



Province of Alberta

MUNICIPAL GOVERNMENT ACT

MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION

Alberta Regulation 84/2022

Filed on May 20, 2022, in force June 1, 2022

Extract

© Published by Alberta Queen's Printer

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ALBERTA REGULATION 84/2022

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**MATTERS RELATED TO SUBDIVISION
AND DEVELOPMENT REGULATION**

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Interpretation

1(1) In this Regulation,

- (a) “abandoned well” means an abandoned well as defined by the AER;
- (b) “Act” means the *Municipal Government Act*;
- (c) “AER” means the Alberta Energy Regulator;
- (d) “AER Directive 079” means AER Directive 079, *Surface Development in Proximity to Abandoned Wells*;
- (e) “building site” means a portion of the land that is the subject of an application on which a building can or may be constructed;
- (f) “hazardous waste management facility” means hazardous waste management facility as defined in the *Waste Control Regulation* (AR 192/96);
- (g) “landfill” means landfill as defined in the *Waste Control Regulation* (AR 192/96);

- (h) “rural municipality” means a municipal district, improvement district, special area or the rural service area of a specialized municipality;
- (i) “service road” means a road for the purpose of providing and consolidating means of access to a controlled highway at a point where access is permitted by the Minister of Transportation;
- (j) “sour gas” means natural gas having a hydrogen sulphide content of 10 moles per kilomole or greater, or such lesser or greater hydrogen sulphide content that the AER may stipulate in a particular case;
- (k) “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;
- (l) “storage site” means storage site as defined in the *Waste Control Regulation* (AR 192/96);
- (m) “subdivision and development appeal board” includes an intermunicipal subdivision and development appeal board;
- (n) “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;

- (o) “wastewater collection system” means wastewater collection system as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);
- (p) “wastewater treatment plant” means wastewater treatment plant as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);
- (q) “water distribution system” means water distribution system as defined in the *Environmental Protection and Enhancement Act*;
- (r) “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 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)(k)(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.

(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.

(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 and Development Appeal Board Training Requirements

Clerk training requirements

4(1) Before being appointed as a clerk of a subdivision and development appeal board under section 627.1 of the Act, a person must successfully complete a training program set or approved by the Minister.

(2) A clerk of a subdivision and development appeal board must complete a refresher training program set or approved by the Minister every 3 years after that person's appointment.

Board member training requirements

- 5 A member of a subdivision and development appeal board must,
- (a) before participating in any hearing as a member of a panel of the board, successfully complete a training program set or approved by the Minister, and
 - (b) every 3 years following that member's appointment, successfully complete a refresher training program set or approved by the Minister.

Part 2 Subdivision Applications

Application

6(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) Subject to section 653.1 of the Act, a complete application for subdivision consists of

- (a) the required fee,
- (b) a copy of the current land title for the land that is the subject of the application,
- (c) a copy of any agreement made under section 664.1 of the Act, and
- (d) 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 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,
 - (ii) the location and type of any existing or proposed private sewage disposal systems, and
 - (iii) the distance from any wells or disposal systems referred to in subclause (i) or (ii) 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, as required by the subdivision authority,
- (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 identifying the location or confirming the absence of any abandoned wells within the proposed subdivision,
 - (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,
 - (g) information provided by the AER identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision,
 - (h) if the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood, and

- (i) 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.
- (5) Subsection (4)(e) does not apply in respect of an application for subdivision solely in respect of a lot line adjustment.
- (6) 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.
- (7) The subdivision authority may require an applicant for subdivision to submit, in addition to a complete application for subdivision,
- (a) a conceptual scheme that relates the application to future subdivision and development of adjacent areas, and
 - (b) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.

Application referrals

- 7(1)** For the purposes of subsection (6)(d)(i) and (j), “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 (6)(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 (6)(n), “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 (6)(k)(i), “adjacent to” means
- (a) contiguous or would be contiguous if not for a highway, road, river or stream, or

- (b) identified in a land use bylaw as adjacent land for the purpose of notification under sections 653, 679, 680 and 692 of the Act.

(5) For the purposes of subsection (6)(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.

(6) On an application for subdivision being determined or deemed under section 653.1 of the Act to be complete, the subdivision authority must send a copy to

- (a) each school board 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 board purposes,
- (b) the Deputy Minister of Environment and Parks, if any of the land that is the subject of the application is within the distances referred to in section 17,
- (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 the Minister responsible for administration of the *Highways Development and Protection Act*, if the land that is the subject of the application is not in a city and
 - (i) is adjacent to a highway, or
 - (ii) is within 1.6 kilometres of the centre line of a highway right of way, unless a lesser distance is agreed to by the Deputy Minister of the Minister responsible for administration of the *Highways Development and Protection Act* 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 body of water, or
 - (ii) contains, either wholly or partially, the bed and shore of a body of water,

- (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 (M.O. 71/85), 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 12(1),
 - (h) if an abandoned well is identified on a proposed subdivision, the well licensee of the abandoned well,
 - (i) the Deputy Minister of Environment and Parks, 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*,
 - (j) the Deputy Minister of Environment and Parks, 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,
 - (k) the Deputy Minister of the Minister responsible for the administration of the *Historical Resources Act*, if
 - (i) any of the land that is the subject of the application is adjacent to or contains, either wholly or partially,
 - (A) land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*, or
 - (B) public land set aside for use as a historical site under the *Public Lands Act*,
- 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,

- (l) if the land is situated within an irrigation district, the board of directors of the district,
- (m) 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,
- (n) each municipality that has adjacent land within its boundaries, unless otherwise provided for in the applicable municipal or intermunicipal development plan, and
- (o) any other persons and local authorities that the subdivision authority considers necessary.

