



# CITY OF LEDUC POLICY

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POLICY NUMBER: 61.00:17

<b>AUTHORITY:</b>	DIRECTOR OF PLANNING & ENGINEERING SERVICES	<b>ISSUE DATE:</b> 10/28/97 <b>SUPERSEDES:</b> 61.00:6 <b>REVISION #:</b> 1
<b>POLICY NAME/TITLE/SUBJECT:</b>	ORGANIZATION AND OPERATION OF SUBDIVISION AUTHORITY	
<b>DEPARTMENT/SECTION:</b>	PLANNING AND DEVELOPMENT	
<b>RELEVANT LEGISLATION:</b>	MGA, 1994 S.A. C. M-26.1 AS AMENDED AND ANY REGULATIONS MADE THEREUNDER MINISTERIAL ORDER 318/84	
<b>RELEVANT BYLAW/RESOLUTION:</b>	SUBDIVISION AUTHORITY BYLAW 358-95 RESOLUTION 313/95 AND 331/97	

**Policy Objective:**

To create a policy for the organization and operation of the Subdivision Authority of the City of Leduc.

**Policy:**

A. PURPOSE OF THE SUBDIVISION AUTHORITY

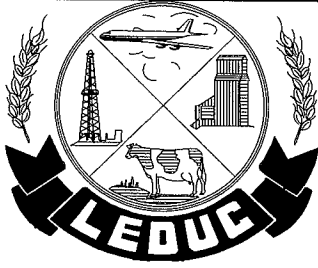
1. To consider applications for subdivision of land within the City of Leduc.
2. To respond on applications for subdivision within the County of Leduc or other municipalities referred to the City of Leduc for comment.

B. SUBDIVISION AUTHORITY BYLAW

A Bylaw to be known as the "Subdivision Authority Bylaw" (the Bylaw) shall be undertaken as required in the Municipal Government Act, 1994 S.A. C.-M-26.1, as amended (the Act) and this policy shall reflect the essential directions of this Bylaw.

C. DEFINITIONS

The Bylaw shall include definitions to ensure the meaning and interpretation of words is understood.



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## D. ESTABLISHMENT OF AUTHORITY

The Subdivision Authority of the City of Leduc will be the City's Director of Planning and Engineering Services. In the absence of the Director of Planning and Engineering Services, the Subdivision Authority will be a member of the City Planning Staff, as designated by the City Manager.

## E. SIGNING AUTHORITY

1. Any decision rendered by the Subdivision Authority should be signed by a member of the City Planning Staff, as designated by the City Manager.
2. In absence of any official or officials of the municipality appointed under Item E1, a document of the Subdivision Authority may be signed by any official or officials of the municipality with the responsibility of receiving, considering and deciding on applications for subdivision under the Act.
3. General correspondence and information documents may be signed by any official or officials of the Planning Department of the municipality with the responsibility of receiving and processing applications for subdivision under the Act.

## F. RECORD KEEPING

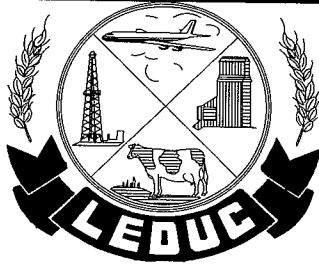
Appropriate records must be kept for each application for subdivision by the Planning and Engineering Services Department in compliance with the regulations of the Act.

## G. SUBDIVISION APPLICATIONS

1. Applications for subdivision approval must be submitted in the format with the required number of copies as set out in the "Requirements for Applications for Subdivision" attached as Schedule "A" and the regulations of the Act.
2. At the time of application, the Applicant shall pay the City a fee calculated in accordance with the Subdivision Fee Schedule, approved under separate bylaw.

