

## SUBDIVISION APPLICATION PROCEDURE GUIDE

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This Subdivision Application Procedure Guide is designed to help the applicant understand the process of Subdivision and the necessary steps required as part of the Application Process.

### ***What is a Subdivision?***

Subdivision is the legal process involving the creation of individual titled lots from larger parcels of land. Legislative authority for subdivision approval is provided by the Municipal Government Act and the Subdivision Authority Bylaw.

Any one of the following constitutes a subdivision, and therefore requires approval from the Town of Slave Lake:

- Two lots on 1 title and 2 titles are required;



- Re-aligning or adjusting an existing lot line;



- Creating several lots from one or more existing properties;



- Creating several bare land condominium units from one or more properties;



### ***Steps of the Subdivision Application Process:***

- Step 1.** Discuss the Subdivision Proposal with Development Services prior to application. These discussions may avoid unnecessary costs or delays to the applicant. Depending on the circumstances of the proposal, the Applicant may then decide whether or not to proceed with an application for subdivision.
- Step 2.** Submit a Subdivision Application to the Subdivision Approval Authority. The Planning & Development Officer will review application for completeness.

Information typically required for a subdivision application includes:

1. Completed copy of the application form (attached to this Guide);

2. Payment of the required subdivision application fees as per the current fees bylaw;
3. Twelve (12) copies of the proposed subdivision plan drawn at 1:1000 scale including following information:
  - legal description, boundaries, dimensions, and area of the property described on the existing certificate of title;
  - the scale of the plan and a north arrow;
  - location, dimensions, boundaries, and area of the proposed parcel or lot and any reserve land;
  - location of any existing or proposed private sewage disposal systems, and the distance from these to existing or proposed buildings and property line;
  - location, use and dimensions of building on the land that is subject of the application and specifying those buildings that are proposed to be demolished or removed;
  - location, registered plan number, and dimensions of any road widening, rights-of-way, easements or exceptions from the titled area;
  - location of existing services and site constraints (e.g. hydrants, utility poles);
  - location of existing and proposed roadway approaches serving the proposed parcel and remainder of the titled area;
  - location of proposed driveway for residential subdivision;
  - the proposed roads identified as numbered or named streets and avenues;
  - the approximate location and boundaries of the bed and shore of any drainage channels, streams, watercourse lakes, or large sloughs that is contained within, or bounds the titled area;
  - lot statistics that illustrate Lot, Block, zoning designation, individual lot areas, and total area of lands to be subdivided (a table format of this information is acceptable).
4. A key plan (8.5"x11") showing the relationship between the proposed parcel and neighbouring lands, and major development that comes up against the proposed parcel.
5. A photocopy of the duplicate Certificate of Title validated within 30 days of the submission of the subdivision application (the name of the title must match the name on the application form, if names do not match, a letter of authorization from the title owner must accompany;
6. Copies of all instruments, which are registered against the parcels being subdivided, including but not limited to, any environmental reserve agreements;
7. A subdivision Data Sheet (attached);
8. Completed Right-of Entry Form and Consent to Electronic Notification (attached);
9. Completed Acknowledgement RE: Legal Costs Form (attached);
10. Completed Acknowledgement RE: Engineering Costs Form (attached);

11. Completed Acknowledgement RE: Inspection Costs Form (attached).

12. Additional Information:

- copies of the cover and signature sheets of any applicable geotechnical reports, environmental assessments, historical archaeological assessments, traffic impact studies and storm water management reports;
- 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 plain;
- if the land that is the subject of an application is located within or adjacent to the Wildfire Urban Interface, provide a Wildfire Risk Assessment prepared by a qualified professional;
- if a proposed subdivision is not to be served by water distribution system, a report that meets the requirements of Section 23(3)(a) of the *Water Act* must be submitted;
- 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, including the suitability and viability of that method;
- 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 on-site sewage disposal system;
- a conceptual scheme that relates the application to future subdivision and development of adjacent areas;
- proof of separate municipal services for Semi-detached or Duplex.

**NOTE:** Depending on the type and location of subdivision proposal, further information may be required. Costs associated with obtaining the required information will be borne by the subdivision applicant.

