



A GENERAL GUIDE TO THE
SUBDIVISION PROCESS

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1.0 PURPOSE

This pamphlet has been designed to assist in applying for a subdivision in the Village of Cremona. Its intent is to complement information contained in applicable provincial legislation, specifically the Municipal Government Act, Subdivision and Development Regulation, Municipal Development Plan and Land Use Bylaw.

2.0 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. This is an important and effective land use management and planning tool. Subdivision of land within the Village of Cremona (and all of Alberta) is governed by two Provincial statutes: the *Municipal Government Act* (Division 7 - Subdivision of Land) and the *Subdivision and Development Regulation*, whereby the Municipal Planning Commission is authorized as the approving authority.



3.0 WHO CAN APPLY TO SUBDIVIDE A PARCEL?

The only person (s) that can subdivide land is the registered owner(s) of the land. The owner(s) can appoint an authorized agent to act on his or her behalf. Often landowners choose an Alberta Land Surveyor or other professional— planner, lawyer, engineer to act on their behalf when they do not wish to undertake the application on their own. If this is the case, the subdivision application must clearly indicate the name of the agent, and be accompanied by a letter of authorization.

4.0 HOW IS THE PROCESS INITIATED?

Potential applicants are requested to arrange a pre-application meeting with the Village Planning and Development staff. **Note that this meeting is mandatory in order to review application requirements prior to submission and to ensure a timely process.** To arrange such a meeting, please call 403.637.3762. For this meeting, an applicant should have the legal description of the subject property and should be prepared to discuss the intent of the application. At this time, if required, Village staff can also identify the potential requirement to provide reserve dedication from the subject property to the Village.

5.0 WHAT IS THE PROCESS?

The process from pre-application to decision is summarized in the chart, on the following page.

6.0 SUBDIVISION OF LAND (WHAT IS NEEDED)?

The Village can provide a Subdivision Application Checklist. The applicant should start compiling the following information to initiate the application (note that a comprehensive list is provided on the checklist):

- Completed subdivision application form. **Note that incomplete applications will not be accepted by the Village administration, and will be returned to the applicant;**
- Application, new lot, and endorsement fees, payable to the Village of Cremona;
- Current certificate of title of subject lands (no older than 30 days);
- Copies of all instruments which are registered against the parcels being subdivided;
- 10 copies of the **plan of survey*** (at a minimum metric scale of 1:100) of subdivision **or** 10 copies of a **descriptive plan****. **Note that most applications are done by a plan of survey (tentative plan);** and
- Any additional information requested by the Development Officer.

