

# TOWN OF WAINWRIGHT SUBDIVISION PROCESS



## 1. SUBDIVISION REQUIRED

Approval from the Town Subdivision Authority is required in order to:

- split an existing parcel into two or more parts,
- register an interest such as a lease or sales agreement for a portion of an existing parcel, or
- separate the titles of two or more lots that are currently registered on one title if the lots were created on a plan of subdivision that was registered prior to July 1, 1950.

## 2. APPLICATION

2.1 Application for subdivision approval is to be made to the Town's Subdivision Authority at the Town Office. The application must include:

2.1.1 A completed Subdivision Application (available online and at the Town Office). The form must be signed by the registered owner(s) or an authorized agent. If an agent is involved, a letter of authorization signed by the owner(s) must also be submitted.

2.1.2 A copy of the current land title for the land that is subject of the application.

2.1.3 A proposed plan of subdivision. At the discretion of the Subdivision Authority, the proposed plan of subdivision may be required to

- a) show the location, dimensions and boundaries of the land to be subdivided,
- b) clearly outline the land that the applicant wishes to register in a land titles office,
- c) show the location, dimensions and boundaries of
  - i) each new lot to be created, and any reserve land, and
  - ii) existing rights of way of each public utility, or other rights of way,
- d) show the location, use and dimensions of buildings on the land that is the subject of the application and specify those buildings that are proposed to be demolished or moved,
- e) show the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land,
- f) describe the use or uses proposed for the land that is the subject of the application,
- g) if the proposed lots are to be served by individual wells and private sewage disposal systems, show the location of any existing or proposed wells, the location and type of any private sewage disposal systems and the distance from these to existing or proposed buildings and property lines, and
- h) show the existing and proposed access to the proposed parcels and the remainder of the titled area.

2.1.4 The required fee of \$250.00.

2.2 The official date of receipt of the application does not occur until all of the above items are submitted.

- 2.3 In addition to the previous items, the Subdivision Authority may also require submission of any of the following:
- 2.3.1 A map of the land that is to be subdivided and shows topographic contours at not greater than 1.5 meter intervals and related to the geodetic datum, where practicable.
  - 2.3.2 If a proposed subdivision is not to be served by a water distribution system, information supported by the report of a person qualified to make it, respecting the provision, availability and suitability of potable water on or to the land to be subdivided.
  - 2.3.3 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 onsite sewage disposal system.
  - 2.3.4 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.
  - 2.3.5 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.
  - 2.3.6 Information respecting the land use and land surface characteristics of land within 0.8 kilometers of the land proposed to be subdivided.
  - 2.3.7 If any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 kilometers of a sour gas facility, a map showing the location of the sour gas facility.
  - 2.3.8 A conceptual scheme that relates the application to future subdivision and development of adjacent areas.
  - 2.3.9 Any additional information required by the subdivision authority to determine whether the application meets the requirements of the Municipal Government Act.

### **3. REFERRALS**

Upon receiving a completed application, copies are circulated to various persons and agencies for their comments. These include owners of adjacent land, the school authorities, the Health Board, Utility companies and sometimes Government Departments where they may have a concern. The referral agencies have 30 days to submit their comments.

In the case of a title separation application, the agencies are not notified but the adjacent land owners still are. In this case they are given 10 days to respond.

### **4. PROCESSING OF APPLICATION**

- 4.1 Applications are processed taking into consideration the comments from the adjacent land owners and the referral agencies as well as the following:
- topography,
  - soil characteristics,

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

4.2 A subdivision application cannot be approved unless

- the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended,
- the proposed subdivision conforms to the provisions of any statutory plan that affects the land that is proposed to be subdivided and the Land Use By-Law,
- the proposed subdivision complies with the Municipal Government Act, and
- all outstanding property taxes on the land proposed to be subdivided have been paid.

4.3 **Land Dedication** - The owner of land subject to a proposed subdivision may be required to provide, without compensation,

- up to 30% of the area of land for roads and/or public utilities, and/or
- up to 10% of the area of land for municipal and/or school reserve, in which case the subdivision authority may allow or require that all or part of the required reserve be provided for by money in lieu of actual land or be deferred by caveat to the remainder of the subdivided parcel or to other land within Town that is owned by the applicant.

4.4 **Conditions** - The subdivision authority may impose conditions on a subdivision approval such as:

- 4.4.1 Any conditions to ensure that the Municipal Government Act and its regulations and the Town's statutory plans and Land Use Bylaw are complied with.
- 4.4.2 A condition that the applicant enter into an agreement with the Town to do any or all of the following:
- a) to construct or pay for the construction of a road required to give access to the subdivision,
  - b) to construct or pay for the construction of
    - i) a pedestrian walkway system to serve the subdivision, or
    - ii) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision, or both,
  - c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the subdivision,

- d) to construct or pay for the construction of
  - i) off-street or other parking facilities, and
  - ii) loading and unloading facilities,
- e) to pay an off-site levy or redevelopment levy imposed by bylaw,
- f) to give security to ensure that the terms of the agreement under this section are carried out.

4.5 **Water Meters** – Each unit with a separate Town water meter must have its own curb stop.

## 5. **DECISION**

The Town's Municipal Planning Commission (MPC) is the subdivision authority. The MPC will endeavor to make a decision as soon as possible after all pertinent information is received. A typical decision would be made 40 days from the date of receiving a complete application.

Unless an agreement to extend the deadline is signed by the applicant, a decision must be made within

- 60 days in the case of an application requiring a plan of subdivision, or
- 21 days in the case of a title separation.

## 6. **NOTICE AND APPEALS**

Once a decision is made, notice must be given to the applicant and the referral agencies that were notified of the application. The decision (including any conditions) can be appealed by

- the applicant,
- any Government department that was notified of the application, or
- a school authority with respect to reserves.

A notice of appeal must be filed within 19 days of the mailing of the notice of decision. If an appeal is received the appeal board must hold a hearing within 30 days of receiving the notice and give a written decision within 15 days of concluding the hearing.

## 7. **ENDORSEMENT**

To further effect the subdivision, the applicant must submit a registerable instrument to the Subdivision Authority for endorsement within 1 year of the date of the approval. A registerable instrument is the document that the Land Titles Office requires to be registered in order to create the titles to the proposed parcels. Commonly, it is a plan of subdivision made by an Alberta Land Surveyor (A.L.S.). In the case of a title separation, it is a separation of title form.

The Subdivision Authority reviews the instrument and any other supporting documents required in order to ensure that it complies to the approval and that all conditions have been met. Once satisfied that everything is in order, the Subdivision Authority signs (endorses) the instrument. Land Titles will not register a subdivision instrument without the endorsement of the Subdivision Authority.

Endorsement cannot be given until the 19 day appeal period expires without any appeals being received or if an appeal is received, until a decision of the appeal board is made.

Endorsement Fee

The fees charged for endorsement are \$300.00 per application.

**8. REGISTRATION**

After endorsement is given, the registerable instrument is given back to the applicant who is responsible for submitting it to the Land Titles Office for registration within 1 year of the date of endorsement. This is the final step which will create the desired new titles. Registration fees will apply.

**9. TIMETABLE**

The following illustration represents a typical timeline for the subdivision procedure. The process may be affected by various factors such as delayed submission of required information, time required to satisfy attached conditions, appeals, survey preparation, and registration requirements.

