

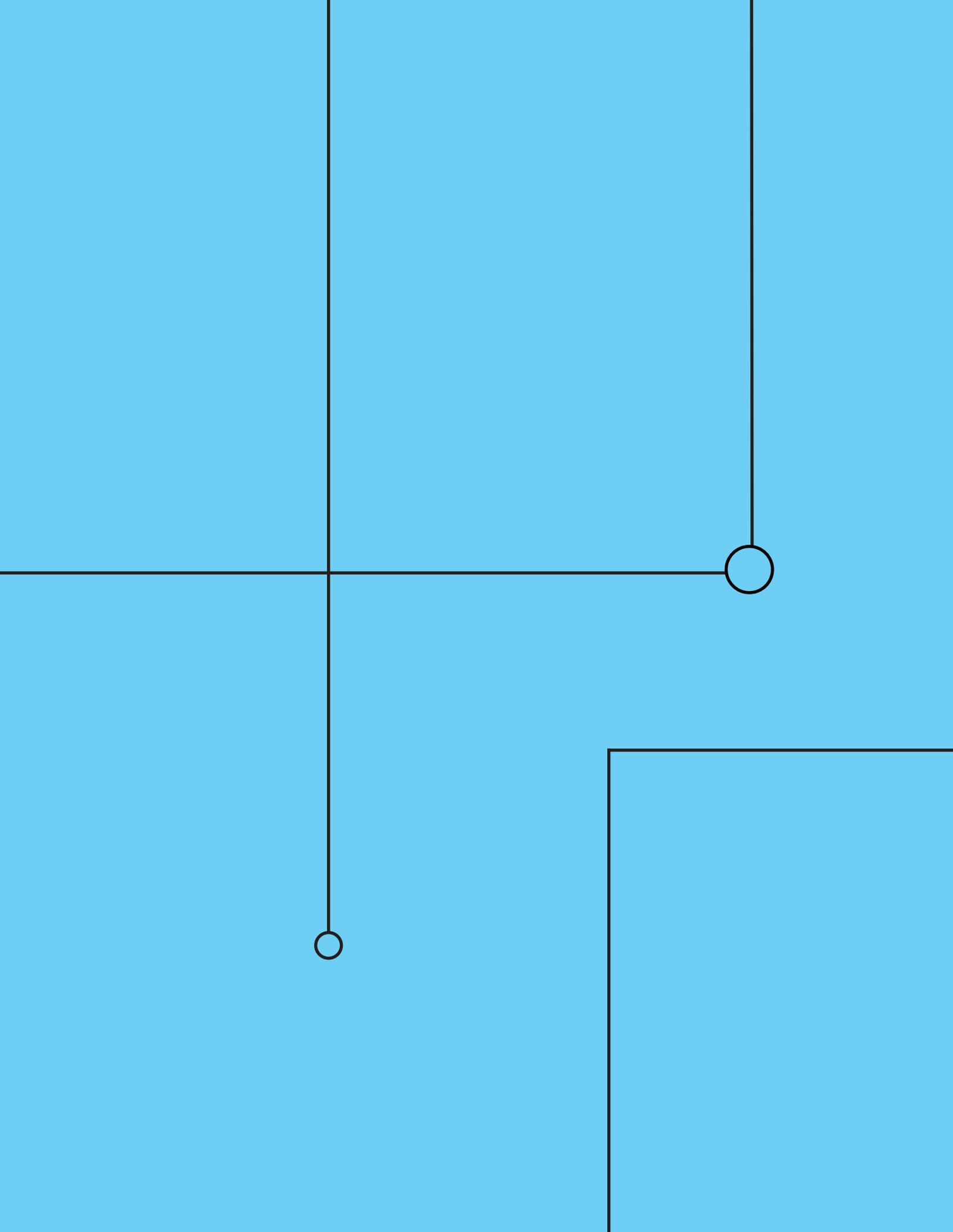
SUBDIVISION INFORMATION PACKAGE

○ FEBRUARY 2015

PLANNING AND DEVELOPMENT
LACLABICHECOUNTY.COM
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Lac La Biche County
welcoming by nature.



