Subdivision
Information Package





County of Northern Lights

January 2018

ISL Engineering and Land Services

Photo courtesy of: Shawn Elliot



ISL Engineering and Land Services

ISL Engineering and Land Services Ltd. is an award-winning full-service consulting firm dedicated to working with all levels of government and the private sector to deliver planning and design solutions for transportation, water, and land projects. ISL has provided municipal advisory services to the County since 1999.

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1.0 Purpose



Photo courtesy of: Shalisha Miclette

1.1 Legislative Authority for Planning in the County

In Canada, the Constitution divides all legal authority between two orders of government, the federal and provincial. The respective roles of each level of government is outlined in the *Constitution Act*. The County derives its authority from the provincial government, through legislation delegating certain powers to municipalities.

Part 17 of the *Municipal Government Act* (MGA) contains the significant provisions relating to land use planning and the regulation of subdivision and development of land in Alberta. When evaluating a subdivision application or appeal, the *MGA* enables a Subdivision Authority and Subdivision and Development Appeal Board (SDAB) to consider how a subdivision contributes to the use of land, land suitability and soil characteristics, impacts on the physical environment, public interest, and compatibility to existing subdivisions and development.

Since 2009, the *Alberta Land Stewardship Act* (ALSA) has been used to implement Alberta's Land-use Framework. The Land-use Framework was released in December 2008, sets out seven land-use regions in the province, and calls for a regional plan for each region. The County is within the boundaries of the Lower Peace region. The province has yet to initiate a regional planning process for this area. The Land-use Framework establishes key provincial land-use objectives and responsibilities of the Stewardship Minister, Stewardship Commissioner, Land-use Secretariat and Regional Advisory Councils. Where a decision by a Subdivision Authority is inconsistent with an adopted regional plan under the *ALSA*, the regional plan prevails. *ALSA* imposes additional considerations and obligations on the planning and subdivision authorities when rendering a decision. The Subdivision Authority and the SDAB should interpret the statutory plans and land use bylaw for the County in a manner that is consistent with the regional plan. With the adoption of the *ALSA*, the planning framework and legislative authority for subdivisions in Alberta is outlined in **Figure 1**.

1.2 Municipal Responsibility

The *MGA* assigns the responsibility and legislative authority for planning municipalities in Alberta under Part 17 of the *Act*. The *MGA* establishes the authority for municipalities to develop, adopt, and review all plans and bylaws that integrate legislation and planning principles to guide subdivision and development authorities in making decisions on applications. It is the responsibility of municipal councils to adopt or amend land use bylaws or statutory plans. The SDAB does not have the legal authority to decide on the legal status of a municipal bylaw adopting a statutory plan or a land use bylaw. In addition to the *MGA*, the *Subdivision and Development Regulation* outlines various procedures and guidelines for subdivisions, agency referrals, and decision-making processes on subdivision applications in the County of Northern Lights.