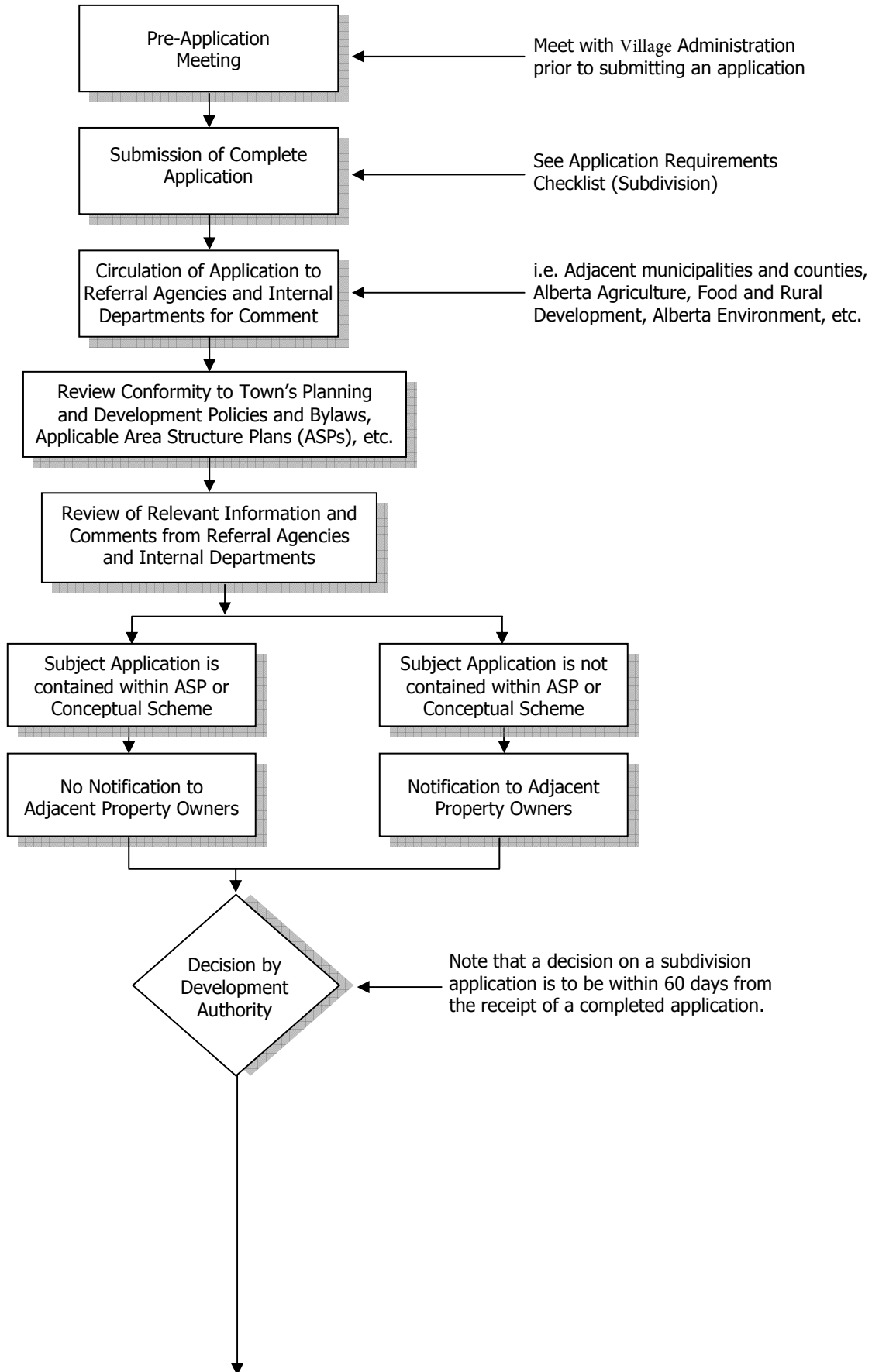
****A Plan of Survey is...***

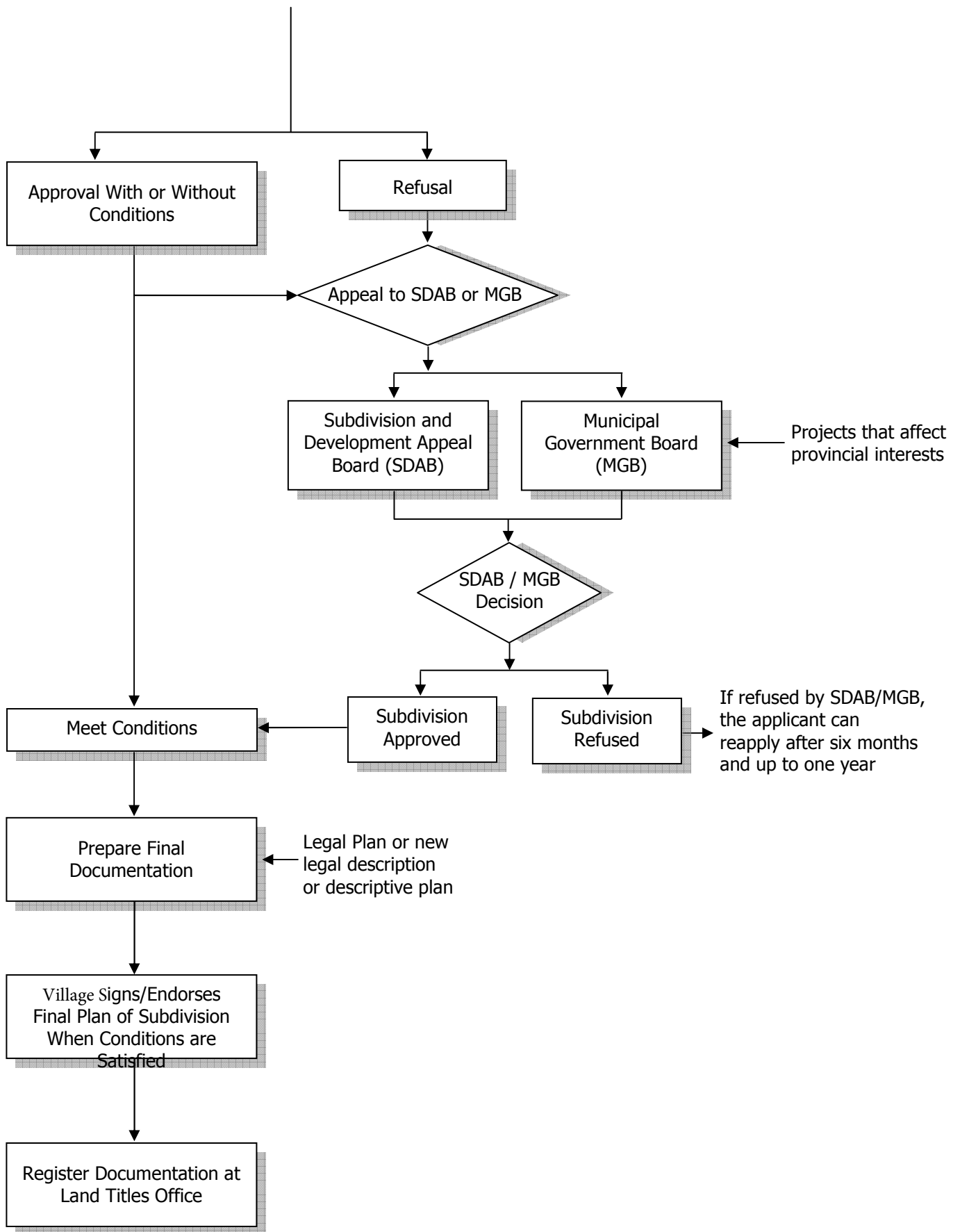
A plan of survey or tentative plan (**see attached example on following page**) is prepared when a proposed subdivision will create two or more lots and the subdivision is to be undertaken by a plan of survey prepared by an Alberta Land Surveyor.

***** A Descriptive Plan is...***

A plan that is prepared by a land surveyor and includes a drawing (to scale) showing the existing physical boundaries of the parcel to be subdivided, the boundaries and dimensions of the new lot to be created, the angles used in establishing the new boundaries and the area of each new lot. A survey is not done.

Subdivision Process





7.0 WHAT ARE RESERVES AND HOW DO I KNOW IF THEY ARE REQUIRED?

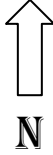
As per Section 666(1) of the *Municipal Government Act*, an owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation, land for roads, public utilities, and environmental reserve. As well, further to Sections 664, 666, and 667 of the Act, the owner must provide, without compensation, land for municipal reserves, school reserve, combination of both municipal and school reserve, money in place or a combination of reserves and money. These types of reserves may also be deferred by caveat, further to the requirements of Section 669 of the Act.

Note that further to Section 663 of the Act, reserves are **not** required if the following are met:

- one lot is to be created from a quarter section of land;
- land is to be subdivided into lots of 16.0 hectares (20 acres) or more and is to be used only for agricultural purposes;
- the land to be subdivided is 0.8 hectares (2 acres) or less; or
- reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

