

The Process of Redesignation and Subdivision



Planning and Development Services

911 - 32 Avenue N.E.

Calgary AB T2E 6X6

Application Inquiries Phone: 403-230-1401 Fax: 403-277-3066

Website: www.rockyview.ca

Email: planning@rockyview.ca

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Other Documents that should be included as part of a comprehensive information package include:

- Redesignation Application Package
- Subdivision Application Package
- Redesignation & Subdivision Application Package

NOTE:

This booklet attempts to cover every stage of redesignation/subdivision process, and you may wish to refer to it from time to time while following your application through the process. However, it is not intended as a legal interpretation.

Prospective applicants are encouraged to review the appropriate sections of the Municipal Government Act, and should always refer to the Act when quoting or establishing a legal position. Questions on this document or the legislative framework for county planning can be directed to Rocky View County, Planning and Development Services Section at 403-230-1401.

THE PLANNING PROCESS

Land use planning deals with the orderly development and use of land. It attempts to put in place a rational means by which certain goals can be met through management of the use of land. In response to the ongoing state of evolution in settlement patterns, agricultural practices, community development, and technology, Rocky View County has committed itself to managing growth in a responsible, effective, and economical manner.



Today, land use planning not only manages the use and development of land but also involves issues of compatibility, environment, health, aesthetics, equity, and efficiency. Sound land use planning respects the land as community resource. It contributes to the conservation of the natural environment, cultural heritage and promotes healthy communities through improvements to the quality of life.

Planning is based on the philosophy that sound development, which is sustainable over the long term, allows for the continuing prosperity and health of the County. Landowners may make an application to develop their land as long as the proposed project or use achieves orderly, economical, and beneficial use of the land and patterns of human settlement that maintain the quality of the physical environment.

Land use planning in Alberta is governed by the Municipal Government Act (M.G.A.) and the Subdivision and Development Regulation. A number of other provincial documents, such as the Airport Vicinity Protection Area (A.V.P.A.) and the Water Act also influence the evaluation of planning applications. The M.G.A. requires the County to prepare two local plans – the Land Use Bylaw, and the Municipal Development Plan. Legislation also requires us to have inter-municipal development plans with our neighbouring municipalities or reflect inter-municipal affairs in our Municipal Development Plan.

Many municipalities, including f Rocky View County, establish planning policy by adopting Area Structure Plans. ASP's allow Council to establish general land use and development policies for parts of the County

LAND USE REDESIGNATION

Every property in t Rocky View County has a land use designation (or zoning). Primary categories of land use district are Agricultural, Residential, Business, Recreational, and Public Use. To determine the land use designation of a parcel of land, you may view an updated version of the Land Use Bylaw on our website at www.rockyview.ca. An official written confirmation of the land use designation of a parcel of land may be obtained from the Development Authority for a fee.

The Land Use Bylaw contains text and maps outlining the land use designation for each parcel of land in the County. Specifications for each land use district in the Land Use Bylaw include the permitted and discretionary uses of the land, minimum parcel sizes

and specific building setbacks. Other regulations such as the number of animals permitted, and the size of buildings allowed on the parcel, are also listed.

In order to change the land use designation of a parcel of land located in Rocky View County, you must apply to the County to redesignate the land.

Two of the more common reasons for land use redesignation are:

1. The existing land use designation of the parcel does not permit the size or number of parcels proposed for a subdivision. An example of this would be attempting to subdivide a parcel designated as an Agricultural Holding into 4 acre parcels. Agricultural Holding District rules don't allow for 4 acre parcels, so a redesignation of the land to Residential Two District would be necessary prior to (or along with) an application for subdivision.
2. A landowner would like to use the land for purposes not permitted under the existing land use designation. An example of this would be attempting to place a church on a parcel designated as a Residential Two District. This would require a redesignation to Public Services District prior to the issuance of a Development Permit.

The Land Use Maps identify many subdivisions, but its main purpose is to distinguish the land use designations (zoning) on each parcel of land in the County. Each land use designation is noted by an abbreviation (e.g. AH is Agricultural Holding District and R2 is Residential Two District). To determine what land use rules apply to each district, please consult the Land Use Bylaw, or available online at www.rockyview.ca.

