

*UPDATES TO AN EXISTING REGULATION (NOW INCLUDES THE
SUBDIVISION AND DEVELOPMENT FORMS REGULATION)

FOR DISCUSSION PURPOSES ONLY
SUBDIVISION AND DEVELOPMENT REGULATION

Table of Contents

- 1 Interpretation
- 2 Bylaw, plan prevails
- 3 AER designations

Part 1
Subdivision Applications

- 4 Application
- 5 Application referrals
- 6 Decision time limit
- 7 Relevant considerations
- 8 Reasons for decision

Part 2
Subdivision and Development Conditions

- 9 Road access
- 10 Sour gas facilities
- 11 Gas and oil wells
 - 11.1 Application for development permit must include location of any abandoned wells
 - 11.2 Setback requirements in respect of abandoned wells
 - 11.3 Transitional
- 12 Distance from wastewater treatment
- 13 Distance from landfill, waste sites
- 14 Distance from highway
- 15 Service roads
- 16 Waiver
- 17 Additional reserve
- 18 Security conditions
 - 18.1 Approval by council not part of development permit application

Part 3
Registration, Endorsement

- 19 Registration

FOR DISCUSSION PURPOSES ONLY

- 20 Deferral
- 21 Endorsement

Part 4 Provincial Appeals

- 22 MGB distances

Part 5 Transitional Provisions, Repeal, Expiry and Coming into Force

- 23 Transitional
- 24 Repeal
- 25 Expiry
- 26 Coming into force

Interpretation

1(1) In this Regulation,

- (a) repealed AR 254/2007 s34;
- (a.1) “abandoned well” means an abandoned well as defined by the AER;
- (a.2) “AER” means the Alberta Energy Regulator;
- (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;
- (b.1) repealed AR 89/2013 s22;
- (c) ~~“food establishment” means food establishment as defined in the *Food Regulation* (AR 31/2006);~~
“food establishment” means food establishment as defined in the *Food Regulation* (AR 31/2006), but does not include a food establishment to which that Regulation does not apply pursuant to section 2(2) of that Regulation;
- (d) “hazardous waste management facility” means hazardous waste management facility as defined in the *Waste Control Regulation* (AR 192/96);
- (e) “landfill” means landfill as defined in the *Waste Control Regulation* (AR 192/96);

Reflects the Food Regulation which specifies situations where the regulation does not apply. Clarifies situations that do not apply when a subdivision and development authority is making its decision.

- (f) “rural municipality” means a municipal district, improvement district, special area or the rural service area of a specialized municipality;
- (g) “sour gas” means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;
- (h) “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 Rules* (AR 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 AER as a sour gas facility pursuant to section 3;
- (i) “storage site” means a storage site as defined in the *Waste Control Regulation* (AR 192/96);
- (j) “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* (AR 132/78), from a quarter section, lake lot, river lot or settlement lot if that parcel of land constitutes more than 1/2 of the area that was constituted by that quarter section, lake lot, river lot or settlement lot;
- (k) “wastewater collection system” means a wastewater collection system as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);
- (l) “wastewater treatment plant” means a wastewater treatment plant as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);

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- (m) “water distribution system” means a water distribution system as defined in the *Environmental Protection and Enhancement Act*;
- (n) “well licensee” means a licensee as defined in the *Oil and Gas Conservation Act*.

(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.

AR 43/2002 s1;254/2007;160/2012;89/2013;119/2014

Bylaw, plan prevails

2 Nothing in this Regulation may be construed to permit a use of land unless that use of land is provided for under a statutory plan or is a permitted or discretionary use under a land use bylaw.

AER designations

3(1) The AER may designate any well, battery, processing plant or pipeline, as defined in the *Oil and Gas Conservation Act*, not included in section 1(1)(h)(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 AER 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 AER,
- (c) a processing plant as defined in the *Oil and Gas Conservation Act* forming part of a gas processing scheme approved by the AER 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 AER 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 AER 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.

