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## **SUBDIVISION: FREQUENTLY ASKED QUESTIONS**

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# TABLE OF CONTENTS

PURPOSE .....	3
WHAT IS SUBDIVISION? .....	4
WHO CAN APPLY TO SUBDIVIDE A PARCEL? .....	4
HOW IS THE PROCESS INITIATED?.....	4
WHAT IS THE PROCESS? .....	5
WHAT DO I NEED TO APPLY FOR SUBDIVISION OF MY LAND? .....	6
WHAT IS A TENTATIVE PLAN? .....	7
WHAT IS THE COST?.....	7
WHAT HAPPENS ONCE MY APPLICATION HAS BEEN CIRCULATED? .....	8
WHAT IS CONSIDERED WHEN REVIEWING AN APPLICATION? .....	8
HOW LONG DOES A DECISION TAKE? .....	9
WHO MAKES THE DECISION ON AN APPLICATION?.....	9
HOW DO I KNOW WHEN MY APPLICATION IS GOING TO COUNCIL? .....	9
HOW DO I FIND OUT ABOUT COUNCIL'S DECISION?.....	9
WHAT ARE RESERVES?.....	10
HOW ARE RESERVES TAKEN? .....	10
WHEN ARE RESERVES NOT REQUIRED? .....	10
WHAT ARE SUBDIVISION CONDITIONS? .....	11
CAN A SUBDIVISION DECISION BE APPEALED? .....	12
HOW LONG DO I HAVE TO APPEAL A DECISION? .....	12
WHO CONSIDERS AN APPEAL? .....	12
APPROVED SUBDIVISION – WHAT'S NEXT? .....	13
WHAT IS ENDORSEMENT?.....	13
WHAT IS REGISTRATION?.....	13
HOW DO I FIND OUT ABOUT PROPOSED SUBDIVISIONS IN MY COMMUNITY? .....	14
CAN I APPEAL MY NEIGHBOUR'S SUBDIVISION? .....	14



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## **PURPOSE**

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

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## WHAT IS SUBDIVISION?

Subdivision is dividing a single parcel of land into two or more parcels in order to obtain separate legal titles for each parcel.

Subdivision of land can vary considerably in size and complexity. The process is the same for a subdivision to create a new neighbourhood as it is for a property owner splitting property into two parcels. Subdivision of land is important as even small subdivisions can have considerable influence on the character of a neighbourhood, the environment, neighbours, water and sewage, utilities, emergency services, and schools.

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## WHO CAN APPLY TO SUBDIVIDE A PARCEL?

