



MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
December 3, 2019

**4. UNFINISHED BUSINESS**

Nil

**5. SUBDIVISION APPLICATIONS**

- a. Subdivision Application No. 2019-0-152  
Public and Institutional  
Lot 1, Block 8, Plan 1210773 within NW1/4 10-6-2-W5M

Councillor Terry Yagos

19/047

Moved that the Public and Institutional subdivision of Lot 1, Block 8, Plan 1210773 within NW1/4 10-6-2-W5M (Certificate of Title No. 121 078 971), to create a 2.30 acre (0.93 ha) parcel from a 4.42 acre title for public and institutional use; BE APPROVED subject to the following:

**CONDITIONS:**

1. 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 subdivision authority, in considering the written submission from Robert Bronson finds that the concerns are focused on future council decisions, development approvals and related engineering, and are therefore outside the parameters of the subdivision policies pertaining to the proposal.

**INFORMATIVE:**

- (a) Since the proposed subdivision complies with Section 663(d) 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

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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) Per amending Bylaw 1267-16, this property is designated Direct Control in the land use bylaw and as such all development approvals will be processed through the MD Council.
- (e) TELUS Communications Inc. has no objections to the above noted 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](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions.

- (g) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to [hp.circulations@atco.com](mailto:hp.circulations@atco.com).
- (h) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create a parcel for public and institutional use 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 parcel to be created and remnant land will gain indirect access to the provincial highway network solely by way of the local road system. Given this, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the parcel for public and institutional use 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 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 county’s local road system, in this instance, a permit from Alberta Transportation will not be required, and development of the parcel for public and institutional use could proceed under the direction, control, and management of the Municipal District of Pincher Creek No. 9

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subdivision and development land use authority. 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 Development Appeal Board provided that no other provincial agency is involved in the application.”

(i) Beaver Mines Resident - Robert Bronson:

“I have the following comments regarding the proposed 2.3 acre subdivision:

1) Once again the residents of Beaver Mines are being asked to approve bylaws without understanding what the plans are for the land. The original Dec 2013 bylaw was 4.4 acres *for Fire hall only* turned out to be something quite different. 2.3 acres is still too much land for a fire hall only. The residents along 3rd St require assurances that this land will not be used as a storage site for MD equipment, trailers, gravel etc. Considering the history of poor communications with BM residents, Council needs to ask the Pincher Creek Emergency services to provide a site plan to Beaver Mines residents prior to approval of the subdivision.

2) The fire hall will be located on a side hill with poor access. According to a Beaver Mine resident: 1) the current 5 M R/W roadway will not be adequate for large emergency vehicles to safely exit the site since there is substandard sight distance on the existing vertical curve 2) Proposed water /sewer lines under 3rd street need to be installed lower to allow for future road lowering while maintaining adequate frost cover and 3) The site may need to be expanded or reshaped to allow a possible common access to the metering station site as well as the new fire hall. Please confirm that the location and access issues been completely reviewed to ensure that the location is feasible?

3) It is my understanding that the development application **must** include "major landscaped areas including buffering and screening areas". Rather than wait for development application, Council needs to ensure that the subdivision application includes provision for buffering and screening requirements.

4) It is also my understanding that buffering and screening was to be incorporated in the pathway design. The 2016 Bylaw No. 1220- 11 was clear that a pathway would be included in the final design. The following statements were included in the bylaw:

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- The Municipal District of Pincher Creek No. 9 (the MD), in conjunction with the Beaver Mines Community Association, is proposing to develop a walking path within the Hamlet of Beaver Mines.
- In order to allow for the walking path, a recreational use; a water storage facility, a public utility use; and a fire hall, public and institutional use, any new bylaw must allow for the following uses as defined within the LUB.

Council needs to ensure that the subdivision application includes provision for the pathway requirements.

5) The definition of Public and Institutional uses includes the phrase “and other municipal uses”. I would clearly like to understand what “other municipal uses” include. For example, is a Public Works Building considered “Institutional”. While it is not likely that a bulk water station (standpipe) or any public works building could be built at this site given the side hill location and access (Item 2) and future path (Item 4), I would like to have it clearly stated that a bulk water station (standpipe) cannot be built in a Public and Institutional zone.

Thank you for the opportunity to provide my comments regarding the proposed subdivision.”

Carried

**6. NEW BUSINESS**

Nil

**7. NEXT MEETING** – Tuesday, January 7, 2020; 6:00 pm.

**8. ADJOURNMENT**

Reeve            Brian Hammond

19/049

Moved that the meeting adjourn, the time being 6:12 pm.

Carried

  
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Brian Hammond, Chair

Subdivision Authority

  
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Roland Milligan, Secretary

Subdivision Authority