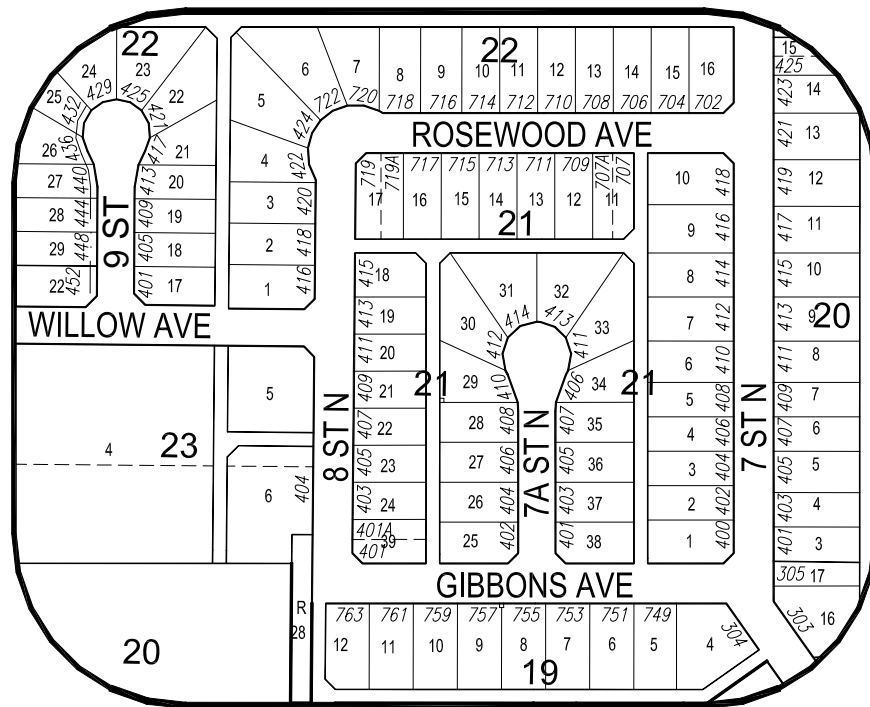


# SUBDIVISION APPROVAL PROCESS



*OLDMAN RIVER REGIONAL SERVICES COMMISSION*

**Prepared for Member Municipalities**  
**Revised January 2008**

## **What is ORRSC?**

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ORRSC is short for Oldman River Regional Services Commission. This commission is a cooperative effort of 38 municipalities in southwestern Alberta who have created an organization to provide municipal planning advice to its members.

One major duty of ORRSC is to process applications for subdivision on behalf of our member municipalities. Although the processing is conducted by this organization, the decision is made by a municipal subdivision authority.

## **Subdivision Legislation**

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Approvals of subdivisions are conducted under the terms of the Municipal Government Act. Much of the approval process discussed below is legislated and time periods for completion of the steps are part of the Act. Since much of the process is legislated by the province, there is often little ability to vary.

## **When is a Subdivision Application Required?**

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Generally, a subdivision application is needed when a person wishes to have an existing land title divided into one or more additional titles. For example, if an existing land title contains 10 acres and the owner wishes to have two titles of 5 acres each, a subdivision application is required.

Other instruments requiring subdivision approval include the creation of bareland condominiums and the registration of long-term leases.

Two exceptions to this are allowed under the Act:

- ◆ parcels that are divided by a quarter section line
- ◆ where two or more lots from a registered plan are on a title, those lots may be split if the plan was registered after July 1, 1950

In each of these cases, an owner may apply directly to the Land Titles Office.

## **Making an Application**

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A complete application will include:

- ◆ a completed form
- ◆ a complete diagram of the proposal including all dimensions
- ◆ the applicable fee
- ◆ a surveyor's sketch of the structures when the application is in an urban area or in the County of Lethbridge, if any development exists on the site
- ◆ a recent certificate of title (within the last 30 days)

Forms are available at the municipal office and at the ORRSC office. This information should be submitted to:

**Oldman River Regional Services Commission**  
**3105 - 16<sup>th</sup> Avenue North**  
**Lethbridge, Alberta**  
**T1H 5E8**

Any person considering an application for subdivision approval should first discuss the proposal with an ORRSC planner in order to clarify the applicable legislation and the approval process.

