

## STANDARD CONDITIONS OF SUBDIVISION EXPLANATORY NOTES

1408 Twp. Rd. 320 / Postal Bag 100, Didsbury, AB Canada TOM OW0  
T 403.335.3311 F 403.335.9207 Toll Free 1.877.264.9754  
www.mountainviewcounty.com

### STANDARD CONDITIONS OF SUBDIVISION

The following provides an overview of *all* Standard Conditions that *may* apply to your conditionally approved subdivision. Please refer to your Notice of Decision to find applicable conditions.

Please note that conditions must be met within one (1) year from the date of decision. If you are unable to meet conditions within that year, you may apply for an extension. A request for extension **MUST** be applied for prior to the year expiring. Requests for extensions are subject to fees under the Mountain View County Fee Schedule.

1. The endorsement fee of (insert amount) shall be paid to Mountain View County within 1 year from the date of the Notice of Decision.

**Explanation:** *This fee must be paid within the 1 year of your subdivision being approved. This fee relates to the preparation and completion of Subdivision Documents that will be registered with the Land Titles Office once all conditions have been met.*

2. The applicant shall construct/upgrade the approaches from the municipal road to the proposed and residual lots. All new and existing approaches shall be constructed/upgraded in accordance with the construction specifications of Mountain View County as attached (insert any special access requirements or unique standards if applicable).

**Explanation:** *Each lot that is created must have a suitable approach directly from a County road. The remaining lands must also have a suitable approach. Each approach will be inspected according to Mountain View County's Approach Standards. Please note that the Approach Standards that will apply will depend on the use of the land that the approach is accessing (i.e., agricultural, residential, commercial, etc.) as well as the type of road that the access is connected to (i.e., paved, chip sealed, gravel, etc.). Although there may be existing approaches, they will need to meet current standards for accessing a site, which means upgrades could be required.*

3. Payment of property taxes in arrears shall be made to Mountain View County.

**Explanation:** *All taxes in arrears must be paid prior to the County Endorsing the subdivision. If there are no arrears, or you pay taxes monthly through the Property Tax Installment Payment Plan, you won't need to take any additional actions to meet this condition.*

4. Subdivision to be affected by an instrument acceptable to the Land Titles Office (Descriptive Plan/Plan of Survey).

**Explanation:** *A registered Land Surveyor must be selected to complete the new Plan of Survey, according to the approved Tentative Plan of Subdivision provided in the Notice of Decision document.*

5. Municipal Reserves

**Explanation:** *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 for such things as parks and schools or for environmental reserves, at the discretion of the municipality. Municipal Reserves is not required in the following scenarios:*

- *When the approved lot is the first subdivision created from a quarter section of land;*
- *When an agricultural lot is being created and it is greater than 16.0 hectares (39.54 acres);*
- *When the land to be subdivided is less than 0.8 hectares (1.98 acres);*

*When there is an application that will create additional subdivisions beyond the first parcel out, and it is not exempted by the Municipal Government Act, applicants may either provide Municipal Reserve as land, or cash-in-*

lieu of land, or a combination of the two. If it is deemed that cash-in-lieu is to be provided, the amount due will be calculated as 10% of the land being subdivided:

- Based on the assessed land value per acre; or
- Based on the market value appraisal prepared by a professional and submitted by the applicant.

Please refer to “Division 8 Reserve Land, Land for Roads and Utilities” from the [Municipal Government Act](#) for more details.

6. An agreement for the provision of road widening (insert direction and metres) across the subject property shall be registered to the satisfaction of Mountain View County.

**Explanation:** This condition is applicable for all subdivisions that are adjacent to a road or undeveloped road allowance. The condition requires all landowners on Title to enter into an “Acquisition of Land Agreement” with the County, which will be registered on the Land Title. This agreement will allow the county to acquire a small area of land adjacent to a road in the event the road needs to be widened, at some point in the future. Should this be required in the future, the landowner will be compensated for the loss of land, according to the approved land values at the time of the acquisition.

7. A qualified surveyor shall prepare a Utility Right of Way (UROW) instrument acceptable to the Land Titles Office (Descriptive/Plan of Survey). The applicant shall enter into a General Utility Easement Agreement with Mountain View County. The UROW instrument shall dedicate (insert direction and metres).

**Explanation:** This condition requires the preparation of a utility right of way via plan or description by a qualified Alberta Land Surveyor. Upon receipt of this Plan, the County shall prepare a General Utility Easement Agreement for review and signing by all landowners on Title. The General Utility Easement Agreement outlines the use provisions of the Utility Right of Way. The County or its grantees may utilize the Utility Right of Way in the future for the alignment of shallow utilities and/or regional water/sewer servicing. Common shallow utilities include, telephone and telecommunication lines, gas distribution lines, power lines and ordinary appurtenances associated with these utilities.