## H. SUBDIVISION APPROVALS

1. Upon receipt of an application for subdivision approval, notice of the application will be forwarded to the adjacent property owners:
  - a) and any other interested person or local authority required to be served by the Act or the subdivision and development regulations under the Act. These agencies may



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include those persons and local authorities specified in the Subdivision and Development Regulations under the Act. These agencies include:

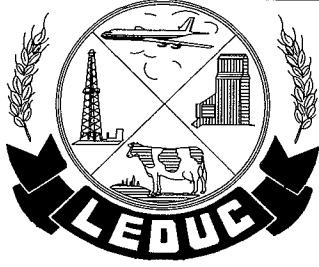
- Alberta Government Telephones
- Centra Gas
- Alberta Transportation & Utilities
- Black Gold Regional Schools Div. 18
- Archeological Survey
- Transport Canada
- Crossroads Regional Health Authority
- Alberta Energy & Utilities Board
- Alberta Labour
- Canada Post
- Any other persons or local authorities the Subdivision Authority considers necessary
- TransAlta Utilities
- Shawcable Systems
- County of Leduc
- St. Thomas Aquinas Roman Catholic School
- Separate Regional Schools Div. 22
- Alberta Environment Protection
- Alberta Forestry, Lands & Wildlife
- Economic Development Authority
- Department Responsible for Public Lands Act
- Department Responsible for Historical Resources Act

b) Notwithstanding the generality of the foregoing, the following agencies require referral of all applications:

- Alberta Government Telephones
- Centra Gas
- TransAlta Utilities
- Shawcable Systems
- Canada Post

c) If the parcel to be subdivided is adjacent to a Highway, notice must be given to Alberta Transportation.

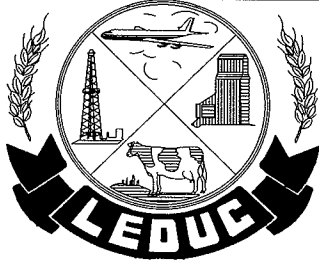
2. Upon the receipt of comments from the various referral agencies, the proposed subdivision will be reviewed by the Subdivision Authority.
3. The Subdivision Authority may impose conditions on a subdivision in accordance with the Act.
4. If the application to subdivide includes more than one parcel of existing subdivided land, the lots must be consolidated under one legally registered plan.



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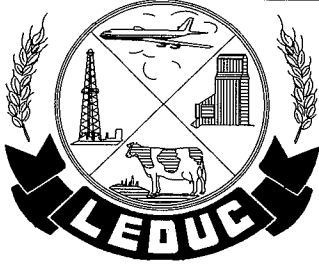
5. A development agreement required as a condition of subdivision approval must be approved by Council.
6. The Subdivision Authority may register a caveat on the proposed subdivision to ensure conditions of a Development Agreement are met.
7. The following minimum lot sizes will apply:
  - a) In a proposed subdivision which is served or intended to be served by a water distribution system and a sewage collection system each lot that is to be used as the site of a detached single family dwelling unit or a mobile unit must have an area of at least 232.25 m<sup>2</sup> (2,500 sq.ft.).
  - b) In a proposed subdivision which is served or intended to be served by a water distribution system and a sewage collection system each lot that is to be used as a site for a residential building containing two dwelling units must have at least 464.5 m<sup>2</sup> (5,000 sq.ft.) for every lot in the proposed subdivision.
  - c) In a proposed subdivision which is served or intended to be served by a water distribution system and a sewage collection system, each lot that is to be used as a site for:
    - (i) a town house building or a row house building, or
    - (ii) a town house dwelling unit or a row house dwelling unitmust have an area that will provide an area of at least 185.8 m<sup>2</sup> (2000 sq. ft.) for each end unit and an area of at least 148.64 m<sup>2</sup> (1600 sq.ft.) for each internal unit.
  - d) In a proposed subdivision which is served or intended to be served by a sewage collection system but not by a water distribution system, each lot that is to be used as a site for a detached single family dwelling unit or a mobile unit must have
    - (i) an area of at least 929 m<sup>2</sup> (10,000 sq. ft.), and
    - (ii) a width of at least 30.48 m (100 ft.).
  - e) In a proposed subdivision which is served or intended to be served by a water distribution system but not by a sewage collection system, each lot that is to be used for a detached single family dwelling unit or a mobile unit must have
    - (i) an area of at least 1,393.5 m<sup>2</sup> (15,000 sq.ft.), and



