



CLEARWATER COUNTY SUBDIVISION OF LANDS NOT REQUIRING AN AMENDMENT TO THE LAND USE BYLAW

EFFECTIVE DATE: October 2000
REVISED: February 2014
SECTION: Planning and Development

POLICY STATEMENT: To identify the circumstances that allow for an application for subdivision to be approved without the legal requirement for the adoption of a bylaw amending the Land Use Bylaw.

To identify those applications for subdivision that **may** be granted approval by the Chairman or Vice-Chairman of the Municipal Planning Commission.

To set out the procedure for processing applications for subdivision that are identified as being within the realm of this Policy.

To set out the fee structure associated with applications for subdivision that are identified as being within the realm of this Policy.

PROCEDURE:

SECTION ONE

Identification of those applications for subdivision not requiring an amendment to the Land Use Bylaw.

1. One residential subdivision out of an unsubdivided quarter section within the Agricultural District as per Policy 6.2.5 of the Municipal Development Plan.
2. Parcel boundary adjustments, for which, in the opinion of the Subdivision Approving Authority, there are sufficient reasons, and, the resultant adjustment **will not** result in a parcel size that lies outside of the parameters of the land use district to which the subject parcel, or the impacted adjacent lands, are districted.

Applications for subdivision by way of a parcel boundary adjustment shall not be considered by the Subdivision Approving Authority outside of lands that are districted Agriculture District "A", Country Residence Agriculture District "CRA", or, Country Residence District "CR", unless, both affected parcels are identically districted.

Sufficient reasons for a parcel boundary adjustment are deemed to be a significant encroachment or the creation of legal and physical access.

3. Applications for subdivision that, in the opinion of the Subdivision Approving Authority, fall within the realm of Policy 6.2.9 of the Municipal Development Plan, that being parcels that are fragmented from the balance of the quarter section. The aforementioned policy is only applicable to lands which are districted Agriculture District "A".

SECTION TWO

Identification of those applications for subdivision that may be conditionally approved by the Chairman or Vice-Chairman of the Municipal Planning Commission.

Only those applications identified within Section One of this policy, and to a maximum parcel size, may be approved. In this regard, it shall be the responsibility of the Development Officer to determine those applications that meet all of the criteria set out within Policy 6.2.6 and 6.2.7 of the Municipal Development Plan. Applications demonstrating any variance from the criteria set out within the aforementioned Policy shall be determined by the Municipal Planning Commission.

SECTION THREE:

Procedure for Processing Applications for Subdivision Not Requiring an Amendment to the Land Use Bylaw

1. Initial consultation with Development Officer by applicant. Development Officer outlines size criteria, requirements for legal & physical access, site suitability, setback requirements, survey requirements, fee structure, time period, etc.
2. Upon receipt of completed application and applicable fee, the Development Officer initiates the referral process. The referral period is herein deemed to be approximately 30 days from the date of mailing. Referrals shall be sent to the following:
 - Adjacent landowners;
 - Interests registered on title, subject to relevancy, as determined by the Development Officer;
 - School authorities with jurisdiction;
 - Relevant providers of public utilities;
 - Alberta Energy Regulator
 - Director of Public Works
 - Any other government department or agency that the Development Officer deems to have a vested interest;
 - Owners of oilfield facilities located on the lands under application to the extent that ownership information exists on the County database.

Note: A conditional approval shall not be issued without referrals from the Alberta Energy Regulator, pertaining to the presence of sour gas facilities, or, from the Director of Public Works, referencing legal & physical access.

Additionally, a condition approval shall not be issued prior to the expiry of the minimum referral period of 30 days from the date of mailing.

