MUNICIPAL PLANNING SERVICES

SUBDIVISION GUIDE

Current as of: September 2023

Pursuant to the *Municipal Government Act*, R.S.A. 2000, C. M-26

About the Subdivision Guide

This guide has been prepared for persons interested in subdividing land. It provides information answering the following common questions:

1. What is a subdivision?
2. How long is the subdivision process?
3. What is the subdivision process?
4. What are subdivision costs?
5. What are the application requirements?
6. What does a tentative plan (sample sketch) look like?
7. What are the site plan requirements?
8. What is the process for subdivision and development near abandoned wells?

Making an Application

Applications for subdivision can be sent by regular letter mail to:

Municipal Planning Services (2009) Ltd.
#206 17511 – 107 Avenue NW
Edmonton, Alberta T5S 1E5

Further information can be obtained by contacting Municipal Planning Services (2009) Ltd.

PHONE : 780.486.1991
FAX : 780.483.7326
EMAIL : admin@munplan.ab.ca
ONLINE : www.munplan.ab.ca

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1. What is a subdivision?

Subdivision refers to the process of adjusting the boundaries of a parcel of land to:

- Change the dimensions of an existing parcel;
- Create new/additional parcels of land; or
- Reduce the number of parcels of land.

New subdivisions must be approved by the municipality's Subdivision Authority before the new property boundaries can be registered with the Alberta Land Titles Office.

MPS is the designated Subdivision Authority (or Subdivision Authority Officer) for our municipal clients.

The subdivision process can be quite complex. Although a landowner (or their representative) can apply for a subdivision, engaging the services of a professional Alberta Land Surveyor, Planner, Lawyer, or Engineer who is familiar with planning regulations in Alberta is recommended. Properly prepared applications usually proceed at a faster rate, and registration at the Land Titles Office can be achieved sooner.

A subdivision cannot be registered without the landowner engaging a professional Alberta Land Surveyor to determine the boundaries for plan registration at the Land Titles Office. We recommend contacting surveyors in your area for quotes before you submit your application.

Under the Municipal Government Act, R.S.A. 2000, c. M-26, (MGA) as amended, before the Land Titles Office can register a Plan or another instrument creating a subdivision, the subdivision must be "approved" by the municipality's Subdivision Authority. The process (described on the next page) for processing and issuing decisions for subdivision applications is established in the MGA.

Under the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, municipal Councils appoint Subdivision Authorities. In several municipalities, the Subdivision Authority or the Authority's Officer is Jane Dauphinee, RPP, MCIP, who works through a private company, Municipal Planning Services (2009) Ltd. Please contact our office to confirm who the Subdivision Authority is prior to submitting your plan.

A process chart summarizing the subdivision process is included on the next page of this guide.

2. How long is the subdivision process?

Generally, a subdivision takes approximately 3 to 6 months to complete (from time of application to approval). Below is a timeline of key steps in the application/approval process, as mandated by provincial legislation.

Deeming an application complete or incomplete	**20 Days**
Circulation to agencies and adjacent landowners	**21 Days**
Review of complete subdivision application to condition approval	**30 Days**
Appeal period	**21 Days**
Fulfilment of subdivision conditions	**Applicant's responsibility[1]**
Final approval or endorsement	**Normally 3 to 5 days**
Registration of the plan and/or other instruments at the Alberta Land Title Office	**Normally 3 to 5 weeks**

[1] Subdivision approvals are only valid for 1 year, at which time a final plan (Descriptive Plan or Plan of Survey) must have been submitted to Municipal Planning Services (2009) Ltd. for final approval. Extensions for an additional year may be granted, but the extension request and fee must be received before the file expires. Once a file has expired, an extension request cannot be processed, and a new subdivision application will be required. Extensions are normally granted for a maximum of 3 years.

