



GUIDELINES FOR “FIRST RESIDENTIAL PARCEL OUT” SUBDIVISIONS

What is a “first residential parcel out” subdivision?

This is the provision for the owner of an unsubdivided quarter section to create title to a single residential acreage subject to conditional subdivision approval issued by the subdivision approving authority, that being the Municipal Planning Commission. In other words, if a quarter section has already had a previous residential subdivision, it is no longer eligible for a first parcel out. There are certain exceptions, however, these are site specific, and therefore, you are requested to consult with a member of our Planning staff if you are unsure of the eligibility of a specific parcel of land.

What size of parcel am I allowed to subdivide?

The answer to this question is dependent upon the future land use designation (zoning) that you wish to have attached to the parcel. There are two acceptable land use designations, those being Country Residence District “CR” and Country Residence Agricultural District “CRA”. The “CR” district encompasses parcels between 2.25 acres and 3.60 acres and only allows for minor agricultural pursuits as per Section 3.2(1)(L) of the Clearwater County Land Use Bylaw. The “CRA” district encompasses undeveloped parcels between 3.60 and 5.00 acres in size or a developed parcel up to 7.00 acres in size. A “CRA” parcel allows for the keeping of livestock for the personal use and enjoyment of the occupants of the property. It does not allow for a commercial agriculture business.

Note: The minimum mean lot width in CR and CRA land use districts is 50 metres (165 ft.)

1 acre of land = 63.5 m x 63.5 m (208.33 ft. square)

½ mile = 804.7 m (2,640 ft.)

Does the first 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.

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 6 feet from the surface.

What is legal and physical access?

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

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

The most common setback requirement is distance from the centerline of rural roads and highways. The minimum setback distances are 50 metres (165 ft.) and 70 metres (230 ft.) respectively.

The Alberta Energy Regulator (AER) requires that a proposed residence be setback 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.

Less common setbacks are ones where the proposed parcel might be located in close proximity to an intensive livestock operation, a body of water, or, some other significant environmental feature.

How do I apply for a first parcel out subdivision?

First, contact the Planning Department via telephone, email or a personal visit to the lower level of the Clearwater County main administrative office. The purpose of this initial contact is to confirm that the quarter section is eligible for a first parcel out. The applicant is required to fill out the "Application for Subdivision" form with the requested information and must include the legal 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" identifying the boundaries of the proposed parcel, the location of all significant structures, inclusive of above ground utilities, type and location of septic system, shelterbelts, and the relevant distance of these from the proposed parcel boundaries must accompany the application.

Once we have received a completed application and the application fee (see attached schedule of fees), 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 lands, we will 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 form part of the subdivision referral process.

The referral process is mandatory 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 Alberta Energy Regulator, Clearwater County Public Works, TransAlta Utilities, school districts, Alberta Health Services, etc.

We allow 30 days for response from any of the aforementioned parties. Adjacent landowners are advised that they cannot submit an appeal for a conditional subdivision approval, however, we do appreciate comments in writing prior to the decision as there may be valid concerns that can be addressed within the conditional approval.

The subdivision approval authority will not issue a conditional approval without first having received comments from the Clearwater County Public Works department and the Alberta Energy Regulator (when applicable). In all cases, a member of our Public Works staff inspects the subdivision proposal and returns comments regarding the existing approach, sight lines, construction standards if a new approach is required or an existing approach requires upgrading, and access to the remainder of the quarter. Alberta Energy Regulator provides the municipality with comments regarding minimum setback distances to the proposed parcel if sour gas facilities are present.

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 and to note any unforeseen issues that should be addressed prior to, or in conjunction with conditional approval.

Upon expiry of the 30-day referral period, a member of the Planning staff prepares a subdivision report. This report includes a written summary of the proposal, a summary of comments received, and staff recommendations for the conditions under which the subdivision is to be approved, or the reasons for refusal. The Municipal Planning Commission then reviews the subdivision report. If the recommended conditions are approved by the Municipal Planning Commission, the report is signed by the Chairperson, and a decision letter of conditional approval is distributed to the applicant, landowner, and referral agencies. Upon issuance of the decision letter, there is a 21-day appeal period wherein the applicant or an agency can appeal one or more conditions. If there are no concerns with the conditions, once the appeal period has passed, the applicant may proceed with satisfying the conditions of the approval. The deadline for conditions to be satisfied are one year from the date of the decision. Extensions to the deadline can be granted by request, providing the applicant pays the extension fee (see attached schedule of fees). After two extensions, the applicant will be required to re-apply and the process will begin again. Once all conditions have been met, Clearwater County will endorse the survey and return it to the surveyor to be registered with Alberta Land Titles within one year of endorsement.

