

**Meeting Minutes of the Subdivision Authority  
Tuesday, May 7, 2019 6:00 pm  
MD of Pincher Creek No. 9 Administration Building**

**IN ATTENDANCE**

Members: Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts and Terry Yagos

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, Assistant Planner Hailey Winder, Executive Assistant Tara Cryderman, and Accounting Clerk Joyce Mackenzie-Grieve

**COMMENCEMENT**

Reeve Brian Hammond called the meeting to order, the time being 6:00 pm.

**1. ADOPTION OF AGENDA**

Councillor Quentin Stevick 19/017

Moved that the Subdivision Authority Agenda for May 7, 2019, be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Councillor Terry Yagos 19/018

Moved that the April 2, 2019, Subdivision Authority Minutes, be approved as presented.

Carried

**3. CLOSED MEETING SESSION**

Councillor Rick Lemire 19/019

Moved that the Subdivision Authority close the meeting to the public, under the authority of the *Municipal Government Act* Section 197(2.1), the time being 6:02 pm.

Carried

Councillor Terry Yagos 19/020

Moved that the Subdivision Authority open the meeting to the public, the time being 6:16 pm.

Carried

**4. UNFINISHED BUSINESS**

Nil

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**5. SUBDIVISION APPLICATIONS**

- a. Subdivision Application No. 2019-0-045  
Carol and Donald Haavardsrud  
NE 36-4-30 W4M

Councillor Quentin Stevick

19/021

Moved that the Agricultural subdivision of NE 36-4-30-W4M (Certificate of Title No. 091 206 999 +5), to create a 75.25 acre (30.45 ha) parcel (Lot 1) and a 5.87 acre (2.14 ha) parcel (Lot 2) from a previously unsubdivided quarter section of 154.39 acres (62.48 ha) for agricultural use; BE APPROVED subject to the following:

**RESERVE:**

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided on Lot 2 as money in place of land on the 5.87 acres at the market value of \$2,500 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That a new road right of way be presented as part of the surveyors submittals prior to finalization.
4. That a road closure resolution be prepared, with the resolution being approved and adopted by the MD of Pincher Creek prior to finalization.
5. That the portion of closed Road Plan 71EZ be consolidated with the adjacent portion of proposed Lot 2 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

**REASONS:**

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.15.
4. The Subdivision Authority is satisfied that with the consolidation, the proposed subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's land use bylaw.

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**INFORMATIVE:**

- (a) Since the subdivision for proposed Lot 1 complies with Section 663(a)(b) of the Municipal Government Act, Reserve is not required.
- (b) The payment of the applicable 10% Municipal Reserve on the 5.87 acres of proposed Lot 2 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 5.87 acre (2.14 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$1,467.50 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (c) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (d) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (e) Pincher Creek Emergency Services Commission – David Cox, Chief:  
I have no issues with this development.”
- (f) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

We wish to advise that we have no facilities in the proposed subdivision, however, please notify Alberta 1st Call at 1-800-242-3447 to arrange for “field locating” should excavations be required within the described area.

We wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

- (g) Alberta Health Services – Mike Swystun, Executive Officer:  
“In response to your March 22, 2019 request for comment on the above noted subdivision, we have reviewed the information and do not object to this subdivision. If you require any further information, please call me at 403-627-1230.”

- (h) Alberta Transportation – John Thomas, Development/Planning Technologist:  
“Reference your file to create a country residential lot and an agricultural lot at the above noted location.

The proposal is contrary to Section 14 and, resultantly by default, subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017(“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.

To that end, the lots to be created and the remnant land will be well removed from Highway 6 with indirect access to the highway being gained solely by way of the local road system. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the lot as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

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Notwithstanding the foregoing, the applicant would be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the center point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines; however, given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance, a permit from Alberta Transportation will not be required, and development of the lots could proceed under the direction, control, and management of the Municipal District of Pincher Creek No. 9 subdivision and development land use authority. The applicant could contact the undersigned, at Lethbridge 403-381-5426, in this regard.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

- (i) Alberta Transportation – Cory Wojtowicz, Regional Supervisor – Lands Program:  
“Please apply the following condition for Alberta Environment and Parks “Lands Program”

Please apply the “Stepping Back from the Water Principles and Guidelines” to any new development near the un-named creek, water source, or water body.”

Carried

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- b. Subdivision Application No. 2019-0-054  
Ronald Sekella  
Block P, Plan 9210672 within W ½ 34-7-30 W4M

Councillor Terry Yagos

19/022

Moved that the Grouped Country Residential subdivision of Block P, Plan 9210672 within W ½ 34-7-30-W4M (Certificate of Title No. 161 183 603), to create three 10.00 acre (4.05 ha) parcels and one 9.02 acre (3.65 ha) parcel from a title of 84.16 acres (34.06 ha) for grouped country residential use; BE APPROVED subject to the following:

**RESERVE:**

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 39.02 acres at the market value of \$2,500 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No 9 which shall be registered concurrently with the final plan against the title(s) being created.

