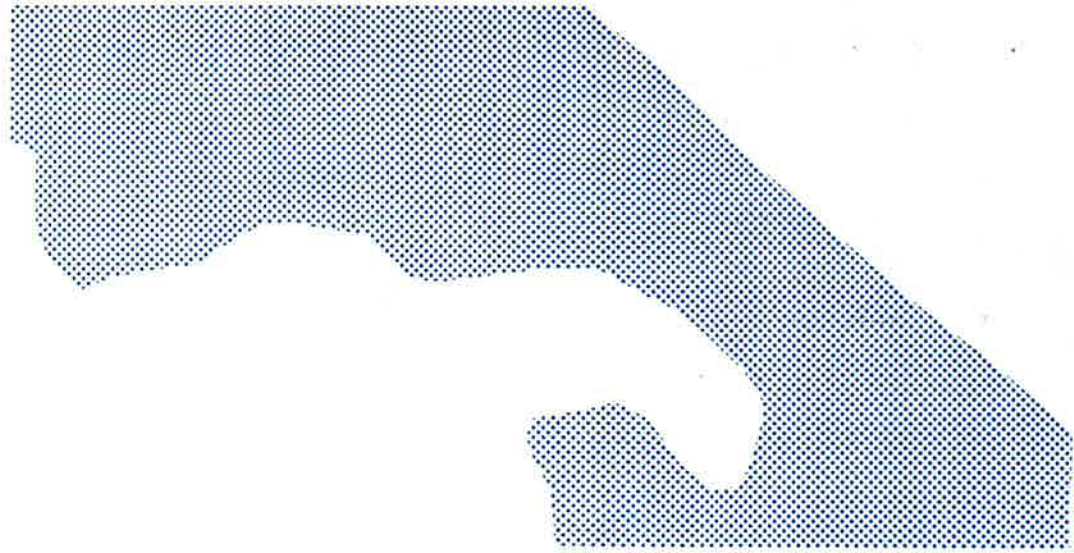


**LAW
SUBDIVISION**



**AREA
STRUCTURE
PLAN**

LAW SUBDIVISION

AREA STRUCTURE PLAN

**Prepared in Consultation with the Municipal District of Clearwater
by the Rural and Regional Planning Section**

January 1987

By-LAW NO. 66

BEING A BY-LAW TO ADOPT THE LAW SUBDIVISION AREA STRUCTURE PLAN, S 1/2 5-38-6-5

WHEREAS the Planning Act, being Chapter P-9 of the Revised Statutes of Alberta 1980, permits a municipality to adopt an area structure plan; and

WHEREAS the Municipal District of Clearwater No. 99 deems it desirable to adopt an area structure plan for the south-half of Section 5, Township 38, Range 6, West of the 5th Meridian; and

WHEREAS an area structure plan has been prepared by the Red Deer Regional Planning Commission under the direction of Council;

NOW THEREFORE the Council of the Municipal District of Clearwater No. 99, in the Province of Alberta, enacts as follows:

That the Law Subdivision Area Structure Plan, the plan attached hereto and forming part of this By-law, is hereby adopted.

READ A FIRST TIME IN OPEN COUNCIL this 23 day of September, 1986.

READ A SECOND TIME IN OPEN COUNCIL this 14 day of October, 1986.

READ A THIRD TIME AND PASSED IN OPEN COUNCIL this 14 day of October, 1986.



REEVE



MUNICIPAL MANAGER

LAW SUBDIVISION AREA STRUCTURE PLAN

S 1/2 5-38-6-5

MUNICIPAL DISTRICT OF CLEARWATER BY-LAW NO.

BACKGROUND

1. General Location

The Law Subdivision is located 15 kilometres south and 5 kilometres east of Rocky Mountain House. It is adjacent to a well maintained, diagonally oriented, forced road which links Highway 22 to the Arbutus Road. The area is perched along the right (north-east) bank of the Clearwater River, occupying a 1.5 kilometre reach of river bank (See Map 1).

2. History

The Red Deer Regional Planning Commission records indicate that a 0.4 hectare (1 acre) lot was registered in the south-east corner of S.E. 5-38-6-5 in January, 1963. In 1965, a second lot was registered in the north-west corner of S.W. 5-38-6-5 for an area of 0.8 hectares (1.99 acres). These two lots appear on the attached maps as C's. of T. (Certificates of Title which means they are described on the title by description rather than by Plan of Survey). In 1975, 8 large residential lots were created in what came to be known as the Law Subdivision, these being Lots A to H on the attached maps (Plan No. 752-0580). These lots range in size from 5 hectares (12 acres) to 7.7 hectares (19 acres). At the same time an 18 metre (60 feet) wide public reserve was also established along the river shoreline pursuant to the former Planning Act which did not provide specifically for environmental reserve.