## **Subdivision Approval Process**

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When the application arrives in our office, the steps in the approval system include:

### **1. Preparation of package to circulate including:**

- ◆ creation of file and formal acceptance of application
- ◆ preparation of display diagrams
- ◆ preparation of either newspaper ad or list of adjacent landowners
- ◆ planners initial comments to be provided to municipality during the application circulation

## **2. Circulate application including:**

- ◆ notice to adjacent landowners who have the following times to respond:
  - 14 days if notice is published in a newspaper
  - 19 days if notice is by mail
- ◆ notice to the municipality with planner comment
- ◆ notice to agencies and government departments required to be notified under the Subdivision and Development Regulation (minimum of 19 days to respond)
- ◆ notice to school boards affected (minimum of 14 days to respond)
- ◆ correspondence to applicant and landowner indicating acceptance of application and the persons being notified

## **3. Preparation of recommendations for the municipality:**

- ◆ review provincial and agency response and follow up inquiries
- ◆ review adjacent municipality response
- ◆ review legislative requirements
- ◆ evaluate planning issues
- ◆ prepare and send recommendation to municipality's subdivision authority
- ◆ site inspection

## **4. Decision**

The subdivision authority considers responses to the circulation, the recommendation and, where available, adjacent landowners' comments. A meeting with concerned persons including the applicant may occur if requested. The subdivision authority for the appropriate municipality will make a decision which may be an approval, an approval with conditions, or refusal. A decision is required within 60 days of the receipt of the application, unless the applicant agrees to the extension of that time period. A decision is sent to the applicant and the persons notified prior to the decision being made, except for the adjacent landowners.

## **5. Final Endorsement**

Documents prepared for the applicant normally by a surveyor or lawyer are provided to ORRSC:

- ◆ for a review to ensure final plans reflect the decision made by the authority
- ◆ to ensure all conditions are met
- ◆ for a signature that is required by the Land Titles Office.

After signed, the instrument is returned to the surveyor, lawyer or other person directed by the applicant. The file is then held at the office for an indefinite period.

## **General Conditions of Approval**

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In approving a subdivision, a subdivision authority may place a number of conditions on a subdivision approval. Some of the more common conditions include:

- ◆ payment of any outstanding property taxes
- ◆ entering into a development agreement with the municipality which would include the installation or paying for the installation of services and access
- ◆ paying or providing municipal reserve which is either land or money in lieu of land for park or school purposes
- ◆ a surveyor's sketch, if structures exist and a surveyor's sketch was not provided
- ◆ provision of any easements that may have been required by utility companies or the municipality for access

It is the responsibility of the applicant to ensure all conditions are satisfied prior to the final instrument being endorsed. ORRSC requires official written confirmation that conditions have been met.

## **Subdivision Appeals**

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Within 19 days of the date on the letter giving notice of the decision, an appeal may be filed. Appeals can only be made by:

- ◆ government departments
- ◆ school boards on a matter of municipal reserve
- ◆ the applicant

Adjacent landowners cannot file an appeal. An appeal must be in writing and contain reasons for the appeal. Many municipalities also have a fee for an appeal. An appeal hearing must be held within 30 days of receiving the appeal notice. At the hearing, all parties have an opportunity to provide input and may be questioned. The Subdivision and Development Appeal Board has 15 days to issue a decision. A further appeal is available to the courts on a point of law or jurisdiction.

# Finalizing the Subdivision Approval

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The steps needed to finalize the subdivision approval are contained in the notice of decision provided to the applicant and include:

- ◆ contacting a surveyor to prepare the documentation required for the Land Titles Office
- ◆ completing and providing proof of completion that all conditions have been met
- ◆ paying outstanding charges such as municipal reserve, taxes and the final fees

When all the conditions are met and the appeal period has elapsed, ORRSC is able to endorse the plan or other instrument. That document is filed with the Land Titles Office.

## Costs Involved in Subdividing Land

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Costs of a subdivision can vary greatly from application to application, however, some of the basic costs that can be expected include:

### 1. Subdivision Approval Fees (fees are non-refundable)

A. Application Fee	B. Per Lot Fee	C. Per Lot Endorsement Fee
\$300	\$300	\$150
PAYABLE WITH INITIAL APPLICATION		PAYABLE PRIOR TO ENDORSEMENT

**Example:** When subdividing a farmstead from a quarter section or creating two lots from an existing title:

A.	Application fee	\$300	
B.	Per lot fee for 1 new lot	<u>\$300</u>	
	<b>Subtotal</b>	<b>\$600</b>	<b>– payable with initial application</b>
C.	Endorsement fee for 1 new lot	<u>\$150</u>	
	<b>Subtotal</b>	<b>\$150</b>	<b>– payable prior to endorsement</b>

## **2. Fee to Recirculate Application**

Minor changes to an application may be accepted at the office with no additional costs; however, if the change requires the application to be recirculated to the various agencies, there will be a fee of \$150.

