

CITY OF MEDICINE HAT

MUNICIPAL PLANNING PROCESS



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1.0. INTRODUCTION

Municipalities in Alberta derive legislative authority for regulating land use and development from Part 17 of the Municipal Government Act, SA, 1994, Chapter M-26.1 (MGA). Other provincial documents relating directly to land use and development include the Subdivision and Development Regulation and Provincial Land Use Policies.

The purpose of Part 17 of the MGA is to provide a municipality with the means to prepare and adopt plans in order to:

- achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta.

Municipal planning not only strives to manage use and development of land but it must do so while addressing such issues as future land uses and development, the environment, compatibility of uses, vehicular and pedestrian traffic, aesthetics, efficiency of municipal servicing, future human, protective and infrastructure servicing requirements, coordination with adjacent municipalities, municipal and school reserves and public input to name just a few.

The MGA establishes the framework for municipal planning and development. Statutory Plans (Intermunicipal Development Plan, Municipal Development Plan, Area Redevelopment Plans and Area Structure Plans) must be prepared in accordance with the requirements established in the MGA.

During the preparation of a Statutory Plan, the City must:

- provide a means for any person who may be affected by it to make suggestions and representations;
- notify the public of the plan preparation process and of the means to make suggestions and representations;
- notify the school authorities with jurisdiction in the area to which the plan preparation applies and provide opportunities to those authorities to make suggestions and representations;
- for municipal development plans, notify adjacent municipalities of the plan preparation and provide opportunities to those municipalities to make suggestions and representations, and
- in the case of area structure plans, when the land that is the subject of the plan is adjacent to another municipality, notify that municipality of the plan preparation and provide opportunities to that municipality to make suggestions and representations.

The hierarchy of local plans for developing a piece of raw property ready for building construction within the City of Medicine Hat includes the following:

- Municipal Development Plan
- Area Structure Plan
- Conceptual Scheme
- Subdivision Approval
 - Service Agreement/Detailed Engineering Design/Maintenance and Final Approvals
 - Plan Registration

Depending on the complexity of the proposed development, certain steps within the process may be combined.

FIGURE 1: CITY OF MEDICINE HAT - STEPS IN THE LAND DEVELOPMENT PROCESS

PLANNING, BUILDING AND ENGINEERING SERVICES DEPARTMENT



BUILDING PERMITS –

Owner/developer applies for various permits required under the Safety Codes Act prior to construction.

DEVELOPMENT PERMIT –

Ensures proposed development complies with City’s LUB. Owner/developer applies for a DP for development on a registered lot.

SERVICING AGREEMENT – Generally a condition of subdivision approval to ensure that developments are built to City standards. Applicant’s engineer prepares detailed engineered design drawings for inclusion in the SA prepared by the city.

SUBDIVISION-Process for creating individual lots and titles to property. Tentative plan/subdivision application submitted for subdivision approval. Tentative plan must be consistent with Conceptual Scheme.

LAND USE BYLAW - A land use bylaw amendment must be adopted redesignating land contained in the ASP to the proposed use. The LUB is the means by which the municipality implements and enforces Plans

CONCEPTUAL SCHEME - Specific and detailed plan for subdivision and development of an area including detailed land use, land types, road network, municipal servicing, municipal/school reserves, parks. Must be consistent with ASP and is adopted by Council.

AREA STRUCTURE PLAN – ASP prepared and submitted to the City for review. ASP adopted by Council. Provides more detailed planning of an area prior to proposed subdivision and development to urban standards.

MUNICIPAL DEVELOPMENT PLAN – General guide to future land use and development in the City. All proposals must be consistent with the MDP. The MDP establishes broad objectives and policies for orderly, economical and beneficial development of land in the City.



***NOTE:** *The Municipal Government Act, S.A. 1994, Chapter M-26.1 is the provincial enabling legislation governing municipal land use and development.*

2.0. MUNICIPAL DEVELOPMENT PLAN

The Municipal Development Plan is the fundamental framework from which a municipality plans for future land development. Municipalities with a population of more than 3500 people must adopt a Municipal Development Plan (MDP) by bylaw. The Municipal Development Plan is a Statutory Plan under the Municipal Government Act. As such, all subordinate plans must be consistent and follow policies and direction contained in the MDP. Bylaw No. 3184 was approved by Council and passed on October 7, 1998, adopting the City's current Municipal Development Plan.

The MDP outlines the City's broad objectives and policies for future land development within the corporate municipal boundary. The MDP includes statements regarding type, location, coordination of land uses, transportation systems, provision of municipal services, future growth patterns, and provision of municipal, and school reserve. The MDP also contains statements relating to physical, social, environmental and economic development of the city.

Municipal Development Plans are generally prepared with a five to ten year horizon before requiring a full review of the plan. A plan may require review before the end of the five to ten year horizon due to a variety of factors, including changes in provincial legislation or policy.

Area Structure Plans submitted to the City for approval are reviewed for consistency with the MDP. To obtain a copy of the City's Municipal Development Plan, contact the City Clerk Office.

3.0. AREA STRUCTURE PLANS

The Municipal Government Act (MGA) is the enabling legislation for a Council to adopt by bylaw an ASP for the future subdivision and development of an area of raw land.

3.1. PURPOSE OF AN AREA STRUCTURE PLAN

The City's Municipal Development Plan (MDP) contains broad planning objectives related to the future development of the City. The MDP is broad in scope and provides only general guidelines for future development. The overall purpose of the MDP "...is to secure and promote orderly development while maintaining or improving the quality of life within the City."