[See the Subdivision Application Check List at the back of this document.](#)

**Step 3.** A copy of the subdivision application is referred to Government Departments, adjacent landowners, and local authorities as required by the Subdivision and Development Regulations. Comments of those persons to whom an application for subdivision approval is referred to will be considered by the Town of Slave Lake's Subdivision Approval Authority i.e. Municipal Planning Commission (MPC).

**Step 4.** When considering an application, the Subdivision Authority must consider the written submissions of those persons and authorities that received notice of application. The Planning & Development Officer will prepare a Report that documents and evaluates all pertinent information for submission to the Subdivision Authority (MPC) complete with recommendations concerning the subdivision application.

**Step 5.** The Subdivision Authority (MPC) will render a decision on the application. The application may be unconditionally approved, approved with conditions, or refused by the authority.

**Step 6.** The decision of the Subdivision Approving Authority (MPC) shall be given in writing to the applicant and to the Government departments, persons and local authorities to which the Subdivision Authority is required to give a copy of the application by the subdivision and development regulations.

The time prescribed, in accordance with the Municipal Government Act, within which the Town of Slave Lake will make a decision on an application for subdivision approval is sixty (60) days from the date of receipt of a completed application.

**Step 7.** The applicant for subdivision approval shall submit to the Town the plan of subdivision (or other instrument) to be endorsed within one year after the date in which the subdivision approval is given to the application. On being satisfied that the plan of subdivision complies with the subdivision approval and all conditions imposed have been met, the plan shall be endorsed by the Subdivision Authority (or person designated).

**Step 8.** The final step of the subdivision process is the registration of the instrument at Alberta Registries (Land Titles). This Government Department ensures that the instrument has been properly endorsed by the Subdivision Authority prior to registering the instrument. Registration of the instrument results in titles being issued for the newly created lots.

**NOTE:** *Endorsement fees are payable at this time.*

If the plan of subdivision or other instrument is not submitted to the Subdivision Authority for endorsement within the time prescribed or any longer period authorised by the Subdivision Authority, the subdivision approval is **void**.

If the plan of subdivision is not registered in a Land Titles office within one year after the date on which it is endorsed or within the extended period authorized by the Subdivision Authority, the subdivision approval of the plan or instrument and the endorsement are **void** and the plan or instrument shall not be accepted by a Registrar for registration.

### ***Appeal***

An appeal of the decision of a Subdivision Authority, or any condition imposed by it, may be commenced by filing written notice of appeal with the Town of Slave Lake, Subdivision and Development Appeal Board within fourteen (14) days of the date of receipt of the written decision of the Subdivision Authority. The reasons for appeal shall identify the issues in the decision of the Subdivision Authority, or any conditions imposed by it, as they relate to the act of subdivision, against which the appeal is lodged.

The Board hearing an appeal must hold the hearing within thirty (30) days of receiving notice of appeal and give a written decision, together with the reasons for the decision, within fifteen (15) days of concluding the hearing.

If the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the *Public Lands Act*, or it is within the distance of a highway, a body of water or sewage treatment or waste management facility set out in the subdivision and development regulations, an appeal should be made to the Municipal Government Board.

### ***Subdivision Fees***

The subdivision application fees shall be payable to the Town of Slave Lake and must be paid at the time of application submission. For a complete of fees please contact the Planning Department.

## **DEVELOPMENT AGREEMENT**

As part of the subdivision process you may be required to enter into a Development Agreement with the Town of Slave Lake. A Development Agreement is typically required, however is not limited to the construction of municipal improvements or payment of levies or developer contributions as part of the subdivision.

Development Agreements are registered on the titles of the newly created lots of the subdivision and advise that there is a contractual obligation with respect to the subdivided lands.

Development Agreements **may include**, however are not limited to the following:

- The municipal improvements that are required to be constructed and to what standard. Municipal Improvements are generally described as water, sanitary sewer, storm sewer, franchise utilities (i.e. power, natural gas, cable, phone), roads, walks, trails, parks, street lights, traffic lights, curb, gutters, fencing, etc.), provision of right-of-ways.
- Off-site Levies and Developer Contributions (i.e. Road and Intersection Charges
- Security required for municipal improvements to be constructed and any levies not paid at the subdivision stage.
- Municipal Reserve Requirements (i.e. dedication of land or cash in-lieu of land, or development of parks)
- Environmental Reserve Requirements.

