

THE SUBDIVISION PROCESS PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, C. M-26

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. What is the subdivision process?
3. What are subdivision costs?
4. How long does a subdivision take?
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?

Applications for subdivision can be sent by 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: mpsabca@munplan.ab.ca
ONLINE: www.munplan.ab.ca

Revised: February 2019

This brochure is prepared to assist people who must have a subdivision approval in order to do what they want to do with their land.

Generally, a subdivision creates more than one title from one titled area. For instance:

1. If a person owns a quarter section and wants to sell a portion of that quarter section to another person, or if they want to sell off most of the quarter section and keep a small portion for themselves, they need a subdivision.
2. If a person owns a part of a quarter section and wants to do the same, they need a subdivision.
3. If a person owns a Lot or a Block on a Plan and wants to do the same, they need a subdivision.
4. If a person owns a quarter section, a part of a quarter section, a Lot, or a Block and they want to sell several portions of that area to several persons, they need a subdivision.
5. If a person owns several Lots or Blocks on a Plan and wants to create more Lots or Blocks, they need a subdivision.
6. If a person owns a titled area which is split by a road, a railroad, a river, or a lake, and they want to divide the titled area using the road, railroad, river or lake as a boundary, they need a subdivision.
7. If a person owns, in one title, several Lots on a Plan registered prior to July 1, 1950 (prior to Plan 1966 HW) and they want to divide them into separate titles, they need a subdivision.
8. If a person or two people own two titled areas (parts of quarter sections, Lots, or Blocks) and they want to change the boundaries of the titled areas (do a boundary adjustment), they need a subdivision.

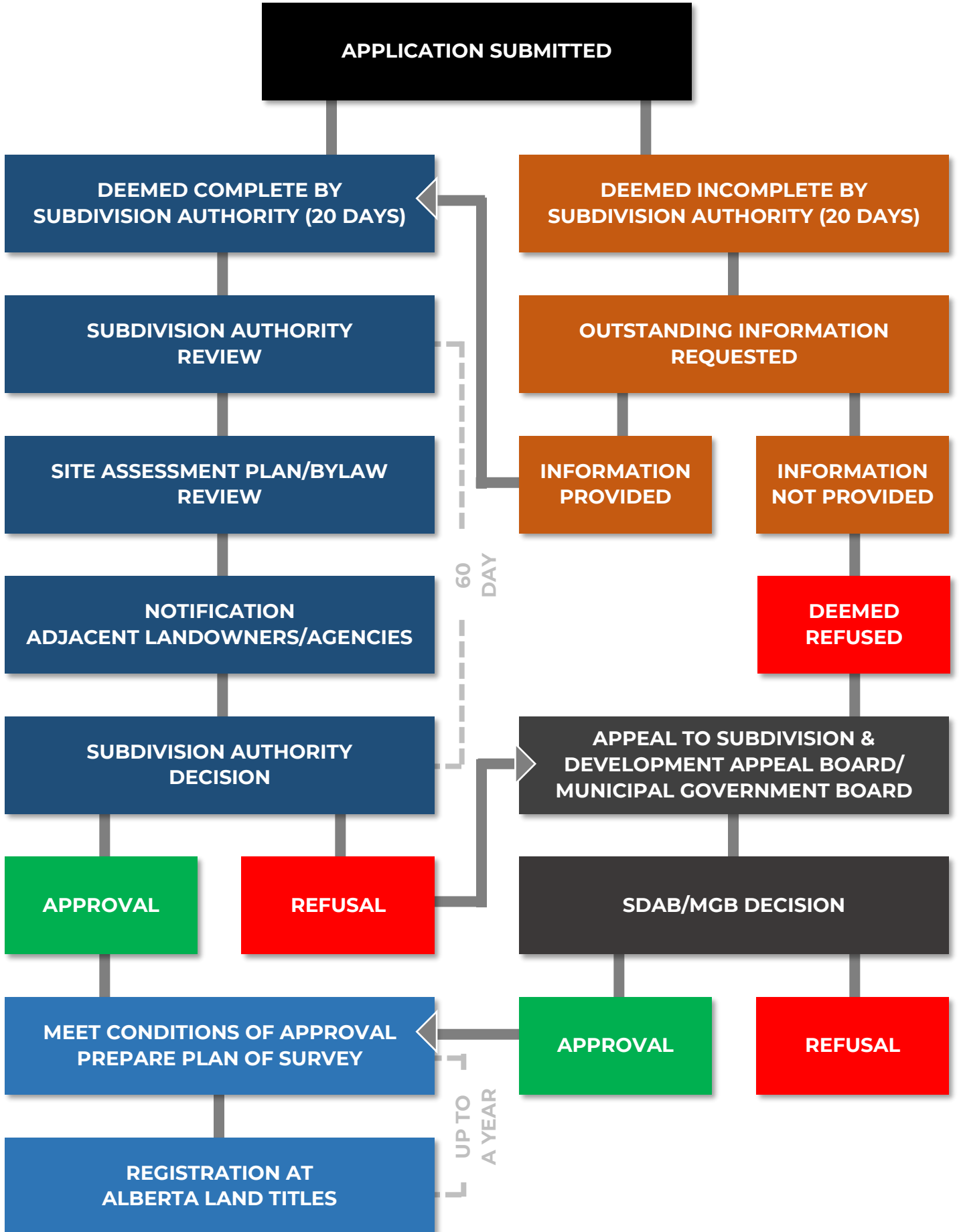
Under the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, before the Land Titles Office can register a Plan or another instrument creating a subdivision, the subdivision must be “approved” by a Subdivision Authority