Between 1976 and 1985 several applications to subdivide various of these lots have been submitted. All have been refused for some combination of the following reasons:

- (a) The present large lot sizes were created initially to form a low density rural but residential atmosphere. Any subdivision of these lots would compromise or cancel that intent.
- (b) A considerable portion of most new lots would lie below the upper valley break of the Clearwater River and would contravene Alberta Environment policies for riverbank and watershed protection.

PURPOSE of an AREA STRUCTURE PLAN

In preparing an area structure plan, the purposes are:

- (a) to provide a guide to future subdivision of the existing parcels; and
- (b) set out the policies which regulate intensification of local development.

In order to realize this objective the Plan addresses:

- (a) the importance of protecting the environmentally sensitive and important watershed qualities that exist in the Clearwater River valley;
- (b) the need to ensure that the amenities which now exist and which have provided an attraction to the current property owners will remain as the basic factors which characterize the area;
- (c) the means of controlling changes in land use and density patterns in a pre-planned and consistent manner; and
- (d) the broader policies of the Municipal District of Clearwater with regard to access, design and land use.

ISSUES

1. Land Use

The M.D. Council wishes to provide for efficient land use and also the most appropriate use of the affected lands. At the present time the area is not available for agricultural use because of the "CRA" designation, but that designation was deemed appropriate because minimal agricultural potential was identified. Having committed the area for residential use wherein the minimum parcel size, pursuant to the Land Use By-law, is 1.62 hectares (4 acres), one issue to be addressed is whether the current large lot size, low density development demonstrates efficient land use. The M.D. General Municipal Plan states:

- (a) "A.3(b) An area of land developed for a non-agricultural use should be the minimum required for the intended use."
- (b) "C.5 When considering proposed grouped country residential developments, preference will be given to those with a capacity of 8 or less lots per quarter section."

2. Environmental Resources

The M.D. wishes to locate development where it will derive particular benefits from the natural amenities but in a manner which avoids unacceptable environmental impacts. The Low Subdivision capitalizes on the highly aesthetic qualities offered by the Clearwater River valley. These include views of the valley and river, a mature mixed forest property, dramatic local relief and the privacy offered by isolation from neighbours

permitted less than 100 metres (330 ft.) from an existing access on the same side of the road."

4. Utilities

Lots presently in the plan area are served by private wells and private sewage disposal facilities. Normally a 1.62 hectare (4 acre) parcel is more than adequate to accommodate both of these utilities, but the steep bank of the river valley greatly reduces the developable area on most lots in the subdivision. Alberta Environment has consistently requested protection of 33 metres (100 ft.) beyond the upper break of slope of the valley side. This protection is requested because the installation of sewage systems require considerable tree removal and surface disturbance thereby destabilizing the soils on steep slopes, but also, these systems do not function effectively where land surfaces are not reasonably flat. Here too the General Plan sets out municipal policy:

- (a) "F.1(a) All water supply and sewage disposal facilities shall be at least to Provincial guidelines."
- (b) "L.8(a) For any proposed development, evidence shall exist which demonstrates the adequacy of the area for on-site waste and sewage disposal in accordance with relevant legislation and agency standards."
- (c) "C.1(d) No residential lot may be located where the building site will be less than 15 metres (50 ft.) from the secondary bank of a permanent watercourse."

LAND OWNERS' VIEWS

The views, concerns and aspirations of the residents in the Law Subdivision and of the area residents were assembled by means of a questionnaire, a public meeting and a closed meeting. The essence of the opinions expressed was:

- (a) Approximately half of the present owners are anxious to subdivide. Three have submitted applications to do so.
- (b) The owners of the two C. of T. lots are not interested in a higher residential density and would not be receptive to any concept requiring their lots to be enlarged through some form of consolidation plan. One of these owners objects strongly to any increase in residential density.
- (c) Three of the other owners expressed a preference for no further subdivision but would not oppose a plan to do so if the majority of neighbours favour it.