Area structure plans are the detailed plans for the development of new areas. The plan must indicate impacts the proposed development will have on existing municipal services and facilities and how these impacts have been considered and addressed. The ASP must show where residential, commercial, industrial, institutional and recreational uses will be located and how required municipal services such as water and sewer systems, roads, schools, parks and fire protection will be provided.

In order to prepare a specific area within the City for future development, more specific policies are needed than those contained within the MDP. The purpose of an area structure plan is to refine policies and provide a detailed framework for development in a specific area of the city. Area structure plans prepared in accordance with the Municipal Government Act (MGA) shall include:

- proposed sequence of development for the area;
- proposed land uses;
- density of population;

- ❑ location of major transportation routes and utilities; and
- ❑ others matters Council considers necessary,

The City's Municipal Development Plan identifies areas for future development. Area structure plans prepared in accordance with the MGA must be consistent with the MDP. If a proposed area structure plan deviates significantly from the intent of the MDP, an amendment to the MDP may be required prior to adoption of an area structure plan. Persons preparing an area structure plan for submission to the City shall pay particular attention to relevant policies established under the Municipal Development Plan.

3.2. TERMS OF REFERENCE FOR THE PREPARATION OF AN AREA STRUCTURE PLAN

These terms of reference establish guidelines to be followed for the preparation of an Area Structure Plan (ASP) in the City of Medicine Hat. Developers and consultants must follow the guidelines provided in the terms of reference to ensure that all required information is contained in the plan and that all issues have been addressed.

3.3. AREA STRUCTURE PLAN PREPARATION - SUMMARY

Where multiple landowners are included in an ASP, the owners must be in agreement with the basic concepts contained in the plan prior to the submission of the ASP to the City.

To initiate the process, an application is made to the City by completing the proper application form and paying the required fee. However, It is highly recommended that an applicant discuss a proposed area structure plan with City planning staff prior to beginning work on the project. Once, an application is made, a date and time will be set for a public open house sponsored by the applicant. The City will notify parties required pursuant to the MGA regarding plan preparation and process. Public input is required prior to the completion of a draft area structure plan.

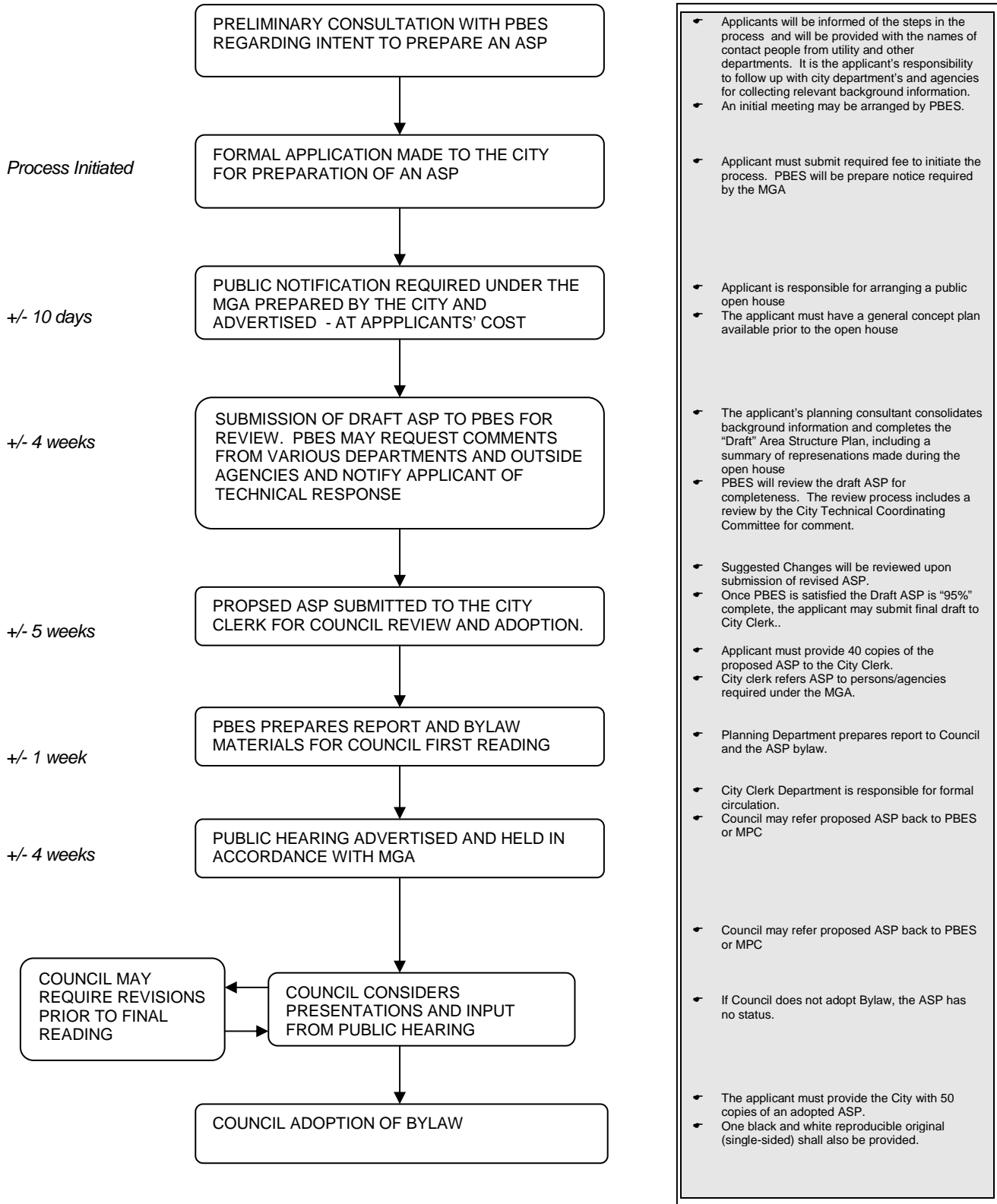
The developer is responsible for preparing a general development concept to be available for presentation and discussion at the open house.

