

Title: Subdivision Process

Policy No: 6007

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Purpose: The purpose of this policy is to define the process of Subdivision and Bare Land Condominium Plans, set guidelines and procedures and outline the roles and responsibilities of applicants and those reviewing the applications.

DEFINITIONS

Area Structure Plan (ASP) means a statutory plan adopted by Council to provide a comprehensive planning framework to guide future development for subsequent subdivision and development of an area of land, pursuant to the Municipal Government Act. In accordance with the Municipal Government Act, the ASP must describe the area for sequence of the proposed development, proposed land uses, density of population, road network and public utilities and any other matters necessary to ensure orderly development.

Bare Land Condominium Plan means a condominium plan consisting of bare land units, as defined by the Condominium Property Act.

Descriptive Plan means subdivision of a parcel of land that is described on a plan prepared by an Alberta Land Surveyor and where only a minimal field survey is conducted. Subdivision by descriptive plan may be considered where the parcel is the first from a quarter section and is square or rectangular, but not where there are multiple lots proposed or where land is to be dedicated for roads or reserves.

Design Brief means a supporting document intended to provide the overarching design vision for the study area. Included in the document shall be an overview of the existing development and surrounding area. The level of detail in the Design Brief will be a reflection of the scale and/or complexity of the project.

Development Agreement means an agreement which an applicant or developer enters into with Greenview pursuant to the Municipal Government Act (MGA) requirement and prior to endorsement of subdivision approval.

Development Guidelines and Municipal Servicing Standards (“Municipal Servicing Standards”) means the Development Guidelines and Municipal Servicing Standards as amended by Greenview for installation of municipal and local improvements.

Endorsement means Greenview’s final approval of a subdivision once all the conditions of Subdivision Approval have been completed to Greenview’s satisfaction.

Land Use Bylaw (LUB) means Greenview's current Land Use Bylaw, as amended.

Municipal Development Plan (MDP) means Greenview's current Municipal Development Plan, as amended.

Municipal Government Act (MGA) means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

Plan of Survey means a plan prepared by an Alberta Land Surveyor where the boundaries of a new parcel of land are identified by legal survey posts placed at the corners of lots. A plan of survey is required after the first parcel out or when a parcel is irregularly shaped or when subdivided into several lots including the dedicated roads and reserve lands within the proposed subdivision.

Subdivision means the division of a single parcel of land into two or more parcels, with each given a separate title by an instrument described by a Descriptive Plan or Plan of Survey prepared by an Alberta Land Surveyor.

Subdivision Authority means a person or body appointed by Council established under the Subdivision Authority Bylaw to perform the powers and duties of a Subdivision Authority in accordance with the MGA. The Subdivision Authority can include the following members: any or all members of Council, a designated officer, a Municipal Planning Commission or other person or organization in accordance with the MGA.

Tentative Plan of Subdivision means a document prepared by an Alberta Land Surveyor illustrating the location of the proposed subdivision with legal land location and measurements of all relevant existing and proposed improvements and setbacks on a lot relative to existing and proposed lot boundaries and natural features, including all easements, rights-of-way, roads, and stamped by an Alberta Land Surveyor's Permit Stamp.

POLICY

1. The Municipal Planning Commission (MPC) is the Subdivision Authority for the Municipal District of Greenview No. 16, subject to the conditions set out in this policy.
2. This policy provides further clarification and direction to the requirements of the MGA and Subdivision and Development Regulations; however, Greenview is bound by the MGA and the regulation processes including, but not limited to:
 - i. administering the subdivision application process;
 - ii. making subdivision application decisions;
 - iii. administering the subdivision appeal process; and
 - iv. final endorsement of the approved subdivision.

PROCEDURE

1. Application

- 1.1. Every application for subdivision is reviewed on the basis of site suitability and conformity with local, regional and provincial planning legislation. Some considerations include road access, traffic circulation and utility servicing. Legislative considerations include compliance with statutory plans (Municipal Development Plan, Area Structure Plans) and the Land Use Bylaw. Compliance with the Municipal Government Act, the Subdivision and Development Regulations and the Provincial Land Use Policies are mandatory.

