

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 4, 2019

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 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 Todd Creek.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 25.10 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 25.10 acre (10.16 ha) being subdivided at \$3,000 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$7,530 with the actual amount less the acreage for environmental reserve 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.
- (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) TELUS Communications Inc. has no objection to the above circulation.
- (e) Chief Mountain Gas Co-op Ltd. - Delbert G. Beazer, Chief Executive Officer:

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Given that determination, 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 network.

To that end, this is a logical separation of the subject property due to the severance by the Highway 3 right-of-way (Road Plan 5467JK) of which the proposal is to continue using the remnant land for agricultural purposes. Moreover currently and as proposed the parcel to be created and remnant land will gain indirect access to the provincial highway system 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 agricultural 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).

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

Section 16 of the regulation only states that the requirements of Sections 14 and 15 may be varied. Although the waiver of these sections have been granted for this application, it has been granted under site specific circumstance (indirect access by the local road system and the remnant lands will remain to be agricultural land use) and it should not be construed that this variance would set precedent or be granted as a matter of course.

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 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 benefit of a permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues 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

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finalization stage for Municipal Reserve purposes.

- (a) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (b) 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.)
- (c) Pincher Creek Emergency Services – David Cox, Chief: “I have no issues with this development”

TELUS Communications Inc. has no objection to the above circulation.

- (d) 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.

Fortis Alberta 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.

- (e) ATCO Gas has no objection to the proposed as it does not fall within our franchise are.
- (f) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above as it is outside of our franchise area.
- (g) Alberta Health Services - Wade Goin, Executive Officer/Public Health Inspector:

"In response to your May 1, 2019 request for comment on the above noted subdivision we have reviewed the information and wish to provide the following comments:

- Alberta Health Services does not object to this subdivision provided all other pertinent bylaws, regulations and standards are complied with.

If you require any further information, please call me at 403-562-5030".

- U) Alberta Transportation- Leah Olsen, Development Planning

Technologist: "Reference your file to create a parcel for agricultural use at the above noted location.

By virtue of Section 14(a) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 ("the regulation"), the parcel to be created will be less than the 16 hectares size requirement to qualify as an agricultural parcel.

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5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2019-0-069
Leslie L Sinnott
NE1/4 20-7-1 W5M

Councillor Terry Yagos

19/028

Moved that the Agricultural subdivision of NE1/4 20-7-1 W5M (Certificate of Title No. 941053439 +1), to create one 18.25 acre (7.38 ha) parcel from a title of 139.68 acres (56.53 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 as money in place of land on the 18.25 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 complies with the M.D. of Pincher Creek subdivision policy R.15.

INFORMATIVE:

The payment of the applicable 10% Municipal Reserve on the 18.25 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 18.25 acre (7.38 ha) being subdivided at \$2,500 per acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$4,563.50 with the actual amount to be determined at the

**Meeting Minutes of the Subdivision Authority
Tuesday, June 4, 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, Accounting Clerk Joyce Mackenzie-Grieve

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Quentin Stevick 19/024

Moved that the Subdivision Authority Agenda for June 4, 2019, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Quentin Stevick 19/025

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

Carried

3. CLOSED MEETING SESSION

Councillor Bev Everts 19/026

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 6:01 p.m..

Carried

Councillor Rick Lemire 19/027

Moved that the Subdivision Authority open the meeting to the public, the time being 6:30 pm.

Carried

4. UNFINISHED BUSINESS

Nil

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"Please note, we have no objections to the proposed subdivisions, as long as our Utility-Right-Way remains on title. Also, that any relocating of lines requested by the owner because of this subdivision will be at the owners cost. All contracts for gas service will be supplied as needed and at owners cost. If this subdivision splits a gas contract that serves two homes a new contract will have to be purchased by the owner.

Being that the application is in a remote area, natural gas service may be unavailable. Developer should discuss gas needs and plans for implementation before lots are sold. We would rather deal with the developer than individual lot owners for capital expense and planning.

As a condition of subdivision, we request that a Service Agreement be signed by the Applicant prior to subdivision finalization."

- (f) Alberta Environment & Parks - Michael Taje, Public Land Management Specialist:

"The property is adjacent to the Todd Creek, any development near the creek should follow the Step Back from the Water Guidelines. Note that any development within the bed and shore will require a Public Land Act Permit, or Disposition, as the Bed and Shore is Public Land as per the Public Lands Act.

These Comments are only based on the Public Lands Act point of view."

- (g) Alberta Environment & Parks - Sid Parseyan, Senior Waterbody/Boundary Research Analyst:

"Thank you for your email and the submitted document. Please be advised that under Section 3 of the *Public Lands Act*, the Crown in right of Alberta owns the bed and shore of Todd Creek which flows through the SW ¼ Section 14-9-2-5.

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

- (h) Adjacent Landowner - Jessie Hurlburt:

"I have no comments regarding the proposed subdivision."

Councillor Bev Everts

19/029

Carried

6. NEW BUSINESS

Nil

