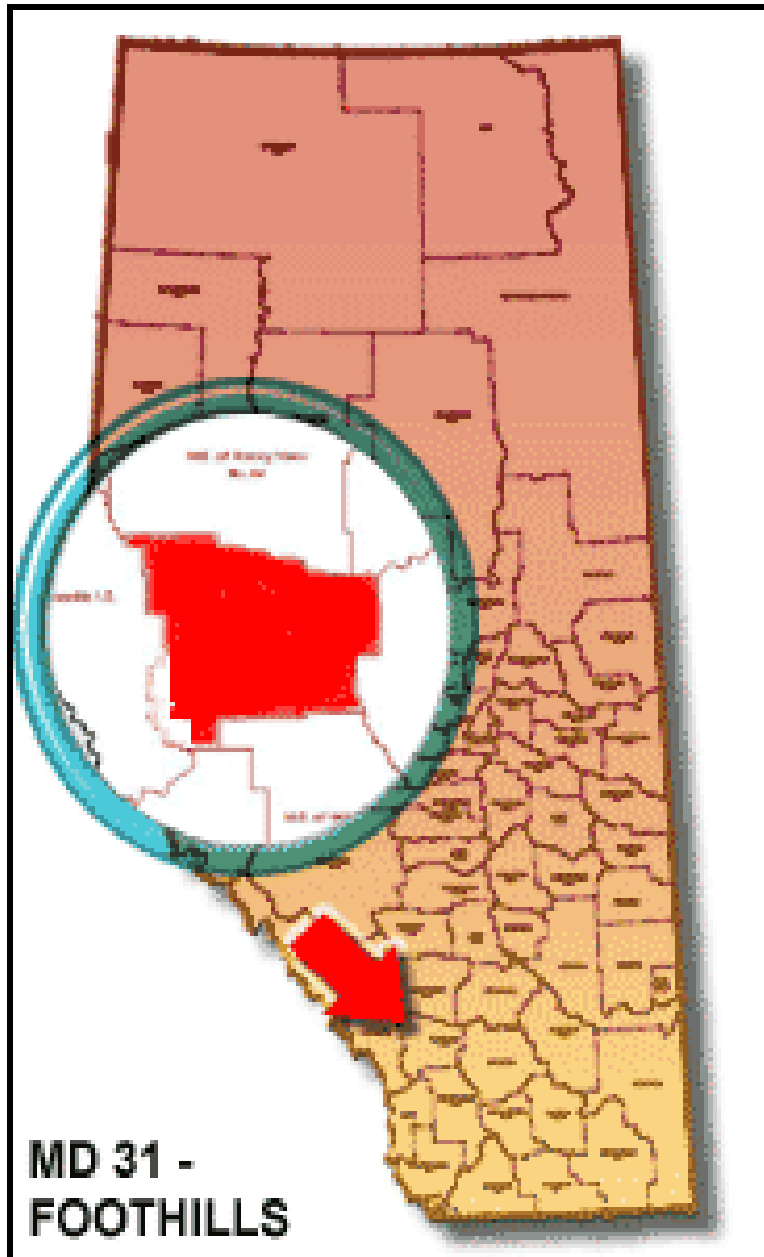


# The Subdivision Process



**Municipal District of Foothills No. 31**  
**309 Macleod Trail, Box 5605**  
**High River, Alberta T1V 1M7**

# TABLE OF CONTENTS

Section	Page
M.D. of Foothills Planning Process	2
Zoning	3
Land Use Redesignation/Amendment to the Land Use Bylaw	3
Subdivision of Land	6
Boundary Adjustments	9
Reserves	10
Water Policy	12
Roads	14

Other documents that may be included as part of this package consist of:

- Redesignation/Amendment Application Form
- Subdivision Application Form
- Boundary Adjustment Application Form
- Planning Fee Schedule
- Road Construction Standards

This information is also available on the M.D. of Foothills website at: [www.mdfoothills.com](http://www.mdfoothills.com)

**Note:**

*This booklet attempts to cover every stage of the redesignation/subdivision process and is provided solely as reference material and is not intended as a legal interpretation.*

*Applicants are encouraged to review the appropriate sections of the Municipal Government Act, and should always refer to the Act when formulating a legal position. Any questions with regards to this document or the legislative framework for municipal planning should be directed to the Municipal District of Foothills No. 31 Planning Department at (403)652-2341.*