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.

Generally, an application for subdivision goes through the following steps:

1. Submission of an application to MPS with the required fee.
2. Preliminary review to determine if application is complete (20 days). Note that if additional information is required to process your application our office will contact you.
3. When the application is deemed complete (all forms & fees have been provided the file is opened).
 - a. Referral to municipal staff, school divisions, utility companies, and government departments, among other agencies, for comment.
 - b. Notification of subdivision application to adjacent landowners and receipt of input.
 - c. Decision (approval, approval with conditions, or refusal), normally within 60 days.
 - d. Appeal period (21 days) - potential appeal to Subdivision and Development Appeal Board or Municipal Government Board by applicant or provincial agency - not by neighbours.
 - e. Fulfillment of any conditions specified in the decision.
 - f. submission of a Descriptive Plan, Plan of Survey, or other instrument to Municipal Planning Services (2009) Ltd. together with the required fee for endorsement (final approval).
 - g. Registration of the Plan or document at the Alberta Land Titles Office by an Alberta Land Surveyor.

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



Generally, the costs for a subdivision are as follows:

1. Fee due at application (see fee sheet below).
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 of all subdivisions.
4. Fee due at endorsement (final approval) (see fee sheet below).
5. Registration of the Plan and/or other instruments at the Alberta Land Titles Office (check with Alberta Land Titles - currently this cost is approximately \$200 plus transfer taxes, as of 2018 (if a transfer involved)).

Please note that this does not include any costs associated with hiring an Alberta Land Surveyor, a registered professional planner, or the preparation of any information necessary to support an application for subdivision.

2018 MPS SUBDIVISION FEES (EFFECTIVE APRIL 1, 2018)

SERVICE	NEW 2018 FEES
Subdivision Fee at Application for up to 3 lots, including any remainder	\$700 + \$100 per lot
Subdivision Fee at Application for 4 or more lots, including any remainder	\$700 + \$250 per lot
Separation of Titles [MGA 652 (4)]**	\$700
Condominium Plan Consent	\$50 per unit
Extension	\$250
Re-circulation	\$250
Fee at Endorsement ** Endorsement fees are charged at time of endorsement for all subdivisions except Separation of Titles	\$100 + (\$150 per lot)
Current Land Title	\$12 (per title)
Air Photo	\$7 (per photo)

G.S.T. is payable on all required fees.

