

# City of Port Alberni Subdivision Process

## 1. Pre-Application Meeting

Applicants are encouraged to contact the Subdivision Approving Officer at: 250-720-2808 or [Scott\\_Smith@portalberni.ca](mailto:Scott_Smith@portalberni.ca) to schedule a meeting to discuss their proposal. Staff will identify



known site specific issues with respect to zoning, planning policy, development permit areas, existing services, development constraints, and assist with the application process. A preliminary meeting is helpful to establish whether a subdivision is possible without an applicant having to pay in advance for a subdivision plan prepared by a BC Land Surveyor.

It is important to note that subdivision application fees are non-refundable. Staff can assist with application procedures, but can not plan the development for the applicant. Applicants who are not experienced developers, are encouraged to seek the advice of qualified professionals prior to making any financial commitments or submitting a formal application.

## 2. Submission of the Subdivision Application Form

The subdivision application form outlines all of the required documents and plan criteria that must accompany a submission. All registered owners must sign the owners' authorization. It is important to note that incomplete applications cannot be accepted.



## 3. Application Circulation and Review

Applications will be circulated for review and comment to internal departments and external agencies where appropriate. Depending on the complexity of a proposal, applicants may be asked to provide additional information if required by the Approving Officer.



The Approving Officer has a statutory responsibility to determine if the deposit of a proposed subdivision plan is against the public interest and, in this regard, may hear from all persons who may be affected by the subdivision.

## 4. Preliminary Layout Approval

Conditional approval is granted in the form of a Preliminary Layout Approval letter outlining a comprehensive statement of conditions precedent to final approval of the subdivision. The Preliminary Layout Approval is valid for one year and may include requirements such as:

- Subdivision layout, road alignments and lot dimensions;
- Dedication of parkland or cash-in-lieu;
- Protection of the natural environment;
- Covenants, easements and statutory rights-of-way;
- Engineering servicing requirements;
- External agency requirements;

Once preliminary approval is obtained, the applicant can advise their surveyor to proceed with the survey and prepare the necessary subdivision plans.

## 5. Completion or Security of Subdivision Works and Services



Applicants must retain the services of a professional engineer who will design the works and services required in accordance with the Subdivision Bylaw. All services are required to be installed at the owner's expense prior to final subdivision approval, unless the owner provides security and enters into a subdivision servicing agreement with the Municipality to complete the required works by a specified date.

## 6. Submission for Final Subdivision Approval

Once all the requirements outlined in the Preliminary Layout Approval letter have been satisfied the applicants may request final subdivision approval. The Approving Officer must be provided with Final survey plans prepared by a British Columbia Land Surveyor, approval fees and documentation satisfying all requirements outlined in the Preliminary Layout Approval.



If appropriate, the Approving Officer will approve the subdivision by signing the Subdivision Plan. All copies of the subdivision plan must be signed by all owners, mortgage lenders, and any other charge holders.

## 7. Plan Registration



Once the subdivision plans and documents are signed by the Approving Officer, they are returned to the applicant for registration at the Victoria Land Title Office. This is the process that creates legal title for each new parcel defined on the subdivision plan.

## Refusal of Subdivision

The Approving Officer may decide to refuse to approve a subdivision plan under the relevant provisions of the Subdivision Bylaw, Zoning Bylaw, Provincial Statutes and Regulations. If a subdivision plan is rejected, there is no appeal to Mayor and Council. The applicant may only appeal an Approving Officer’s decision to the B.C. Supreme Court under s. 89 of the *Land Title Act* It is important to note that only the applicant may initiate an appeal under this legislation. There is no appeal procedure set out in the *Bare Land Strata Regulations*.

## Regulatory Framework

There is a wide range of both provincial and local government legislation and regulations taken into consideration when assessing a subdivision application, including, but not limited to:

Provincial Government	Local Government
Land Title Act Local Government Act Strata Property Act Bare Land Strata Regulations Agricultural Land Commission Act Environmental Management Act (EMA) Fish Protection Act Heritage Conservation Act	Zoning Bylaw Subdivision Bylaw Street Names Civic Addressing