Municipal Government Act
Subdivision and Development and Forms Regulations

Discussion Guide

Alberta Municipal Affairs

Discussion Guide
Development of a Subdivision and Development and Forms Regulations

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Discussion Guide
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INTRODUCTION

The *Municipal Government Act* (MGA) provides the legislative framework within which municipalities operate. First introduced in the mid-1990s, the Act has recently been reviewed to ensure it continues to meet the changing needs of communities and their citizens.

Following extensive consultation, amendments to the MGA were advanced in both spring of 2015 and 2016. Both the *Municipal Government Amendment Act* (Bill 20), which was passed in 2015, and the *Modernized Municipal Government Act* (Bill 21), introduced in 2016, addressed four broad categories: enhancing municipal accountability; enabling more efficient municipal operations; enhancing municipal viability; and strengthening municipal and intermunicipal planning. Among these amendments were matters that impact subdivision and development.

The purpose of this engagement is to ensure stakeholders have an opportunity to help shape necessary and beneficial amendments to the regulation associated with subdivision and development. This includes the Subdivision and Development Regulation and the Subdivision and Development Forms Regulation, both of which play a critical role in ensuring effective decision-making in local planning and development matters.

BACKGROUND CONTEXT

Subdivision and Development Regulation

The Subdivision and Development Regulation regulates subdivision applications, subdivision and development conditions, registration and endorsements of subdivision applications. It also includes several items that are of provincial interest - such as Transportation (highway), waste/wastewater treatment (e.g. landfill setback), historical resources, water bodies – with a focus on regulating and defining development distances from these elements.

Subdivision and Development Form Regulation

The Subdivision and Development Form Regulation contains the forms prescribed for the purposes of sections 4 and 20 of the Subdivision and Development Regulation which are "Application for Subdivision" and "Deferred Reserved Caveat" respectively.

PURPOSE OF THIS DISCUSSION PAPER

This discussion guide, and specifically the attached table, has been prepared to help facilitate input into the updates to the Subdivision and Development Regulation and the Subdivision and Development Forms Regulation. Stakeholder feedback is critical to ensure that updates result in regulations that are consistent with amendments made through either Bill 20 or 21 and reflect any other changes that may further clarify and/or enhance existing regulations.

MATTERS TO CONSIDER IN THE REVIEW OF THE SUBDIVISION AND DEVELOPMENT AND FORMS REGULATIONS

Both the Subdivision and Development Regulation (SDR) and the Forms Regulation are existing regulations under the MGA. As the Regulations are substantive in nature and cover a broad range of considerations, the attached table is provided as a means of capturing stakeholder input in relation to specific provisions.

The attached table is broken down in two parts. Part one identifies sections of the SDR that will be impacted by both Bill 20 and Bill 21. Part two is intended to collect general comments and feedback that may help to clarify or enhance the regulations.

In reading the table, you may notice that some fonts are in black, some in red, and some in purple. The black font depicts the content of the current Municipal Government Act; the purple font represents what was approved in 2015 under Bill 20; and the red font outlines what is proposed in Bill 21.

For example, section 88 of Bill 21 includes the following: Section 616 is amended: (c) in clause (e) by striking out "by a subdivision authority or a municipality". In the working table, in order to provide the reader with the context of the MGA amendment, you will find that section 616(1)(e) is presented as: (e) "environmental reserve" means the land designated as environmental reserve ~~by a subdivision authority or a municipality~~ under Division 8.

To facilitate a meaningful and focused discussion, participants are encouraged to fill out this working table in preparation for discussions on August 17 and August 24.

Subdivision and Development Regulation (SDR) Review Working Table

PART ONE – BILL 20 (APRIL 2015) AND BILL 21 MGA AMENDMENT (MAY 2016)
AUMA input in Blue.

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
Water bodies **60(1)** Subject to any other enactment, a municipality has the direction, control and management of the ~~rivers, streams, watercourses, lakes and other natural bodies of water~~ water bodies within the municipality, including the air space above and the ground below.	**4(3)**(d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land, **5(4)** For the purposes of subsection (5)(e)(ii), the Deputy Minister of the Minister responsible for administration of the Public Lands Act may, in an agreement with a municipality, further define the term "body of water" but the definition may not include dugouts, drainage ditches, man made lakes or other similar man made bodies of water. **5(5)**(e)(i) is adjacent to the bed and shore of a river, stream, watercourse, lake or other body of water, or **5(5)**(e)(ii) contains, either wholly or partially, the bed and shore of a river, stream, watercourse, lake or other body of water;	**Yes**	Sections 4(3)(d), 5(4), 5(5)(e)(i) and 5(5)(e)(ii) of the SDR include the 'body of water' and therefore will have to consider if there is a need to revise/amend the wording. **AUMA agrees that there is a need to amend the wording in the regulation to reflect changes in the Act related to the definition of water bodies. As the way water is defined in the MGA has a ripple effect in related regulations, the definition of water bodies in the Act needs to align with the intent of other provincial legislation and policies including the *Public Lands Act* and wetlands policy. Application of the ER provisions to wetlands and aquifer discharge and recharge areas is needed. This might be accomplished by clarifying the term "swamp" and "drainage course".**
Part 17 **Planning and Development**			
616(a.11) "community recreation facilities" means municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities; Please note: this will also be discussed as part of the Principles & Criteria for Offsite levies Regulation review at a later Working Group meeting		No changes are required	
616(a.3) "conservation reserve" means the land designated as conservation reserve under Division 8;	**See MGAA 664 Section 664.2 and SDR Section 19 below**	No changes are required	Section 19 of the SDR may have to be amended to include conservation reserve as a result of the MGA Amendment.

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(e) "environmental reserve" means the land designated as environmental reserve ~~by a subdivision authority or a municipality~~ under Division 8;		No changes are required	
616(h.1) "inclusionary housing" means the provision of dwelling units or land, or money in place of dwelling units or land, for the purpose of affordable housing as a condition of subdivision approval or of being issued a development permit;		N No changes are required	AUMA understands that provisions for inclusionary housing will be dealt with in separate legislation.
616(h.2) "inclusionary housing regulation" means a regulation made under section 694(1)(j);		No changes are required	
~~616(l) "land use policies" means policies established by the Lieutenant Governor in Council under Division 2;~~ **616**(l) "land use policies" means the policies referred to in section 622;		No changes are required	
616(z) "reserve land" means environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;		No changes are required	
Bylaws binding **618.2** No bylaw is binding in respect of a matter governed by this Part unless that bylaw is passed in accordance with this Part.		No changes are required	
~~**Land use policies**~~ ~~**622(1)** The Lieutenant Governor in Council may by order, on the recommendation of the Minister, establish land use policies.~~ ~~**(2)** The *Regulations Act* does not apply to an order under subsection (1).~~ ~~**(3)** Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies.~~ ~~**(4)** Land use policies do not apply in any planning region within the meaning of the *Alberta Land Stewardship Act* in respect of which there is an ALSA regional plan.~~ **Land use policies** **622(1)** Every statutory plan, land use bylaw and action		No changes are required	

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undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies established under subsection (2) and any former land use policy. **(2)** The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies and rescind former land use policies. **(3)** If there is a conflict between a land use policy established under subsection (2) and an ALSA regional plan, the ALSA regional plan prevails. **(4)** Former land use policies do not apply in any planning region within the meaning of the *Alberta Land Stewardship Act* in respect of which there is an ALSA regional plan. **(5)** In this section, "former land use policy" means a land use policy that was established under section 622 as it read before the coming into force of this subsection and that has not been rescinded under subsection (2).			
~~**627(3)** Despite section 146, (a) in the case of a subdivision and development appeal board formed under subsection (1)(a), councillors may not form the majority of the board or the majority of the board or a committee hearing an appeal, and (b) in the case of a subdivision and development appeal board formed under subsection (1)(b), the councillors from a single municipality may not form the majority of the board or of a committee hearing an appeal.~~ **627(3)** Councillors from a single municipality may not form the majority of (a) a subdivision and development appeal board formed under subsection (1)(a) or (b), or (b) a panel of a board hearing an appeal.		No changes are required	
Clerks **627.1(1)** A council that establishes a subdivision and development appeal board must appoint, and a council		No changes are required	