## **3. Costs of Surveying**

Surveying is often required to show the location of structures, prepare plans and to register documents with the Land Titles Office. The Land Titles Act requires an Alberta Land Surveyor (ALS) to be used for this purpose. Surveyors should be contacted for estimates of the job.

## **4. Irrigation Districts**

If the land being subdivided is within an irrigation district, there may be additional fees required to amend the delivery system or provide domestic water agreements.

## **5. Municipal Reserve**

Municipal Reserve will normally be taken in accordance with the Act except as follows:

- ◆ one lot is to be created from a quarter section
- ◆ land is to be subdivided into lots of 40 acres or more and is to be used for agriculture
- ◆ land to be subdivided is 2 acres or less

Reserve may be taken in either land or cash in lieu of land which would be 10% of the market value of the land. Market value may be assessed by the municipality or an applicant may provide a professional value assessment.

## **6. Municipal Services**

All the costs of municipal services are usually the responsibility of the developer. This would include the costs for utilities provided by various utility companies. Some municipalities may require off-site levies at the time of subdivision or development.

## **7. Land Titles Office Fees**

The Land Titles Office has fees for the issuance of new titles.

## 8. Costs of Other Professional Services

Other information may be required for the processing of the application or for meeting the conditions of the approval which may include:

- ◆ legal fees
- ◆ geotechnical analysis
- ◆ historic archaeological surveys
- ◆ ground and surface water analysis
- ◆ underground fuel tank inspections

## Subdivision Inquiries

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Applicants are encouraged to contact our office with any inquiries they may have regarding subdivisions:

**Oldman River Regional Services Commission**  
**3105 - 16<sup>th</sup> Avenue North**  
**Lethbridge, Alberta T1H 5E8**

**Phone:** (403) 329-1344

**E-mail:** [suborrsc@telus.net](mailto:suborrsc@telus.net)

**Fax:** (403) 327-6847

**Website:** [www.orrsc.com](http://www.orrsc.com)

## Member Municipalities

### Rural:

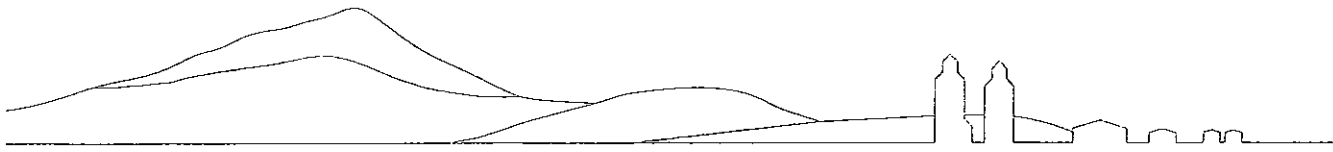
Cardston County  
County of Lethbridge  
County of Warner No. 5  
County of Newell No. 4  
M.D. of Pincher Creek No. 9  
M.D. of Ranchland No. 66  
M.D. of Taber  
M.D. of Willow Creek No. 26  
Vulcan County

### Towns:

Cardston  
Claresholm  
Coaldale  
Coalhurst  
Municipality of Crowsnest Pass  
Fort Macleod  
Granum  
Magrath  
Milk River  
Nanton  
Picture Butte  
Pincher Creek  
Raymond  
Stavely  
Vauxhall  
Vulcan

### Villages:

Arrowwood  
Barnwell  
Barons  
Carmangay  
Champion  
Coutts  
Cowley  
Hill Spring  
Lomond  
Milo  
Nobleford  
Stirling  
Warner



# OLDMAN RIVER REGIONAL SERVICES COMMISSION

Effective Date – June 1, 2006

## APPLICATION INFORMATION – Rural

The following information is required when submitting an application for subdivision in a Rural area to the Oldman River Regional Services Commission (this information is required as set out in sections of the Subdivision and Development Regulation):

1. **Application Form** (yellow form) -- to be completed and signed where indicated, by the registered owner and/or person acting on behalf of the registered owner, making sure to include the existing and proposed use of the parcel to be created.
2. **Subdivision Fees** are as follows: **\* FEES ARE NON-REFUNDABLE**

A. Application Fee	B. Per Lot Fee	C. Per Lot Endorsement Fee
\$300	\$300	\$150
PAYABLE WITH INITIAL APPLICATION		PAYABLE PRIOR TO ENDORSEMENT

**Example:** When subdividing a farmstead from a quarter section or creating two lots from an existing title:

A.	Application fee	\$300	
B.	Per lot fee for 1 new lot	<u>\$300</u>	
	<b>Subtotal</b>	<b>\$600</b>	<b>– payable with initial application</b>
C.	Endorsement fee for 1 new lot	<u>\$150</u>	
	<b>Subtotal</b>	<b>\$150</b>	<b>– payable prior to endorsement</b>

3. **Diagram** (drawn to scale) showing the location, dimensions and boundaries of the parcel being proposed, also indicate the parcels relation to the quarter section line.