3. What is the Subdivision Process?

To process a subdivision application the following steps are required:

01 Pre-Application	It is recommended the applicant meet with municipal staff or arrange for a virtual meeting with a planner from MPS prior to applying for subdivision.
02 Application	Subdivision application packages may be picked up at the municipality's office, downloaded and printed, or emailed/mailed to you by request. The landowner or an agent authorized by the landowner can submit a completed application.
03 Preliminary Review	Once the subdivision application has been submitted to MPS along with the required fee (see fee information) MPS staff will undertake a preliminary review of the application to determine if it is complete. If additional information is required, MPS will contact the applicant.
04 Internal Review	When the application is deemed complete (all forms & fees have been provided the file is opened), MPS staff will assess the application by reviewing it for conforming with: • Municipal Government Act • Matters Related to Subdivision and Development Regulation • Government of Alberta Acts and Regulations (i.e., Water Act, Wetland Policy, etc.) • Requirements from Provincial Departments and Agencies • Intermunicipal Development Plans (if applicable) • Municipal Development Plan • Area Structure Plan (if applicable) • Land Use Bylaw • Applicable Municipal Policies and Procedures.
05 Circulation	For a period of three weeks, the application is circulated for comment to the following for review and comment: • Municipal or Government of Alberta departments or agencies • Utility agencies and service providers • School divisions • Adjacent landowners and/or municipalities
06 Subdivision Report	Once the circulation comments have been received and the internal review is complete, staff will prepare a report and make a recommendation to the Subdivision Authority.
07 Decision	The report addressing the subdivision application will be reviewed by the Subdivision Authority who will: • render a decision on the application; or • defer the application pending provision of further information by applicant/owner. The Subdivision Authority will render one of the following two decisions:

Conditional Approval: All approved subdivision applications are subject to the applicant meeting certain conditions. These conditions will be listed in an official letter informing the applicant/owner of the Subdivision Authority's decision. The applicant/owner must satisfy all conditions before MPS will endorse the Plan of Survey or Descriptive Plan (whichever is applicable). The applicant/owner may appeal any or all conditions of approval.

Approved No Conditions: While most subdivision applications are subject to the applicant meeting certain conditions, in certain cases the subdivision may be approved without conditions when none are required.

Refusal: The Subdivision Authority must provide reasons for refusal of an application.

The Municipal Government Act stipulates that the Subdivision Authority must render a decision on an application within 60 days of accepting the application as complete unless the applicant and the Subdivision Authority agree to a time extension.

If the Subdivision Authority fails to issue a decision within the specified time frame and extensions are not granted, the applicant may initiate an appeal. The appeal would be considered an appeal of a deemed refusal.

08 Appeal

The decision of the Subdivision Authority may be appealed by the applicant, landowner, affected government departments, and (if regarding municipal and school reserves) a school division.

Appeal to the Subdivision and Development Appeal Board (SDAB):

- Appeals are made by the applicant or school authority in relation to Subdivision Authority decisions.
- Notices of appeal must be received within 21 days from the receipt of decision. The appeal hearing will be held within 30 days of the date the appeal was filed.

Appeal to Land and Property Rights Tribunal (LPRT):

- Appeals are made by Provincial Government Agencies in relation to Subdivision Authority decisions or by the Applicant in relation to Provincial Government Authority interests in Subdivision Authority decisions.

Notices of appeal must be received within 21 days of the date of the notice of decision.

The appeal hearing will be held within 60 days.

The appeal board must have regard to any statutory plan, conform with the uses of land referred to in a land use bylaw, be consistent with land use policies and have regard for the Subdivision and Development Regulation (not binding). The decision of the appeal board is final, and no further appeals may be made, except to a court on a point of law or jurisdiction.

09 Plan Endorsement

Once the conditions of approval have been satisfied, the applicant or their surveyor may submit one paper print and a digital copy of the plan to MPS and the municipality for endorsement.