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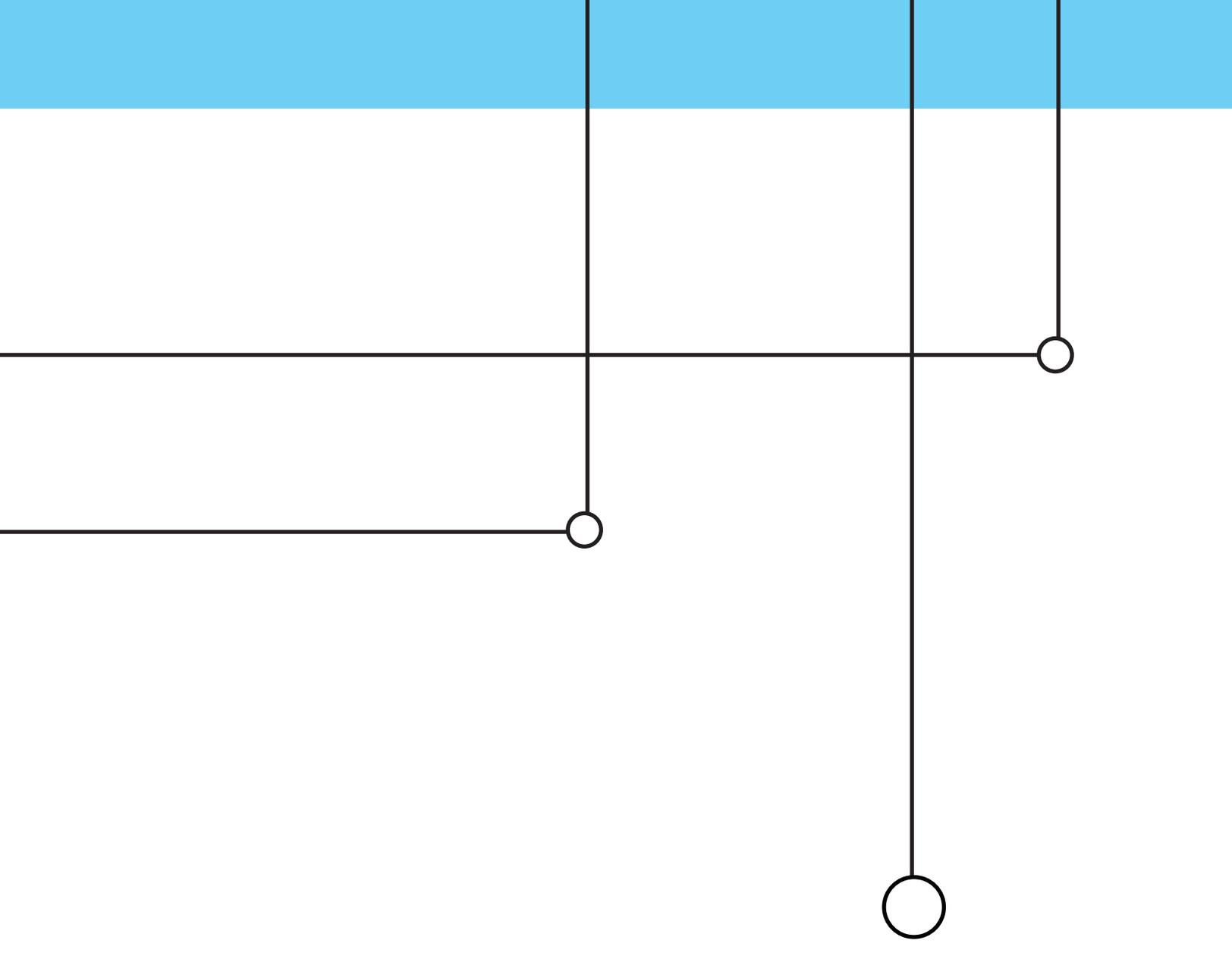
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1.0 PURPOSE

This information package describes the subdivision process, and should give clear direction to anyone subdividing land.

2.0 WHAT IS SUBDIVIDING?

A subdivision is created when a land parcel is divided into two or more parcels. Each parcel gets its own legal title (see Figure 1). Once endorsed by the County, the new parcels are registered with the Land Titles Office of Alberta. The Land Titles Office will issue a Certificate of Title for each created lot.

The subdivision process is governed by the Municipal Government Act (Part 17, Division 7, Sections 652 - 657) and the Subdivision and Development Regulation. Lac La Biche County approves all subdivisions in the municipality.

3.0 WHO CAN APPLY TO SUBDIVIDE LAND?

Only the registered owner(s) of the land can apply to subdivide. However, as specified under Section 4(1) of the Subdivision and Development Regulation AR 43/2002, the registered owner(s) can appoint an authorized person or agent to subdivide on their behalf.

4.0 THE LAND USE BYLAW

The Land Use Bylaw regulates the use and development of land. All municipalities are required to adopt a Land Use Bylaw. The Land Use Bylaw divides the County into land use districts, which set permitted and discretionary uses for each district. The bylaw establishes development standards in each district, and provides a system to issue development and subdivision approvals.

5.0 MUNICIPAL PLANNING COMMISSION (MPC)

The Municipal Government Act (MGA) allows a municipal Council to establish a Development and Subdivision Authority. The Authority is better known as the Municipal Planning Commission (MPC).

The commission is comprised of three citizens-at-large and five representatives of Council. Each member is appointed for a three-year term. Meetings are held bi-monthly (on the first and third Wednesday of each month), unless rescheduled.

6.0 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Municipal Government Act requires that a municipality create a Subdivision and Development Appeal Board (SDAB) to hear appeals against the MPC's decisions.

The County board consists of eight members-at-large, and two representatives of Council. Each SDAB member is appointed for three years. Members of the Municipal Planning Commission and employees of Lac La Biche County cannot be appointed to the SDAB.

