

**GUIDELINE TO THE KANANASKIS IMPROVEMENT DISTRICT  
SUBDIVISION AND DEVELOPMENT PERMIT APPLICATION PROCESSES  
AND  
THE SUBDIVISION AND DEVELOPMENT APPEAL PROCESS  
UNDER THE KANANASKIS LAND USE ORDER\***

*August 01, 2002*

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\* This is a guideline only and is subject to change from time to time. In the event of any conflict between this guideline and the Land Use Order, the Land Use Order governs.

## **I. PURPOSE**

This report is intended to set out the steps required under the Land Use Order to apply for subdivision approval or a development permit regarding lands located in the Kananaskis Improvement District ("KID"). It also explains the process for appealing decisions on subdivision and development permit decisions.

### **Scope of this Guide**

This is a guideline only to certain planning processes in the Kananaskis Improvement District. Planning decisions in KID are governed by the Land Use Order of July 15, 2002. In the event of a conflict between this guideline and the Land Use Order, the Land Use Order takes precedence.

## **II. APPLICATION FOR SUBDIVISION APPROVAL OR A DEVELOPMENT PERMIT**

Application for subdivision approval is made to the KID Subdivision Authority and application for a development permit is made to the KID Development Authority, as described below.

### **Subdivision Authority**

The KID Subdivision Authority is responsible for receiving, processing and deciding on subdivision applications.

To apply for subdivision, application must be made to the Subdivision Authority through the KID Development Officer. The Development Officer will coordinate the application process between the applicant and the Subdivision Authority.

All applications for subdivision approval, along with the prescribed fee, shall be submitted to the Development Officer in writing, in the form set out in the Province's Subdivision and Development Forms Regulation, which is attached as Schedule "A".

The application must comply with the Province's Subdivision and Development Regulation, which is also attached as Schedule "B". An application for subdivision shall not be considered complete until the information required under the Subdivision and Development Regulation has been submitted.

## **Who Can Apply**

Application for subdivision approval may be made by:

- an employee or agent of the Crown;
- a registered owner of land or the owner's agent;
- a person who has been granted a Disposition in KID or the Disposition holder's agent;
- a representative or agent of a utility corporation.

The Development Officer will request confirmation from the applicant that the applicant is authorized to make the subdivision application.

## **Review Process**

It is recommended that the applicant for subdivision meet with the Development Officer to review the requirements for the application.

When a complete application is received by the Development Officer the following steps will be taken:

1. A copy of the subdivision application will be provided to the Subdivision Authority.
2. The Development Officer will also provide a copy of the subdivision application to the provincial government departments, persons and authorities as required in the Subdivision and Development Regulations.
3. If land adjacent to the land proposed for subdivision is owned by a person other than the provincial Crown, the Development Officer will provide notice of the subdivision application to the adjacent land owners.
4. A copy of the application will also be provided to the Kananaskis Coordinating Authority.
5. Those notified of the subdivision application will be asked to forward their response to the Development Officer. A copy of the responses will be given to the Subdivision Authority and the applicant for subdivision.
6. The applicant for subdivision may be asked to attend a meeting of the Subdivision Authority to present the subdivision application and respond to any issues raised through the notification process, as well as any questions from the Subdivision Authority.

7. The applicant may be asked to provide further information to the Subdivision Authority.
8. The applicant may be asked to attend further meetings with the Subdivision Authority.
9. The Subdivision Authority shall review the subdivision application and shall take into consideration those factors set out in the Subdivision and Development Regulation when making its decision.

### **Development Authority**

The KID Development Authority is responsible for receiving, processing, and deciding on development permit applications.

To apply for a development permit, application must be made to the Development Authority through the KID Development Officer. The Development Officer will coordinate the application process between the applicant and the Development Authority.

All applications for a development permit, along with the prescribed fee, shall be submitted to the Development Officer in writing and shall include the information required under the Land Use Order, which list of information is attached as Schedule "C".

An application for a development permit shall not be considered complete until the information required under the Land Use Order has been submitted.

### **Who Can Apply**

Application for a development permit may be made by:

- an employee or agent of the Crown;
- a registered owner of land or the owner's agent;
- a person who has been granted a Disposition in KID or the Disposition holder's agent;
- a representative or agent of a utility corporation.

The Development Officer will request confirmation from the applicant that the applicant is authorized to make application for a development permit.

## **Review Process**

It is recommended that the applicant for a development permit meet with the Development Officer to review the requirements for the application.

When a complete application is received by the Development Officer the following steps will be taken:

1. A copy of the development permit application will be provided to the Development Authority.
2. The Development Officer will also provide a copy of the development permit application to the provincial government departments, persons and organizations, as set out in the Land Use Order. These organizations and persons are to respond within 15 days, although this time period may be extended by the Development Authority by up to 60 additional days.
3. If the Development Authority considers it appropriate to have input from the public, a public meeting may be called to review and discuss the proposed development. The Development Authority shall decide who are "persons affected" by the proposed development and entitled to be heard at the public meeting.
4. A copy of the application will be provided to the Kananaskis Coordinating Authority.
5. Those notified will be asked to forward their response to the Development Officer. A copy of the responses received by those notified of the development application shall be given to the Development Authority and the applicant for the development permit.
6. The applicant for the development permit may be asked to attend a meeting of the Development Authority to present the development permit application and respond to any issues raised through the notification process, as well as any questions from the Development Authority.
7. The applicant may be asked to provide further information to the Development Authority.
8. The applicant may be asked to attend further meetings with the Development Authority.
9. The Development Authority shall review the development permit application and make its decision.