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that authorizes the establishment of a subdivision and development appeal board must authorize the appointment of, one or more clerks of the subdivision and development appeal board. **(2)** If the subdivision and development appeal board is an intermunicipal subdivision and development appeal board, the councils that authorize its establishment must appoint one or more clerks. **(3)** A clerk appointed under this section must be a designated officer and may be a person who holds an appointment as a designated officer under section 455. **(4)** No designated officer is eligible for appointment under this section unless that designated officer has successfully completed a training program in accordance with the regulations made under section 627.3(a). **(5)** No subdivision authority or development authority is eligible for appointment under this section. **Qualifications** **627.2** A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do so in accordance with the regulations made under section 627.3(b). **Regulations** **627.3** The Minister may make regulations (a) respecting training programs for the purposes of section 627.1(4); (b) respecting qualifications for the purposes of section 627.2.			
628(2) A bylaw or agreement under section 627 may provide (a) for the members of the subdivision and development appeal board to meet in committees, (b) for 2 or more ~~committees~~ panels to meet simultaneously, (c) that the ~~committees~~ panels have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and (d) that a decision of a ~~committee~~ panel is a		No changes are required	

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
decision of the subdivision and development appeal board.			
Immunity **628.1(1)** The members of a subdivision and development appeal board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part. **(2)** No member of a subdivision and development appeal board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Part.		No changes are required	
~~**Intermunicipal development plan**~~ ~~**631(1)** Two or more councils may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.~~ **Intermunicipal development plans** **631(1)** Two or more councils of municipalities that have common boundaries that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary. **(1.1)** Despite subsection (1), the Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary. **(1.2)** Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.		No changes are required	

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(2) An intermunicipal development plan ~~(a) may provide for~~ ~~(i) the future land use within the area,~~ ~~(ii) the manner of and the proposals for future development in the area, and~~ ~~(iii) any other matter relating to the physical, social or economic development of the area that the councils consider necessary,~~ ~~and~~ (a) must address (i) the future land use within the area, (ii) the manner of and the proposals for future development in the area, (iii) the provision of transportation systems for the area, either generally or specifically, (iv) proposals for the financing and programming of intermunicipal infrastructure for the area, (v) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area, (vi) environmental matters within the area, either generally or specifically, (vii) the provision of intermunicipal services and facilities, either generally or specifically, and (viii) any other matter related to the physical, social or economic development of the area that the councils consider necessary, and (b) must include (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan, (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and			

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(iii) provisions relating to the administration of the plan. **(3)** The council of a municipality that is required under this section to adopt an intermunicipal development plan must have an intermunicipal development plan that provides for all of the matters referred to in subsection (2) within 5 years from the date this subsection comes into force. **(4)** Subject to the regulations, if municipalities that are required to create an intermunicipal development plan are not able to agree on a plan, sections 708.33 to 708.43 apply as if the intermunicipal development plan were an intermunicipal collaboration framework.			
~~**Municipal development plan**~~ ~~**632(1)** A council of a municipality with a population of 3500 or more must by bylaw adopt a municipal development plan.~~ ~~**(2)** A council of a municipality with a population of less than 3500 may adopt a municipal development plan.~~ **Municipal development plans** **632(1)** Every council of a municipality must by bylaw adopt a municipal development plan. **(2.1)** Within 3 years after the coming into force of this subsection, a council of a municipality that does not have a municipal development plan must by bylaw adopt a municipal development plan. **(4)** A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.		No changes are required	
633(3) An area structure plan must be consistent with (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and (b) any municipal development plan.		No changes are required	
634(2) An area redevelopment plan must be consistent with (a) any intermunicipal development plan in respect of land that is identified in both the area		No changes are required	

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redevelopment plan and the intermunicipal development plan, and (b) any municipal development plan.			
~~**Plans consistent**~~ ~~**638** All statutory plans adopted by a municipality must be consistent with each other.~~ **Plans consistent** **638(1)** In the event of a conflict or inconsistency between (a) an intermunicipal development plan, and (b) a municipal development plan, an area structure plan or an area redevelopment plan in respect of the development of the land to which the intermunicipal development plan and the municipal development plan, the area structure plan or the area redevelopment plan, as the case may be, apply, the intermunicipal development plan prevails to the extent of the conflict or inconsistency. **(2)** In the event of a conflict or inconsistency between (a) a municipal development plan, and (b) an area structure plan or an area redevelopment plan, the municipal development plan prevails to the extent of the conflict or inconsistency.		No changes are required	
Listing and publishing of policies **638.2(1)** Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part (a) that have been approved by council by resolution or bylaw, or (b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209, and that do not form part of a bylaw made under this Part. **(2)** The municipality must publish the following on the municipality's website: (a) the list of the policies referred to in subsection (1); (b) the policies described in subsection (1); (c) a summary of the policies described in		No changes are required	

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subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part; (d) any documents incorporated by reference in any bylaws passed in accordance with this Part. **(3)** A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2). **(4)** This section applies on and after January 1, 2019.			
640(1)(ii) on land adjacent to or within a specified distance of the bed and shore of any ~~lake, river, stream or other body of water~~ water body or man-made body of water, or		**No changes are required**	
640(1)(s) standards and requirements for inclusionary housing in accordance with an inclusionary housing regulation.		**No changes are required**	
Alternative time periods for applications **640.1** The council of a city or of a specialized municipality prescribed in the regulations may, in a land use bylaw, (a) provide for an alternative period of time for the development authority to review the completeness of a development permit application under section 683.1(1), (b) provide for an alternative period of time for a development authority to make a decision on a development permit application under section 684, (c) provide for an alternative period of time for the subdivision authority to review the completeness of an application for subdivision approval under section 653.1, and (d) provide for an alternative period of time for the subdivision authority to make a decision on an application for subdivision under the	**6** A subdivision authority must make a decision on an application for subdivision within (a) 21 days from the date of receipt of the completed application in the case of a completed application for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 5(6), (b) 60 days from the date of receipt of any other completed application under section 4(1), or (c) the time agreed to pursuant to section 681(1)(b) of the Act.	**Yes**	The MGA Amendment provides an alternative time period for development applications approval. There may be a need to amend Section 6 of the SDR due to this change in the MGA. **AUMA agrees that the wording of the SDR needs to be amended to reflect the changes to the decision making timeline. AUMA recommends that the allowance for municipalities to determine their own timelines be based on a population measure (e.g. 10,000 or 15,000) as opposed to type of municipality. Other types of municipalities receive complex development proposals and have the appropriate level of knowledge and sophistication to adopt their own**

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subdivision and development regulations.			decision timelines.
~~641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district~~ ~~(a) is made by a council, there is no appeal to the subdivision and development appeal board, or~~ ~~(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.~~		No changes are required	
~~Permitted and discretionary uses~~ ~~642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw, issue a development permit with or without conditions as provided for in the land use bylaw.~~ ~~(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may issue a development permit with or without conditions as provided for in the land use bylaw.~~ **Permitted and discretionary uses** **642(1)** When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw. **(2)** When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section			