Once the draft area structure plan has been reviewed by planning staff for completeness and consistency with the Municipal Development Plan and other legislation, the draft ASP will be circulated to various civic departments and outside agencies for comment. Upon receipt of comments, it may be necessary to make revisions to the draft plan and re-circulate the changes to civic departments and agencies for review. Once this process is complete, a background report and formal bylaw will be prepared for consideration by Council for first reading.

If the level of work put into the preparation of the ASP is sufficiently detailed and complete, including addressing concerns of the public and various departments and agencies, adoption of the ASP should occur within two months of first reading of the bylaw, provided no opposition or objection to the plan are received.

NOTE: Landowners and developers should engage qualified planning and engineering professionals to ensure a timely review and consideration of area structure plans.

FIGURE 2 : CITY OF MEDICINE HAT – AREA STRUCTURE PLAN PROCESS



CONTENT OF AN AREA STRUCTURE PLAN

The Area Structure Plan will contain baseline/background information, detailed planning analysis of the site, detailed development concept, maps and appendices. Formatting of an ASP is not required to strictly follow the outline provided in this Terms of Reference, however, all required information identified in the Terms of Reference must be covered in the Area Structure Plan.

3.3.1. Municipal Policy Context

All Area Structure Plans shall include a summary of the policy context, including relevant policy section reference, for:

The City of Medicine Hat Municipal Development Plan;
Adjacent or previous Area Structure Plans;
The City of Medicine Hat Land Use Bylaw;
Other municipal policy such as the City Open Space Policy.

Any required amendments to statutory planning documents or the land use bylaw shall be identified and rationalized.

3.3.2. Background And Site Specific Information

The Area Structure Plan shall contain background information and an analysis of the area and shall include the following:

- ❑ A description and map of the location of the ASP area;
- ❑ A property ownership map;
- ❑ An existing land use map for the proposed ASP area including surrounding land. All natural features, existing developments and land uses, current land use designations, existing rights-of-way, utility corridors, and road allowances shall be shown on a map or maps;
- ❑ A table showing land ownership. The table shall relate property ownership, parcel size, legal land descriptions within the plan boundaries, including any major utility rights-of-way;
- ❑ A review of any restrictive covenants and caveats registered against the titled properties;
- ❑ A map showing existing municipal reserve, environmental reserve and any deferred reserve owing;
- ❑ Map(s) showing specific site features including high points, natural drainage, vegetative cover, slopes, soils and soil capabilities and any other natural or man made features. If the area is within a floodplain, an accurate map showing the floodway and flood fringe areas must be included;
- ❑ A contour map at one metre contour intervals referenced for geodetic elevations;
- ❑ Independent engineering reports required for groundwater, soils or other difficult conditions are required to be submitted. The reports shall include solutions to overcome or mitigate any problems associated with the site;
- ❑ Planning level studies including transportation, drainage and utilities;
- ❑ Any other site information useful in assessing the Area Structure Plan.

3.3.3. Development Concept

In addition to the background information, the Area Structure Plan shall provide the development objectives for the ASP and outline a strategy for development of the area as a whole.

3.3.4. Provide a Detailed Statement Addressing Compliance with the Municipal Development Plan

A statement must be included detailing how the Area Structure Plan complies with the City's Municipal Development Plan (MDP). Any portion of a proposed Area Structure Plan deviating significantly from the MDP must provide an explanation of the deviation. If the proposal warrants an amendment to the MDP, a proponent will have to apply for the change to the MDP prior to a bylaw adopting an Area Structure Plan can be finalized

3.3.5. Proposed Land Use Concept Map

A proposed land use concept map is to be included showing the distribution of all proposed land uses including:

- Residential, low density and multi-family;
- Commercial uses;
- Industrial uses;
- Schools;
- Institutional;
- Public parks and open spaces;
- Environmental reserve;
- Major roadways and public utility lots; and
- Other uses

A table outlining the gross developable area of all lands and approximate areas calculations of all land uses including roads, rights-of-way, utility lots and reserve areas must be provided as part of the Area Structure Plan. Detailed summaries of the total land holdings of all landowners in the ASP area shall also be provided for the purpose of calculating municipal and environmental reserve requirements.

3.3.6. Site Conditions, Topography and Development Constraints

The manner in which site conditions and topography will influence development of the site. A visual assessment of the area should be included in the document. All constraints to development of the area must be identified and addressed, including but limited to, pipeline corridors, gas wells, utility and road rights-of-way and environmental conditions.