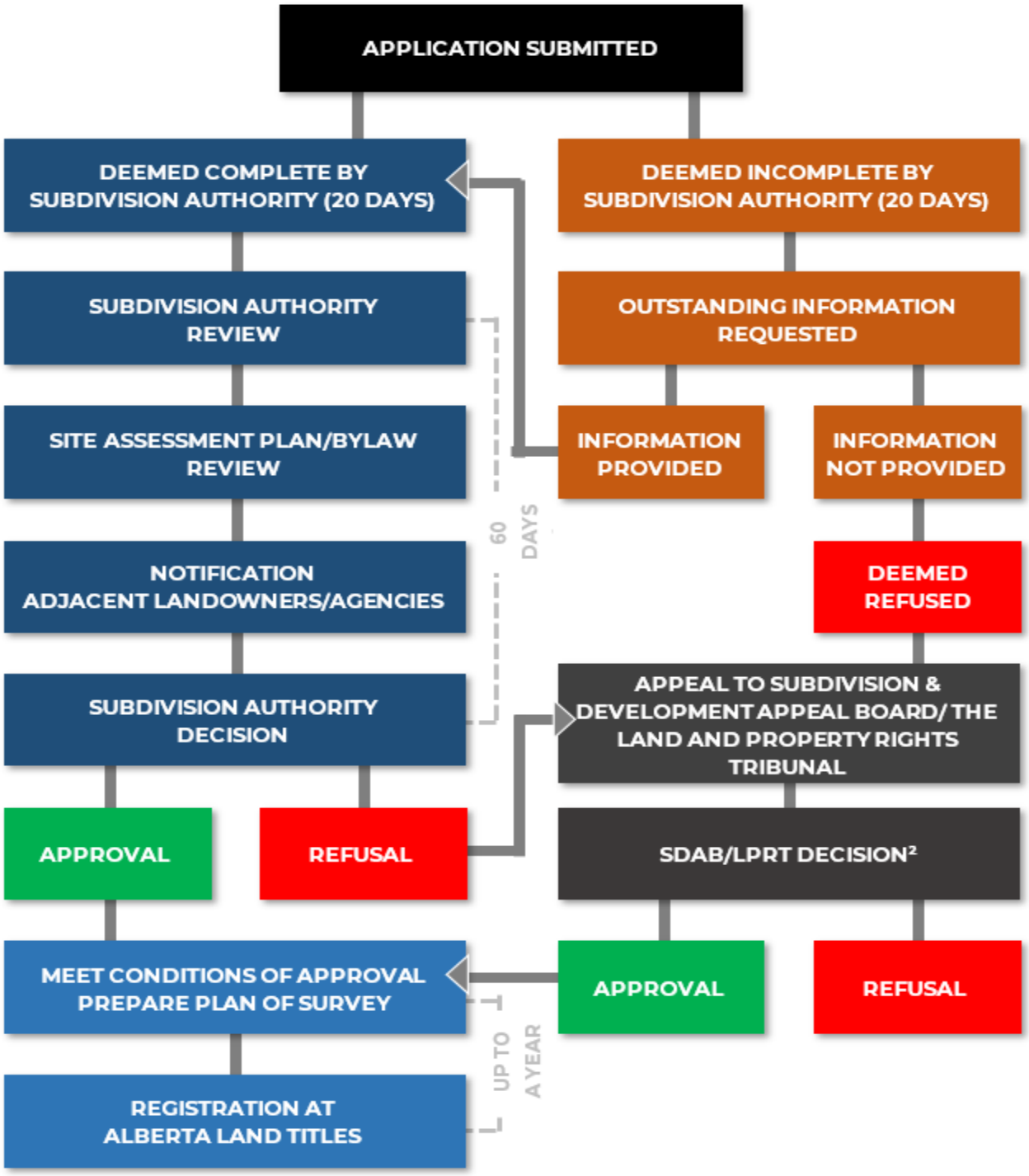
This submission must be accompanied by an endorsement fee (see fee information).

10 Registration

Once endorsed, the planner will contact the applicant and/or the applicant's surveyor.

The endorsed plan may then be registered at the Alberta Land Titles Office by an Alberta Land Surveyor.

Subdivision Process Chart



[2] Subdivision and Development Appeal Board (SDAB) and Land and Property Rights Tribunal (LPRT).

4. What are the Subdivision Costs?

Generally, the costs for a subdivision are as follows:

1. Fee due at application (see fee schedule for more information).
2. Fulfillment of any conditions specified in the decision (dependent on conditions - may include building roads, accesses, sewer, and water lines, etc., off-site levies, etc.).
3. Preparation of Descriptive Plan or Plan of Survey to effect plan (contact an Alberta Land Surveyor to discuss costs) Note: Flagstaff County requires a Plan of Survey for all subdivisions.
4. Fee due at endorsement (final approval).
5. Registration of the Plan and/or other instruments at the Alberta Land Titles Office.
6. G.S.T is payable on all fees.