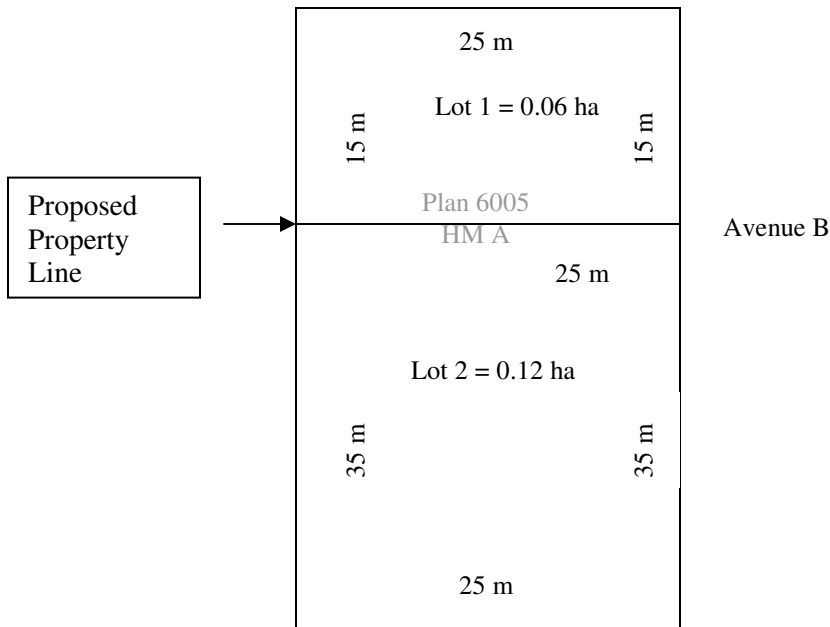
PLAN SHOWING SURVEY OF
SUBDIVISION
 OF BLOCK A,
 PLAN XXXXX
 WITHIN THE
 NE¼ SEC XX-XX-XX-X
 CREMONA
 ALBERTA
 2007

Scale = 1:100



SURVEYOR	LAND TITLES
	Plan No. XXXXX Entered and Registered on: July 1, 2007 Instrument No. XXXXX
REGISTERED OWNER	<i>E.G. Smith</i>
BB Construction Ltd.	Municipal Reserve
PLANNING AUTHORITY	<input type="checkbox"/> Land <input type="checkbox"/> Cash in Lieu
Planning Services Ltd. File No. Subd. 112-2	

Street A



CK Land Surveys Ltd.
 1410 6 AV SE
 Calgary, AB

8.0 SUBDIVISION - NEXT STEPS?

Application Review and Circulation:

An application to subdivide a parcel must be provided to the Village administration for review. The review of a proposed subdivision will involve consideration of a number of issues including, but not necessarily limited to: conformity to the Village's planning policies, including an applicable Area Structure Plan; compliance with the Village's servicing; and compliance with the Land Use Bylaw and Municipal Development Plan. Copies of the subdivision application will be provided to other staff in the Village administration or other agencies or adjacent municipalities for feedback (e.g. on issues such as traffic and access, utility requirements, reserve dedication, environmental issues, schooling, etc.). Some of these groups may include:

- Adjacent municipalities and counties;
- Alberta Agriculture, Food, and Rural Development;
- Alberta Energy and Utilities Board;
- Alberta Registries;
- Alberta Environment;
- Alberta Infrastructure and Transportation;
- Alberta Sustainable Resource Development;
- Owners of an encumbrance or charge registered on the title;
- Applicable school authorities; and/or
- Other persons or authorities whose input would assist in the review of an application.

Further to Section 653 of the *Municipal Government Act*, notification to adjacent property owners of a proposed subdivision application is **not** required if the land that is the subject of the application is contained within an Area Structure Plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme. If the lands subject to a subdivision application are not contained within an Area Structure Plan or conceptual scheme as identified above, notification of the application to adjacent landowners is required, and will be facilitated by the Village. The subdivision must be referred to adjacent landowners inviting their written input. The referral must take place by any one or more of the following: a notice mailed to each owner, a notice posted on the land being subdivided, or a notice advertised in the local newspaper.



9.0 WHO MAKES THE DECISION ON AN APPLICATION?

Municipal Planning Commission:

After the review of the application by the Village administration and other interested agencies is complete, the subdivision will be presented to the **Municipal Planning Commission** for consideration. Prior to the Commission meeting, written notice regarding the application may be provided to property owners adjacent to the subject site. It is important to note that only the applicant, the municipality, the local school boards, and the Provincial government are able to appeal a subdivision decision. Further to this, the municipality cannot appeal if it was the subdivision authority making the decision. Adjacent owners are provided notice of the application, and are invited to provide comment to the Commission, but do not have any right of appeal. At the Commission meeting, the Village administration provides a summary report regarding the application with a recommendation of support or non-support to the Commission. The Commission will consider the application and the administration's report, and render a decision on the proposed subdivision.