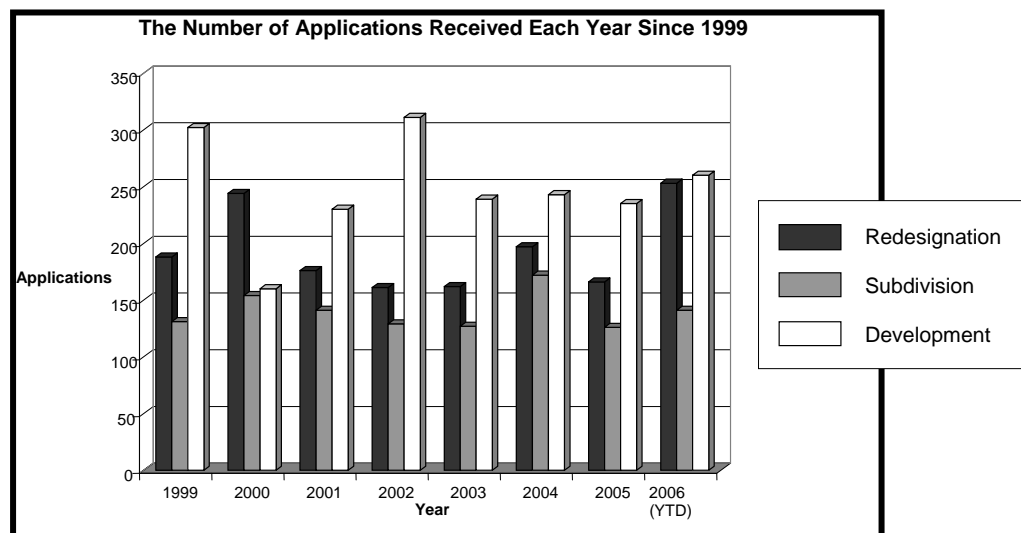
## M.D. of Foothills Planning Process

Land use planning deals with the orderly subdivision and development of land and attempts to put in place a rational means by which certain goals can be met in a democratic manner.

Guiding principles and policies are bureaucratically implemented in statutory planning documents which provide the framework from which planning decisions are made. These plans allow Council to establish general land use and development policies for all, or parts, of the municipality. The overarching legislation guiding all aspects of land use planning in the MD of Foothills is the Municipal Government Act (MGA). In accordance with the guidelines and regulations set out by the MGA, municipalities are required to prepare, when necessary, the following plans:

- Municipal Development Plan (MDP)
- Land Use Bylaw (LUB)
- Intermunicipal Development Plans (IMDPs)
- Area Structure Plans (ASPs) – *for guidelines pertaining to the preparation of an ASP see Appendix “C” of the MDP*
- Area Concept Plans (ACPs)

Both the MDP and LUB are municipal plans. IMDPs on the other hand, are prepared in conjunction with neighbouring municipalities. ASPs and ACPs can either be prepared internally by the municipality, or by landowners, upon request from Council. The MDP and LUB can be viewed online at [www.mdfoothills.com](http://www.mdfoothills.com), while copies of other pertinent statutory documents such as IMDPs, ASPs, and ACPs may be viewed at the planning counter in the MD office. The above noted documents, wherever relevant, are taken into consideration when Council makes decisions regarding zoning and land use redesignations as well as subdivision and development applications made within the MD of Foothills.



## Zoning

Zoning, a direct form of land use regulation, is outlined in the LUB. Primary categories of land use districts are displayed in the chart below.

<b>Zoning</b>	<b>Minimum Parcel Size (in acres)</b>				<b>Maximum Parcel Size (in acres)</b>	<b>Density (lots per quarter section)</b>
<b>Agricultural District</b>	<b>21.00</b>				<b>N/A</b>	<b>N/A</b>
<b>Country Residential District</b>	<b>2.00</b>				<b>20.99</b>	<b>32 (1 lot / 5ac)</b>
<b>Residential District</b>	<b>0.11</b> <i>Water &amp; sewer</i>	<b>0.22</b> <i>Sewer only</i>	<b>0.8</b> <i>Water only</i>	<b>1.0</b> <i>unserved</i>	<b>1.99</b>	<b>N/A</b>
<b>Recreation District</b>	<b>Area contained in Title existing on March 11/04</b>				<b>Same as minimum</b>	<b>See LUB</b>
<b>Commercial District</b>	<b>Area contained in Title existing on March 11/04</b>				<b>Same as minimum</b>	<b>See LUB</b>
<b>Industrial District</b>	<b>Area contained in Title existing on March 11/04</b>				<b>Same as minimum</b>	<b>See LUB</b>