EXISTING

PROPOSED

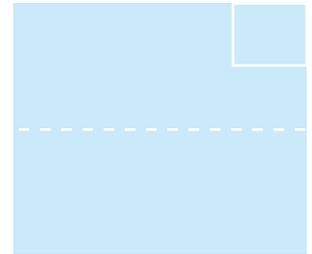
First Parcel Out



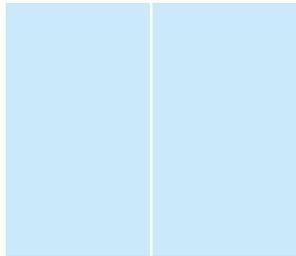
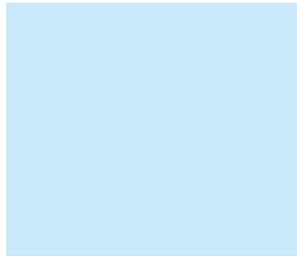
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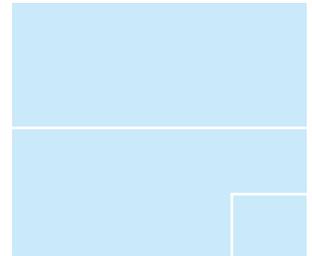
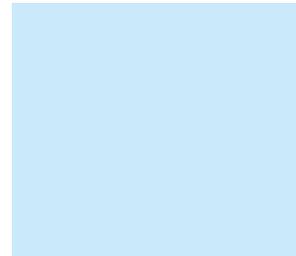
Second Parcel Out



Lot Split



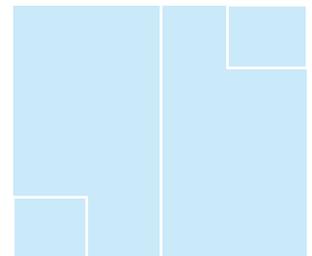
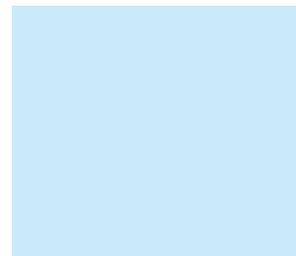
Split Lot, 3 lots



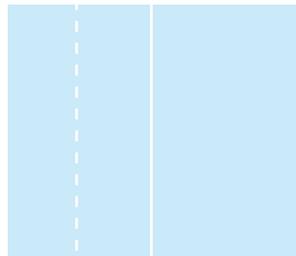
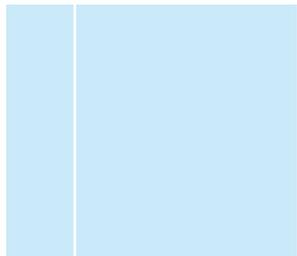
Fragmentation (water body, etc.)



Multi-lot Split



Boundary Adjustment



MGA, Section 652(4)

creating two titles from 1 title containing multiple lots

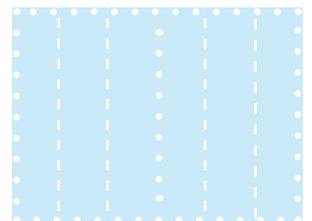
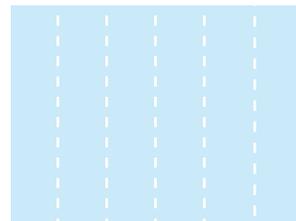


Figure 1 Subdivision Types

7.0 THE SUBDIVISION PROCESS

Regardless of how simple or complex subdividing will be, the Municipal Government Act and the Subdivision and Development Regulation require that a common process be followed. This process is described below, and illustrated in Figure 2.

7.1 COUNTY TIME LINES FOR DECISION

In most cases, the County has 60 days to make a decision on a subdivision application. This is usually enough time. If a parcel was registered in a land titles office before July 1, 1950, and if that parcel contains 2 or more lots with one lot smaller than 8 hectares, a decision on an application must be made in 21 days (if no referrals were made).

If a decision cannot be made in this time, the applicant and the County can agree on a subdivision extension. If the applicant does not grant an extension, the application is deemed refused.

7.2 AGENCY REFERRALS

The 60-day period includes time to allow agencies like the local school board and government departments to identify their concerns or make recommendations for the application. A copy of the application is also sent to all adjacent landowners for their comments.

7.3 TECHNICAL REVIEW

The Authority reviews every subdivision application for its suitability and its conformity with local and provincial legislation. Adjacent land uses, soil characteristics, physical access, circulation, servicing and the potential for flooding or erosion are all considered.

They also consider an application's compliance with the Municipal Development Plan, Area Structure Plan, and Land Use Bylaw. Finally, the Authority checks that the Municipal Government Act, the Subdivision and Development Regulation, and Provincial Land Use Policies are followed.

7.4 RECOMMENDATIONS AND DECISION

After reviewing adjacent landowners and referral agencies' comments, staff will make a recommendation and refer the application to the County's MPC. MPC can approve the application (with or without conditions) or refuse it. The applicant will be notified of the decision in writing. If refused, the MPC will not accept another application to subdivide the same parcel of land for six months.

7.5 SERVICING AGREEMENT

A servicing agreement is established between the County and a developer or landowner(s). It's a plan that details the intended process for development, and may include schedules, financial, and other County requirements. You have one year from the decision date to enter into the servicing agreement. Survey plans must be submitted prior to entering into an agreement. Approximately 2 weeks after receiving survey plans, the County can prepare an agreement.

