



Redesignation & Subdivision Guide



ROCKY VIEW COUNTY
Cultivating Communities

NOTE:

This booklet attempts to cover every stage of the redesignation and 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 Services
Phone: 403-230-1401
Email: Planning@rockyview.ca
Website: www.rockyview.ca

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

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

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THE PLANNING PROCESS

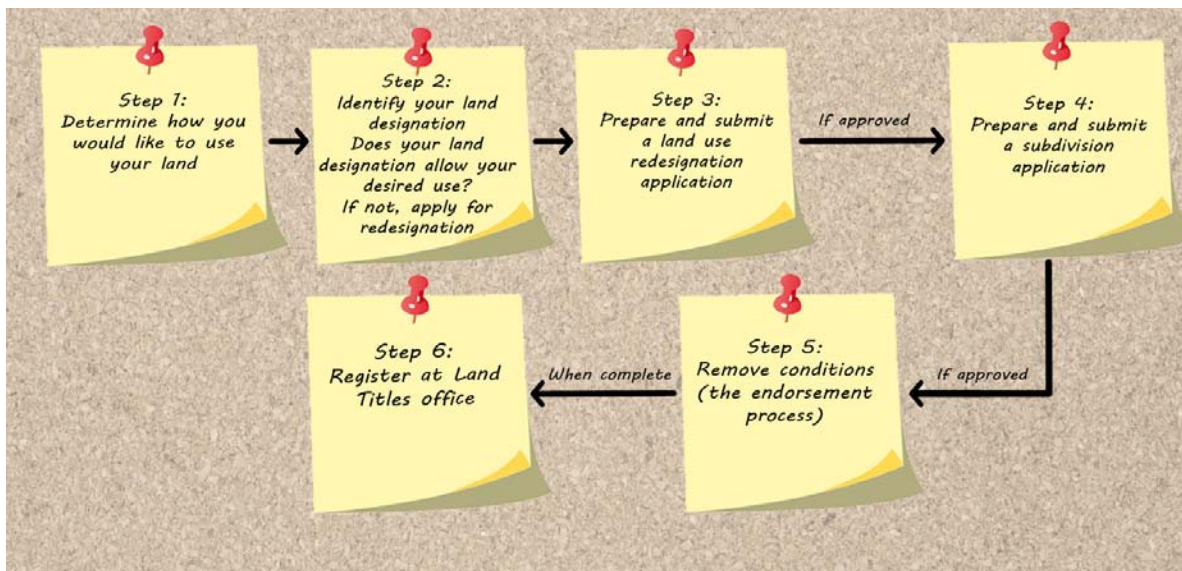
Land use planning deals with the orderly development and use of land. It attempts to put in place a rational means by which certain goals can be met through management of the use of land. In response to the ongoing state of evolution in settlement patterns, agricultural practices, community development, 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 a community resource. It contributes to the conservation of the natural environment and cultural heritage and promotes healthy communities through improvements to the quality of life.

Planning is based on the philosophy that sound development that 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* (MGA) and the Subdivision and Development Regulation. A number of other provincial documents, such as the Airport Vicinity Protection Area (AVPA) and the *Water Act* also influence the evaluation of planning applications. The MGA 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 through a regional growth management plan.

Many municipalities, including Rocky View County, establish planning policy by adopting Area Structure Plans (ASPs). ASPs allow Council to establish general land use and development policies for parts of the County. Together with the *County Plan*, these documents form the basis for deciding land use planning applications in Rocky View County.



LAND USE REDESIGNATION

Every property in 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. 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 outlines 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 County's Land Use Bylaw Maps identify many subdivisions and 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, 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 Services department 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 will be 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 neighbours can be useful to the applicant in preparing or revising an application.

Submission of Redesignation Application

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.



Notification and Circulation

Applicants are required to install and maintain the display of a public notice sign for certain types of planning applications. Requirements for public notice signage can be found in Rocky View County Policy C-327.

Information regarding a redesignation application is sent to various agencies for their comments. These comments are taken into account when the application is being evaluated 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 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. The application may be delayed until this information is received.