Additional Fees

The following additional fees may apply to a subdivision.

Recirculation $250.00	Minor changes to an application may be accepted at the office with no additional costs. If the change requires the application to be recirculated to the various agencies and/or adjacent landowners a recirculation fee shall apply.
Extension $350.00	If the applicant is unable to finalize the subdivision within one year from the date of the decision, an extension may be requested. The extension request and fee must be received before the file expires. Once a file has expired, an extension request cannot be processed, and a new subdivision application will be required
Title Search $15.00	The title search fee is applicable when a recent land title (dated within 90 days from the time of application) is not provided by the applicant, and a land title is obtained by MPS.

Additional Costs Associated with the Subdivision Process

Application fees are only one of the costs associated with the subdivision of land. When planning your subdivision, it is important to consider all potential costs associated with the process.

The information provided below is intended to provide potential applicants with an understanding of some of the common costs associated with subdividing land in Alberta.

Surveying Costs	Surveying is often required to show the location of structures, prepare plans and to register documents with the Land Titles Office. The Alberta Land Titles Act requires an Alberta Land Surveyor (ALS) to be retained for this purpose. Surveyors should be contacted directly for estimates related to these services.
Municipal Reserves	Municipal Reserve (and other forms of reserves) may be taken at time of subdivision in accordance with the Municipal Government Act. Reserves may be required to be provided as either land or cash-in-lieu of land. The land's market value may be assessed/appraised to determine its value.
Municipal Services	All costs associated with municipal services are (normally) the responsibility of the developer. This includes costs associated with municipal/regional services and franchise utilities. Some municipalities may require the payment of off-site levies at the time of subdivision or development to support local infrastructure and service delivery.

<table>
<tr><td>Land Titles Office</td><td colspan="5">The Land Titles Office of Service Alberta requires fees for the issuance of new titles.
These fees are paid to the Land Titles Office when the survey instrument is submitted for registration. An Alberta Land Surveyor will be able to provide information about this process.</td></tr>
<tr><td>Statutory Plan and/or LUB Amendments</td><td colspan="5">Amendments to either the Municipal Development Plan (MDP), Area Structure Plan (ASP), and/or Land Use Bylaw (LUB) may be required when a proposed subdivision does not conform to the district or policies within one (or more) statutory plan or the LUB. Actual costs and timelines are dependent on the number of amendments required and complexity of the proposal.</td></tr>
<tr><td rowspan="3">Professional Studies and Reports</td><td colspan="5">For some subdivisions, additional information may be required depending on the characteristics of the site and the complexity of the subdivision. Additional information may be requested if:
The site or proposal has considerations that may require Federal or Provincial approvals.
It is necessary to determine the location and area of suitable building pocket(s).
Examples of professional studies and reports include:</td></tr>
<tr><td>Geotechnical Report</td><td>Historic Resource Act Clearance or Approval</td><td>Wetland Assessment</td><td>Biophysical Assessment</td><td>Private Sewage Disposal System Inspection</td></tr>
<tr><td>Real Property Report</td><td>Preliminary Engineering Study</td><td>Traffic Impact Assessment</td><td>Phase I and/or II Environmental Assessment</td><td>Top of Bank Definition by Survey</td></tr>
</table>

5. What are the application requirements?

The following is a list of application requirements needed to provide a completed subdivision application:

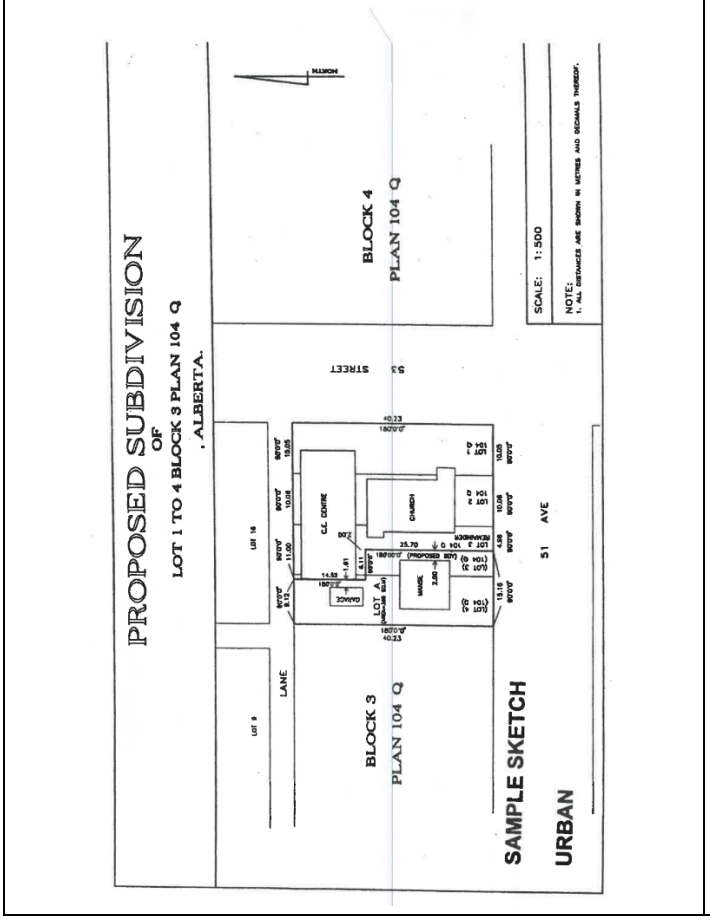
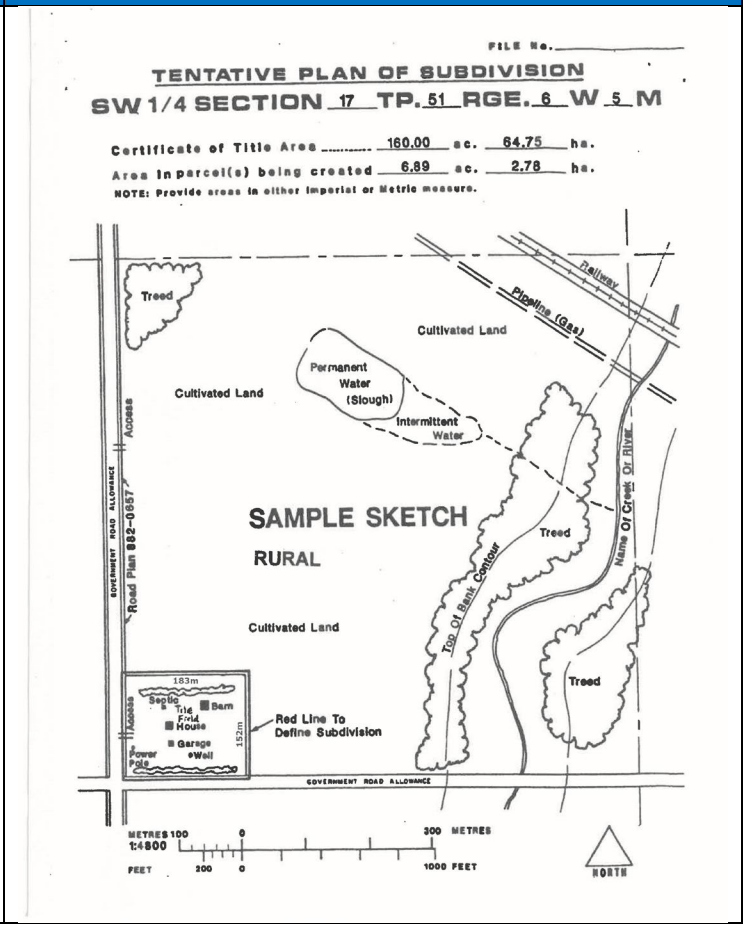
1. Application Fee (Please refer to applicable MPS fee schedule)
2. FORM 1 | Application for Subdivision (must be completed in full and signed)
3. FORM 2A or 2B | Alberta Energy Regulator (AER) Abandoned Wells Statement (whichever is applicable)
4. FORM 3A | Authorization for Electronic Communication
5. FORM 4 | Tell Us About Your Sewage Disposal System