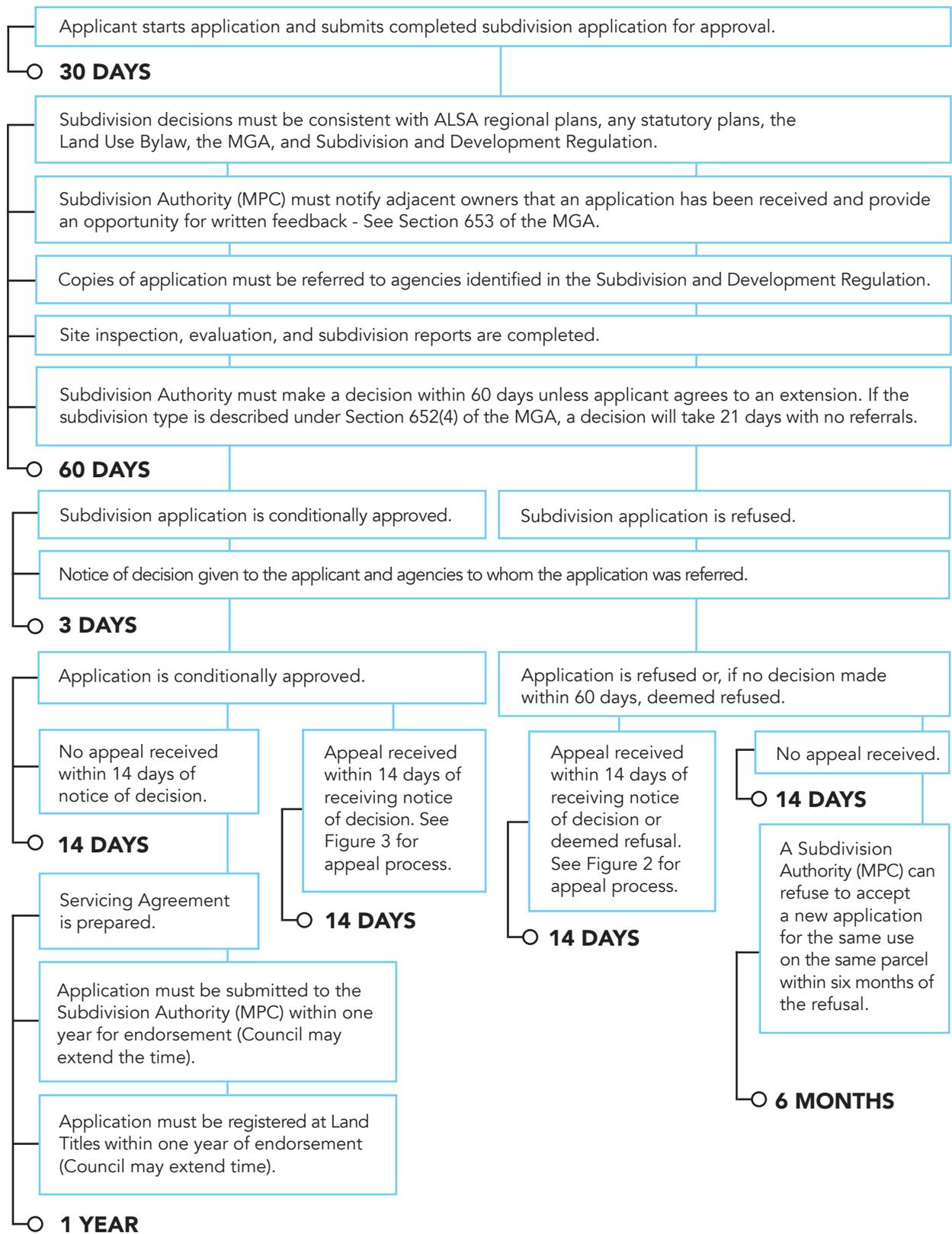


Figure 2 Subdivision Approval Process

A servicing agreement may ask a developer to:

- *construct or pay for an access road;*
- *construct or pay for a pedestrian walkway to serve the development or connect to an existing or proposed neighbouring adjacent development;*
- *install or pay for public utilities, other than telecommunications;*
- *construct or pay for parking facilities or redevelopment levy; and*
- *pay a security deposit to ensure that the agreements terms are met.*

7.6 ENCROACHMENT AGREEMENTS

An encroachment agreement may be needed if a development encroaches onto a roadway, utility right of way, or municipal land. The Subdivision Authority chooses whether the County will enter into an encroachment agreement with a developer.

7.7 ENDORSEMENT - MGA S. 652 - 670

Subdivision endorsement is the County's final review of a completed and approved application. Before endorsing the final application, the Subdivision Authority ensures the subdivision plan and all related documents are accurate, and provides the surveyor with the Subdivision Authority's approval.

The final document is submitted to the County for endorsement. The County will endorse the document only if approval conditions have been met. After a subdivision has been approved (either by MPC or an appeal), the applicant is responsible for getting a certified Alberta Land Surveyor to prepare an acceptable final document (plan or survey). Conditions may be attached to a subdivision approval requiring the applicant to:

- *protect land as an environmental reserve;*
- *provide up to 30 percent of land, minus land taken for environmental reserve or environmental reserve easement, for roads and public utilities;*
- *provide up to 10 percent of the land or money in place of land, less any land taken for environmental reserve or environmental reserve easement, for municipal and/or school reserves;*
- *enter into a servicing agreement to construct or pay for the construction of roads, walkways, public utilities, or off-street parking necessary to serve the development;*
- *pay an off-site levy for the capital cost of water, sanitary sewer, or drainage facilities. An off-site levy can be collected only once per parcel;*
- *ensure compliance with the ALSA Regional Plan, Part 17 of the MGA, statutory plans, and land use bylaws.*
- *Final documents must be submitted to the County for endorsement within 1 year of the date of approval.*
- *The documentation submitted for endorsement must be accompanied by the appropriate endorsement fee, as specified in the County fee schedule.*

7.8 REGISTRATION

The original signed endorsement is mailed to the surveyor. The surveyor is responsible for registering it with the Northern Alberta Land Titles Office in Edmonton. Documents must be registered within one year of the endorsement date. Once registration is completed, titles will be issued for the newly created lot(s).