3.3.7. Archaeological and Historical Sites Assessment

The applicant shall consult with Alberta Community Development, Cultural Facilities and Historical Resources Division regarding requirements for a Historical Resources Impact Assessment. Copies of previous Historical Resources Impact Assessment shall be submitted unless no impact is expected or required. In these cases, written confirmation from Alberta Community Development shall be included stating their position.

3.3.8. Environmental Reviews and Geotechnical Reports

A review of all relevant environmental factors shall be completed and include:

- ❑ Environmentally sensitive areas;
- ❑ Locally significant environmental areas;
- ❑ Localized groundwater conditions and potential effects on development
- ❑ Soil types/conditions and potential effects on development;
- ❑ Vegetation and wildlife;
- ❑ Identify wildlife corridors;
- ❑ Floodplain analysis;
- ❑ Slope stability analysis;
- ❑ Assessment of the impact the proposed development will have on the natural environment;
- ❑ Phase 1 environmental assessment to identify potential contaminated property; and
- ❑ Proposed setbacks from environmental features including areas suitable for designation of environmental reserve.

Text and graphic representation should be used. If groundwater, soil problems or other difficult conditions exist in the ASP area, the reports shall include solutions to overcome or to mitigate any problems associated with the site.

3.3.9. Residential Development

A detailed analysis for residential development must be provided. The following items must be addressed in the Area Structure Plan:

- ❑ Identify community focus and community facilities;
- ❑ Lot size and anticipated housing types;
- ❑ Provision for a variety of residential densities and lot sizes. The location of high density residential development should be located adjacent to arterial and/or collector roads;
- ❑ Evaluation of existing roadway circulation patterns and how the new development will impact;
- ❑ Evaluate the need for noise attenuation for major arterial roads or railways in proximity to residential areas;
- ❑ Outline location and effect of existing industrial development, intensive agricultural activity, pipelines, utilities and other constraints to development;
- ❑ Projection of the total neighbourhood population for the proposed development area. The information should be tabulated according to housing type, development sequence, projected school enrolment and classroom demand. The relevant School Boards should be contacted to obtain additional or supplementary information. Detailed tabular data should be included as an appendix at the back of the Area Structure Plan;
- ❑ Proposed school locations and size of the lot must be shown on the Land Use Concept Map. Final agreement regarding the location of proposed school sites is determined by mutual agreement between the City and the School Board(s). As a general guideline, school sites should front onto collector roads rather than arterial or residential streets. Sufficient land should be provided to accommodate any future expansion. If no school site is identified in the Area Structure Plan, detailed rationale shall be provided;
- ❑ Parks, open space and park linkages to be clearly indicated on the Land Use Concept Map. Total amount of Municipal Reserve to be dedicated is to be calculated in accordance with the Municipal Government Act;
- ❑ Church site requirements should be evaluated and identified.
- ❑ Commercial developments in residential areas need to be defined according to location, type and size. An evaluation of similar commercial developments located in adjacent residential neighbourhoods shall also be considered.

3.3.10. Commercial Development

The location of all proposed commercial areas shall be indicated on the Land Use Concept Map. Neighbourhood commercial areas should be located adjacent to arterials and major collectors and be accessible for public transit and the City's trail system.

The applicant shall supply detailed information regarding the size of the proposed commercial areas as a percentage of the gross developable area. If the percentage of land for commercial areas exceeds one percent of the total gross developable area, a market analysis supporting the amount of land allocated for commercial uses shall be included.

Area structure plans for commercial areas must also:

- provide a review of parking requirements and how those requirements will be satisfied;
- outline the location and effect of pipelines, utilities and other improvements;
- identify buffers between any residential area; and
- access control.

3.3.11. Industrial Development

Area structure plans for industrial areas must also:

- provide a review of parking requirements and how those requirements will be satisfied;
- outline the location and effect of pipelines, utilities and other improvements.
- minimization of conflict between uses;
- rationalize or establish truck routes and dangerous goods routes;
- land use in the vicinity of highways;
- access control;

3.3.12. Functional Servicing Report

The maps and Functional Servicing Report must make provisions in the proposed servicing to accommodate the potential future development of abutting areas when so requested by the City and must be submitted in a form and manner specified by the City. Sufficient detail must be submitted to enable the City to determine the oversize components of the proposed servicing if and when such oversize is requested. Where deviations from the standards, specifications and designations are proposed, information and details must be provided to substantiate that no additional capital, maintenance or operational cost burden will be imposed upon the City as a result.

A description of the overall sequential staging of the development up to the build-out stage shall be submitted to the City. The submission shall also include timing, staging or servicing, roadway construction and other public amenities/services. Disruption of existing public services/amenities, utilities and transportation services shall be identified and mitigative measures proposed. Other problems in staging the development should be identified and solutions proposed in the submission.

The design of roadways proposed in the Area Structure Plan shall be consistent with standards for roadways contained in the **City of Medicine Hat Servicing Standards Manual**.

3.3.12.1. Utility Infrastructure Servicing and Capacities

A Functional Servicing Report showing trunk or backbone servicing of the proposed development with sanitary sewerage, waterworks, storm drainage systems and shallow utilities, their connection points to extension of existing adjacent utilities which have been designated to service the development area, in conformance with the City's servicing standards must accompany the application. A Functional Servicing Report must also be submitted to the City, to substantiate the adequacy of existing utilities, the capacity of the proposed servicing and their tributary land uses, and the extent and degree to which off-site services must be upgraded to accommodate the proposal. The utility servicing demand must not exceed the capacity of existing services, which has been designated by the City to service the development area.