10.0 HOW LONG DOES A DECISION TAKE?

The *Subdivision and Development Regulation* requires that the approving authority issue a decision on a subdivision application within 60 days from the receipt of a completed application. One exception to the 60 day decision time limit is for title separation of lots created by a plan of subdivision before July 1, 1950. A 21 day decision is set for these types of applications (only if there are no referrals sent to governmental agencies). If a decision is not rendered within the above time limits, an applicant may either file an appeal or enter into an agreement with the subdivision authority to extend the time for the decision. The appeal is to be made within 14 days of the expiration of the time of the decision. A time extension extends the time of decision through a signed agreement (sometimes referred to as a Subdivision Application Processing Time Extension Agreement) between the applicant and the Village prior to the expiration of the 60/21 day period. The time extension ensures a thorough review can be completed if circumstances require more time for circulation. This form can be requested from the Village office.

Conditional Approval:

If an application is approved by the Commission, a letter outlining the conditions of the approval is provided to the applicant. These conditions typically include provisions for municipal reserve dedication and the requirement to enter into a Development or Servicing Agreement with the Village, but may also include requirements such as, but not limited to, registering instruments on the titles of the new parcels or providing physical access to the new parcels. These conditions have to be satisfied in their entirety prior to the Village signing the final plan of subdivision.

11.0 WHAT IF AN APPLICATION IS REFUSED OR IT IS APPEALED?

If an application is refused by the Commission, a letter outlining the reasons for the refusal is provided to the applicant. The applicant then has the opportunity to file an appeal against the decision to refuse the application. An appeal may also be filed against a specific condition of approval of a subdivision application, if the applicant does not agree with a requirement identified by the Commission. Any appeal must be filed with the Subdivision and Development Appeal Board within **fourteen days** of receipt of the written decision of the Commission. An appeal must be accompanied by an appeal fee as determined by the **Village of Cremona Bylaw #390-06 Rates, Fees & Fines**. Note that the applicant is the only one that can appeal a decision. Adjacent landowners cannot appeal a decision made on a subdivision application.

12.0 APPROVED SUBDIVISION – NEXT STEPS

After a subdivision application has been approved by the Commission, the next step for the applicant is to undertake whatever work is necessary to meet all of the conditions of approval for the subdivision, as outlined by the Commission.

13.0 ENDORSEMENT

For a plan of survey:

If the subdivision was by plan of survey a **Legal Plan** (or “Linen”) must be prepared by an Alberta Land Surveyor and submitted to the **Village** for endorsement, along with the applicable endorsement fees (these are separate from the application and new lot fees submitted with the original application). The Legal Plan must be endorsed by the **Village** within one year of the date of decision of the Commission. The Legal Plan shows detail as to location, orientation, and size of all parcels within the boundary of the subdivision. If the **Village** is satisfied that all of the conditions of the subdivision approval have been adequately met, and if the Legal Plan accurately represents the plan of subdivision approved by the Commission, the Legal Plan will be endorsed by the **Village**.

For an instrument:

When the instrument is registered, land titles cancels the existing title in whole or in part and issues new titles, each describing a land area that corresponds with the descriptions for each unit on the face of the instrument.

For a descriptive plan:

When the plan is registered, it is given a registration number. The legal description on the new title that is issued for each lot describes the lot by reference to its lot number and to the number assigned to the descriptive plan by the land titles office.

14.0 REGISTRATION

Once the Legal Plan, instrument or descriptive plan has been endorsed, it can be registered at Alberta Land Titles. The transfer of titled lots cannot occur until this plan is registered. The endorsed documents must be registered at Alberta Land Titles within one year of the endorsement date by the Village. Once the plan is registered, a new Certificate of Title is issued for each of the new parcels.