PLEASE NOTE:

Some of our clients charge an additional per lot fee at time of application. Please contact our office for updated fee information for:

- County of Barrhead
- Town of Bon Accord
- Town of Redwater
- Town of Bruderheim

FOR SUBDIVISION CREATING UP TO 3 LOTS, INCLUDING ANY REMAINDER LOT:

With Application	\$ 700.00, plus G.S.T.
+ Per Lot With Application	\$ 100.00, plus G.S.T.
+ Request For Endorsement	\$ 100.00, plus G.S.T.
+ Per Lot At Request For Endorsement	\$ 150.00, plus G.S.T.

FOR SUBDIVISION CREATING 4 OR MORE LOTS, INCLUDING ANY REMAINDER LOT:

With Application	\$ 700.00, plus G.S.T.
+ Per Lot With Application	\$ 250.00, plus G.S.T.
+ Request For Endorsement	\$ 100.00, plus G.S.T.
+ Per Lot At Request For Endorsement	\$ 150.00, plus G.S.T.

FOR SUBDIVISION APPLICATIONS MADE IN ORDER TO SATISFY SECTION 652(4) OF THE ACT, SOMETIMES REFERRED TO AS A SEPARATION OF TITLES

With Application	\$ 700.00, plus G.S.T.
*For subdivision applications made in order to satisfy Section 652(4) of the Act, there will be no fee charged at the request for endorsement.	

Generally, a subdivision takes:

1. 0-20 days to deem complete or incomplete.
2. From submission of completed application to tentative approval - normally no more than 60 days.
3. Appeal period - 21 days.
4. Fulfillment of any conditions specified in the decision - as long as the landowner wants - can be 1 week, can be up to a year, in the landowner's control.
 - a. **Note:** 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 can be requested, but the extension request does not have to be granted. As well, there may be a fee for an extension. (See: Sample Fee Details on Page 5). Extensions are granted for a maximum of 3 years.
5. Final approval or endorsement - normally 1 or 2 days.
6. Registration of the Plan and/or other instruments at the Alberta Land Titles Office - normally 2 to 4 weeks.

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.

Please note that applications may not be deemed complete until all application requirements have been submitted and reviewed for completeness.

Please ensure that you have completed the application form accurately and clearly identified the existing and proposed land uses in the spaces provided.