**REASONS:**

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision is consistent with the Oldman River Reservoir Area Structure Plan and complies with the adopted Microfarms Concept Plan.
4. The requirement of a Historical Resources Act approval in relation to subdivision was received during the concept plan adoption phase as HRA 4835-18-0020-001.

**INFORMATIVE:**

- (a) The payment of the applicable 10% Municipal Reserve on the 39.02 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 39.02 acre (15.79 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$9,755 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.

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- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Pincher Creek Emergency Services Commission – David Cox, Chief:  
“It appears that the road will change from a private driveway to a public road providing an access to multiple residences.  
From an emergency services point of view the road construction should be to a standard that will allow the weight of tandem truck and provide a turnaround at the end so the trucks can turn around.”
- (e) TELUS Communications Inc. has no objection to the above circulation.
- (f) FortisAlberta – Sharmila Goswami:  
“Easements are required for this development. FortisAlberta will contact the developer to initiate the process of securing an easement for the proposed subdivision. FortisAlberta is requesting that the county defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement agreement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with ’s approval of this subdivision.  
FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-9473) to make application.  
Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.”
- (g) Alberta Health Services – Mike Swystun, Executive Officer:  
“In response to your March 21, 2019 request for comment on the above noted subdivision, we have reviewed the information and wish to provide the following comments:
- All septic fields must be sited a minimum of 15 metres for any groundwater well.
  - All water wells should be sited on the owner’s property to ensure access to the well for routine maintenance and potable water testing is unhindered by land access approval by neighbors.
- If you require any further information, please call me at 403-627-1230.”
- (h) Alberta Transportation – John Thomas, Development/Planning Technologist:  
“Reference your file to create four (4) grouped country residential lots at the above noted location.  
The proposal is contrary to Section 14 and, by default, subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).  
Alberta Transportation’s primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.  
To that end, currently and as proposed the lots to be created and the remnant land will gain indirect access to Highway 510 solely by way of the local road system (Range Road 302A). Moreover, given the rough terrain in the immediate vicinity would make any

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consideration for a paralleling service road redundant and/or impractical. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the grouped country residential lots as proposed would have any appreciable impact on the provincial highway network.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

Notwithstanding that the waiver of Section 15(2) has been granted, the applicant is advised that no direct access to Highway 510 will be allowed as result of this application.

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and, as such, any development would require the said permit. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated as a condition of approval such that an adequate buffer would be maintained alongside the highway, and any other highway related issues (including, but not limited to, the impact that the adjacent gravel pit may have on the residential properties) could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403-381-5426, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and, as such, any development would require the said permit. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated as a condition of approval such that an adequate buffer would be maintained alongside the highway, and any other highway related issues (including, but not limited to, the impact that the adjacent gravel pit may have on the residential properties) could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403-381-5426, in this regard.

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Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

(i) Alberta Environment & Parks – Michelle Armstrong, Land

Management Specialist:

“With regard to the proposal the following comments are from – Public Lands – AEP:

- North end of proposed development area is adjacent to a wildlife enhancement area denoted under EZE 910389.
- The complete west side of proposed development is adjacent to crown lands and buffer from proposal should be done to ensure no encroachment to crown lands occur during or after construction.
- Should contact Parks Land Use Officer as the area is adjacent to Provincial Recreation Area.
- Proposal is adjacent to AB Transportation aggregate area held under DRS890106 and access needs to be maintained to this.
- Should ensure Operations Infrastructure Branch has no concerns with proposal due to location of proposal and proximity to reservoir.
- Historic resource values to the south end of property come up as a value of 4 – archaeological and within proposal area a value of 5 – archaeological - Historic Resource review should be completed prior to construction.
- Appears area of crown land is fenced in with proposed development area. Fence line should include only private lands.”

(j) Alberta Environment & Parks – Tamara Zembal, Regional Land Use Officer:

“I have a couple of questions with regards to the referral:

- The current lands appear to be cultivated, with a section of the cultivation that falls within the Oldman Dam Provincial Recreation Area. Do you know who currently cultivates the land and if it is the applicant or not? If you could direct me to the appropriate contact, that would be greatly appreciated.
- Could we get a 50m buffer from the edge of the park for no building development
- We have concerns about invasive species and agronomic species entering into the adjacent park during the establishment of the tame grass on the development. Adequate monitoring and control would be recommended to control and prevent infestations.”

Carried



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6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, June 4, 2019; 6:00 pm.

8. ADJOURNMENT

Councillor Quentin Stevick

19/023

Moved that the meeting adjourn, the time being 6:17 pm.

Carried



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Brian Hammond, Chair  
Subdivision Authority



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Roland Milligan, Secretary  
Subdivision Authority