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683.1, issue a development permit with or without conditions as provided for in the land use bylaw.			
644(3) Subsection (1) does not apply to land designated by the municipality as conservation reserve.		No changes are required	
Off-site levy **648(1)** For the purposes referred to in ~~subsection (2)~~ subsection (2) and (2.1), a council may by bylaw **(2.1)** In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose: (a) new or expanded community recreation facilities; (b) new or expanded fire hall facilities; (c) new or expanded police station facilities; (d) new or expanded libraries. **(2.2)** Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if, in respect of the land on which the off-site levy is being imposed, (a) no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed, and (b) at least 30% of the benefit of the purpose, as determined under the regulations, is anticipated to benefit the future occupants of the land on which the off-site levy is being imposed. **(4)** An off-site levy imposed under this section or the former Act may be collected once for each purpose described in subsection (2) or (2.1), in respect of land that is the subject of a development or subdivision, if (a) the purpose of the off-site levy is authorized in the bylaw referred to in subsection (1), and (b) the collection of the off-site levy for the purpose authorized in the bylaw is specified in the agreement referred to in subsection (1).		No changes are required	

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(5) An off-site levy collected under this section, and any interest earned from the investment of the levy, (a) must be accounted for separately from other levies collected under this section, and (b) must be used only for the specific purpose described in subsection (2)(a) to (c.1) or (2.1)(a) to (d) for which it is collected or for the land required for or in connection with that purpose. by a municipality pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2.1), that fee or charge is deemed (a) to have been imposed pursuant to a bylaw under this section, and (b) to have been validly imposed and collected effective from the date the fee or charge was imposed. **Appeal of off-site levy** **648.1(1)** A person on whom an off-site levy is imposed under a bylaw referred to in section 648(1) for a purpose referred to in section 648(2.1), or any other person affected by the levy, may, subject to and in accordance with the regulations, appeal the imposition of the levy or the amount of the levy to the Municipal Government Board on any of the following grounds: (a) that the purpose for which the off-site levy was imposed is unlikely to benefit future occupants of the land on which the off-site levy is being imposed to the extent required by section 648(2.2)(b); (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when imposing an off-site levy for a purpose referred to in section 648(2.1) have not been complied with; (c) that the levy or any portion of it is not for the payment of the capital costs of the purposes, as set out in section 648(2.1); (d) that the calculation of the levy is incorrect;			

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(e) that a levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision. **(2)** After hearing the appeal, the Municipal Government Board may (a) dismiss the appeal in whole or in part; (b) order the municipality to repeal or amend the bylaw in accordance with the Board's order; (c) repeal or amend the bylaw in the manner determined by the Board; (d) if the calculation of the off-site levy is incorrect, correct the calculation or order the municipality to correct the calculation in the manner determined by the Board. **(3)** Where a bylaw amends the amount of an off-site levy, an appeal under this section may be brought only with respect to the amendment.			
650(1)(g) to provide for inclusionary housing in accordance with the land use bylaw and the inclusionary housing regulation.		**No changes are required**	
653(2.1) On receipt of an application, the subdivision authority must, in accordance with section 653.1, determine whether the application is complete. ~~**(3)** On receipt of an application for subdivision approval, the subdivision authority must give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations.~~ ~~**(4)** On receipt of an application for subdivision approval, the subdivision authority must give notice of the application to owners of the land that is adjacent to the land that is the subject of the application.~~ **(3)** On receipt of an acknowledgment under section 653.1(5) or (7) that the application for subdivision approval is complete, or if the application is deemed to be complete under section 653.1(4), the subdivision authority must (a) give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations, and	4(1) The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority. (2) A complete application for subdivision consists of (a) a completed application for subdivision in the form set out in the Subdivision and Development Forms Regulation, (b) a proposed plan of subdivision or other instrument that effects a subdivision, (c) the required fee, (d) a copy of the current land title for the land that is the subject of an application, and (e) at the discretion of the subdivision authority, the information required under subsections (3) and (4). (3) The applicant must submit the number of sketches or plans of the proposed subdivision that the	**YES**	The MGA Amendment includes a process to determine if an application is complete. There may be a need to amend Section 4(1) of the SDR due to this change in the MGA **It is assumed that section 4(1) will continue to apply unless a municipality has adopted provisions regarding a complete application. It is unclear however how the requirements of sections 4(4)(a) and 4(4)(e-f) will continue to be met in these cases. It should also be clear that if an application is deemed refused because it is incomplete that an appeal board has the authority to determine whether a particular requirement for a complete application is necessary. Similar concerns arise with respect to a complete development permit application and the**

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(b) give notice of the application to owners of the land that is adjacent to the land that is the subject of the application. **(4.1)** Despite ~~subsection (4)~~ subsection 3(b), a subdivision authority is not required to give notice to owners of adjacent lands if the land that is the subject of the application is contained within an area structure plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme. **(4.2)** A notice under ~~subsection (4)~~ subsection 3(b) must be given by one of the following methods and may be given by more than one of the following methods: (a) mailing the notice to each owner of land that is adjacent to the land that is the subject of the application; (b) posting the notice on the land that is the subject of the application; (c) publishing a notice in a newspaper that has general circulation in the municipality that contains the land that is the subject of the application. **(4.3)** A notice under ~~subsection (4)~~ subsection 3(b) must include (a) the municipal address, if any, and the legal address of the parcel of land, and (b) a map showing the location of the parcel of land. **(5)** A notice under ~~subsection (4)~~ subsection 3(b) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.	subdivision authority requires, drawn to the scale that the subdivision authority requires, (a) showing the location, dimensions and boundaries of (i) the land that is the subject of the application, (ii) each new lot to be created, (iii) any reserve land, (iv) existing rights of way of each public utility, and (v) other rights of way, (b) clearly outlining the land that the applicant wishes to register in a land titles office, (c) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved, (d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land, (e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing (i) the location of any existing or proposed wells, and (ii) the location and type of any existing or proposed private sewage disposal systems, and the distance from these to existing or proposed buildings and property lines, and (f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area. (4) The applicant must submit (a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of		requirements of sections 11.1-11.3 and 18.1.

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	the Water Act, (b) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system, (c) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision, including the suitability and viability of that method, (d) a description of the use or uses proposed for the land that is the subject of the application, (e) information provided by the AER as set out in AER Directive 079, Surface Development in Proximity to Abandoned Wells, identifying the location or confirming the absence of any abandoned wells within the proposed subdivision, and (f) if an abandoned well is identified in the information submitted under clause (e), (i) a map showing the actual wellbore location of the abandoned well, and (ii) a description of the minimum setback requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079, Surface Development in Proximity to Abandoned Wells.		
Subdivision applications **653.1(1)** A subdivision authority must, within 20 days after the receipt of an application for subdivision approval under section 653(1), determine whether the application is complete. **(2)** An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information necessary to review	4(1) The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority. (2) A complete application for subdivision consists of (a) a completed application for subdivision	YES	The MGA Amendment includes a process to determine if an application is complete. There may be a need to amend Section 4(1) of the SDR due to this change in the MGA. See above

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the application. **(3)** The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the subdivision authority or, if applicable, in accordance with the land use bylaw made pursuant to section 640.1(c). **(4)** If the subdivision authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete. **(5)** If a subdivision authority determines that the application is complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete. **(6)** If the subdivision authority determines that the application is incomplete, the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the subdivision authority in order for the application to be considered complete. **(7)** If the subdivision authority determines that the information and documents submitted under subsection (6) are complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete. **(8)** If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused. **(9)** If an application is deemed to be refused under subsection (8), the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal. **(10)** Despite that the subdivision authority has issued	in the form set out in the Subdivision and Development Forms Regulation, (b) a proposed plan of subdivision or other instrument that effects a subdivision, (c) the required fee, (d) a copy of the current land title for the land that is the subject of an application, and (e) at the discretion of the subdivision authority, the information required under subsections (3) and (4). (3) The applicant must submit the number of sketches or plans of the proposed subdivision that the subdivision authority requires, drawn to the scale that the subdivision authority requires, (a) showing the location, dimensions and boundaries of (i) the land that is the subject of the application, (ii) each new lot to be created, (iii) any reserve land, (iv) existing rights of way of each public utility, and (v) other rights of way, (b) clearly outlining the land that the applicant wishes to register in a land titles office, (c) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved, (d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land, (e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing (i) the location of any existing or proposed		

