



GUIDELINES FOR “FRAGMENTED PARCEL” SUBDIVISIONS

What is a “fragmented parcel” subdivision?

A fragmented parcel is a portion of a quarter section of land that has been subdivided via severance. 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 the 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) Regarding 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 and highways. The minimum setback distances are 50 metres (165 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 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.

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 Clearwater 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 prescribed when public access is desired or could potentially be desired in the future. Land designated as Environmental Reserve is turned over to Clearwater 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 prescribed 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 Clearwater 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 via telephone, email or a personal visit to the County office, located on the lower level. The purpose of this initial contact is to discuss the eligibility for a fragmented parcel. 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 may need to accompany the application.

Once we have received a completed application and the application fee, plus the additional lot fees for each parcel to be created (excluding the remaining lands in title and any reserve or utility lots) (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. 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, if the fragmented parcel is completely severed, 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 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 Municipal Planning Commission determines that there is indeed a severance, and the recommended conditions are approved, the report is signed by the Chairperson, and a decision letter of conditional approval is distributed to the applicant, landowner, and referral agencies. If the Municipal Planning Commission determines that the proposal does not meet the criteria of the Municipal Development Plan (2010), a decision letter of refusal with reasons will be issued. 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 “fragmented parcel” 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(s) (see attached fee schedule).
 - Payment of all outstanding property taxes.

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).
- **Environmental Reserves/Easement Agreement** - The applicant may be required to dedicate land as an environmental reserve lot or enter into an agreement for the dedication of an environmental reserve easement.
- **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 Email: reddeer@arcsurveys.ca
Bemoco Land Surveying Ltd. 100, 6040 – 47 Avenue Red Deer, AB T4N 1C2	Murray Young	403-342-2611 Fax: 403-342-2910 E-mail: m.young@bemoco.com
Compass Geomatics Ltd. 4605A – 63 Street Red Deer, AB T4N 7A6	Jordan Westera	403-356-0111 Fax: 403-356-0114 E-mail: jordan.westera@compassgeomatics.ca
High Country Surveys P.O. Box 1930, 5015 – 50 Street Rocky Mountain House, AB T4T 1B4	R. L. (Bob) Haagsma	403-845-5974 Cell: 403-844-5359 Fax: 403-845-2974 E-mail: haagsma@shaw.ca
LN Land Development Technologies Inc. Suite 101, 5206 – 51 st Ave Lacombe, AB T4L 1J6	L. R. (Len) Olson	403-782-5358 Fax: 403-782-3508 E-mail: lacombe.info@lnldt.ca
Navigation Surveys Ltd. 14 Austin Drive Red Deer, AB T4R 2T9	Marty Robinson	403-396-4472 Website: http://navigationsurveys.com E-mail: martyrobinson@navigationsurveys.com
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 licensed 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 Web Site: www.alsa.ab.ca
Email: info@alsa.ab.ca	