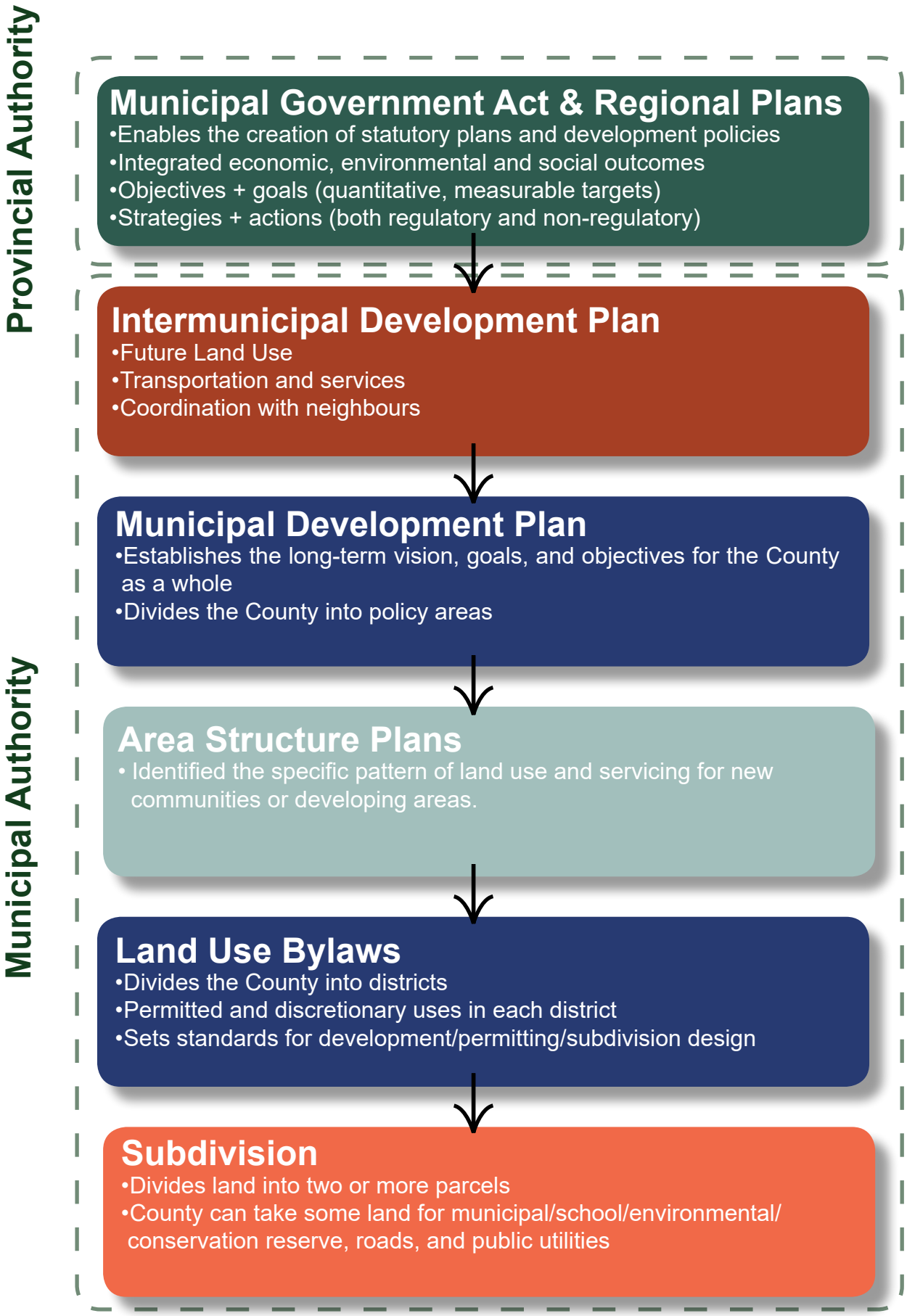


Figure 1: Legislative Authority

2.0 Subdivision Authority and Control

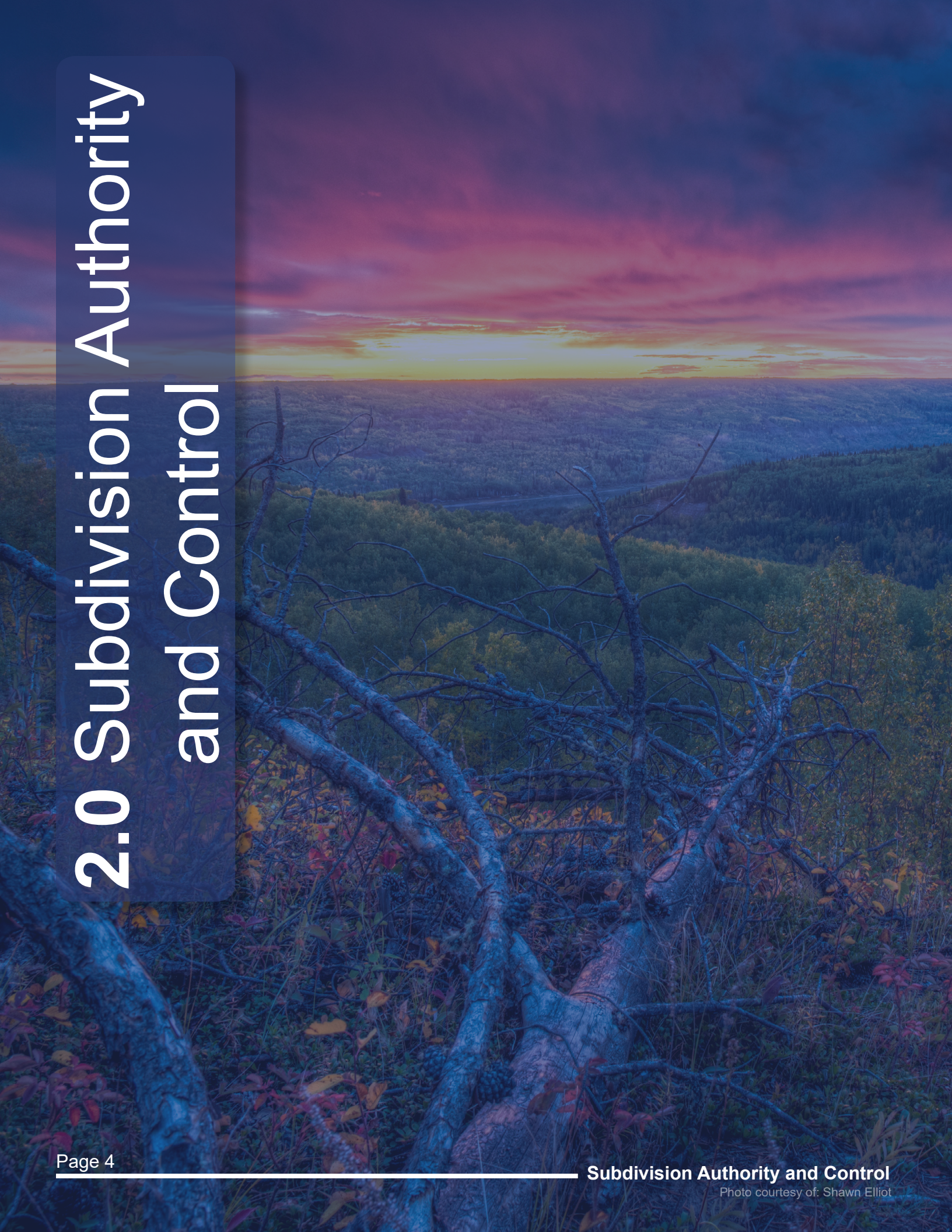


Photo courtesy of: Shawn Elliot

2.1 Subdivision Authority

The *MGA* requires the County of Northern Lights to establish a Subdivision Authority to exercise powers and duties on behalf of the County. The Subdivision Authority is responsible for accepting, processing, and deciding on subdivision applications in accordance with the *ALSA* regional plan, the *MGA*, County statutory plans, and other current enactments and regulations. A Subdivision Authority may include any or all members of council, a designated officer, a municipal planning commission or any other person or organization. In the County, Council performs the role of the Subdivision Authority.

2.2 Common Types of Subdivisions

Often, a subdivision involves dividing a single parcel of land into two or more parcels, each to be given a separate title. Subdivision is also used for describing existing lot line adjustments. A landowner wishing to subdivide land must obtain subdivision approval and endorsement from the County's Subdivision Authority before the subdivision can be registered at the Land Tiles Office and titles issued (including bareland condominiums). Conditions may be attached to a subdivision approval which may vary depending on the proposed configuration of the subdivision and the unique characteristics of the land (refer to **Figure 2**). Exceptions may occur with parcels of land that contain more than one quarter section, a river lot, a lake lot, or settlement lots created prior to July 1, 1950. Contact the County of Northern Lights for more information about the particular circumstances of the parcel of land in question.

2.3 Who Can Apply to Subdivide Land

Only the registered owner(s) of the land can apply to subdivide their land. However, as specified under the *Subdivision and Development Regulation*, the registered owner(s) can appoint an authorized person or agent to subdivide on their behalf. In the County of Northern Lights, an Alberta Land Surveyor or other professional consultants can assist landowners to act on their behalf when undertaking an application on their own.

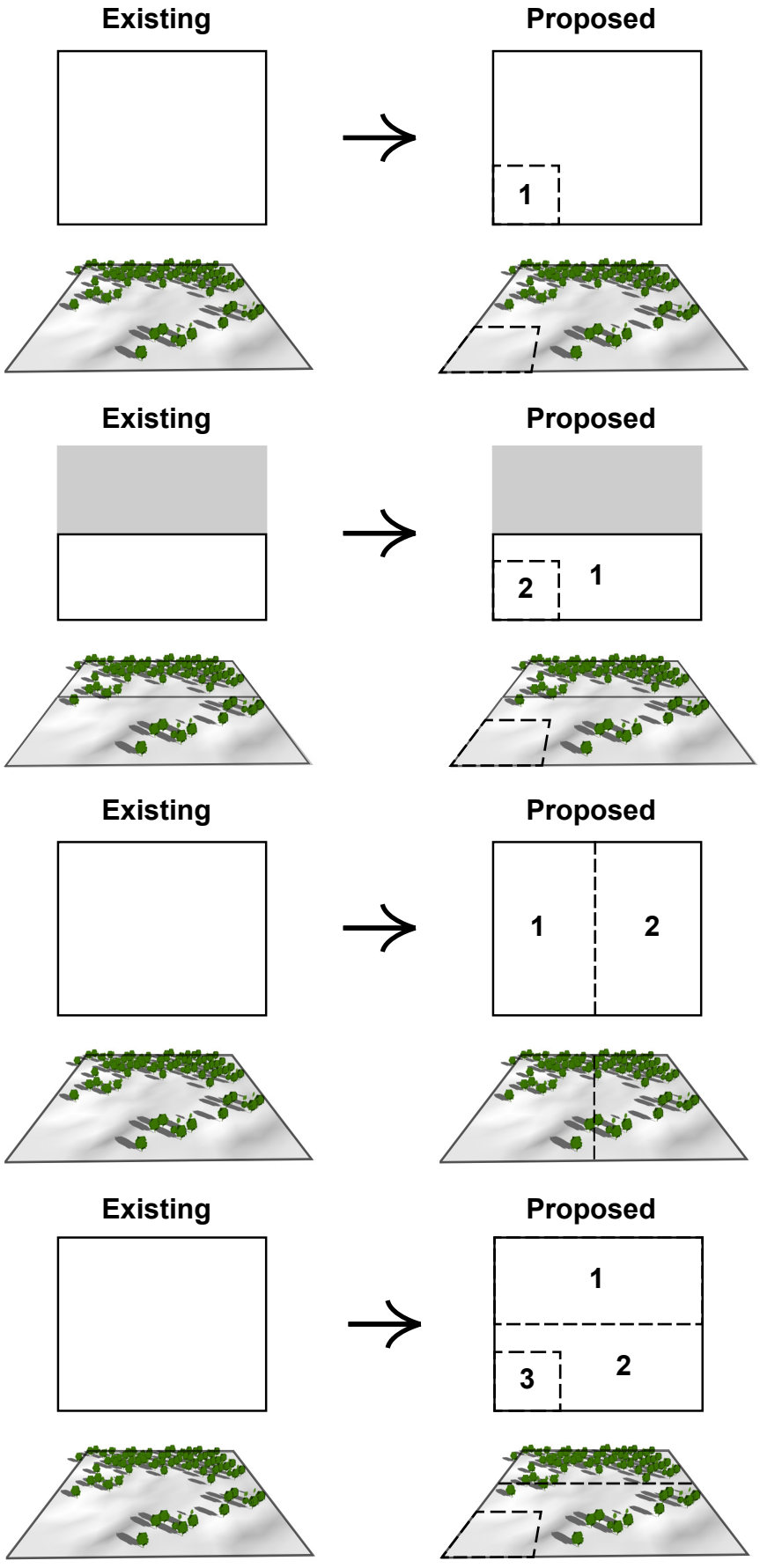
2.4 How to Apply for a Subdivision

The first step in completing a subdivision application for the County of Northern Lights is meeting with County administration and filling out an application form, which is available for pick-up at the County office or download from the County website. Evaluation of a subdivision application will not begin until a complete application is received by the Subdivision Authority.

Be sure to ask the County of Northern Lights for a copy of any relevant planning documents, including but not limited to the Municipal Development Plan (MDP), Area Structure Plans (ASPs), Area Concept Plans (ACPs), Outline Plans (OPs), and Land Use Bylaw (LUB). These documents may permit or prohibit the proposed use of the land subject to the subdivision, without a bylaw amendment or application to rezone the land use.

