

# THE PLANNING PROCESS

## OVERVIEW

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Land use planning is the process of accommodating growth and development within the existing landscape. In a municipality such as Wheatland County, this process involves the careful balancing of the rights of individuals to develop their lands with the rights of residents and other stakeholders who may be impacted by proposed changes to their community. Additionally, the County is obligated to consider aspects such as health, education, environment, emergency services, servicing and transportation infrastructure, economy, aesthetics, equity, and sustainability when assessing proposed developments.

The development of land allows for the growth of our communities, providing new generations of residents the opportunity to call Wheatland County home. It can also provide jobs and stimulate economic growth. Changes to the development landscape must be made carefully however, as existing residents have a keen interest in their communities. Land and property are often the largest investments people make, and on that land they build homes, families, and businesses – essentially their lives and livelihoods. As such, people have an emotional attachment to their neighbourhoods, and are sensitive to dramatic changes.

In response to this, the land use planning process has evolved to allow potential changes to be considered in a manner that includes community members and impacted stakeholders. The *Municipal Government Act* (MGA) legislates how municipalities must address proposals to change land use, subdivide, and develop land. The MGA allows, and in some cases requires, the County to create policy documents to guide proposals. These include County wide documents such as the Land Use Bylaw and Municipal Development Plan, and local plans such as Area Structure Plans and Area Concept Plans. These documents give residents and other stakeholders an indication regarding what kind of development can be expected in the future.



# THE PLANNING PROCESS

## LAND USE DISTRICTS

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All parcels within Wheatland County are designated with a Land Use District. Land Use Districts categorize land into areas appropriate for Agricultural, Residential, Commercial, Industrial, Recreational, or Public use. Each Land Use District lists a specific set of Permitted and Discretionary Uses, Site Regulations, and Special Requirements.

**Permitted and Discretionary Uses** identify the uses that landowners may develop on their property. Uses within a Residential district, such as dwellings and accessory buildings, are different from those available within an Industrial district, which may include uses such as abattoirs and warehouses. In most situations, a Development Permit is required to develop a use that is listed within your Land Use District. If you wish to develop a use that is not listed within your District, redesignation to a different District is required.

**Site Regulations** provide minimum and maximum requirements for uses within the District, typically buildings. These typically include parcel size, lot coverage, setbacks, and building height. The minimum parcel size can be used to determine if you require a redesignation in order to subdivide your parcel. Unless all proposed lots meet the minimum parcel size, redesignation to a district that allows for a smaller parcel size is required.

**Special Requirements** often require consideration of landscaping and screening, additional application requirements, or other items specific to the particular type of use. For example, the Natural Resource Extraction District features a number of Special Requirements related to environmental studies, haul route details, noise mitigation, and adjacent landowner consultation.

You can confirm your Land Use District by using the County's interactive mapping software by clicking on the image below. Sign in as a guest, navigate to your location, and click on your parcel to reveal a link with further details.

If you already know your Land Use District, you can review the details within the Land Use Bylaw directly by clicking on the image below.

# THE PLANNING PROCESS

## LAND USE REDESIGNATION

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### *Why would I need to redesignate my land use district?*

Occasionally, landowners may wish to redesignate their lands to a different Land Use District. This is typically done for two reasons.

#### » **Non-Listed Use**

The landowner would like to use the lands for a use which is not listed in their current Land Use District. For example, a resident owns a parcel that is designated Country Residential District, but they would like to operate a Veterinary Clinic on the lands. Veterinary Clinic is not a listed use within the Country Residential District, so they may choose to redesignate the lands to Rural Business District, which does.

#### » **Subdivision**

When creating additional parcels, all proposed lots must meet the minimum parcel size for the relevant Land Use District. If that cannot be accommodated within the existing District, redesignation to a District that allows for smaller parcels may be required.

As both of these scenarios have the potential to have major impact on the surrounding area, Land Use Redesignations are considered by Council at a Public Hearing. The process is strictly legislated through the Municipal Government Act, and there are a number of requirements that applicants and the County are obligated to satisfy before a decision can be made.