### **III. APPEALS TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Appeals from decisions of the Subdivision Authority or the Development Authority are heard by the Subdivision and Development Appeal Board ("SDAB").

#### **Notice of Appeal**

To appeal a decision, a notice of appeal must be filed with the SDAB, through the KID Development Officer.

A Notice of Appeal must be in writing and must provide the following information:

1. A legal description is required of the land that is the subject of the subdivision or development permit application;
2. The name of the appellant;
3. A mailing address for the appellant;
4. A contact telephone number for the appellant;
5. A copy of the decision that is being appealed; and
6. A clear statement of the reasons for the appeal.

#### **Timeline**

The Notice of Appeal must be filed with the Development Officer within 21 days of the date on which the Subdivision Authority or the Development Authority signed the decision that is being appealed.

It is critical that the appeal be received by the Development Officer on or before the final day of the appeal period.

#### **Appeal Date**

The SDAB will schedule a hearing for the appeal within 60 days of the date that the Development Officer receives the Notice of Appeal.

In the case of an appeal of a development permit decision, the SDAB will decide whether the appeal will be conducted orally or through written submissions or both.

### **Notice of Hearing**

The SDAB will provide Notice of the Hearing at least:

1. 14 days prior to an oral hearing; and
2. 20 days prior to a hearing that is proceeding through written submissions.

Notice of the Hearing will be given to:

1. the Appellant;
2. the Subdivision Authority or the Development Authority, as applicable; and
3. in the case of an appeal from a development permit decision, any other person who the SDAB decides, in its sole discretion, is affected by the decision under appeal.

### **Adjournments**

Adjournments may be requested in writing in advance of the appeal hearing or at the hearing. An adjournment is within the discretion of the SDAB which may or may not grant the adjournment. The SDAB will ask the parties to make submissions on the request for adjournment and the request will be decided on its merits.

A party requesting an adjournment should be prepared to proceed with the hearing as initially scheduled in the event the request is denied.

### **Evidence**

The SDAB is not bound by rules of evidence or any other law applicable to Court proceedings. The SDAB will determine the admissibility, relevance and weight of any evidence before the Board.

## **IV GENERAL**

### **Filing an application or Notice of Appeal with the Development Officer**

A document may be filed with the KID Development Officer by:

1. Mailing the document to the Development Officer at:

Kananaskis Improvement District  
P.O. Box 70  
Kananaskis Village, AB T0L 2H0

2. Delivering the document to the Development Officer at:

#### **In Kananaskis to:**

Kananaskis Improvement District  
Municipal Office  
Kananaskis Emergency Services Centre  
Highway 40, 300 metres south of the turnoff to the  
Nakiska Ski Resort and the Kananaskis Village, AB

#### **In Canmore to:**

Kananaskis Improvement District  
c/o Alberta Community Development  
Suite 201, 800 Railway Avenue  
Canmore, AB T1W 1P1

#### **In Calgary to:**

Kananaskis Improvement District  
c/o Alberta Community Development  
Suite 200, 3115 – 12 Street NE  
Calgary, AB T2E 7J2

3. Faxing the document to the Development Officer at:

1 – 403 – 591 - 7123

## **Access to Information**

Subject to the requirements of the **Freedom of Information and Protection of Privacy Act**, a copy of all relevant documents and material respecting a subdivision or development permit application or an appeal will be available for public inspection.

Anyone wishing to access these documents and materials should contact the Development Officer.

Reasonable costs for producing and delivering copies of documents and materials may be charged to the persons making the information request.

## **Conduct of Oral Meetings or SDAB Hearings**

When an applicant meets with the Subdivision Authority or the Development Authority or when an appeal is being heard orally by the SDAB, the following procedures will generally apply.

1. The Chair of the Authority or SDAB will call the meeting or hearing to order.
2. The Chair will introduce the members of the Subdivision Authority, the Development Authority or SDAB.
3. The Chair will ask the other participants to identify themselves, their representatives and experts.
4. The Chair will ask if there are any preliminary matters, either administrative or jurisdictional to be addressed. A preliminary matter may include:
  - a. an objection to a member of the Subdivision Authority, Development Authority or SDAB attending the meeting or hearing the appeal;
  - b. an objection to the participation of a third party;
  - c. a request to change the order of presentation to accommodate a witness;
  - d. a question in regard to an evidentiary matter;

- e. a request for an adjournment; or
  - f. other matters in regard to how the meeting or appeal hearing will proceed.
5. The Development Officer may be asked to provide background information identifying the subject property, the information submitted in regard to the application or appeal and a general overview of the issues. This is for background only and is not a submission on the part of the Development Officer.
  6. The applicant, or in the case of an appeal the appellant, will be asked to present first.
  7. In the case of an appeal, the party whose decision is being appealed will be asked to present next followed by the presentations of any interested parties, recognized by the SDAB.
  8. In the case of subdivision and development permit applications, those that have been identified as being an interested party will be asked to present next.
  9. The Subdivision Authority, Development Authority or the SDAB may allow questions from other parties to be asked of the presenting party. Questions must be asked through the Chair.
  10. The SDAB may, in its discretion, permit the cross-examination of a witness.
  11. The presentations will be followed by legal argument where necessary. Legal argument will be presented in the same order that the initial presentation was given.
  12. Rebuttal submissions may be requested by the Subdivision Authority, the Development Authority or the SDAB.
  13. The Subdivision Authority or the Development Authority may request that the applicant provide further written information regarding the application;
  14. The SDAB may request the parties to provide written submissions on their respective positions.