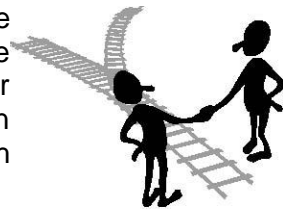
Land on these maps without a designation abbreviation is designated RF (Ranch and Farm District).

THE LAND USE REDESIGNATION PROCESS

The steps in the land use redesignation process are outlined below:

Pre-application Consultation

Landowners (or their representatives) considering redesignation are encouraged to contact staff in the Planning and Development Services Section prior to making an application. In this initial consultation, staff will discuss Provincial and County plans and policies that may affect the proposal, and the suitability of the land for the proposed use. The staff member may also assist in the technical aspects of an accompanying subdivision application or development proposal, and identify and explain any known problems relating to the general area. In addition, a thorough review of the overall process is given.



The planner may suggest that the prospective applicant contact adjacent landowners and/or the area community association. Making such contact is at the discretion of the applicant, however, the perspective

provided by the community and neighbors can be useful to the applicant in preparing or revising an application.

Redesignation Application Made

The application form must be completed in full and submitted with the appropriate processing fees. All requested information must be submitted along with the application in order to be considered complete, and to ensure that Staff and Council's assessment of the application results in an informed decision.

Circulation

Information regarding a redesignation application is sent to various agencies for their comments. These comments are taken into account when the application is being and is valued by Planning Staff. These agencies include, but are not limited to, the area school divisions, transportation, the Energy Resources Conservation Board, Alberta Environment, Internal Municipal Departments, and adjacent Municipalities.

The applicant is responsible for addressing any concerns or issues which may be identified by agencies that comment on the application. Planning Staff are available to review the circulation responses with the applicant.

Evaluation of Redesignation Applications

Planning Staff review the application and inform the applicant if any other information is required. It is the applicant's responsibility to submit all necessary information that is required. The application may be delayed until this information is received.

Staff will visit the property at least twice, an Engineering Technologist will visit the site to evaluate the technical aspects of the application, such as road access and site drainage. A Planning Technician will also visit the site to record a video to be used at the Public Hearing.

A Planner evaluates the application by assessing and considering the suitability of the site and the likely impact of the proposed land use on adjacent properties. This may be based on specific site and application details, sound planning principles, input from the applicant, circulated agencies, neighbors and community, and a review of County policies and statutory documents.

Following the completion of the detailed evaluation, a date and time are set for a Public Hearing.

Notification of the Public Hearing of Council

Several actions are taken to advise the public of a Public Hearing. Owners of property adjacent to land the which is the subject of a land use redesignation are notified by mail of the Public Hearing. Notice of the Public Hearing is also advertised in the local newspaper with the redesignation proposal and the location of the land identified on a Municipal map. These notices contain details of the application, and the timing and rules of the Public Hearing.

Planning staff prepare a report to Council based on their review and make a recommendation. This staff report and supporting information is available to the public and the applicant on the Friday afternoon prior to the Public Hearing.

Public Hearing of Council

Council must hold a Public Hearing prior to passing an amendment to the Land Use Bylaw, which has the effect of redesignating a parcel of land. Anyone who feels that they are affected by a proposed redesignation may address Council, either in opposition to or in favor of the application at the Hearing. They can also submit comments, in writing, before the Public Hearing as set out in the notifications and the advertisement in the newspaper. All letters received are provided to Council for consideration.

Only the Council of Rocky View County has the authority to approve or refuse your application. Planning Staff can only process your application, and are not in position to predict its outcome.

SUBDIVISION OF LAND

Subdivision means the division of a parcel of land for the purpose of obtaining separate title(s) to part(s) of the parcel. Subdivision of land into parcels (or lots) is an integral part of the land development process, and is subject to both Provincial regulations and Municipal bylaws and policies.

In order to subdivide a parcel, the assigned land use district must permit the parcel sizes and densities you wish to create. If the current land use designation does not allow them, you will be required to submit a redesignation application prior to (or along with) your subdivision application.