7.9 SUBDIVISION APPEAL BOARD - MGA S. 627 - 630

If your application is refused, or if you disagree with a condition of approval, you must appeal to the Subdivision and Development Appeal Board (SDAB) within 14 days of receiving your notice of decision or deemed refusal (see Figure 3). If the land in question is located within the green area, close to a highway, water body, sewage treatment plant or waste management facility, and the application involves a provincial interest, then the appeal will be heard by the Municipal Government Board (MGB).

The SDAB must hold a hearing within 30 days. They give a written decision with their reasons within 15 days of the hearing. If your application involves a provincial interest, the Municipal Government Board holds a hearing within 60 days. They give a written decision with their reasons within 15 days of holding a hearing. Regardless of which Board makes the decision, it can be brought before the Court of Appeal on a question of law or jurisdiction. The local SDAB handles all other appeals. As part of the notice of decision, the County will indicate which board an appeal should be directed to. Either Board has the authority to uphold or reverse the Subdivision Authority's decision or change approval conditions.

8.0 LIMITATIONS - MGA S.627, 648-651, 661-670

The MGA and the Subdivision and Development Regulation set limits on municipal planning authorities. Some examples include:

- *limitations on SDAB membership (MGA section 627);*
- *limitation on what off-site levy bylaws and development agreements can contain (MGA sections 648-651);*
- *limitations on the amounts of land set aside and municipal or school reserves (MGA sections 661-670);*
- *requirements to decide on subdivision and development permits within times that the MGA specifies.*

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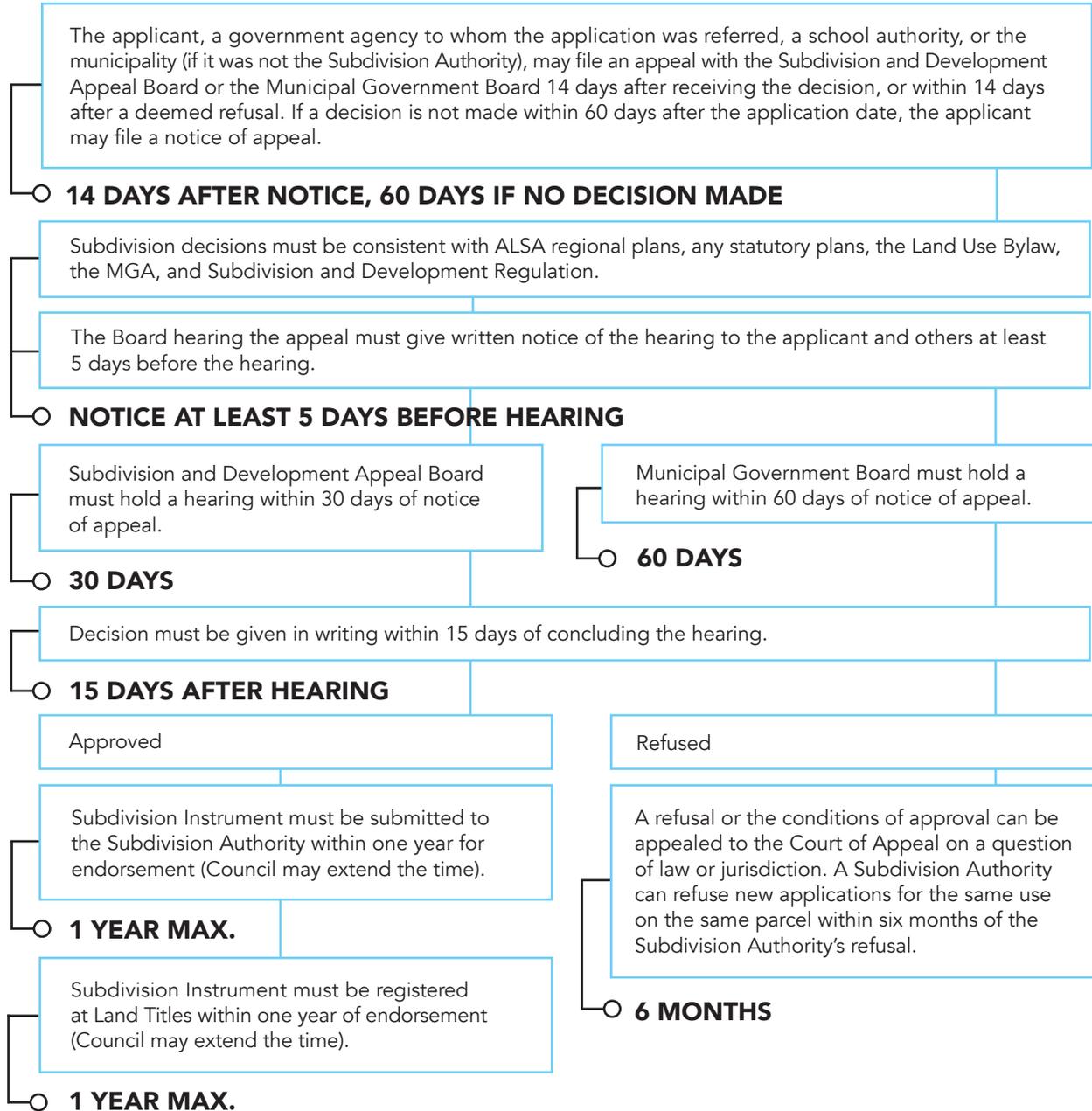


Figure 3 Subdivision Appeal Process

9.0 MINIMUM APPLICATION REQUIREMENTS

Applications are not considered complete until the Subdivision Authority receives all information. You will be notified by mail if you are required to submit more for your application. You will be notified by mail when your application has been accepted as complete, and again when a decision has been made.