2. Pre-application Meeting

- 2.1. A pre-application meeting will be required for any of the following types of developments:
 - a) Multi-lot subdivisions;
 - b) Bare land condominiums;
 - c) All commercial;
 - d) All industrial; and
 - e) All recreational.
- 2.2. The developer shall contact the Planning and Development department for the scheduling and coordination of the pre-application meeting.
- 2.3. At a minimum, the pre-application meeting will provide the applicant with initial considerations to address all those items in the pre-application meeting checklist as well as the application fees and additional costs that may arise.
- 2.4. Administration will inform the applicant if the planning objectives complies with the bylaws, policies and regulations of Greenview.
- 2.5. Relevant internal departments will participate in the pre-application meeting to provide multi-disciplinary insight for the applicant to consider and address, which may include the identification of the documents and studies required as part of the application (e.g. Traffic Impact Assessment, Geotechnical Report, Wetland Assessment, etc.); servicing and engineering requirements for road design and approach construction; and signage requirements for internal regulatory and rural addressing.

3. Submission of Application

- 3.1. After the pre-application meeting, the applicant will submit the required materials identified during the pre-application meeting.
- 3.2. The subdivision application must be submitted with a tentative plan of subdivision.
- 3.3. The subdivision application must be accompanied by the application fees, along with any required report, drawing or study to the satisfaction of Greenview. An incomplete application will not be circulated to referral agencies until such time as all requirements have been met.
- 3.4. The applicant shall submit a copy of the current title search from Alberta Land Titles Office for each parcel affected in the application, including copies of any rights-of-way restrictive covenants, easements, etc., that are registered on title.
- 3.5. Any report, drawing or study required in support of an application is to be provided at the applicant's expense.
- 3.6. Administration must determine and advise the applicant whether the application is complete, in accordance with the time frame outlined in the Municipal Government Act and as outlined in the LUB.
- 3.7. The 60-day time limit set for processing of the application will start following the deemed complete date and the referral process will commence. A request to extend the decision due date must be agreed to in writing. Written or e-mail confirmation will be provided to the applicant indicating the new decision due date if the request is agreed upon.

4. Circulation, Referrals and Inspections

- 4.1. A complete application shall be circulated to internal Greenview departments and external agencies for comment. All departments and agencies are given thirty (30) days to respond.

- 4.2. Adjacent landowners and relevant encumbrances, liens and interests registered on title shall be notified of the application. Adjacent landowners and relevant encumbrances are given thirty (30) days to respond.
- 4.3. Administration must review, resolve potentially conflicting comments, summarize them and provide them to the applicant in writing. Administration may call a meeting as necessary to deal with any identified issues or challenges.
- 4.4. After the referral process is complete, the applicant will address any feedback received. If significant changes are necessary or additional application requirements are set, recirculation of the application may be required.
- 4.5. A site inspection and review of the application is to be undertaken of the subject parcel by the planning and development staff to ensure legislation requirements have been met.

5. Decision Process

- 5.1. When Administration determines that there is sufficient information to render a decision on the application and all comments and concerns from internal and external departments have been, or can be resolved, the application and recommendation will be forwarded to the Subdivision Authority as a Request for Decision.
- 5.2. The Municipal Planning Commission, as the Subdivision Authority for Greenview, will decide on the application during one of its regularly scheduled meetings.
- 5.3. Upon considering all information presented, the Subdivision Authority must approve or refuse, the application, with or without conditions. If the application for subdivision is refused, the reasons for refusal must be provided.

6. Appeal

- 6.1. If the application is refused, or if the applicant disagrees with a condition(s) of approval, the decision or condition(s) may be appealed within fourteen (14) days after receipt of the written decision from the Subdivision Authority. Other than the applicant, only a government department or school authority may appeal a decision rendered by the Subdivision Authority.
- 6.2. If the property is located within close proximity to a highway, water body, sewage treatment plant or waste management facility, appeals will be heard by the provincial Municipal Government Board.
- 6.3. All other appeals are conducted by the local Subdivision and Development Appeal Board. Greenview will advise as to which Board the appeal should be directed. Either Board has the authority to uphold or reverse the MPC's decision or change conditions of the decision in accordance with legislative requirements.

7. Approval and Development Agreement

- 7.1. If the subdivision is approved, the applicant may be required to enter into a Development Agreement with Greenview.
- 7.2. No development activity shall commence on the properties until all conditions of the subdivision decision have been met.
- 7.3. Once Greenview and the applicant have agreed to the terms of the Development Agreement, Administration will submit the agreement to Infrastructure and Planning for approval.
- 7.4. Once the engineering drawings and the Development Agreement have been approved and signed, Planning and Development will ensure that the Development Agreement is registered on the land title for the property.