Development Agreements may contain, however are not limited to **details** with respect to:

- the construction and installation of municipal improvements;
- the plan of subdivision;
- the installation of franchise utilities
- the construction of required landscaping;
- design plans;
- compliance with plans and specifications;
- acceptance of municipal improvements;
- maintenance of municipal improvements;
- use of public right-of-ways in the performance of work;
- sharing of servicing costs regarding over-sized municipal improvements;
- maintenance of boulevards and public spaces;
- off-site levies and developer contributions;
- amounts payable under the agreement;
- default by the developer;
- the arbitration process;
- indemnity and security;
- conditions for development;

- municipal reserve dedication and park development;
- delivery of documents;
- compliance with law;
- waivers;
- process for notice.

**PLEASE NOTE:** In order for your Consulting Engineer to prepare the servicing plans for your proposed subdivision, he/she should obtain a copy of the Town's Development Standards and Procedures. Please contact the Planning Department at 780-849-8000 for a copy or go to the Town's webpage at [www.slavelake.ca](http://www.slavelake.ca).

### **Offsite Levies:**

In accordance with the Development Charge and Offsite Levy Bylaw #29-2016 offsite levies can only be levied once for any piece of property; and are triggered by an application for subdivision or development. Offsite levies go toward the upgrade of water and sanitary sewer lines and facilities such as the water treatment plant, lift stations, etc.

In accordance with Policy C.d. 027 offsite levies **are not required on Re-developed Land**.

Re-developed land, as defined by the Policy, means land within the boundaries of the Town of Slave Lake which has been developed upon.

Offsite Levies **will be required for Vacant Undeveloped Land**.

Vacant Undeveloped Land, as defined by the Policy, and means lands within the boundaries of the Town of Slave Lake where a development permit has not been issued for development and no development exists on the land.

To determine if your subdivision will be affected by Offsite Levies, please contact Development Services.

### **Developer Contributions - Road Charges:**

The Town of Slave Lake has established Road Charges for the following roads:

- Caribou Trail SW (From Highway No. 2 to Gloryland Residential Subdivision)
- 2<sup>nd</sup> Avenue N.W.

To determine if your subdivision will be affected by road charges, please contact Development Services.

### **Developer Contributions - Intersection Charges**

The Town of Slave Lake has developed charges for the following intersections:

- Caribou Trail and Highway No. 2
- 14<sup>th</sup> Avenue S.W. and Highway No. 2 (Mid-Point Intersection)
- Main Street and Highway No. 2

- Highway No. 88, Highway No. 2 and Holmes Trail

These charges will be collected by the Town and utilized to upgrade these intersections as required by Alberta Transportation.

To determine if your subdivision will be affected by Intersection Charges please contact Development Services.

***It should be noted that all Offsite Levies and Developer Contributions (i.e., road and intersection charges) are adjusted annually to reflect the Edmonton Non-Residential Construction Price Index as of December 31<sup>st</sup> of the previous year. As such, offsite levies and charges will be adjusted on March 31<sup>st</sup> of each year to reflect this inflationary change (i.e., increase or decrease). Offsite levies and charges paid after March 31<sup>st</sup> of each year will likely reflect an increase regardless of the levy quoted at the time of application unless the levy or charge amount has been agreed to and established under an approved Development Agreement. Most often those levies and charges that are deferred, (i.e., not paid at the subdivision stage), are not fixed through the development agreement and as such are subject to the annual inflationary adjustments.***

### **Security**

The Town of Slave Lake requires security to be provided in the form of an Irrevocable Letter of Credit and must be equivalent to 50% of the estimated cost to construct the required municipal improvements and 100% of the cost of any levies or charges which are deferred (i.e. deferred levies or charges are those levies or charges which Council agrees are not required to be paid at the time of subdivision and are triggered then by the application for a development permit or some other triggering event. Levies and charges may be comprised of off-site levies and developer contributions (i.e. road charges and intersection charges or any and all of those listed depending on the location of the subdivision).