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an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application. **(11)** A decision of a subdivision authority must state (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and (b) if an application for subdivision approval is refused, the reasons for the refusal.	wells, and (ii) the location and type of any existing or proposed private sewage disposal systems, and the distance from these to existing or proposed buildings and property lines, and (f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area. (4) The applicant must submit (a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of the Water Act, (b) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system, (c) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision, including the suitability and viability of that method, (d) a description of the use or uses proposed for the land that is the subject of the application, (e) information provided by the AER as set out in AER Directive 079, Surface Development in Proximity to Abandoned Wells, identifying the location or confirming the absence of any abandoned wells within the proposed subdivision, and (f) if an abandoned well is identified in the information submitted under clause (e), (i) a map showing the actual wellbore location of the abandoned well, and (ii) a description of the minimum setback		

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	requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079, Surface Development in Proximity to Abandoned Wells.		
Approval of application **654(1)** A subdivision authority must not approve an application for subdivision approval unless (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended, (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided, (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10. **(1.1)** A decision of a subdivision authority must state (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and (b) if an application for subdivision approval is refused, the reasons for the refusal. **(1.2)** If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.		**No changes are required**	
655(1)(b)(vii) to provide for inclusionary housing in accordance with the land use bylaw and the inclusionary housing regulation;		**No changes are required**	

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656(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 653.1(8).		No changes are required	
~~**658(4)** If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, may be subject to the provisions of this Part respecting reserves.~~ **658(4)** If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, is subject to Division 8.			
661 The owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation, (a) to the Crown in right of Alberta or a municipality, land for ~~roads, public utilities and environmental reserve~~ roads and public utilities, and (a.1) subject to section 663, to the Crown in right of Alberta or a municipality, land for environmental reserve, and		No changes are required	
Land for conservation reserve **661.1** The owner of a parcel of land that is the subject of a proposed subdivision must provide to a municipality land for conservation reserve as required by the subdivision authority pursuant to this Division.	**19** On a proposed plan of subdivision, (a) environmental reserve must be identified by a number with the suffix "ER"; (b) municipal reserve must be identified by a number with the suffix "MR"; (c) school reserve must be identified by a number with the suffix "SR"; (d) municipal and school reserve must be identified by a number with the suffix "MSR"; (e) a public utility lot must be identified by a number with the suffix "PUL".	YES	**AUMA agrees that the SDR must be updated to include identification of conservation reserves. AUMA is concerned that the new provision for conservation reserve, combined with narrowing definition of Environment Reserve will limit the ability of municipalities to assist the province in meeting conservation objectives. Further clarification of terms such as "as swamp" and "drainage course" as suggested previously might be helpful.** **In addition, compensation related to conservation reserves should be determined based on the same approach that is used to determine cash-in lieu payments for Municipal Reserve.**
Environmental reserve			

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664(1) Subject to ~~section 663~~ section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of (a) a swamp, gully, ravine, coulee or natural drainage course, (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or ~~(c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of~~ ~~(i) preventing pollution, or~~ ~~(ii) providing public access to and beside the bed and shore.~~ (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other water body. **(1.1)** A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes: (a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved; (b) to prevent pollution of the land or of the bed and shore of an adjacent water body; (c) to ensure public access to and beside the bed and shore of a water body lying on or adjacent to the land; (d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land. **(1.2)** For the purposes of subsection (1.1)(b) and (c), "bed and shore" means the natural bed and shore as determined under the *Surveys Act*.			

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Agreement respecting environmental reserve **664.1(1)** In this section, "subdivision approval application" means an application under section 653 for approval to subdivide a parcel of land referred to in subsection (2). **(2)** A municipality and an owner of a parcel of land may, before a subdivision approval application is made or after it is made but before it is decided, enter into a written agreement (a) providing that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, or (b) providing that the owner will be required to provide part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, and specifying the boundaries of that part. **(3)** Where the agreement provides that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any part of the parcel as environmental reserve as a condition of approving a subdivision approval application. **(4)** Where the agreement specifies the boundaries of the part of the parcel of land that the owner will be required to provide to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any other part of the parcel as environmental reserve as a condition of approving a subdivision approval application. **(5)** Subsections (3) and (4) do not apply on a subdivision approval application where either party to the agreement demonstrates that a material change affecting the parcel of land occurred after the agreement was made.		No changes are required	Bill 21 included an agreement respecting environment reserve, does the Subdivision and Development Regulation include a process to determine if any part of the parcel of land is to be taken as ER or not? If yes, why and what does the process include? If no, why not? **The provisions set out in the act around the agreement are sufficient.**
Conservation reserve **664.2(1)** A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the	**19** On a proposed plan of subdivision, (a) environmental reserve must be identified by a number with the suffix "ER"; (b) municipal reserve must be identified by a	Yes	Section 19 of the SDR may have to be amended to include conservation reserve as a result of the MGA Amendment.

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municipality as conservation reserve if (a) in the opinion of the subdivision authority, the land has environmentally significant features, (b) the land is not land that could be required to be provided as environmental reserve, (c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and (d) the taking of the land as conservation reserve is consistent with the municipality's municipal development plan. **(2)** Within 30 days after the Registrar issues a new certificate of title under section 665(2) for a conservation reserve, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority. **(3)** If the municipality and the landowner disagree on the market value of the land, the matter must be determined by the Land Compensation Board.	number with the suffix "MR"; (c) school reserve must be identified by a number with the suffix "SR"; (d) municipal and school reserve must be identified by a number with the suffix "MSR"; (e) a public utility lot must be identified by a number with the suffix "PUL".		See above
Designation of municipal land **665(1)** A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot. 665(2)(c.1) conservation reserve, which must be identified by a number suffixed by the letters "CR", **(3)** The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.	**19** On a proposed plan of subdivision, (a) environmental reserve must be identified by a number with the suffix "ER"; (b) municipal reserve must be identified by a number with the suffix "MR"; (c) school reserve must be identified by a number with the suffix "SR"; (d) municipal and school reserve must be identified by a number with the suffix "MSR"; (e) a public utility lot must be identified by a number with the suffix "PUL".		Section 19 of the SDR may have to be amended to include conservation reserve as a result of the MGA Amendment. See above
666(2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less		No changes are required	

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~~the land required to be provided as environmental reserve and the land made subject~~ all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement. **(3)** The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less ~~the land required to be provided as environmental reserve and the land subject~~ all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement. **(3.1)** For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.			
672(3) Despite subsection (2), the council of a municipality may by bylaw require the ~~school building envelope~~ school building footprint of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building envelope is outlined, must (a) issue a new certificate of title for the school building envelope with the designation of community services reserve, which must be identified by a number suffixed by the letters "CSR", and (b) issue a new certificate of title for the remaining land with the designation of municipal reserve, which must be identified in accordance with section 665(2)(a). **672(5)** In subsection (3), "~~school building envelope~~ school building footprint" means (a) the portion of the reserve on which a school building and accompanying parking lot is situated, or		No changes are required	