9.1 COMPLETED APPLICATION

The owner of a parcel of land, or a person authorized by the owner, can apply to subdivide land by submitting a complete application to the Subdivision Authority. The applicant must submit the following:

- The owner's signature;
- a completed application for subdivision with all required documentation;
- the application fee;
- a copy of the current land title;
- site plans in paper or CAD format showing:
 - front, side, and rear yards, along with outlines of the exterior walls on all buildings, and the north point;
 - legal description of the site and adjacent lots (by lot, block, subdivision and registered plan), roads, right-of-way, easements, floodplains, top of bank, and water courses within or boarding the lot;
 - location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas;
 - the grades of the adjacent streets, lanes, and sewers servicing the property;
 - the lowest finished floor elevation in either basement or main floor in the principal and accessory buildings;
 - setbacks for existing and proposed development from areas of steep slope, top of bank from any watercourse, or identified high water mark of any watercourse; and
 - a hydrological report, landscape plan, reclamation plan, flood plain impact study, location of existing or proposed private sewage disposal systems, and
 - abandoned wells documentation.
- copies of all agreements registered against the land to be subdivided;
- documents that prove the presence or absence of abandoned wells Documentation from the ERCB (energy resource conservation board) Web Viewer must be attached to your application. Access it online at mapview.ercb.ca/abandonedwells; and
- Area Structure Plans.



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You must also provide any additional information, which may include:

- *a stormwater management plan, which must be approved by Alberta Environment, for any subdivision of 5 lots or more;*
- *an environmental site assessment;*
- *an environmental impact assessment;*
- *a historical resource impact assessment from the Alberta Culture Community Resources Department;*
- *a biophysical assessment;*
- *geotechnical reports;*
- *site servicing report (to outline how water, sewer, gas, power and phone services will be supplied);*
- *traffic impact assessment (if Alberta Transportation requires it);*
- *off-site parking plan; and*
- *a master sign plan.*

9.2 AGENT AUTHORIZATION

An agent can act on behalf of the land's registered owner. Although anyone can be appointed, an agent is usually an Alberta surveyor, planning consultant, or lawyer. Regardless, land cannot be subdivided without the consent of the registered owner(s). A list of surveyors can be found at laclabichcounty.com/planning-and-development.

9.3 RIGHT OF ENTRY FORM

The right of entry form allows County staff or appointees to inspect your land. This form must be completed and signed by the registered owner or authorized agent.

9.4 SITE PLAN

The application must be accompanied by a site plan that shows the relationship between the land being subdivided and neighbouring lands. Site Plans (see Figure 4) should be drawn on a template available from the County office.

9.5 CERTIFICATE OF TITLE

One copy of the current Certificate of Title will be required. Titles are available from your local Alberta Registries office. There is a charge for the title search.

9.6 APPLICATION FEES

The application for subdivision must be accompanied by the fees outlined in the fee schedule (see Table 1). If the application is approved, you must pay an Endorsement fee, due before registration. Visit laclabichcounty.com/planning-and-development for a complete fee schedule.

EXAMPLE



Tentative Plan of Subdivision
For the NW 1/4 - _____ - _____ - _____ W4M
Or Lot _____, Block _____, Plan _____

