

WHAT IS SUBDIVISION?

Subdivision is the process whereby a parcel of land is divided into two or more parcels in order to obtain separate legal titles for each parcel.

In Alberta, every privately owned parcel of land has a Certificate of Title held in the Land Titles Office. A Certificate of Title states the owner's name and the parcel's legal description and location. It can also list interests held by others such as mortgages or easements.

Most new subdivisions must be approved by the subdivision approving authority. Palliser Regional Municipal Services (P.R.M.S.) is the designated subdivision approving authority for most municipalities in Palliser.

WHO CAN APPLY FOR SUBDIVISION?

Only the registered landowner of the land, or an authorized person acting on his/her behalf, may apply for subdivision approval. This authorized person may be a surveyor, lawyer, planning consultant or future landowner. Please note all owners registered on Land titles must provide authorization.

HOW TO MAKE AN APPLICATION FOR SUBDIVISION?

PROVIDE THE FOLLOWING:

- (1) A fully completed application form, which is obtainable from; Palliser Regional Municipal Services or your local municipality, or Palliser's website at www.palliserservices.ca.
- (2) A sketch, drawn preferably to scale, which shows:
 - (a) The location, dimensions and boundaries of the land to be subdivided [Note: Ensure that the sketch clearly shows where the proposed new parcel is in relation to the existing title(s)];
 - (b) The location, setbacks and dimensions of all buildings on the land that is the subject of the application and specifies any buildings that are to be demolished or moved; and
 - (c) Information must be provided on how potable water is to be supplied and how sewage will be disposed and treated.
If there are existing facilities, the type of system and location on the property including distances from property lines, water sources/ bodies, and dwellings.
 - (d) Any other information such as the location of shelterbelts, railway lines, creeks or other water courses or water bodies, low land, right-of-ways, etc. useful in showing the nature of the site.
 - (e) Access to the site.
- (3) Payment of fees. Cash or cheque payable to Palliser Regional Municipal Services.

If an application is incomplete it will be returned to the applicant. Subdivision processing cannot begin until a complete application is submitted and a sketch approved.



A Guide to Subdivision

PO Drawer 1900 Hanna, AB T0J 1P0
Toll Free: 1-877-854-3371 Fax: 403-854-4684
www.palliserservices.ca

HOW A SUBDIVISION APPLICATION IS PROCESSED?

If the property is not zoned appropriately for the intended land use, the site may have to undergo a land use amendment. Details on how to proceed with a land use amendment may be obtained from PRMS.

Upon receipt of a subdivision application by P.R.M.S., the following steps are taken:

- #1 Using information from the application, a detailed sketch is drawn by PRMS and forwarded to the applicant for verification. Once the sketch is approved and returned to Palliser, the application is considered complete and a file is officially opened.
While the normal processing time is 60 days, applicants may be requested to agree to an extension.
- #2 Referral letters are sent to the relevant municipality, school authority, utility companies, government departments and adjacent land owners. These parties are given 30 days in which to comment on the application; and all pertinent facts are determined.
- #3 A site inspection may be undertaken by staff, leading to a staff report. In the report, a recommendation is made for approval or refusal and the necessary conditions and reasons are outlined which relate to the staff recommendations.
- #4 The report is presented to the Municipal Planning Commission. After deliberation, the Commission will decide upon the application and forward their recommendation to PRMS. Some of the criteria used in evaluating the subdivision application includes; conformance to statutory plans, comments of adjacent landowners, recommendation of agencies to which application was circulated, access, municipal reserve dedication, design, services, and potential for flooding, and overall suitability for the proposed use.
- #5 Letters, containing either conditions of approval or reasons for refusal, are sent to the applicant, municipality, school authority, and other interested parties advising them of the decision on the subdivision application.

Refused Applications

- i) If an application is refused, or if an applicant does not agree to the conditions of approval, an appeal may be made to the Subdivision and Development Appeal Board or the Municipal Government Board, depending on the nature of the subdivision, within 19 days of the mailing date of the decision. The appropriate board will grant a hearing at which the applicant can present his/her case. Any decision on a subdivision application can be appealed by the applicant, Municipality, a government department or school authority.
- ii) If denied, an appeal may be made to the Court of Appeal within 30 days of notice of the Board's decision. An appeal can only be made on a question of law or jurisdiction.

Approved Applications

- i) When an applicant receives a conditionally approved subdivision, it is the applicant's responsibility to see that all conditions of approval are met. Once the conditions are met, and a suitable instrument for registration received, Palliser Regional Municipal Services will endorse the subdivision. If the subdivision is not endorsed within one (1) year of its conditional approval, it is no longer valid. After endorsement, the applicant has one (1) year from the endorsement date to register the plan with the Alberta Land Titles Office.
- ii) Extensions may be requested for extenuating circumstances but will require the approval of the Municipality.