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

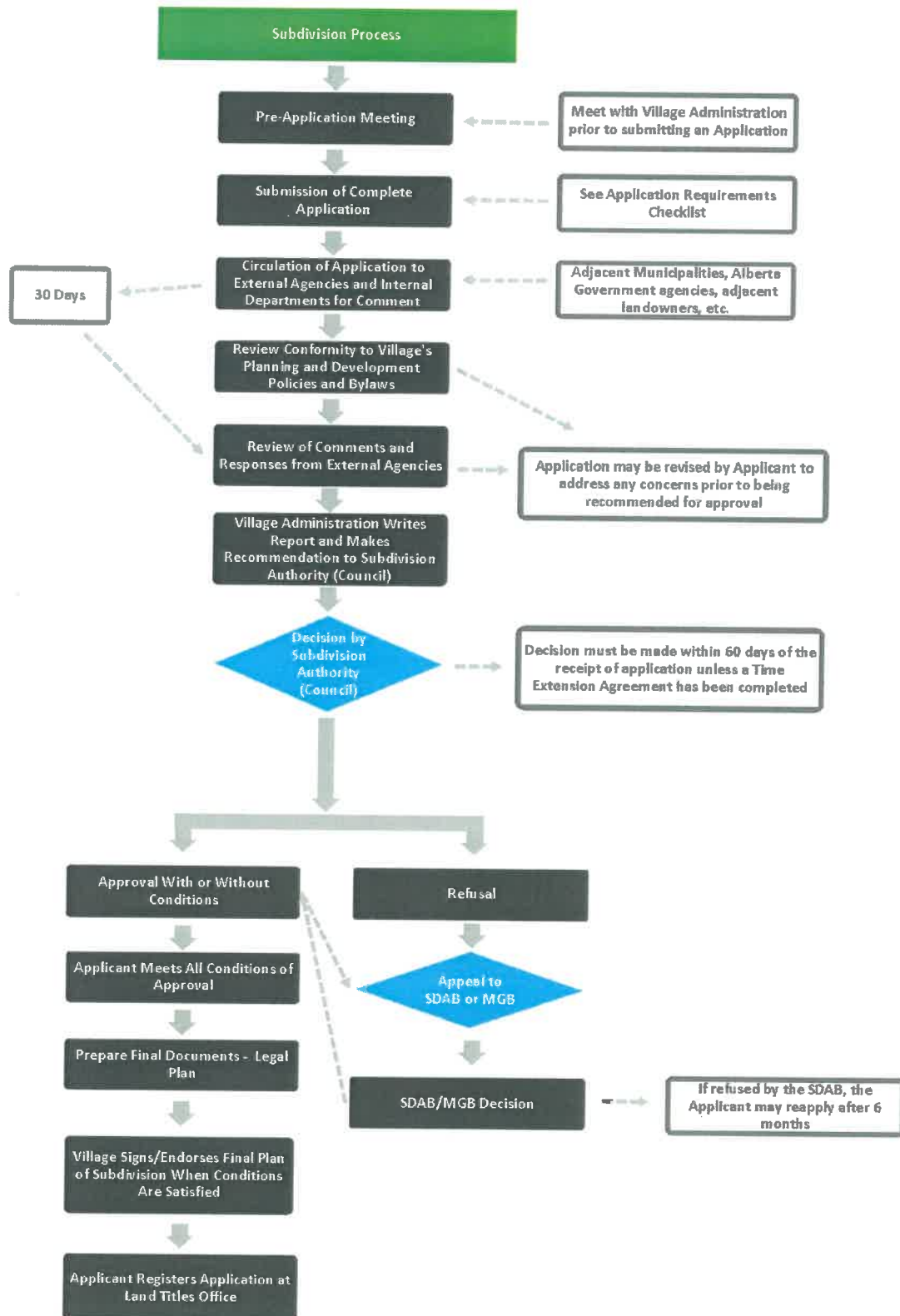
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## HOW IS THE PROCESS INITIATED?

Potential applicants are requested to arrange a pre-application meeting with the Village Planning and Development staff. **Note that this meeting is mandatory in order to review application requirements prior to submission and to ensure a timely process.** To find out more about subdivision, or to start the process, arrange a pre-application meeting with one of the Village's friendly planning staff: 403 637-3762.

For this meeting, you should have the legal description of the property and a draft tentative plan. Village staff will want to discuss the intent of your application, as well as transportation and servicing solutions. At this meeting, Village staff can also identify the potential requirement to provide reserve dedication from the subject property to the Village.

# WHAT IS THE PROCESS?





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# WHAT DO I NEED TO APPLY FOR SUBDIVISION OF MY LAND?

Detailed information can be found in the *Subdivision Application Checklist*

*Incomplete applications will not be accepted by Village administration, and will be returned to the applicant*

- Completed **Subdivision Application Form**
- Application Fee
  - You are encouraged to contact Village Administration to determine the appropriate fee for your application
- Current **Certificate of Title** of subject lands no older than 30 days
- Copies of all registered instruments, caveats, or interests on title
  - Available at the Alberta Land Titles office or any Alberta Registry office
  - Available online through the Spatial Information (SPIN) website
- **Tentative Plan of Subdivision (3 copies)**
  - Depending upon the complexity of the proposal, Village Administration may request additional copies and various sizes.
- **Lot Statistics Table**
  - Provide a summary of the widths, depths and areas of the lots to be created in the proposed subdivision. The lot statistics table is to include a summary of the number of lots in each land use district as well as a land area total for each land use district. Development types for each lot (i.e. single-detached dwelling vs. semi-detached) should be specified.
- **Letter of Authorization** (only required if the landowner is not the Applicant)
  - A letter of Authorization signed by the registered owner(s) of the land to indicate that the agent is authorized to act on their behalf.
- Digital copy of all application materials on CD/USB
- Supporting Information
  - As requested by the Development Officer



