

**37 SUBDIVISION OF LAND**

**37.1 Application for Subdivision**

37.1.1 The owner of the land to be subdivided, or a person with written authorization to act on behalf of the owner, may file an application for subdivision.

37.1.2 A complete application for subdivision shall include:

- (a) a signed application on the prescribed form;
- (b) the required fee;
- (c) a copy of the current certificate of title of the land that is subject of the application;
- (d) a signed authorization granting right of entry to Municipal District of Bighorn staff;
- (e) one set of plans drawn to scale at a standard page size (letter, legal or 11” x 17”), and if possible, one digital copy in Adobe Acrobat (.pdf) format, showing:
  - (i) the location, dimensions and boundaries of the parcel to be subdivided;
  - (ii) the location, dimension and boundaries of each proposed lot to be created including any reserve land;
  - (iii) existing rights-of-way of each public utility, or other rights-of-way;
  - (iv) the location, use and dimensions of all buildings on the land that is the subject of the application, indicating those buildings that are proposed to be demolished or removed;
  - (v) the location of any existing or proposed wells, any private sewage disposal systems and the distance from these to the existing or proposed buildings or property lines;
  - (vi) the 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;
  - (vii) the location of any slopes which have a gradient of 15% greater;
  - (viii) the existing and proposed access to the proposed parcels and the remainder of the titled area;
  - (ix) the location of any gas or oil wells or pipelines on the site and within 1.5 km (0.9 mile) of the site; and
- (f) any additional information as specified in the Subdivision and Development Regulation required by the Subdivision Authority to determine whether the application meets the requirements of the Act.

37.1.3 Due to the detailed nature or size of the proposed subdivision, the Subdivision Authority may require oversized sets of plans drawn to scale, the number of which shall be determined based on the application referral requirements.



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- 37.1.4 In addition to 37.1.2 above, the Subdivision Authority may require any of the following:
- (a) a real property report showing any existing buildings on the property that are proposed to remain;
  - (b) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of the Water Act;
  - (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, including the suitability and viability of that method;
  - (d) an assessment prepared by a qualified professional 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;
  - (e) a servicing concept plan, including water, sanitary sewer, storm sewer, electricity, gas, telephone and cable utilities;
  - (f) a report certified by a professional engineer providing details of proposed on and off-site servicing, any required upgrading of that servicing, and considering cumulative impacts;
  - (g) a site grading plan, showing proposed building elevations in comparison to adjacent roadways and lots;
  - (h) identification of all drainage channels and other water bodies, wetlands, major tree stands, ravines, views and any other distinctive physical characteristics within and adjacent to the subdivision;
  - (i) where the provision of municipal reserves are proposed, an evaluation of those reserves in accordance with any municipal statutory plan and the Community Services Master Plan;
  - (j) where the provision of environmental reserves are proposed or required, an evaluation of those reserves in regard to their effectiveness in protecting bodies of water and riparian habitat, the provision of public access, and the protection of other natural resources or features as required by the Act;
  - (k) calculations of the gross area of land in the plan area and the allocation of that land to streets, lanes, lots and reserves;
  - (l) a slope stability analysis for lands which have a gradient of 15% or greater;
  - (m) a wildfire hazard analysis that assesses structure location, design and landscaping on the subject property as well as vegetation cover in the surrounding area; and
  - (n) location of any proposed or designated wildlife corridors or environmentally sensitive areas on or within the subdivision.



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37.1.5 When a proposed subdivision is part of a larger area, the whole of which may eventually be subdivided and for which no overall plan has been prepared, the Subdivision Authority may require the submission of an overall plan or approval of a conceptual scheme for the whole area before considering the subdivision application.

**37.2 Referrals**

37.2.1 Completed applications shall be circulated in accordance with the Subdivision and Development Regulation. The Subdivision Authority may also refer an application for subdivision to any municipal, provincial or federal department, or any other agency or body it deems appropriate.

**37.3 Decision**

37.3.1 The Subdivision Authority may approve, approve with conditions, or refuse, at its discretion, an application for subdivision.

37.3.2 The Subdivision Authority shall render a decision on a subdivision application within 60 days of receiving a completed application, except where the Act and the Subdivision and Development Regulations stipulate a shorter time period, or an extension to the deadline for the decision has been granted by the applicant in accordance with the Act.

37.3.3 When a decision has been made on an application for subdivision, the notice of decision shall be sent by ordinary mail to the applicant and those persons and authorities that are required to be circulated a copy of the application under the Subdivision and Development Regulation.

37.3.4 A decision on an application for subdivision is not an approval to develop, construct or build on the land. Site grading, earthwork, or any other construction shall not commence nor proceed until the conditions of subdivision approval have been met, a development agreement has been signed, or a development permit has been issued.

