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Procedure Title: Guidelines for the Evaluation and Consideration of Applications for Subdivision of Fragmented Parcels

Procedure No: 6008-01

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Approval: CAO

Effective Date: January 7, 2009

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Supersedes Procedure No: New

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1. Definitions

1.1 "CAO" means Chief Administrative Officer of Mountain View County

1.2 "MPC" mean Municipal Planning Commission

1.3 "ASDAA" means the Administrative Subdivision and Development Approving Authority

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1.4 "WATERBODY" means any location where water flows permanently or where the presence of water is continuous and year round as in the case of wetlands which are regarded as a specific type of water body.

1.5 "HIGH WATER MARK" means the point at which the aquatic environment as noted under the Water Act transitions to a terrestrial environment.

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1.6 "TOP OF BANK" means the uppermost topographical break in a natural slope condition.

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2. Procedures

2.1 All applications for subdivision of titled lots fragmented by way of natural or man made features shall be evaluated under the terms and conditions as outlined in Schedule "A" - "Guidelines for the Evaluation and Consideration of Applications for Subdivision of Fragmented Parcels" by the Municipal Planning Commission (MPC) and/or the Administrative Subdivision and Development Approving Authority (ASDAA).

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2.2 Schedule "A" - "Guidelines for the Evaluation and Consideration of Applications for Subdivision of Fragmented Parcels" may be amended by CAO upon request of Council.

End of Procedure

Approved: January 7, 2009

Amended: March 16, 2010

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1.0 Introduction

The purpose of these guidelines is to assist the public, staff and Council in the evaluation and interpretation of subdivision applications filed on the basis of a fragmented parcel in accordance with Section 3.3.27 of the Municipal Development Plan which states:

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3.3.27 Notwithstanding other policies in this MDP, subdivisions for title lots fragmented by way of natural or man made features such as but not limited to, rivers, railway lines, and highways may be considered by Council.

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The Municipal Development Plan has defined a fragmented parcel as follows:

"This is in reference to quarter sections that have had parcels physically separated due to roads, railway lines, natural water bodies or other natural or man made features that have resulted in the division of land other than through traditional subdivisions; fragmented parcels, whether separate titles or not, may not be considered a previous subdivision, thus may not be included when determining the total number of lots within the quarter section."

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2.0 Guidelines

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In the interpretation of the above referenced policy, Mountain View County may approve the subdivision of a portion of land by a natural feature, waterbody or wetland complex if **ALL** of the following guidelines are satisfied:

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1. The County is satisfied that the size and characteristics of the fragmented land and the difficulty of access from the remainder of the land in title means the proposed parcel cannot be reasonably used with the balance of the quarter.

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2. The proposed fragmented parcel has legal and physical access or such access will be provided as a condition of subdivision approval.

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3. The subdivision and subsequent use of the land will not compromise the viability of adjacent land uses and operations.

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4. The applicant has provided an acceptable outline plan in accordance with the Municipal Development Plan detailing the planned utilization of full density on the land in title. Where appropriate, this outline plan shall detail future subdivision of those lands on the fragmented parcel.

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5. The natural feature, waterbody or wetland proposed as the basis of the fragmented parcel is classified as follows:

- a. Class A – C Water bodies which are also named under the Historical Resources Act, or
- b. Class II – VII Wetland, or
- c. Class 1 – 4 ESA area.

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6. Notwithstanding Clause (6), the approving authority may consider applications for a fragmented parcel based on a natural feature, waterbody or wetland complex where it can be shown that the feature complies with Clauses 1-5 of these guidelines and also exhibits the majority of the following characteristics:

i. Waterbody

- a. Permanent year round waterbody;
- b. Slope approaching waterbody as measured from top of bank to high water mark: greater than 30%;
- c. Depth as measured from top of bank to high water mark: greater than 7 metres;
- d. Width of waterbody as measured from high water mark to high water mark: greater than 4 metres;
- e. Waterbody bisects entirety of land in title

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ii. Wetlands

- a. Permanent, year round wetland;
- b. Width of wetland complex: greater than 7 metres;
- c. Wetland bisects entirety of land in title;

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iii. Natural Features (coulee complex or ravine)

- a. Slope approaching natural feature as measured from top of bank to bottom of ravine of coulee complex: greater than 30%;
- b. Depth of natural feature as measured from top of bank to bottom of ravine of coulee complex: greater than 7 metres;
- c. Coulee complex or ravine bisects entirety of land in title.

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7. The County shall require as a condition of approval for a fragmented parcel based on a natural feature, waterbody, or wetland complex the application of appropriate protection tools and

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improvements as outlined in the *"Environmental Protection Guidelines for the Evaluation of Subdivision and Development Applications."*

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