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(b) if no school building is situated on the reserve, the area of land on which a school and accompanying parking lot would be located if they had been built as determined by the municipality.			
No disposal of conservation reserve **674.1** A municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state. Removal of designation as municipal reserve		No changes are required	
678(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681 ~~(a) with the Municipal Government Board if the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the *Public Lands Act*, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations, or~~ (a) with the Municipal Government Board (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the *Public Lands Act*, (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a water body, a sewage treatment or waste management facility or a historical site, or (iii) in any other circumstances described in the regulations under section 694(1)(h.2), or **678(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be ~~5 days~~ 7 days from the date the decision is mailed.		No changes are required	

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679(3.1) Subsections (1)(c), (d) and (f) and (2) do not apply to an appeal of the deemed refusal of an application under section 653.1(8).		No changes are required	
680(2)(a.2) must comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation; **680(2.1)** In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2). **680(2.2)** Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).		No changes are required	
681(1) If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed, (a) treat the application as refused and appeal it in accordance with section 678, or (b) enter into ~~an agreement~~ a written agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.		No changes are required	
Development applications **683.1(1)** A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete. **(2)** An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application. **(3)** The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a). **(4)** If the development authority does not make a determination referred to in subsection (1) within the		No changes are required	

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time required under subsection (1) or (3), the application is deemed to be complete. **(5)** If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete. **(6)** If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete. **(7)** If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete. **(8)** If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused. **(9)** If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal. **(10)** Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application. **(11)** A decision of a development authority must state (a) whether an appeal lies to a subdivision and			

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development appeal board or to the Municipal Government Board, and (b) if an application for a development permit is refused, the reasons for the refusal.			
~~Permit deemed refused~~ ~~684 An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days after receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.~~ **Development Appeals** **Permit deemed refused** **684(1)** The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b). **(2)** A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority. **(3)** If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused. **(4)** Section 640(5) does not apply in the case of an application that was deemed to be refused under section 653.1(8) or 683.1(8).		No changes are required	
~~**685(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.~~ **685(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8). **685(4)** Despite subsections (1), (2) and (3), if a decision		No changes are required	

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with respect to a development permit application in respect of a direct control district (a) is made by a council, there is no appeal to the subdivision and development appeal board, or (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.			
686(1.1) For the purpose of subsection (1), the date of notification of an order or decision or the issuance of a development permit is deemed to be 7 days from the date the order or decision or the notice of the issuance of the development permit is mailed. **686(4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).		No changes are required	
687(3) In determining an appeal, the subdivision and development appeal board (a) must act in accordance with any applicable ALSA regional plan; (a.01) must comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation; ~~(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;~~ (a.1) must comply with any applicable land use policies; (a.2) subject to section 638, must comply with any applicable statutory plans; (a.3) subject to clause (d), must comply with any land use bylaw in effect;		No changes are required	
Court of Appeal **Law, jurisdiction appeals** **688(1)** ~~Despite section 506, an appeal~~ An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to		No changes are required	

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
(a) a decision of the subdivision and development appeal board, and ~~(b) the Municipal Government Board on a decision on an appeal under section 619, an intermunicipal dispute under Division 11 or a subdivision appeal under this Division.~~ (b) a decision made by the Municipal Government Board (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section, (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy, (ii) under section 678(2)(a) respecting a decision of a subdivision authority, or (iv) under section 690 respecting an intermunicipal dispute.			
~~**Intermunicipal disputes**~~ ~~**690(1)** If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it and if it has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, it may, if it is attempting or has attempted to use mediation to resolve the matter, appeal the matter to the Municipal Government Board by~~ ~~(a) filing a notice of appeal and statutory declaration described in subsection (2) with the Board, and~~ ~~(b) giving a copy of the notice of appeal and statutory declaration described in subsection (2) to the adjacent municipality~~ ~~within 30 days after the passing of the bylaw to adopt or amend a statutory plan or land use bylaw.~~ **Intermunicipal disputes** **690**(1) A municipality that		No changes are required	

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
(a) is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it, (b) has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and (c) has, as soon as practicable after second reading of the bylaw, attempted to use mediation to resolve the matter, may appeal the matter to the Municipal Government Board. **(1.1)** An appeal under subsection (1) is to be brought by (a) filing a notice of appeal and statutory declaration described in subsection (2) with the Municipal Government Board, and (b) giving a copy of the notice of appeal and statutory declaration to the adjacent municipality within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw. ~~**(3)** A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating~~ ~~(a) the reasons why mediation was not possible, or~~ ~~(b) that mediation was undertaken and the reasons why it was not successful.~~ ~~**(4)** When the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1)(a), the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the Board receives the notice of appeal and statutory declaration under subsection (1)(a) until the date it makes a decision under subsection (5).~~ ~~**(5)** If the Municipal Government Board receives a notice of appeal and statutory declaration under~~			

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
~~subsection (1)(a), it must, subject to any applicable ALSA regional plan, decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may~~ ~~(a) dismiss the appeal if it decides that the provision is not detrimental, or~~ ~~(b) order the adjacent municipality to amend or repeal the provision if it is of the opinion that the provision is detrimental.~~ **(3)** A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1.1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating (a) the reasons why mediation was not possible, (b) that mediation was undertaken and the reasons why it was not successful, or (c) that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion. **(4)** When a notice of appeal and statutory declaration are filed under subsection (1.1)(a) with the Municipal Government Board, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the notice of appeal and statutory declaration are filed with the Board under subsection (1.1)(a) until the date the Board makes a decision under subsection (5). **(5)** If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may (a) dismiss the appeal if it decides that the provision is not detrimental, or			

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
(b) subject to any applicable ALSA regional plan, order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental. **(5.1)** In determining under subsection (5) whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal, the Municipal Government Board must disregard section 638.			
694(1)(b.1) respecting the application of sections 708.33 to 708.43 for the purposes of section 631(4); 694(1)(b.2) prescribing specialized municipalities for the purpose of section 640.1; ~~694(1)(h) setting out distances for the purpose of section 678(2)(a);~~ 694(1)(h) prescribing distances for the purpose of section 678(2)(a)(ii); 694(1)(h.1) defining "historical site" for the purpose of section 678(2)(a)(ii); 694(1)(h.2) setting out circumstances for the purpose of section 678(2)(a)(iii); 694(1)(j) respecting the provision of inclusionary housing, including, without limitation, regulations respecting (i) standards for inclusionary housing; (ii) the requirements and conditions under which a land use bylaw may require inclusionary housing as a condition of the applicant's being issued a development permit or as a condition of the applicant's receiving a subdivision approval; (iii) the conditions when money in place of inclusionary housing is permitted and the purposes for which the money can be used; (iv) the conditions or restrictions on the use of land provided for inclusionary housing; (v) the responsibility for ongoing		No changes are required	

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
operations of the management of dwelling units provided for inclusionary housing; (vi) the conditions for the sale or disposal of dwelling units or land provided for inclusionary housing; (vii) respecting the ownership of dwelling units or land provided for inclusionary housing; (viii) measures and any requirements to offset in whole or in part a requirement to provide inclusionary housing. ~~**694(4)** The Lieutenant Governor in Council may make regulations~~ ~~(a) governing the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;~~ ~~(b) governing the principles and criteria that must be applied by a municipality when establishing an off-site levy.~~ **694(4)** The Lieutenant Governor in Council may make regulations (a) respecting the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically; (b) respecting the principles and criteria that must be applied by a municipality when imposing an off-site levy; (c) respecting the determination of the benefit, with respect to a purpose referred to in section 648(2.1), that is anticipated to benefit the future occupants of the land on which the off-site levy is being imposed; (d) respecting appeals to the Municipal Government Board under section 648.1, including, without limitation, (i) the filing of a notice of an appeal, (ii) the time within which an appeal may be brought, and			

MGA Amendment (Bill 20 and Bill 21) Note: purple font denotes text from Bill 20 (May 2015) Red font denotes text from Bill 21 (May 2016)	Current Subdivision and Development Regulation Wording	Does MGAA impact the current wording? Yes/No	Discussion and Consideration
(iii) the process and procedures of an appeal.			