(7) Notwithstanding subsection (6), 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 (6).

(8) Notwithstanding subsection (6), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (6) if the land that is the subject of the application is contained within either

- (a) an area structure plan, or
- (b) a conceptual scheme described in section 6(7)(a).

Decision time limit

8 A subdivision authority must make a decision on an application for subdivision within

- (a) 21 days from the date of an application being determined or deemed under section 653.1 of the Act to be complete in the case of an application for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 7(7),
- (b) 60 days from the date of an application under section 6(1) being determined or deemed under section 653.1 of the Act to be complete, or
- (c) the time agreed to pursuant to section 681(1)(b) of the Act.

Relevant considerations

9 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 as defined in section 616(aa) of the Act,
- (f) the availability and adequacy of a water supply, a sewage disposal system and solid waste disposal,
- (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 6(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

10 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 9.

Part 3

Subdivision and Development Conditions

Road access

- 11** Every proposed subdivision must provide to each lot to be created by it
- (a) direct access to a road as defined in section 616(aa) of the Act, or
 - (b) lawful means of access satisfactory to the subdivision authority.

Sour gas facilities

- 12(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 dwelling, public facility or unrestricted country residential development, 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.
- (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

- 13(1)** In this section, "gas or oil well" does not include an abandoned well.
- (2)** For the purposes of this section, distances are measured from the well head to the building or proposed building site.

(3) A subdivision application or a development application shall not be approved if it would result in a permanent dwelling, public facility or unrestricted country residential development, 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.

(4) An approval of the AER under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

Location of abandoned wells

14(1) An application for a development permit in respect of the following 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, in the case of an addition, presently exists:

- (a) a new building that will be larger than 47 square metres;
- (b) an addition to or an alteration of an existing building that will result in the building being larger than 47 square metres.

(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

15(1) Subject to section 16, an application for the following 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:

- (a) a subdivision, other than a subdivision solely in respect of a lot line adjustment;
- (b) a development permit in respect of a building referred to in section 14(1)(a) or (b).

(2) For the purposes of this section, distances are measured from the wellbore to the building site.

Transitional

16(1) In this section, “existing building” means a building that existed on November 1, 2012.

(2) An application for a development permit in respect of the following shall not be approved if it would result in a building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, 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:

- (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;
- (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.

Distance from wastewater treatment, landfill, waste sites

17(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 management facility or landfill;
- (b) “professional engineer” means professional engineer as defined in the *Engineering and Geoscience Professions Act*;
- (c) “working area” means those areas of a parcel of land
 - (i) that are currently being used or will be used for the processing of wastewater,
 - (ii) that are currently being used or that still remain to be used for the placing of waste material, or
 - (iii) 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 (6), a subdivision authority shall not approve an application for subdivision for school, hospital or residential use

(a) unless

- (i) the property line of the proposed lot for school, hospital or residential use is 300 metres or more from the working area of an operating wastewater treatment plant, or
- (ii) on considering the matters referred to in section 9, each proposed lot includes a suitable building site for school, hospital or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant,

or

(b) if the application would result in a property line of a lot created by subdivision for any of those uses being located

- (i) within 450 metres of the working area of an operating landfill,
- (ii) within 300 metres of the disposal area of an operating or non-operating landfill,
- (iii) within 450 metres of the working area or disposal area of an operating or a non-operating hazardous waste management facility, or
- (iv) within 300 metres of the working area of an operating storage site.

(3) Subject to subsection (6), a development authority shall not issue a development permit for a school, hospital or residence, nor may a school, hospital or residence be constructed, if the building site

- (a) is within 300 metres of the working area of an operating wastewater treatment plant,
- (b) is within 450 metres of the working area of an operating landfill,
- (c) is within 300 metres of the disposal area of an operating or non-operating landfill,
- (d) is within 450 metres of the working area or disposal area of a non-operating hazardous waste management facility,

- (e) is within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or
- (f) is within 300 metres of the working area of an operating storage site.

(4) Subject to subsection (6), a development authority shall 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 the building site for an existing or a proposed school, hospital or residence.

(5) Subject to subsection (6), 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 wastewater treatment plant, landfill, hazardous waste management facility or storage site unless

- (a) with respect to a wastewater treatment plant, the working area of the wastewater treatment plant is situated at least 300 metres,
- (b) with respect to a landfill,
 - (i) the working area of a landfill is situated at least 450 metres, and
 - (ii) the disposal area of the landfill is situated at least 300 metres,
- (c) with respect to a hazardous waste management facility, the working area or disposal area of a hazardous waste management facility is situated at least 450 metres, and
- (d) with respect to a storage site, the working area of a storage site is situated at least 300 metres

from the property line of a school, hospital or residential use or building site proposed for a school, hospital or residence.