The County of Northern Lights Planning and Development Department will require the following information to start an application: name, address, phone number of the applicant or agent, the legal description of the land, its location, existing and proposed use of the land, physical characteristics of the land, and indication of water and sanitary services. In addition, the County will require a proposed subdivision sketch

Figure 2: Common Types of Subdivisions



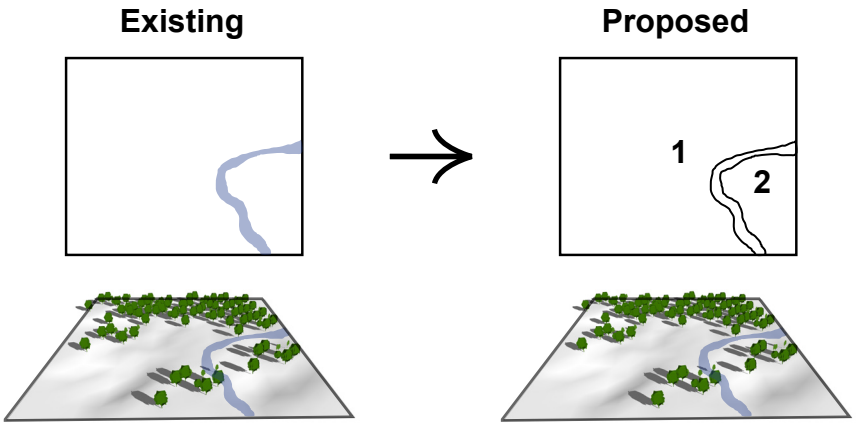
First Parcel Out -
Involves subdividing a first parcel out from an unsubdivided quarter section.

Second Parcel Out -
Involves one lot being subdivided from a previously subdivided parcel.

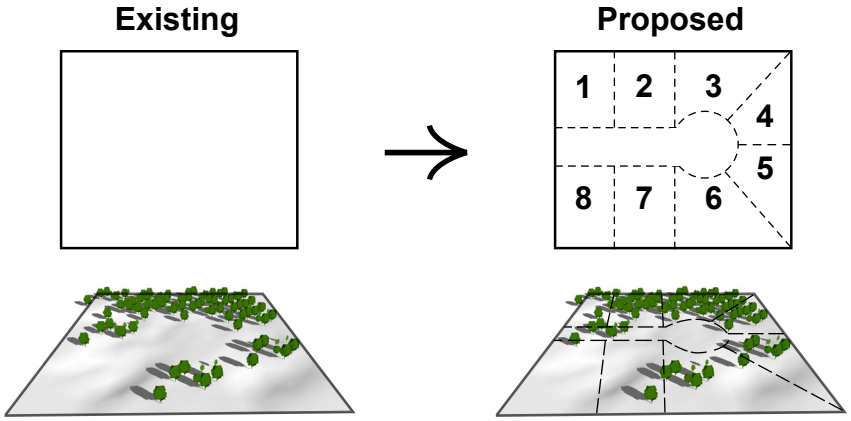
Lot Split -
Creates an additional parcel into two titled parcels.

Lot split, 3 lots -
Creates subdivided parcels with 3 titles.

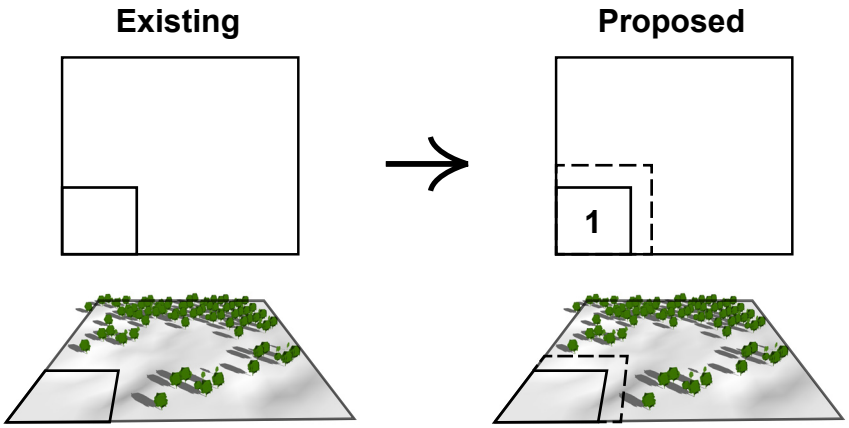
Figure 2: Continued



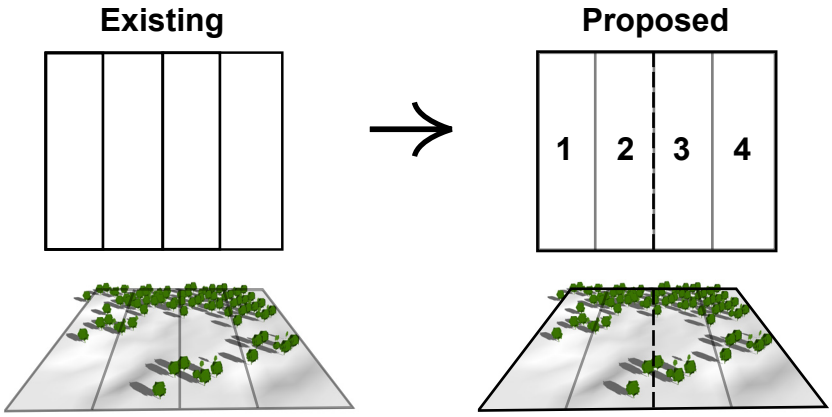
Lot Fragmentation -
A subdivision that creates a fragmentation due to a natural feature, road, railroad, or water body.



Multi-lot Split -
A multiple lot subdivision from a quarter section or parcel. If more than 5 lots, an ASP shall be required.



Boundary Adjustment -
Creates a new subdivision boundary from an existing property line.



Land Title Separations -
Creates two titles from 1 title of land containing multiple lots.

(tentative plan) of the subdivision, the required application fee, and a copy of the current title for the land. Contact the County of Northern Lights Planning and Development Department to arrange a pre-application meeting to discuss any issues or questions that may be related to a proposed application.

2.5 When More Information is Required

Additional information may be required for subdivision approval and will be dependent upon the complexity of the proposed subdivision application. Often, the greater the number of lots proposed, or the proximity to a watercourse the more detail will be required. The County of Northern Lights Municipal Development Plan (MDP) shall require an Area Structure Plan (ASP) and supporting information for any proposed industrial park, multiple lot country residential or highway (commercial) development that exceeds five parcels.

An applicant must submit sketches or proposed plans showing the location, dimensions and boundaries of the land to be subdivided and the parcels to be created as well as rights-of-way, location and types of existing buildings, the bed and shore of any river, lake or stream within the boundary, location of roads, rail lines and oil and gas facilities, pipelines and other utilities. The County of Northern Lights may request that a Real Property Report be prepared, showing locations of buildings and improvements that will remain in place.

An important consideration for any subdivision in the County of Northern Lights is the source of potable water and the method of sewage disposal. The applicant/owner will be required to install a sewage disposal system which complies with the Alberta Private Sewage Systems Standard of Practice. The County of Northern Lights has additional policies for subdivision and development within the Grimshaw Gravels Aquifer (see **Figure 3**). Additional information is required to ensure open discharge of effluent or other liquid waste does not enter the Grimshaw Gravels Aquifer, and a sealed holding tank or other form of closed loop sewage disposal may be required and restrictive covenants registered on the proposed lot(s) at the time of subdivision.

