



COUNCIL POLICY C-PD03

Subdivision Conditions and Endorsements

Prepared By: Planning and Development Services
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 Subdivision and Development Regulation
 Subdivision and Development Standards
 Manual
 Parkland County Bylaws Referred Herein
 Other Council Policies Referred Herein

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*Subdivision Development Agreements—Standard
 Item Policy PD 003 (Sept. 26, 2000)*
*Endorsement Practices for Residential, Commercial
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*Payment of Taxes as Condition of Subdivision
 Approval Policy PD 020 (Sept. 26, 2000)*
*Off-Site Development Requirements Policy PD 023
 (Sept. 26, 2000)*
*Dedication of Road Widening Condition Policy
 PD 026 (Sept. 26, 2000)*

Function: Planning and Development

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PURPOSE

The purpose of this policy is to outline the process for completing the conditions associated with subdivision approvals in Parkland County.

POLICY STATEMENT

Once a subdivision application has received conditional approval from Parkland County's Subdivision Authority, Parkland County shall require the landowner to complete all the conditions of subdivision before a survey plan will be endorsed by the Manager of Planning and Development Services.

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DEFINITIONS

1. "Act" means the Municipal Government Act, R.S.A., 2000, Chapter M-26.1, and amendments thereto.
2. "Council" refers to the Council for Parkland County.
3. "Development Agreement" means an agreement between a developer and the County entered into pursuant to Section 655 of the Act.
4. "Landowner" means all owner(s) listed on the Certificate of Title as having an interest in the titled land. Landowner shall also mean applicant or developer when the landowner has assigned these responsibilities to other's as shown on the subdivision application forms.
5. "May" means discretionary compliance or a choice in applying policy.
6. "Shall" means mandatory compliance.
7. "Subdivision" means subdivision as defined in the Act.
8. "Subdivision Authority" means that person(s) defined by the *Municipal Planning Commission Bylaw* of Parkland County, as established pursuant to the Act.

SCOPE

This policy applies to all applications received for the subdivision of land in Parkland County.

MANAGEMENT RESPONSIBILITIES

The Manager of Planning and Development Services is responsible for the development, implementation, monitoring and evaluation of this policy.

STANDARDS

1. **Property Taxes** – *A Subdivision Authority must not approve an application for subdivision approval unless, pursuant to Section 654(1)(d) of the Act, all outstanding property taxes on the land to be subdivided have been paid to Parkland County or arrangements satisfactory to the County pursuant to Part 10 of the Act have been made.*
 - a. In the instance of outstanding property taxes being owed to the County prior to the plan of subdivision being endorsed for registration, the following shall apply:
 - i. Where property taxes are owing from previous tax years, the landowner shall pay all outstanding property taxes to Financial Services in full, including penalties as applicable;
 - ii. Where property taxes from previous years have been paid in full and where a subdivision plan is submitted to the County for endorsement between January 1st and before the tax deadline (normally June 30th), the landowner shall prepay the current year's tax estimate in full. The current year's tax estimate shall be determined by taking the previous year's taxes plus three percent (3.0%) for inflation.

Note: By requiring the landowner to prepay the current year's tax estimate in full at the time of subdivision, the landowner will make provision for tax sharing at the time of sale (i.e. statement of adjustment), and avoids any potential conflict that may arise from the sale of a newly created parcel, when in accordance with Parkland County Assessment Services, the said parcel(s) is not going to be re-assessed until the following tax year.
 - A. where the current year's tax estimate ends up being greater than the balance owing for that tax year, a balance will be left owing on the account that shall be credited towards the following tax year.
 - B. where the current year's tax estimate ends up being less than the balance owing for that tax year, the landowner shall pay all remaining property taxes in full upon receiving the current year's tax notice.

- iii. Where the landowner has entered into a tax installment plan, the landowner must withdraw from the tax installment plan and prepay the current year's tax estimate to Financial Services in full. The landowner may re-enter into a tax installment plan the following tax year.