8. Construction

- 8.1. In cases where a development agreement is required, the developer will submit bi-monthly detailed engineered reports throughout the construction process to advise the Planning and Development department of the exact construction stage.
- 8.2. The detailed engineered reports will be reviewed by Infrastructure and Planning, with any deficiencies noted. Pre- and post-inspections will be conducted to ensure that the construction meets municipal requirements in accordance with the Municipal Servicing Standards.

9. Endorsement of Subdivision

- 9.1. All endorsement requests must be accompanied by the required fee(s), levies, survey and any required report, drawing, study or agreement.
- 9.2. Endorsement may only be considered once all conditions of subdivision have been completed to the satisfaction of Administration.
- 9.3. Submission of a subdivision plan for endorsement will be submitted in accordance with the requirements of Alberta Land Titles Office as either by Descriptive Plan or Plan of Survey.
- 9.4. Submission for endorsement of a bare land condominium will be by Bare Land Condominium Plan.
- 9.5. Once the final subdivision plan has been endorsed by the Chief Administrative Officer, Planning & Development department will return it to the surveyor, who is responsible for registering it with Alberta Land Titles Office within one (1) year. Once registration is completed, land title certificates can be issued for the newly created lot(s).
- 9.6. Subject to the discretion of Administration, an approval or endorsement that has expired will result in the requirement of the applicant to submit a written request for a one-year time extension.
- 9.7. Administration may consider extending the approval or endorsement of an application that has expired if circumstances particular to that file are present, if there have been no changes to municipal or provincial policy or regulation which impact the subdivision and if a written request has been submitted.

10. Additional Supporting Documentation

- 10.1. Additional supporting documentation may be required by Greenview, based upon the nature and complexity of the proposed project:
 - a) Design Brief;
 - b) Surveyed Grading Plan and Preliminary Clearing;
 - c) Supporting Design Calculations;
 - d) Geotechnical Report;
 - e) Hydrological Report;
 - f) Traffic Impact Assessment;
 - g) Sanitary Sewer Analysis;
 - h) Stormwater Management Plan;
 - i) Environmental Impact Assessment;
 - j) Heritage Site Assessment;
 - k) Subdivision signage, including rural addressing and regulatory signage; or
 - l) Wetland Assessment
- 10.2. Any report, drawing or study required in support of an application is to be provided at the developer's expense.

11. Roles and Responsibilities

11.1. The developer is responsible for:

- a) Satisfying all design and construction requirements established in Greenview's Municipal Servicing Standards;
- b) Registration with Alberta Land Titles Office, all easements including plans and documents for the construction of municipal improvements outside of the municipal right-of way; and
- c) Satisfying all statutory requirements governing such works and obtaining approvals and permits for compliance with those requirements from authorities having jurisdiction.

11.2. Planning and Development is responsible for:

- a) Ensuring an application is complete;
- b) Processing of an application;
- c) Referring an application to internal Greenview departments and external agencies;
- d) Notifying adjacent landowners of an application where required;
- e) Receiving comments, resolving potentially conflicting comments and preparing a summary for the applicant;
- f) Facilitating meetings between the applicant and members of Greenview's Administration, as required, to resolve planning and engineering issues;
- g) Providing written comment on the application from the perspective of Greenview's Land Use Bylaw, Municipal Development Plan and other related planning documents;
- h) Preparing the request for decision and recommendation(s) for the Subdivision Authority's consideration;
- i) Preparing and registering the road plan with Alberta Land Titles Office for road widening;
- j) Preparing and submitting a Development Agreement to the developer;
- k) Ensuring that all conditions are met prior to endorsement of the plan; and
- l) Granting time extensions on approved applications and endorsements.

11.3. The Subdivision Authority is responsible for:

- a) The final review and decision on a subdivision application.

11.4. The Chief Administrative Officer or designate is responsible for:

- a) Endorsing the plan and documentation once all conditions have been met.

11.5. Other Greenview departments, including but not limited to Infrastructure and Planning, Operations, Environmental Services, Agriculture Services and Emergency Services are responsible for:

- a) Reviewing applications for conformity with relevant Greenview policies, standards and other guidelines;
- b) Providing written comment on the application with respect to issues related to the department's interests;
- c) Meeting with Planning and Development and the applicant(s), as required, to resolve issues related to an application; and
- d) Reviewing reports, drawings and studies submitted with an application or endorsement for conformity with Greenview's Municipal Servicing Standards and other related standard documents.