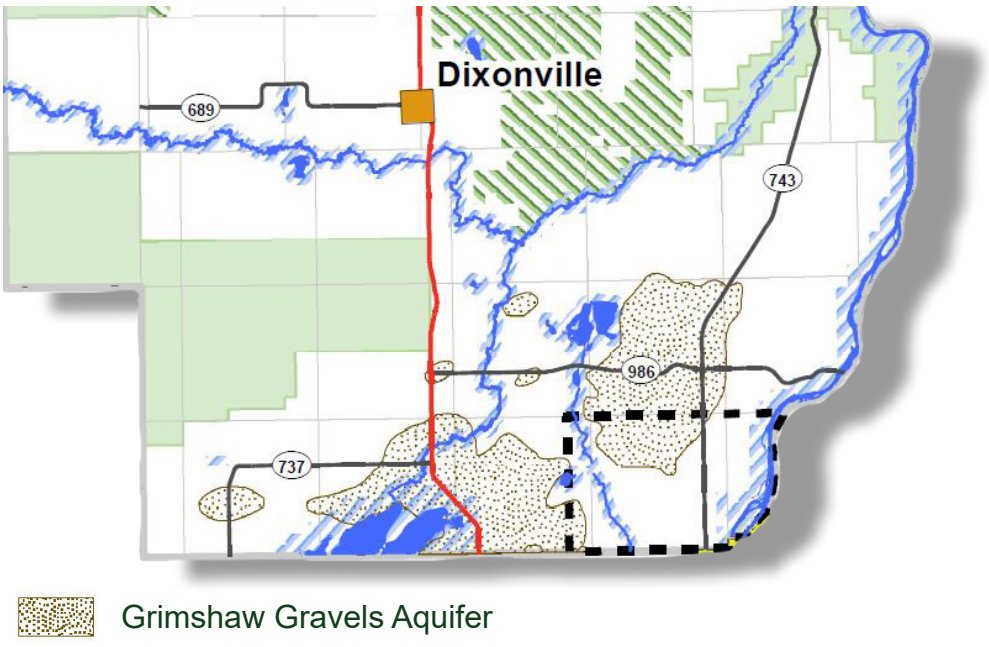


Figure 3: Grimshaw Gravels Aquifer



3.0 Minimum Application Requirements

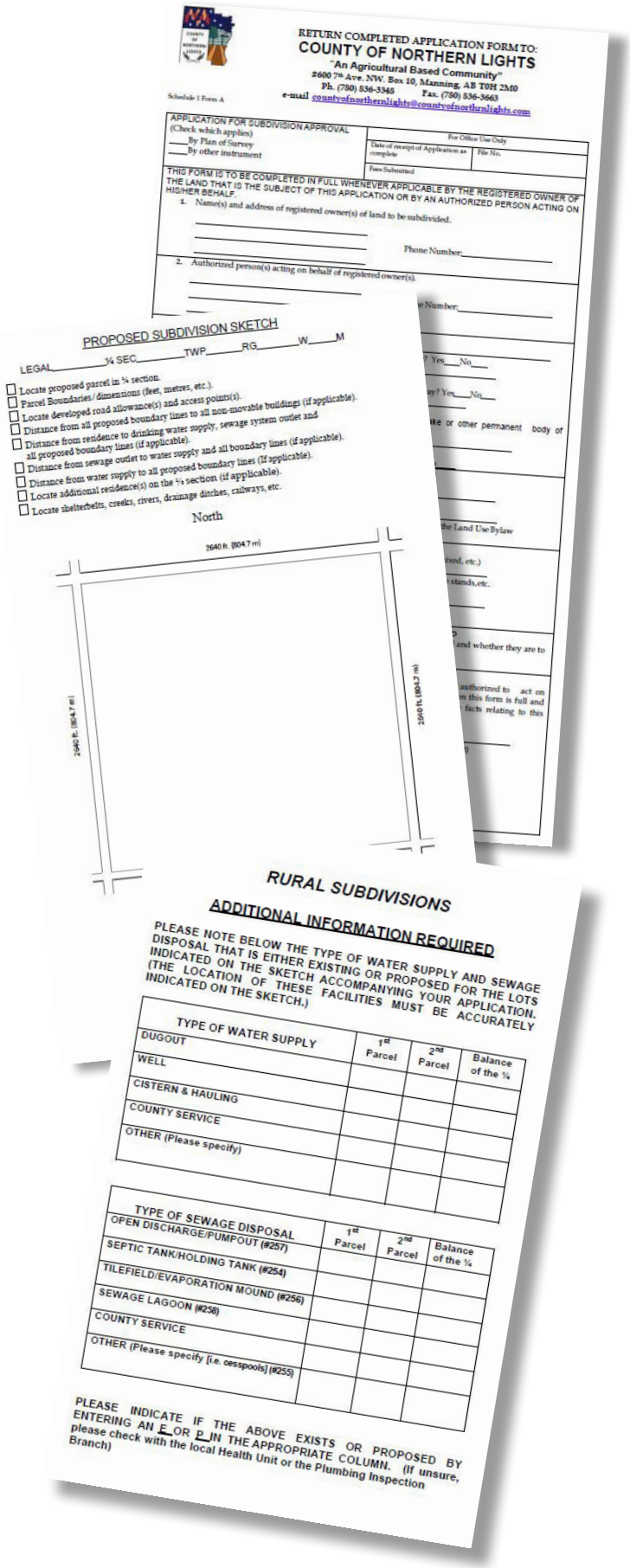
Photo courtesy of: Carmen Peters

3.1 Complete Application

In the County of Northern Lights, applications are not considered complete until the Subdivision Authority receives all required information. The landowner or agent authorized by the owner of land will be notified by the County on the completeness of their application once it is received and applicable fees have been processed (refer to the County's Schedule of Fees Bylaw).

The applicant must submit the following minimum application requirements:

- ☑ Complete and signed application form;
- ☑ Submission of applicable fees;
- ☑ Up-to-date copy of the land title;
- ☑ Sketch showing the proposed subdivision (see **Figure 4**);
- ☑ Identification of water supply system and sewage disposal system;
- ☑ AER abandoned well map and applicant statement;
- ☑ Complete right-of-entry form; and
- ☑ Complete sketch disclaimer form.


RETURN COMPLETED APPLICATION FORM TO:
COUNTY OF NORTHERN LIGHTS
"An Agricultural Based Community"
#600 7th Ave. NW, Box 10, Manning, AB T0H 2M0
Ph. (780) 836-3348 Fax. (780) 836-3663
e-mail countyofnorthernlights@countyofnorthernlights.com

APPLICATION FOR SUBDIVISION APPROVAL
(Check which applies)
___By Plan of Survey
___By other instrument

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

1. Name(s) and address of registered owner(s) of land to be subdivided.

2. Authorized person(s) acting on behalf of registered owner(s).

PROPOSED SUBDIVISION SKETCH

LEGAL ___ ¼ SEC ___ TWP ___ RG ___ W ___ M

- Locate proposed parcel in ¼ section.
- Parcel Boundaries/dimensions (feet, metres, etc.).
- Locate developed road allowance(s) and access points(s).
- Locate all proposed boundary lines to all non-movable buildings (if applicable).
- Distance from all proposed boundary lines (if applicable).
- Distance from residence to drinking water supply, sewage system outlet and all proposed boundary lines (if applicable).
- Distance from sewage outlet to water supply and all boundary lines (if applicable).
- Distance from water supply to all proposed boundary lines (if applicable).
- Distance from water supply to all proposed boundary lines (If applicable).
- Locate additional residence(s) on the ¼ section (if applicable).
- Locate shelterbelts, creeks, rivers, drainage ditches, railways, etc.

North

2640 ft. (804.7 m)

2640 ft. (804.7 m)

2640 ft. (804.7 m)

RURAL SUBDIVISIONS

ADDITIONAL INFORMATION REQUIRED

PLEASE NOTE BELOW THE TYPE OF WATER SUPPLY AND SEWAGE DISPOSAL THAT IS EITHER EXISTING OR PROPOSED FOR THE LOTS INDICATED ON THE SKETCH ACCOMPANYING YOUR APPLICATION. (THE LOCATION OF THESE FACILITIES MUST BE ACCURATELY INDICATED ON THE SKETCH.)

TYPE OF WATER SUPPLY	1st Parcel	2nd Parcel	Balance of the ¼
DUGOUT			
WELL			
CISTERN & HAULING			
COUNTY SERVICE			
OTHER (Please specify)			

TYPE OF SEWAGE DISPOSAL	1st Parcel	2nd Parcel	Balance of the ¼
OPEN DISCHARGE/PUMPOUT (#257)			
SEPTIC TANK/HOLDING TANK (#254)			
TILEFIELD/EVAPORATION MOUND (#256)			
SEWAGE LAGOON (#258)			
COUNTY SERVICE			
OTHER (Please specify [i.e. cesspools] (#255)			

PLEASE INDICATE IF THE ABOVE EXISTS OR PROPOSED BY ENTERING AN E OR P IN THE APPROPRIATE COLUMN. (If unsure, please check with the local Health Unit or the Plumbing Inspection Branch)

3.2 Subdivision by Descriptive Plan

Since 1988, the *Land Titles Act* has allowed the use of a Descriptive Plan to subdivide a parcel of land typically when:

- The subdivision is the first parcel from a quarter section;
- The new parcel is square or rectangular in shape;
- No land is being dedicated to the Crown such as a road or reserve land; and/or
- The subdivision is a simple relocation of a lot boundary.

The use of a Descriptive Plan of subdivision replaced the process of using metes and bounds after 1988, as it was easier to understand graphically and avoided confusion of interpreting difficult descriptions. The advantage of a Descriptive Plan is that it's less expensive and would require minimal field surveying. The disadvantage to Descriptive Plans is that no legal survey posts are placed to show the location of the proposed property boundaries, which may impact the eventual construction of fences on the new property line and would require confirmation by an Alberta Land Surveyor.