AR 43/2002 s3;254/2007;89/2013

Part 1 Subdivision Applications

Application

4(1) The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority.

(2) ~~A Subject to section 653.1 of the Act, a complete application for subdivision consists of~~

- (a) a completed application for subdivision in the form set out in ~~the Subdivision and Development Forms Regulation Form 1 of the Schedule,~~
- (b) a proposed plan of subdivision or other instrument that effects a subdivision,
- (c) the required fee,
- (d) a copy of the current land title for the land that is the subject of an application, ~~and~~
- ~~(d.1) a copy of any agreement made under section 664.1 of the Act, and~~
- (e) at the discretion of the subdivision authority, the information required under subsections (3) and (4).

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

- (a) showing the location, dimensions and boundaries of
 - (i) the land that is the subject of the application,
 - (ii) each new lot to be created,
 - (iii) any reserve land,
 - (iv) existing rights of way of each public utility, and
 - (v) other rights of way,

Aligns with the amendment in the *Modernized Municipal Government Act (MMGA)* that outlines the process of determining a complete subdivision application.

The Subdivision and Development Forms Regulation is now incorporated into this Regulation.

A new subsection is required to ensure that when an agreement(s) respecting Environmental Reserve land is made between a municipality and the owner of the subject land, that a copy is provided to the subdivision authority as part of a complete application.

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- (b) clearly outlining the land that the applicant wishes to register in a land titles office,
 - (c) 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,
 - (d) 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,
 - (e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing
 - (i) the location of any existing or proposed wells, and
 - (ii) the location and type of any existing or proposed private sewage disposal systems,and the distance from these to existing or proposed buildings and property lines, and
 - (f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area.
- (4) The applicant must submit
- (a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of the *Water Act*,
 - (b) 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,
 - (c) 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, including the suitability and viability of that method,
 - (d) a description of the use or uses proposed for the land that is the subject of the application,
 - (e) information provided by the AER as set out in AER Directive 079, *Surface Development in Proximity to*

Abandoned Wells, identifying the location or confirming the absence of any abandoned wells within the proposed subdivision, ~~and~~

- (f) if an abandoned well is identified in the information submitted under clause (e),
 - (i) a map showing the actual wellbore location of the abandoned well, and
 - (ii) a description of the minimum setback requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*.

(g) information provided by the AER identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision.

(4.1) Subsection (4)(e) does not apply in respect of an application for subdivision solely in respect of a lot line adjustment.

(4.2) Subsection (4)(e) does not apply if the information to be provided under subsection (4)(e) was previously provided to the appropriate subdivision authority within one year prior to the application date.

(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 the subject of the application showing topographic contours at not greater than 1.5 metre intervals and related to the geodetic datum, where practicable;
- (b) 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;
- (c) information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land that is the subject of the application;
- (d) if any portion of the parcel of land that is the subject of the application is situated within 1.5 kilometres of a sour gas facility, information provided by the AER regarding the location of the sour gas facility;

Ensures an applicant submits information from the AER identifying the location of any active wells, batteries, processing plants or pipelines within proposed subdivision. This information is critical for considering setback distances from these facilities.

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- (e) a conceptual scheme that relates the application to future subdivision and development of adjacent areas;
- (f) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.

AR 43/2002 s4;254/2007;160/2012;89/2013;119/2014

Application referrals

5(1) For the purposes of subsection (5)(d)(i) and (5)(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 (5)(e)(i), “adjacent” means contiguous or would be contiguous if not for a railway, road or utility right of way or reserve land.

(3) For the purposes of subsection (5)(m), “adjacent land” means land that is contiguous to the land that is the subject of the application and includes

- (a) land that would be contiguous if not for a highway, road, river or stream, and
- (b) any other land identified in a land use bylaw as adjacent land for the purpose of notifications under section 692 of the Act.