8. The applicant shall submit a Real Property Report prepared by a qualified Alberta Land Surveyor showing the setbacks of all structures in relation to the proposed and existing property lines. The Real Property Report shall include the locations of any existing water wells and private sewage treatment systems (PSTs) in relation to the existing and proposed property lines.

**Explanation:** An Alberta Land Surveyor will need to be retained to prepare this document. The Real Property Report (RPR) details the location of existing buildings, structures, services, utilities and improvements on the land in relation to both existing and newly approved property lines. The report allows the County to ensure that any development, as well as water and on-site sewage systems, are in accordance with the Land Use Bylaw and Provincial regulations. In preparing this report, please ensure that your surveyor is aware of Condition #9 as detailed below.

9. Existing private sewage treatment systems (PSTs) shall comply with the current Alberta Private Sewage Systems Standard of Practice.
- a. If any portion of a PSTS (other than an open discharge system or lagoon) is situated closer than 15 meters to an existing or proposed property line, the applicant shall submit a report completed by a Plumbing and Gas Safety Codes Officer confirming that the PSTS complies with the setback distances, as outlined in the current Alberta Private Sewage Systems Standard of Practice.
  - b. If the PSTS is either an open discharge system or lagoon and is situated within 90 metres to an existing or proposed property line, the applicant shall submit a report completed by a Plumbing and Gas Safety Codes Officer confirming that the PSTS complies with the setback distances, as outlined in the current Alberta Private Sewage Systems Standard of Practice.

Where not in compliance, the applicant shall undertake improvements to the PSTS to comply with the current Alberta Private Sewage Systems Standard of Practice and provide confirmation in this regard to the satisfaction of Mountain View County.

**Explanation:** This condition is required to ensure that the existing on-site sewer services contained on the property (the new lot or the remnant land) meet Provincial requirements with respect to setback requirements from new or existing property lines, as detailed on the conditional subdivision approval. The RPR provided by the surveyor will detail the location of all portions of the septic system, in relation to the new or existing property lines.

- If the existing septic system is NOT an open discharge or lagoon AND is at least 15.0 metres from a new or existing property line, no additional information will need to be provided.
- All septic systems that are within 15.0 metres of a new or existing property line will require an inspection from a Plumbing and Gas Safety Codes Officer to make sure that the system meets the necessary Alberta safety codes.
- If the existing septic system is either an open discharge or lagoon AND is within 90 metres from a new or existing property line, then the system will need an inspection from a Plumbing and Gas Safety Codes Officer to make sure that the system meets the necessary Alberta safety codes.

If the existing services do not comply with these Provincial requirements, it is the responsibility of the landowner to obtain appropriate permits to upgrade the systems and provide confirmation from a licensed Safety Codes Officer that the systems comply with Provincial regulations in relation to the newly approved property lines. This confirmation will be required prior to the County endorsing the subdivision.

10. The applicant shall submit the following report(s), plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the drafting and execution of the development agreement(s) (insert and list applicable requirements and timelines).

**Explanation:** There may be requirements to provide additional supportive studies, such as engineering reports (i.e., stormwater management plan, reclamation plan, etc.). If they have not already been submitted as part of a redesignation / subdivision application, they may become conditions of subdivision approval. Any necessary reports will be incorporated into a Development Agreement, which will be registered on the Land Titles.

11. The applicant shall enter into a development agreement(s) with Mountain View County in accordance with Section 655 of the Municipal Government Act. The development agreement(s) shall address such matters including but not limited to the following:

- a. the construction of municipal improvements;
- b. the provision of necessary utilities, easements, and right-of-ways;
- c. endeavour to assist provisions;
- d. water and sewage treatment requirements;
- e. landscaping and fencing requirements;
- f. storm water management;
- g. security requirements;
- h. inspection provisions.

As required, the development agreement(s) may be registered via caveat on the affected land that provides the nature and intent of the agreement(s).

**Explanation:** The Development Agreement (DA) is a legal agreement between the developer and the County outlining the responsibilities and obligations of the developer. The DA outlines the requirements to construct municipal improvements and install utilities for the approved subdivision(s). A DA may also place certain requirements on how the lots can be developed. The County may require two DAs, especially when there are multiple lots being subdivided. The DA, which must be signed by all titled landowners will include any necessary reports, studies and engineering plans and will be registered on the applicable Land Titles.

In general terms, the large (Infrastructure) DA will include the following:

- **Improvements and Utilities:** The developer (applicant), is responsible for any necessary utilities and infrastructure necessary to service the lots, including but not limited to: road improvements, approach construction, traffic signage, rural addressing, stormwater improvements and the installation of required off-site utility upgrades. The details of these improvements are specified within the engineering plans and specifications and within executed agreements with each utility company.

- ***Security:*** Security may need to be provided to the County in the form of a Letter of Credit as part of the DA. The security ensures that if any improvements are not completed or do not meet the terms of the DA, the County can provide for the successful completion of the project. Mountain View County collects security at 125% the estimated cost of municipal improvements. This amount will be based upon the certified costs of the municipal improvements which are to be submitted by your engineer, before the Agreement can be drafted and signed.