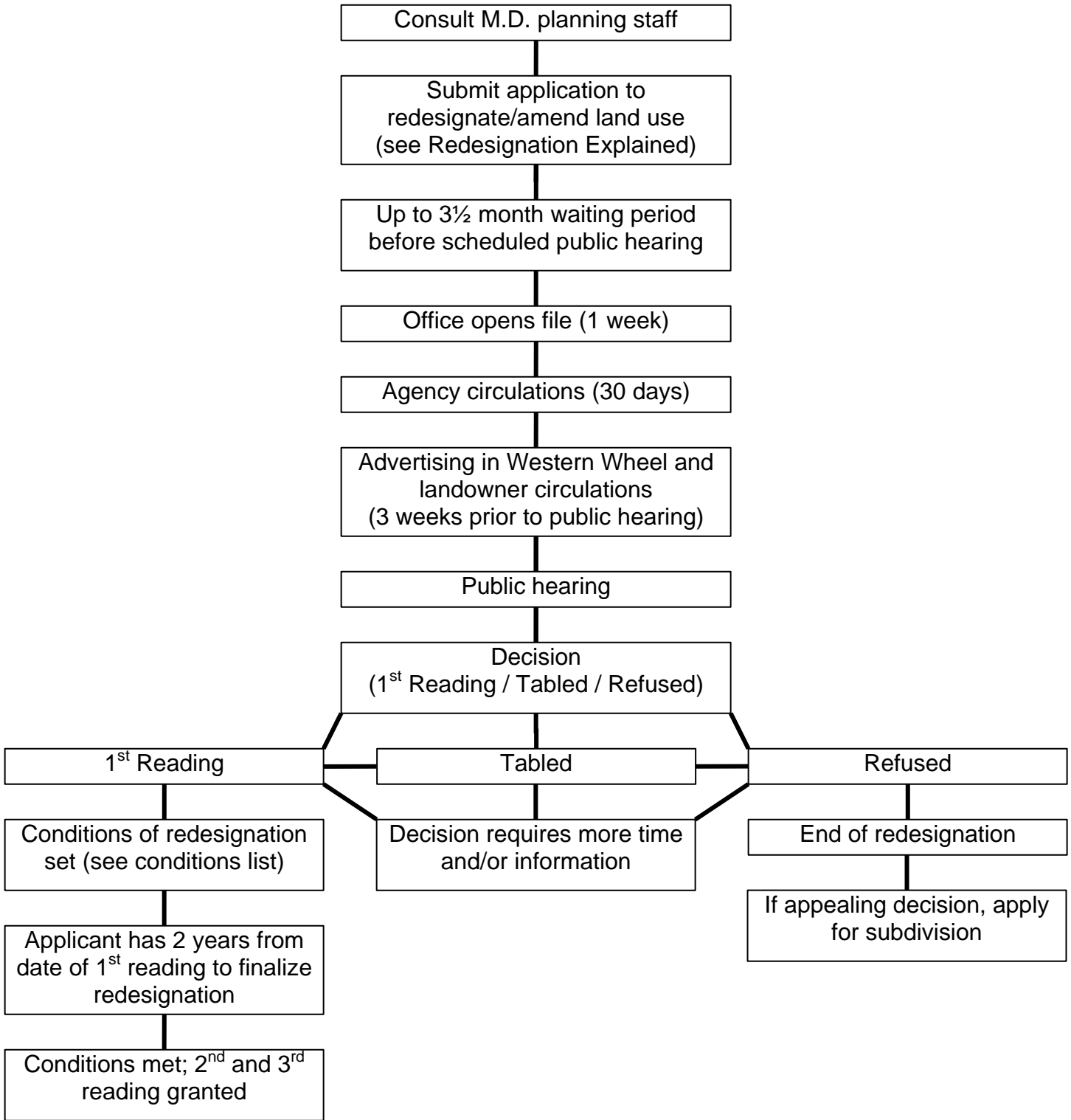
### Land Use Redesignation/Amendment to the Land Use Bylaw

All properties within the MD of Foothills No. 31 have a land use designation (zoning) as noted above. To determine the designation (zoning) of a parcel of land you may view an updated land use map either at the planning counter or online at <http://www.mdfoothills.com/LandUseMaps.htm>.

The Land Use Bylaw contains text and maps outlining zoning and land use of each parcel of land in the MD. Specifications for each land use district in the LUB include both permitted and discretionary uses of land, in addition to parcels sizes and setbacks. Other regulations pertaining to development including the number of animals permitted and size of buildings allowed on parcel(s) are also found within the LUB.

In order to change the land use designation of a parcel of land located within the MD of Foothills you must apply to the municipality to redesignate the land. If the zoning of a parcel of land is to remain the same, but the creation of a new parcel is requested, an amendment to the land use bylaw is required. Although amendment and redesignation are different by definition, both applications follow the same process.

## Land Use Redesignation/Amendment to the Land Use Bylaw Process



**NOTE:** Only the Council of the M.D. of Foothills No. 31 has the authority to approve or refuse your application. Planning staff only processes your application and are not in a position to predict its outcome.