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## **WHAT IS A TENTATIVE PLAN?**

A Tentative plan is a drawing showing lot lines and where the property separation will occur. A typical tentative plan is prepared by an Alberta Land Surveyor and would show:

- Location of the proposed subdivision in the municipality;
- Legal description of the land;
- All lot locations and measurements;
- All easements, rights of way, roads, railways, etc.;
- Location or surveyed boundaries of any environmental features such as a water course;
- Building locations and setbacks;
- Other information (external to diagram, i.e. potable water)
- Name of Alberta Land Surveyor preparing plan;
- Alberta Land Surveyor's Permit Stamp (if corporation).

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## **WHAT IS THE COST?**

The cost to subdivide land in Cremona varies depending on the complexity of your proposed subdivision. Staff at the Village office can give you additional information.

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## **WHAT HAPPENS ONCE MY APPLICATION HAS BEEN CIRCULATED?**

The Village will consider all comments received and work with the Applicant to resolve any outstanding issues that were raised during the circulation period.

Village staff prepares a subdivision report and adds the application to the next Council Meeting agenda.

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## **WHAT IS CONSIDERED WHEN REVIEWING AN APPLICATION?**

The review of a proposed subdivision will involve consideration of a number of issues including but not necessarily limited to:

- Conformity to the Village's planning policies, including the Municipal Development Plan and any applicable statutory plans
- Compliance with the Village's servicing
- Compliance with the Land Use Bylaw
- Access to existing road network and emergency access requirements

Copies of the subdivision application are circulated to Village departments, external agencies (i.e. Alberta Transportation, Alberta Environment and Parks, Chinook's Edge School Division), Village's planning and engineering consultants and adjacent municipalities for feedback (e.g. on issues such as traffic and access; utility requirements, reserve dedication, environmental issues, schooling etc.)

The Village will also circulate subdivision applications to adjacent landowners for feedback and comments.

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## **HOW LONG DOES A DECISION TAKE?**

60 days from the time of *completed* application submission.

The 60 day time limit may be extended through an agreement with the applicant and the Village.

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## **WHO MAKES THE DECISION ON AN APPLICATION?**

Village Council

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## **HOW DO I KNOW WHEN MY APPLICATION IS GOING TO COUNCIL?**

Village staff will provide you with written notice of the date and time when your application will be considered by Village Council.

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## **HOW DO I FIND OUT ABOUT COUNCIL'S DECISION?**

A notice of decision is sent out in writing to the applicant. You are welcome to attend the Council meeting to listen to the presentation and decision.

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## WHAT ARE RESERVES?

Reserve lands are generally classified into four types:

- Municipal Reserve
- School reserve
- Environmental Reserve
- Conservation Reserve

The Village of Cremona can require up to 10% of land from subdivision to be provided for municipal or school reserves. This land is typically used for future school or park sites.

Environmental reserve is land with environmental conditions that may make it unsuitable for development. These areas may include: steep slopes, swamps, gullies, ravines, natural drainage courses, flood prone areas, or land immediately adjacent to lakes, rivers, streams or other bodies of water.

Conservation reserve is land with environmentally significant features that could not be provided as environmental reserve. The purpose of taking conservation reserve is to enable the Village to protect and conserve the land.

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## HOW ARE RESERVES TAKEN?