3.3.12.2. Transportation, Access and Public Transportation Servicing

The following shall be addressed in the Area Structure Plan when applicable:

- ❑ hierarchy of roads, lanes and facilities for public modes of transportation within the development and their tributary land uses;
- ❑ travel demand by the development and a traffic impact study on existing arterial roads and highways
- ❑ a description of land use in the vicinity of highways, arterials and major collector roads and potential impacts the development will have;
- ❑ truck routes, transit routes, designated post-disaster evacuation routes and dangerous goods routes;
- ❑ energy conservation measures in the design;
- ❑ the provision of safe road access;
- ❑ safety measures including pedestrian crossings, traffic access control and control devices;
- ❑ ;
- ❑ attenuation measures of road, railroad and/or aircraft noise in the vicinity of arterial roads, highways, railroads and airport ; and
- ❑ public transportation facilities for the safe embarkation and disembarkation of users.

3.4. IMPLEMENTATION

The Area Structure Plan Bylaw will be prepared by the Planning, Building and Engineering Services Department. The bylaw and accompanying plan will be processed for presentation to Council. The consultants retained to prepare the Area Structure Plan should be prepared to make a formal presentation to MPC and Council. Department staff may request that additional graphics and supplementary information be provided to assist in presenting the plan to council.

4.0. CONCEPTUAL SCHEME

Conceptual Schemes are an implementation mechanism for an Area Structure Plan. A Conceptual Scheme generally covers a smaller, more refined area of land than covered under the ASP and must be completed prior to subdivision of land. Although a conceptual Scheme is not a Statutory Planning Document, the process to prepare the Conceptual Scheme and adoption by Council is very similar to the process followed for Area Structure Plans. All Conceptual Schemes must be consistent with the adopted ASP. As a general rule it will take between 4 to 6 months, or longer depending on the complexity of planning issues, to have a Conceptual Scheme adopted.

Detailed conceptual schemes are required when an Area Structure Plan covers more than one quarter section of land and the level of detail provided in an area structure plan is general in nature. Detailed conceptual schemes are required to correspond with the development sequence established in the ASP. The detailed conceptual schemes will provide greater detail regarding density, services, subdivision, street names, parks, open space, playgrounds, landscaping and streetscapes. Please note that street names proposed by an owner(s) must be approved by the City's Municipal Name Committee.

In cases when the area structure plan covers an approximate area of 64 hectares or less, a Functional Servicing Report shall be provided at the area structure plan stage.

4.1. ENGINEERING DESIGN BRIEF

Prior to any development within a subdivision, and subsequent to a Conceptual Scheme, a developer will be required to complete an Engineering Design Brief for the entire area within the boundaries of the Conceptual Scheme or proposed subdivision. The report is intended to identify all servicing requirements for the stages of the development and to summarize the following information as the basis for the detailed design of each phase of development:

- Site Grading
- Roads and Lanes
- Water Distribution
- Sanitary Sewer Collection
- Storm Sewer & Major Drainage System
- Electric Utility Servicing
- Gas Utility Servicing
- Parks Conceptual Landscaping
- Walkways and Sidewalks

The Engineering Design Brief should reference and provide a coordinated and unified summary of all pertinent servicing details that will be contained in other individual studies such as geotechnical reports, water modelling studies, noise studies, traffic impact studies, area drainage plans, etc. The Report is not intended to duplicate the efforts and details of the other reports and studies, and is not intended to be completed to the level of detail of the Detailed Design. The level of detail is identified in the City of Medicine Hat Servicing Standards Manual.

5.0. LAND USE BYLAW AMENDMENT/REDISTRICTING

Provincial legislation requires every municipality in Alberta to pass a Land Use Bylaw. The Land Use Bylaw may prohibit or regulate and control the use and development of land and buildings within municipal boundaries and is the principle tool used by a municipality to implement Statutory Plans. A land use bylaw provides details for landowners to guide land use decisions and provides a level certainty as to what can or cannot be done on a piece of land.

A Land Use Bylaw is a combination of text and maps dividing a municipality into a variety of land use districts. Each land use district contains a list of uses that are deemed "permitted uses" (suitable and compatible with other uses) or "discretionary uses" (generally suitable or compatible with other uses but at the discretion of the Development Authority).

An application may be made to redistrict a piece of land to allow for a certain use or uses that are not permitted within a current land use designation.

When an owner of a property is considering redistricting land, they are encouraged to contact the City PBES Planning Staff prior to submitting an application. The Staff will discuss pertinent Statutory Plans that may affect the land, current land use districting, adjacent land uses and the suitability of the land for the proposed use. Staff may identify known problems existing with the property as well as fully explain the amendment process.

The owner or agent for the owner may submit a completed application form, including appropriate fees, a current copy of the Certificate of Title for the land, a map of the area showing the property and adjacent land uses, justification supporting the application and any other required information, to the City Clerk.