## **Redesignation/Amendment to the Land Use Bylaw Explained**

### ***FEES***

- \$75.00 filing fee (one time charge)
  
- \$700.00 per new lot initial fee (submitted with application)
  - \$350.00 per new lot if submitted concurrently with ASP
  - Maximum charge of \$30,000.00
  
- \$650.00 per new lot final fee
  - Maximum charge of \$28,000.00
  
- Offsite Road Levy
  - \$3,500.00 per new lot residential road levy (residential district lots only)
  - \$8,000.00 per new lot road levy (all other districts)
  
- Engineering review fees (when applicable)
  - Percolation/water table - \$325.00
  - Geotechnical - \$500.00
  - Storm water management plans - \$1,000.00
  - Water and sewer systems - \$1,250.00
  - Gravel roads - \$1,000.00
  - Paved roads (1 – 14 lots) - \$1,500.00
  - Paved roads (15 or more lots) - \$2,900.00

### ***SITE PLAN***

- Existing parcel(s) dimensions and area
- Proposed parcel(s) dimensions and area
- Existing and proposed access to parcel(s)
- North arrow with site plan and text oriented correspondingly
- Location of all existing buildings, wells, septic tanks and fields
- Vegetation and physical characteristics throughout existing and proposed parcels
  - Treed areas
  - Water courses (intermittent and perennial)
  - Water bodies (including dugouts)
  - Ravines
  - Slopes in excess of 15%

### ***Naming of Internal Roads***

- In instances where a new internal road is proposed to provide access to new and/or existing parcels of land, a road name is to be provided to the planning department prior to the Public Hearing

### ***Examples of Common Conditions***

- Proof of water
  - Up to five (5) lots per quarter section – in accordance with the Municipal Water Policy
  - Pertaining to the Municipal Water Policy, lots in excess of 19.99 acres are not required to prove water
  - Six (6) lots or more per quarter section – in accordance with the Provincial Water Act
  - Proof of water will not be required on any parcel of land with an existing residence
  - Should proof of water be required, a Real Property Report identifying the water well location on each lot will be required to accompany the plan of survey provided at the subdivision stage
- Developers Agreement for applicable external road levy
  - First parcel(s) out of unsubdivided quarter sections are exempt
- Final lot fees
- Subdivision application with appropriate fees

### ***Examples of Possible Conditions***

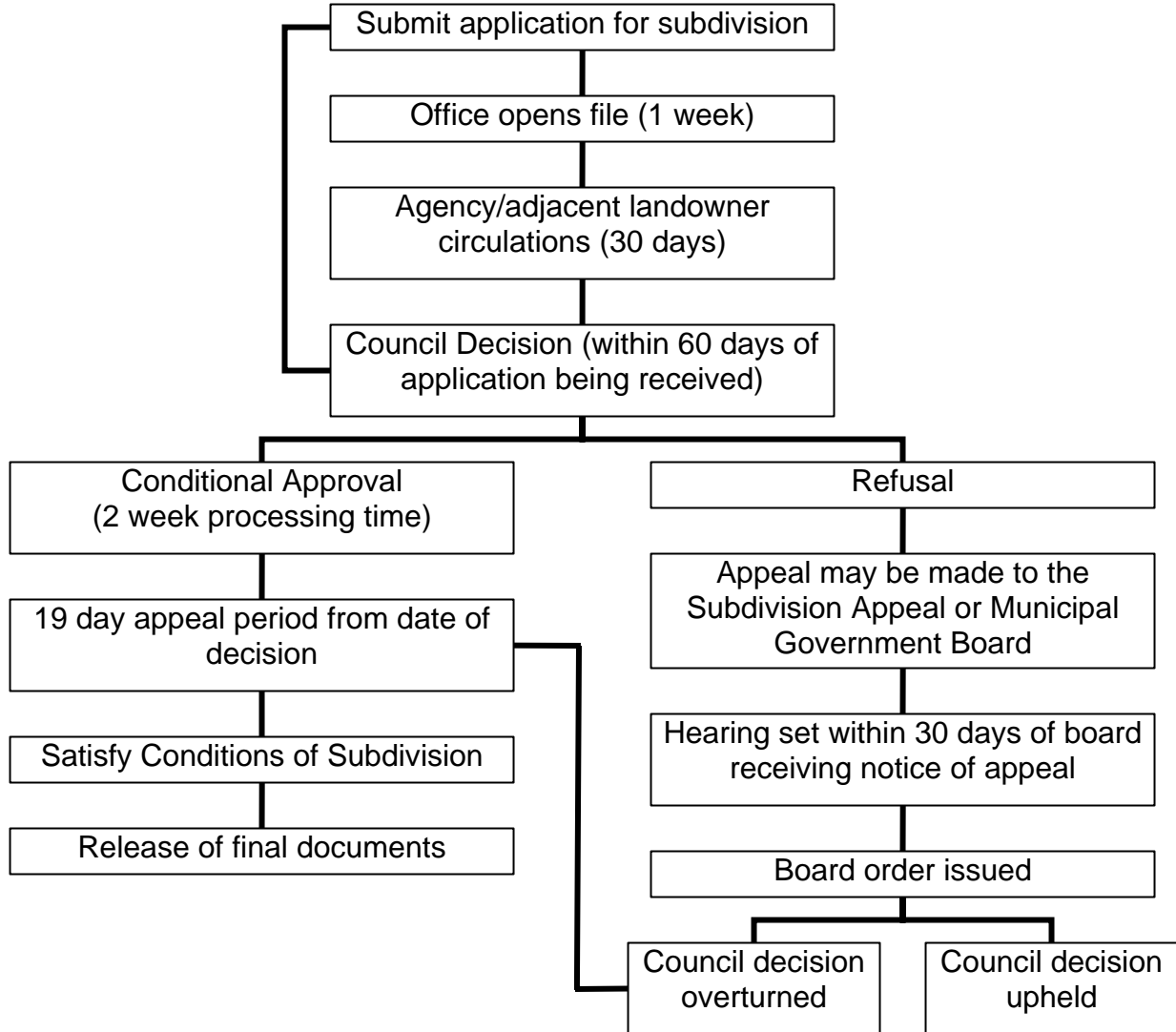
- If an internal road is required
  - Developers Agreement for road construction
  - Letter of Credit in the amount of 125% of estimated construction costs
  - \$5,000, 000.00 general liability insurance
  - Engineering review fees (see above)
  - Any other conditions as seen fit by the Municipal Council
- Storm water management plan
- High water table and percolation testing
- Geotechnical report
- Revised site plan
- Licenses and approvals from various Provincial departments as required
- Drafts of design and buildings control mechanisms

