

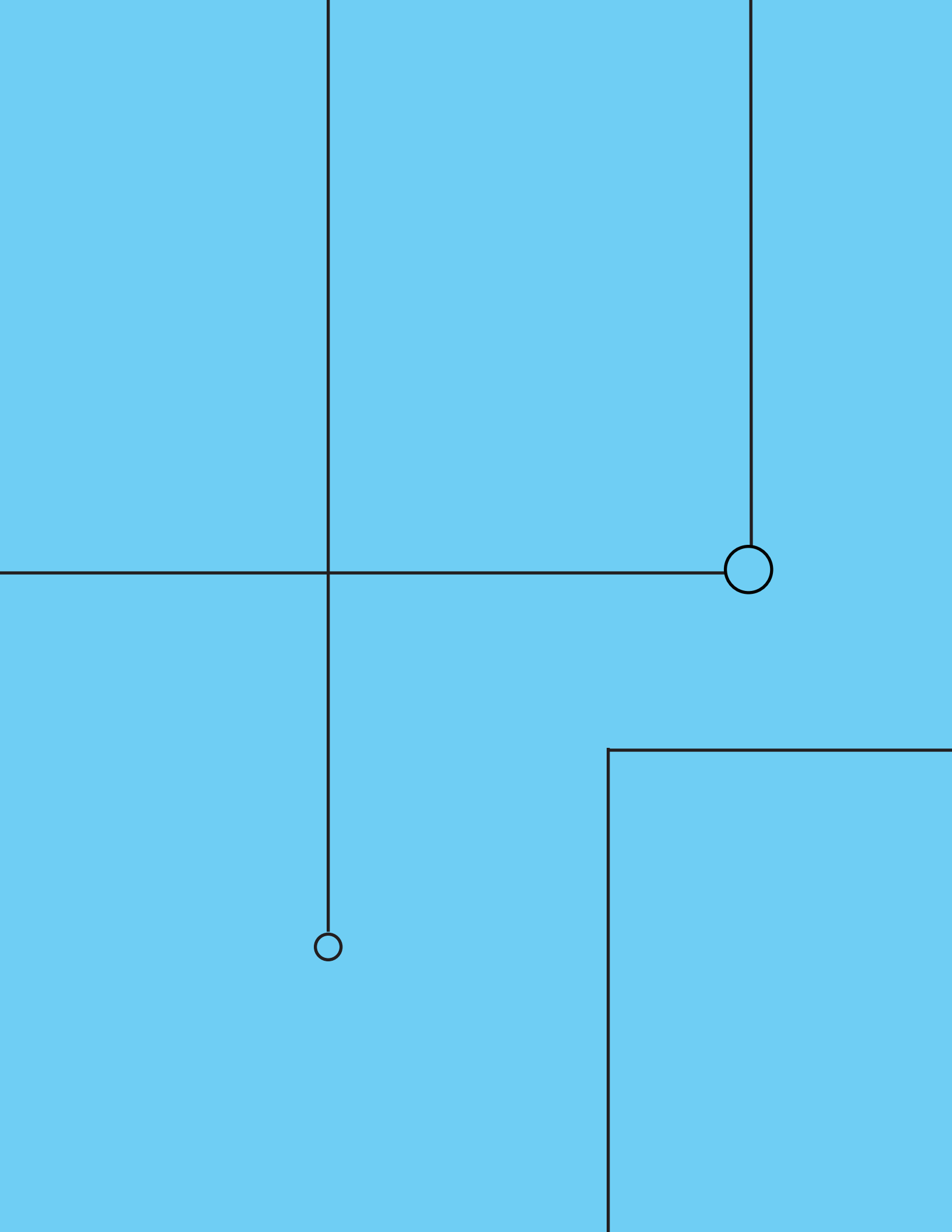
SUBDIVISION INFORMATION PACKAGE

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PLANNING AND DEVELOPMENT
LACLABICHECOUNTY.COM
780 623 1747



Lac La Biche County
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Planning And Development

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Planning And Development Department