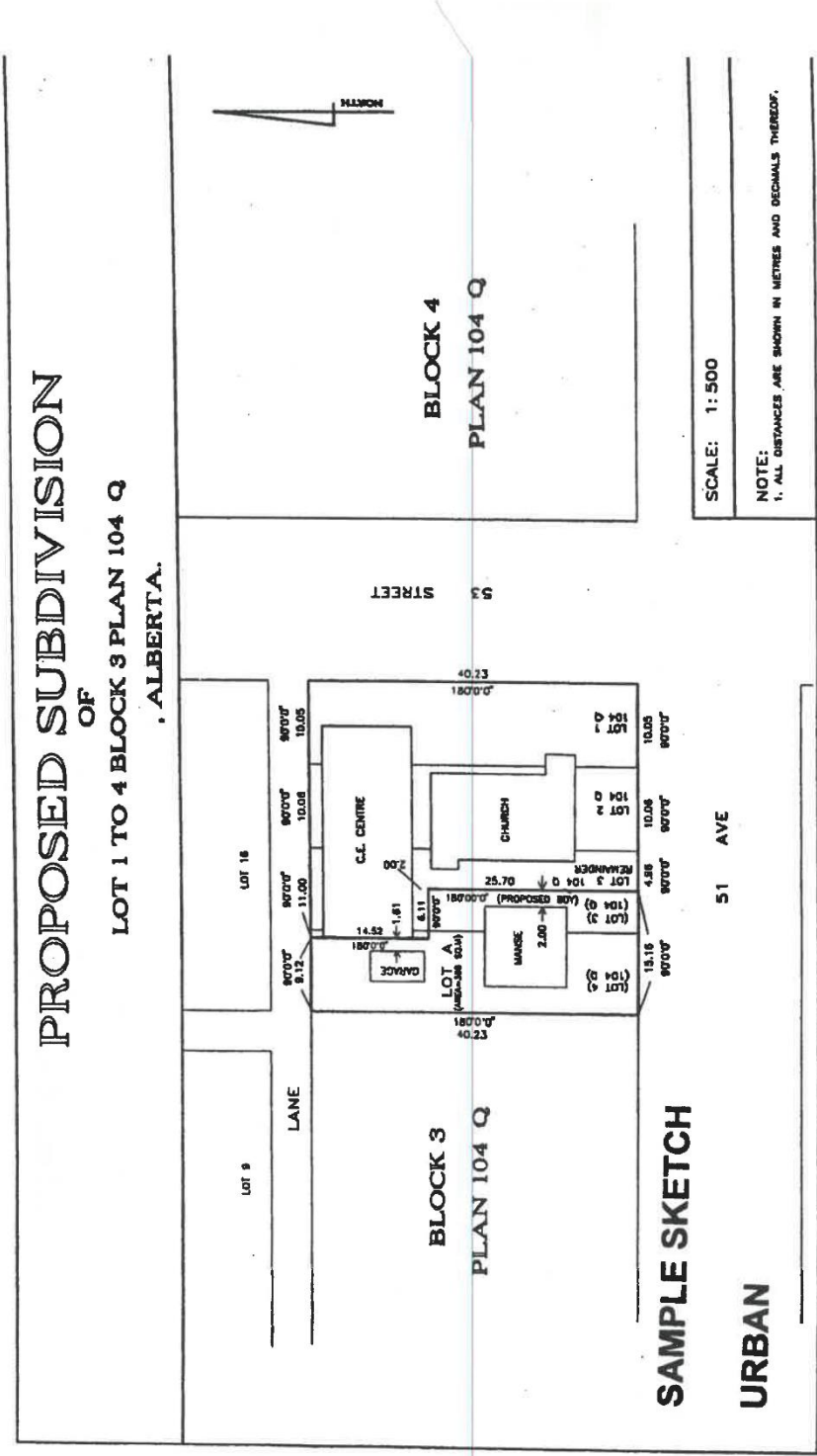
Where applications are for land with severe topographic limitations or where applications are adjacent to a body of water, a map showing contour intervals may be required.

If the application is to create four or more new parcels and is not to be served by municipal piped sewage disposal services, a report certifying that water table levels and soil permeability on the site satisfy Alberta Environment and Parks guidelines for the type of development proposed may be required. The preparation of an Area Structure Plan may be required for this type of development.

If the application is to create a sixth or subsequent parcel on a quarter section and is not to be served by municipal piped water supply or cisterns (with trucked water), a report to satisfy Section 23(3) of the Water Act will be required.

Should this or other information be required, you will be contacted directly by Municipal Planning Services (2009) Ltd.

You will be notified by letter when your application has been accepted, and also when a decision (Item 3.c in the Subdivision Process listed on Page 3) has been made.



