



# REZONING GUIDE



Prepared by the Planning and  
Development Department



# A GUIDE TO REZONING IN BRAZEAU COUNTY

This document is intended to assist individuals who are planning to rezone their land. The information in this document provides a basis for understanding the rezoning process, but is not intended to provide a comprehensive explanation of all issues related to rezoning. Additional regulations and policies are outlined in the *Municipal Government Act*, the *Subdivision and Development Regulation*, Brazeau County's *Municipal Development Plan*, and Brazeau County's *Land Use Bylaw*, as well as any applicable Area Structure Plans. Please contact the Planning and Development Department at Brazeau County for information specific to the parcel you would like to rezone.

## 1. PRE-APPLICATION MEETING

Rezoning applicants are strongly encouraged to attend a pre-application meeting with Staff prior to submitting an Application for Land Use Bylaw Amendment (rezoning). If the applicant is someone other than the landowner, the landowner is also encouraged to attend. In order for Brazeau County to discuss rezoning options with respect to a specific piece of land, the written consent of the landowner is required.

This meeting is required in order to:

- a) allow the applicant(s) to discuss their objectives in rezoning their property; and
- b) allow Staff to discuss policies which dictate the rezoning process, including:
  - regulations for rezoning which dictate lot size(s), permitted and discretionary uses within land use zones and the requirements that must be met in order to process the rezoning application; and
  - what steps the applicant must take in order to have their objectives meet the policies and regulations of Brazeau County's *Municipal Development Plan* and *Land Use Bylaw*.

## 2. APPLICATION REQUIREMENTS

When an applicant is ready to submit their Application for Land Use Bylaw Amendment, it must include:

a) **Completed Land Use Bylaw Amendment Application Form**

This form must include all signatures of landowners listed on the Certificate of Title, as well as the signatures of the applicants if they are different than the landowners. Details (such as legal description and subject parcel size) can be found on the Tax Notice issued to the landowner.



If either the applicant or the landowner is a corporation, the signing of the Land Use Bylaw Amendment Application form must be accompanied by a corporate seal or a signed and commissioned Affidavit of Corporate Signing Authority.

**b) Information Disclosure Form**

This form allows Staff to share information that would normally be protected under *Freedom of Information and Protection of Privacy Act*. This disclosure is required for the purpose of processing an application and to allow Brazeau County to share information when circulating referral packages.

### 3. REFERRAL

Once a complete application is received, Staff processes the application. Processing the application includes the circulation of notification of the application, along with maps and information generated by the County, to the following interested parties:

**a) Referral Agencies**

Meaning:

- i) power and gas service providers, FORTIS, TELUS and school divisions;
- ii) all interests registered on the subject parcel's Certificate of Title (eg. if the subject parcel includes a lease road and well site, the oil company will receive a referral notice); and
- iii) any agency or government body who may have an interest in the area around the subject parcel (eg. if access to the subject parcel is from a highway, a referral notice is sent to Alberta Transportation).

Referral agencies are asked to provide their comments, and are given the opportunity to provide conditions of approval or reasons for refusal.

**b) Adjacent Landowners**

The application is circulated for comment to all adjacent landowners whose property is directly abutting the subject parcel, or which would be abutting the subject parcel if not for a road or water body.

**c) Internal Circulation**

The application is circulated to all Brazeau County Departments for their review and comment. This may result in a response from Public Works and Infrastructure Department regarding the need for access and approach conditions and upgrades which may be required based on the change of use of the subject parcel. Other Departments may also provide comments or conditions, depending upon the nature and location of the rezoning.

These comments are used to evaluate the application and help to inform the applicant about work that may be required to ensure the subject parcel is suitable for the proposed uses which accompany the proposed new zoning. The applicant is responsible for addressing any concerns or issues that may be identified by any agencies and/or adjacent landowners who comment on the application. County Staff is available to review the circulation responses with the applicant.



## 4. PLANNING CONSIDERATIONS

In the process of preparing the application for presentation to the Council, Staff will give consideration to the following items:

- a) how the proposed rezoning will comply with the requirements of Brazeau County's Statutory Plans (including the Municipal Development Plan and any applicable Intermunicipal Development Plan and Area Structure Plan). Note: If the proposed rezoning does not comply with the zoning indicated in the Statutory Plan(s), amendments of those Plan(s) may need to be considered concurrently with rezoning;
- b) the developable area of the subject parcel using setbacks as described under the proposed zone in the Land Use Bylaw and/or landforms (eg. steep slopes, water bodies) and various other conditions specific to the site;
- c) the impact of any Right(s)-of-Way or other encumbrances which exist on the property and which may affect the availability of a development site.

## 5. SITE VISIT

The subject parcel may be evaluated during a site visit performed by Staff to gather sufficient information to allow Council to make an informed decision on the application. A site visit allows Staff to determine if additional studies or reports would be required to support the proposed rezoning.

## 6. COUNCIL

Brazeau County Council meetings are typically held on the first and third Tuesday of each month. Council is comprised of the Reeve and six (6) County Councillors.

The first step in determining if the rezoning is to be considered by Council is to present it to them for First Reading. Staff presents a report outlining the general information regarding the proposed rezoning and requests that Council give First Reading to the Rezoning Bylaw. At that time Council will also be asked to schedule a date and time for a Public Hearing.

Written referral responses will be due prior to the Public Hearing, for inclusion in the in-depth report which will be prepared by Staff. In addition to referral comments that have been received, the report from Staff for the Public Hearing is based on a site visit (if applicable) and a thorough analysis of Brazeau County Plans and Policy. Staff will provide a recommendation for approval (via Second and Third Readings), tabling or refusal of the Rezoning Bylaw.

### **Tabled Application**

Further readings of a Rezoning Bylaw, or the Public Hearing itself, may be tabled from time to time, usually to allow the applicant to collect or provide further information. The information will be requested by Council, and it is the responsibility of the applicant to comply with Council's request. The Rezoning Bylaw will not be brought before Council until this has been completed.





### **Approved Application**

Rezoning approval becomes effective upon Third Reading of the Rezoning Bylaw being given by Council. Following Third Reading, the applicant and landowner will be provided notice of the approved rezoning and Brazeau County's Land Use Bylaw will be amended accordingly.

If the lands being rezoned are also subject to a subdivision application which is in process, the subdivision application will then proceed to the Subdivision Authority for decision.

### **Defeated/Refused Application**

When an application is defeated/refused, the applicant/landowner may only appeal the decision through the Court of Queen's Bench.

## **7. POTENTIAL COSTS**

The initial cost equals the applicant's financial risk and includes the application fee as required.

As rezoning is typically a precursor for development, some costs which may be associated with future development *may include but are not limited to:*

- a Development Permit (per the Brazeau County Schedule of Fees);
- connection to municipal service or installation of on-site services, including provincial compliance;
- compliance with Alberta Building Code, including permits and inspections; and
- upgrading or installation of access(es) and approach(es).

## **8. FURTHER INFORMATION**

- a) **Rezoning approval (adoption of the Rezoning Bylaw) does not automatically mean that a proposed development will be approved.** The proposal for development must comply with the requirements of the land use zone, including setbacks from property lines, type of development (permitted or discretionary), maximum site coverage, and the physical constraints of the site, among other considerations.
- b) For additional information or to book a pre-application meeting, please contact:

Brazeau County  
Planning and Development Department  
7401 Twp Rd 494, Box 77  
Drayton Valley, AB T7A 1R1  
Email: [planning@brazeau.ab.ca](mailto:planning@brazeau.ab.ca)  
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Or visit our website at: [www.brazeau.ab.ca](http://www.brazeau.ab.ca)