3.3 Subdivision by Plan of Survey

The use of a Plan of Survey is required when a subdivision of land creates several lots and land is dedicated to the Crown for roads and municipal or environmental reserve in the County of Northern Lights. A legal field survey establishes the boundaries of the parcel and legal survey posts are used for the new boundaries. The disadvantage of subdividing land by Plan of Survey is the cost may vary significantly depending on the configuration of the parcel, whether a road allowance is available or not, setbacks from pumpouts, and if a rezoning may be required. In order to achieve final endorsement from the County, a final survey plan completed by an Alberta Land Surveyor will be required for review.

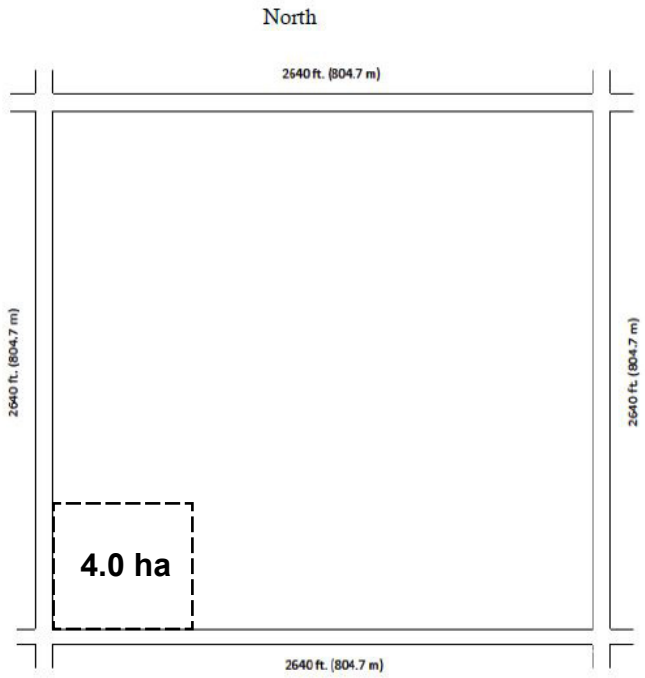


Figure 4: County of Northern Lights Proposed Subdivision Sketch Template

Note: Image is not to scale.

3.4 Area Structure Plans and Exemptions

As per section 2.5, additional information may be required for subdivision approval and will be dependent upon the complexity of the proposed subdivision application. For example, the County of Northern Lights Municipal Development Plan (MDP) shall require an Area Structure Plan (ASP) and supporting information for any proposed industrial park, multiple lot country residential or highway (commercial) development that exceeds five parcels.

4.0 Planning Hierarchy



Photo courtesy of: Darlene DeBoer

Statutory plans require three readings and a public hearing before they can be adopted, and are legally binding planning documents. Non-statutory plans are bylaws passed by resolution to encourage and guide development or growth in particular areas in the County.

Statutory limitations apply when subdividing or developing land, but exceptions exist under the *MGA* for roads, wells, batteries, pipelines, and Crown Lands. The County of Northern Lights reviews subdivision applications to ensure applicable provincial regulations and municipal bylaws are in compliance. Refer to **Figure 5** to review the planning hierarchy in the County of Northern Lights.

4.1 Municipal Government Act (MGA)

The *MGA* enables the creation of statutory plans and provides the legislation to allow municipal councils to establish development policies for all or part of the County. Legislation provides for four types of statutory plans, including: 1) Intermunicipal Development Plans (IDPs); 2) Municipal Development Plans (MDPs); 3) Area Structure Plans (ASPs); and 4) Area Redevelopment Plans (ARPs). The creation of statutory plans must be in alignment with regional plans, if approved.

4.2 Intermunicipal Development Plan (IDP)

The County of Northern Lights have IDPs for those areas of land that share common boundaries with its surrounding municipalities. An IDP must provide for future land use, proposals for development, transportation systems, intermunicipal programs, and any other matters necessary. If a proposed subdivision is within an IDP plan area, subdivision approvals must comply with the content of the plans and reflect this in its decision.

4.3 Municipal Development Plan (MDP)

The County of Northern Lights MDP was adopted by bylaw in 2010. The MDP establishes the long-term vision, goals, and objectives for the County as a whole. The MDP outlines areas that must be addressed by the County, including:

- Future land uses;
- Proposals for future development;
- Future growth patterns and infrastructure adjacent to other municipalities;
- Provision of transportation systems;
- Municipal servicing and facilities;
- Policies compatible with the *Subdivision and Development Regulation* and sour gas facilities;
- Policies for the provision of municipal, school, or community service reserves, and the allocation of those reserves in consultation with school authorities; and
- Policies respecting the protection of agricultural operations.

4.4 Area Structure Plans (ASPs)

The County of Northern Lights may adopt ASPs to plan for future development for certain areas in greater detail or for redevelopment through ARPs. The creation of ASPs are used to address concept design and detailed development issues including infrastructure needs, types of development, sequence of development and proposed densities. In the County of Northern Lights, if a subdivision application involves development exceeding five parcels an ASP will be required. The Subdivision Authority and SDAB must have regard for any statutory plan when making decisions on subdivision applications.

4.5 Area Concept Plans (ACPs)

The County of Northern Lights uses an ACP, a non-statutory land use plan, to provide a comprehensive planning policy framework and generalized future land use concept to help in the preparation of ASPs. The County has one ACP, the Weberville Highway Corridor ACP, which describes how development will occur along the highway. Although ACPs are not statutory documents, these plans provide guidance to County Administration and Council in reviewing future zoning, subdivision and development proposals.

4.6 Outline Plans (OPs)

In addition to ACPs, the County of Northern Lights has also used other non-statutory plans, such as OPs when beginning to consider land use plans and detailed transportation and servicing concepts for future subdivision and development of land. The OP is similar to an ASP, but typically focuses on a smaller area within an approved ASP and gives a higher level of detail for development within those boundaries. Outline Plans in the County include the Weberville Country Estates OP and Westview Country Estates OP.

4.7 Land Use Bylaw (LUBs)

In the County, a LUB regulates the use and development of land. All municipalities are required to adopt a LUB under the *MGA*, but they are not statutory plans. The LUB divides the County into land use districts, which set permitted and discretionary uses for each type of development. The LUB establishes site provisions in each district, and provides a system to issue development and subdivision approvals.

The purpose of the LUB is to control the use and development of land and buildings within the County. All development within the County requires a valid development permit unless such development is officially exempted in the LUB and *MGA*.