2. **Municipal Addressing and Signage** – *In accordance with Parkland County's Community Standards Bylaw, parcels of land must be addressed using Parkland County's Rural Addressing System. An address sign must be posted at the approach/entrance to each parcel requiring an address.*
 - a. Planning and Development Services shall verify existing or required municipal addressing signage as part of every subdivision application approval.
 - b. All parcels for industrial / commercial / residential / public use shall require an address sign. Extensive agricultural parcels which do not contain an existing residential dwelling or other significant permanent structure shall not require a municipal address sign.
 - c. Once a municipal address is generated for a new parcel(s) or an existing parcel previously not having a municipal address, address signs may be purchased from the County's Public Works Department. A receipt of purchase of address sign(s) shall be presented to Planning and Development Services to satisfy this condition.
3. **Road Dedication/Widening** – *As identified in Parkland County's Municipal Development Plan, all statutory road allowances are widened to a minimum 30.0 m (100.0 ft) width, or to such greater width as designated for arterial or collector roads as permitted to the County under Section 661 of the Act when subdivision of land takes place. This is required to ensure that adequate road right-of-way is available when future road construction or re-construction occurs.*
 - a. Regardless of land use, where lots of a size less than 16.19 hectares (40.00 acres) are subdivided and front onto a roadway, the required road widening shall be dedicated as a condition of subdivision with no compensation being provided by the County.
 - b. Where lots are of a size greater than 16.19 hectares (40.00 acres) are proposed for subdivision and the intended purpose is for extensive agricultural use only, dedication of road widening is not required. However, if the County deems it appropriate to obtain road widening from agricultural parcels larger than 16.19 hectares (40.00 acres), the road widening will be the subject of negotiation to purchase at prevailing County rates (*refer to Council Policy C-EN15 – Purchase of Lands for Municipal and Public Use*).
 - c. Where lots of a size greater than 16.19 hectares (40.00 acres) are proposed for subdivision and the intended purpose is a use other than extensive agriculture (i.e. industrial/commercial/public use, etc.), the required road widening shall be dedicated as a condition of subdivision with no compensation being provided by the County, the same as if the lot size was less than 16.19 hectares (40.00 acres).
 - d. All road widening acquired through dedication or negotiation as a result of subdivision shall be registered by a Plan of Survey unless otherwise authorized by the Manager of Engineering Services, or designate. The Plan of Survey requirements and responsibility for costs are as follows:
 - i. Where the subdivision is registered by Plan of Survey, the landowner shall arrange and pay for all costs of preparation and registration of the Plan of Survey. The Plan of Survey shall include and show all road widening requirements adjacent to the parcel(s) plus any negotiated road widening acquired from the remainder of the title area.
 - ii. Where the subdivision is registered by Descriptive Plan, or other methods, Parkland County shall arrange and pay for the preparation and registration of the Plan of Survey, including all dedicated and negotiated road widening obtained, at a future time of its choosing. At the time the future Plan of Survey for the roadway is registered, any existing Caveats registered against the subject lands regarding the road dedication shall be discharged by the County.
 - e. Where improvements are identified within proposed road widening or road acquisition, all improvements are to be removed by the landowner, at the landowner's expense. Alternatively and where permitted by the Manager of Engineering Services, or designate, Encroachment Agreements may be entered into with the landowner prior to endorsement of the subdivision in accordance with *Council Policy C-PD02 – Encroachment Agreements*.

4. **Road Approaches** - *In accordance with Section 9 of the Subdivision and Development Regulation, every parcel must have legal and physical access and must have an approach built to County standards from a constructed roadway also built to County standards prior to endorsement of the subdivision.*
- If an existing parcel does not have an approach, an approach shall be constructed by the landowner to County standards as described by the County's Subdivision Development and Engineering Standards Manual.
 - If an approach to a proposed or existing parcel exists, but does not meet County standards, the landowner shall be required to upgrade the approach to County standards as described in the County's Subdivision Development and Engineering Standards Manual.
 - All approaches must contain an apron to the property line matching the adjacent road surface.
 - The landowner shall receive approval from Engineering Services for the location of an approach prior to undertaking construction. As per County standards, parcels may be required to have a joint approach with a neighbouring parcel in certain instances.
 - Where a new approach is required to be constructed or upgraded as a condition of approval prior to endorsement of the subdivision, the landowner shall be required to construct or upgrade all necessary approaches to County standards between April 1st and September 30th to comply with this condition, or as otherwise determined by the Manager of Planning and Development Services when adverse weather conditions exist preventing completion of the approach.
 - As construction is limited due to winter months, the County will accept a refundable approach deposit only between October 1st and March 31st, or as otherwise determined by the Manager of Planning and Development Services when adverse weather conditions exist preventing completion of the approach. Planning and Development Services shall require that the landowner complete and sign an Approach Deposit Agreement outlining the landowner's responsibilities prior to accepting any refundable approach deposit. The deposit amount is to be established under the Fees and Charges Schedule approved by Council each year as part of the Capital and Operating Budget for Planning and Development Services. The landowner shall complete the approach construction and/or upgrade and receive a final inspection from Engineering Services prior to the County returning the refundable approach deposit. Should the landowner not complete the required approach construction within one (1) year from the date of deposit, the County shall retain the approach deposit and may complete the approach at the County's discretion.
5. **Building Permits** - *In accordance with the County's Building Permit Bylaw, landowners will be required to obtain all permits and approvals as required by the Safety Codes Act for any existing structures located on the titled area of a subdivision application should previous permits required not have been acquired.*
- Planning and Development Services shall verify existing permits and approvals on all required structures as part of every subdivision application processed on both the proposed and remnant parcels.
 - Existing structures built or moved on prior to 1991 (First Alberta Building Code) shall not be subject to a building permit. Any existing structures built or moved on after 1991 without Building and Safety Code permits shall be required to obtain such permits prior to endorsement.
6. **Existing Private Sewage Disposal Systems** - *Pursuant to Section 654(1)(c) of the Act, a proposed subdivision must meet Section 7(g) of the Subdivision and Development Regulation regarding private sewage disposal systems.*
- An inspection and Certificate of Compliance will be required stating that all existing sewage systems on any proposed or remnant parcel complies with the requirements of the *Private Sewage Disposal Systems Regulation*.
 - As a result of the inspection, any improvements to the existing sewage system(s) required to meet compliance shall be completed by the landowner prior to endorsement.