## **Conduct of Written SDAB Hearing**

When an appeal proceeds by written submissions, there will be an exchange of the submissions between the parties. The SDAB will set the timelines for the exchange of written submissions as well as rebuttal submissions, if applicable.

If the SDAB feels that the written submissions are not sufficient, it may ask the parties to attend the hearing in person to make oral submissions and address the Board's questions.

## **Procedures Subject to Change**

The practices and procedures set out above are of general application and are subject to change, from time to time, at the discretion of the Subdivision Authority, the Development Authority or the Subdivision and Development Authority, as the case may be. Changes will be made to accommodate the circumstances of the application or appeal and to ensure a fair meeting or hearing.

# **SUBDIVISION AND DEVELOPMENT FORMS REGULATION**

Current to AR 116/2002 June 11, 2002

Municipal Government Act

## **SUBDIVISION AND DEVELOPMENT FORMS REGULATION<sup>1</sup>**

AR 215/95

1. The forms for the purposes of the Subdivision and Development Regulation under the Municipal Government Act are the forms set out in the Schedule.
2. This Regulation comes into force on September 1, 1995.

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<sup>1</sup> The Subdivision and Development Regulations in Schedules A and B were obtained and reformatted from the Quicklaw database as of July 23, 2002. The Regulations are amended from time to time and amendments should be obtained from the Queen's Printer.

**SCHEDULE**

**FORM 1  
APPLICATION FOR SUBDIVISION**

DATE of receipt of

FILE NO.

completed Form  
Fee Submitted:

THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND THAT IS THE SUBJECT OF THE APPLICATION OR BY A PERSON AUTHORIZED TO ACT ON THE REGISTERED OWNER'S BEHALF

1. Name of registered owner of land to be subdivided. Address and phone no .

2. Name of agent (person authorized to act on behalf of registered owner), if any. Address and phone no.

**3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED**

All/part of the [1/4] sec. twp. range west of meridian Being all/parts of lot block Reg. Plan No. C.O.T. No Area of the above parcel of land to be subdivided hectares

Municipal address (if applicable)

**4. LOCATION OF LAND TO BE SUBDIVIDED**

a. The land is situated in the municipality of

b. Is the land situated immediately adjacent to the municipal boundary? Yes No .  
If "yes", the adjoining municipality is

c. Is the land situated within 0.8 kilometres of the right of way of a highway?  
Yes No

If "yes ", the highway is No.

d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water or by a drainage ditch or canal? If "yes ", state its name  
Yes No

e. Is the proposed parcel within 1.5 km. of a sour gas facility? Yes No

5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land
- b. Proposed use of the land
- c. The designated use of the land as classified under a land use bylaw

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED (WHERE APPROPRIATE)

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed)
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc., ---- sloughs, creeks, etc.)
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.)

7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED

Describe any buildings and any structures on the land and whether they are to be demolished or moved

8. WATER AND SEWER SERVICES

If the proposed subdivision is to be served by other than a water distribution system and a wastewater collection system, describe the manner of providing water and sewage disposal.

9. REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF

I (Full name) hereby certify that

I am the registered owner, or

I am the agent authorized to act on behalf of the registered owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Address (Signed)

Phone No.

Date

FURTHER INFORMATION MAY BE PROVIDED BY THE APPLICANT ON THE REVERSE OF THIS FORM.

**FORM 2  
DEFERRED RESERVE CAVEAT**

TAKE NOTICE that the (name of municipality)  
has an estate or interest in the nature of municipal reserve, school reserve or municipal  
and school reserve under section 669 of the Municipal Government Act by virtue of the  
decision of the (name of subdivision authority)  
dated the day of , 19 in acres of the lands described as follows:  
standing in the register in the name(s) of  
and the caveator forbids the registration of any person as transferee or owner of, or any  
instrument affecting, the said estate or interest, unless the instrument or certificate of  
title, as the case may be, is expressed to be subject to my claim.

I APPOINT  
as the place at which notices and proceedings relating hereto may be served.

DATED this \_\_\_\_ day of \_\_\_\_\_, 200  
(Signed)  
(Title of person acting on behalf of subdivision authority)

**AFFIDAVIT IN SUPPORT OF CAVEAT**

I make oath and say as follows:

1. I am the agent for the caveator.
2. I believe the caveator has a good and valid claim on the land and say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN BEFORE ME at the \_\_\_\_\_ of )  
\_\_\_\_\_, )  
in the Province of Alberta, )  
the \_\_\_\_ day of \_\_\_\_\_, 200 . )

## **Schedule B - SUBDIVISION AND DEVELOPMENT REGULATION**

Current to AR 116/2002 June 11, 2002

Municipal Government Act

SUBDIVISION AND DEVELOPMENT REGULATION

AR 212/95

(Consolidated up to 251/2001)

