



Village of Stirling

Meeting Minutes

June 15, 2022 - Municipal Planning Commission - 06:30 PM

The meeting of the Municipal Planning Commission of the Village of Stirling was held in the Council Chambers, located at Stirling Community Centre/Lions Hall at 409 - 2 Street, on Wednesday, June 15, 2022, commencing at 6:30pm.

IN ATTENDANCE

Mayor Trevor Lewington, Deputy Mayor Larry Nilsson, Councillors Gary Bikman, Devynn Bohn, and Matthew Foss

ORRSC Senior Planner Bonnie Brunner

Development Officer, Scott Donselaar
Municipal Clerk, Aletta Lightfoot

1. **MPC Meeting – Call Meeting to Order**

The Meeting was called to order at 6:34 p.m.

2022-015

2. **Adoption of Agenda**

Moved By: Mayor Lewington

That the agenda be adopted as presented

Carried

2022-016

3. **Minutes From April 6, 2022**

Moved By: Deputy Mayor Nilsson

That the Minutes of the Municipal Planning Commission held April 6, 2022 to be adopted as presented.

Carried

4. **Items for Discussion**

2022-017

4.1 **Subdivision 2022-0-088**

Moved By: Councillor Bikman

Councillor Bohn arrived at 6:45 p.m.

THAT the subdivision of Lot 2 , Block 19, Plan 752J within NE1/4 29-6-19-W4M (Certificate of Title No. 161 262 379), to create two residential lots of 0.57± acres (0.23± ha) and dedicate road right-of-way adjacent to the lane; 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 Village of Stirling.

2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the Village of Stirling which shall be registered concurrently with the final plan against the title(s) being created.
3. That the road dedication as indicated on the proposed subdivision plan is dedicated on the final plan of subdivision.
4. That the applicant submits an engineered drainage plan to the satisfaction of the municipality, unless determined to be unnecessary by the municipality, to indicate drainage patterns and how run-off will be dealt with any drainage easement and agreements as applicable are registered with the final plan of subdivision.
5. That the applicant submits a copy of an Historical Resources Act approval prior to finalization of the subdivision.
6. That the two smaller accessory buildings (identified as wood shed 3.09X4.22 and wood shed 1.38X1.54) which encroach upon Lot 11, Block 19, Plan 0811969 are demolished and removed from the property prior to finalization of the subdivision.

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 considered the adjacent landowner's comments and has determined that the location of the existing accessory buildings is a development matter not pertinent to the subdivision approval. However, a condition to remove the two smaller accessory buildings has been placed as a condition given the applicant is agreeable to removing these buildings.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(c) 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 subject parcel is within an area identified as having high potential to contain an historic resource (HRV5) in the Listing of Historical Resources. In accordance with the Land Use Procedures Bulletin –Subdivision Historical Resources Act Compliance (2022), the applicant is required to obtain Historical Resources Act approval prior to finalization of the subdivision.
- (e) Telus Communications Inc has no objection.
- (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) Alberta Health Services – Kristen Dykstra, Public Health Inspector:
“In response to your May 24, 2022, subdivision of land application, we have reviewed the information provided. We wish to provide the following comments:
 - We do not foresee any new public health problems 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 further clarification, please contact me at the Lethbridge Community Health Centre at 403-388-6690 Ext. 8.”
- (h) Alberta Transportation – Leah Olsen, Development/Planning Technologist:
“This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 14 and 15 of the Subdivision and Development Regulation, due to the proximity of Highway 846. Alberta Transportation has the following additional comments and/or requirements with respect to this proposal:
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, the parcels to be created will be well removed from Highway 846 with indirect access to the highway being gained solely by way of the town's internal street system. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the residential parcels 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 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 however given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local street system, in this instance a permit from Alberta Transportation will not be required and development of the residential parcels could proceed under the direction, control and management of the village. The applicant could contact the undersigned, at Lethbridge 403-388-3105, 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.

If you have any questions or require additional information, please contact the undersigned."

(i) Canada Post has no comment.

(j) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to hp.circulations@atco.com.

(k) Comments from Trevor & Julie Archibald:

"This letter is in regards to a Notice of Application for Subdivision of Land letter that I received, pertaining to Landowner: Bianca Christakos (File No. 2022-0-088), in Stirling, Alberta. My name is Trevor Archibald and my wife and I are Adjacent Landowners (Lots 10 & 11, Block 19, Plan 752J) to the subject property.

Per the Proposed Subdivision drawings prepared by Wilde Bros Surveys, there are currently three existing structures (referred as "Wood Sheds") on Lot 2, which are partially on our property. We would like to build a fence in the future along the north property line of our lot (Lot 11) and Lot 2 (proposed new Lot 12). With these structure in their current location, there is no way for us to be able to build a "continuous" fence along that property line. These structures are all old and two of them are structurally unsafe and falling over (in our opinion). . .and we do not know what Bianca Christakos plans on doing with these three structures. Obviously, these structures have been there for a long time and it hasn't been an issue in the past because the subject property was owned by family members, and we actually maintained the yard on Lot 2 for 25+ years, until it was sold. Since this issue was not addressed when the property was sold to Bianca Christakos, we are concerned that if the new Lot 12 were to be sold to another owner, we would have no recourse for these three buildings to be moved off our property (with adequate setbacks), so we can build a fence. It seems fair and reasonable to us, that a condition of approval for this subdivision include a solution to address moving these structures off our property. If you have any questions, feel free to contact us at trevor@archibalddesign.com or call at (435) 627-8687."

Carried

2022-018

5. Adjournment

Moved By: Mayor Lewington

That the agenda matters have been concluded and that the meeting be adjourned at 6:47 p.m.

Carried

These minutes to be approved on the 13 day of July, 2022.



Chair - Matthew Foss



CAO - Scott Donselaar