
Subdivision

Procedures

1. Statutes and Regulations

- a. It is the responsibility of the applicant to ensure that a subdivision complies with all applicable federal and provincial statutes, regulations, licenses, codes, and standards of practice, in addition to County policies, procedures and requirements.
- b. Subdivision requirements outlined in this procedure 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. Application Submission

- a. A complete application for subdivision must include application fee(s) in accordance with Strathcona County's Fees, Rates and Charges Bylaw in effect at the time of application, as well as digital copies of the following:
 - i. a completed application form;
 - ii. a copy of title(s) from within thirty (30) days prior to the application submission;
 - iii. a tentative plan of subdivision, one (1) digital CAD and one (1) digital PDF, prepared by an Alberta Land Surveyor, drawn to scale, showing:
 - the location, dimensions and boundaries of the land that is subject of the application and of each new lot (including the remnant parcel and reserves) to be created;
 - existing rights-of-way of each public utility and other rights-of-way);
 - drainage ditches;
 - aggregate extraction/borrow areas;
 - sour gas facilities;
 - the locations, numbers, names and other designations of highways, public roads, and railways;
 - the location, use, dimensions, and setbacks to existing and proposed property lines of buildings on the land that is the subject of the application, specifying those buildings that are proposed to be demolished or moved, if any, as well as any proposed improvements;
 - natural features;
 - the location of any existing or proposed water wells and the location and type of any existing or proposed private sewage disposal systems with the distance from these to existing or proposed buildings and property lines, any body of water or watercourse or by a drainage ditch or canal;
 - the existing and proposed access to the proposed parcel(s) and the remainder of the titled area;

- active wells, abandoned wells, batteries, processing plants, and pipelines within the proposed subdivision; and
 - contour information (where required) at an interval not greater than 1.5 m, to be superimposed over the tentative plan, and related to geodetic datum where possible;
 - Please note, if an application is for a split into two equal parcels for a previously unsubdivided quarter section, a developed or undeveloped first parcel out of the quarter section, or a severed parcel, and there is no development on the proposed or remnant lot within 25m of the proposed lot line, the tentative plan may not be required to be prepared by a surveyor, and may instead be prepared by the applicant, but the tentative plan shall contain the above required information;
- iv. a map showing the location of the sour gas facility (if within 1.5 km of a sour gas facility);
 - v. abandoned well identification documentation and maps (as per AER Directive 079);
 - vi. a map showing the location of active wells, batteries, processing plants or pipelines within or adjacent to the proposed subdivision;
 - vii. where the application is located within a mixed-dwelling district the subdivision authority may require:
 - A. a plan showing the intended dwelling type for each proposed lot;
 - B. a plot plan showing the intended building footprints and setbacks for each type of dwelling form as well as any dwellings proposed on unique or unusual lots;
 - viii. the final redivision plan where an application is for the creation of a bareland condominium unit; and
 - ix. any additional information required by the Subdivision Authority to determine whether the application meets the requirements of section 654 of the **Municipal Government Act**.
- b. Where a property is located within the Centre in the Park Area Redevelopment Plan the following additional materials are required as part of a complete application for subdivision:
 - i. a detailed site plan that conforms to the CITP Area Redevelopment Plan and the Land Use bylaw showing a potential ultimate build out scenario for the Land Use Bylaw Area that contains the subject subdivision and includes:
 - A. the location of build-to lines;
 - B. the location, size, and orientation of surface parking lots and the locations of their accesses;
 - C. the location, size, and orientation of publicly accessible amenity spaces;
 - D. the location, size, and orientation of storm water management facilities and on-site infrastructure;
 - E. the location, size and orientation of active transportation connections, including crossings;
 - F. the location, size, and orientation of internal private streets; and
 - G. the location, size, and orientation of access points to the site from public roadways;
 - ii. a cross-section for internal private streets which includes pedestrian facilities;
 - iii. the design of active transportation connections within the titled area containing the subject subdivision; and

- iv. an easement plan for internal access and publicly accessible amenity spaces (where applicable).
- c. Despite section 2.b.i. the Subdivision Authority may allow a site plan within the Centre in the Park Area redevelopment Plan to be submitted that covers less than the entirety of the Land Use Bylaw Area that contains the subject subdivision.
- d. Any report, drawing, or study required in support of an application is to be provided at the applicant's expense.
- e. 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 registered owner of the lot being subdivided. In a situation where the applicant is different from the registered owner of the lot, it is the applicant's responsibility to communicate with the registered owner of the lot regarding the application.

3. Circulation, Notification and Decision

- a. A complete application shall be circulated to internal County departments and external agencies for comment. A comment response will be requested to be returned within 28 days of the circulation being sent. The circulation time frame may be reduced at the discretion of the Director.
- b. Once all comments have been received and compiled, a consolidated comments response will be provided to the applicant. Any concerns that arise out of the comments must be resolved by the applicant.
- c. Relevant interests registered on certificate of title shall be notified of the application.
- d. As part of a subdivision application, a landowner will be required to provide Administration with right of entry to the property subject to the proposed subdivision in order for Administration to conduct onsite review.
- e. When Administration determines that there is sufficient information to render a decision on the application the application is forwarded to the Subdivision Authority for decision, however the Subdivision Authority may 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.

4. Endorsement Process

- a. All endorsement requests must be accompanied by the required fee(s), levies, survey and any required reports, drawings, studies or agreements.
- b. Endorsement may only be considered once all conditions of subdivision have been completed to the satisfaction of the Subdivision Authority.

5. Expiry

- a. Subject to the discretion of the Subdivision Authority, an approval or endorsement which has expired may result in the applicant being required to submit a new subdivision application.
- b. 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.
- c. Despite 5 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.

6. Other Planning Applications

- a. Administration will not accept a subdivision application on lands under a proposed new Area Structure Plan (ASP) until the ASP bylaw can be supported by Administration for 3rd reading.
- b. A subdivision application can be submitted concurrently with a Land Use Bylaw amendment application; however it is required that the Land Use Bylaw amendment application receives at least two readings prior to a subdivision application being considered for approval by the Subdivision Authority. In situations where Council only gives two readings to the associated Land Use Bylaw amendment, a subdivision approval would be required to be conditioned that the third reading of the Land Use Bylaw amendment be given prior to endorsement of the subdivision.
- c. A subdivision application can be submitted concurrently with an Area Structure Plan amendment application; however it is required that the Area Structure Plan amendment application is adopted prior to a subdivision application being considered for approval by the Subdivision Authority.
- d. Further to 6 b) and c) above, a subdivision application submitted concurrently with an ASP amendment or Land Use Bylaw amendment application may require a mandatory time extension agreement to provide additional time for processing, as the ASP amendment or Land Use Bylaw amendment applications may be subject to additional review by internal departments and external agencies and to the timeframes of the ASP amendment or Land Use Bylaw amendment process.
- e. When required, a development agreement must be executed prior to subdivision endorsement.

Definitions

Area Structure Plan (ASP) – means the definition given by the ***Municipal Government Act***. Area Structure Plans which fall within an Area Concept Plan are subordinate to the Area Concept Plan.

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.

Development Agreement – means an agreement which a landowner enters into with the County pursuant to the Municipal Government Act (MGA).

Director – means the Director of the Planning & Development Services Department.

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 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.

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

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.

Procedure Record

Next Review Date: August 26, 2024

Policy No: A Procedure to the Land Use Bylaw and Municipal Development Plan

Last Review Date: August 26, 2021

Administrative Review: Planning and Development Services

Approved by:

Linette Capcara
Acting Director
Planning and Development Services

Date