

**Special Meeting Minutes of the Subdivision Authority  
Tuesday, May 1, 2018; 5:00 pm  
MD of Pincher Creek No. 9 Administration Building**

**IN ATTENDANCE**

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

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

Notice of the meeting was given in person to each Councillor and a signed Waiver of Notice Form is attached to and forms part of these minutes.

**COMMENCEMENT**

Reeve Quentin Stevick called the meeting to order, the time being 5:00 pm.

**1. ADOPTION OF AGENDA**

Councillor Brian Hammond 18/019

Moved that the Special Subdivision Authority Agenda for May 1, 2018, be approved as presented.

Carried

Councillor Terry Yagos entered the meeting, the time being 5:01 pm.

**2. ADOPTION OF MINUTES**

Councillor Terry Yagos 18/020

Moved that the April 3, 2018 Subdivision Authority Minutes, be approved as presented.

Carried

**3. IN CAMERA**

Councillor Bev Everts 18/021

Moved that the Subdivision Authority and staff move In-Camera, the time being 5:01 pm.

Carried

Councillor Rick Lemire entered the meeting, the time being 5:03 pm.

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Councillor Brian Hammond

18/022

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 5:15 pm.

Carried

**4. UNFINISHED BUSINESS**

Nil

**5. SUBDIVISION APPLICATION**

- a. Subdivision Application No. 2018-0-042  
Chester Bonertz  
SE 30-4-29 W4M

Councillor Brian Hammond

18/023

Moved that the Country Residential subdivision of SE 30-4-29-W4M (Certificate of Title No. 781 178 617), to create a 12.80 acre (5.18 ha) parcel from a previously un-subdivided quarter section of 160 acres (64.7 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.
3. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.
4. 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.

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**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) Municipal District of Pincher Creek No. 9 – Leo Reedyk, Director of Operations:  
“No concerns with the proposed subdivision.”
- (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 (310-94 73) 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) Alberta Health Services – Michael Swystun, Executive Officer:  
“From the information provided Alberta Health Services has no objection to this proposed subdivision. Should you have any questions regarding this report, please do not hesitate to contact me at 403-627-1230.”
- (h) Alberta Transportation – John Thomas, Development/Planning Technologist:  
“The proposal is to create a single parcel of land from an unsubdivided quarter section to accommodate an existing residence and related improvements. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“the regulation”). Notwithstanding the foregoing, resultant of the fact that the remnant land does have direct access to Highway 505, this application is subject to the requirements of Section 15(2) of 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, the proposal is in accordance with said Section 14(b), the remnant land will remain to be an agricultural tract and by virtue of the Alberta Transportation’s current access management guidelines, use of the existing direct highway access for limited agricultural use is an acceptable access management strategy. Furtherance, the remnant lands also have an alternate means of indirect access available by the local road system.

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Given this, strictly from Alberta Transportation's point of view, we do not anticipate that creation of the country residential lots 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 Section 15(2).

Whereas the waiver of Section 15(2) has been granted, the applicant is advised that no additional access to the highway will be allowed as a result of this application, and that the existing direct access could remain on a temporary basis for limited agricultural use only.

The applicant would also be advised that any development within the highway 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 Act and the corresponding 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 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 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."

- (i) Alberta Environment & Parks – Edward Evenson, Forest Officer Land Management Operations Divisions Public Lands Approvals Branch:  
"The Department of Environment and Parks Public Lands Approvals Branch has no concerns with proposed subdivision 2018-0-042."

Carried

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6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, June 5, 2018; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

18/024

Moved that the meeting adjourn, the time being 5:17 pm.

Carried



Quentin Stevick, Chair  
Subdivision Authority



Roland Milligan, Interim Secretary  
Subdivision Authority

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

***WAIVER OF NOTICE OF A SPECIAL MEETING OF THE SUBDIVISION AUTHORITY OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9, CALLED UNDER AUTHORITY OF SECTION 194 (4) AND 194 (5) OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER 26 OF THE PROVINCE OF ALBERTA.***

We, the undersigned members of the Subdivision Authority for the Municipal District of Pincher Creek No. 9 hereby waive notice of the special meeting to be held in the Council Chambers of the Administration Building, located at 1037 Herron Avenue, Town of Pincher Creek, on Tuesday, May 1, 2018, at 5:00 pm for the purpose of discussing and acting upon:

- 1. Adoption of Agenda**
- 2. Minutes**
  - a. Minutes of April 3, 2018
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
  - a. Subdivision Application No. 2018-0-042  
Chester Bonertz  
SE 30-4-29 W4M
- 6. New Business**
- 7. Next Regular Meeting June 5, 2018; 6:00 pm**
- 8. Adjournment**

***Signed:***

  
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Quentin Stevick

Date: May 1, 2018

  
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Rick Lemire

Date: May 1, 2018

  
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Bev Everts

Date: May 1, 2018

  
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Brian Hammond

Date: May 1, 2018

  
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Terry Yagos

Date: May 1, 2018