### *How do I submit an application to redesignate my lands, and what is the process?*

The steps in the land use redesignation process are outlined below:

#### » **Pre-application Review & Application Submission**

Prospective applicants are encouraged to do their due diligence prior to submitting a redesignation application. All relevant forms, policies and plans are available on the County's website, and Planning staff are available to answer questions and provide general direction. Note, however, that Council ultimately makes the decision whether or not to approve an application, and it is the applicant's responsibility to present their proposal in the best possible light. Planning staff can direct applicants to the required plans and policies, and may require additional information and technical documents based on the type of application proposed and the unique characteristics of the site. Applicants are encouraged to begin the process of engagement with adjacent landowners at this stage in the process.

In order to be accepted, the application form must be provided along with the items indicated on the checklist. In addition, the appropriate fees and any additional requirements previously identified are required as well.

# THE PLANNING PROCESS

## LAND USE REDESIGNATION CONTINUED

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### » Agency and Adjacent Landowner Notification

Once an application is accepted, planning staff will prepare notification packages summarizing the applicant's proposal. These are provided to stakeholders, which include nearby landowners as well as agencies such as school boards, utility providers, Alberta Transportation, Alberta Environment and Parks, adjacent municipalities, and internal departments within Wheatland County. Information received during this phase will be considered during assessment of the proposal. The applicant will be provided with the responses, and may be required to provide additional information or documentation in order to address any concerns that may be raised.

### » Evaluation and Council Report Preparation

Once the notification period is closed, a planner evaluates the application in light of the responses received and any relevant policies or plans. They will prepare a Council Report that will provide Council with the information necessary to consider the item at a public hearing. This includes assessment of the suitability of the site, the potential for the proposed land use to impact adjacent properties, a summary of mitigation methods proposed by the applicant, and a recommendation for Council's decision.

### » Public Hearing Advertising

Once a Public Hearing date is scheduled by Council, notice of the hearing is advertised in order to ensure that stakeholders are aware and able to participate should they choose to do so. Advertisement requirements vary, but typically notices are posted to the County's website, and nearby residents are provided with a notice via post. Larger scale proposals may also be advertised in a local newspaper, or shared via the County's social media accounts. Anyone who has an interest in a proposed redesignation may address Council during the hearing, and/or they may submit written comments to be included in the Council Report.

### » Public Hearing and Decision

Public Hearings are held during regular Council meetings, and are typically scheduled to begin at 9:00 am. Hearings typically follow this format:

1. Planning staff summary and recommendation
2. Applicant Presentation
3. Interested parties in favour
4. Interested parties in opposition
5. Applicant rebuttal to opposition (if any)
6. Council deliberation and decision

Based on the outcome of the hearing, Council may approve or refuse the application, or table it to a future date pending additional information.

# THE PLANNING PROCESS

## SUBDIVISION

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### *What is a subdivision application, and how is it different from a land use redesignation?*

Subdivision is the act of creating new titled parcels from previously existing ones. Typically this involves taking an existing larger parcel and creating a number of smaller ones (for example, five 2 acre lots from one 10 acre lot.) This process is subject to a variety of bylaws, policies, and plans, both at the local and provincial level. The essential question asked when considering a subdivision application is based on technical merit: can the site support the creation of additional lots without negatively impacting neighbouring lands?

The Municipal Government Act's Subdivision and Development Regulations list a number of items that municipalities must consider when assessing subdivision applications. Engineering reports, such as a Traffic Impact Assessment or a Stormwater Management Plan, may be required in order to mitigate any concerns with regard to these items. The areas of consideration include:

- Topography
- Soil Characteristics
- Storm Water Management
- Potential for the flooding, subsidence or erosion of the land
- Accessibility to a road
- Water supply, sewage disposal system and solid waste disposal
- Land use in the vicinity of the subject lands
- Any other matters, such as Municipal Reserve

In addition, many land use districts have a minimum parcel size and this must be accounted for when proposing to subdivide a parcel. For example, Agriculture General District has a minimum parcel size of 5 acres. As such, a 4 acre lot could not be created in that district without redesignating a portion of the lands to a district with a smaller minimum.

The subdivision authority in Wheatland County is the Municipal Planning Commission. If an application conforms to all applicable bylaws, policies, plans, and servicing standards, and addresses the items listed above in a manner that does not cause undue impact to adjacent lands, it may be approved. Applications that do not satisfy these items must be refused.

Applications for subdivision follow a similar process to the redesignation process discussed above, however there are a number of key differences.

- Subdivision applications are approved conditionally. Once approved, the applicant is required to complete the conditions before a certificate of title is issued for the new lot(s).
- Subdivision applications are considered by the Municipal Planning Commission, rather than Council. Municipal Planning Commission meetings do not include a public speaking component, although applicants and interested parties may provide their comments in writing.
- Subdivision decisions and conditions may be appealed to the relevant appeal board.