## **Subdivision**

Subdivision refers to a process of dividing a tract or tracts of land for the purpose of creating new title(s). 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 the M.D. of Foothills, subdivision approval is contingent upon all conditions of redesignation being met. At such time that all conditions of 1<sup>st</sup> reading are fulfilled, planning staff may submit the redesignation application for 2<sup>nd</sup> and 3<sup>rd</sup> reading, and the subdivision application for approval; in some instances this may be done concurrently.

## Subdivision Process



**NOTE:** Only the Council of the M.D. of Foothills No. 31 has the authority to approve or refuse your application. Planning staff only processes your application and are not in a position to predict its outcome.

## **Subdivision Explained**

### **FEES**

- \$75.00 filing fee (one time charge)
- \$650.00 per new lot initial fee (submitted with application)
  - Maximum charge of \$28,000.00
- \$500.00 subdivision appeal fee
  - Should the application be approved this fee will be credited against the final lot fee
- \$800.00 per new lot final fee
  - Maximum charge of \$35,000.00
- \$375.00 should a time extension to the subdivision be required
- \$250.00 additional inspection fee for approaches (the above lot fee covers a pre and post inspection fee only)
- \$500.00 additional inspection fee for roads (the above lot fee covers a pre, proof roll, c.c.c and f.a.c. inspection only)

### **Examples of Common Conditions**

- Subdivision to be effected by Plan of Survey, pursuant to section 657 of the Municipal Government Act, or other means satisfactory to the Registrar of the South Alberta Land Titles District
- It is the applicants' responsibility to provide a Real Property Report to confirm that the water well is located within the boundaries of the proposed new parcels and that the site plan is surveyed according to municipal setback requirements
- All approaches to be located and constructed to municipal standards and approved by the Public Works Department
- Public reserve to the satisfaction of Council
- The landowners are to provide all utility easements and agreements to the satisfaction of the Municipality and the utility companies
- Land owners are to pay all arrears of taxes on the existing parcel(s) prior to finalization of the subdivision

### **Examples of Possible Conditions**

- Development Agreement to be registered by Caveat concurrently with the plan of survey
- Agreement for Acquisition of Land to be registered by Caveat concurrently with the plan of survey (in some instances Council may request land to be surveyed out)
- Any requirements as set forth by Provincially legislated bodies or any other party claiming an interest on the lands to be subdivided

## **Boundary Adjustments**

Boundary adjustments consist of the consolidation of part of one parcel into an adjacent parcel, to adjust the acreage sizes of each parcel correspondingly. A boundary adjustment may follow the redesignation process, the subdivision process, or both, depending on the proposal.

### ***Redesignation and Subdivision Processes Required***

The redesignation and subdivision processes are required when a boundary adjustment will change the zoning of one or more parcels of land further to the fact that it is changing the acreage sizes of the lands in question.

### ***Only Subdivision Process Required***

If the lands in question will not change zoning and will only cause a change in acreage sizes the subdivision process will be required.