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### *Interpretation*

1 (1) In this Regulation,

- (a) "AEUB" means the Alberta Energy and Utilities Board;
- (b) "building site" means a portion of the land that is the subject of an application on which a building can or may be constructed;
- (c) "dry waste site" means dry waste site as defined in the Waste Management Regulation (Alta. Reg. 250/85);
- (d) "food establishment" means food establishment as defined in the Food Regulation (Alta. Reg. 240/85);
- (e) "hazardous waste management facility" means hazardous waste management facility as defined in the Waste Control Regulation (Alta. Reg. 129/93);
- (f) "modified sanitary landfill" means modified sanitary landfill as defined in the Waste Management Regulation (Alta. Reg. 250/85);
- (g) "rural municipality" means a municipal district, improvement district, special area or the rural service area of a specialized municipality;
- (h) "sanitary landfill" means sanitary landfill as defined in the Waste Management Regulation (Alta. Reg. 250/85);
- (i) "sour gas" means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;
- (j) "sour gas facility" means
  - (i) any of the following, if it emits, or on failure or on being damaged may emit, sour gas:
    - (A) a gas well as defined in the Oil and Gas Conservation Regulations (Alta. Reg. 151/71);
    - (B) a processing plant as defined in the Oil and Gas Conservation Act;
    - (C) a pipeline as defined in the Pipeline Act;
  - (ii) anything designated by the AEUB as a sour gas facility pursuant to section 3;
- (k) "unsubdivided quarter section" means

- (i) a quarter section, lake lot, river lot or settlement lot that has not been subdivided except for public or quasi-public uses or only for a purpose referred to in section 618 of the Act, or
  - (ii) a parcel of land that has been created pursuant to section 86(2)(d) of the Planning Act RSA 1980 on or before July 6, 1988, or pursuant to section 29.1 of the Subdivision Regulation (Alta. Reg. 132/78), from a quarter section, lake lot, river lot or settlement lot that constitutes more than [1/2] of the area that was constituted by that quarter section, lake lot, river lot or settlement lot;
- (l) "urban municipality" means city, town, village, summer village or the urban service area of a specialized municipality;
- (m) "waste sorting site" means waste sorting site as defined in the Waste Management Regulation (Alta. Reg. 250/85);
- (n) "waste sorting station" means waste sorting station as defined in the Waste Management Regulation (Alta. Reg. 250/85);
- (o) "waste transfer station" means waste transfer station as defined in the Waste Management Regulation (Alta. Reg. 250/85);
- (p) "wastewater collection system" means a wastewater system as defined in the Environmental Protection and Enhancement Act, that serves 2 or more dwelling units;
- (q) "wastewater treatment plant" has the same meaning as in the Environmental Protection and Enhancement Act and includes a wastewater treatment stabilization plant;
- (r) "water distribution system" means a waterworks system as defined in the Environmental Protection and Enhancement Act, that serves 2 or more dwelling units.

(2) The definitions in Part 17 of the Act and section 1 of the Act, to the extent that they do not conflict with Part 17, apply to this Regulation.

*Bylaw, plan prevails*

2. Nothing in this Regulation may be construed to permit a use of land that is not a permitted use or a discretionary use under a statutory plan or land use bylaw.

*AEUB designations*

3 (1) The AEUB may designate any well, battery, processing plant or pipeline, as defined in the Oil and Gas Conservation Act, not included in section 1(1)(j)(i) as a sour gas facility for the purpose of this Regulation, if it emits, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.

- (2) The AEUB may designate as a sour gas facility for the purpose of this Regulation
- (a) a well for which a well licence has been issued under the Oil and Gas Conservation Act,
  - (b) a battery as defined in the Oil and Gas Conservation Act the location and construction of which has been approved by the AEUB,
  - (c) a processing plant as defined in the Oil and Gas Conservation Act forming part of a gas processing scheme approved by the AEUB under that Act, or
  - (d) a pipeline for which a permit has been issued under the Pipeline Act,

if the operation of the well, battery, processing plant or pipeline has not commenced at the time the designation is made and the AEUB is satisfied that when it is in operation it will emit, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.

(3) The AEUB must furnish a copy of each designation and each revocation of a designation made by it under this section, to the municipality where the affected sour gas facility is or is to be, located.

## **PART 1 SUBDIVISION APPLICATIONS**

### *Application*

4 (1) An application for subdivision must be made to the appropriate subdivision authority by submitting a complete application for subdivision.

(2) A complete application for subdivision consists of a completed application for subdivision in the form set out in the Subdivision and Development Forms Regulation under the Municipal Government Act, a proposed plan of subdivision or other instrument that effects a subdivision, the required fee, a copy of the current land title for the land that is the subject of an application and at the discretion of the subdivision authority, the information required under subsection (4).

(3) An application for subdivision may be made only by the owner of the parcel of land that is the subject of the application or a person authorized to apply on the owner's behalf.

(4) The applicant must submit the number of sketches or plans of the proposed subdivision drawn to the scale that the subdivision authority requires

- (a) showing the location, dimensions and boundaries of the land to be subdivided,
- (b) clearly outlining the land that the applicant wishes to register in a land titles office,

- (c) showing the location, dimensions and boundaries of
    - (i) each new lot to be created, and any reserve land, and
    - (ii) existing rights of way of each public utility, or other rights of way,
  - (d) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved,
  - (e) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land,
  - (f) describing the use or uses proposed for the land that is the subject of the application,
  - (g) if the proposed lots are to be served by individual wells and private sewage disposal systems, showing the location of any existing or proposed wells, the location and type of any private sewage disposal systems and the distance from these to existing or proposed buildings and property lines, and
  - (h) showing the existing and proposed access to the proposed parcels and the remainder of the titled area.
- (5) The subdivision authority may require an applicant for subdivision to submit, in addition to a complete application for subdivision, all or any of the following:
- (a) a map of the land that is to be subdivided and shows topographic contours at not greater than 1.5 metre intervals and related to the geodetic datum, where practicable;
  - (b) if a proposed subdivision is not to be served by a water distribution system, information supported by the report of a person qualified to make it, respecting the provision, availability and suitability of potable water on or to the land to be subdivided;
  - (c) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system;
  - (d) if the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood;
  - (e) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it,

respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision;

- (f) information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land proposed to be subdivided;
- (g) if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 kilometres of a sour gas facility, a map showing the location of the sour gas facility;
- (h) a conceptual scheme that relates the application to future subdivision and development of adjacent areas;
- (i) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.

