

SER-008-021

Strathcona County
Municipal Policy Handbook

Subdivision

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Lead Role: Chief Commissioner Replaces: N/A

Last Review Date: May 8, 2012 Next Review Date: 05/2015

Administrative Responsibility: Planning and Development Services

Special Notes: Department Procedures to support this Policy and to provide additional information on application and process requirements are available in EBRT - PDS doc #90530

A. Policy Statement

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

The County will utilize Development Agreements, Offsite Development Levies and other mechanisms to ensure that new growth pays for itself in a fair and equitable manner which will not unduly burden the County's existing tax base.

B. Definitions

Area Structure Plan (ASP) means a statutory plan adopted by Council to provide a framework for subsequent subdivision and development of a quarter section of land, or a larger or smaller parcel where circumstances warrant.

Building Location Plan means a document prepared by an Alberta Land Surveyor that clearly illustrates the location of significant visible improvements relative to proposed and existing property boundaries.

Conceptual Scheme (CS) means a plan prepared and adopted by the municipality that considers the future subdivision and development of a defined area, typically on a quarter section basis.

Descriptive Plan means subdivision of a parcel of land which 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 in shape, but not where there are multiple lots proposed or where land is to be dedicated for roads or reserves.

Development Agreement means an agreement which an applicant or developer enters into with the County pursuant to the Municipal Government Act (MGA) and which is entered into prior to third reading of a Redistricting Bylaw or prior to endorsement of a subdivision approval.

Endorsement means the final County approval of a subdivision once all the conditions of a Notice of Decision have been completed to the County's satisfaction.

Land Development Services (LDS) means the Land Development Services branch of Planning and Development Services.

Land Use Bylaw (LUB) means a bylaw adopted by Council to prohibit or regulate and control the use and development of land and buildings in Strathcona County.

Municipal Development Plan (MDP) means a statutory plan adopted by Council to establish land use planning policies for Strathcona County.

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

Offsite Development Levy means a levy set by Council by bylaw pursuant to the MGA imposing payments to be made by an applicant or developer for the provision of municipal and utility services.

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 when a parcel is not square or rectangular in shape, when a parcel is subdivided into several lots or when land is to be dedicated for roads or reserves.

Real Property Report means a legal document prepared by an Alberta Land Surveyor that clearly illustrates the location of significant visible improvements relative to property boundaries.

Regulation means the Provincial Subdivision and Development Regulation AR 43/2002, as amended.

Subdivision means the division of a parcel of land by an instrument.

Subdivision Authority (SA) means the subdivision authority established by Council by bylaw to make decisions on subdivision applications and other subdivision-related matters.

Tentative Plan of Subdivision means a document prepared by an Alberta Land Surveyor that illustrates the approximate location of all relevant existing and proposed improvements on a lot relative to existing and proposed lot boundaries and natural features.

C. Guidelines

1. Statutes and Regulations

- a) This policy document provides further clarification and direction to the requirements of the MGA and Regulation, however, Strathcona County is bound by the MGA and the Regulation in processes including, but not limited to:
 - i) administering the subdivision application process,
 - ii) making subdivision application decisions,
 - iii) the subdivision appeal process, and
 - iv) endorsing approved subdivisions.
- b) The lands that are the subject of a subdivision may be subject to federal or provincial statutes, regulations, licenses or codes or standards of practice. It is the responsibility of the applicant to ensure that a subdivision complies with federal or provincial statutes, regulations, licenses or codes or standards of practice.
- c) Subdivision requirements outlined in this policy shall not be applicable in those instances where a condominium plan is being proposed in accordance with Section 2(2) of the Condominium Property Act, R.S.A. 2000, c. C-22, as amended.

2. Other Planning Applications

- a) LDS will not accept a subdivision application on lands which require a Conceptual Scheme (as indicated in the Conceptual Scheme Policy) until the Conceptual Scheme has been adopted by Council.
- b) LDS will not accept a subdivision application on lands under a proposed new ASP until the bylaw has been recommended to Council for 3rd reading.

- c) A redistricting application can be considered concurrently with a subdivision application; however the redistricting application would require that two readings be given prior to a subdivision application being considered for approval. In this situation, a subdivision approval shall be conditioned that the third reading of the redistricting be given prior to endorsement of the subdivision.
- d) A subdivision application submitted concurrently with an ASP amendment or redistricting application may require a mandatory time extension agreement to provide additional time for processing, as the ASP amendment or redistricting applications may be subject to additional review by internal departments and external agencies and to the timeframes of the ASP amendment or redistricting process.
- e) If a development agreement is required, it must be entered into prior to subdivision endorsement, and if a redistricting has been submitted concurrently with the subdivision application, the development agreement must be entered into prior to third reading of the redistricting.

3. Application

- a) The subdivision application must be submitted with the tentative plan of subdivision and fee, along with any required report, drawing or study to the satisfaction of the County. An incomplete application will not be put into circulation.
- b) Administration must advise in writing or by e-mail within one week of submission that an application is incomplete and indicate what information is required, or that an application is complete and is in circulation. An incomplete application may be returned to the applicant.
- c) Any report, drawing, or study required in support of an application is to be provided at the applicant's expense.
- d) The County's point of contact regarding the application will be the person named as the applicant, and any additional person authorized in writing by the owner of the lot being subdivided. In a situation where the applicant is different from the owner of the lot, it is the applicant's responsibility to communicate with the owner of the lot regarding the application.