PART TWO – COMMENTS AND FEEDBACK OF THE CURRENT REGULATION

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
Interpretation	**Further definition of terms such as "residence" would assist in determining when setbacks should be setbacks.**	**The 2015 Landfill Setback Review Working Group Report identifies that there is lack of definition for a number of terms such as "residence" and that greater clarity is required in definitions for building site vs. property line to provide greater consistency in the application of these points of reference.**
1(1) In this Regulation,		
(a) repealed AR 254/2007 s34;		
(a.1) "abandoned well" means an abandoned well as defined by the AER;		
(a.2) "AER" means the Alberta Energy Regulator;		
(b) "building site" means a portion of the land that is the subject of an application on which a building can or may be constructed;		
(b.1) repealed AR 89/2013 s22;		
(c) "food establishment" means food establishment as defined in the *Food Regulation* (AR 31/2006);	**Municipal Affairs should work with Alberta Health to determine the appropriate definition of food establishments for the purposes of setbacks.**	**For the purposes of this SDR the definition of "food establishments" as defined in the Food Regulation may be too broad (e.g. includes liquor stores).**
(d) "hazardous waste management facility" means hazardous waste management facility as defined in the *Waste Control Regulation* (AR 192/96);		
€ "landfill" means landfill as defined in the *Waste Control Regulation* (AR 192/96);	**Guidance from Environment and Parks is essential to appropriately identify landfills**	**The 2015 Landfill Setback Review Working Group Report identified that it is unclear whether the term "landfill" applies in all cases where waste is buried. Environment and Parks provides guidance on terms such as "storage site" and similar guidance would be helpful in interpreting the definition of landfill.**
(f) "rural municipality" means a municipal district, improvement district, special area or the rural service area of a specialized municipality;		
(g) "sour gas" means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
(h) "sour gas facility" means		
(i) any of the following, if it emits, or on failure or on being damaged may emit, sour gas:		
(A) a gas well as defined in the *Oil and Gas Conservation Rules* (AR 151/71);		
(B) a processing plant as defined in the *Oil and Gas Conservation Act*;		
(C) a pipeline as defined in the *Pipeline Act*;		
(ii) anything designated by the AER as a sour gas facility pursuant to section 3;		
(i) "storage site" means a storage site as defined in the *Waste Control Regulation* (AR 192/96);		
(j) "unsubdivided quarter section" means		
(i) a quarter section, lake lot, river lot or settlement lot that has not been subdivided except for public or quasi-public uses or only for a purpose referred to in section 618 of the Act, or		
(ii) a parcel of land that has been created pursuant to section 86(2)(d) of the *Planning Act* RSA 1980 on or before July 6, 1988, or pursuant to section 29.1 of the *Subdivision Regulation* (AR 132/78), from a quarter section, lake lot, river lot or settlement lot if that parcel of land constitutes more than 1/2 of the area that was constituted by that quarter section, lake lot, river lot or settlement lot;		
(k) "wastewater collection system" means a wastewater collection system as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);		
(l) "wastewater treatment plant" means a wastewater treatment plant as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);		
(m) "water distribution system" means a water distribution system as defined in the *Environmental Protection and Enhancement Act*;		
(n) "well licensee" means a licensee as defined in the *Oil and Gas Conservation Act*.		
(2) The definitions in Part 17 of the Act and section 1 of the Act, to the extent that they do not conflict with Part 17, apply to this Regulation.		
Bylaw, plan prevails		
2 Nothing in this Regulation may be construed to permit a use of land unless that use of land is provided for under a		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
statutory plan or is a permitted or discretionary use under a land use bylaw.		
AER designations		
3(1) The AER may designate any well, battery, processing plant or pipeline, as defined in the *Oil and Gas Conservation Act*, not included in section 1(1)(h)(i) as a sour gas facility for the purpose of this Regulation, if it emits, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.		
(2) The AER may designate as a sour gas facility for the purpose of this Regulation		
(a) a well for which a well licence has been issued under the *Oil and Gas Conservation Act*,		
(b) a battery as defined in the *Oil and Gas Conservation Act* the location and construction of which has been approved by the AER,		
(c) a processing plant as defined in the *Oil and Gas Conservation Act* forming part of a gas processing scheme approved by the AER under that Act, or		
(d) a pipeline for which a permit has been issued under the *Pipeline Act*,		
if the operation of the well, battery, processing plant or pipeline has not commenced at the time the designation is made and the AER is satisfied that when it is in operation it will emit, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.		
(3) The AER must furnish a copy of each designation and each revocation of a designation made by it under this section to the municipality where the affected sour gas facility is or is to be located.		
Part 1		
Subdivision Applications		
Application		
4(1) The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority.		
(2) A complete application for subdivision consists of		
(a) a completed application for subdivision in the form set out in the *Subdivision and Development Forms*		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
Regulation,		
(b) a proposed plan of subdivision or other instrument that effects a subdivision,		
(c) the required fee,		
(d) a copy of the current land title for the land that is the subject of an application, and		
(e) at the discretion of the subdivision authority, the information required under subsections (3) and (4).		
(3) The applicant must submit the number of sketches or plans of the proposed subdivision that the subdivision authority requires, drawn to the scale that the subdivision authority requires,		
(a) showing the location, dimensions and boundaries of		
(i) the land that is the subject of the application,		
(ii) each new lot to be created,		
(iii) any reserve land,		
(iv) existing rights of way of each public utility, and		
(v) other rights of way,		
(b) clearly outlining the land that the applicant wishes to register in a land titles office,		
(c) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved,		
(d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land,		
(e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing		
(i) the location of any existing or proposed wells, and		
(ii) the location and type of any existing or proposed private sewage disposal systems,		
and the distance from these to existing or proposed buildings and property lines, and		
(f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area.		
(4) The applicant must submit		
(a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of the *Water Act*,		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
(b) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system,		
(c) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision, including the suitability and viability of that method,		
(d) a description of the use or uses proposed for the land that is the subject of the application,		
(e) information provided by the AER as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*, identifying the location or confirming the absence of any abandoned wells within the proposed subdivision, and		
(f) if an abandoned well is identified in the information submitted under clause (e),		
(i) a map showing the actual wellbore location of the abandoned well, and		
(ii) a description of the minimum setback requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*.		
(4.1) Subsection (4)(e) does not apply in respect of an application for subdivision solely in respect of a lot line adjustment.		
(4.2) Subsection (4)(e) does not apply if the information to be provided under subsection (4)(e) was previously provided to the appropriate subdivision authority within one year prior to the application date.		
(5) The subdivision authority may require an applicant for subdivision to submit, in addition to a complete application for subdivision, all or any of the following:		
(a) a map of the land that is the subject of the application showing topographic contours at not greater than 1.5 metre intervals and related to the geodetic datum, where practicable;		
(b) if the land that is the subject of an application is		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood;		
(c) information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land that is the subject of the application;		
(d) if any portion of the parcel of land that is the subject of the application is situated within 1.5 kilometres of a sour gas facility, information provided by the AER regarding the location of the sour gas facility;		
(e) a conceptual scheme that relates the application to future subdivision and development of adjacent areas;		
(f) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.		
Application referrals		
5**(1)** For the purposes of subsection (5)(d)(i) and (5)(i), "adjacent" means contiguous or would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.		
(2) For the purposes of subsection (5)(e)(i), "adjacent" means contiguous or would be contiguous if not for a railway, road or utility right of way or reserve land.		
(3) For the purposes of subsection (5)(m), "adjacent land" means land that is contiguous to the land that is the subject of the application and includes		
(a) land that would be contiguous if not for a highway, road, river or stream, and		
(b) any other land identified in a land use bylaw as adjacent land for the purpose of notifications under section 692 of the Act.		
(4) For the purposes of subsection (5)(e)(ii), the Deputy Minister of the Minister responsible for administration of the Public Lands Act may, in an agreement with a municipality, further define the term "Water body" but the definition may not include dugouts, drainage ditches, man made lakes or other similar man made bodies of water.		
(5) On receipt of a complete application for subdivision, the subdivision authority must send a copy to		
(a) each school authority that has jurisdiction in respect of land that is the subject of the application, if the application may result in the allocation of reserve land or money in place of reserve land for school purposes;		