Scale: _____ Date: _____

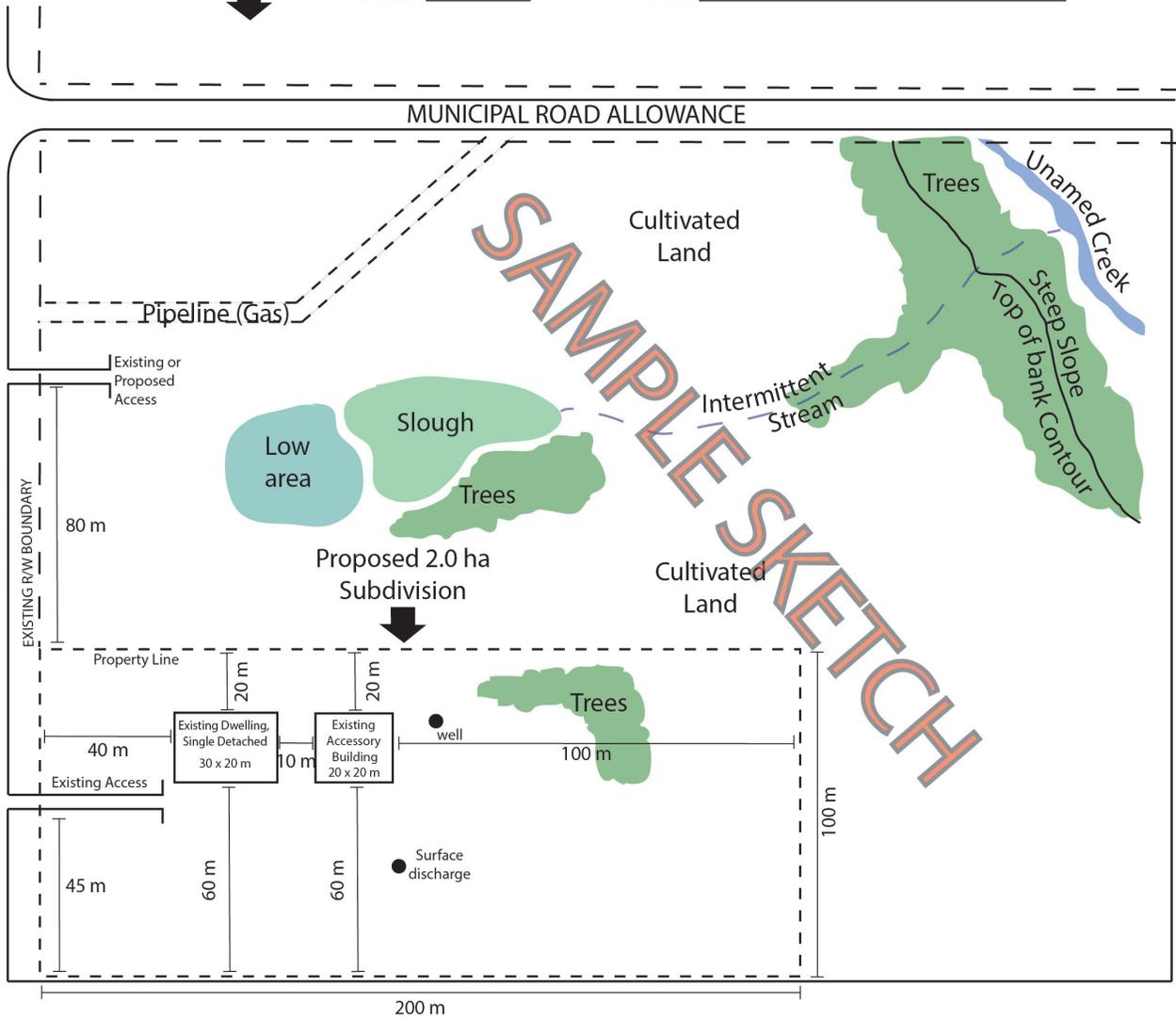


Figure 4 Site Plan



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FEE DESCRIPTION	PRICE
Single Parcel / Natural Fragmentation / Boundary Analysis	\$350.00
Endorsement (Per Lot)	\$150.00
Two Lots	\$350.00
Plus Application (Per Lot)	\$100.00
Endorsement	\$300.00
Multi-Lot (3 Lots or more)	\$350.00
Plus Application (Per Lot)	\$200.00
Endorsement	\$500.00
SUBDIVISION APPLICATION WITHDRAWAL (REFUNDS)	
Prior to Circulation	75% of Original Fee
During or After Circulation	50% of Original Fee
After Site Inspection	No Refund
Appeal (refundable if appeal is successful)	\$150
Extension	\$150
<i>Note: Application and endorsement fees are subject to change as approved from time to time by Council. Fees do not include GST.</i>	

Table 2 Subdivisions Fee Schedule



9.7 AREA STRUCTURE PLAN

An Area Structure Plan (ASP) covers only a part of the municipality and goes into more specific detail than the Municipal Development Plan (MDP) on the way new development should happen. Typically, ASPs are prepared for areas that have yet to be developed. They report information on population density, the phases of development, transportation routes, public utility locations, and future land uses. An ASP must align with documents like the Municipal Development Plan. ASPs are not mandatory under the MGA. However, if a municipality chooses to have one, it must be adopted as a bylaw.

Area Structure Plans should:

- conform with the MDP, other statutory plans, any applicable non-statutory documents, and the LUB;
- outline the sequences of development;
list the land uses and densities proposed for the area;
explain the impact of the proposed development on adjacent land uses and the environment;
- describe how the development will connect with the County's transportation network. *This should include analysis of on-site traffic impacts and an estimate of roadway upgrading that may be required;*
- explain how the proposed development will retain trees, environmental features like watercourses, wetlands, wildlife corridors, and historical resources;
- integrate natural areas into the design of developments to form part of a future linked and integrated parks and open space system, including the retention of forests, wildlife corridors, wetland areas, and the provisions of stormwater ponds and parks to form continuous open spaces; and
- list measures that will be taken to address natural and manmade hazards that may impact the development. *Any detailed scientific or engineering analysis that may be required by the County should be done by qualified technical professionals, all paid by the developer;*
- propose methods of water supply, stormwater management and sewage disposal, with report requirements contained in Policy 3.1.10 of the MDP ("Supporting Reports");
- identify what will be required to extend franchise utilities service to the site;
- provide land for municipal and environmental reserve;
- provide buffers from agricultural land uses, railways, major roadways, industrial and commercial development and any other incompatible land uses; and
- identify pipeline corridors, if applicable.

