SUBDIVISION APPLICATION APPROVALS IN THE VICINITY OF HIGHWAYS

APPLICATION
This information affects all municipalities in Alberta except cities, and is particularly directed to municipal subdivision authorities, subdivision and development appeal boards, planners and development officers.

TRANSFER OF AUTHORITY FOR SECONDARY HIGHWAYS
As of April 1, 2000, the Province assumed financial responsibility for construction and operations of secondary highways. The Province will assume direction, control and management of secondary highways within each municipality in accordance with the Public Highways Development Act on a mutually agreed upon date. Alberta Infrastructure expects to conclude agreements with all affected municipalities by September 15, 2001. As each agreement is concluded, a Ministerial Order designating the secondary highways in that municipality as primary highways will be approved.

IMPLICATIONS FOR SUBDIVISION APPROVAL AND APPEALS
Sections 14-16 of the Subdivision and Development Regulation establish limitations and conditions on the approval of subdivision within 800 metres of a highway. Section 678 of the Municipal Government Act (MGA) provides that appeals of subdivisions within 800 metres of a highway lie with the Municipal Government Board (MGB). With the approval of a Ministerial Order all roads designated in the order will come under these provisions. Alberta Infrastructure is attempting to make provisions in each agreement that will allow for selective referral to Alberta Infrastructure. Such provision would allow most appeals to be heard by the local subdivision and development appeal board.

FROM APRIL 1, 2000, UNTIL APPROVAL OF THE MINISTERIAL ORDER
Subdivision authorities are requested to refer DECISIONS on all subdivision applications within one half mile of secondary roads to the respective Alberta Infrastructure Operations Manager.

AFTER THE APPROVAL OF THE MINISTERIAL ORDER
Subdivisions must be treated in accordance with the MGA and Subdivision and Development Regulations as they relate to highways. Relaxation of setbacks or other matters affecting the referral, decision authority and appeal process may be contained in the agreements with individual municipalities. Subdivision authorities should monitor progress on these agreements and discuss implications for referral and appeal with the respective Alberta Infrastructure Operations Manager or with Alberta Municipal Affairs.

QUESTIONS
Call Bill Symonds or Cindy Miller Reade at Alberta Municipal Affairs at (780) 427-2225. Call Glen Tjoestheim at Alberta Infrastructure at (780) 415-1269 or the respective Operations Manager.