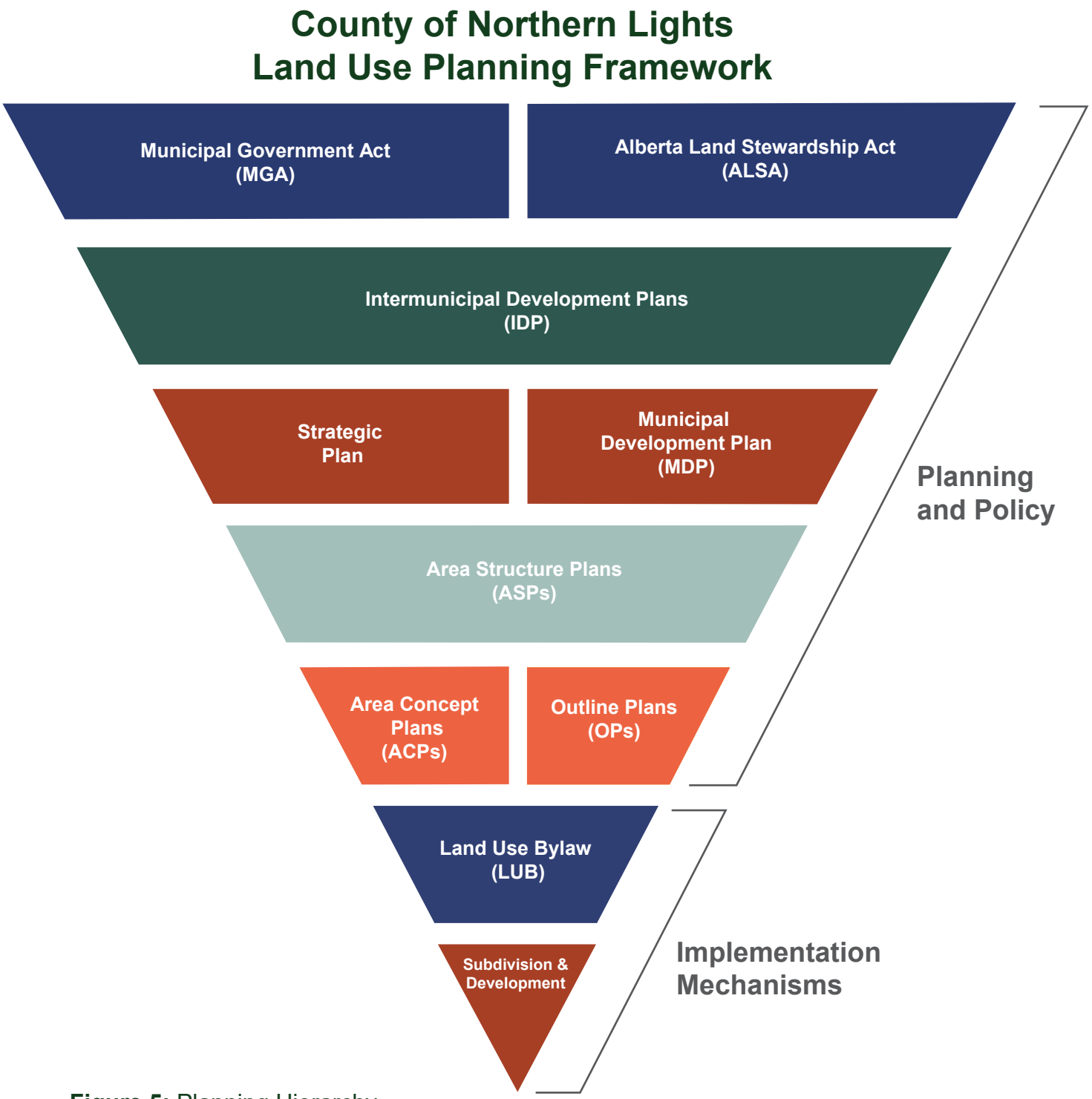


Figure 5: Planning Hierarchy

5.0 The Subdivision Process



Photo courtesy of: Sonja Zbinden

In the County of Northern Lights, when a proposal is received to subdivide land, a subdivision application must be submitted to the County's Subdivision Authority. The proposed subdivision will be reviewed by the County to ensure compliance with the *ALSA*, *MGA*, statutory plans, LUB, and *Subdivision and Development Regulation* (see **Figure 6**).

5.1 Application

The landowner of a parcel of land, or a person authorized by the owner, can apply to subdivide land by submitting a complete application and applicable fees to the County's Planning and Development Department. Applications will not be considered complete by the County unless it receives all the minimum application requirements, and any additional information that may be necessary in order for the Subdivision Authority to issue a decision. The applicant will be notified within 20 days on the completeness of the application.

5.2 Requesting a Variance

In cases where a variance is required relating to separation distance reductions, equipment and existing sewage treatment systems, an application can be made to Alberta Municipal Affairs or a variance for an existing system design can be issued by the Safety Codes Agency operating in the County.

5.3 Acceptance

Once a complete application has been received by the County, the Subdivision Authority will notify the applicant that the application has been deemed complete. The date of acceptance will begin the subdivision process and provide a date for determining the timelines for the County to issue a decision. Under the *Subdivision and Development Regulation*, a Subdivision Authority must decide on an application within 60 days from the date the application was deemed to be complete.

5.4 Agency Referrals

The County will provide a copy of the application and notice to adjacent property owners and referral agencies identified in the *Subdivision and Development Regulation* and *Municipal Government Act*. This circulation period provides referral agencies and adjacent landowners an opportunity to submit written feedback on the proposed application.

5.5 Technical Review

After receiving the complete subdivision application, County staff and ISL Engineering and Land Services Ltd. will assess the application based on legislative and planning considerations. Staff and ISL Engineering and Land Services Ltd. review additional information that is necessary to make an assessment, which may include subdivision configuration, layout and physical characteristics of the site, previous development activity, compatibility with surrounding uses, standards within the district, and any special considerations. The application and the recommendations and/or decisions will be completed within a subdivision report.

5.6 Decision/Approval and Conditions

The Subdivision Authority will issue a decision in writing to the landowner or agency acting on their behalf in 60 days or sooner, depending on the complexity of the proposal, regardless of whether it is an approval, an approval with conditions, or a refusal. If the subdivision is refused, the Subdivision Authority will provide reasons for its refusal. For approvals with conditions, the Subdivision Authority will provide reasons for

its decision. Conditions may be attached to a subdivision to include agreements, caveats, easements and/or rights-of-way, reserve in accordance with municipal requirements and agency and/or utility company requirements. Notice of the decision will be given to the applicant and other bodies defined in the legislation.

This review, along with the statutory plan review and comments from landowners will form the basis for the conditions of subdivision approval.

5.7 Endorsement

Once the subdivision application has been approved, the applicant will be responsible to contact an Alberta Land Surveyor to conduct a field survey and prepare a final survey plan. The applicant must meet all the conditions of the subdivision decision before the Subdivision Authority can endorse the final subdivision plan.

5.8 Registration

Once a final subdivision plan has been complete and the Subdivision Authority has endorsed the survey plan, the endorsement will be provided to the surveyor. All consent forms relating to the subdivision must be provided with the subdivision registration request to the Land Titles Office. Consent forms are required from all landowners registered on the Certificate of Title, Subdivision Authority, and any interests on the title. The surveyor is responsible for registering the subdivision with the Land Titles Office. Once registration is complete, titles will be issued for the newly created lot(s).

5.9 Appeals

The Subdivision Authority's decision or deemed refusal may be appealed to the SDAB within 14 days of receiving the notice of decision or deemed refusal. An appeal may be filed with the SDAB or Municipal Government Board (MGB), depending on the circumstances of the subject land. If the subdivision is located within the Green Area, within the distance of a highway, body of water, sewage treatment or waste management facility, and the application is considered to involve a provincial interest, the appeal must be heard by the Municipal Government Board (MGB). In all other cases, the subdivision may be appealed to the County's SDAB. Regardless of which board makes the decision, it can be further appealed to the Court of Appeal on a question of law or jurisdiction.

5.10 Re-Application

A Subdivision Authority shall refuse to accept a new application for the same use on the same parcel within 6 months of the date of the Subdivision Authority's refusal.

5.11 Reserves

Conditions may be attached to a subdivision approval to provide land as environmental reserve in accordance with the *MGA*, and up to 30 per cent of land, less any taken for environmental reserve or environmental reserve easement, for roads and public utilities. If the subdivision is not a first parcel out of a quarter section, up to 10 per cent of the land or money in place of land, less any land taken for environmental reserve or environmental easement, may be taken as cash or land for municipal and/or school reserves. Additional reserves may be required under the *Subdivision and Development Regulation*.