# THE PLANNING PROCESS

## SUBDIVISION CONTINUED

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### *How do I submit an application to subdivide my lands, and what is the process?*

The steps in the subdivision process are outlined below:

#### » **Pre-application Review & Application Submission**

Prospective applicants are encouraged to do their due diligence prior to submitting a subdivision application. All relevant forms, policies and plans are available on the County's website, and Planning staff are available to answer questions and provide general direction. Applicants are responsible for all costs associated with development, including items such as the construction or upgrading of roads, construction of stormwater facilities, or construction of servicing infrastructure. Planning staff can direct applicants to the required plans and policies, and may require additional information and technical documents based on the type of application proposed and the unique characteristics of the site. Applicants are encouraged to begin the process of engagement with adjacent landowners at this stage in the process.

In order to be accepted, the application form must be provided along with the items indicated on the checklist. In addition, the appropriate fees and any additional requirements previously identified are required as well.

#### » **Agency and Adjacent Landowner Notification**

Once an application is accepted, planning staff will prepare notification packages summarizing the applicant's proposal. These are provided to stakeholders, which include nearby landowners as well as agencies such as school boards, utility providers, Alberta Transportation, Alberta Environment and Parks, adjacent municipalities, and internal departments within Wheatland County. Information received during this phase will be considered during assessment of the proposal. The applicant will be provided with the responses, and may be required to provide additional information or documentation in order to address any concerns that may be raised.

#### » **Evaluation and Condition Set Preparation**

Once the notification period is closed, a planner evaluates the application in light of the responses received and any relevant policies or plans. They will prepare a Municipal Planning Commission Report that will provide committee members with the information necessary to consider the item. This includes assessment of the suitability of the site, the potential for the proposed lot to impact adjacent properties, a summary of mitigation methods proposed by the applicant, and a list of conditions required in order to register the certificate of title for the new lot(s).

#### » **Municipal Planning Commission Meeting**

Planning staff presents the item to the Municipal Planning Commission for consideration. The committee may approve, refuse, or table the item as presented. They may also vary conditions in some instances, provided the variance complies with provincial regulations and the County's adopted statutory policies.

# THE PLANNING PROCESS

## SUBDIVISION CONTINUED

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### » Appeal Period

Following the receipt of the Notice of Decision, a 14 day appeal period begins. If an applicant is satisfied with the Municipal Planning Commission's decision and conditions, they are free to proceed to the endorsement process. However, in some instances, applicants may choose to appeal the decision of the commission during this period. The appeal may be heard by the local Subdivision and Development Appeal Board, unless there are items of provincial interest (typically highways or surface water) in which case the matter would be heard by the Land and Property Rights Tribunal.

Note that other bodies have the right to appeal decisions as well. These include provincial agencies, such as Alberta Environment and Parks and Alberta Transportation, and school boards.

### » Subdivision Endorsement

Once the decision of a proposed subdivision application has been finalized, the applicant may begin completing the conditions required in order to register the new lot(s). All conditions must be met within one year of the date of decision by subdivision authority or the appeal board, although an extension may be considered if necessary. Once all conditions have been satisfied, Planning staff will provide the documentation necessary to register the new lot(s) with the Land Titles Office. Land Titles will issue the new certificates of title, and the subdivision is completed.

#### ***What is Municipal Reserve?***

Municipal Reserve concerns lands that are provided to local municipalities and school boards during the subdivision process. Applicants who choose to subdivide their lands are required, in accordance with the *Municipal Government Act* (MGA), to provide 10% of the gross area of the lands for the use of schools or parks.

As it is not always feasible or desirable for lands to be used for this purpose, cash-in-lieu of lands may be considered instead. The 10% requirement remains the same regardless of whether physical lands or cash-in-lieu of lands is provided. In order to determine the cash-in-lieu value, a land value appraisal is required to be submitted at the time of subdivision application.

Not all subdivisions require dedication or payment of Municipal Reserve. The MGA lists a number of exemptions (see section 663), and some applications result in large parcels that may have further subdivision potential. In these cases, the Municipal Reserve requirement is deferred by caveat to future subdivision applications.

**Land Use Redesignation and Subdivision Applications can be found [HERE](#)**