



Province of Alberta
Order in Council

O.C. 354 /2017
OCT 26 2017

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Subdivision and Development Amendment Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
as ALBERTA REGULATION 188/2017
ON October 26 20 17

DEPUTY REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Municipal Affairs

Authority: Municipal Government Act
(section 694)

APPENDIX
Municipal Government Act
SUBDIVISION AND DEVELOPMENT
AMENDMENT REGULATION

1 The *Subdivision and Development Regulation* (AR 43/2002) is amended by this Regulation.

2 Section 1(1)(c) is repealed and the following is substituted:

- (c) “food establishment” means food establishment as defined in the *Food Regulation* (AR 31/2006), but does not include a food establishment to which that Regulation does not apply pursuant to section 2(2) of that Regulation;

3 Section 4 is amended

(a) in subsection (2)

(i) by striking out “A” and substituting “Subject to section 653.1 of the Act, a”;

(ii) in clause (a) by striking out “the *Subdivision and Development Forms Regulation*” and substituting “Form 1 of the Schedule”;

(iii) by striking out “and” at the end of clause (d) and by adding the following after clause (d):

(d.1) a copy of any agreement made under section 664.1 of the Act, and

(b) in subsection (3)(d) by striking out “river, stream, watercourse, lake or other”;

(c) in subsection (4) by striking out “and” at the end of clause (e), by adding “and” at the end of clause (f) and by adding the following after clause (f):

(g) information provided by the AER identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision.

4 Section 5(5) is amended

(a) **by striking out** “On receipt of a complete application for subdivision” **and substituting** “On an application for subdivision being determined or deemed under section 653.1 of the Act to be complete”;

(b) **in clause (a)**

(i) **by striking out** “authority” **and substituting** “board”;

(ii) **by striking out** “school purposes” **and substituting** “school board purposes”;

(c) **in clause (d)**

(i) **by striking out** “Transportation” **wherever it occurs and substituting** “the Minister responsible for administration of the *Highways Development and Protection Act*”;

(ii) **in subclause (i) by striking out** “where the posted speed limit is less than 80 kilometres per hour”;

(iii) **in subclause (ii)**

(A) **by striking out** “0.8” **and substituting** “1.6”;

(B) **by striking out** “where the posted speed limit is 80 kilometres per hour or greater”;

(d) **in clause (e) by striking out** “river, stream, watercourse, lake or other” **wherever it occurs**;

(e) **by repealing clause (j)(i) and substituting the following:**

(i) any of the land that is the subject of the application is adjacent to or contains, either wholly or partially,

(A) land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*, or

(B) the public land set aside for use as historical resources under the *Public Lands Act*,

or

- (f) **by striking out** “Environment and Sustainable Resource Development” **in the following clauses and substituting** “Environment and Parks”:

clause (b);
clause (h);
clause (i).

5 Section 6 is amended

- (a) **by striking out** “A” **and substituting** “Subject to section 640.1 of the Act, a”;

(b) **in clause (a)**

- (i) **by striking out** “receipt of the completed application” **and substituting** “an application being determined or deemed under section 653.1 of the Act to be complete”;

- (ii) **by striking out** “a completed application” **and substituting** “an application”;

- (c) **in clause (b) by striking out** “receipt of any other completed application under section 4(1)” **and substituting** “an application under section 4(1) being determined or deemed under section 653.1 of the Act to be complete”.

6 Section 10(1) is amended by striking out “permanent additional overnight accommodation or public facility” **and substituting** “permanent dwelling, public facility or unrestricted country residential development”.

7 Section 11(1) is amended by striking out “permanent additional overnight accommodation or public facility” **and substituting** “permanent dwelling, public facility or unrestricted country residential development”.

8 Section 12 is amended

(a) by repealing subsection (2) and substituting the following:

(2) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless

- (a) the property line of the proposed lot for school, hospital, food establishment or residential use is 300 metres or more from the working area of an operating wastewater treatment plant, or
- (b) on considering the matters referred to in section 7, each proposed lot includes a suitable building site for school, hospital, food establishment or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant.

(b) by repealing subsection (4) and substituting the following:

(4) Subject to subsection (5),

- (a) a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the property line of an existing or a proposed lot for any school, hospital, food establishment or residential use, and
- (b) a development authority shall not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the building site for an existing or a proposed school, hospital, food establishment or residence.

9 Section 13 is amended

(a) in subsection (2)

- (i) by striking out** “the creation of a building site” **and substituting** “a property line of a lot created by subdivision”;

- (ii) **by adding** “being located” **after** “uses”;
- (iii) **in clause (c) by striking out** “disposal area” **and substituting** “working area or disposal area”;
- (iv) **by striking out** “or” **at the end of clause (c) and by adding the following after clause (c):**

(c.1) within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(b) in subsection (3)

- (i) **in clause (c) by striking out** “disposal area” **and substituting** “working area or disposal area”;
- (ii) **by striking out** “or” **at the end of clause (c) and by adding the following after clause (c):**

(c.1) is within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(c) in subsection (4) by striking out “residence or” **and substituting** “residential use or”;

(d) in subsection (5) by striking out “Environment and Sustainable Resource Development” **and substituting** “Environment and Parks”.

10 Section 14 is amended

- (a) by striking out** “0.8” **and substituting** “1.6”;
- (b) by striking out** “where the posted speed limit is 80 kilometres per hour or greater”;
- (c) in clause (e) by adding** “at the time of the application for subdivision” **after** “Minister of Transportation”.

