



GUIDELINES FOR “FRAGMENTED PARCEL” SUBDIVISIONS

What is a “fragmented parcel” subdivision?

Clearwater County **may** approve the subdivision of land that is **completely severed** from the balance of the quarter section by:

- a developed registered public road
- an active railroad
- a permanent water course or water body
- a deep ravine; or
- a naturally occurring permanent wetland.

Clearwater County may allow the owner of a quarter section to create title to a separate parcel subject to the criteria of fragmentation as laid out in the Municipal Development Plan (2010). The subdivision approving authority, that being the Municipal Planning Commission, will make their decision based upon the parcel meeting those criteria. Each application is site specific; therefore, you are advised to consult with a member of our Planning staff if you are unsure of the eligibility of a specific parcel of land.

What criteria must be met to be considered a fragmentation?

A fragmentation is a portion of land that is **completely severed** from the balance of the quarter section and meets the following criteria:

- 1) The feature that separates the fragmented parcel from the balance of the title is impassable by farm machinery.
- 2) The difficulty and safety of access from the balance of the title renders the proposed fragmented parcel to be permanently severed from the balance of the title.
- 3) The size and characteristics of the parcel to be fragmented are as conducive, or more conducive, to the proposed use than the current use.
- 4) With regard to a permanent water course or water body, there is written confirmation from Alberta Sustainable Resource Development that the title of the bed and shore of the water course or water body is vested in the Crown in the right of Alberta.

What size of parcel am I allowed to subdivide?

When a parcel of land is being separated from the balance of the quarter by fragmentation it remains designated (zoned) as Agricultural District "A". The overall size of the parcel being created will be determined by the severance itself.

Does the parcel out have to encompass an existing developed building site?

No, it may be a vacant area providing it contains a suitable building site, both legal and physical access can be accommodated and all required setbacks can be met. The remainder of the quarter section must also contain a suitable building site.

What is a suitable building site?

A suitable building site is one that contains a minimum of 1.00 acre of contiguous land with slopes less than 15% and is capable of supporting private utilities, in particular, a water well and sewage disposal. Additionally, a suitable building site is one that has a ground water table greater than 2 metres (6.56 feet) from the surface.

What is legal and physical access?

Any proposed parcel must have legal and physical access onto a public road system whether it is under the control of the municipality or the province. The legal aspect is satisfied when the proposed parcel lies adjacent to a roadway; however, the physical access is only satisfied when there is a constructed approach onto the parcel.

What kinds of setbacks are required for a suitable building site?

The most common setback requirement is distance from the centerline of rural roads, secondary highways and primary highways. The minimum setback distances are 50 metres (165 ft.), 60 metres (200 ft.) and 70 metres (230 ft.) respectively. Other setbacks include the distance from adjacent properties, that being the side and rear yard setbacks, which for an Agricultural parcel are 15 metres (50 ft.) from the property boundary.

The Energy Resources Conservation Board (ERCB) requires that a proposed residence be set back a minimum distance of 100 metres (330 ft.) from any well head. Additionally, there are setbacks from pipeline right-of-ways and sour gas facilities. These requirements are established through a consultation process that the subdivision approving authority conducts prior to issuance of a conditional approval.

When a "fragmented parcel" subdivision is being severed by a permanent water course or water body, a deep ravine, a naturally occurring permanent wetland or a significant environmental feature the setbacks may be greater than the standard setbacks with the possibility of the County requiring an environmental reserve parcel or environmental reserve easement taken at the time of subdivision. The purpose of the environmental reserve is to protect the riparian area or environmental feature from degradation, in other words, to be kept in its natural state.

What is an Environmental Reserve Parcel or Environmental Reserve Easement and what permits Clearwater County to require its dedication?

Environmental Reserve is land designated as environmental reserve for environmental conservation or public access in accordance with Section 664 of the *Municipal Government Act*. This is done when public access is desired, or could potentially be desired, in the future. Land designated as Environmental Reserve is turned over to County ownership.

Environmental Reserve Easement is a caveat registered against a title for the protection and enhancement of the environment yet remains as private land rather than dedicating land as public environmental reserve, according to Section 664 of the *Municipal Government Act*. This is done when public access is not desired, now or in the future. Land held under and Environmental Reserve Easement is part of the landowner's title but must be protected as if owned by the County.

Clearwater County would require Environmental Reserve for lands adjacent to:

- a swamp, wetland, gully, ravine or natural drainage course;
- land that is subject to flooding;
- land that is considered unstable; and
- land abutting the bed and shore of a lake, river, stream or other permanent body of water.

How much land is protected/taken when there is a dedication of Environmental Reserve or an Environmental Reserve Easement?

Clearwater County shall require the minimum width of an environmental reserve parcel or environmental reserve easement to be:

- **30 metres (100 ft.)** from the high water mark of the North Saskatchewan River, Clearwater River, Red Deer River and James River
- **20 metres (66 ft.)** from the high water mark of all other rivers and streams
- **10 metres (33 ft.)** from the high water mark of a lake and permanent wetland

Clearwater County may increase the width depending on site conditions, including but not limited to, slope and environmental sensitivity.

How do I apply for a fragmented parcel subdivision?