- c. Where upgrades/conversions are required to an existing sewage system, as a condition of approval prior to endorsement of the subdivision, the landowner shall be required to complete all necessary private sewage system upgrades/conversions between April 1st and September 30th, or as otherwise determined by the Manager of Planning and Development Services when adverse weather conditions exist preventing completion of the sewage system. The landowner shall apply through the County for all applicable permits as required under the *Private Sewage Disposal Systems Regulation* prior to completing such work. The landowner shall have to provide evidence of a final inspection report to comply with this condition.
- d. As construction is limited to winter months, the County will accept a refundable sewage system upgrade/conversion deposit only between October 1st and March 31st, or as otherwise determined by the Manager of Planning and Development Services when adverse weather conditions exist preventing completion of the sewage system. Planning and Development Services shall require that the landowner complete and sign a Sewage Upgrade/Conversion Deposit Agreement outlining the landowner's responsibilities prior to accepting any refundable deposit. The deposit amount is to be established under the Fees and Charges Schedule approved by Council each year as part of the Capital and Operating Budget. The landowner shall complete the sewage system upgrade/conversion and receive a final inspection from the Plumbing Inspector prior to the County returning the refundable deposit. Should the landowner not complete the required sewage system upgrade/conversion within one (1) year from the date of deposit, the County shall retain the deposit and may complete the upgrade/conversion at the County's discretion.

7. Off-Site Levies / Development Charges / Recoveries Owed to Other Developers

- a. Pursuant to Section 648 of the Act, the landowner may be required to pay off-site levies where the County maintains an off-site levy bylaw in a specific area.
- b. Pursuant to Section 651 of the Act, the landowner may be required to pay recoveries to other developers (including the County) for oversized improvements and where certain recoveries have been established under previous Development Agreements in accordance with the Act.
- c. In certain instances, the landowner has agreed to provide payment of Development Charges to the County not identified in 7a. and b. above.
- d. The payment of all off-site levies, recoveries, and development charges shall be paid in full, or other satisfactory arrangements as established in an executed Development Agreement under Section 655 of the Act, prior to the landowner obtaining endorsement from the County. Council may adopt separate policies to identify in which instances the payment of off-site levies may be waived or deferred.

8. Development Agreements (also known as Servicing Agreements)

- a. Pursuant to Section 655 of the Act, as a condition of subdivision approval the landowner may be required to enter into a Development Agreement for all public improvements that will be transferred to the County (e.g. approaches, culverts, roads, water supply systems, sewage disposal systems and storm water management systems). A template Development Agreement is available from Planning and Development Services. A fee is required for the preparation of a Development Agreement as set out in the Fees and Charges Schedule approved by Council as part of the Capital and Operating Budget.
- b. The County shall not sign a Development Agreement until the landowner provides security in accordance with the provisions of *Council Policy C-PD01 – Development Agreement Securities*, provides satisfactory proof of Comprehensive Liability Insurance, and shall have paid any required fees and charges as set out in the Development Agreement.
- c. The landowner shall be required to construct/upgrade all required off-site and/or on-site improvements at no cost to the County. Notwithstanding, the County may consider off-site cost-sharing on major industrial subdivisions where, in the opinion of Council, the development will provide a major significant economic benefit to the County (*refer to Policy C-FI07 – Building Parkland Fund*).