#### *Application referrals*

5 (1) For the purposes of subsection (3)(d)(i), "adjacent" means contiguous or would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.

(2) For the purposes of subsection (3)(e)(ii), the Deputy Minister responsible for administration of the Public Lands Act may, in an agreement with a municipality, further define the term "body of water" but the definition does not include dugouts, drainage ditches, man made lakes or other similar man made bodies of water.

(3) On receipt of a complete application for subdivision, the subdivision authority must send a copy to

- (a) each school authority that has jurisdiction in respect of land that is the subject of the application, if the application may result in the allocation of reserve land or money in place of reserve land for school purposes;
- (b) the Deputy Minister of Environment if any of the land that is the subject of an application is within the distances referred to in section 12 or 13;
- (c) if the proposed subdivision is to be served by a public utility, as defined in the Public Utilities Board Act, the owner of that public utility;
- (d) the Deputy Minister of Transportation if the land that is the subject of an application is not in a city and,
  - (i) is adjacent to a highway where the posted speed limit is less than 80 kilometres per hour, or
  - (ii) is within 0.8 kilometres of a highway where the posted speed is 80 kilometres per hour or greater unless a lesser distance is agreed to by the Deputy Minister of Transportation and the municipality in which the land that is the subject of an application is located;

- (e) the Deputy Minister of the Minister responsible for administration of the Public Lands Act if the proposed parcel
  - (i) is bounded by the bed and shore of a river, stream, watercourse, lake or other body of water, or
  - (ii) contains, either wholly or partially, the bed and shore of a river, stream, watercourse, lake or other body of water;
- (f) the Deputy Minister of the Minister responsible for the administration of the Public Lands Act, if the land that is the subject of the application is within the Green Area, being that area established by Ministerial Order under section 10 of the Public Lands Act (RSA 1980 cP-30) dated May 7, 1985, as amended or replaced from time to time except that for the purposes of this Regulation, the Green Area does not include,
  - (i) land within an urban municipality, and
  - (ii) any other lands that the Deputy Minister of the Minister responsible for the administration of the Public Lands Act states, in writing, may be excluded;
- (g) the AEUB, if any of the land that is the subject of the application is located within the distance referred to in section 9(1);
- (h) the Deputy Minister of Environment and the Deputy Minister of Infrastructure if the land is situated within a Restricted Development Area established under Schedule 5 of the Government Organization Act;
- (i) the Deputy Minister of the Minister responsible for the administration of the Historical Resources Act if
  - (i) the Deputy Minister has supplied the subdivision authority with a map showing, or the legal description of,
    - (A) the location of each Registered Historic Resource and Provincial Historic Resource under the Historical Resources Act or other significant historic site or resource identified by the Deputy Minister, and
    - (B) the public lands set aside for use as historical sites under the Public Lands Act, within the jurisdiction of the subdivision authority, and the land that is the subject of the application is within a rural municipality and 0.8 kilometres of a site referred to in subclause (A) or (B), or is within an urban municipality and 60 metres of a site referred to in subclause (A) or (B), or

- (ii) the Deputy Minister and the municipality have agreed in writing to referrals in order to identify and protect historical sites and resources within the land that is the subject of the application;
- (j) if the land is situated within an irrigation district, the board of directors of the district;
- (k) the municipality within which the land is proposed to be subdivided if the council, municipal planning commission or a designated officer of that municipality is not the subdivision authority for that municipality;
- (l) each municipality that has a boundary adjacent, as defined in section 692(7) of the Act, to land that is subject to the application for subdivision unless otherwise provided for in the applicable intermunicipal development plan;
- (m) any other persons and local authorities that the subdivision authority considers necessary.

(4) Notwithstanding subsection (3), a subdivision authority is not required to send an application for a subdivision described in section 652(4) of the Act to any person referred to in subsection (3).

(5) Notwithstanding subsection (3), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (3) if the land that is the subject of the application is contained within

(a) an area structure plan, or

(b) a conceptual scheme described in section 4(5)(h) that has been referred to the persons referred to in subsection (3).

**\*\* Quicklaw Table \*\***

For changes prior to January 2000, please see the Alberta Gazette Part II for in force information.

Provision	Changed by	Effective	Gazette Date
5(3)(b)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30
5(3)(d)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30
5(3)(f)	AR 251/2001 s115	2002 Jan 1	2002 Jan 15
5(3)(h)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30

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HISTORY: AR 212/95 s5; AR 206/2001 s107; AR 251/2001 s115

*Decision time limit*

6. A subdivision authority must make a decision on an application for subdivision within
- (a) 21 days in the case of a completed application for a subdivision described in

section 652(4) of the Act if no referrals were made pursuant to section 5(4),

- (b) 60 days from the date of receipt of any other completed application under section 4(1), or
- (c) within the time agreed to pursuant to section 681(1)(b) of the Act.