WHAT IS MUNICIPAL RESERVE DEDICATION?

The Municipal Government Act requires that anyone subdividing land may have to provide to the Municipality, without compensation, land for Municipal Reserve (MR).

Certain types of subdivisions do not have a reserve requirement such as;

- the creation of one lot from a quarter section
- subdivision into 40ac. (16ha.) lots or more for agricultural purposes
- subdivision of a parcel of land of 2ac. (0.8ha.) or less
- subdivision where reserve has already been taken as a result of a previous subdivision

How much reserve do I have to provide?

On the land remaining after environmental reserve, not more than 10% can be taken for MR. In addition, a subdivision approving authority may require an applicant to provide up to 30% of the area of the proposed subdivision for public roads and utilities.

Are there other ways of satisfying MR dedication?

Council may determine that reserve lands are not required. In such instances “money in lieu” of reserve may be taken. Such a request cannot exceed 10% of the appraised market value of the subject lands at the time of application, excluding land dedicated for environmental reserve, or an agreed upon value between the applicant and subdivision approving authority.

In situations where the subdivision results in large parcels that could be subdivided further, part or all of the MR may be deferred by caveat to the remainder of the parcel.

What is MR Used For?

Reserve dedication is an important contribution to the community resulting in parks, trails, school sites, and recreation centres. It may also be used to separate areas of land that are used for different purposes.

WHAT IS AN AREA STRUCTURE PLAN?

An Area Structure Plan (ASP) provides a framework for subsequent subdivision and development of an area of land. It is often the first required step in leading to the subdivision of larger or more sensitive parcels of land.

The Municipal Government Act states that an Area Structure Plan must describe;

- i) the sequence of development proposed for the area,
- j) the land uses proposed for the area, either generally or with respect to specific parts of the area,
- k) the density of population proposed for the area either generally or with respect to specific parts of the area,
- l) the general location of major transportation routes and public utilities, and

may contain any other matters the council considers necessary.

WHAT IS THE LAND USE BYLAW?

The Land Use Bylaw (LUB) is the municipal tool by which the development and use of land is regulated. It is the primary instrument for implementing development policies indicated in the Municipality's Municipal Development Plan, Area Structure Plans, and other planning related studies.

The LUB is divided into a number of land use districts, within which are "permitted" and "discretionary" uses of land and buildings or both. Permitted uses are those which are allowed if all regulations of the LUB are met while discretionary uses are those which may be allowed depending on the merits of the proposal.

The bylaw may also establish provisions in general or for any specific district, that pertain to such matters as:

- minimum and maximum lot areas
- building setbacks from property lines
- off-street parking provisions
- floor areas of buildings
- population density

WHAT ELSE DOES THE LAND USE BYLAW DO?

Municipal authority to control land use is one of the most powerful planning tools available. The LUB enables the municipality to manage land development on a day-to-day basis. It establishes the position of development officer and procedures for applying for development permits. These procedures include:

- the types of permits which may be issued
- the steps to be taken to apply for a permit
- the steps the development officer or Municipal Planning Commission will take to deal with an application, and
- to issue, cancel, suspend or refuse to issue a permit
- the conditions and restrictions which may be attached to permits, generally or to specific types of permits
- the length of time a permit will be valid
- the discretion a development officer may use in making decisions
- any other matters the Council thinks are necessary

WHAT IS A DIRECT CONTROL DISTRICT?

Council may designate certain areas as Direct Control Districts (DC). These are special districts which enable Council to regulate the development of land and buildings in any way it considers necessary. It allows Council to be more responsive to the needs of the individual owners and unique situations that would not be possible with any other land use districts.

HOW DOES THE LUB EFFECT THE SUBDIVISION OF LAND?

The applicable Land Use Bylaw regulations must be considered where a subdivision application is made. Approval cannot be provided by the Municipality / PRMS unless the application conforms to the LUB and Municipal Government Act requirements. The LUB may have regulations governing: the minimum and maximum area of lots, access requirements from public roadways, distance from property lines, etc.

HOW DO I CHANGE THE LAND USE DESIGNATION OF MY PROPERTY?

Land Use Amendment (also referred to as rezoning) refers to the process of changing the current land use district which applies to a particular parcel of land, to another designation.

A Land Use Amendment is required when a proposed development on a site cannot be allowed because the current land use district does not provide for that particular development, land use, parcel size or density. To rezone your property contact Palliser Regional Municipal Services or your local municipal offices.

WHAT RIGHT OF APPEAL DO I HAVE FOR A LAND USE AMENDMENT?

Excepting for a point-of-law, there is no right-of-appeal under the Municipal Government Act.