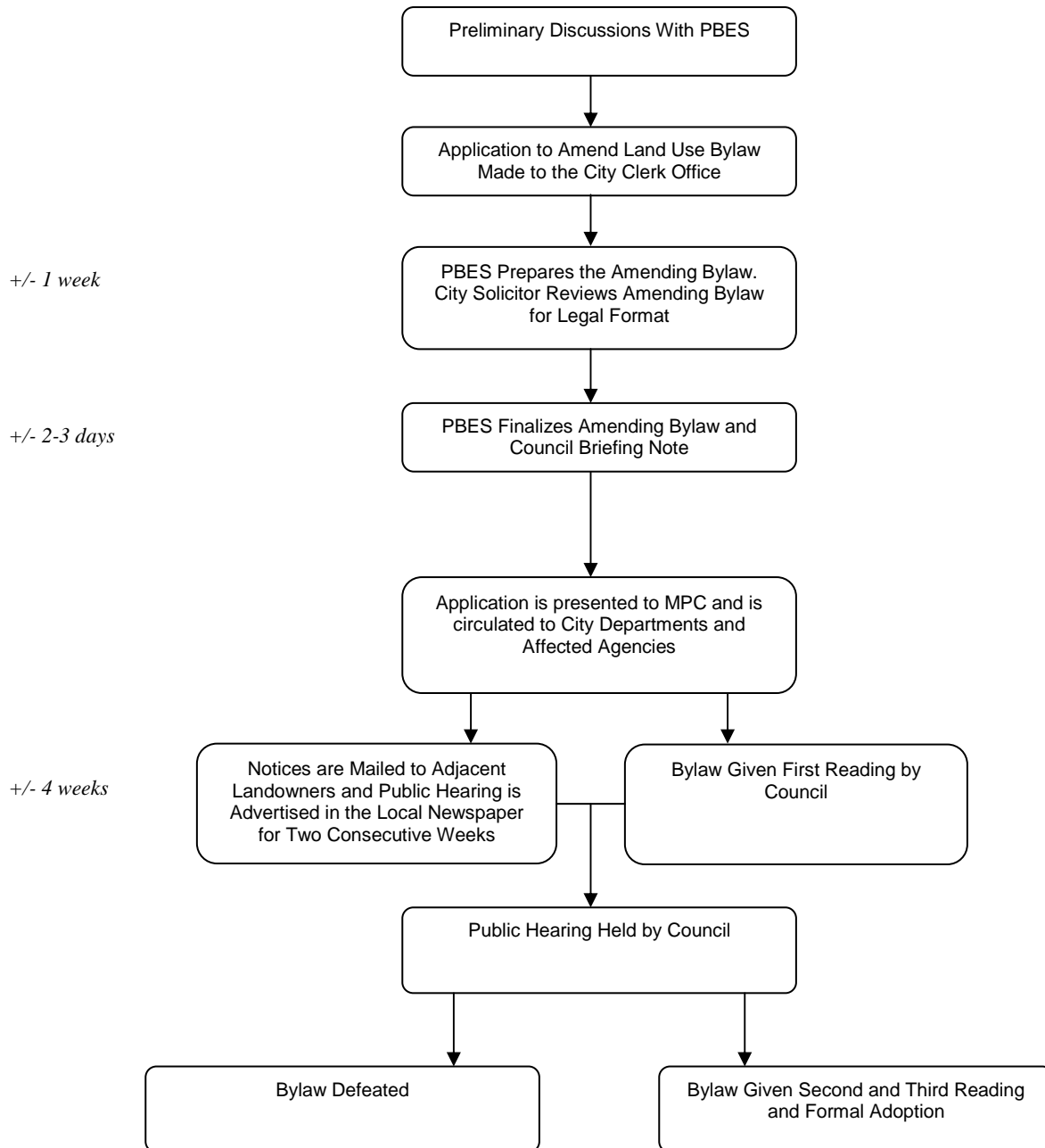
Once a completed application is submitted, the City Clerk circulates the proposed amendment to various City departments for review and comments. PBES Staff prepare the proposed bylaw amendment submit the amendment and accompanying background report to Council for first reading.

Once first reading of the amending bylaw is given by Council, the City Clerk, as required by the Municipal Government Act, advertises the proposed bylaw amendment in the local newspaper at least once a week for two consecutive weeks. The Clerk also notifies by mail the adjacent landowners that the City is in receipt of a proposed bylaw amendment that may affect their property. In both cases, the notice provides information regarding the application including the civic address, legal description of the land, purpose of the proposed amendment, places where a copy of the proposed amendment may be inspected, the date, time and place of the public hearing and outline procedures for anyone wishing to make a presentation at the public hearing.

PBES will refer the proposed bylaw amendment and background report to the Municipal Planning Commission prior to the public hearing. The MPC will consider the merits of the application, based on information provided, and make a recommendation to City Council for either approval or refusal.

The public hearing is held at the date and time advertised. Council may hear submissions from the applicant, staff and any other person claiming to be affected by the proposed amendment. Council will consider all pertinent submissions made during the public hearing and use their discretion to approve the amending bylaw, approve the amending bylaw with conditions or refuse the bylaw. If a bylaw is refused by Council, another application for amendment on the same parcel of land and for the same or similar use of land shall not be considered for a minimum of six months from the date of Council's decision.

FIGURE 3 : CITY OF MEDICINE HAT – LAND USE BYLAW AMENDMENT PROCESS



6.0. SUBDIVISION PROCESS

Subdivision of land is the process of dividing a parcel of land by an instrument (generally by plan of survey or descriptive plan) and creating separate title for each. Legal boundaries are created once a plan is registered with the Land Titles Office.

