



A Guide to Subdividing Property in the District of Sooke

Subdivision is the process of dividing a parcel of land into two or more parcels or the consolidation of two or more parcels into a lesser number of parcels. It can also include the realignment of property lines. The subdivision process is controlled by the *Subdivision and Development Standards Bylaw*, *Sooke Zoning Bylaw* other municipal policies and provincial regulations and legislation.

Before subdivision approval, the Approving Officer will consider a number of factors, including, but not limited to:

- Size and shape of lots and adequacy of building area;
- Adequacy of roads, lands and emergency vehicle access;
- Preservation of the natural environment such as ravines, creeks, streams and trees;
- Compatibility of overall subdivision pattern with the neighbourhood; and,
- Adequacy of sewage disposal, water supply and other services.

The general process for approval of subdivisions under both the *Land Title Act* and the *Strata Property Act* is outlined below:

Step 1 – Preliminary Inquiry

At the Planning Department:

Find the zoning designation for your property. This can be done through the Zoning Map on our Online Services webpage. Once you know what your current zoning is, visit the *Sooke Zoning Bylaw* to find out what standards are applicable for your zone. The Planning Department can also assist in determining your zoning and what the bylaw requirements are for that zone, whether a Development Permit is required, as well as the process for applying to amend the zoning on your property to accommodate a subdivision application (if required).

At the Engineering Department:

All development must be provided with adequate sanitary sewer, rain water management, water servicing for both domestic consumption and firefighting purposes, access, and other utilities, at the developer's cost. Check the location of existing services for rain water management, sanitary sewer, and street lighting with the Engineering Department to see how much servicing your development may require. The *Subdivision and Development Standards Bylaw* is an excellent reference at this stage of your planning. Information on water supplied by the Capital Regional District may be obtained from CRD Integrated Water Services.

Pre-Application Meeting:

Before submitting a subdivision application you are welcome to meet with staff to discuss your proposal during a Pre-Application Meeting. These meetings can be arranged through the District of Sooke main office at 250-642-1634.

Step 2 - Application Submission:

Ensure your application form is signed by all owners listed on the Certificate of Title for the property. Your proposal to subdivide should be submitted in the form of a subdivision sketch plan. Your proposal should adhere to the requirements of density, lot size, lot dimensions, road width and length as identified in the *Sooke Zoning Bylaw* and *Subdivision and Development Standards Bylaw*. Application submission requirements are outlined in a separate Approving Officer checklist.

Step 3 – Preliminary Review:

Once a completed application is received, it will be reviewed by internal departments and the Approving Officer. Referral to external agencies may also be considered by staff. The Approving Officer may then issue a Preliminary Layout Assessment (PLA) letter indicating the action you must take for your subdivision application to proceed to final approval.

In order for a thorough review to be conducted the Owner must provide information regarding various servicing and utility requirements. This can include, but is not limited to:

- Roads** – Are changes to the road system going to be required as a result of the proposed subdivision?
- Water** – Is there sufficient capacity in the available water system? Will extensions or upgrading be required?
- Sanitary Sewer** – Will the current systems be sufficient? Is an upgrade in capacity going to be necessary? Will a community system extension be required?
- Rain Water Management** – Will the current system be sufficient? Will upgrading of the system's capacity be necessary?

The Approving Officer may also investigate the following aspects of the application as part of the Preliminary Layout Assessment:

- Floodplain** – Is the subject property located in the floodplain?
- Geotechnical** – Is the land stable enough to support all proposed buildings and infrastructure on the subject property?
- Development Permit** – Is the subject property located within a Development Permit area? If so, a Development Permit must be issued prior to the subdivision proceeding.
- Highway** – Is the subject property located adjacent to a provincial controlled access highway? If so, MOTI approval will be required.
- Taxes** – Does the owner of the subject property owe any outstanding property taxes to the municipality?
- Public Open Space** – Will the Owner be required to provide parkland or cash-in-lieu of parkland under to section 941 of the *Local Government Act*?

Step 4 – Referral to Other Departments/Agencies

In conducting the application review, the Approving Officer may make referral to other agencies and District departments whose interests may be affected. Some examples:

- Ministry of Transportation and Infrastructure
- Island Health
- CRD Water
- Department of Fisheries and Oceans
- Ministry of Environment
- Canada Post

Step 5 – Preliminary Layout Assessment Letter

Once the Approving Officer has reviewed all pertinent information and believes the application meets all requirements, a Preliminary Layout Assessment letter may then be issued. The letter outlines all the requirements to be satisfied before the Approving Officer's consideration of final approval of the subdivision plan.

After receiving a PLA letter, you will work to complete the requirements as set out in the letter. The PLA letter may include construction and servicing requirements, layout changes, parkland dedication, as well as legal document requirements.

Step 6 – Design Acceptance

In order to receive final subdivision approval, works and services may be required. The Approving Officer may require the Owner to submit detailed engineering drawings for staff review. Design drawing requirements are outlined in the Subdivision and Development Standards Bylaw.

Step 7 – Highway Use Permit and Insurance

Before any construction commences within the District's road right of way, a Highway Use Permit must be obtained from the Engineering Department. The permit will also require the provision of liability insurance.

Step 8 – Permission to Construct

Once all bylaw requirements have been met, permission to construct may be granted.

Step 9 - Construction of Works

The Owner proceeds with construction in accordance with the accepted design drawings and specifications and District bylaw requirements.

Step 10 – Inspection of Works

During construction the Owner's Consulting Engineer is responsible for inspecting the Works and Services and certifying that they are completed in accordance with the design drawings and specifications and District bylaw requirements. District staff may also attend the site, however, their presence does not relieve the Owner and the Owner's Consulting Engineer from their responsibilities to certify that the Works and Services have been constructed in compliance with the accepted design.

Step 11 – Construction Completion Certificate

Upon completion of the Works and Services the Owner's Consulting Engineer will issue a Construction Completion Certificate for underground, landscaping, surface works and streetlights. Acceptance of the CCC starts the process for the one year Maintenance Period.

Step 12 – Maintenance Period and Security

The *Subdivision and Development Standards Bylaw* requires that the Owner provide a maintenance security of 10 percent of the off-site construction cost estimates. This security is held by the District for one year following acceptance of the Construction Completion Certificate. During the one year period, the developer will maintain the Works and Services and remedy all defects and deficiencies that become apparent during that maintenance period. Security deposits are not required for works on private property.

Step 13 – Subdivision Approval Before All Requirements Met – Security

Should the Owner seek subdivision approval prior to the construction of all required works and services, the Owner may enter into a Works and Services agreement with the District. The Owner will also provide security in the amount specified in the District Subdivision and Development Standards Bylaw. Once an agreement has been completed, and security provided, the Approving Officer may then consider final subdivision approval.

Step 14 – Final Subdivision Approval With All Requirements Met and Registration

Once all works and services have been completed and accepted by the District of Sooke and all other requirements have been met, you may apply for final subdivision approval. The final approval package will include a subdivision plan prepared by a registered B.C. Land Surveyor, any other legal documents required as the process continued, as well as subdivision fees and charges. The Approving Officer will review your request for final approval and if satisfied that all requirements have been met, will sign the subdivision plan. The plan and any other legal documents can then be registered at the Victoria Land Title Office.

Step 15 – Final Acceptance Certificate

After completion of the one year maintenance period, the Owner's Consulting Engineer will submit the Final Acceptance Certificate to the District of Sooke and arrange for a Final Acceptance inspection. Once all defects and deficiencies have been remedied, the District will accept the Final Acceptance Certificate and return the maintenance security.

For more information visit www.sooke.ca or contact the District of Sooke at 250-642-1634