Lac La Biche County Centre

Box 1679, 13422 Hwy. 881

Lac La Biche, Alberta | T0A 2C0

Email: planning.development@laclabichecounty.com

Phone: (780)-623-1747

Fax: (780)-623-2039



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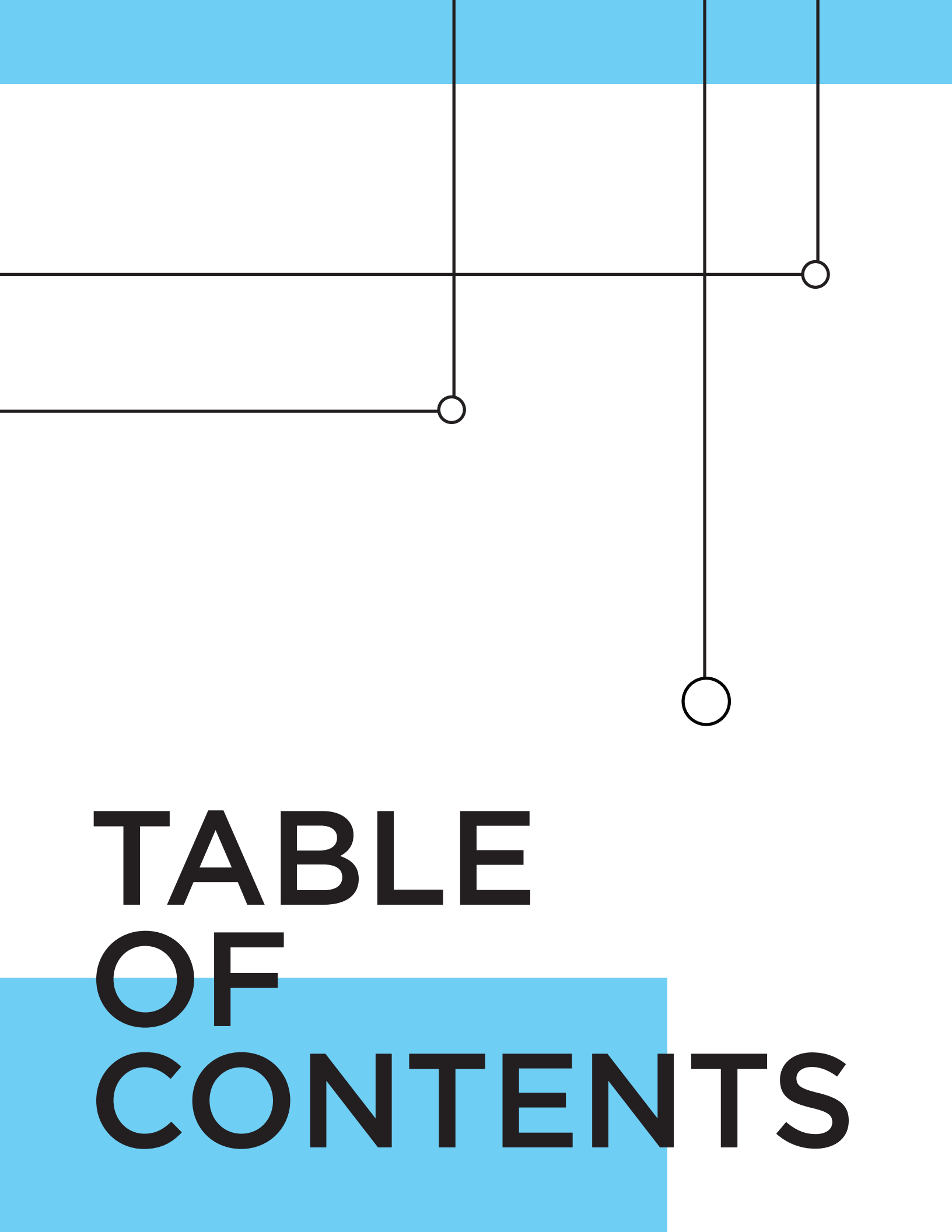


TABLE OF CONTENTS

1.0	Purpose	5
2.0	What is a Subdivision	5
3.0	Who Can Apply to Subdivide Land?.....	5
4.0	Planning Documents	5
5.0	Municipal Planning Commission	5
6.0	Subdivision Appeal Board	7
7.0	Endorsement (MGA S.652 - 670)	7
8.0	Registration	9
	8.1 Subdivision Appeal Board	9
9.0	Limitations	9
10.0	The Subdivision Process.....	10
	10.1 County Timelines for Decision	10
	10.2 Technical Review	10
	10.3 Referrals	10
	10.4 Recommendations and Decision	10
	10.5 Servicing Agreement	10
	10.6 Minimal Application Requirements.....	13
11.0	Fee Schedule	15

List of figures

Figure 1 - Subdivision Types	8
Figure 2 - Subdivision Approval Process	11
Figure 3 - Subdivision Appeal Process.....	12
Figure 4 - Site Plan Example	14



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.