Some of the criteria considered in the assessment of a subdivision application are adequate water supply and sewer systems, physical road access to each parcel, potential for flooding and erosion, design, compatibility with adjacent land uses, and dedication of Municipal Reserve.

The Subdivision Authority may approve an application if it meets the following criteria:

1. The land is suitable for the purpose of the subdivision;
2. Water is available in accordance with the Water Act;
3. The proposed subdivision conforms to all applicable statutory plans and the Land Use Bylaw;
4. The proposed subdivision complies with the Municipal Government Act and Subdivision and Development Regulation.

An application that does not meet these criteria must be refused.

THE SUBDIVISION PROCESS

Applications for subdivision within Rocky View County will be circulated to various agencies for comment as well as landowners located adjacent to the subject site. Staff review the application, inspect the site and prepare a report with a recommendation to Council. The County Planner also reviews the application to ensure that the proposed subdivision complies with existing statutory plans and the Land Use Bylaw. The recommendations from these agencies or departments, to which the application was circulated, as well as the comments of adjacent landowners, are considered by Council when making a decision.

The steps in the subdivision process are outlined below:

Preliminary Discussions with the Municipality

Landowners (or their representatives) considering a subdivision are encouraged to contact staff in the Planning and Development Services Section prior to making an application. In this initial consultation, the Planner will discuss the technical aspects of the application. The planner may provide design alternatives for the subdivision, review legislative requirements, and also identify and explain any known potential problems relating to the general area and/or the application, and a thorough review of the overall process is given.

Circulation

As part of the subdivision process, information regarding a subdivision application is sent to various agencies for their comments. These comments are taken into account when the application is being evaluated by Staff. These agencies include, but are not limited to, the area school division (s), utility companies, the Calgary Regional Health Authority, Alberta Land Titles, Alberta Infrastructure, the Energy Resources Conservation Board, adjacent landowners, and other internal Municipal Departments. These comments are used to evaluate the application, and establish conditions of approval. The applicant is responsible for addressing any concerns or issues which may be identified by any agencies and/or adjacent landowners that may comment on the application. The Planner is available to review the circulation responses with the applicant.

Evaluation of Subdivision Applications

The Planner evaluates the application by assessing and considering the suitability of the site and the likely impact of the proposal on adjacent properties based on specific site and application details, sound planning principles, input from the applicant, circulated agencies, and affected landowners, and most importantly, a review of County policies and statutory documents. Staff will visit the property at least once, an Engineering Technologist will visit the site to evaluate the technical aspects of the application, such as road access and site drainage. Following the completion of the detailed evaluation, a date is set for Council to consider the application.

Council Meeting

The application will be presented to Council, as they are the Subdivision Authority for Rocky View County. Various technical aspects will be reviewed such as water supply (in accordance with the Water Act), road access to existing and proposed parcels, the existence of a building site using setbacks as described in the Land Use Bylaw and/or landforms (steep slopes), and various other conditions which may be specific to the site. Taking these into consideration, Council may then make a decision to conditionally approve, refuse, or table the application.

Tabled Applications

An application may be tabled from time to time, usually to allow the applicant to collect or provide further information. The information will be requested by Council, and it is the responsibility of the applicant to comply with Council's request. The application will not be brought before Council until this has been completed.

Refused Applications

When an application is refused, the applicant/owner may appeal the decision of the Subdivision Authority. The Appeal Board may be either the Subdivision and Development Appeal Board of Rocky View County, or, if there is a Provincial interest in the application, the Municipal Government Board.

The Appeal Board under whose jurisdiction the appeal will fall will be identified on the Transmittal of Decision Letter. The appeal must be received by the Appeal Board within 19 days of the date the Transmittal of Decision was mailed. A copy of the appeal form will be enclosed.

Approved Applications

All approved subdivision applications are subject to certain conditions being met. These conditions will be listed in the Transmittal of Decision Letter (which is the official letter informing the applicant/owner of Council's decision).

All conditions must be met prior to the signing of the Plan of Survey by the County within one year of the date of decision by Council or Appeal Board. If a condition is not met by the applicant/owner, the subdivision will not be endorsed and registered. If all conditions of approval can not be met within the one year limit, the applicant may apply to the Municipality for an extension, which may be granted at the sole discretion of the Municipality. The signature on the survey plan is the County's endorsement (final approval) of the subdivision, indicating that all the conditions imposed by Council have been satisfied.