10.0 RESERVES

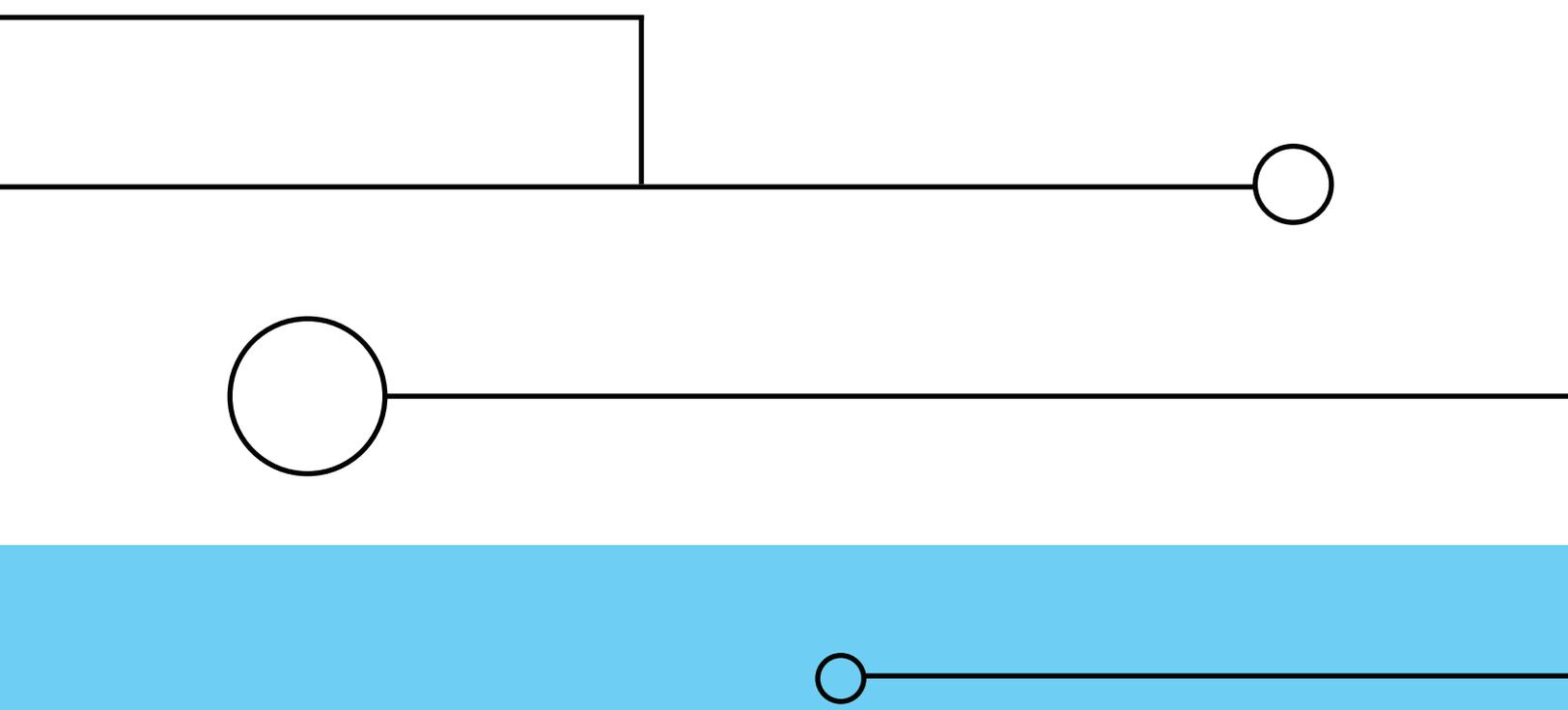
Reserve lands are typically divided into three categories: municipal reserve, school reserve, and environmental reserve. Lac La Biche County can declare up to 10% of subdivided land for municipal or school reserves. This land is normally used for future schools or parks.

Municipal reserve land provides recreational areas like parks, water access, and undeveloped green space for the general public's enjoyment. Municipal reserves can also be key links to other lands (including water access), and can act as undeveloped buffers between different land uses.

School reserve land is kept for future school sites.

Environmental reserve land has environmental features that make it unsuited for development. These features may include: steep slopes, swamps, gullies, ravines, natural drainage courses, flood-prone areas, or land immediately adjacent to lakes, rivers, streams, and other bodies of water.

Environmental easements are different from reserves. They are caveats on the Certificate of Title. The land remains privately owned and maintained. Easements are typically used for smaller (single-parcel or fragmented) subdivisions where the natural environment needs to be protected but is not needed for a public amenity.



Reserves can be created in three ways:

- *Land dedication during subdivision;*
- *Deferred to another piece of land in Lac La Biche County owned by the same person; and*
- *Cash-in-lieu of land (the value of up to 10% of the land to be subdivided to be paid to the County). The County and applicant can agree on a method of valuation pursuant to the MGA. Alternatively, the applicant must provide the County a market value appraisal (open market by willing seller to a willing buyer), with an effective date within 35 days after the subdivision application was submitted. The appraisal is based on a market value of the entire un-subdivided parcel as per the proposed use, assuming the proposed use is allowed.*

For example, if an applicant wants to subdivide agricultural land to permit industrial use, it is an appraisal of the whole parcel as industrial land, regardless of whether or not industrial use is allowed in the agricultural district.

Under s. 663 of the MGA, reserves may not be required 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 already provided for the same piece of land.*

FOR MORE INFORMATION,
PLEASE CONTACT

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