*Relevant considerations*

7. In making a decision as to whether or not to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

- (a) its topography,
- (b) its soil characteristics,
- (c) storm water collection and disposal,
- (d) any potential for the flooding, subsidence or erosion of the land,
- (e) its accessibility to a road,
- (f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,
- (g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the Plumbing Code Regulation (Alta. Reg. 211/92) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems,
- (h) the use of land in the vicinity of the land that is the subject of the application, and
- (i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

**PART 2**  
**SUBDIVISION AND DEVELOPMENT CONDITIONS**

*Road access*

8. Every proposed subdivision must provide to each lot to be created by it

- (a) direct access to a road, or
- (b) lawful means of access satisfactory to the subdivision authority.

*Sour gas facilities*

9 (1) A subdivision authority must send a copy of a subdivision application and a development authority must send a copy of a development application for a development that results in permanent additional overnight accommodation or public facilities, as defined by the AEUB, to the AEUB if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AEUB and the subdivision authority.

(2) If a copy of an application for subdivision or development is sent to the AEUB, the AEUB must provide the subdivision authority or development authority with its comments on the following matters in connection with the application:

- (a) the AEUB's classification of the sour gas facility;
- (b) minimum development setbacks necessary for the classification of the sour gas facility.

(3) A subdivision authority and development authority must not approve an application that does not conform to the AEUB's setbacks unless the AEUB gives written approval to a lesser set back distance.

(4) An approval under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

*Gas and oil wells*

10 (1) An application for subdivision or development must not be approved if it would result in permanent additional overnight accommodation or public facilities, as defined by the AEUB, within 100 metres of a gas or oil well unless that permanent additional overnight accommodation or public facilities would be within a lesser distance approved in writing by the AEUB.

(2) For the purposes of this section, distances are measured from the well head to the building or proposed building site.

(3) In this section, "gas or oil well" does not include an abandoned well as defined by the AEUB.

(4) An approval of the AEUB under subsection (1) may refer to applications for subdivision or development generally or to a specific application.

HISTORY: AR 212/95 s10;53/96

*Restrictions*

11 (1) On or before March 31, 1998, a subdivision authority must not approve an application for subdivision for country residential use unless the land that is the subject of an application

- (a) is 8 kilometres or more from the boundaries of a city or town having a population of 5000 or more persons,
- (b) is 3.2 kilometres or more from the boundaries of a city, town or village having a population of 1000 or more but less than 5000 persons, and
- (c) is 1.6 kilometres or more from the boundaries of a town, village or summer village having a population of less than 1000 persons.

(2) If an urban fringe boundary was established and existed on August 31, 1995 under a regional plan adopted pursuant to the Planning Act RSA 1980 cP-9, that boundary applies in place of the distances established under subsection (1).

(3) Notwithstanding subsection (1) or (2), a subdivision authority may approve an application for subdivision for country residential use if

- (a) the affected city, town, village or summer village gives its consent in writing to the application,
- (b) the use is permitted under the applicable intermunicipal development plan, or
- (c) the use is permitted under an agreement entered into between the affected city, town, village or summer village and the municipality in which the land that is the subject of an application is located.

(4) This section does not apply

- (a) to a subdivision adjusting the boundary of an existing parcel,
- (b) to the subdivision of a fragmented parcel from a titled area, or
- (c) to the subdivision of the first parcel from a previously unsubdivided quarter section

if it is permitted in the applicable land use bylaw.

(5) In this section, "country residential use" means the use of land in a rural municipality for residential purposes, other than in a hamlet established under section 59 of the Act.

HISTORY: AR 212/95 s11;122/97

*Distance from wastewater treatment*

12 (1) In this section, "working area" means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.

(2) A subdivision authority must not approve an application for subdivision for school, hospital, food establishment or residential use unless, on considering the matters referred to in section 7, each proposed lot includes a suitable building site for school, hospital, food establishment or residential use 300 metres or more from the working area of an operating wastewater treatment plant.

(3) Subject to subsection (5), a development authority must not issue a development permit for a school, hospital, food establishment or residential building within 300 metres of the working area of an operating wastewater treatment plant nor may a residential building be constructed within 300 metres of the working area of an operating waste water treatment plant.

(4) Subject to subsection (5), a subdivision authority must not approve an application for subdivision and a development authority may not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from any school, hospital, food establishment or residential building or proposed school, hospital, food establishment or residential building site.

(5) The requirements contained in subsections (2) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment.

(6) A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

\*\* Quicklaw Table \*\*

For changes prior to January 2000, please see the Alberta Gazette Part II for in force information.

Provision	Changed by	Effective	Gazette Date
12(5)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30

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HISTORY: AR 212/95 s12; AR 206/2001 s107

*Distance from landfill, waste sites*

13 (1) In this section,

(a) "disposal area" means those areas of a parcel of land that have been used and will not be used again for the placing of waste material or where waste processing or a burning activity is conducted in conjunction with a sanitary

landfill, modified sanitary landfill, hazardous waste management facility or dry waste site;

- (b) "working area" means those areas of a parcel of land that are currently being used or that still remain to be used for the placing of waste material or where waste processing or a burning activity is conducted in conjunction with a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste sorting station or waste transfer station.