(6) The requirements contained in subsections (2) to (5) may be varied by a subdivision authority or a development authority if the applicant submits a report from a professional engineer that addresses the criteria for a variance stipulated in the Guideline for Setback Reviews published by the Department of Environment and Parks in May, 2022, as amended from time to time.

(7) A variance under subsection (6) may be for the purpose of applications for subdivision or development generally or for the purpose of a specific application.

Distance from highway

18 Subject to section 20, 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 1.6 kilometres of the centre line of a highway right of way 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 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 at the time of the application for subdivision and the proposed use of the land is permitted under that plan.

Service roads

19(1) In this section, “provide” means dedicate by caveat or by survey or construct, as required by the subdivision authority.

(2) Subject to section 20, if the land that is the subject of an application for subdivision is within an area described in section 7(6)(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 18 and access to the proposed parcel of land and remnant title is to be solely by means other than a highway.

Waiver

20(1) The requirements of sections 18 and 19 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.

Security conditions

21(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

22 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 4 Registration, Deferral and Endorsement

Registration

23 A proposed plan of subdivision must comply with section 665(2) of the Act.

Deferral

24 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 in a land titles office under section 669 of the Act must be filed in accordance with the requirements of the land titles office for registration of a deferred reserve caveat on title.

Endorsement

25 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 5 Provincial Appeals

LPRT distances

26(1) In this section,

- (a) “waste management facility” means a landfill, hazardous waste management facility or storage site;
- (b) “wastewater treatment plant” means a sewage treatment facility.

(2) In section 678(2)(a)(i)(B) of the Act and subsection (3)(e)(i), “historical site” means land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*.

(3) 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 body of water described in section 7(6)(e);
- (b) the distance, from a highway, described in section 18 or the distance, from a highway, described in an agreement under section 7(6)(d)(ii);
- (c) the distance, described in section 17, from a wastewater treatment plant;
- (d) the distances, described in section 17, from the disposal area and working area of a waste management facility;
- (e) the distance with respect to

- (i) a historical site, or
- (ii) a historical site or a historical resource described in an agreement under section 7(6)(k)(ii).

Appeals removed from list

27(1) The following are removed from the list of circumstances where a notice of appeal of a decision of a development authority may be filed with the Land and Property Rights Tribunal:

- (a) an appeal where 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, as referred to in section 685(2.1)(a)(i)(A) of the Act;
- (b) an appeal where the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, as referred to in section 685(2.1)(a)(i)(B) of the Act.

(2) Subject to subsections (3) and (4), the appeals referred to in subsection (1) may be commenced by filing a notice of appeal with the subdivision and development appeal board.

(3) If the land that is the subject of an appeal referred to in subsection (1) is subject to a licence, permit, approval or other authorization referred to in section 685(2.1)(a)(i)(C) or (D) of the Act, then, despite subsection (1), the appeal may be commenced by filing a notice of appeal with the Land and Property Rights Tribunal.

(4) Subsection (1) does not apply to an appeal if the notice of appeal was filed with the Land and Property Rights Tribunal before May 12, 2021.

Appeals related to designated land

28 The circumstances listed in sections 678(2)(a)(i) and 685(2.1)(a)(i) of the Act where a notice of appeal may be filed with the Land and Property Rights Tribunal do not include appeals where the land that is the subject of the application is designated land as defined in the *Canmore Undermining Review Regulation* (AR 34/2020).

Additional circumstances where appeal may be filed

29(1) In this section, “Minister” means the Minister of Environment and Parks.

(2) In addition to the circumstances listed in sections 678(2)(a)(i) and 685(2.1)(a)(i) of the Act, a notice of appeal may be filed with the Land and Property Rights Tribunal where the land that is the subject of the application is the subject of a licence, permit, approval or other authorization granted by the Minister or granted under any Act the Minister is responsible for under section 16 of the *Government Organization Act*.

(3) Subsection (2) does not apply where the land that is the subject of the application is designated land as defined in the *Canmore Undermining Review Regulation* (AR 34/2020).

Part 6

Transitional, Repeal, Expiry and Coming into Force

Transitional

30 An application for subdivision or development made under the *Subdivision and Development Regulation* (AR 43/2002) and received by the appropriate subdivision authority or development authority on or before May 31, 2022 shall be continued to its conclusion under that Regulation as if that Regulation had remained in force and this Regulation had not come into force.

Repeal

31 The *Subdivision and Development Regulation* (AR 43/2002), the *Subdivision and Development Appeal Board Regulation* (AR 195/2017) and the *Subdivision and Development Appeal Regulation* (AR 94/2021) are repealed.

Expiry

32 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 May 31, 2032.

Coming into force

33 This Regulation comes into force on June 1, 2022.



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