## **Boundary Adjustments Explained**

### ***Fees***

- \$75.00 filing fee (one time charge)
- \$650.00 per new lot initial fee (submitted with application)
- \$500.00 subdivision appeal fee
  - Should the application be approved this fee will be credited against the final lot fee
- \$800.00 final lot fee
- \$375.00 should a time extension to the boundary adjustment be required

### ***SITE PLAN***

- Existing parcel(s) dimensions and area
- Proposed parcel(s) dimensions and area
- Existing and proposed access to parcel(s)
- North arrow with site plan and text oriented correspondingly
- Location of all existing buildings, wells, septic tanks and fields
- Vegetation and physical characteristics throughout existing and proposed parcels
  - Treed areas
  - Water courses (intermittent and perennial)
  - Water bodies (including dugouts)
  - Ravines
  - Slopes in excess of 15%
- The Siteplan should clearly illustrate which parcel of land area will be added to, and which parcel of land area will be subtracted from

## **PUBLIC RESERVE POLICY**

(Adopted April 18/96)

Under Section 666(1) of the Municipal Government Act the Council may require the owner of a parcel of land that is subject to a subdivision proposal, to provide land for municipal reserve or provide money in place of the municipal reserve. The Municipal Government Act further states that a market value appraisal must be provided or, if the subdivision approving authority and applicant agree, a land value given based on recent sales within the particular area of the subdivision will be required. You therefore have the right to submit a certified appraisal which will be given to Council along with your application for subdivision. Council will then determine the public reserve amount required of you when setting the conditions of subdivision approval.

Section 663 of the MGA states that the owner of a parcel of land that is the subject of proposed subdivision may not be required to provide reserve if:

- a. one lot is to be created from a quarter section;
- b. land is to be subdivided into lots of 16 hectares (39.5 acres) or more and is to be used only for agricultural purposes;
- c. the land to be subdivided is .8 hectares (1.98 acres) or less; or
- d. reserves have already been provided for the title.

Subject to the exceptions as set out in Section 663, a Subdivision Approving Authority is empowered to require an owner of land being subdivided to dedicate, without compensation, a portion of the land for park, school or park and school purposes, or to pay money in lieu of all or part of the land.

Section 671(2) states that Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school authority or by them jointly only for any or all of the following purposes:

1. a public park;
2. a public recreation area;
3. school authority purposes;
4. to separate areas of land that are used for different purposes.

In addition, it is important to note that, through Section 675 of the MGA, the Municipality has the right to remove the municipal reserve designation. On removal of the designation, the Municipality may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used only for any or all of the purposes referred to in Section 671(2) or for any matter connected to those purposes. Should the Municipality wish to proceed in the regard, a public hearing must be held. This would generally only happen on land that is not being used for any of the purposes noted above.

The amount of land or cash-in-lieu of land to be provided for municipal reserve will be equal to 10% of the titled parcel(s). The land required to be provided as environmental reserve or environmental easement will not be included in the calculation of municipal reserve. Even though no public reserve is required, a Deferred Reserve Caveat may be placed on title at the discretion of Council to notify the landowner that at the time that the parcel is further subdivided, municipal reserve will be required.

1. FORM OF RESERVE - DEDICATION OF LAND OR CASH-IN-LIEU:

For a redesignation or subdivision application, when the reserves to be provided are more than 1.98 acres, a separate lot must be shown on the site plan. It will be at the discretion of Council at the time of the decision as to whether land will be taken or cash-in-lieu.

On lots 21 acres or less, 10% cash-in-lieu of land will be required under the following circumstances:

- a. on the full original parcel where the land is being subdivided to the maximum density allowed under the Land Use Bylaw;
- b. on two of the lots where the proposal is to create 75% of the maximum allowable density with the reserves being deferred on the largest lot;
- c. on one of the lots where the proposal is to create 50% of the maximum allowable density with the reserves being deferred on the largest lot.

2. COUNCIL MAY REQUIRE THE RESERVES TO BE DEFERRED WHEN:

- a. it is deemed that the maximum allowable density allowed under the Land Use Bylaw has not been obtained. The balance of the reserves owing on the existing title will be deferred, by Caveat, on the largest lot;
- b. parcels are located within an urban fringe or Inter-Municipal Development area;
- c. the new lot is created under the 'Agricultural District' Land Use Rules.

A Deferred Reserve Caveat would be placed on title to notify the owner on title that at the time that this parcel is further subdivided, municipal reserve may have to be provided.

**Note:** *This policy will serve as a guideline and the form of Public Reserve will remain at the discretion of Council.*

## PLANNING PROCESS POLICY

(Adopted March 1/07)

At its March 1, 2007 meeting, Council passed a motion stating that in cases where an applicant proceeds to subdivision due to the conditions imposed upon first reading of the Bylaw, the Council will introduce a motion to rescind the Bylaw if the motion to refuse the subdivision has been carried.

## WATER POLICY

**ON QUARTER SECTIONS OF LAND WHERE THE PROPOSAL WOULD NOT CREATE MORE THAN 5 LOTS PROOF OF ADEQUATE WATER SUPPLY IS A MUNICIPAL REQUIREMENT PRIOR TO FINAL READING OF A BYLAW FOR REDESIGNATION AND THE SUBSEQUENT SUBDIVISION OF LAND.**

The Municipality will require the applicant for redesignation or subdivision to drill one well per lot, to a maximum of three wells, and conduct a 12-hour pump and 12-hour recovery test on each well. These test results must be submitted to the Municipality with Q20 calculations, stamped and sealed by a member of APEGGA.