(2) Subject to subsection (5), a subdivision authority must not approve an application for subdivision for a school, hospital, food establishment or residence if the application would result in the creation of a building site for any of those uses

- (a) within 450 metres of the working area of an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site,
- (b) within 300 metres of the disposal area of an operating or non-operating sanitary landfill, modified sanitary landfill or dry waste site,
- (c) within 450 metres of the disposal area of a non-operating hazardous waste management facility, or
- (d) within 300 metres of the working area of an operating waste processing site, waste storage site, waste sorting station or waste transfer station.

(3) Subject to subsection (5), a development authority must not issue a development permit for a school, hospital, food establishment or residence nor may a residence be constructed if the building site

- (a) is within 450 metres of the working area of an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site,
- (b) is within 300 metres of the disposal area of an operating or non-operating sanitary landfill, modified sanitary landfill or dry waste site,
- (c) is within 450 metres of the disposal area of a non-operating hazardous waste management facility, or
- (d) is within 300 metres of the working area of an operating waste processing site, waste storage site, waste sorting station or waste transfer station.

(4) Subject to subsection (5), a subdivision authority must not approve an application for subdivision, and a development authority must not issue a permit for the purposes of developing

- (a) a sanitary landfill, modified sanitary landfill or dry waste site,
- (b) a hazardous waste management facility, or
- (c) a waste processing site, waste storage site, waste sorting station or waste transfer station

unless

- (d) the working area of the things referred to in clause (a) is situated at least 450 metres,
- (e) the disposal area of things referred to in clause (a) is situated at least 300 metres,
- (f) the working or disposal area of things referred to in clause (b) is situated at least 450 metres, and
- (g) the working area of things referred to in clause (c) is situated at least 300 metres

from the property line of a school, hospital, food establishment or residence or site proposed for a hospital, food establishment or residence.

(5) The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment.

(6) A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

\*\* Quicklaw Table \*\*

For changes prior to January 2000, please see the Alberta Gazette Part II for in force information.

Provision	Changed by	Effective	Gazette Date
13(5)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30

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HISTORY: AR 212/95 s13; AR 206/2001 s107

*Distance from highway*

14. Subject to section 16, a subdivision authority must not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 0.8 kilometres of a highway where the posted speed is 80 kilometres or more unless the land is

- (a) to be used for agricultural purposes,
- (b) for a single parcel of land to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements and that complies with the land use bylaw,
- (c) for an undeveloped single residential parcel to be created from an unsubdivided quarter section and located at least 300 metres from the right of way of a highway and that complies with the land use bylaw,
- (d) contained and permitted within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement, or
- (e) contained and permitted within an area structure plan satisfactory to the Minister of Transportation.

**\*\* Quicklaw Table \*\***

For changes prior to January 2000, please see the Alberta Gazette Part II for in force information.

Provision	Changed by	Effective	Gazette Date
14(d)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30
14(e)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30

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HISTORY: AR 212/95 s14; AR 206/2001 s107

*Service roads*

15 (1) In this section, "provide" means dedicate by caveat or by survey or construct, as required by the subdivision authority.

(2) Subject to section 16, if the land that is the subject of an application for subdivision is within an area described in section 5(3)(d), a service road satisfactory to the Minister of Transportation must be provided.

(3) Subsection (2) does not apply if access to the proposed parcel of land and remnant title is to be by means other than a highway.

**\*\* Quicklaw Table \*\***

For changes prior to January 2000, please see the Alberta Gazette Part II for in

force information.

Provision	Changed by	Effective	Gazette Date
15(2)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30

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HISTORY: AR 212/95 s15; AR 206/2001 s107

#### *Waiver*

16 (1) The requirements of sections 14 and 15 may be varied by a subdivision authority with the written approval of the Minister of Transportation.

(2) An approval under subsection (1) may refer to applications for subdivision or development generally or to a specific application.

\*\* Quicklaw Table \*\*

For changes prior to January 2000, please see the Alberta Gazette Part II for in force information.

Provision	Changed by	Effective	Gazette Date
16(1)	AR 206/2001 s107	2001 Nov 14	2001 Nov 30

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HISTORY: AR 212/95 s16; AR 206/2001 s107

#### *Additional reserve*

17 (1) In this section, "developable land" has the same meaning as it has in section 668 of the Act.

(2) The additional municipal reserve, school reserve or school and municipal reserve that may be required to be provided by a subdivision authority under section 668 of the Act may not exceed the equivalent of

- (a) 3% of the developable land when in the opinion of the subdivision authority a subdivision would result in a density of 30 or more dwelling units per hectare of developable land but less than 54 or more dwelling units per hectare of developable land, or
- (b) 5% of the developable land when in the opinion of the subdivision authority a proposed subdivision would result in a density of 54 or more dwelling units per hectare of developable land.

**PART 3**  
**REGISTRATION, ENDORSEMENT**

*Registration*

18. On a proposed plan of subdivision,

- (a) environmental reserve must be identified by a number suffixed by the letters "ER";
- (b) municipal reserve must be identified by a number suffixed by the letters "MR";
- (c) school reserve must be identified by a number suffixed by the letters "SR";
- (d) municipal and school reserve must be identified by a number suffixed by the letters "MSR";
- (e) a public utility lot must be identified by a number suffixed by the letters "PUL".

*Deferral*

19. If a subdivision authority orders that the requirement to provide all or part of municipal reserve, school reserve or municipal and school reserve be deferred, the caveat required to be filed under section 669 of the Act must be in the deferred reserve caveat form set out in the Subdivision and Development Forms Regulation under the Municipal Government Act.