### **Reserves and Roads**

In accordance with the Municipal Government Act (MGA) the owner of a parcel of land must provide, without compensation, land for roads and environmental and municipal reserves. Environmental Reserves will be required for those lands which meet the criteria established in the MGA. In accordance with the Town's Municipal Development Plan, Municipal Reserves are provided at 10% of the value of the lands remaining after roads and environmental reserves have been taken.

### **Over-sized Municipal Improvements**

A past developer may have been required to construct over-sized municipal improvements to facilitate his/her development and future developments. As a result, you may be required to pay a proportionate share of those municipal improvements. As such, your development agreement may contain conditions with respect to over-sized municipal improvements.

Your current development may require the construction of over-sized municipal improvements and as such your agreement will be drafted with conditions that will allow you to collect for over-sized municipal improvements from future developers.

### **Costs for Drafting the Development Agreement**

Development Agreements can be very detailed and complicated depending on the nature of the development. As such, the Town often outsources the drafting of the development agreement to our legal counsel to ensure

the agreement properly addresses all legal and planning issues related to the subdivision. If the Town determines that the development agreement must be outsourced, the Town will pay the initial \$1,500.00 cost of drafting the agreement by our legal counsel and all other additional costs, over and above the initial \$1,500.00, for the drafting of the agreement will be borne by the developer.

In the event that the agreement is not outsourced and is prepared in-house by Town staff, the fee is \$500.00.

Attached to this package is an Acknowledgement Form RE: Legal Costs which is to be signed by the developer.

### **Costs for Engineering Services**

As part of the subdivision process and the associated Development Agreement your Consulting Engineer will be required to prepare design plans and specifications for the construction of municipal improvements required in the subdivision. Once these Plans have been submitted, the Town's Engineer will review the Plans and compare them with the Town's Development Standards and Procedures and ensure they meet with good engineering practices. The Town of Slave Lake will provide one (1) review of the Plans by the Town's Engineer at no cost to the developer. All additional reviews of the Plans conducted by the Town's Engineer will be charged back to the developer at a cost of \$750.00/review. It is in the best interest of the developer to ensure your Consulting Engineer prepares comprehensive and complete design plans and specifications to avoid additional review costs.

It is also important that your Consulting Engineer obtain a copy of the Town's Development Standards and Procedures.

Attached to this package is an Acknowledgement Form RE: Engineering Costs which is to be signed by the developer.

### **Costs for Inspections**

Once the municipal infrastructure required for the subdivision is constructed, the Consulting Engineer will request the Town inspect the infrastructure and issue an Initial Acceptance Certificate (IAC). Once the IAC is issued, the developer is responsible for the maintenance of the municipal infrastructure for a two (2) year warranty period. After the two (2) year warranty period elapses; the Consulting Engineer will request an inspection of the municipal infrastructure and the issuance of a Final Acceptance Certificate (FAC). Once the FAC is issued the municipal infrastructure becomes the responsibility of the Town.

The Town's Engineer and Administrative Staff are required to attend inspections at the IAC and FAC stages of the development. The Town will pay for one (1) inspection at each of the IAC and FAC stages at no charge to the developer (i.e. for a total of two (2) free inspections). All additional inspections required at each of the IAC and FAC stages will be charged to the developer at a cost of \$1,300.00/inspection. It is in the best interest of the developer to ensure that construction of the municipal infrastructure is complete and ready for inspection by the Town.

Attached to this package is an Acknowledgement Form RE: Inspection Costs which is to be signed by the developer.

### **Sale of Lots & Construction of Developments**

Once the subdivision has been registered with Alberta Land Titles the developer may sell lots. New lot



purchasers may then apply for a development permit to construct their new home or development. However, if the municipal improvements required as part of the subdivision approval and the development agreement have not been completed and accepted onto the warranty period by the Town (i.e. the Initial Acceptance Certificate has not been issued); the development permit will be issued with conditions stating that **construction cannot commence** until essential services are in place and certificates have been issued by the Town.