There are three ways that reserves may be taken:

- Land dedication at time of subdivision as a requirement of the municipality or the province. As per MDP Policy 11.4, municipal reserve dedication in residential subdivisions shall ordinarily be provided in the form of land, except unless it is determined that land dedication is unnecessary or undesirable.
- Deferred by caveat to another piece of land in Cremona that is owned by the same person
- Cash in lieu of land (the value of up to 10% of the land to be subdivided to be paid to the Village). As per MDP Policy 11.5, municipal reserve dedication in non-residential subdivisions shall be provided in the form of cash-in-lieu, unless land is required to provide buffers between different land uses.

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## WHEN ARE RESERVES NOT REQUIRED?

- One lot is to be created from a quarter section of land;
- Land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes
- The land to be subdivided is 0.8 hectares (2 acres) or less;
- Reserve land, or money in place of it was provided previously for the same piece of land

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## **WHAT ARE SUBDIVISION CONDITIONS?**

It is common to expect conditions to be placed on subdivision approval. These ensure that the subdivision will be constructed/completed according to the Village's policies and standards.

For example, conditions may include:

- requirements to ensure the subdivision complies with all planning regulations or documents, including site-specific conditions such as water supply, internal roads, etc.;
- requirements for an agreement to be entered into with the municipality to pay for construction of roads, walkways, sewer and water systems, other utilities, or off-site levies;
- payment of any outstanding taxes;
- dedication of reserve land, or other arrangements in-lieu-of land.

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## **CAN A SUBDIVISION DECISION BE APPEALED?**

A refusal decision or a condition of approval may be appealed. However, only certain individuals or groups are permitted to appeal a decision:

- The applicant
- Local school boards and government agencies.

Adjacent landowners are provided notice of the application, and are invited to provide written comment to Council, but do not have any right of appeal

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## **HOW LONG DO I HAVE TO APPEAL A DECISION?**

A "Notice of Appeal" form must be completed and filed along with the required fee within 14 days of the date shown on the Notice of Decision. You can obtain more information and the required form at the Village offices.

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## **WHO CONSIDERS AN APPEAL?**

The Subdivision and Development Appeal Board (SDAB) or the Municipal Government Board (MGB)

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## APPROVED SUBDIVISION – WHAT’S NEXT?

The subdivision approval is valid for a period of one year. During that time you will need to work with Village staff for **subdivision endorsement**.

The applicant may contact the Village and request an extension prior to the one-year period lapsing—extensions are discretionary and may not always be granted.

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## WHAT IS ENDORSEMENT?

Before your subdivision approval expires, you must have your subdivision **endorsed** by the Village. To do so, you must:

- Meet all conditions of subdivision approval
- Have your property surveyed by a professional Alberta Land Surveyor, who will prepare a Legal Plan. The Legal Plan shows detail as to location, orientation, and size of all parcels within the boundary of the subdivision (The Legal Plan is the final version of the Tentative Plan)

If the Village is satisfied that all of the conditions of the subdivision approval have been adequately met, and if the Legal Plan accurately represents the plan of subdivision approved by Council, the Legal Plan can be endorsed by the Village.

*Note that in some cases, a **descriptive plan** rather than a legal plan may be prepared for subdivision endorsement. Contact Village staff if you are unsure of which type of plan is required for your subdivision endorsement.*

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## WHAT IS REGISTRATION?

Registration is the final step in the subdivision process. The applicant or their agent must register the Legal Plan with Alberta Land Titles.

Once the plan is registered, a new Certificate of Title is issued for each of the new parcels. After this process, you may transfer or sell the property.

The endorsed documents must be registered at Alberta Land Titles within one year of the endorsement date by the Village.



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## **HOW DO I FIND OUT ABOUT PROPOSED SUBDIVISIONS IN MY COMMUNITY?**

If you own property adjacent to a proposed subdivision, you will be mailed the application and asked to submit comments to the Village.

You can also contact Village staff about any ongoing applications. Staff cannot answer questions about proposed development until a formal application has been submitted and is being circulated.

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## **CAN I APPEAL MY NEIGHBOUR'S SUBDIVISION?**

No, the Alberta Municipal Government Act does not permit adjacent landowners to appeal decisions for subdivision.