Each Q20 report must meet the following criteria:

- guidelines as per Alberta Environmental Protection specifications;
- a minimum safety factor of 0.7 must be used in calculating the Q20 results;
- the recommended pumping rate resulting from the Q20 calculations must be;
- equal to, or greater than, the total number of lots within 1/4 mile of the proposed lots (including the proposed lots), divided by 6;
- the well must recover to at least 90% of its original drawdown or be recovered for the same duration as the drawdown.

**Note:** *The recommended Q20 from the engineer cannot exceed the rate at which the well was pumped. All test results must be recorded and calculated from the static water level.*

### **EXCEPTIONS TO THE ABOVE POLICY**

- IN AREAS, THAT IN COUNCIL'S OPINION, ARE NOT KNOWN FOR WATER SHORTAGES;
- WHERE THE TOTAL NUMBER OF LOTS WITHIN THE 1/4 SECTION, INCLUDING THE PROPOSED LOT(S), WILL NOT EXCEED 5 LOTS, COUNCIL MAY REQUIRE A 4-HOUR PUMP/4 -HOUR RECOVERY TEST WITH RESULTS SUBMITTED TO THE MUNICIPALITY SHOWING A MINIMUM PUMP RATE OF 4 IGPM;
- NO PROOF OF WATER REQUIRED ON LOTS CONTAINING AN EXISTING RESIDENCE;
- NO PROOF OF WATER REQUIRED ON PARCELS EXCEEDING 20 ACRES IN SIZE.

### **6 LOTS OR MORE PER ¼ SECTION**

For all applications proposing the use of a communal water system or where 6 or more lots (including existing) will be on a ¼ section, proof of water must conform to the Provincial Water Act.

#### ***General Information***

In cases where staff deems that the well test results submitted do not meet the requirements of this policy, an appeal can be made to Council.

If in the case where a 4 hour pump test is required and the well is unable to attain 4 IGPM, a Q-20 must be conducted, meeting the above noted Q-20 criteria.

*January 21, 1999*

# Roads

## Municipal District of Foothills Public Works Department

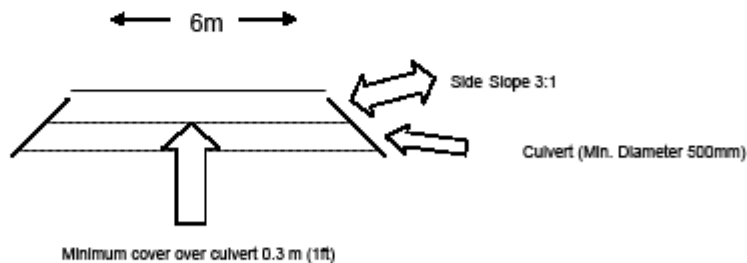
### APPROACH STANDARDS

All Subdivision Approvals are subject to there being proper approaches to proposed new lots as well as the balance parcel accessing onto M.D. roads. The location of your approach(es) is conditional upon the size of the parcel and must be approved by a municipal employee prior to its construction or upgrading. Initial consultation (location/construction) and final inspection have no charge but any subsequent inspections may cost \$250.00 each. The following M.D. standards must be met. It is important to note that these standards apply to existing approaches as well.

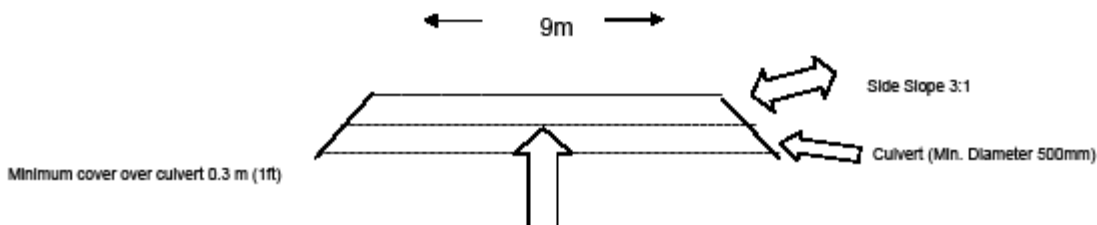
**NOTE:** All access onto provincial highway system must be approved by Alberta Transportation.