3. Prior to expiry of the referral period, the Development Officer shall conduct a physical inspection of the lands under application for the purpose of providing relevant information on site suitability, access, potential conflicts, etc.
4. Upon expiry of the referral period, the Development Officer shall compile all of the information pertaining to the proposed subdivision in the form of a Subdivision Report. Said Report shall contain the following:
 - General information pertaining to the quarter section and the subject proposal;
 - A summary of the site inspection;
 - Any comments from adjacent landowners;
 - Any comments from referral agencies;
 - A summary of the relationship between the subject application and relevant plans and bylaws;
 - A staff recommendation as to conditions of approval, or reasons for refusal.
5. Upon completion of the Subdivision Report the Development Officer shall determine if the conditional approval can be endorsed by the Chairman/Vice-Chairman of the Municipal Planning Commission, or alternatively, presented to the Subdivision Approving Authority for a decision.
6. The Subdivision Regulation stipulates that a decision on a subdivision application must be made within a 60-day period from the date of receipt of a completed application. Under certain conditions, the Municipal Planning Commission may not be able to issue a decision within that time frame. Therefore, the Development Officer shall assume the responsibility for obtaining an "Extension of Time Agreement" from the applicant when it is deemed to be prudent.
7. The Development Officer shall assume the responsibility for issuance of a letter of decision, complete with a separate enclosure outlining the procedure for appeal of the decision, to the applicant. In accordance with statutory requirements, the Development Officer shall ensure that notification of a conditional approval is mailed to relevant authorities, government departments and public utility companies. Additionally, the Development Officer shall ensure that a notification of conditional approval is advertised in the relevant local newspapers.
8. A decision of the Subdivision Approving Authority, that stipulates certain conditions that must be met prior to registration, shall be monitored by the Development Officer. In this regard, endorsement of the registerable instrument shall be withheld until such time that these conditions have been met to the satisfaction of Clearwater County.

Under certain conditions, the applicant will be required to provide monetary security to ensure that certain requirements of the conditional approval are carried out subsequent to registration. The Development Officer, in consultation with appropriate County officials/staff, shall determine the amount and the form in which the aforesaid security is to be provided.

Coincidental with the requirement for monetary security shall be a stipulated deadline as to when the security is forfeited by the applicant and the onus for satisfying the outstanding requirements fall to Clearwater County. The stipulated time frame shall be reasonable, however, it shall not exceed a period of 12 months from the date that the security was received unless otherwise approved by the Director of Public Works.

All forms of security must be documented as to what they are for and monitored. Prior to the County proceeding to complete any requirement, for which a monetary security was received, the applicant shall be notified in writing of the intentions of the County.

**SECTION FOUR:
Fees Associated With Applications for Subdivision Not Requiring an Amendment to the Land Use Bylaw**

The fee and refund structure attached to this Policy shall be as outlined on the attached "Schedule A", which forms part of this Policy.



**SCHEDULE A
FEE AND REFUND STRUCTURE
PLANNING AND DEVELOPMENT**

DEVELOPMENT PERMITS

Standard Permitted	\$150
Standard Discretionary	\$250
Commercial - Communication Tower	\$300
- Resort/Campground	\$500
- Recreation/Golf Course	\$500
Industrial - Natural Resource/ Aggregate Extraction	\$1,000

REAL PROPERTY REPORT

Real Property Report – Compliance Request	\$80
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SUBDIVISION

Boundary Adjustment	\$500
First Parcel Out	\$600
Fragmented Parcel	\$500 + Lot Fees
Multi-Lot Subdivision	\$500 + Lot Fees
Lot Fees – Per Parcel	\$150

Subdivision Endorsement Fees

Single Residential Parcel & Boundary Adjustment	\$150
Fragmented Parcel	\$150 (+\$100 per additional lot)
Single Industrial/Commercial	\$200
Multi-Lot Residential	\$100 per lot
Multi-Lot Industrial/Commercial	\$150 per lot

Subdivision Offsite Levy

Off-Site Levy – Per Parcel	\$200
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Subdivision Time Extension

First Time Request	\$100
Additional Requests	\$200

Subdivision Refunds

Prior to Circulation	100% refund of fee
After Circulation	75% refund of fee
After Site Inspection	No Refund

APPEALS

Development Permit Appeal	\$300
Subdivision Permit Appeal	\$300

Appeal fees are non-refundable.

However, should the appeal be withdrawn before six working days (i.e. working days do not include Saturdays, Sundays or holidays) of the scheduled date of appeal where the date of the appeal is deemed to be one of the six days, the appeal fee will be 75 percent refunded.

LAND USE AMENDMENT

REZONE TO:

"A" "CR" "CRA" "CRMI" "HR" "LR" "RR" "RE"	\$500 + \$100 per lot
"P" "LI" "IA"	\$500 + \$35 per acre
"I" "HD" "HC" "RF" "MHP"	\$1000 + \$35 per acre

Land Use Amendment Refunds

After First Reading	50% refund of fee
After Second Reading	25% refund of fee

DISCHARGE OF CAVEAT

Discharge of Caveat on Title	No Fee
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PRINTING/ DOCUMENT FEES

Land Use Bylaw (Text Only)	\$20 per copy (plus G.S.T.)
Land Use Bylaw (Text and Color Maps)	\$50 per copy (plus G.S.T.)
Municipal Development Plan (Text Only)	\$5 per copy (plus G.S.T.)