   To be completed for each private sewage disposal system on the subject property
6. FORM 5 | Landowner Letter of Authorization

   Must accompany all applications where the applicant is not the landowner OR where there is more than one registered landowner. Please note that signatures are required for ALL registered landowners
7. Certificate of Title (obtained within 3 months of the submission of the application)

   Please note that if one is not provided, we may acquire one on your behalf for a fee
8. Tentative Plan of Subdivision (with area and dimensions of the proposed lot(s) and remainder parcel)
9. An orthophoto of the subject site (including proposed and remainder parcels)
10. Any other items or information identified during pre-submission consultation.

6. What does a tentative plan (sample sketch) look like?

Urban Example	Rural Example
	

7. What are the site plan requirements?

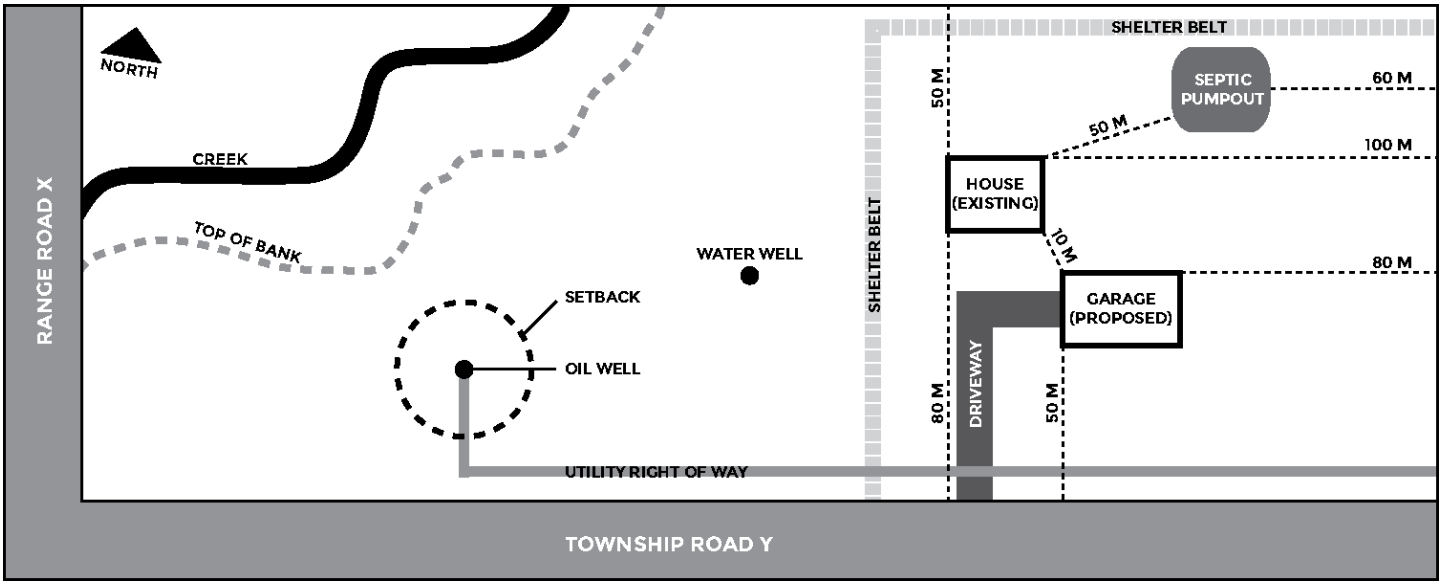
Below are the standard site plan requirements for all subdivision applications. Additional requirements specific to your application may be required once the application has been reviewed by our office.