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- (iii) a width of at least 30.48 m (100 ft.).
  - f) In a proposed subdivision which is not served or is not intended to be served by a sewage collection system or by a water distribution system, each lot that is to be used as a site for a detached single family dwelling unit or a mobile unit must have at least
    - (i) an area of at least 1,858 m<sup>2</sup> (20,000 sq.ft.), and
    - (ii) a width of at least 30.48 m (100 ft.).
- 8. The Subdivision Authority will take into consideration and render decisions based on policies approved in a Intermunicipal Development Plan
- 9. The Subdivision Authority must not approve an application for subdivision:
  - a) unless the land to be subdivided is in the opinion of the Subdivision Authority suitable for the purpose for which the subdivision is intended.
  - b) unless the land that is proposed to be subdivided complies with the Act, any statutory plans and the intent of the Land Use Bylaw;
  - c) unless all outstanding property taxes on the land proposed to be subdivided have been paid or arrangements satisfactory to the municipality have been made for their payment.
  - d) for country residential use unless the land that is the subject of an application is 8 kilometers or more from the boundaries of the City unless a Intermunicipal Development Plan has been entered into with the adjacent municipality. Notwithstanding, the Subdivision Authority may approve an application for subdivision for country residential if the use is permitted under the Intermunicipal Development Plan.
- 9.1 Notwithstanding the Section 9, the Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Land Use Bylaw if it conforms with the use prescribed for that land in the Land Use Bylaw and, in its opinion, the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
- 10. An Intermunicipal Development Plan will affect an application for subdivision for country residential use only if the adjacent municipality with which an Intermunicipal Development Plan has been entered into is affected by the proposed subdivision.



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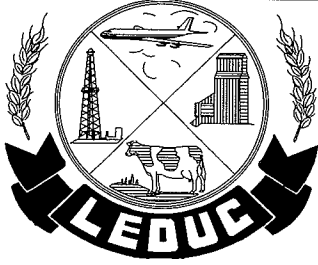
11. The Subdivision Authority may approve or refuse any application for subdivision approval.

## I. DECISION OF THE SUBDIVISION AUTHORITY

1. A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations of the Act to give a copy of the application.
2. The decision must list any conditions of approval.
3. A decision must state:
  - a) whether an appeal lies with a Subdivision and Development Appeal Board or to the Municipal Government Board, and
  - b) if an application for subdivision approval is refused, the reasons for the refusal.
4. If an application is refused, the subdivision authority may refuse to accept another application with respect to the same land or part of the same land within six months after the date of the decision .
5. The Subdivision Authority shall provide Council with a summary of subdivision approvals or applications every six months and will provide immediate notification to Council of any approvals or applications for more than five lots.

## J. SUBDIVISION ENDORSEMENT

1. The plan of subdivision must be submitted to the Subdivision Authority within the time period set out in the Act.
2. Once satisfied that the plan of subdivision or other instrument complies with the subdivision approval and that any conditions imposed have been met, the Subdivision Authority must endorse the plan or other instrument in accordance with the Act.
3. If any condition has not been met, the Subdivision Authority may endorse the plan or other instrument if it is satisfied that the conditions will be met.
4. If the plan of subdivision or other instrument is not submitted within the time prescribed, the subdivision approval is void.



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## K. TIME EXTENSIONS

1. If the Subdivision Authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the Subdivision and Development Regulations of the Act, the applicant may, within 14 days after the expiration of the time prescribed :
  - a) treat the application as refused and appeal it in accordance with the Act, or
  - b) enter into an agreement to extend the time prescribed in the Subdivision and Development Regulations.
  
2. If the plan of subdivision or the instrument is not registered in a land titles office within one year after the date on which it is endorsed, and no time extension has been granted, the subdivision approval and the endorsement are void. If the applicant for a subdivision applies to the Subdivision Authority in a manner regulated by the Act within one year of the endorsement of the subdivision, the Subdivision Authority may grant a time extension to register the plan of subdivision at the land titles office.

AUTHORITY'S SIGNATURE:

**CITY OF LEDUC  
PLANNING & ENGINEERING SERVICES  
PLANNING & DEVELOPMENT**

**REQUIREMENTS FOR APPLICATIONS FOR SUBDIVISION**

(1) **FEES:**

In accordance with Bylaw 274-92, each application for subdivision is to be accompanied by an initial application fee plus an endorsement fee which is due prior to the City's endorsement of the plan of survey. A cheque or money order in the amount required under the Bylaw shall be made payable to the City of Leduc.

(2) **APPLICATION FORMS:**

Twenty (20) completed application forms must be submitted. At least three applications forms must be originals and the remaining seventeen forms may be legible photocopies. These forms must be signed by the registered owner(s) of the land that is the subject of the application or an authorized person who is acting on behalf of the registered owner(s).