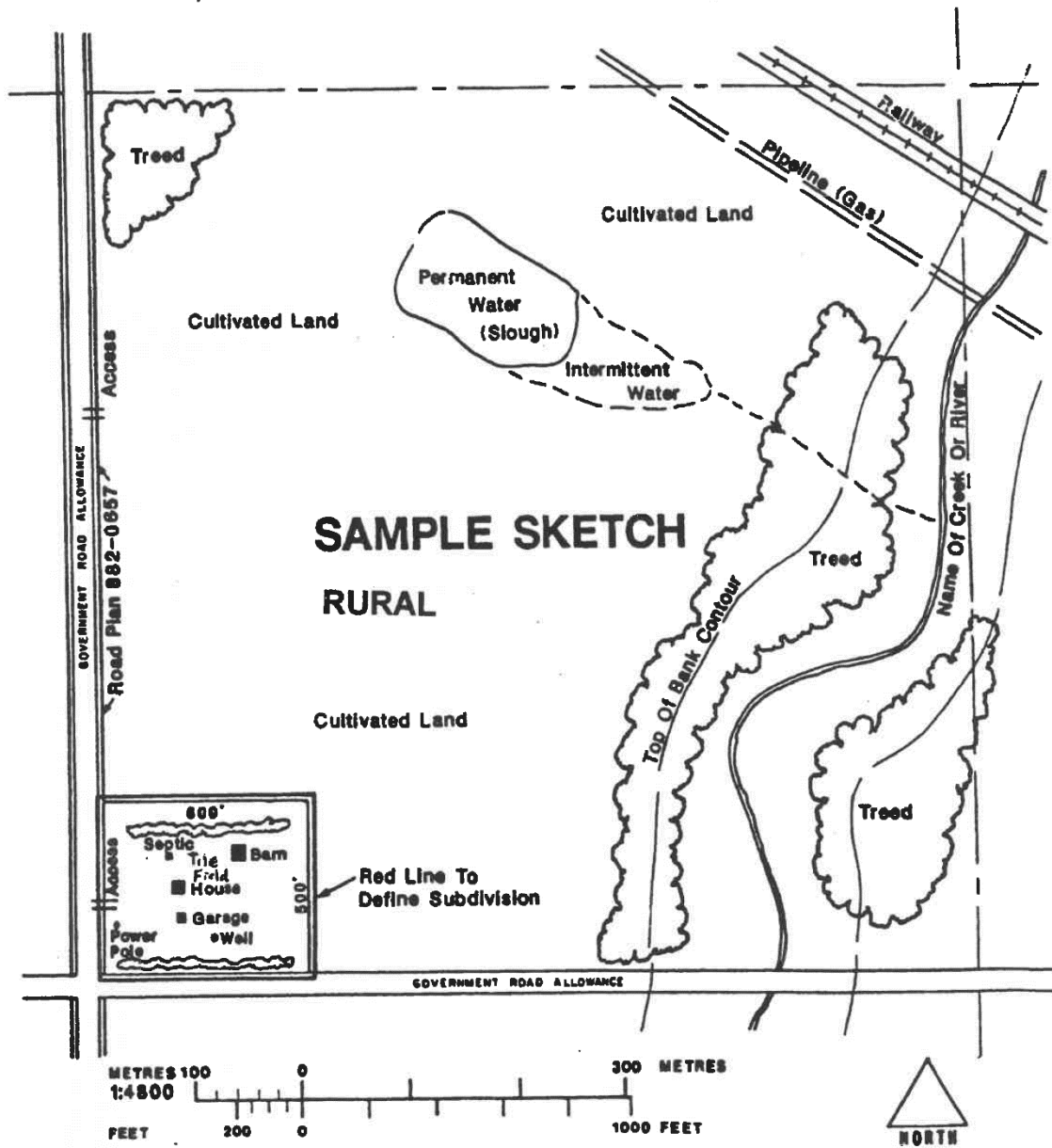
FILE No. _____

TENTATIVE PLAN OF SUBDIVISION SW 1/4 SECTION 17 TP. 51 RGE. 6 W 5 M

Certificate of Title Area 160.00 ac. 64.75 ha.

Area in parcel(s) being created 6.89 ac. 2.78 ha.

NOTE: Provide areas in either Imperial or Metric measure.