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(b) the Deputy Minister of Environment and Sustainable Resource Development if any of the land that is the subject of the application is within the distances referred to in section 12 or 13;		
(c) if the proposed subdivision is to be served by a public utility, as defined in the *Public Utilities Act*, the owner of that public utility;		
(d) the Deputy Minister of Transportation if the land that is the subject of the application is not in a city and		
(i) is adjacent to a highway where the posted speed limit is less than 80 kilometres per hour, or		
(ii) is within 0.8 kilometres of the centre line of a highway right of way where the posted speed limit is 80 kilometres per hour or greater, unless a lesser distance is agreed to by the Deputy Minister of Transportation and the municipality in which the land that is the subject of the application is located;		
(e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* if the proposed parcel		
(i) is adjacent to the bed and shore of a river, stream, watercourse, lake or other "Water body", or		
(ii) contains, either wholly or partially, the bed and shore of a river, stream, watercourse, lake or other "Water body";		
(f) the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act*, if the land that is the subject of the application is within the Green Area, being that area established by Ministerial Order under the *Public Lands Act* dated May 7, 1985, as amended or replaced from time to time except that for the purposes of this Regulation, the Green Area does not include,		
(i) land within an urban municipality, and		
(ii) any other land that the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act* states, in writing, may be excluded;		
(g) the AER, in accordance with section 10(1);		
(g.1) if an abandoned well is identified on a proposed		

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subdivision, the well licensee of the abandoned well;		
(h) the Deputy Minister of Environment and Sustainable Resource Development if any of the land that is the subject of the application is situated within a Restricted Development Area established under Schedule 5 of the *Government Organization Act*;		
(i) the Deputy Minister of Environment and Sustainable Resource Development, if any of the land that is the subject of the application is adjacent to works, as defined in the *Water Act*, that are owned by the Crown in right of Alberta;		
(j) the Deputy Minister of the Minister responsible for the administration of the *Historical Resources Act* if		
(i) the Deputy Minister has supplied the subdivision authority with a map showing, or the legal description of,		
(A) the location of each Registered Historic Resource and Provincial Historic Resource under the *Historical Resources Act* or other significant historic site or resource identified by the Deputy Minister, and		
(B) the public land set aside for use as historical sites under the *Public Lands Act*,		
within the jurisdiction of the subdivision authority, and the land that is the subject of the application is within a rural municipality and 0.8 kilometres of a site referred to in paragraph (A) or (B), or is within an urban municipality and 60 metres of a site referred to in paragraph (A) or (B), or		
(ii) the Deputy Minister and the municipality have agreed in writing to referrals in order to identify and protect historical sites and resources within the land that is the subject of the application;		
(k) if the land is situated within an irrigation district, the board of directors of the district;		
(l) the municipality within which the land that is the subject of the application is located if the council, municipal planning commission or a designated officer of that municipality is not the subdivision authority for that municipality;		
(m) each municipality that has adjacent land within its		

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boundaries, unless otherwise provided for in the applicable municipal or intermunicipal development plan;		
(n) any other persons and local authorities that the subdivision authority considers necessary.		
(6) Notwithstanding subsection (5), a subdivision authority is not required to send an application for a subdivision described in section 652(4) of the Act to any person referred to in subsection (5).		
(7) Notwithstanding subsection (5), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (5) if the land that is the subject of the application is contained within		
(a) an area structure plan, or		
(b) a conceptual scheme described in section 4(5)(e)		
that has been referred to the persons referred to in subsection (5).		
Decision time limit		
6 A subdivision authority must make a decision on an application for subdivision within		
(a) 21 days from the date of receipt of the completed application in the case of a completed application for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 5(6),		
(b) 60 days from the date of receipt of any other completed application under section 4(1), or		
(c) the time agreed to pursuant to section 681(1)(b) of the Act.		
Relevant considerations		
7 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,		
(a) its topography,		
(b) its soil characteristics,		
(c) storm water collection and disposal,		
(d) any potential for the flooding, subsidence or erosion of the land,		
(e) its accessibility to a road,		
(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),		
(h) the use of land in the vicinity of the land that is the subject of the application, and		
(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.		
Reasons for decision		
8 The written decision of a subdivision authority provided under section 656 of the Act must include the reasons for the decision, including an indication of how the subdivision authority has considered		
(a) any submissions made to it by the adjacent landowners, and		
(b) the matters listed in section 7.		
Part 2		
Subdivision and Development Conditions		
Road access		
9 Every proposed subdivision must provide to each lot to be created by it		
(a) direct access to a road, or		
(b) lawful means of access satisfactory to the subdivision authority.		
Sour gas facilities		
10**(1)** A subdivision authority must send a copy of a subdivision application and a development authority must send a copy of a development application for a development that results in a permanent additional overnight accommodation or public facility, as defined by the AER, to the AER if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AER and the subdivision authority. Potential administrative amendment may be needed to define		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
permanent additional overnight accommodation		
(2) If a copy of a subdivision application or development application is sent to the AER, the AER must provide the subdivision authority or development authority with its comments on the following matters in connection with the application:		
(a) the AER's classification of the sour gas facility;		
(b) minimum development setbacks necessary for the classification of the sour gas facility.		
(3) A subdivision authority and development authority shall not approve an application that does not conform to the AER's setbacks unless the AER gives written approval to a lesser setback distance.		
(4) An approval under subsection (3) may refer to applications for subdivision or development generally or to a specific application.		
Gas and oil wells		
11(1) A subdivision application or a development application shall not be approved if it would result in a permanent additional overnight accommodation or public facility, as defined by the AER, being located within 100 metres of a gas or oil well or within a lesser distance approved in writing by the AER.		
(2) For the purposes of this section, distances are measured from the well head to the building or proposed building site.		
(3) In this section, "gas or oil well" does not include an abandoned well.		
(4) An approval of the AER under subsection (1) may refer to applications for subdivision or development generally or to a specific application.		
Application for development permit must include location of any abandoned wells		
11.1(1) An application for a development permit		
(a) in respect of a new building that will be larger than 47 square metres, or		
(b) in respect of an addition to or an alteration of an existing building that will result in the building being larger than 47 square metres		
must include information provided by the AER identifying the location or confirming the absence of any abandoned wells within the parcel on which the building is to be constructed or,		

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in the case of an addition, presently exists.		
(2) Subsection (1) does not apply if the information to be provided under subsection (1) was previously provided to the subdivision or development authority within one year prior to the application date.		
Setback requirements in respect of abandoned wells		
11.2(1) Subject to section 11.3, an application for		
(a) a subdivision, other than a subdivision solely in respect of a lot line adjustment, or		
(b) a development permit in respect of a building referred to in section 11.1(1)(a) or (b)		
made on or after the coming into force of this section shall not be approved if it would result in the building site or building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells*.		
(2) For the purposes of this section, distances are measured from the wellbore to the building site.		
Transitional		
11.3(1) In this section, "existing building" means a building that exists on the date that this section comes into force.		
(2) An application for a development permit in respect of		
(a) an addition to or an alteration of		
(i) an existing building that is larger than 47 square metres, or		
(ii) an existing building that will result in the building being larger than 47 square metres,		
or		
(b) a repair to or the rebuilding of an existing building larger than 47 square metres that is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation		
shall not be approved if it would result in the building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wells* unless with respect to that building the development authority varies those minimum setback requirements after consulting with the well licensee, and the building will not encroach further onto the abandoned well.		
Distance from wastewater treatment		