Checklist for applicants

- ☐ Dimensions of property boundaries (meters).
- ☐ Indicate setback distances from all property boundaries for new and existing developments and specify the units of measurement (metres). Minimum setback requirements are identified in the municipality's Land Use Bylaw.
- ☐ Indicate the direction of north on the site plan.
- ☐ Indicate the distances between existing and proposed structures.
- ☐ Identify and label all roads that abut the subject property.
- ☐ Identify the location of all easements, caveats, rights-of-way, etc.
- ☐ Indicate the location of any accesses/approaches to the subject property (existing or proposed).
- ☐ Indicate the location of any active or abandoned oil/gas wells, pipelines, and/or facilities.
- ☐ Indicate the location of any water wells and sewage disposal systems and the distance between these facilities and the proposed buildings and property boundaries.
- ☐ Indicate the location and distance to existing natural features (e.g., water courses, wooded areas, water bodies including wetlands, ravines, etc.) and man-made features (berms, drainage ditches, etc.).
- ☐ Identify the location of all existing, temporary, to be removed/demolished, moved-in, and proposed structures (e.g., dwellings, sheds, signs, etc.).
- ☐ Identify the direction of site grading and drainage.

Site Plan Example

This plan is intended for illustration purposes; it will not be accepted as a site plan for a subdivision application.



8. Abandoned Well Process

Provincial subdivision and development regulations require that applicants for new subdivisions provide information about abandoned oil and gas wells on the subject property.

Before an application for subdivision or development can be considered, applicants must provide this information. By having the landowner (or agent acting on behalf of the landowner) conduct this search it can prevent damage to wells and excavation equipment, as well as injury to equipment operators and landowners/occupants.

The following chart outlines the process for determining what information is required depending on whether abandoned wells are located on the property.

STEP 1
Check

Check the Alberta Energy Regulator (AER) Abandoned Wells Viewer to determine if abandoned wells are located on the subject property.

https://extmapviewer.aer.ca/AERAbandonedWells/Index.html

STEP 2
Identify

YES Abandoned Wells Are Found		NO Abandoned Wells Are Not Found	
The applicant must contact **ALL LICENSEES** identified as affecting their property and confirm:		The applicant must provide the following as part of their application:	
☐	The exact location of each abandoned well	☐	A statement that no abandoned wells are located on the property
☐	The setback distance required by the Licensee from each abandoned well	☐	A copy of the map from the AER Abandoned Wells Map Viewer of the subject property
The applicant must provide the following as part of their subdivision application:			
☐	A copy of the map from the AER Abandoned Wells Map Viewer of the subject property		
☐	A list of all abandoned wells, including the surface coordinates		
☐	A sketch of the proposed development showing the required setback area of each abandoned well		
☐	Any additional information from Licensee(s) that led to a change in the setback		

Abandoned Wells Process FAQ

1	**Can an agent sign the statement on behalf of the landowner, or does the statement have to be filled and signed by the registered owner of the property?**
	An agent can sign the required statement on behalf of the registered landowner. The wording of the Alberta Energy Regulator's (AER) Directive 79 requires "confirmation from the applicant." The applicant, whether the landowner or an agent acting on behalf of the owner, can sign the statement and provide written confirmation.

2	**If there is an abandoned well or wells on the subject property, what is the proper procedure to be followed? What is required by the licensee and the registered owner of the property?**
	The landowner, or agent acting on behalf of the landowner, must contact all licensees on the affected property. The licensee(s) are then required to physically locate the abandoned well(s). To demonstrate that this has occurred, MPS will require the following: 1. GPS coordinates of the well site(s); and 2. A sketch of the site showing the exact location of the well(s) on the property and the required setback distance from the well site(s). This information must be provided by the licensee or an Alberta Land Surveyor.

3	**What does a landowner, or the agent acting on behalf of the landowner, do if an abandoned well licensee no longer exists or is defunct?**
	The AER's Directive 79 states: "If an applicant is unable to contact the licensee of record using the information provided by the [AER Abandoned Wells Map] viewer or the [AER] Information Management Branch, the AER may be able to supply additional contact information." Well(s) must be located and tested as per Directive 079 requirements. The developer may choose to hire professionals to locate and test the well(s) and assume the associated costs. As per Directive 079, if a methane anomaly is detected, the test results must be immediately submitted to the AER at Directive079@aer.ca. The associated cost to locate and test for leaks in abandoned wells will generally be the responsibility of the developer where the license is no longer viable.

4	**Does this information need to be provided before an application for subdivision can be deemed complete?**
	Yes. A subdivision application submitted to MPS will not be deemed complete until all relevant information regarding abandoned oil and gas wells has been provided in full by the applicant.