(4) For the purposes of subsection (5)(e)(ii), the Deputy Minister of the 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 may not include dugouts, drainage ditches, man made lakes or other similar man made bodies of water.

(5) ~~On receipt of a complete application for subdivision~~ ~~On an application for subdivision being determined or deemed under section 653.1 of the Act to be complete~~, the subdivision authority must send a copy to

- (a) each school ~~authority board~~ 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 board purposes~~;
- (b) the Deputy Minister of ~~Environment and Sustainable Resource Development~~ ~~Environment and Parks~~ if any of the land that is the subject of the application is within the distances referred to in section 12 or 13;

Ensures due process of determining a complete subdivision application is undertaken as per the *MMGA*.

Aligns with the terms used in the *MGA*.

- (c) if the proposed subdivision is to be served by a public utility, as defined in the *Public Utilities Act*, the owner of that public utility;
- (d) the Deputy Minister of the ~~Transportation Minister~~ responsible for administration of the *Highways Development and Protection Act* if the land that is the subject of the 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 the centre line of a highway right of way ~~where the posted speed limit is 80 kilometres per hour or greater~~, unless a lesser distance is agreed to by the Deputy Minister of ~~Transportation Minister~~ responsible for administration of the *Highways Development and Protection Act* and the municipality in which the land that is the subject of the application is located;

- (e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* if the proposed parcel

- (i) is adjacent to 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 the *Public Lands Act* 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 land that the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act* states, in writing, may be excluded;

- (g) the AER, in accordance with section 10(1);

- (g.1) if an abandoned well is identified on a proposed subdivision, the well licensee of the abandoned well;

Any application can be reviewed from a highway vicinity management perspective and not just those highways which have a posted speed over 80km/hr.

Aligns with the term "body of water" in the *MMGA*.

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- (h) the Deputy Minister of ~~Environment and Sustainable Resource Development~~ Environment and Parks if any of the land that is the subject of the application is situated within a Restricted Development Area established under Schedule 5 of the *Government Organization Act*;
- (i) the Deputy Minister of ~~Environment and Sustainable Resource Development~~ Environment and Parks, if any of the land that is the subject of the application is adjacent to works, as defined in the *Water Act*, that are owned by the Crown in right of Alberta;
- (j) 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 land 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 paragraph (A) or (B), or is within an urban municipality and 60 metres of a site referred to in paragraph (A) or (B), or~~
 - any of the land that is the subject of the application is adjacent to or contains, either wholly or partially,
 - (A) land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*, or
 - (B) the public land set aside for use as historical resources under the *Public Lands Act*,
 - or
 - (ii) the Deputy Minister and the municipality have agreed in writing to referrals in order to identify and

Provides clarity for subdivision authorities as to when they shall refer an application to the Ministry of Culture and Tourism. Will make the referral process more effective for municipalities and the Ministry when review on subdivision applications from a historical and cultural perspectives.

protect historical sites and resources within the land that is the subject of the application;

- (k) if the land is situated within an irrigation district, the board of directors of the district;
- (l) the municipality within which the land that is the subject of the application is located if the council, municipal planning commission or a designated officer of that municipality is not the subdivision authority for that municipality;
- (m) each municipality that has adjacent land within its boundaries, unless otherwise provided for in the applicable municipal or intermunicipal development plan;
- (n) any other persons and local authorities that the subdivision authority considers necessary.

(6) Notwithstanding subsection (5), 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 (5).

(7) Notwithstanding subsection (5), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (5) 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)(e)

that has been referred to the persons referred to in subsection (5).