11 Section 15(3) is amended by adding “solely” **after** “is to be”.

12 Section 19 is amended by adding the following after clause (e):

- (f) a conservation reserve must be identified by a number with the suffix “CR”.

13 Section 20 is amended by striking out “the *Subdivision and Development Forms Regulation*” and substituting “Form 2 of the Schedule”.

14 Section 22 is amended

(a) in subsection (1) by adding the following after clause (d):

- (e) the distance with respect to
 - (i) a historical site, or
 - (ii) a historical site or a historical resource described in an agreement under section 5(5)(j)(ii).

(b) by adding the following after subsection (2):

(3) For the purposes of section 678(2)(a)(ii) of the Act and subsection (1)(e)(i), “historical site” means land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*.

15 Section 25 is repealed.

16 The following is added after section 26:

Schedule

Form 1

(section 4)

Application for Subdivision

DATE of receipt of
completed Form

FILE NO. _____



Fee Submitted:

THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND THAT IS THE SUBJECT OF THE APPLICATION OR BY A PERSON AUTHORIZED TO ACT ON THE REGISTERED OWNER'S BEHALF

1. Name of registered owner of land to be subdivided: _____
Address, postal code and phone no.: _____
2. Name of agent (person authorized to act on behalf of registered owner),
if any: _____
Address, postal code and phone no.: _____
3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED
All/part of the __ 1/4 sec. __ twp. __ range __ west of __ meridian being
all/parts of lot __ block __ Reg. Plan No. __ C.O.T. No __ Area of the
above parcel of land to be subdivided __ hectares
Municipal address (if applicable) _____
4. LOCATION OF LAND TO BE SUBDIVIDED
 - a. The land is situated in the municipality of _____
 - b. Is the land situated immediately adjacent to the municipal boundary?
Yes___ No___
If "yes", the adjoining municipality is _____
 - c. Is the land situated within 1.6 kilometres of the centre line of a highway
right of way?
Yes___ No___ If "yes", the highway is No. _____
 - d. Does the proposed parcel contain or is it adjacent to a body of water
or by a drainage ditch or canal?
Yes___ No___ If "yes", state its name _____
 - e. Is the proposed parcel within 1.5 kilometres of a sour gas facility?
Yes___ No___
5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED
Describe:
 - a. Existing use of the land _____
 - b. Proposed use of the land _____
 - c. The designated use of the land as classified under a land use bylaw

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED
(WHERE APPROPRIATE)
 - a. Describe the nature of the topography of the land (flat, rolling, steep,
mixed) _____
 - b. Describe the nature of the vegetation and water on the land (brush, shrubs,
tree stands, woodlots, etc., — sloughs, creeks, etc.)

 - c. Describe the kind of soil on the land (sandy, loam, clay, etc.)

7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED
Describe any buildings and any structures on the land and whether they are
to be demolished or moved _____
8. WATER AND SEWER SERVICES
If the proposed subdivision is to be served by other than a water distribution
system and a wastewater collection system, describe the manner of providing
water and sewage disposal: _____



9. REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF

I _____ (Full name) _____ hereby certify that

I am the registered owner, or

I am the agent authorized to act on behalf of the registered owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Address _____ (Signed) _____

Phone No. _____ Date _____

FURTHER INFORMATION MAY BE PROVIDED BY THE APPLICANT ON THE REVERSE OF THIS FORM.

Form 2

(section 20)

Deferred Reserve Caveat

TAKE NOTICE that the (name of municipality) has an estate or interest in the nature of municipal reserve, school reserve or municipal and school reserve under section 669 of the *Municipal Government Act* by virtue of the decision of the (name of subdivision authority)

dated the ___ day of _____, 20__ in _____ acres of the lands described as follows:

standing in the register in the name(s) of _____ and the caveator forbids the registration of any person as transferee or owner of, or any instrument affecting, the said estate or interest, unless the instrument or certificate of title, as the case may be, is expressed to be subject to my claim.

I APPOINT

as the place at which notices and proceedings relating hereto may be served.

DATED this ___ day of _____, 20__

(Signed)

(Title of person acting on behalf of subdivision authority)

AFFIDAVIT IN SUPPORT OF CAVEAT

I make oath and say as follows:

1 I am the agent for the caveator.

2 I believe the caveator has a good and valid claim on the land and say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN BEFORE ME at the _____ of _____, in the Province of Alberta, the _____)

____ day of _____, _____.)

17(1) Subject to this section, this Regulation comes into force on November 1, 2017.

(2) Section 3(a)(i) comes into force on the coming into force of section 108 of the *Modernized Municipal Government Act*.

(3) Section 3(a)(iii) comes into force on the coming into force of section 116 of the *Modernized Municipal Government Act*.

(4) Section 3(b) comes into force on the coming into force of section 4(b) of the *Modernized Municipal Government Act*.

(5) Section 4(a) comes into force on the coming into force of section 108 of the *Modernized Municipal Government Act*.

(6) Section 5(a) comes into force on the coming into force of section 101 of the *Modernized Municipal Government Act*.

(7) Section 5(b) and (c) come into force on the coming into force of section 108 of the *Modernized Municipal Government Act*.

(8) Section 14(b) comes into force on the coming into force section 121(a) of the *Modernized Municipal Government Act*.