CHECKLIST FOR APPLICANTS

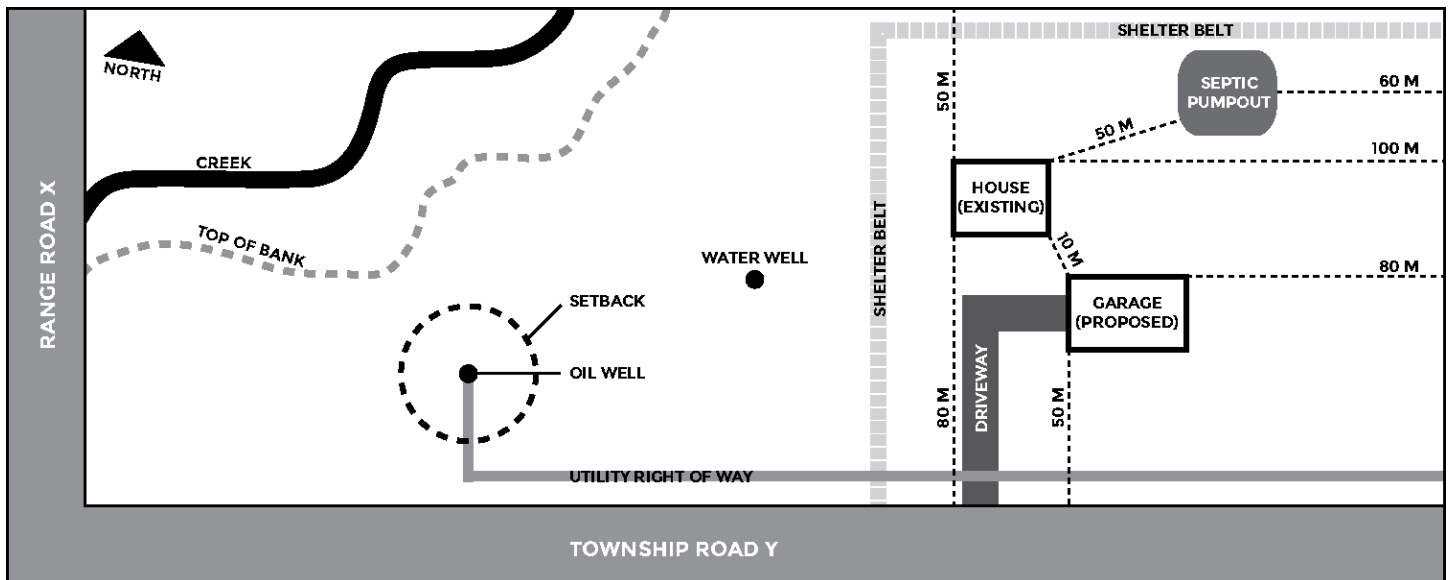
Below are the standard site plan requirements for all subdivision applications. Additional requirements specific to your application may be required once the application has been reviewed by our planners.

CHECK LIST

- Indicate setback distances from all property boundaries for new and existing developments and specify the units of measurement (ft or m). 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, right-of-ways, etc.
- Indicate the location of any accesses/approaches to the subject property.
- 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 new proposed 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.

EXAMPLE SITE PLAN

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



FOR SUBDIVISION AND DEVELOPMENT

Effective November 1, 2012, the Subdivision and Development Regulation requires that applicants for new subdivisions or development permits provide information about abandoned oil and gas wells on the subject property. Before an application for subdivision or a development can be considered, applicants **MUST** provide this information. The following chart outlines the process for determining what information is required depending on whether abandoned wells are located on the property.

1

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

YES! Abandoned wells **ARE FOUND**.



NO! Abandoned wells **ARE NOT FOUND**.

2

The Applicant must provide the following as part of their application:

- A statement that no abandoned wells are located on the property; and
- A copy of the map from the **AER Abandoned Wells Map Viewer** of the subject property.

2

The Applicant must contact **ALL LICENSEES** identified by the AER as affecting their property to confirm the following:

- The exact location of each abandoned well; and
- The setback distance required by the Licensee from each abandoned well.

3

The Applicant must provide the following as part of their 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; and
- Any additional information from Licensee(s) that led to a change in the setback.

The AER Abandoned Map Viewer can be found online at: mapviewer.aer.ca/Html5/Index.html?viewer=aerabnwells

Effective November 1, 2012, Alberta Subdivision and Development Regulations require applicants to provide information about abandoned oil and gas wells on the subject property. Before an application can be considered, applicants **MUST** provide this information for review.

By having the landowner (or agent acting on behalf of the landowner) conduct this search it can prevent damage to the well, to construction or excavation equipment, as well as injury to equipment operators or landowners.

FREQUENTLY ASKED QUESTIONS

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 the 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).

In order to demonstrate that this has occurred, Municipal Planning Services (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 a 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.

To obtain an approval for a development permit from the Municipality, the well(s) must be located and tested as per Directive 079 requirements. The developer may choose to hire competent professionals locate and test the well(s) and assume the associated costs. As per *Directive 079*, Section 6.0, 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 of abandoned wells will generally be shouldered by the developer where the licensee 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.