AR 43/2002 s5;105/2005;196/2006;254/2007;
68/2008;31/2012;160/2012;170/2012;89/2013

Decision time limit

6 ~~A~~ Subject to section 640.1 of the Act, a subdivision authority must make a decision on an application for subdivision within

- (a) 21 days from the date of ~~receipt of the completed application~~ **receipt of the completed application** an application being determined or deemed under section 653.1 of the Act to be complete-in the case of ~~a completed application~~ **an application** for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 5(6),
- (b) 60 days from the date of ~~receipt of any other completed application under section 4(1)~~ **receipt of any other completed application** under section 4(1)an application under section

Ensures that municipalities that set their own decision making timelines must adhere to their specified time. Municipalities that do not set their decision making timelines can follow the existing provisions in the regulation.

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4(1) being determined or deemed under section 653.1 of the Act to be complete, or

- (c) the time agreed to pursuant to section 681(1)(b) of the Act.

Relevant considerations

7 In making a decision as to whether 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 *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),
- (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.

Reasons for decision

8 The written decision of a subdivision authority provided under section 656 of the Act must include the reasons for the decision, including an indication of how the subdivision authority has considered

- (a) any submissions made to it by the adjacent landowners, and
- (b) the matters listed in section 7.

Part 2 Subdivision and Development Conditions

Road access

9 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

10(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 a ~~permanent additional overnight accommodation or public facility~~ permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, to the AER 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 AER and the subdivision authority.

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

- (a) the AER'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 shall not approve an application that does not conform to the AER's setbacks unless the AER gives written approval to a lesser setback distance.

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

AR 43/2002 s10;254/2007;89/2013

Aligns with the wording in Alberta Energy Regulator (AER) Bulletin 2013-03 which mandates subdivision and development application referrals, setback requirements from oil and gas facilities and summarizes the AER's processes for responding to setback related referral requests/inquires.

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Aligns with the wording in Alberta Energy Regulator (AER) Bulletin 2013-03 which mandates subdivision and development application referrals, setback requirements from oil and gas facilities and summarizes the AER's processes for responding to setback related referral requests/inquires.

Gas and oil wells

11(1) A subdivision application or a development application shall not be approved if it would result in a ~~permanent additional overnight accommodation or public facility~~ permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, being located within 100 metres of a gas or oil well or within a lesser distance approved in writing by the AER.

(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.

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

AR 43/2002 s11;254/2007;160/2012;89/2013

Application for development permit must include location of any abandoned wells

11.1(1) An application for a development permit

- (a) in respect of a new building that will be larger than 47 square metres, or
- (b) in respect of an addition to or an alteration of an existing building that will result in the building being larger than 47 square metres

must include information provided by the AER identifying the location or confirming the absence of any abandoned wells within the parcel on which the building is to be constructed or, in the case of an addition, presently exists.

(2) Subsection (1) does not apply if the information to be provided under subsection (1) was previously provided to the subdivision or development authority within one year prior to the application date.

AR 160/2012 s6;89/2013

Setback requirements in respect of abandoned wells

11.2(1) Subject to section 11.3, an application for

- (a) a subdivision, other than a subdivision solely in respect of a lot line adjustment, or
- (b) a development permit in respect of a building referred to in section 11.1(1)(a) or (b)

made on or after the coming into force of this section shall not be approved if it would result in the building site or building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*.

(2) For the purposes of this section, distances are measured from the wellbore to the building site.

AR 160/2012 s6;89/2013;119/2014

Transitional

11.3(1) In this section, “existing building” means a building that exists on the date that this section comes into force.

(2) An application for a development permit in respect of

- (a) an addition to or an alteration of
 - (i) an existing building that is larger than 47 square metres, or
 - (ii) an existing building that will result in the building being larger than 47 square metres,

or

- (b) a repair to or the rebuilding of an existing building larger than 47 square metres that is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation

shall not be approved if it would result in the building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells* unless with respect to that building the development authority varies those minimum setback requirements after consulting with the well licensee, and the building will not encroach further onto the abandoned well.

AR 160/2012 s6;89/2013;119/2014

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) Subject to subsection (5), a subdivision authority shall 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~~

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~~building site for school, hospital, food establishment or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant.~~

Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless

Provide clarity on how to determine setbacks from operating waste treatment plants for subdivision authorities when they are making a decision on a proposed subdivision.