4. Decision Time Limit

- a) The Regulation provides a specific time frame for a decision to be made on a subdivision application. The start of the time limit for a subdivision application is the date on which the application is deemed complete by Administration, not the date on which the application is submitted by the applicant. The applicant must be notified in writing or by e-mail of the date by which a decision must be made on the application, subject to any necessary time extensions.
- b) A request to extend the decision due date must be agreed to in writing and written or e-mail confirmation will be provided to the applicant indicating the new decision due date if the request is agreed to. There is no cost for this request.

5. Circulation, Notification and Decision

- a) A complete application shall be circulated to internal County departments and external agencies for comment. Adjacent landowners and relevant interests on title shall be notified of the application. Upon receipt of comments from internal departments and external agencies Administration must review, resolve potentially conflicting comments, summarize them and provide them to the applicant in writing. If necessary, a meeting will be scheduled with the applicant and his/her consultants to review, discuss and, where necessary, resolve any issues arising out of the comments.
- b) Notwithstanding 5(a) above, as per the MGA, and at the discretion of the Subdivision Authority, a subdivision application that is in accordance with an approved ASP or Conceptual Scheme does not require notification to adjacent landowners if a public hearing has previously been held with respect to that plan or scheme and the complete subdivision application is made within two years of ASP or Conceptual Scheme approval.

- c) A site inspection should be undertaken at the discretion of LDS when the circumstances of the subject parcel and the proposed subdivision require an on-site review.
- d) 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 is forwarded to the Subdivision Authority for consideration. The Subdivision Authority may:
 - i.) approve the subdivision application, with conditions;
 - ii.) refuse the application, and provide reasons for the refusal; or
 - iii.) refer the subdivision application back to Administration for further review to consider comments and/or concerns that the Subdivision Authority has raised in considering the application.
- e) The decision of the Subdivision Authority may be appealed in accordance with the MGA.

6. Endorsement Process

- a) All endorsement requests must be accompanied by the required fee(s), levies, survey and any required report, drawing, study or agreement.
- b) Endorsement may only be considered once all conditions of subdivision have been completed to the satisfaction of the Subdivision Authority.
- c) Submission of a subdivision plan for endorsement will be by Plan of Survey, except a Descriptive Plan may be considered for subdivision of a first parcel out where the parcel is square or rectangular in shape, if road widening or reserve land is not required to be dedicated at the time of survey, and where a Real Property Report, building location plan or a detailed tentative plan has been submitted to the County.

7. Expiry

- a) Subject to the discretion of the Subdivision Authority, an approval or endorsement which has expired will result in the applicant being required to submit a new subdivision application. A new application will be subject to the regulations and policies in effect at the time of the new application, which may be different from when the original application was submitted or decided.
- b) Notwithstanding 7(a) above, the Subdivision Authority may consider extending the approval or endorsement of an application which 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 and the required fee has been submitted.

D. Roles and Responsibilities

1. Land Development Services (LDS) is responsible for:

- a) Ensuring an application is complete and for the processing of an application;
- b) Referring an application to internal County departments and external agencies;
- c) Notifying adjacent landowners of an application where required;
- d) Receiving comments, resolving potentially conflicting comments and preparing a summary for the applicant;
- e) Facilitating meetings between an applicant and members of County Administration, as required, to resolve planning and engineering issues;
- f) Preparing a report and recommendation(s) for the Subdivision Authority's consideration;
- g) Reviewing an endorsement request, corresponding with internal County departments and external agencies regarding the request, and preparing the request for decision by the Subdivision Authority;
- h) Reviewing reports, drawings and studies submitted with an application or endorsement for conformity with the County's Engineering Servicing Standards and other related standards documents; and

- i) Preparing Department Procedures to support this Policy and to provide additional information on application and process requirements.

2. Development Services (DS) and Building Regulation Services (BRS) is responsible for:

- a) Providing written comment on the application from the perspective of the County's LUB and the Safety Codes Act.
- b) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.

3. Land Use and Policy Planning Services (LUPP) is responsible for:

- a) Providing written comment on the application from the perspective of the County's MDP and other County planning documents.
- b) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.

4. Land Management Services (LMS) is responsible for:

- a) Providing written comment on the application and preparing documentation from the perspective of the legislation and policies that govern the use of County-owned or controlled lands.
- b) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.

5. Customer and Technical Services (CTS) is responsible for:

- a) Preparing the referral and notification related to an application.

6. The Subdivision Authority is responsible for:

- a) The final review and decision on a subdivision application;
- b) Signing of endorsements and other documents related to subdivision approval;
- c) Referring a subdivision application to the Subdivision Committee for a decision where required; and
- d) Exercising discretion in granting time extensions on approved applications and endorsements, on whether to notify adjacent landowners of an application if it is in accordance with an approved ASP or Conceptual Scheme, and what information is required to complete an application in addition to the required information.

7. Other County departments, including but not limited to Recreation, Parks & Culture, Transportation & Agriculture Services, and Emergency Services are responsible for:

- a) Reviewing applications for conformity with relevant County policies, standards and other guidelines;
- b) Providing written comment on the application to LDS with respect to issues related to the department's interests; and
- c) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.