Applicants considering applying for subdivision should be aware that proposed subdivisions must be consistent with the Municipal Government Act, the provincial Subdivision and Development Regulation, local statutory plans and the land use bylaw. If a proposed application is not consistent with the land use district prescribed for the land subject to the application, the applicant will be required to apply for a land use bylaw amendment to allow the application. A land use bylaw amendment may be made prior to or concurrently with a subdivision application but a subdivision application cannot be finalized until adoption of required amendments.

6.1. SUBDIVISION OF LAND – PRE-APPLICATION

Owners/applicants are encouraged to contact city Planning Services Staff prior to the submission of an application for subdivision approval. This meeting is generally referred to as a “pre-application” meeting. During this meeting, a Planner will discuss and review the proposal and will be able review legislative requirements regarding subdivision applications, explain City land use bylaw regulations, review of the subdivision process and timelines, and may help identify potential problems or obstacles that may need to be mitigated prior to an approval being issued. The pre-application meeting may provide the owner/applicant with information to evaluate the feasibility of the application and how to streamline the process by having all required information included with the application.

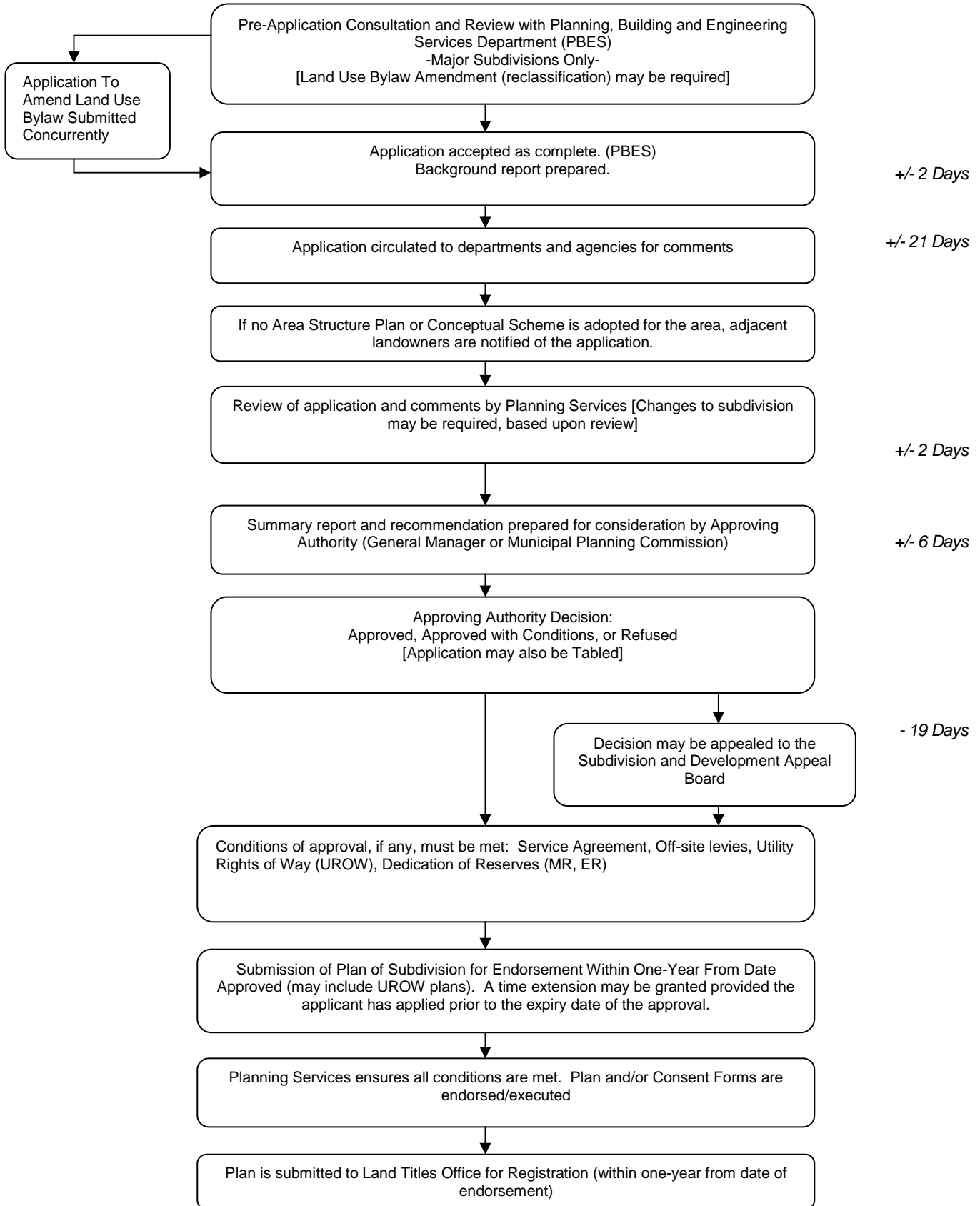
6.2. LAND DEDICATION

The Municipal Government Act (the Act) requires an applicant for subdivision approval to dedicate land without compensation for roads, public utilities, environmental reserve, municipal and school reserves.

The City may require up to ten percent (10%) of the parcel of land being subdivided to be provided as municipal reserve, school reserve, a combination of municipal and school reserve or money in place of reserves. Reserve land is not required to be provided if:

- one lot is to be created from a quarter section of land;
- land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes;
- the land to be subdivided is 0.8 hectares or less; or
- reserve land, environmental reserve easement or money in place of it was provided in a previous application.

