



POLICY TITLE

POLICY NO.

Rezoning Criteria

04-002

Council will approve the rezoning of land for multi-lot residential subdivision only if, in the opinion of Council, the following conditions are met:

1. The soil quality is poor.
2. The subdivision will not interfere with nearby farming operations.
3. The land is suitable for the proposed use, using the criteria set out in Section 7 of the Provincial Subdivision and Development Regulations and Section 2 of Schedule "A" of the County's land use by-law.
4. Alberta Transportation has indicated, in writing, that they have no objection to the development. (this applies only where the land is within one-half mile of a numbered highway)
5. The land is accessible from the nearest highway by a road which meets current County standards, or the developer is prepared to upgrade the road to these standards.
6. Where there will be more than 5 lots on a quarter section, the owner has supplied proof of water supply, using the criteria set out in Section 23 of the Water Act.
7. On land within one mile of Ponoka or Rimbey, the Town Council has no objection.
8. There is no conflict with Provincial policies.

**SECTION 7 OF THE PROVINCIAL
SUBDIVISION AND DEVELOPMENT REGULATION
(Alberta Regulation 43/2002)**

Relevant consideration

- 7 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,
- (a) its topography,
 - (b) its soil characteristics,
 - (c) storm water collection and disposal,
 - (d) any potential for the flooding, subsidence or erosion of the land
 - (e) its accessibility to a road,
 - (f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,
 - (g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the Private Sewage Disposal Systems Regulation (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),
 - (h) the use of land in the vicinity of the land that is the subject of the application, and
 - (i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

2. Safety and Suitability of Building Sites

- 2.1 Notwithstanding that a use of land may be permitted or discretionary in a land use district,
- 2.1.1 the Subdivision Authority may refuse to approve the subdivision of a lot, and
- 2.1.2 the Development Authority may refuse to issue a development permit,
- if in his opinion the proposed building site does not have a safe and suitable building site.
- 2.2 A building site is deemed unsafe or unsuitable if it
- 2.2.1 does not have safe legal and physical access to a maintained road;
- 2.2.2 is subject more than a 1% annual risk of flooding, using methods acceptable to Alberta Environmental Protection;
- 2.2.3 has a high water table which makes the site unsuitable for foundations and sewage disposal systems;
- 2.2.4 consists of muskeg or unconsolidated material unsuitable for building;
- 2.2.5 appears to be situated on an unstable slope;
- 2.2.6 is closer than 100 metres (or such lesser distance as the Alberta Energy and Utilities Board (AEUB) may approve in writing) to a an oil or gas well or pipeline;
- 2.2.7 is within the setback distance required by the AEUB from a sour oil or gas facility;
- (Attention is drawn to sections 9 and 10 of the Subdivision Regulations, which require that such applications be referred to the AEUB)*
- 2.2.8 is situated over an active or abandoned coal mine or oil or gas well or pipeline;
- 2.2.9 may be endangered by aircraft operations; [Bylaw 24-99-A]
- 2.2.10 is unsafe due to contamination by previous land uses;
- 2.2.11 has an inadequate or unsafe water supply;
- 2.2.12 is situated closer to an intensive livestock operation than the minimum distance separation recommended by Alberta Agriculture;
- 2.2.13 would materially interfere in an existing agricultural operation or its proposed expansion;
- 2.2.14 does not meet the yard and setback requirements of this bylaw; or
- 2.2.15 would prevent or interfere with the natural and economic extension of a nearby developed area, a coal mine, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline, or a road system; or
- 2.2.16 is subject to any easement, caveat, restrictive covenant, or other registered encumbrance which makes it impossible to build on the site.
- 2.3 Nothing in this section shall prevent the Subdivision Authority approving a lot, or prevent the Development Authority from issuing a development permit, if he is satisfied that there is no risk to persons or property, or that these concerns will be met by appropriate engineering measures.