

**Meeting Minutes of the Subdivision Authority
Tuesday, April 2, 2019 4:00 pm
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts
Councillor Terry Yagos, as entered into the minutes

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor
Gavin Scott, Assistant Planner Hailey Winder and Executive Assistant Tara
Cryderman

COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 4:00 pm.

1. ADOPTION OF AGENDA

Councillor Quentin Stevick - 19/010

Moved that the Special Subdivision Authority Agenda for April 2, 2019, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos entered the meeting, the time being 4:04 pm.

Councillor Bev Everts 19/011

Moved that the February 5, 2019, Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Rick Lemire 19/012

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 4:05 pm.

Carried

Councillor Terry Yagos 19/013

Moved that the Subdivision Authority open the meeting to the public, the time being 4:26 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2019-0-001
Huyvonto Farm Ltd.
NW 20-6-29 W4M

Councillor Terry Yagos

19/014

Moved that the Country Residential subdivision of NW 20-6-29-W4M (Certificate of Title No. 071 073 488), to create a 15.30 acre (6.19 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

That the environmental reserve requirement, pursuant to Sections 661 and 664 of the *Municipal Government Act*, be provided as a 10m environmental reserve easement along the banks of Indian Farm Creek within the proposed subdivision with the actual acreage to be dedicated being determined at the final stage, for Environmental 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 an easement for legal access to the farm residence north of the proposed parcel be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to 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. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.
4. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.

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5. That the municipality, in having taken into account the Provincial document *Stepping Back from the Water*, the comments from Alberta Environment and Parks, and the *Environmental Reference Manual for the Review of Subdivisions in Alberta*, has determined that a buffer from the natural water body's banks by the mechanism of environmental reserve easement provides the best means of environmental protection for the water course known as Indian Farm Creek.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (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) The Subdivision Approval Authority of the MD of Pincher Creek No.9 waived the 10 acre maximum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act.
- (e) MD of Pincher Creek No. 9 – David Cox, Chief Pincher Creek Emergency Services: “No issues with this development.”
- (f) TELUS Communications Inc. has no objection to the above circulation.
- (g) FortisAlberta – Beth Hergert:
“**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 Oldman River Regional Services Commission 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 Oldman River Regional Services Commission once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with Oldman River Regional Services Commission’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.”
- (h) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.
- (i) Alberta Environment & Parks – Edward R. Evenson, Public Lands Approvals Branch: “The Department of Environment and Parks Public Lands Division has concerns with subdivision 2019-0-001 as the proposed subdivision includes a portion of Indian Farm Creeks bed and shore this area must be removed from the proposed subdivision. The department requires an Environmental Reserve in the form of land adjacent to Indian farm creek, in accordance with section 664 of the municipal government act a

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Environmental Reserve of 10 meters is required. There Department has no additional concerns with the proposed subdivision 2019-0-001.”

- (j) Alberta Environment & Parks – Sid Parseyan, Senior Waterbody/Boundary Research Analyst, Water Boundaries Unit:

“Thank you for your email and the information. Please note that the bed and shore of Indian Farm Creek is owned by the Crown under Section 3 of the *Public Lands Act*. Therefore, the bed and shore of the aforementioned creek should not be part of the affected areas by the proposed subdivision plan.

Please do not hesitate to contact us if any additional clarification is required and/or you have any questions or comments on this matter.”

Councillor Quentin Stevick requested a recorded vote.

Councillor Quentin Stevick – Opposed
Councillor Rick Lemire – In Favour
Reeve Brian Hammond – In Favour
Councillor Bev Everts – In Favour
Councillor Terry Yagos – In Favour
Motion Carried

- b. Subdivision Application No. 2019-0-033
Reed Farming Ltd.
Lot 1, Block 1, Plan 1010054; N ½ 5-6-27 W4M

Councillor Bev Everts

19/015

Moved that the Country Residential subdivision of Lot 1, Block 1, Plan 1010054 within N ½ 5-6-27-W4M (Certificate of Title No. 191 010 465), to to create a 7.44 acre (3.01 ha) parcel from a reconfigured quarter section of 158.64 acres (64.2 ha) for country residential use; BE APPROVED subject to the following:

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.

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3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.11.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (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 – David Cox, Chief:
“No issues with this development.”
- (e) TELUS Communications Inc. has no objection to the above circulation.
- (f) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.
FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.
Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.
- (g) ATCO Gas has no objection to the proposed as it does not fall within our franchise are.
- (h) ATCO Pipelines – Isabel Solis-Jarek, Sr. Administrative Coordinator, Operations Engineering:
“The Engineering Department of ATCO Pipelines (a division of ATCO Gas and Pipelines Ltd.) has reviewed the above named plan and has no objections subject to the following conditions:
1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
 2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Pipelines before commencing any work.
 - Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Pipelines’ requirements as set forth in the company’s conditional approval letter.
 - Contact ATCO Pipelines’ Land Department at 1-888-420-3464 for more information.
 3. Parking and/or storage is not permitted on ATCO Pipelines’ pipeline(s) and/or right(s)-of-way.
 4. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Pipelines for further review.
- If you have any questions or concerns, please contact the undersigned at 780.420.3896 or email Isabel.Solis@atco.com.” (See Attachment)

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- (i) Alberta Health Services – Mike Swystun, Executive Officer/Public Health Inspector:
“In response to your February 28, 2019 request for comment on the above noted subdivision, Alberta Health Service (AHS) has reviewed the information provided and wish to provide the following comments:

- AHS does not foresee a Public Health Nuisance being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws and standards.

If you require any further information, please call me at 403-627-1230.”

- (j) Alberta Transportation – Leah Olsen, Development/Planning Technologist:
“Reference your file to create a country residential parcel at the above noted location. The proposal is contrary to Section 14 and 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 system.
To that end, the parcel to be created and remnant land will be well removed from Highway 507 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 country residential parcel 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).
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 not within the noted control lines. 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 country residential parcel could proceed under the direction, control, and management of the municipal district. The applicant could contact 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

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Development Appeal Board provided that no other provincial agency is involved in the application.”

Carried

6. **NEW BUSINESS**

Nil

7. **NEXT MEETING** – Tuesday, May 7, 2019; 6:00 pm.

8. **ADJOURNMENT**

Councillor Quentin Stevick


19/016

Moved that the meeting adjourn, the time being 4:28 pm.

Carried



Brian Hammond, Chair
Subdivision Authority



Roland Milligan, Secretary
Subdivision Authority