It is your responsibility as the subdivision developer to ensure purchasers of parcels in your subdivision are aware that construction commencement of their development will be triggered by the construction completion of all municipal improvements required for your subdivision.

### **Variance Requests**

Any variation from any of the regulations outlined in the Town's Development Standards and Procedures or any other statutory or regulatory plan must be considered and/or approved by Council and is considered part of the negotiation between the developer and the Town. Whatever is agreed to by Council will be captured within the Development Agreement.

### ***CONCLUSION:***

It is vitally important that you read your development agreement in detail and fully understand your obligations as outlined under the agreement. It may be very beneficial to have your lawyer review the development agreement on your behalf. Please feel free to discuss any and all questions you may have regarding the agreement or the subdivision application and process with Development Services.

To contact Planning and Development Department please call 780-849-8000, e-mail [planning@slavelake.ca](mailto:planning@slavelake.ca), drop in at our office at 10 Main Street SW, or mail to Box 1030 Slave Lake, Alberta T0G 2A0.

## SUBDIVISION APPLICATION CHECKLIST

- ☐ 1. Completed copy of the application form (attached to this Guide);
- ☐ 2. Payment of the required subdivision application fees;
- ☐ 3. Twelve (12) copies of the proposed subdivision plan drawn at 1:1000 scale including following information:
  - ☐ legal description, boundaries, dimensions, and area of the property described on the existing certificate of title;
  - ☐ the scale of the plan and a north arrow;
  - ☐ location, dimensions, boundaries, and area of the proposed parcel or lot and any reserve land;
  - ☐ location of any existing or proposed private sewage disposal systems, and the distance from these to existing or proposed buildings and property line;
  - ☐ location, use and dimensions of building on the land that is subject of the application and specifying those buildings that are proposed to be demolished or removed;
  - ☐ location, registered plan number, and dimensions of any road widening, rights-of-way, easements or exceptions from the titled area;
  - ☐ location of existing services and site constraints (e.g. hydrants, utility poles);
  - ☐ location of existing and proposed roadway approaches serving the proposed parcel and remainder of the titled area;
  - ☐ location of proposed driveway for residential subdivision;
  - ☐ the proposed roads identified as numbered or named streets and avenues;
  - ☐ the approximate location and boundaries of the bed and shore of any drainage channels, streams, watercourse lakes, or large sloughs that is contained within, or bounds the titled area;
  - ☐ lot statistics that illustrate Lot, Block, zoning designation, individual lot areas, and total area of lands to be subdivided (a table format of this information is acceptable).
- ☐ 4. A key plan (8.5"x11") showing the relationship between the proposed parcel and neighbouring lands, and major development that comes up against the proposed parcel.
- ☐ 5. A photocopy of the duplicate certificate of title validated within 30 days of the submission of the subdivision application (the name of the title must match the name on the application form, if names do not match, a letter of authorization from the title owner must accompany;
- ☐ 6. Copies of all instruments, which are registered against the parcels being subdivided;
- ☐ 7. A Subdivision Data Sheet (attached);
- ☐ 8. Completed Right-of Entry and Consent to Electronic Notification Form (attached),
- ☐ 9. Completed Acknowledgement Form RE Engineering Costs (attached);
- ☐ 10. Completed Acknowledgement Form RE Legal Costs (attached);

- ☐ 11. Completed Acknowledgement Form RE Inspection Costs (attached);
- ☐ 12. Additional information:
- ☐ copies of the cover and signature sheets of any applicable geotechnical reports, environmental assessments, historical archaeological assessments, traffic impact studies and storm water management reports;
  - ☐ 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 plain;
  - ☐ if the land that is the subject of an application is located within or adjacent to the Wildfire Urban Interface, provide a Wildfire Risk Assessment prepared by a qualified professional;
  - ☐ if a proposed subdivision is not to be served by water distribution system, a report that meets the requirements of Section 23(3)(a) of the *Water Act* must be submitted;
  - ☐ 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, including the suitability and viability of that method;
  - ☐ 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 on-site sewage disposal system;
  - ☐ a conceptual scheme that related the application to future subdivision and development of adjacent areas.