Once the survey plan has been signed by the representative of the County, it is ready to be taken to the Land Titles office for registration. The owner will receive separate Certificates of Title for each of the newly subdivided parcels from the Land Titles office when the plan is registered.

Appeals

An appeal of the decision of the Subdivision Authority may occur on either a refusal of an application (as explained previously), or on the conditions of the Subdivision Authority's approval.

There are two different Appeal Boards, the Subdivision and Development Appeal Board (S.D.A.B.), and the Municipal Government Board (M.G.B.) The S.D.A.B. will hear all appeals where there is no provincial interest. If there is an interest in the application at the provincial level, the M.G.B. will hear the appeal.

The appeal hearing will be held within 30 days from the date the appeal was lodged to the S.D.A.B., or within 60 days if the appeal is lodged with the M.G.B. The Appeal Board must have regard to any statutory plan, conform with the uses of land referred to in the Land Use Bylaw, be consistent with land use policies, and have regard to (but is not bound by) the Subdivision and Development Regulation. 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.

MUNICIPAL RESERVE DEDICATION

The Municipal Government Act requires municipal reserve to be provided when land is subdivided. Subsequently, an important step in the review of your application for subdivision approval is the calculation of the municipal reserve requirement and the allocation of this reserve. The following is a set of common questions concerning the subject of municipal reserve.

Why must I provide municipal reserve? How much reserve do I have to provide?

The Municipal Government Act states that the registered owner of land that is the subject of a proposed subdivision shall provide to the County, without compensation, land for municipal reserve. Land that is provided for municipal reserve shall not exceed ten percent of the gross area of the lands that are subject to subdivision.

The Municipal Government Act, Section 663, directs that the Subdivision Authority (Council) shall not require the dedication of municipal reserve if:

- a. one lot is to be created from the quarter section;
- b. land is to be subdivided into lots of 40 acres or more;
- c. the land to be subdivided is 2 acres or less;
- d. reserve land or a cash-in-lieu payment has previously been provided.

Are there other ways I may satisfy the requirements for municipal reserve?

Council may require the registered owner to provide money in place of municipal reserve. Referred to as “cash-in-lieu” of reserve, this money shall not exceed 10% of the appraised market value of the gross area of the land to be subdivided. An applicant for subdivision is responsible for providing the fee to obtain a current appraisal of the land proposed to be subdivided. In situations where the subdivision results in large parcels that could be subdivided further, part or all of the municipal reserve may be deferred by caveat to the proposed parcels or remainder of the parcel.

What is the municipal reserve used for?

Municipal reserve dedication is an important contribution to the community. Many of the parks, trails, community centres and school sites within the County are a direct result of municipal reserve dedication by an applicant for subdivision. A portion of the municipal reserves goes to improving the immediate area, and a portion goes to a larger reserve fund for the entire County

TRANSPORTATION OFFSITE LEVY

This fee (also known as the Transportation Infrastructure Fee) will be applied to all subdivision applications, excepting Farmsteads, Reserves, and Boundary Adjustment applications. These fees are set at the Current Bylaw Rate, please refer to the website or contact Staff for the fee.

If approved, the Transportation Infrastructure Fee will be noted as a condition of subdivision approval on these subdivisions. They will be collected at the time of endorsement of the plan of survey, and a clause will be added to a Development Agreement which identifies the subdivision from which the monies were collected.

The monies will be placed into a reserve set up by the Finance Department.

Within the Transportation Infrastructure Reserve:

1. 95% of the monies collected are dedicated for road construction costs within the District from which it was generated;
2. 5% of the monies collected are dedicated for a County wide comprehensive general transportation plan or plans.

WATER AND SEWER SERVICING

Water Supply – Section 600 of the Servicing Standards for Residential Subdivision

There are two possible methods of supplying water to the proposed new lots. Water supply may either come from a piped water distribution (co-op) water source, or by groundwater.