(e) The Reserve Lands adjoining the Clearwater River are available for the recreational enjoyment of the Law Subdivision property owners but will also be accessible for the public at large. No private or permanent installations may be established there, but any improvements which are consistent with the public access and recreational use purposes intended for public reserve lands may be accommodated at the discretion of the Municipality.

3. Environmental Factors

- (a) Since this Plan accommodates increased development adjacent to the Clearwater River escarpment, all new construction shall be not less than 15 metres (50 feet) back from the upper break of slope or such other equivalent placement as recommended by Alberta Environment where the upper break of slope is poorly defined (a generalized upper break of slope is indicated on Map 1).
- (b) Additional reserves are not available since they were taken at the time of initial subdivision.
- (c) The river valley, secondary bank and lands 15 metres (50 ft.) back from the upper break of slope shall be maintained so as to retain the "wooded" character of these lands and no permanent buildings, sewage facilities or excavation is permitted there. For these purposes, any new title created by subdivision of an existing lot shall be caveated with a Restrictive Covenant which specifies those constraints.
- (d) All topsoil will be recovered from excavated areas and used for onsite landscaping.

4. Subdivision Design

- (a) The minimum lot size in the Law Subdivision shall be 2 hectares (5 acres).
- (b) The final subdivision design should result in Lots A to H being split into two or three lots (depending on present size and local conditions) so that each backs directly onto the Reserve lands adjacent to the Clearwater River (See Map 2).
- (c) The exact placement of new boundary lines is to be determined at the time of subdivision approval to ensure that each parcel has suitable access and a developable building site, and the required set-backs and restrictions are allowed for.

- (d) The property owner shall be solely responsible for bringing electrical power, telephone service, and natural gas to each lot if and when those services are required.
- (e) The proper removal and disposal of solid waste on a regular basis to the satisfaction of the Health Unit and the Municipality will be required of each property owner.

7. SET-BACKS

- (a) The building set-back from the centre-line of Municipal Rural roads shall be in excess of 50 metres (165 ft.), unless extenuating site conditions warrant a lesser set-back, in which case the set-back may be relaxed to 40 metres(130 ft.).
- (b) For internal access roads and culs-de-sac, the minimum building set-back shall be 15 metres (50 ft.) from the right-of-way property line.
- (c) Sideyards and rear yards shall be a minimum of 7.5 metres (25 ft.) although no construction is permitted within 15 metres (50 feet) of the escarpment.

8. Administration

- (a) This Plan comes into effect immediately upon third reading being given for a by-law to adopt it.
- (b) Following its adoption, no development or use of any lands included within the Plan boundaries may be approved or undertaken except as conforms with the terms of this Plan.
- (c) This Plan may be amended by the M.D. Council in the same manner whereby it is initially brought into effect either in response to an application to have it amended or at the pleasure of Council.
- (d) The attached maps contain information pertinent to a complete understanding of the provisions of this Plan and are hereby established as official components of the Law Subdivision Area Structure Plan.

BY-LAW NO. 759/03

A By-Law of Clearwater County, in the Province of Alberta, for the purpose of amending the Law Subdivision Area Structure Plan, being By-Law No. 66.

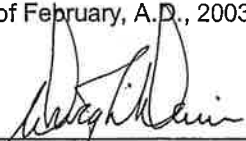
PURSUANT to the Authority conferred upon it by the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 and amendments thereto;

NOW THEREFORE, upon compliance with the relevant requirements of the Municipal Government Act, the Council of Clearwater County, Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

That subsection (e) be added to Section 3 as follows:

- (e) Notwithstanding subsections (a) and (c), the required setback from the upper break of slope, and the requirement to retain the "wooded" character of the lands within 15 meters (50 ft.) of the break of slope, may be relaxed or varied by the Municipality upon:
 - i) the submission of a report, bearing the seal and signature of a professional engineer who is registered in the Province of Alberta and has established expertise in geo-technical engineering, that demonstrates that a lesser setback or standard is sufficient, and
 - ii) the developer entering into a save-harmless agreement with Clearwater County to be registered against the title.

READ A FIRST TIME this 11th day of February, A.D., 2003.



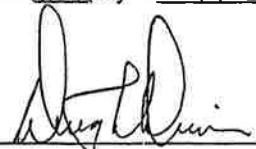
REEVE



MUNICIPAL MANAGER

READ A SECOND TIME this 25th day of March A.D., 2003.

READ A THIRD AND FINAL TIME this 25th day of March A.D., 2003.



REEVE



MUNICIPAL MANAGER