What are typical conditions of subdivision approval?

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

- **Survey** - The applicant must submit to Clearwater County either a Plan of Subdivision or a Descriptive Plan acceptable to the Alberta Land Titles Office. An Alberta Land Surveyor must prepare said plan. Final configuration of the parcels shall be submitted to, and, be to the satisfaction of Clearwater County for review and endorsement by Clearwater County prior to registration of the plan by Alberta Land Titles.
- **Fees**
 - Payment of plan endorsement fee (see attached fee schedule).
 - Payment of all outstanding property taxes.
 - Payment of a \$150.00 rural addressing signage fee. A rural address number will be assigned, and the sign will be installed by Clearwater County.

What other conditions may be included on the approval?

The conditional approval letter may include, but is not limited to, the following additional conditions:

- **Future Acquisition for Road Widening Agreement** - The applicant may be required to enter into an agreement with Clearwater 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 agreement will be registered proportionately by caveat against the remaining lands in title and the new parcel being created. The agreement will only be exercised if and when Clearwater County determines that road widening is necessary.
- **Approach** - The construction or upgrading of an approach or roadway as per the standards issued by the Clearwater County Public Works department (construction standards and guidelines available upon request).
- **Septic** - In the event that there is an existing septic system on the parcel(s) being created, the septic system is required to be in compliance with the Alberta Safety Codes Council regulations. The applicant may be required to upgrade the septic system and must provide Clearwater County with an approved inspection report from an accredited agency (contact information available upon request).
- **Municipal Reserves** - 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 Clearwater County Planning staff prior to making application for subdivision.

FOR FURTHER INFORMATION PLEASE CONTACT THE PLANNING STAFF

EMAIL: planning@clearwatercounty.ca

PHONE: 1-403-845-4444

FAX: 1-403-845-4048

**SCHEDULE OF FEES
AND REFUND STRUCTURE
PLANNING AND DEVELOPMENT**

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	\$350
Boundary Adjustment	\$150
Fragmented Parcel	\$350 (+\$300 per additional lot)
Single Industrial/Commercial	\$400
Multi-Lot Residential	\$300 per lot
Multi-Lot Industrial/Commercial	\$350 per lot

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

Subdivision Permit Appeal	\$300
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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.



**ALBERTA LAND SURVEYORS
FOR THE
CLEARWATER COUNTY AREA
(As of August 14, 2019)**

Accelerated Surveys Ltd.
105, 6740 Johnstone Drive
Red Deer, AB T4P 3Y2

Donnie McKee

403-505-5940 Fax: 403-351-0895

Website: acceleratedsurveys.com

Email: dmckee@acceleratedsurveys.com

Arc Surveys Ltd.
104 – 4808 Ross Street
Red Deer, AB T4N 1X5

Don Murray

403-348-0051

Website: arcsurveys.ca

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Bemoco Land Surveying Ltd.
100, 6040 – 47 Avenue
Red Deer, AB T4N 1C2

Murray Young

403-342-2611

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Compass Geomatics Ltd.
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Jordan Westera

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High Country Surveys
P.O. Box 1930, 5015 – 50 Street
Rocky Mountain House, AB T4T 1B4

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LN Land Development Technologies Inc.
Suite 101, 5206 – 51st Ave
Lacombe, AB T4L 1J6

L. R. (Len) Olson

403-782-5358

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E-mail: lacombe.info@lnldt.ca

Navigation Surveys Ltd.
14 Austin Drive
Red Deer, AB T4R 2T9

Marty Robinson

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Snell & Oslund Surveys (1979) Ltd.
#1, 5128 – 52 Street
Red Deer, AB T4N 6Y4

Dick Vandenbrink
Doug Rutherford

403-342-1255 or 1-888-310-1255

Fax: 403-343-7025

E-mail: info@snellandoslund.com

Velocity Geomatics Inc.
5317 Cercle Cell
Beaumont, AB T4X 1W6

Michael Stewart

780-915-8593

E-mail: mike@velocitygeomatics.com

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

Alberta Land Surveyors' Association
10020 101A Avenue Suite 1000
Edmonton, Alberta T5J 3G2

Phone: 1-800-665-2572 or 780-429-8805

Fax: 780-429-3374

Email: info@alsa.ab.ca

Web Site: www.alsa.ab.ca