

Title: Subdivision Process

Policy No: 6007

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Motion Number: 23.01.24

Supersedes Policy No: 6007

Department: Planning & Development Services

Review Date: January, 2025



Legal References:

Municipal Government Act, R.S.A. 2000, c. M-26

Matters Related to Subdivision and Development Regulation, AR 84/2022.

Cross References:

Bylaw 22-916 “Subdivision and Development Appeal Board Bylaw”

Bylaw 18-800 “Land Use Bylaw”

Bylaw 799 “Land Use Bylaw” – Grande Cache

Bylaw 03-399 “Municipal Planning Commission Bylaw”

Bylaw 95-159 “Development Authority Bylaw”

Bylaw 95-158 “Subdivision Development Authority”

Purpose: The purpose of this policy is to define the subdivision process, set guidelines and procedures, and outline the roles and responsibilities of developers and those reviewing the applications.

1. DEFINITIONS

- 1.1. **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 MGA.
- 1.2. **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 reflect the scale and complexity of the project.
- 1.3. **Developer** means the landowner(s) or individual(s) acting on their behalf to apply for subdivision.
- 1.4. **Development Agreement** means an agreement which a developer enters into with Greenview pursuant to the MGA requirement and prior to endorsement of subdivision approval.
- 1.5. **Development Guidelines and Municipal Servicing Standards (Municipal Servicing Standards)** means the Development Guidelines and Municipal Servicing Standards as amended by Greenview for the installation of municipal and local improvements.

- 1.6. **Endorsement** means Greenview’s final approval of a subdivision once all the conditions of Subdivision Approval have been completed to Greenview’s satisfaction.
- 1.7. **Greenview** means the Municipal District of Greenview No. 16.
- 1.8. **Land Use Bylaw (LUB)** means Greenview’s Land Use Bylaw, as amended.
- 1.9. **Municipal Development Plan (MDP)** means Greenview’s Municipal Development Plan, as amended.
- 1.10. **Municipal Government Act (MGA)** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.
- 1.11. **Municipal Planning Commission (MPC)** means the committee as appointed by Council and the MPC Bylaw to hear and make decisions on subdivision and development applications.
- 1.12. **Plan of Survey** means a document prepared following a field survey performed by an Alberta Land Surveyor for the purpose of establishing the boundaries of a right or interest in land.
- 1.13. **Subdivision** means the dividing of a single parcel of land into two or more parcels, with each given a separate title.
- 1.14. **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.
- 1.15. **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.

2. POLICY STATEMENT

- 2.1. This policy provides further clarification and direction to the requirements of the MGA and Matters Related to Subdivision and Development Regulations; however, Greenview is bound by the MGA and the regulation processes including, but not limited to:
 - A) Administering the subdivision application process;
 - B) Making subdivision application decisions;
 - C) Administering the subdivision appeal process; and
 - D) Final endorsement of the approved subdivision.

3. PROCEDURE

- 3.1. Application procedure:
 - A) Every application for subdivision is reviewed based on 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 and the Land Use Bylaw.
- 3.2. Pre-application meeting procedure:

- A) A pre-application meeting may be required for any subdivision.
- B) The developer shall contact the Planning and Development department to schedule and coordinate the pre-application meeting.
- C) At a minimum, this meeting will provide the developer with initial considerations and potential costs.
- D) Administration will inform the developer if the subdivision proposal complies with Greenview bylaws, policies, and regulations.
- E) Relevant internal departments may participate in the meeting to provide insight for the developer to consider and address. This may include the identification of documents and studies required as part of the application, Municipal Servicing Standards requirements for road design and approach construction, and signage requirements.

3.3. Application submission procedure:

- A) After the pre-application meeting, the developer will submit the required materials identified during the pre-application meeting.
- B) The subdivision application shall be submitted with
 - i. A tentative plan of subdivision;
 - ii. Any required reports, drawings or studies;
 - iii. Current title(s) and instruments; and
 - iv. Application fees.
- C) Administration must determine and advise the developer whether the application is complete in accordance with the time frame outlined in the MGA. An incomplete application will not be circulated to referral agencies until all requirements have been met.
- D) A request to extend the decision deadline must be agreed to in writing, and confirmation will be sent to the developer.