FIGURE 4 : CITY OF MEDICINE HAT – SUBDIVISION APPROVAL PROCESS



Land dedicated for reserve is used for several purposes such as enhancing the area being developed, parks, to link the area to existing parks and trail systems, and provides land for schools and community centers.

The dedication of reserve land is usually discussed at the pre-application meeting and must be in accordance with reserve dedication requirements contained in an Area Structure Plan.

6.3. SUBMISSION OF A COMPLETE SUBDIVISION APPLICATION

The owner of a parcel of land or a person authorized by the owner is responsible for the submission of a completed subdivision application to the Planning, Building, and Engineering Services Department. The application must include the completed application form, site inspection consent form, required application fees, a current copy of the Certificate of Title(s), a detailed subdivision sketch (plan of the proposed subdivision) drawn to scale, and any other relevant information required to be submitted under the Subdivision and Development Regulation.

The tentative plan of subdivision must clearly show:

- the location, dimensions and boundaries of the land to be subdivided;
- the land that the applicant wishes to register in the land titles office;
- the location, dimensions and boundaries of each new lot to be created, any reserve land, existing and proposed utility rights of way of each public utility and existing and proposed roads;
- the location, use and dimensions of buildings on the land subject to the application and specify those buildings that are proposed to be demolished or moved;
- the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water;
- the existing and proposed uses;
- the existing and proposed access to the proposed parcels and the remainder of the titled area.

An applicant may also be requested to submit additional information in order to evaluate the application. This information may include:

- the locations of natural features on the property;
- flood plain mapping;
- contours;
- geotechnical information; and
- location of any gas facilities.

This information will generally be identified during the pre-application meeting. The circulation process of the application may result in further information being required.

Delays in processing the application will result if all the required information has not been submitted. Processing of an application does not start until the application has been deemed complete by Planning Staff.

6.4. CIRCULATION OF SUBDIVISION APPLICATION

Upon receipt of a completed application, planning staff circulates the application to various government agencies, persons required to be notified under the Municipal Government Act and local authorities. Comments received during the circulation (or referral) process are considered and evaluated by planning

staff and help to form a decision on the application. The applicant is responsible for addressing any concerns or issues raised by referral agencies. Planning staff will notify the applicant of any such comments or issues that are required to be addressed.

6.5. REVIEW OF APPLICATION

Planning Staff will review the file and all comments received during the circulation process. The application is evaluated and assessed to determine if the application is suitable for the intended purpose, conformance with the provisions of any statutory plans, land use bylaw, provincial legislation and regulations, likely impact on adjacent properties, sound planning principles. Once the detailed review of the application is complete, the Subdivision Authority (SA) drafts a recommendation for consideration.

6.6. DECISION ON THE APPLICATION - APPROVAL OR REFUSAL

The Subdivision Authority for the City of Medicine Hat is either the Municipal Planning Commission or the General Manager of the Planning, Building and Engineering Services Department, depending on the complexity of the application. The Subdivision Authority has 60 days upon receipt of a complete subdivision application to render a decision on the application. In certain cases, it may not be possible to render the decision within the 60-day period. In such cases, the applicant may complete a time extension agreement with the City. It is also possible that the Subdivision Authority Tables a decision and requests the applicant to provide additional information. It is the applicant's responsibility to complete the request before the application is brought back to the Subdivision Authority.

The Subdivision Authority will provide the applicant with a written decision on the application. The decision will be for approval (with or without conditions) or refusal. The decision letter will state conditions attached as part of the approval or reasons for a refusal. The decision letter will also state whether an appeal lies to the local Subdivision and Development Appeal Board or, in the case of a provincial interest, to the Municipal Government Board.

Depending on the complexity of the application, conditions are attached to an approval to ensure compliance with the provincial legislation, statutory plans and land use bylaw and to ensure the provision of necessary municipal services will be addressed. The developer is responsible to ensure conditions attached to an approval are fulfilled, including the entering into of a servicing agreement, payment of off-site levies, registration of utility rights-of-way and plans.

6.7. APPEALS

The decision of the Subdivision Authority may be appealed within 14 days of receipt of the written decision. An appeal may be launched by filing a notice of appeal by the applicant, a Government department that was required to be referred the application, municipal council or school authority with respect to reserves. The applicant may appeal either on the refusal of his application or on conditions imposed as part of an approval by the Subdivision Authority.

The local SDAB must hold an appeal within 30 days of receiving a formal appeal. Appeals of a provincial interest to the MGB must be held within 60 days. The submission of a formal notice of appeal must contain the legal description and municipal address of the subject property and the reasons for the appeal including issues in the decision or the conditions imposed as part of the approval.

6.8. ENDORSEMENT OF A PLAN OF SUBDIVISION OR OTHER REGISTRABLE INSTRUMENT

The applicant has one year to meet conditions of approval and have a plan of subdivision endorsed by the Subdivision Authority. The applicant must submit a plan of survey to the City plus the applicable endorsement fee. If an applicant cannot meet the conditions of approval within one year, the applicant may, prior to the expiry of the one-year period, apply for a time extension to meet conditions of approval.

The plan will be reviewed by Planning Staff to ensure that all conditions of approval have been satisfied and the plan is in compliance with the approval.

Registration of Approved Subdivision by Applicant at Alberta Registries (Land Titles Office)

It is the responsibility of the applicant to register a plan of subdivision with the Land Titles Office within one year from date of plan endorsement.