In general terms, the small (covenant) DA shall include the following:

- ***Role and Purpose:*** A small DA is usually drafted in conjunction with the larger DA to outline specific development restrictions on a parcel of land. It may outline certain restrictions including: the location of a building envelope on a parcel of land, drainage restrictions and/or requirements, parameters for type and size of buildings, architectural treatment, water supply parameters, sewage treatment provisions and fire smart requirements. This Agreement is registered on the Title of the newly created lots when the subdivision package is presented to the Land Titles Office.

12. The applicant shall make suitable arrangements with the Corporate Services department of Mountain View County to acquire, assign and post rural address signs for non-agricultural lots in accordance with the Rural Addressing Bylaw. The applicant shall provide confirmation in this regard.

***Explanation:*** Through the process of satisfying Condition 2, the Approach Inspector will GPS the location of each of the new approaches to each of the lots to be subdivided. Mountain View County will assign a rural address to each of the lots that are required to meet this condition. The applicant will need to arrange for the printing of the reflective blue rural address signs and have them installed at the front of the lot(s), according to the County's rural addressing Bylaw. The intent of rural addressing is to ensure emergency personnel can find a property in the county, should 911 Emergency Services be needed.

13. Environmental protection for riparian and ecological enhancement:

- a. Where livestock is present on the affected parcel(s), the applicant shall provide confirmation that an application has been submitted for Provincial and/or Municipal funding for Riparian Enhancement Projects. The application shall demonstrate protection of riparian areas affected by the proposed subdivision; or,
- b. Where livestock is not present on the affected parcel(s), or at the discretion of Mountain View County, the applicant shall enter into an agreement with Mountain View County to have a Riparian Health Assessment conducted by Mountain View County to determine the riparian health of areas affected by the proposed subdivision. Furthermore, a review period of five (5) and ten (10) years will be granted by the applicant allowing for subsequent assessments of the riparian area within the applicable review period to determine overall change in riparian health.

***Explanation:*** When there are wetlands, rivers, streams or other bodies of water on a property that has an application for subdivision, it may be necessary to provide environmental protection to any identified riparian areas. To satisfy this condition, a landowner may enter into a Riparian Monitoring Agreement, or if required, submit an application for Provincial and/or Municipal funding to implement this protection. If you would like more information about these programs, please contact the County's Sustainable Agricultural Specialist.

14. The applicant shall enter into an environmental reserve easement with Mountain View County affecting those lands identified on the conditionally approved tentative plan for the purposes of environmental protection. To affect the development of this easement a plan of survey specifying the easement of lands is required in accordance with the requirements of the Alberta Land Titles Office.

***Explanation:*** Environmental Reserve Easements (ERE) are authorized through Section 664 of the Municipal Government Act. This requirement is to ensure that development and use of the land does not compromise sensitive environmental features, including lands with topographical constraints, floodway and land in proximity to the bed and shore of water bodies. An ERE requires land affected by the easement to remain in a natural state for the protection and enhancement of the environment. EREs are signed by all titled landowners and are registered on Title.

15. The applicant shall dedicate those lands as identified on the conditionally approved tentative plan as environmental reserve. A qualified land surveyor shall include the lands identified as environmental reserve on the plan of subdivision.

**Explanation:** *Environmental Reserves (ER) are authorized through Section 664 of the Municipal Government Act and are an uncompensated dedication of land, which will be turned over to the County. It is intended to ensure sensitive environmental features are protected from unsuitable forms of development. Further, the acquisition of land can be undertaken to prevent pollution and enable public access. Please be advised that the required ER dedication is in accordance with the conditionally approved subdivision and delineated on the plan of subdivision as submitted by a qualified Alberta Land Surveyor.*

16. The applicant shall review necessary off-site (primary and secondary) upgrades to the power distribution system with the power utility provider to service the subdivided lands. Where off-site upgrades are deemed necessary by the power utility provider, the applicant shall enter into an agreement to service the subdivided lands. Confirmation shall be provided to Mountain View County and will form part of the development agreement.

**Explanation:** *Developers are responsible for any necessary off-site upgrades to the power distribution system to support future development within the new lots being created. Please contact the local power utility provider to review and discuss required off site upgrades. If upgrades are required, you must submit a copy of a signed contractual agreement with the utility provider outlining your obligations to undertake the utility upgrades in support of your subdivision.*

**Notes:**

- a. The applicant shall not commence the construction or installation of any improvements forming part of/or referenced in this approval until such time as a Development Agreement is executed with Mountain View County.

**Explanation:** *No construction shall commence until such time as the Development Agreement is signed with Mountain View County. As noted, several reports, engineering plans and specifications, approval letters and executed agreements from the utility companies regarding the location and siting of shallow utilities is required prior to the Mountain View County commencing the drafting of the Development Agreement.*