*Endorsement*

20. When a subdivision authority endorses an instrument pursuant to section 657 of the Act, the endorsement must contain at least the following information:

- (a) the percentage of school reserve or municipal reserve or municipal and school reserve required to be provided under the Act, if any;
- (b) the percentage of money required to be provided in place of all or some of the reserve land referred to in clause (a), if any;
- (c) the percentage of reserve land referred to in clause (a) ordered to be deferred, if any;
- (d) the area covered by an environmental reserve easement, if any.

## **PART 4 PROVINCIAL APPEALS**

### *MGB distances*

21 (1) The following are the distances for the purposes of section 678(2)(a) of the Act with respect to land that is subject to an application for subdivision:

- (a) the distance with respect to a body of water described in section 5(3)(e);
- (b) the distance, from a highway, described in section 14 or the distance, from a highway, described in an agreement under section 14(e);
- (c) the distance, described in section 12, from a wastewater treatment facility;
- (d) the distances, described in section 13, from the disposal area and working area of a waste management facility.

(2) For the purposes of this section,

- (a) "wastewater treatment facility" means a sewage treatment facility;
- (b) "waste management facility" means a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste sorting station and a waste transfer station.

## **PART 5 REPEAL AND COMMENCEMENT**

### *Repeal*

22. The Subdivision Regulation (Alta. Reg. 132/78) and Subdivision Approval Application Fees Regulation (Alta. Reg. 307/93) are repealed.

### *Coming into force*

23 This Regulation comes into force on September 1, 1995.

## **Schedule C - DEVELOPMENT PERMIT INFORMATION**

The requirements under the Land Use Order are as follows:

53. Unless the Development Authority, or the Development Officer as authorized by the Development Authority, specifies otherwise, an application for a development permit shall be accompanied by the following:

- (a) a detailed narrative setting out:
  - (i) the existing use of the land;
  - (ii) a description of the proposed use or uses;
  - (iii) the proposed time period for operation (ie. seasonal or year-round; ongoing or short-term);
  - (iv) a description of adjacent land and uses and the surrounding environmental conditions;
  - (v) requirements for all existing and proposed utilities;
  - (vi) a detailed construction plan including, without limitation, estimated timelines, plans for phasing construction and location where materials or soil will be stockpiled; and
  - (vii) in the case where an environmental impact assessment is not required, an environmental overview of the effects of the Development on the surrounding environment;
- (b) a copy of any environmental impact assessment that has been undertaken;
- (c) the estimated commencement and completion dates;
- (d) a site plan showing the following information:
  - (i) north arrow;
  - (ii) scale of plan (minimum 1/200);
  - (iii) legal description of subject land;

- (iv) property boundary line; and
- (v) yard dimensions;
- (e) location and size of existing and proposed Buildings including:
  - (i) Building height dimensions;
  - (ii) setback measurements from any Building to property or boundary lines;
  - (ii) existing or proposed utility infrastructure;
  - (iii) gross floor area of Buildings; and
  - (iv) yard coverage by Buildings;
- (f) plans showing:
  - (i) the elevations and a perspective of the proposed Development;
  - (ii) a description of exterior finishing materials; and
  - (iii) the floor plan and, in the case of Buildings used for accommodation, the number of guest or residential units with all staff units shown and labeled;
- (g) a vicinity map of appropriate scale, showing the location of the proposed Development in relation to:
  - (i) access roadways;
  - (ii) significant landscape features on the subject land and in close proximity to the proposed Development; and
  - (iii) adjacent land and uses;
- (h) a plan showing the number, location and dimensioned layout of existing and proposed parking areas, entrances and exits, adjoining streets, avenues and lanes;
- (i) dimensioned layout of existing and proposed:

- (i) garbage and storage areas;
  - (ii) fencing, and screening;
  - (iii) signs;
- (j) a plan showing all easements and utility rights of way;
- (k) landscaping plans showing the existing topography and clearly identifying:
- (i) the type, size and number of vegetation that is to be retained or removed;
  - (ii) the dimensions and layout of soft and hard landscaping;
  - (iii) the dimensions and layout of pedestrian circulation, open space systems, screening, berms, slopes, and retaining walls; and
  - (iv) the grade of the land and drainage patterns;
- (l) a copy of the authority under which the application is made (such as legislative authority, certified copy of title to the site or the Disposition);
- (m) an address for notification;
- (n) photographic prints showing the site in its existing state;
- (o) data to show:
- (i) how the form, mass and character of the proposed Development will relate to neighbouring Developments;
  - (ii) how the design, materials and finish of the principal facades of the proposed Development will relate to the natural landscape, any neighbouring Buildings, the Architectural Guidelines set out in Appendix "A" to this Order and the Fire Smart Guidelines;
- (p) in the case of a proposed retaining wall, the design prepared by a professional engineer;

- (q) a soils report prepared by a professional geotechnical engineer;  
and
- (r) any other information requested by the Development Authority to determine the potential impact of the proposed Development on the environment, activities and Developments in close proximity to the proposed Development.

54. If required by the Development Authority, all plans and specifications for the Development shall be prepared by a qualified, registered Alberta architect, landscape architect, engineer or Alberta Community Planner.

55. Two copies of all plans, specifications and narratives shall be submitted as part of the application and the Development Authority may require that the applicant provide additional copies. All plans and specifications shall be no larger than 11x17 inches.