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 PLANNING DOCUMENTS

There are three statutory documents that guide development in Lac La Biche County: the Municipal Development Plan, Area Structure Plans, and the Land Use Bylaw.

The Land Use Bylaw - divides the municipality into Land Use Districts and establishes development standards within each district to provide a system for issuing Development and Subdivision approvals.

5.0 MUNICIPAL PLANNING COMMISSION (MPC)

The Municipal Government Act (MGA) authorizes a municipal Council to establish a Development and Subdivision Authority. The Subdivision 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. Five members of the commission are required to host the meeting and pass motions.

6.0 SUBDIVISION APPEAL BOARD

The Municipal Government Act Section 678 (2) requires that a municipality establish a Subdivision 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.

7.0 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 (descriptive plan or survey). Conditions may be attached to a subdivision approval requiring the applicant to:

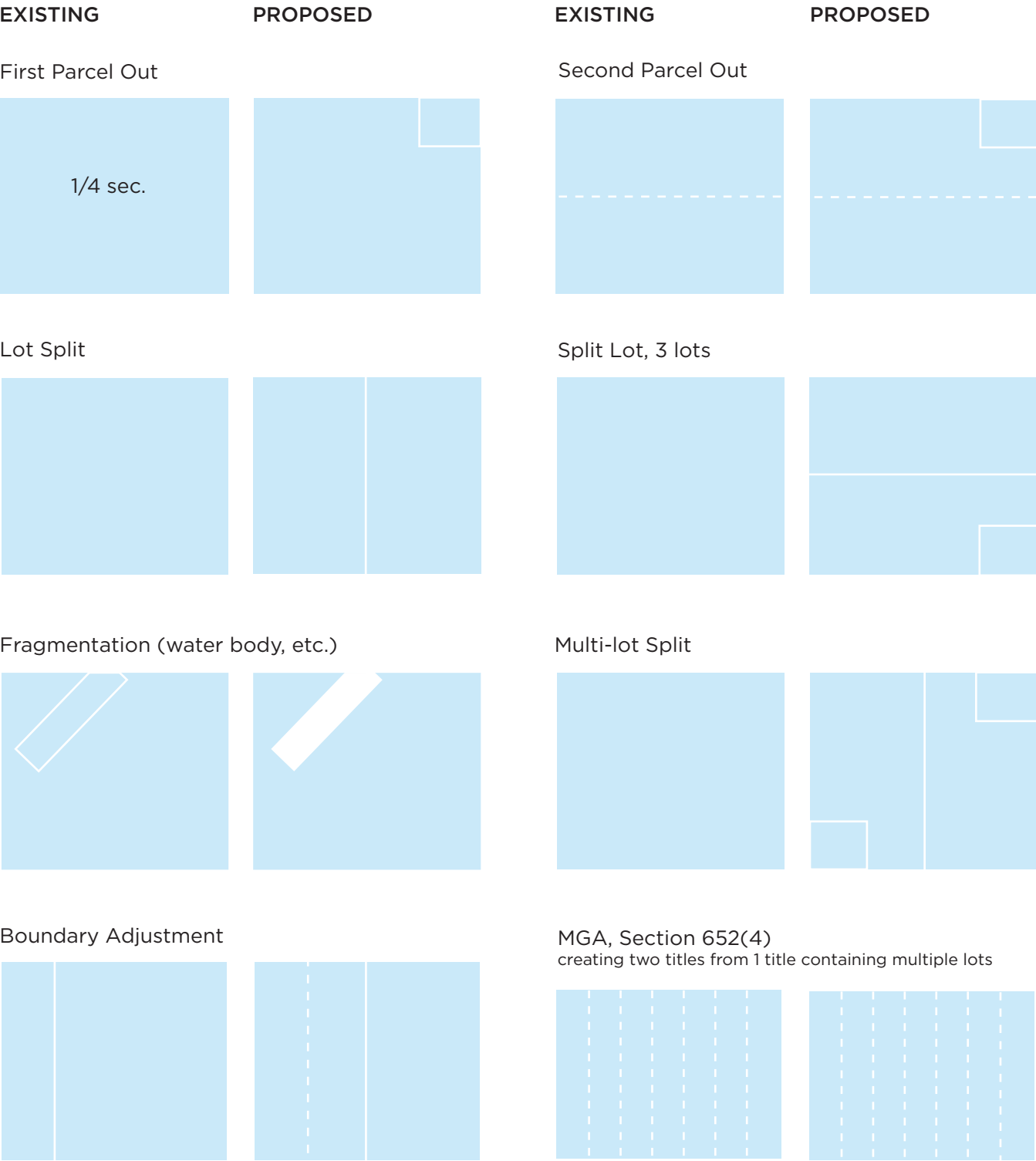
- dedicate land as an environmental reserve;
- provide up to 10 percent of the land, money in place of land, or deferred reserve caveat, for municipal and/or school reserves;
- legal and physical access to each parcel created;
- enter into a development agreement to construct or pay for the construction of roads, walkways, public utilities, or off-street parking necessary to serve the development;
- require a sewage inspection to ensure compliance with current regulations;
- ensure land taxes are paid in full.