- d. Where appropriate and pursuant to Section 651 of the Act, the County will endeavour to recover monies from applicable future development or subdivision of adjacent lands by developing and including cost recovery clauses in the Development Agreements for adjacent lands. Cost recovery clauses will be determined through negotiation of the Development Agreement.

9. Environmental and Municipal Reserves

- a. Reserves shall be dedicated in accordance with the Act and consistent with other policies adopted by Council from time to time regarding the dedication of Environmental and/or Municipal Reserves (*refer to Policy C-PD15 – Dedication of Municipal Reserve*).
- b. All Environmental and Municipal Reserves shall be dedicated by Plan of Survey, and all costs associated with surveying the reserve parcel and registration shall be borne by the landowner.

10. Restrictive Covenants and Agreements

- a. Restrictive Covenants (e.g. recommended setback from top-of-bank) or agreement (e.g. right of access agreement, road widening/acquisition agreement, development agreement, etc.) shall be signed by the landowner and registered simultaneously or prior to the registration of the plan of subdivision at the discretion of the Manager of Planning and Development Services.

11. Survey Plans

- a. A final plan or registrable instrument must be submitted to Planning and Development Services by a surveyor registered in the Province of Alberta. Unless otherwise indicated on the preliminary subdivision approval, the surveyor shall choose in what manner of registration will be acceptable to the Registrar of Land Titles (e.g. descriptive plan or plan of survey).
- b. As outlined in 3.d. above, all subdivision approvals which must be registered by Plan of Survey and require road widening shall have the road widening shown on the Plan of Survey.

12. Endorsement Requirements

- a. The Manager of Planning and Development Services, or designate, is hereby authorized to issue subdivision endorsements in accordance with this policy on behalf of the County.
- b. The Manager of Planning and Development Services, or designate, shall review all final plans and registrable instruments and ensure that the conditions of approval have been complied with consistent with this policy. If all conditions of approval have been met, the final plan shall be endorsed by the Manager of Planning and Development Services, or designate, on behalf of the County.
- c. All endorsement fees, as set out in the Fees and Charges Schedule approved by Council as part of the Capital and Operating Budget, are required to be paid by the landowner prior to endorsement.
- d. The developer must meet all conditions set forth in a Development Agreement, if a Development Agreement was required as a condition of subdivision approval. The local improvements must meet all of the following criteria, as to be determined to the satisfaction of the Manager of Engineering Services, or designate, before endorsement will be granted:
 - i. The Manager of Engineering Services, or designate, must have approved detailed construction drawings for the project;
 - ii. The subdivision must have reached a construction stage that is safe for public access and use. This includes the installation of all appropriate off-site and on-site traffic control signage;
 - iii. All roadways must be constructed and tested with only minor deficiencies as permitted by the Manager of Engineering Services, or designate, before an Interim Construction Completion Certificate will be issued.
 - A. If a developer wishes to receive endorsement for a subdivision before a roadway requiring an asphalt surface is surfaced, the County will allow endorsement subject to the developer obtaining an Interim Construction Completion Certificate on the base

course and gravel and providing the necessary security for the incomplete work through a Security and Maintenance Agreement. The County shall apply a one (1) year deadline to complete the first lift of asphalt. The final lift of asphalt shall be placed by the Developer no more than two (2) years after the issuance of the Interim Construction Completion Certificate for the first lift.

- iv. All water and sanitary sewer systems must be installed, tested, and in a working condition with only minor deficiencies as permitted by the Manager of Engineering Services, or designate, before an Interim Construction Completion Certificate will be issued.
 - v. Stormwater management facilities and related improvements must be constructed and functioning and able to properly control a storm flow event with only minor deficiencies as permitted by the Manager of Engineering Services, or designate, before an Interim Construction Completion Certificate will be issued.
 - vi. Each lot must be pre-graded to a condition acceptable to the Manager of Engineering Services, or designate before an Interim Construction Completion Certificate will be issued.
- e. The Developer must enter into a Security and Maintenance Agreement that outlines the Developer's maintenance responsibilities before endorsement and registration and during the warranty period. The Security and Maintenance Agreement shall identify any allowable incomplete work and minor outstanding deficiencies. The developer must provide security to cover any allowable incomplete work or deficiencies in accordance with *Council Policy C-PD01 – Development Agreement Securities*.
- f. If the landowner is unable to have a surveyor prepare and submit a final survey plan or is unable to satisfy the conditions of approval within the one (1) year time period as prescribed under the *Act*, but intend to do so, they may apply to the County for a time extension in accordance with *Council Policy C-PD21 – Extension of Subdivision Endorsement and Registration Periods*. The Manager of Planning and Development Services, or designate, may or may not grant an extension consistent with the provisions under Policy C-PD21.