1. If a water distribution system (co-op) is proposed to serve the parcel(s), or there is a known water line in the area, information regarding the availability of water from the system and the estimated cost of hook-up is required in the form of a letter from the water distribution company.
2. If groundwater is proposed to serve the new parcel(s), and the application proposes to create six or more total lots on the quarter section, information regarding the availability of groundwater is required. This information includes well driller's reports for the property and surrounding area, and a report from a professional engineer, hydrogeologist or geophysicist, licensed to practice in the Province of Alberta, which states that there is sufficient water to supply 1250 cubic meters of water per year for each proposed lot, and that the proposed diversion will not interfere with other residential licensees and traditional agricultural users, as defined in the Water Act, Section 23(3) (a).

Sewage Disposal – Section 500 of the Servicing Standards for Residential Subdivision

If the proposed subdivision is to be serviced by other than a central collection and disposal sewage system, you may be required to provide a report, prepared by a qualified professional, certifying that the proposed sewage disposal method is appropriate for, and can be properly installed on the proposed new lot(s). This report may be required prior to a decision being made on your application by Council, or as a condition of Council's approval.

SUBDIVISION AND ROAD NAMING

All roads in the County have names or number identifiers. These form an important component in the County Address required for 911 emergency response. The applicant is responsible for applying for names of any new roads created by the subdivision.

House numbers will be assigned by the County and will become active upon the issuance of Building Permits.

Building Permits and telephone service will be delayed if addressing can not be completed.

The following points should be remembered when making your application for subdivision and road naming:

- It is recommended that neighborhood name themes be developed as part of this process.
- Existing area names are to be considered when applying for new names.
- Please allow a minimum of 10 weeks for the completion of this application process.
- There is a fee associated with this application. Please consult Staff, or the Master Rates Bylaw.
- Standard road type classifications are to be adhered to as part of the name.
- Further information is available by calling Rocky View County at 403-230-1401.

REGISTERING APPROVED SUBDIVISIONS

Conditional Approval

Conditional approval means that Council, as the Subdivision Authority, has granted permission to create those lots shown on the approved Tentative Plan, provided that a number of conditions are met first. ***Conditional approval does not mean that the proposed lots have been created and can be sold.*** The lots legally exist only when the subdivision has been registered with the Alberta Land Titles office and separate Certificates of Title have been granted for each lot.

Subdivisions cannot be endorsed and registered until the appeal period has expired or until the appeal has been heard and decided upon by the appropriate Appeal Board. It is recommended that you wait until the appeal period has expired before meeting any conditions of approval. The approval is valid for one year from the date of decision of Council or any appeal board. This can be extended by **applying** for and being granted an Extension from the Department of Planning and Community Services.

It is the responsibility of the landowner and/or their agent to register newly created parcels with the Land Titles Office once the Plan of Survey or Instrument has been endorsed by the County. The County has no involvement with private land sales once the new lots have been registered.

Meeting Conditions of Approval

The conditions of approval are included in the Transmittal of Decision Letter. It is the responsibility of the applicant to meet these conditions and submit documentation to Planning staff, confirming their completion.



NOTE:

Transmittal of Decision Letters are mailed approximately one week after the Council decision date.

A FINAL WORD

Rocky View County's planning system is based on the philosophy that development, sustainable over the long term, is necessary for the continuing prosperity and health of the Municipality. While the preservation of agricultural lands is a high priority, landowners may develop their land as long as the proposed project or use achieves orderly, economical and beneficial development, use of land, and patterns of human settlement that maintains and improves the quality of the physical environment, without infringing on the rights of individuals, except to the extent necessary for the greater public interest.

The following points should be considered when making your application:

1. All statutory plans and policies of Rocky View County and all Provincial Legislation must be fully respected.
2. You should recognize the complex and time-consuming nature of the application process. Remember, hundreds of applications are received each year, and that they are processed on a "first come, first served" basis.
3. All requested information relating to your application must be submitted to allow Council to correctly assess the application, and make an informed decision.
4. Applicants should attempt to alleviate the concerns of adjacent landowners immediately after they have been identified. It is important that the rights of all involved parties are respected, and that creative solutions be sought for any problems.