Applicants must also ensure compliance with the ALSA Regional Plan, Part 17 of the MGA, statutory plans, and land use bylaws.

All final documents must be submitted to the County for endorsement within one 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.

Figure 1 - Subdivision Types



8.0 REGISTRATION

Once the final document has been endorsed by the County, the subdivision authority form is returned to the surveyor who is responsible for registering it with the Northern Alberta Titles Office in Edmonton. Documents must be registered within 1 year of the date of endorsement. Once registration is completed, titles will be issued for the newly created lot(s).

It is important to note that the remnant parcel (e.g. balance of titled lands not being subdivided) is not counted as a lot. No endorsement fee is charged for any municipal reserve, school reserve, or public utility lots that are created at time of registration.

8.1 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 appropriate appeal board 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 Land & Property Rights Tribunal (LRPT). All other appeals will be heard by the local Subdivision and Development Appeal Board (SDAB).

The SDAB must hold a hearing within 30 days from the date the appeal is submitted. Following the close of the hearing a written decision is provided within 15 days. If your application involves a provincial interest, the LRPT holds a hearing within 60 days. They will provide a written decision with their reasons within 15 days of the closure of the hearing. Regardless of which Board makes the decision, it can be brought before the Court of Appeal on a question of law or jurisdiction.

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.

9.0 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.

10.0 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.

10.1 COUNTY TIMELINES 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 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.

10.2 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, servicing and the potential for flooding or erosion are all considered. They also consider an application's compliance with the Municipal Development Plan, applicable 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.

10.3 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. As per the Land Use Bylaw, all land owners within the 60 metre radius are notified. In addition, anyone on the certificate of title with registered interest will be notified. The referral period is 21 days from the date of the application.

10.4 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.

10.5 SERVICING AGREEMENT

A servicing agreement established between the County and a developer or landowner(s) is 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.

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.