First, contact the Planning Department to discuss the eligibility for a fragmented parcel. Assuming that it is eligible, we will then provide you with an "Application for Subdivision" form. This form asks for a number of questions to be answered and requires signatures of both the applicant and the landowner if they are not one and the same.

If the proposed parcel contains existing buildings, a surveyors sketch/plan showing the exact location of existing buildings, access, utilities and shelterbelts in relation to the proposed parcel boundaries may be required to be provided upon application.

Once we have received a completed application and an application fee of \$500.00 plus

\$150 for each parcel to be created (excluding the remaining lands in title and any reserve or utility lots), we initiate the subdivision process. Staff will provide you with any assistance that you require in completing the application.

What is involved in the subdivision process?

If you have not provided us with a current title to the subject quarter section we obtain one from the Alberta Land Titles Office. The purpose of this is to review any registrations that may have an impact on the proposal. Additionally, the holders of any encumbrances on title are included in the subdivision referral process.

The referral process is provincially mandated and includes notification to adjacent landowners and various agencies as well as the aforementioned encumbrance holders. Typically, these are oil and gas companies, gas co-ops, rural electrification associations, etc. Typical agencies are Energy Resources Conservation Board, our own Director of Public Works, TransAlta Utilities, school districts, Alberta Health Services, etc.

We allow approximately 30 working days for response from any of the aforementioned parties. Adjacent landowners are advised that they are not allowed to appeal a conditional subdivision approval, however, we do appreciate valid comments as there are sometimes concerns that should be addressed prior to, or within the conditional approval.

The subdivision approving authority will not issue a conditional approval without first having received comments from the Director of Public Works and the Energy Resources Conservation Board. In all cases, a member of our Public Works staff inspects the subdivision proposal and returns comments regarding the roads and approaches serving the proposed parcel and the remainder of the quarter section. The Energy Resources Conservation Board provides the municipality with comments regarding the presence of any sour gas facilities within minimum setback distances to the proposed parcel.

During the interim 30-day referral period, a member of the planning staff will also conduct an inspection of the proposed parcel. The purpose of this inspection is to determine site suitability, if the severance is complete and meets the criteria laid out in the Municipal Development Plan (2010) and to note any unforeseen issues that should be addressed prior to, or commensurate with conditional approval.

Upon expiry of the 30-day referral period, a member of staff prepares a subdivision report. This report provides a written summary of the proposal, a summary of comments received and a staff recommendation. The application then goes to the Municipal Planning Commission for review and decision. These meetings occur once a month generally falling on the second Thursday of the month. If the Municipal Planning Commission determines that there is indeed a severance, they will approve the application for subdivision with conditions and staff will issue a letter of conditional approval to the applicant. If the Municipal Planning Commission determines that the proposal does not meet the criteria of the Municipal Development Plan (2010) they will issue a refusal with reasons. Upon issuance of the decision letter, there is a 19-day

appeal period wherein the applicant can appeal the decision.

What are typical conditions of subdivision approval?

Conditions of subdivision approval will vary for any given application. Conditions that are generic to each and every “fragmented parcel” application are as follows:

Subdivision to be effected by an instrument acceptable to the Land Titles Office. The instrument herein referred to will be in the form of either a Descriptive Plan or a Plan of Subdivision. Said instrument must be prepared by an Alberta Licensed Surveyor.

Payment of a \$150.00 plan endorsement fee for the first lot being created and \$100 for every lot being created thereafter.

Payment of a \$200.00 offsite levy for each new parcel being created, excluding the existing land in title and reserve or utility lots.

Payment of all outstanding property taxes.

Common additional conditions are:

The applicant may be required to enter into an agreement with the County for the future acquisition of land for road widening if the road has not already been widened or there is not already an agreement in place. The land under agreement would consist of a 5.18 metre (17 feet) wide strip of land adjacent to any County road right-of-way for the full length of the quarter section.

The construction of an approach, or roadway as required, providing access.

The requirement to enter into an agreement for the dedication of an environmental reserve lot or environmental reserve easement.

If the quarter section has been previously subdivided, there may be municipal reserves owing. This may result in the requirement to pay a substantial cash-in lieu of land payment representative of 10% of the market value of the parcel being created. *It is very important to discuss the specifics of municipal reserve issues as they relate to the property being considered for subdivision with County planning staff prior to making application for subdivision.*

FOR FURTHER INFORMATION PLEASE CONTACT THE PLANNING STAFF

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FOR THE
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(As of April 24, 2019)**

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Snell & Oslund Surveys (1979) Ltd. Dick Vandenberg 403-342-1255 or 1-888-310-1255
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Urban Systems Survey Inc. (USSI) Colin Keir 403-291-1193 ext 4216
#101 – 2716 Sunridge Way NE 403-291-1193 ext 4313
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5317 Cercle Cell E-mail: mike@velocitygeomatics.com
Beaumont, AB T4X 1W6

For a complete list of surveyors licenced to practice in the Province of Alberta, contact:

Alberta Land Surveyors' Association Phone: 1-800-665-2572 or 780-429-8805
10020 101A Avenue Suite 1000 Fax: 780-429-3374
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