NOTE: If a company or individual is the owner of the said land under an agreement for sale as indicated by caveat on the back of the Certificate of Title, please submit a copy of the signed agreement for sale or caveat along with the subdivision application.

(3) **AUTHORIZATION FORMS:**

One (1) completed authorization form signed by the registered owner(s). This form is required only if the application is being submitted by a person other than the registered owner(s). Please note that in those instances where a surveyor is making application on behalf of a developer which has an option on the title and land, this office also requires a written authorization from the developer to the surveyor.

(4) **RIGHT-OF-ENTRY AGREEMENT:**

One completed right-of-entry agreement, either permitting or refusing the right-of-entry for a site by an authorized person from the City of Leduc, must accompany the application submission.

(5) **CERTIFICATE OF TITLE:**

One certified up-to-date copy of the current Certificate of Title(s) on file in the Land Titles Office. The City does not accept the Duplicate Certificate of Title or copies of same. Please note that the address of the Land Titles Office is:

Land Titles Office  
10365 - 97 Street  
Edmonton, AB T5J 3W7



(6) **PROPOSED PLAN:**

Twenty (20) copies at a minimum scale of 1:1000. These plans must be folded to a legal size, 8 1/2" x 14". The plans shall show:

- (a) The location, dimension and boundaries of the existing parcel of land to be subdivided, showing the location of existing services on the property proposed to be subdivided.
- (b) The area of the subdivision proposal which the applicant proposes to register in the Land Titles Office.
- (c) The location, area and proposed dimensions of all parcels, including reserves, roads and points of access to all the proposed parcels. The proposed lots and blocks are to be numbered. Streets shall be identified.
- (d) Contour information (where required) at an interval of 1.0 m is to be superimposed over the tentative plan, and the contour data is to be related to a geodetic datum where possible.
- (e) The location, dimensions, numbers, names and other designations of any:
  - highways
  - secondary roads,
  - public roadways,
  - existing or proposed railways and/or spur tracks,
  - rights-of-way or easements (on record in a Land Titles Office) which exist on land adjoining or in the immediate vicinity of the land to be subdivided.
- (i) Pipelines:
  - location and size
  - rights-of-way
  - product in the line
  - ownership
  - proposed change in rights-of-way
- (ii) Electrical power transmission and distribution lines:
  - existing rights-of-way
  - voltage
  - ownership
  - proposed change in rights-of-way
- (f) The location, siting and plotting of natural and man-made physical features such as:
  - bodies of water and drainage ditches, sloughs or organic areas
  - top and bottom of banks
  - wooded areas
  - pits or mounds
  - existing structures

The location and dimension of all existing buildings or structures on the land to be subdivided, and/or any other buildings or structures on adjoining or in the immediate vicinity of the land to be subdivided must be plotted.

(7) **KEY PLAN:**

Twenty (20) copies of a key plan showing the location of the proposed subdivision in the City and drawn to a scale of approximately 1:4800 must be provided in conjunction with the application submission. If desired, the applicant may use a Key Plan Base as provided by the City.

(8) **LOCAL SERVICES:**

The applicant/owner may be asked to provide an Area Structure Plan for major applications or to provide satisfactory data in the form of a qualified consultant's report, with respect to the following:

- (a) The method of providing the proposed subdivision with a suitable supply of potable domestic water.
- (b) The intended method of providing storm and sanitary sewage disposal facilities to the proposed subdivision.
- (c) Proposed methods of handling surface drainage for the subdivision area and any other land area that may be affected by the proposal.
- (d) Arrangements that may have to be made to effect the collection and disposal of solid waste.
- (e) Where a stormwater impoundment area is involved, the dedication of reserve, and the provision of normal lots or public utility lots in and around the area.

(9) **RESERVE REQUIREMENTS:**

The applicant shall identify reserve area(s) and public utility lots as required in Section 18 of the Subdivision and Development Regulations.

(10) **ADDITIONAL INFORMATION:**

Pursuant to Section 4 of the Subdivision and Development Regulations, additional information may be required. If such information is required, the applicant will be notified accordingly.

(11) **PLAN OF SUBDIVISION:**

The registration of any new lot boundaries in the City of Leduc shall be undertaken by Plan of Survey and not by Descriptive Plan.