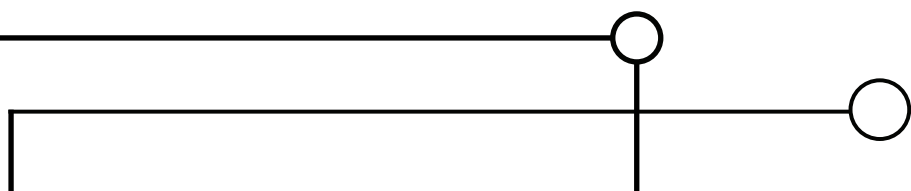


Figure 2 - Subdivision Approval Process

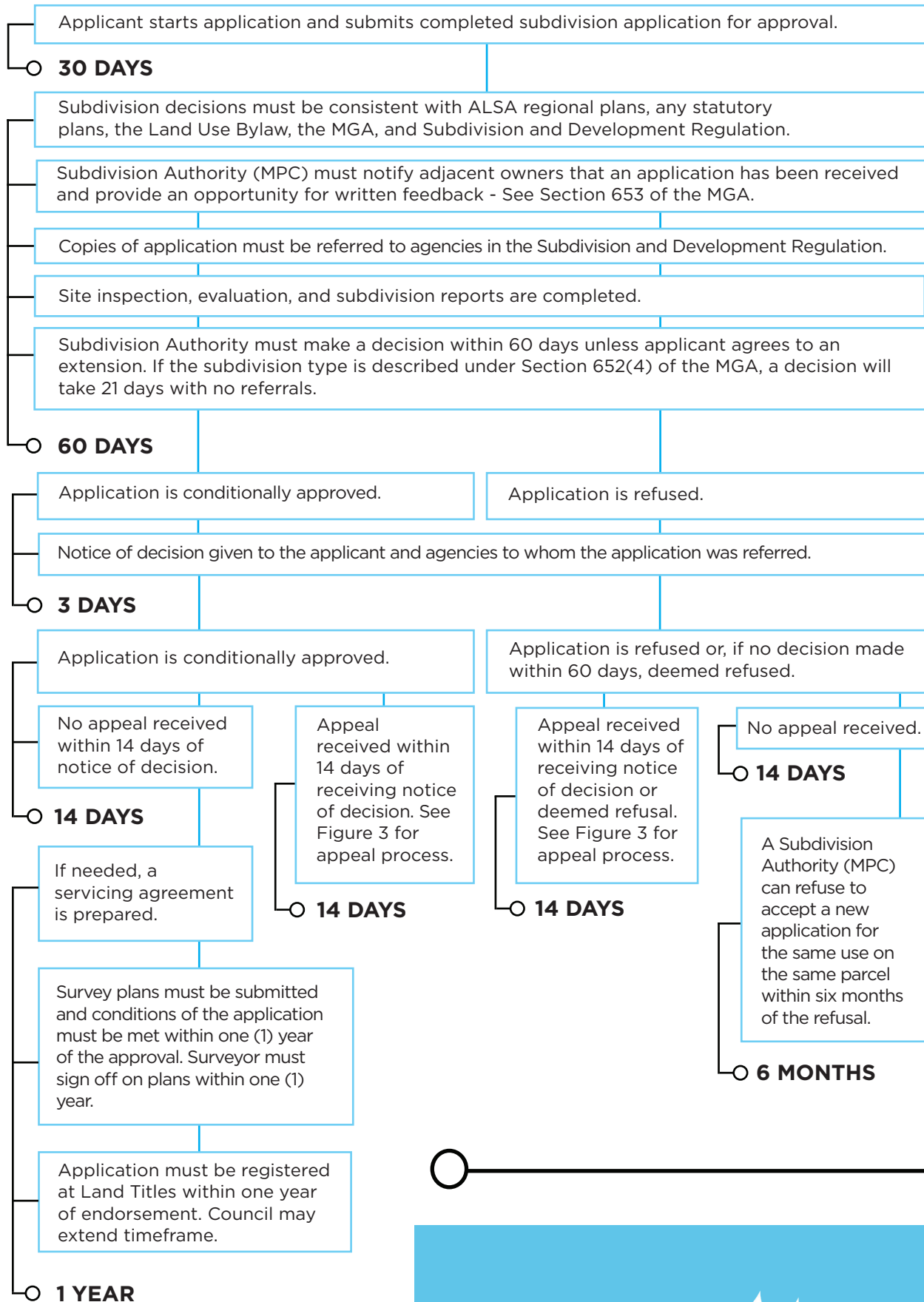
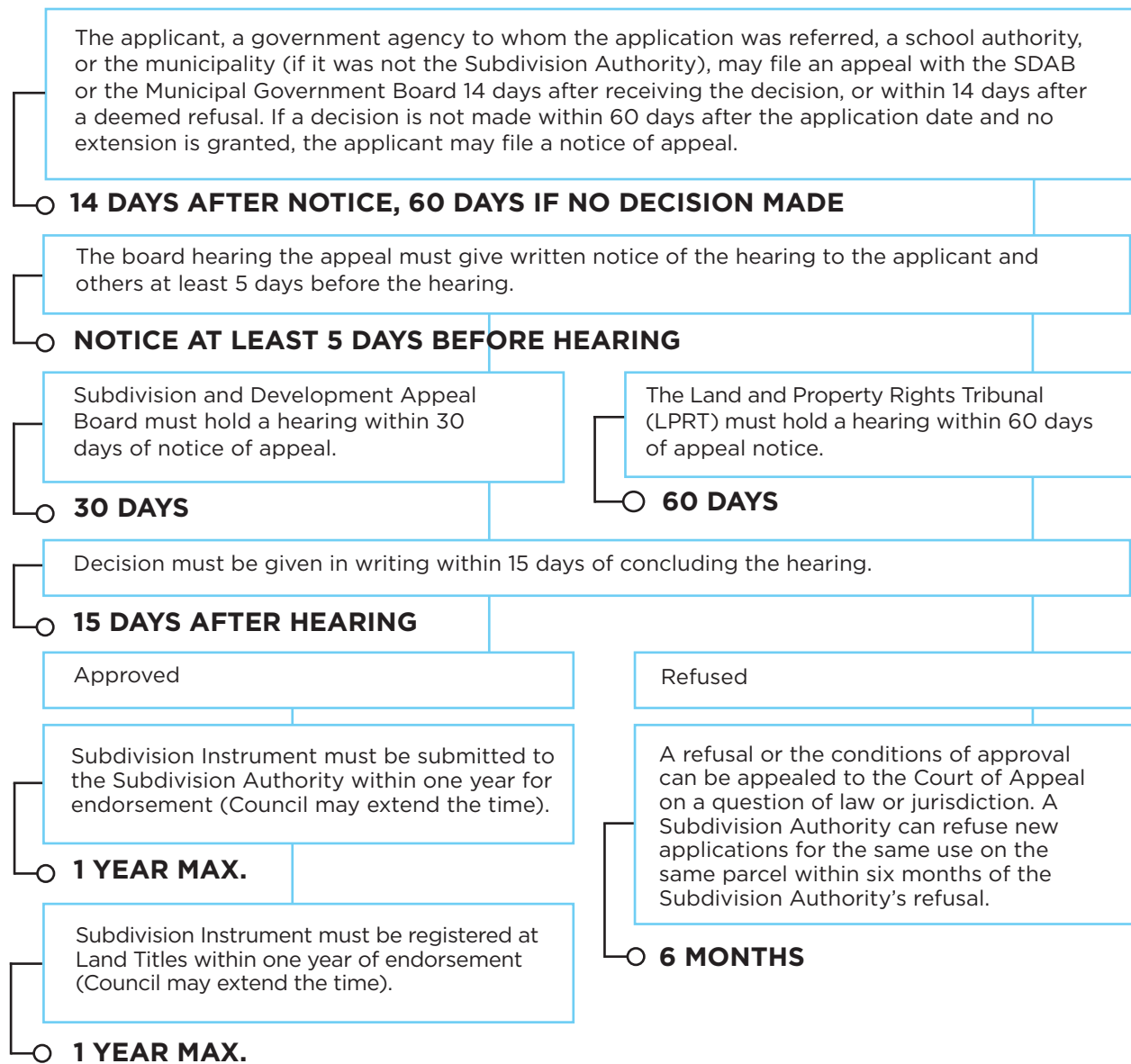