Subdivision Process

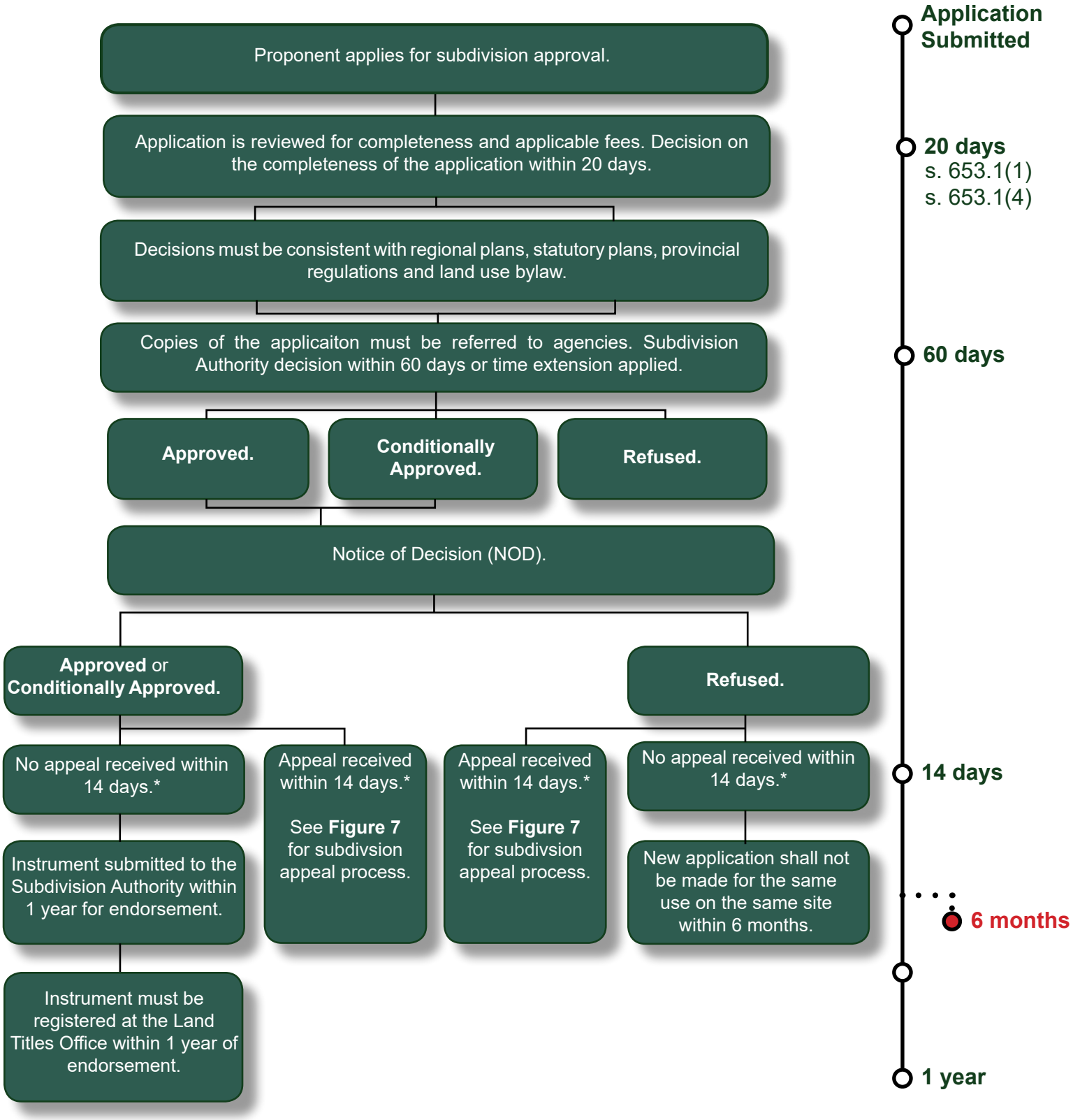


Figure 6: Subdivision Process

* An appeal on a subdivision application must be filed within 14 days of the date of receipt. The date of receipt is 7 days from the date the decision was mailed. s. 678

6.0 SDAB and MGB



Photo courtesy of: Samantha Michaud

6.1 Roles and Responsibilities of SDAB Members

In the County of Northern Lights, the SDAB members must make decisions on subdivision appeals based on impartial and fair evidence presented to the board during the hearing. The role of any SDAB member is to participate in the hearing process and to ensure decisions on subdivision applications are made in a timely manner.

The SDAB must hold a hearing within 30 days of the notice of appeal, and a decision must be given in writing within 15 days of concluding the hearing. If the appeal involves a provincial interest, the MGB must hold a hearing within 60 days of the notice of appeal, and a decision must be given in writing within 15 days of concluding the hearing. The operation of the SDAB and MGB is established through the *MGA*. The SDAB appeal process involves SDAB members, a Chairperson, and a SDAB Secretary/Clerk.

6.1.1 Subdivision and Development Appeal Board (SDAB)

Before a hearing, the SDAB members must be ready to review the subdivision appeal and be informed about their legislative and quasi-judicial responsibilities, which involves being familiar with the relevant plans and bylaws (*ASLA*, *MGA*, MDP, ASPs, ACPs, OPs, LUB) in the County. At the hearing, SDAB members must yield the operation of the hearing to the SDAB Chairperson and may ask questions during the hearing only with permission of the Chairperson. SDAB members should follow fair procedures and act in accordance with the rules of natural justice, and determine if their sitting at the hearing is appropriate and not a conflict of interest. A key task of SDAB members is to ask questions of the appellant, Subdivision Authority or other parties in the appeal to determine the findings of facts or to clarify information provided in order to base their decision on the evidence presented in the hearing. SDAB members will contribute to the written decision and ensure that written reasons are provided.

6.1.2 SDAB Chairperson

The SDAB Chairperson opens the hearing, provides direction to the people attending the hearing to help them understand the process and how their input may be recognized. The Chairperson has control over the hearing and can call for breaks during the hearing, if necessary. Questions and requests are referred through the SDAB Chairperson, and ensures that members of the SDAB have adequate facts to develop the reasons for their decisions and to formulate the decision on the subdivision appeal.

6.1.3 SDAB Secretary/Clerk

The SDAB Secretary/Clerk performs a variety of functions but mainly acts as an Administrator or Executive Officer to ensure the appeal has been properly filed (within 14 days of decision), and to ensure that appropriate people are informed of appeals (including the appellant, affected persons, and agencies identified in the *Subdivision and Development Regulation*). The SDAB Secretary/Clerk also ensures that all advertisements and notices comply with the *MGA* and have been made at least 5 days prior to the hearing.

6.2 Roles and Responsibilities of Persons at a Hearing

The County of Northern Lights will assist residents in gaining information about decisions, and how to make a submission to the SDAB.

6.2.1 Applying for an Appeal to a Subdivision

The appellant's role is to provide submissions and evidence on the grounds for the appeal of the approving authority's decision within 14 days from the issuance of the notice of decision. The County of Northern Lights and the SDAB Chairperson will be able to provide guidance to an appellant in order to submit the appeal letter and give reasons for the appeal. The appellant should be able to elaborate on the reason for the appeal during the hearing, and provide examples and use illustrations to assist SDAB members to understand the problem with the original decision.

6.2.2 Responding to an Appeal to a Subdivision Decision

The Subdivision Authority of the County, or a representative of the Approving Authority will describe the steps that the Authority followed in making their decision. The respondent's case may also be supported by evidence presented in writing or by a witness.

6.2.3 Applicant Appeals to a Subdivision Application

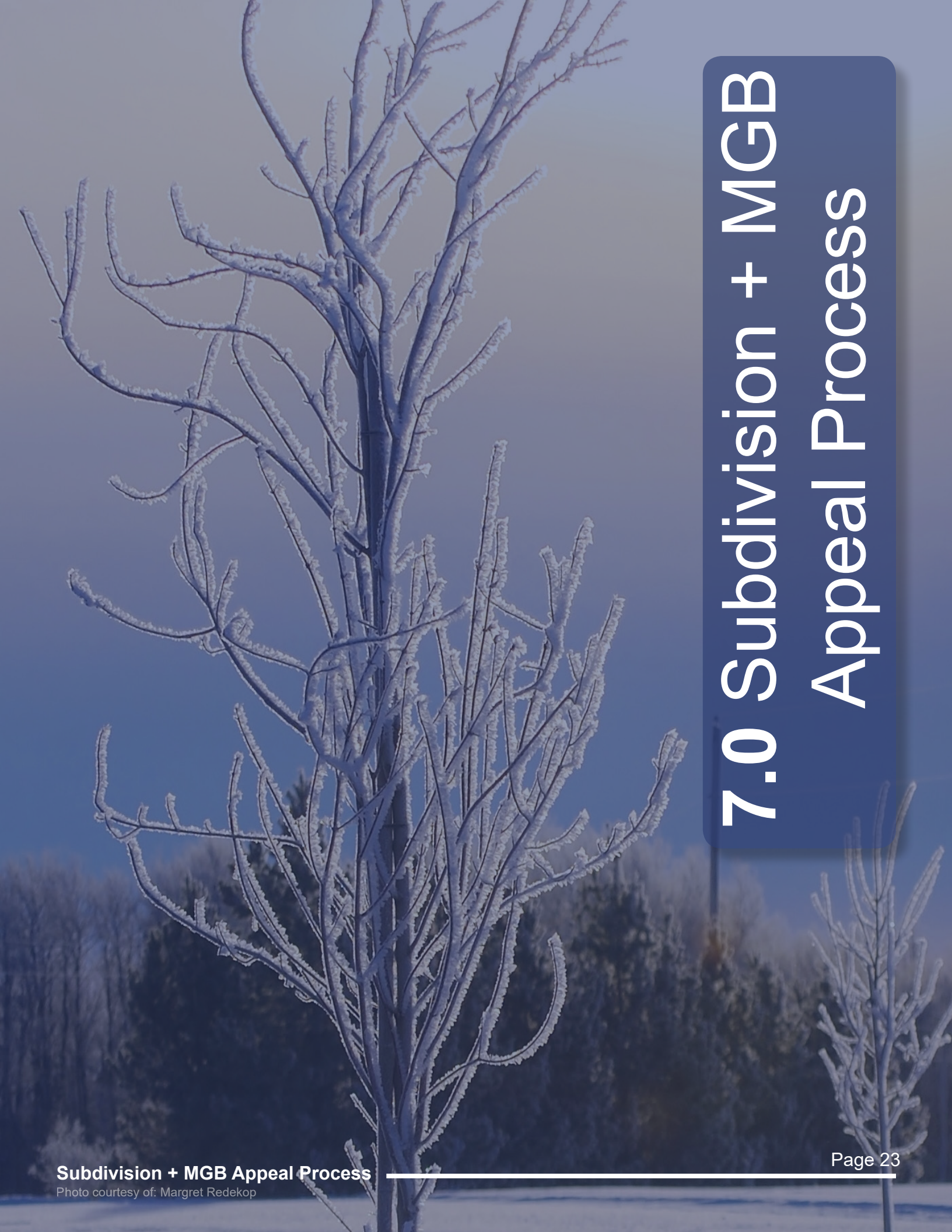
The applicant is the person or landowner whose application was considered, and on which a decision was rendered by the Subdivision Authority. If the Subdivision Authority refused a subdivision application or approved the application with conditions, the applicant can appeal the decision or conditions that the applicant disagrees with.