3.4. Circulation, referral, and inspection procedure:

- A) A complete application shall be circulated internally and to external agencies for comment. All departments and agencies are given fourteen (14) days to respond.
- B) Adjacent landowners and relevant encumbrances, liens and interests registered on title shall be notified of the application and given twenty-one (21) days to respond.
- C) Administration must review, summarize, and provide relevant comments to the developer in writing. Administration may call a meeting as necessary to deal with any identified issues.
- D) After the referral process is complete, the developer will address any feedback received. If significant changes are necessary or additional application requirements are set, recirculation of the application may be required.
- E) A site inspection is to be completed by the planning and development staff.

3.5. Decision process procedure:

- A) When Administration determines that the application is complete, the application and recommendation will be forwarded to the MPC for decision.
- B) The MPC, will decide on the application during a scheduled meeting.
- C) Upon considering all information presented, the MPC may approve the application with or without conditions. If the application for subdivision is refused, the reasons for refusal must be provided. The MPC may table the application and request additional information.

3.6. Appeal procedure:

- A) If the application is refused, or if the developer 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 MPC. A government department or school authority may appeal a decision rendered by the Authority MPC.

- B) Greenview will advise as to which Board the appeal should be directed. Either Board has the authority to uphold or overturn the decision of the MPC or change the conditions of the decision.

3.7. Approval and development agreement procedure:

- A) If the subdivision is approved, the developer may be required to enter into a Development Agreement with Greenview.
- B) Once Greenview and the developer have agreed to the terms of the Development Agreement, Administration will submit the agreement to Infrastructure and Engineering for approval.
- C) Once the engineered drawings and the Development Agreement have been approved and signed, the developer shall ensure that the Development Agreement is registered on the land title for the property.
- D) The developer may request a time extension not exceeding one year. Administration may consider extending the approval of an application that has expired.
- E) Additional supporting documentation may be required by Greenview based upon the nature and complexity of the proposed subdivision:
 - i. Design Brief;
 - ii. Surveyed Grading Plan and Preliminary Clearing;
 - iii. Supporting Design Calculations;
 - iv. Geotechnical Report;
 - v. Hydrological Report;
 - vi. Traffic Impact Assessment;
 - vii. Sanitary Sewer Analysis;
 - viii. Stormwater Management Plan;
 - ix. Environmental Impact Assessment;
 - x. Heritage Site Assessment;
 - xi. Subdivision signage, including rural addressing and regulatory signage;
 - xii. Wetland Assessment; and
 - xiii. Any report, drawing or study required in support of an application is to be provided at the developer's expense.

3.8. Construction procedure:

- A) In cases where a Development Agreement is required, the developer will submit bimonthly detailed engineered reports throughout the construction process to advise Administration of the exact construction stage.
- B) Infrastructure and Engineering will review detailed engineered reporting, with any deficiencies noted. Pre- and post-inspections will be conducted to ensure that the construction meets the Municipal Servicing Standards.

3.9. Endorsement of subdivision procedure:

- A) All endorsement requests must be accompanied by the required fee(s), levies, survey(s) or agreement(s).
- B) Endorsement may only be considered once all conditions of subdivision have been completed to the satisfaction of Administration.
- C) Submission of a subdivision plan for endorsement will be submitted in accordance with the requirements of Alberta Land Titles by Plan of Survey.
- D) Once the Chief Administrative Officer has endorsed the final subdivision plan, Administration will return it to the surveyor for submission to Alberta Land Titles to be registered within one (1) year.

4. DEVELOPER RESPONSIBILITIES

- 4.1. The Developer is responsible for the following:
- A) Satisfying all design and construction requirements established in Greenview's Municipal Servicing Standards;
 - B) Registration with Alberta Land Titles, all easements including plans and documents for the construction of municipal improvements outside of the municipal rights-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.

5. ADMINISTRATION RESPONSIBILITIES

- 5.1. Planning and Development is responsible for:
- A) Ensuring the application is complete;
 - B) Processing the application;
 - C) Referring the application to internal and to external agencies;
 - D) Notifying adjacent landowners of an application;
 - E) Review, summarize, and provide relevant comments to the developer in writing;
 - F) Facilitating meetings between the developer and Greenview departments as required;
 - G) Preparing the request for decision and recommendation(s) for MPC consideration;
 - H) Preparing and submitting a Development Agreement to the developer;
 - I) Consideration of time extensions on approved applications; and
 - J) Ensuring that all conditions are met prior to endorsement of the plan.
- 5.2. The Chief Administrative Officer, or designate, shall be responsible for the following:
- A) Endorsing the plan and documentation once all conditions have been satisfied.
- 5.3. Other Greenview departments shall be responsible for the following:
- 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 Developer(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 Municipal Servicing Standards and other relevant documents.