Staff will visit the property at least twice. These visits will include an engineering technologist, who 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, neighbours, 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 that 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. 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 favour 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 Rocky View County Council has the authority to approve or refuse your application. Administration can only process your application, and is 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 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.

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 Alberta Health Services, 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 that may be identified by any agencies and/or adjacent landowners who 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. Administration will visit the property at least once, and 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 either Council to consider the application as the subdivision authority or, if the application is a simple subdivision, it may be decided by Administration acting as the subdivision authority.

The Subdivision Authority Bylaw delegates the responsibility to decide a limited type of subdivision applications to Administration. These applications include proposals that do not involve the provision of County infrastructure, municipal reserves, or the payment of levies. As a practice, regardless of how simple an application may appear to be, any application that receives community opposition or includes conditions that an applicant contests will be referred to Council as the subdivision authority.



Council Meeting

If the application is not decided by Administration, it will be presented to Council. 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 specific to the site. Taking these into consideration, Council will 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.

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 the subdivision authority'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 subdivision authority or the 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 the subdivision authority 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.

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.

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 (SDAB), and the Municipal Government Board (MGB). The SDAB will hear all appeals where there is no provincial interest. If there is an interest in the application at the provincial level, the MGB will hear the appeal.

The appeal hearing will be held within 30 days from the date the appeal was lodged to the SDAB, or within 60 days if the appeal is lodged with the MGB. The appeal board must consider any statutory plan, uses of land referred to in the Land Use Bylaw, land use policies, and 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 10 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:

- one lot is to be created from the quarter section;
- land is to be subdivided into lots of 40 acres or more;
- the land to be subdivided is 2 acres or less;
- 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.

LEVIES

Council may require the payment of off-site levies for any land that is proposed to be subdivided or developed. The County currently has bylaws for offsite levies associated with new or expanded facilities for:

- roads within the Rocky View County road network;
- water supply;
- treatment, movement and disposal of sanitary sewage; and
- storm sewer drainage facilities.

More information regarding applicable levies is available from Administration. The most common off-site applicable to development is the Transportation Off-site Levy.

TRANSPORTATION OFFSITE LEVY

This levy will be applied to all subdivision applications, excepting farmsteads, first parcels out, those portions of land designated as environmental reserve within a subdivision approval, and boundary adjustment applications. The levy may also be applied to development permit applications. The levy may only be collected once from the development lands. This levy is set at the current bylaw rate, please refer to the website or contact Administration for the levy calculation.

If approved, the Transportation Offsite Levy will be noted as a condition of subdivision approval on these subdivisions or as a condition of development permit approval. The levy will be collected prior to endorsement of the subdivision or prior to issuance of the development permit.

The monies will be placed into a reserve set up by the Finance department and used in accordance with the framework established in the bylaw.

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, that states that there is sufficient water to supply 1,250 cubic metres 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 the subdivision authority or as a condition of the subdivision authority'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 neighbourhood 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 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 the subdivision authority or any appeal board. This can be extended by **applying** for and being granted an extension from the Planning and Community Services department.

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.

PLANNING AND DEVELOPMENT DOCUMENTS OVERVIEW

GENERAL PLAN CATEGORIES:

A *statutory plan* is a plan that has legal status as prescribed by the *Municipal Government Act (MGA)*. All statutory plans are adopted as a bylaw by Council after a public hearing. The County's subdivision and development authority must follow the direction of a statutory plan. The Subdivision and Development Appeal Board and Municipal Government Board must comply with statutory plans in a development appeal and must have regard to statutory plans in a subdivision appeal.

A *non-statutory plan* may or may not be adopted by Council bylaw. The plan provides guidance and more detailed direction for development. It is non-binding on subdivision and development authorities, the Subdivision and Development Appeal Board, and the Municipal Government Board.

DESCRIPTION OF SPECIFIC PLANS:

GROWTH MANAGEMENT PLAN: growth management and servicing plans for the Calgary Metropolitan Region are required by the Government of Alberta by January 1, 2021. All new statutory plans must conform to the growth management plan. To cover the three-year gap before a growth plan is approved, preparation of a draft interim growth plan is underway. It is anticipated the draft interim plan will be approved by June 2018.

