survey Authority**.

Registration

Register the plans and other required documents in the **Land Title & Survey Authority**. You must do this within two months after final approval is granted.

Subdivision plans that are not deposited in the **Land Title & Survey Authority** within two months of approval must be approved again, or the **Land Title & Survey Authority** may reject them. If there has been no change in legislation, regulation, or bylaw, it is not

necessary to go through the full application process again. However, you must produce another Tax Clearance Certificate (Form FIN 55) and pay another plan examination fee.

Appeals

Reconsideration of Application

If you are not satisfied with a condition or decision laid out in the PLA, you may contact the District Development Technician to request reconsideration. The request must be in writing and must describe the basis for the appeal. If the condition or decision results from the requirements of another agency, you may be directed to contact that agency.

If you are not satisfied with the District Development Technician's response, you may then appeal to the Provincial Approving Officer for reconsideration of the decision. Your request should include new or previously unreported information. The Approving Officer will either grant your appeal or uphold the condition or decision.

Legal Appeal

If the Approving Officer rejects or does not approve the final submission within 2 months, you may appeal to the Supreme Court of British Columbia pursuant to Section 89 of the Land Title Act, provided you are appealing a rejection of a conventional subdivision. **Section 89** of the Land Title Act does not apply to strata title applications. Legal challenges to decisions on preliminary applications or strata title subdivisions can only proceed under the Judicial Review Procedure Act.

You must make this appeal within one month of the date you receive the letter of rejection, or within one month of the expiration of the time limited by **Section 89** of the Land Title Act.

3.For More Information...

For more information concerning individual applications, contact the appropriate District Transportation Office. Lists of the addresses and telephone numbers of the District offices and a District map are found on the following pages.

Hours of operation are from 8:30 to 12:00 and 1:00 to 4:30 weekdays, except statutory holidays.

Although you may drop into the office anytime during business hours to meet with our staff, it is recommended that you phone ahead and arrange an appointment.

This booklet is meant for guidance only. It does not give anyone a right to development approval if the outlined steps are followed.

Transportation Offices	Address	Telephone
District Offices		
1. Lower Mainland	200 - 1065 Columbia St., New Westminster, V3M 6H7	604-660-8300
Area office	45890 Victoria Avenue, Chilliwack, V2P 2T1	604-795-8211
2. Vancouver Island	3rd Floor - 2100 Labieux Road, Nanaimo, V9T 6E9	250-751-3246
Area office	550 Comox Road, Courtenay, V9N 3P6	250-334-6951
Area office	240 - 4460 Chatterton Way, Victoria, V8X 5J2	250-952-4515
3. Rocky Mountain	129 - 10th Avenue South, Cranbrook, V1C 2N1	250-426-1500
Area office	555 Victoria Road, Revelstoke, V0E 2S0	250-837-8400
4. West Kootenay	310 Ward Street, Nelson, V1L 5S4	250-354-6521
Area office	7290 - 2nd Street, Grand Forks, V0H 1H0	250-442-4384
5. Okanagan-Shuswap	#300 - 1358 St. Paul Street Kelowna BC V1Y 2E1	250-712-3660
Area office	4791 23rd Street Vernon, BC V1T 4K9	250-503-3664
Area office	102 Industrial Place, Penticton, V2A 7C6	250-490-8200
Area office	850 - 16th Street N. E., Salmon Arm, V1E 4S4	250-260-4649
6. Thompson-Nicola	441 Columbia St., Kamloops, V2C 2T3	250-314-6125
Area office	2196 Quilchena Ave., Merritt, V1K 1M5	250-378-1413
7. Cariboo	301 - 640 Borland St., Williams Lake, V2G 4T1	250-398-4345
Area office	322 Johnston Ave., Quesnel, V2J 3M5	250-992-4412
Area office	300 South Cariboo Highway, Box 1600, 100 Mile House, V0K 2E0	250-395-8948
8. Peace	300 - 10003 110th Ave., Fort St. John V1J 6M7	250-787-3237
Area office	1201 - 103rd Ave., Dawson Creek V1G 4J2	250-784-2363
Area office	5016 - 50th Ave., Chetwynd V0C 1J0	250-788-9365
9. Fort George	214, 1011 - 4th Ave., Prince George V2L 3H9	250-565-4410
10. Bulkley - Stikine	3793 Alfred Ave. Smithers V0J 2N0	250-847-7403
11. Skeena	4825 Keith Ave., Terrace V8G 1K7	250-638-6440