- (a) the property line of the proposed lot for school, hospital, food establishment or residential use is 300 metres or more from the working area of an operating wastewater treatment plant, or
- (b) 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 that is 300 metres or more from the working area of an operating wastewater treatment plant.

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

~~(4) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant 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 residence or building site for a proposed school, hospital, food establishment or residence.~~

Subject to subsection (5),

Provide clarity on how to determine setbacks from operating waste treatment plants for subdivision authorities when they are making a decision on a proposed subdivision.

- (a) a subdivision authority shall not approve an application for subdivision 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 the property line of an existing or a proposed lot for any school, hospital, food establishment or residential use, and
- (b) a development authority shall 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 the building site for an existing or a proposed school, hospital, food establishment or residence.

(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 and Sustainable Resource Development.

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

AR 43/2002 s12;31/2012;170/2012

Distance from landfill, waste sites

13(1) In this section,

- (a) “disposal area” means those areas of a parcel of land
 - (i) that have been used and will not be used again for the placing of waste material, or
 - (ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility or landfill;
- (b) “working area” means those areas of a parcel of land
 - (i) that are currently being used or that still remain to be used for the placing of waste material, or
 - (ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.

(2) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in ~~the creation of a building site~~ a property line of a lot created by subdivision for any of those uses being located

Provide clarity on how to determine setbacks from operating waste treatment plants for subdivision authorities when they are making a decision on a proposed subdivision.

- (a) within 450 metres of the working area of an operating landfill,
- (b) within 300 metres of the disposal area of an operating or non-operating landfill,
- (c) within 450 metres of the ~~disposal area~~ working area or disposal area of a non-operating hazardous waste management facility, or

Provide clarity and guidance to subdivision authorities that they shall not approve subdivisions which are within 450 metres of the working area or disposal area of an operating hazardous waste management facility.

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(c.1) within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(d) within 300 metres of the working area of an operating storage site.

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

(a) is within 450 metres of the working area of an operating landfill,

(b) is within 300 metres of the disposal area of an operating or non-operating landfill,

(c) is within 450 metres of the ~~of the working area or~~ disposal area of a non-operating hazardous waste management facility, ~~or~~

(c.1) within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(d) is within 300 metres of the working area of an operating storage site.

(4) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless

(a) the working area of a landfill is situated at least 450 metres,

(b) the disposal area of a landfill is situated at least 300 metres,

(c) the working or disposal area of a hazardous waste management facility is situated at least 450 metres, and

(d) the working area of a storage site is situated at least 300 metres

Provides clarity that the setback distance is based on the property line and that one of the uses is "residential use".

from the property line of a school, hospital, food establishment or ~~residence or residential use~~ or building site proposed for a school, 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 and Sustainable Resource Development.

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

AR 43/2002 s13;31/2012;170/2012

Distance from highway

14 Subject to section 16, a subdivision authority shall 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 the centre line of a highway right of way ~~where the posted speed limit is 80 kilometres per hour or greater~~ unless

- (a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,
- (b) a single parcel of land is to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,
- (c) an undeveloped single residential parcel is to be created from an unsubdivided quarter section and is located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,
- (d) the land is contained within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or
- (e) the land is contained within an area structure plan satisfactory to the Minister of Transportation ~~at the time of the application for subdivision~~ and the proposed use of the land is permitted under that plan.

AR 43/2002 s14;105/2005;68/2008

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(5)(d), a service road satisfactory to the Minister of Transportation must be provided.

(3) Subsection (2) does not apply if the proposed parcel complies with section 14 and access to the proposed parcel of land and remnant title is to be by means other than a highway.

AR 43/2002 s15;105/2005;68/2008

Provides clarity when subdivision authority must send applications to Alberta Transportation for referral purposes.