The Calgary Metropolitan Region Board (the Board) will be responsible for developing and approving the growth management and servicing plans. Rocky View County and the municipalities of Airdrie, Calgary, Chestermere, Cochrane, Foothills, High River, Okotoks, Strathmore, and Wheatland County comprise the Board members.

INTERMUNICIPAL DEVELOPMENT PLAN (IDP): An IDP is a statutory document developed and adopted in partnership with an adjoining municipality. It contains policies that coordinate land use and development on the boundary land between adjacent municipalities. It addresses matters of mutual interest and is used to evaluate development applications, set up communication protocols, and provide a mechanism for resolving intermunicipal disputes. The MGA was recently amended to clarify that IDPs take precedent over a municipal development plan (the *County Plan*).

The County has IDPs with Airdrie, Calgary, Cochrane, and Crossfield. The MGA was recently amended to require IDPs between all municipalities that are not in a growth management board within two years. Therefore, the County must develop IDPs with the MD of Bighorn, Mountain View County, Kneehill County, Village of Beiseker, and Town of Irricana.

COUNTY PLAN: All municipalities with 3,500 or more residents must prepare a municipal development plan (MDP). The *County Plan* is Rocky View County's MDP, which was adopted in 2013. The *County Plan* identifies residential/business growth areas and provides overall guidance for land use planning, agriculture policies, and service delivery. It also provides specific policy guidance for areas that do not fall within the boundaries of an area structure plan or other subordinate plan.

AREA STRUCTURE PLAN (ASP): An ASP is a statutory plan prepared in accordance with the *Municipal Government Act* for a localized area. An ASP is subordinate to the *County Plan* and provides a land use strategy for redesignating (rezoning) and developing a specific area of land. It contains maps, goals, and policies, which set out general locations for major land uses (e.g. residential, commercial, institutional, schools, and parks), major roadways, utility servicing, and recreation.

CONCEPTUAL SCHEME: A conceptual scheme is smaller and subordinate to an ASP. It may be statutory if amended into the appendices of an ASP. The conceptual scheme provides detailed land use direction, subdivision and road design, and development guidance. A conceptual scheme often accompanies a land use redesignation.

LOT AND ROAD PLAN: A lot and road plan is a non-statutory document that accompanies a land use redesignation application. It is used to address a limited set of specific issues to demonstrate an area is capable of supporting residential development (i.e. lot and road layout, stormwater management, water supply, and sewage treatment).

MASTER SITE DEVELOPMENT PLAN (MSDP): A MSDP is a non-statutory document that accompanies a land use redesignation application and provides development guidance for a large area of land with little or no anticipated subdivision. It addresses design considerations, such as building placement, landscaping, lighting, parking, and architectural treatment. The MSDP is intended to provide a clear idea of the final appearance of the development.

THE LAND USE BYLAW (LUB):

The LUB is the primary implementation tool for regulating development. All land under County jurisdiction has a designated land use (zoning). The LUB lists the uses that may occur on a property and the development regulations for that property. There are a wide variety of regulations such as building size, height, and setback distances.

The development authority and the Subdivision and Development Appeal Board may vary the regulations but cannot change the uses allowed on a property. That remains Council's prerogative. Regardless of the statutory planning direction for a property, the land owner may use that property as per the land use designation (zoning).

IMPORTANT DEFINITIONS REGARDING STATUTORY PLAN LANGUAGE:

Shall: a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer, the development authority and the subdivision authority.

Should: a directive term that indicates or directs a strongly preferred course of action by Council, Administration and/or the developer but one that is not mandatory.

May: a discretionary term, meaning the policy in question can be enforced by the County, if it chooses to do so, dependent on the particular circumstances of the site and/or application.

Support: means to provide for, or to aid the cause or interest of something. Generally, when the word support is used, administration is in agreement with the proposal or premise, if other relevant policy is met.

Rocky View County

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