- Sight distance on approach shall be 180 m (600 ft) in both directions.
- Approach shall not be closer than 50 m (150 ft) to an intersection.
- Approach shall be constructed from granular or clay type material – **NOT TOP SOIL**.
- If a culvert is required, it shall be to municipal standards (500 mm minimum in diameter /20"). Minimum cover over pipe 0.3 m (1ft.), with the surface of the approach to be crushed gravel to MD standards of 20 mm (3/4") DES 4 CL 20, at a minimum depth of 50 mm (2").
- A standard approach shall have a minimum surface width of 6 m (20 ft) at the property line to a 3 m (10 ft) radius tie at the 9 m (30 ft) road allowance width.
- A common approach shall have a minimum surface width of 9 m (30 ft) at the property line to a 3 m (10 ft) radius tie at the 12m (40 ft) road allowance width.
- Maximum gradient not to exceed +/-2% from the shoulder of the road for a distance of 8 m (26 ft) on the approach.
- Changes to the existing ditch bottom must be approved by the M.D. Public Works Department.
- Culvert ends must be Rip-Rap with stone/rocks minimum size 200 mm (8 inches), as per attached drawings.
- The side slopes of the approach shall be a 3:1 ratio.
- Approach sides will be loamed with top soil to a minimum depth of 75 mm (3").
- All debris or top soils must be removed from the road allowance and hauled to a safe distance so that no wash out is deposited onto the road allowance.

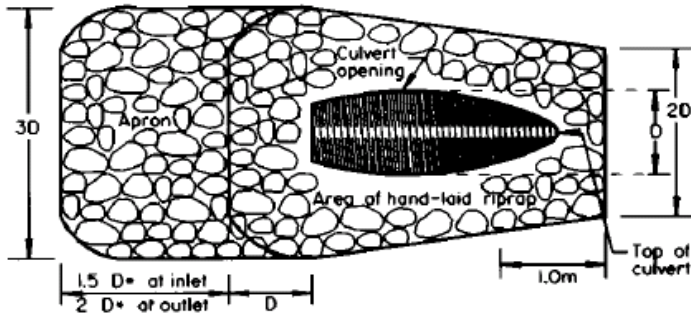
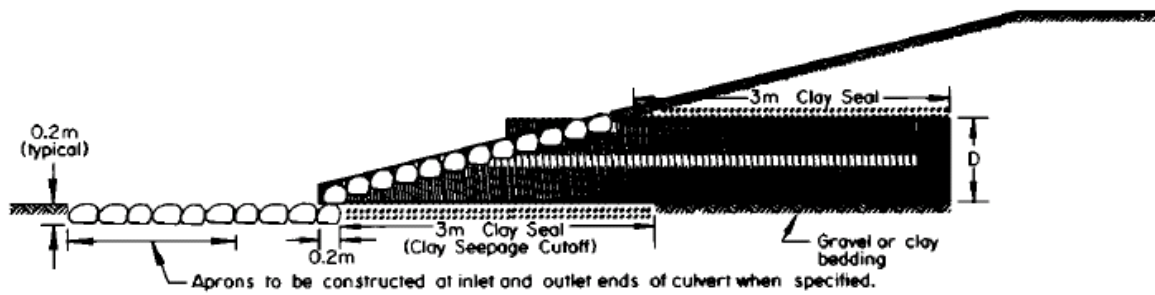
#### STANDARD APPROACH



#### COMMON APPROACH

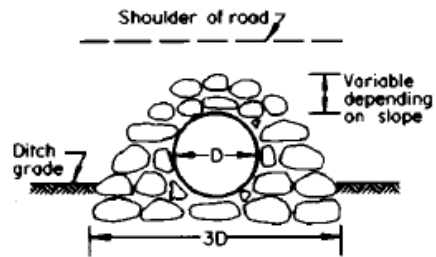


SECTION



• These are typical minimum dimensions.

PLAN VIEW



ELEVATION

ESTIMATED RIPRAP SURFACE AREAS\*

PIPE DIAMETER (mm)	AREA OF ONE END EXCLUDING APRON (m <sup>2</sup> )	AREA OF ONE END INCLUDING INLET APRON (m <sup>2</sup> )	AREA OF ONE END INCLUDING OUTLET APRON (m <sup>2</sup> )
500	2	3	4
600	3	5	6
700	4	6	7
800	5	8	9
900	6	10	11
1000	7	12	13
1100	9	14	16
1200	10	16	19
1400	13	22	25

\* THE ESTIMATED RIPRAP SURFACE AREAS SHOWN IN THIS TABLE ARE BASED ON A 4:1 SIDESLOPE.

NOTE:

THIS DRAWING SUPPLEMENTS SPECIFICATION 2.5 RIPRAP AND APPLIES TO CULVERTS LESS THAN 1500mm EQUIVALENT DIAMETER.

△			
△			
No.	REVISIONS	BY	DATE

*Carroll*  
Executive Director,  
Roadway Engineering Branch

**Alberta**  
TRANSPORTATION  
AND UTILITIES  
Engineering Division

Date: 94/1/22

**HAND LAID RIPRAP  
(Rock or Sacked Material)**

Prepared By: L.T.	Checked By: B.A.	Scale: N.T.S.	Dwg No.: CB6-2.5 MI
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