Ensures that a subdivision authority does not make a decision on lands unless an Area Structure Plan (ASP) is satisfactory to Alberta Transportation and that the ASP is reflective of current situation for the lands, not old data.

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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 generally or to a specific application.

AR 43/2002 s16;105/2005;68/2008

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 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.

Security conditions

18(1) A development authority may

- (a) require an applicant for a development permit to provide information regarding the security and crime prevention features that will be included in the proposed development, and
- (b) attach conditions to the development permit specifying the security and crime prevention features that must be included in the proposed development.

(2) Subsection (1) applies even if the land use bylaw does not provide for those conditions to be attached to a development permit.

Approval by council not part of development permit application

18.1 A development authority may not require, as a condition of a completed development permit application, the submission to and approval by council of a report regarding the development.

AR 193/2010 s2

Part 3 Registration, Endorsement

Registration

19 On a proposed plan of subdivision,

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

(f) a conservation reserve must be identified by a number with the suffix “CR”

Aligns with the new Conservation Reserve provisions in the *MMGA*.

Deferral

20 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 *Form 2 of the Schedule the ~~Subdivision and Development Forms Regulation~~*.

Incorporates the Subdivision and Development Forms into the regulation.

Endorsement

21 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;

FOR DISCUSSION PURPOSES ONLY

- (b) the percentage of money required to be provided in place of all or part 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

22(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(5)(e);
- (b) the distance, from a highway, described in section 14 or the distance, from a highway, described in an agreement under section 5(5)(d)(ii);
- (c) the distance, described in section 12, from a wastewater treatment plant;
- (d) the distances, described in section 13, from the disposal area and working area of a waste management facility.
- (e) the distance with respect to
 - (i) a historical site, or
 - (ii) a historical site or a historical resource described in an agreement under section 5(5)(j)(ii).

Aligns with the addition of historic sites or resource as set out in the MMGA.

(2) For the purposes of this section,

- (a) “wastewater treatment plant” means a sewage treatment facility;
- (b) “waste management facility” means a landfill, hazardous waste management facility or storage site.

Aligns with the addition of historic sites or resource as set out in the MMGA.

(3) For the purposes of section 678(2)(a)(ii) of the Act and subsection (1)(e)(i), “historical site” means land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*.

Part 5 Transitional Provisions, Repeal, Expiry and Coming into Force

Transitional

23 An application for subdivision made under the *Subdivision and Development Regulation* (AR 212/95) and received by the appropriate subdivision authority on or before June 30, 2002 shall be continued to its conclusion under that Regulation as if that Regulation had remained in force and this Regulation has not come into force.

Repeal

24 The *Subdivision and Development Regulation* (AR 212/95) is repealed.

Expiry

25 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, ~~2019~~ 2022.

AR 43/2002 s25;126/2007;144/2009;51/2011;119/2014

Coming into force

26 This Regulation comes into force on ~~July 1, 2002~~ October 1, 2017.

Amend the expiry date to June 30, 2022 to maintain the regulation.

Indicates when the regulation comes into force.

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Schedule

Form 1

(section 4)

Application for Subdivision

Incorporates the Subdivision and Development Forms into the regulation.

DATE of receipt of completed Form _____ FILE NO. _____

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, postal code and phone no.: _____
2. Name of agent (person authorized to act on behalf of registered owner), if any: _____
Address, postal code 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 centre line of a highway right of way?
Yes ___ No ___ If "yes", the highway is No. _____
 - d. Does the proposed parcel contain or is it adjacent to a river, stream, lake or other body of water or by a drainage ditch or canal?
Yes ___ No ___ If "yes", state its name _____
 - e. Is the proposed parcel within 1.5 kilometres 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

(section 20)

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*

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Government Act by virtue of the decision of the (name of subdivision authority)

dated the ___ day of _____, 20__ 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 _____, 20__

(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 _____, _____.)