Where any buildings or structures are present, provide an **Alberta Land Surveyor's (A.L.S.) sketch** showing the location and dimensions of all buildings, shelterbelts, dugouts, septic tank fields, fences and/or corrals on the parcel that is the subject of the application, specifying those buildings or structures proposed to be demolished or moved.

**Note:** Except in the County of Lethbridge, the Oldman River Regional Services Commission may initially accept a substitute diagram not prepared by an A.L.S., such a sketch will be required as a condition of final approval of the proposed subdivision.

4. **Submit a copy of a recent Certificate of Title** (within the last 30 days). This copy may be obtained for a fee from a License and Registry Service office.

Upon receipt of the above-mentioned information, we will be in a position to process your application. If you have any questions regarding the above, please do not hesitate to contact this office.

# APPLICATION FOR SUBDIVISION

NORTH

WEST

EAST

SOUTH

NOTE: FILL IN THE DASHED LINES WHERE THERE IS AN EXISTING ROAD ALLOWANCE

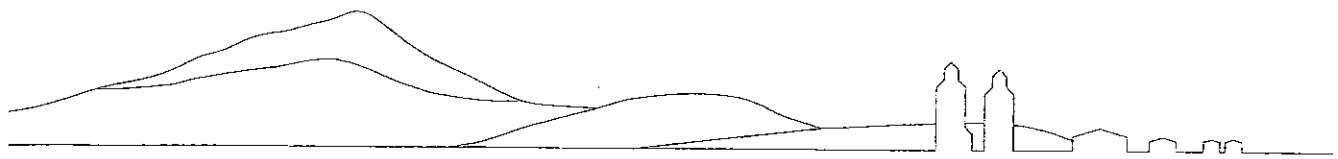
\_\_\_\_\_ 1/4 SEC \_\_\_\_\_, TWP \_\_\_\_\_, RGE \_\_\_\_\_, W \_\_\_\_\_ M

MUNICIPALITY: \_\_\_\_\_

DATE: \_\_\_\_\_

Scale 1:5000





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# *OLDMAN RIVER REGIONAL SERVICES COMMISSION*

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## **ALBERTA LAND SURVEYORS – available in Southern Alberta**

### **BROWN OKAMURA & ASSOCIATES LTD.**

514 Stafford Drive North  
P.O. Box 655  
Lethbridge, Alberta T1J 3Z4  
PHONE: 329-4688

### **MARTIN GEOMATIC CONSULTANTS LTD.**

255 - 31 Street North  
Lethbridge, Alberta T1H 2C7  
PHONE: 329-0050

### **HALMA SURVEYS**

918 – 3 Ave. So.  
Lethbridge, Alberta T1J 0H9  
PHONE: 329-3975

# APPLICATION FOR SUBDIVISION

FOR OFFICE USE ONLY		
DATE of receipt of completed Form 1:	FEES submitted (non-refundable):	FILE No.

**THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND THE SUBJECT OF THE APPLICATION OR BY AN AUTHORIZED PERSON ACTING ON HIS BEHALF.**

1. Name of registered owner of land to be subdivided Address and phone no.  
 .....  
 Name in block capitals

2. Name of agent (person authorized to act on behalf of registered owner), if any Address and phone no.  
 .....  
 Name in block capitals

3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED  
 All / part of the ..... ¼ 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 right of way of a highway? Yes ..... No .....  
 If "yes", the highway is No. ....

d. Does the proposed parcel contain or is it bounded by 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 ..... hereby certify that  I am the registered owner, or  
 (Full Name)  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 .....

**IMPORTANT:**

- Please fill out the right of entry authorization on the reverse.
- Further information may be provided by the applicant on the reverse.
- Information on this application form will become part of the subdivision file which will be considered by a subdivision authority at a public meeting.

Mail or deliver the completed application form, detailed sketch and required fee to:  
**Oldman River Regional Services Commission**  
 3105 - 16<sup>th</sup> Avenue North, Lethbridge, Alberta T1H 5E8 [Phone: (403) 329-1344]

**RIGHT OF ENTRY:**

I hereby authorize representatives of the Oldman River Regional Services Commission to enter my land for the purpose of conducting a site inspection in connection with my application for subdivision.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

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*Registered Owner's Signature*