6.2.4 Affected Persons

For a subdivision process, no appeal is permitted for adjacent landowners. The SDAB may choose to hear them if a valid appeal has been submitted by another party, however; adjacent landowners cannot appeal but they have the right to be heard.

6.2.5 Agent

An applicant, appellant, or an affected person may bring advisors or specialists to speak for them, or to assist in providing information to the SDAB. Agents might include lawyers, consultants, or other people who will provide different information to the SDAB to assist with reasons for the appeal.



7.0 Subdivision + MGB Appeal Process

Photo courtesy of: Margret Redekop

7.1 Subdivision Appeals

In the County of Northern Lights, the Subdivision Authority's decision or deemed refusal may be appealed to the SDAB, which may be launched by the applicant, a provincial department that was referred the application, or a school authority. The notice of appeal must be filed with the SDAB within 14 days of receipt of the notice of decision or deemed refusal from the Subdivision Authority. When considering a subdivision appeal, the SDAB only has the jurisdiction to vary the development standards under the County's LUB. It cannot vary the use provisions of the LUB. If the appeal involves a provincial interest, the appeal must be to the MGB (see **Figure 7**).

7.2 Appeal Timelines

The subdivision appeal process is initiated within 14 days after the receipt of the notice of decision or deemed refusal. An appeal on a subdivision application must be filed within 14 days of the date of receipt. The date of receipt is 7 days from the date the decision was mailed. If an appeal is received during the appeal period, or 60 days after the application date if no decision has been made, the SDAB will review the appeal during a hearing within 30 days of the notice of appeal. If the appeal involves a provincial interest, it must be appealed to the MGB within 60 days of the notice of appeal. The hearing for an SDAB or MGB hearing must give written notice of the hearing to the applicant and others at least 5 days prior to the hearing. A decision must be given in writing within 15 days of concluding the hearing.

7.3 Decisions

If the decision is approved, the subdivision must be submitted to the Subdivision Authority within 1 year for endorsement, but the County of Northern Lights may extend the time for endorsement through a subdivision time extension.

If the decision or conditions of approval are refused, the approval may be appealed to the Court of Appeal on a question of law or jurisdiction. A Subdivision Authority shall refuse to accept a new application for the same use on the same parcel within 6 months of the date of the Subdivision Authority's refusal.

Subdivision Appeal Process

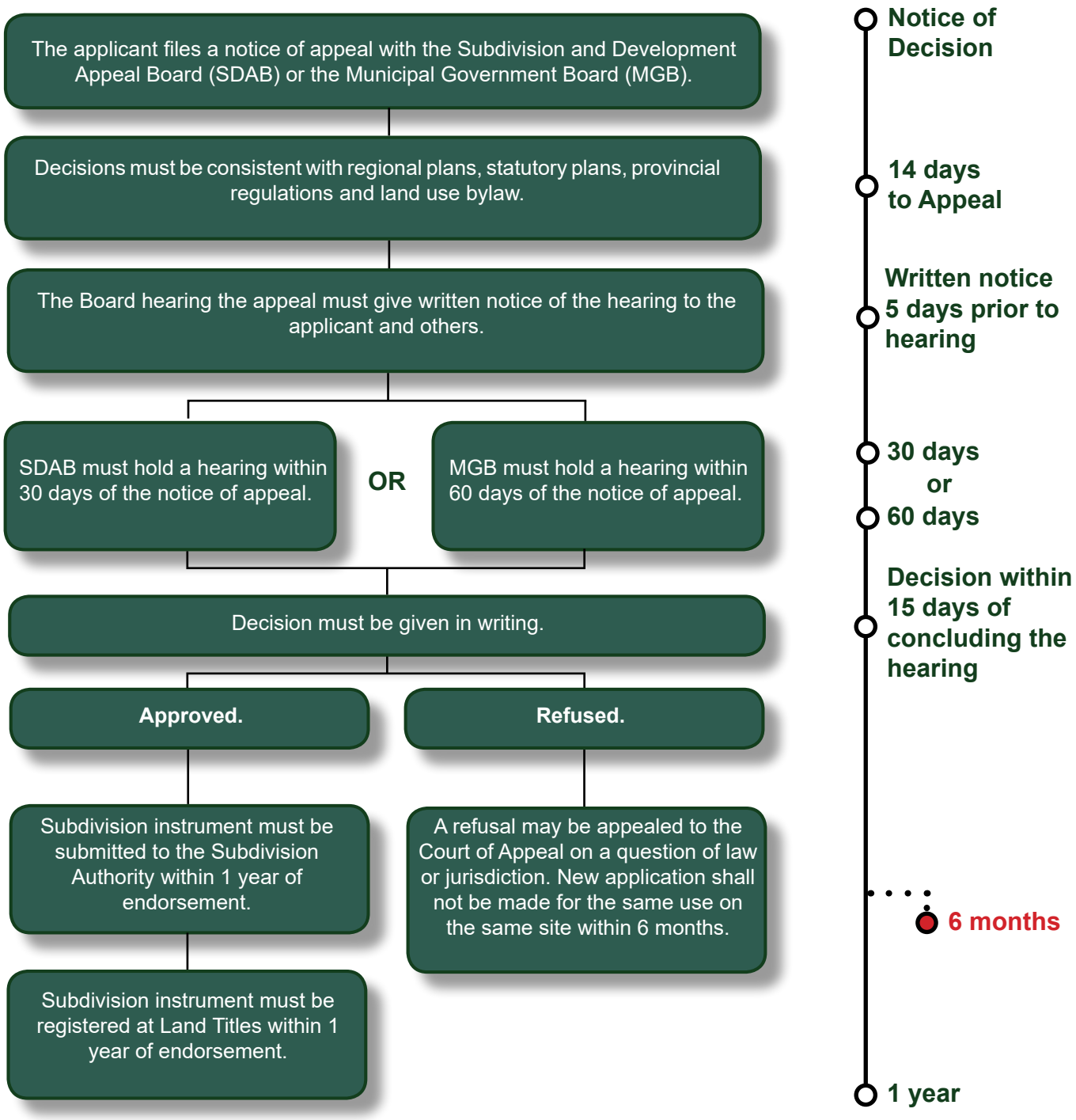


Figure 7: Subdivision Appeal Process

8.0 Frequently Asked Questions (FAQs)

Photo courtesy of: Janice Nemecz

Frequently Asked Questions

1. Where can I find a certified professional land surveyor?

For further information on contacting an Alberta Land Surveyor, please visit the Alberta Land Surveyors' Association website available at www.alsa.ab.ca; or by telephone at 780-429-8805.

If you have general inquiries, please feel free to send an email to info@alsa.ab.ca.

2. Where can I get my safety code permits?

Permits are available through agencies that are accredited to administer the Safety Codes Act, and who can provide inspection services on behalf of the province through the Alberta Safety Codes Authority (ASCA) in a non-accredited municipality.

For more information on ASCA visit their website at www.safetycodes.ab.ca/ASCA

3. Who should I contact about subdivision inquiries?

Before making a subdivision application to the County of Northern Lights, please read this information package. Anyone who wants to subdivide a property must meet the County's minimum application requirements.

If you have additional questions, please feel free to contact the County of Northern Lights Planning and Development Department via email at countyofnorthernlights@countyofnorthernlights.com; or via telephone at 780-836-3348.

4. How much time does it take to get a decision on my subdivision application?

When a complete application is received, the Subdivision Authority will notify the applicant within 20 days on the completeness of the application. A decision on an application for subdivision will be made within 60 days from the date of receipt of the completed application pursuant to Section 6(6) of the *Subdivision and Development Regulation*. A subdivision extension may be granted to a time agreed to pursuant to Section 681(1)(b) of the *MGA*.



For Further Information:

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ISL Engineering and Land Services