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12(1) In this section, "working area" means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.		
(2) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless, 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.		
(3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence within 300 metres of the working area of an operating wastewater treatment plant nor may a school, hospital, food establishment or residence be constructed if the building site is within 300 metres of the working area of an operating wastewater treatment plant.		
(4) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant and a development authority may 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 any school, hospital, food establishment or residence or building site for a proposed school, hospital, food establishment or residence.		
(5) The requirements contained in subsections (2) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.		
(6) A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.		
Distance from landfill, waste sites		
13(1) In this section,		
(a) "disposal area" means those areas of a parcel of land		
(i) that have been used and will not be used again for the placing of waste material, or		
(ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
management facility or landfill;		
(b) "working area" means those areas of a parcel of land		
(i) that are currently being used or that still remain to be used for the placing of waste material, or		
(ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.		
(2) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in the creation of a building site for any of those uses		
(a) within 450 metres of the working area of an operating landfill,		
(b) within 300 metres of the disposal area of an operating or non-operating landfill,		
(c) within 450 metres of the disposal area of a non-operating hazardous waste management facility, or Please Note: may need an administrative amendment to provide additional guidance that: "within 450 metres of the disposal area of an operating hazardous waste management facility", which is not currently stated in the SDR.	**AUMA supports this amendment as it aligns with a recommendation of the Landfill Working Group Report**	
(d) within 300 metres of the working area of an operating storage site.		
(3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site	**Consider amending to clarify setback requirements when a change in building use is made.**	**The Landfill Working Group Report Points out that when an existing development is changed from an office to a residence for example, there is a lack of clarity as to whether this would trigger setback requirements.**
(a) is within 450 metres of the working area of an operating landfill,		
(b) is within 300 metres of the disposal area of an operating or non-operating landfill,		
(c) is within 450 metres of the disposal area of a non-operating hazardous waste management facility, or Please Note: may need an administrative amendment to provide additional guidance that: "within 450 metres of the disposal area of an operating hazardous waste management facility", which is not		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
currently stated in the SDR.		
(d) is within 300 metres of the working area of an operating storage site.		
(4) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless		
(a) the working area of a landfill is situated at least 450 metres,		
(b) the disposal area of a landfill is situated at least 300 metres,		
(c) the working or disposal area of a hazardous waste management facility is situated at least 450 metres, and		
(d) the working area of a storage site is situated at least 300 metres		
from the property line of a school, hospital, food establishment or residence or building site proposed for a school, hospital, food establishment or residence.		
(5) The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.		
(6) A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.		
Distance from highway		
14 Subject to section 16, a subdivision authority shall not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 0.8 kilometres of the centre line of a highway right of way where the posted speed limit is 80 kilometres per hour or greater unless		
(a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,		
(b) a single parcel of land is to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,		
(c) an undeveloped single residential parcel is to be created from an unsubdivided quarter section and is		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,		
(d) the land is contained within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or		
(e) the land is contained within an area structure plan satisfactory to the Minister of Transportation and the proposed use of the land is permitted under that plan.		
Service roads		
15(1) In this section, "provide" means dedicate by caveat or by survey or construct, as required by the subdivision authority.		
(2) Subject to section 16, if the land that is the subject of an application for subdivision is within an area described in section 5(5)(d), a service road satisfactory to the Minister of Transportation must be provided.		
(3) Subsection (2) does not apply if the proposed parcel complies with section 14 and access to the proposed parcel of land and remnant title is to be by means other than a highway.		
Waiver		
16(1) The requirements of sections 14 and 15 may be varied by a subdivision authority with the written approval of the Minister of Transportation.		
(2) An approval under subsection (1) may refer to applications for subdivision generally or to a specific application.		
Additional reserve		
17(1) In this section, "developable land" has the same meaning as it has in section 668 of the Act.		
(2) The additional municipal reserve, school reserve or school and municipal reserve that may be required to be provided by a subdivision authority under section 668 of the Act may not exceed the equivalent of		
(a) 3% of the developable land when in the opinion of the subdivision authority a subdivision would result in a density of 30 or more dwelling units per hectare of developable land but less than 54 dwelling units per hectare of developable land, or		

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(b) 5% of the developable land when in the opinion of the subdivision authority a proposed subdivision would result in a density of 54 or more dwelling units per hectare of developable land.		
Security conditions		
18(1) A development authority may		
(a) require an applicant for a development permit to provide information regarding the security and crime prevention features that will be included in the proposed development, and		
(b) attach conditions to the development permit specifying the security and crime prevention features that must be included in the proposed development.		
(2) Subsection (1) applies even if the land use bylaw does not provide for those conditions to be attached to a development permit.		
Approval by council not part of development permit application		
18.1 A development authority may not require, as a condition of a completed development permit application, the submission to and approval by council of a report regarding the development.		
Part 3		
Registration, Endorsement		
Registration		
19 On a proposed plan of subdivision,		
(a) environmental reserve must be identified by a number with the suffix "ER";		
(b) municipal reserve must be identified by a number with the suffix "MR";		
(c) school reserve must be identified by a number with the suffix "SR";		
(d) municipal and school reserve must be identified by a number with the suffix "MSR";		
(e) a public utility lot must be identified by a number with the suffix "PUL".		
Deferral		
20 If a subdivision authority orders that the requirement to provide all or part of municipal reserve, school reserve or municipal and school reserve be deferred, the caveat required to be filed under section 669 of the Act must be in the deferred reserve caveat form set out in the *Subdivision*		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
and Development Forms Regulation.		
Endorsement		
21 When a subdivision authority endorses an instrument pursuant to section 657 of the Act, the endorsement must contain at least the following information:		
(a) the percentage of school reserve or municipal reserve or municipal and school reserve required to be provided under the Act, if any;		
(b) the percentage of money required to be provided in place of all or part of the reserve land referred to in clause (a), if any;		
(c) the percentage of reserve land referred to in clause (a) ordered to be deferred, if any;		
(d) the area covered by an environmental reserve easement, if any.		
Part 4		
Provincial Appeals		
MGB distances		
22(1) The following are the distances for the purposes of section 678(2)(a) of the Act with respect to land that is subject to an application for subdivision:		
(a) the distance with respect to a water body described in section 5(5)(e);		
(b) the distance, from a highway, described in section 14 or the distance, from a highway, described in an agreement under section 5(5)(d)(ii);		
(c) the distance, described in section 12, from a wastewater treatment plant;		
(d) the distances, described in section 13, from the disposal area and working area of a waste management facility.		
(2) For the purposes of this section,		
(a) "wastewater treatment plant" means a sewage treatment facility;		
(b) "waste management facility" means a landfill, hazardous waste management facility or storage site.		
Part 5		
Transitional Provisions, Repeal, Expiry and Coming into Force		
Transitional		
23 An application for subdivision made under the *Subdivision and Development Regulation* (AR 212/95) and received by the appropriate subdivision authority on or before June 30,		

Current Subdivision and Development Regulation Wording	Comments and Feedback for Consideration	Discussion and Rationale
2002 shall be continued to its conclusion under that Regulation as if that Regulation had remained in force and this Regulation has not come into force.		
Repeal		
24 The *Subdivision and Development Regulation* (AR 212/95) is repealed.		
Expiry		
25 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2019.		
Coming into force		
26 This Regulation comes into force on July 1, 2002.		