Figure 3 - Subdivision Appeal Process



10.6 MINIMUM APPLICATION REQUIREMENTS

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

COMPLETED APPLICATION CHECKLIST

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:

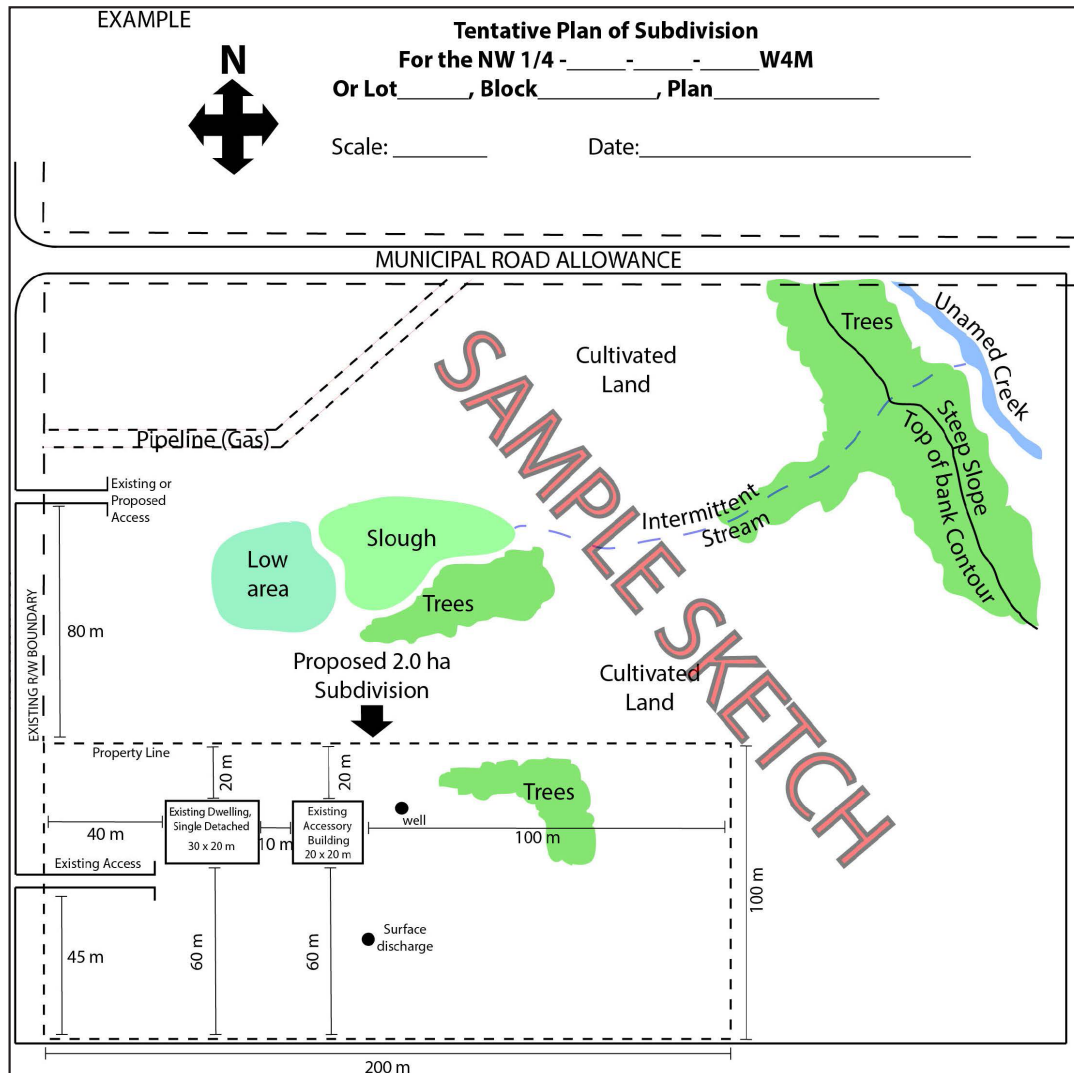
- ☐ A completed subdivision application with all required documentation. All owners registered on title must sign.
- ☐ Payment for the application fee. (See our Fee Schedule on Page 14).
- ☐ A copy of the current land title, pulled within 30 days. The County can pull the title for a fee of \$15.
- ☐ Copies of all agreements registered on titles (caveats).
- ☐ Documents that prove the presence or absence of abandoned wells Documentation from the Energy Resource Conservation Board (ERCB). Web Viewer must be attached to your application. Access it online at mapview.ercb.ca/abandonedwells

In addition the following plans/reports may also be required:

- ☐ A stormwater management plan, which must be approved by Alberta Environment.
- ☐ 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.
- ☐ An environmental site assessment.
- ☐ Traffic impact assessment.
- ☐ Off-site parking plan.
- ☐ Area Structure Plan or Concept Plan.



Figure 4 - Site Plan (to reflect Figure 1 - Subdivision Types)



Tentative Sketch Plan Checklist

- ☐ 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;
- ☐ 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;
- ☐ location of oil and gas wells, pipelines and facilities.

11.0 Subdivisions Fee Schedule

FEE DESCRIPTION PRICE

Single Parcel / Natural Fragmentation / Boundary Adjustment	\$350
Endorsement (Per Lot)	\$150
Two Lots	\$350
Plus Application (Per Lot)	\$100
Endorsement	\$300
Multi-Lot (3 Lots or more)	\$350
Plus Application (Per Lot)	\$200
Endorsement	\$500
Current Certificate of Title Search	\$15

SUBDIVISION APPLICATION WITHDRAWAL (REFUNDS)

Prior to Circulation	50% of Original Fee
During or After Circulation	25% of Original Fee
After Site Inspection	No Refund
Appeal (refundable if appeal is successful)	\$150
Subdivision Extensions	\$150

Note: Application and endorsement fees are subject to change as approved from time to time by Council. Fees do not include GST.





**FOR MORE INFORMATION,
PLEASE CONTACT**

Planning and Development Department
Lac La Biche County Centre
13422 Hwy. 881
Box 1679
Lac La Biche, Alberta T0A 2C0

Email: planning.development@laclabichedcounty.com
Phone: (780)-623-1747
Fax: (780)-623-2039

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