

Municipal Planning Commission

December 7, 2016

The Village of Stirling MPC meeting was held at the Stirling Community Centre on, December 7, 2016. In attendance were Mayor Nilsson, Councillors Edwards, and Lewington, Development Officer Mike Selk and Planner Bonnie Brunner. Councillors Bikman and Maynes were excused.

CALLED TO ORDER Councillor Edwards called the meeting to order at 6:07 p.m.

2016-34 AGENDA Councillor Lewington moved to adopt the agenda. Carried

2016-35 MINUTES Councillor Bikman moved to adopt the minutes of the November 2, 2016 MPC Meeting. Carried

SUBDIVISION APPLICATION 2016-0-166 Planner Bonnie Brunner presented information about Subdivision Application 2016-0-116.

Selk indicated the MPC could approve the front yard setback variance and issue a permit for the addition to the dwelling, or if the application was denied the house would be non-conforming and be subject the section 643 of the Municipal Government Act (MGA).

Applicant Submission: None

Public Submissions: None

Written Submissions: None

Councillor Lewington moved THAT the subdivision of Lots 1, 2, and 8, Block 46, Plan 752J within SE1/4 29-6-19-W4M (Certificate of Title No. 141 251 629), to create three separate titles; 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 1.47± ha (3.63± acres) (subject parcel) in the amount of \$7,955 with the exact acreage and amount to be paid to the Village of Stirling being determined at the final stage, for Municipal Reserve Purposes.

CONDITIONS:

2016-36

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 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 a 4.57 m (15 ft) wide right-of-way running the entire length of Lots 1, 2 and 8 adjacent to the lane, is dedicated as road on the final plan of subdivision. Lots 2 and 8 shall also include a corner cut-off road dedication at the intersection of 7th Avenue.

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.

INFORMATIVE:

- (a) The 10% Reserve requirement shall be provided as money in place of land dedication for Municipal Reserve Purposes. The approximate amount of municipal reserve owing on 1.47± ha (3.63± acres) is \$7,955. The actual amount owing will be calculated based upon the exact acreage of the aggregate of the residential lots and the road dedication identified on the final plan of subdivision prepared by an Alberta Land Surveyor.
- (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) Through the Development Agreement, the applicant shall be responsible for lot servicing and required extension/upgrades of water and sewer infrastructure, any roads necessary to serve the subdivision, any required stormwater management plans, and any other improvements authorized under Section 655(1)(b) of the Municipal Government Act, as determined necessary by the municipality.
- (e) FortisAlberta has 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.
- (f) ATCO Gas has no need for a Utility Right of Way on the subject property at this time, and therefore has no objection to the proposed subdivision as the servicing is to be done within the local roads.
- (g) Alberta Health Service, Theron White – Executive Officer:
“After a review of the information provided and an on site visit, this office has no objections to the proposed subdivision provided that:
1. The requirement for the applicant servicing lots 1 & 2 with municipal water and sewer are followed, and
 2. All applicable regulations, standards and bylaws are satisfied.
- Should you have any questions regarding this report, please do not hesitate to contact me at 403-223-7230.”
- (h) Alberta Transportation, John Thomas –
Development/Planning Technologist:
“By definition the subject property is adjacent to Highway 846 of which at this location the posted speed limit is less than 80 kilometers per hour. As such, this application is subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“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, this is an urban area and access to the highway will be gained solely by way of the village's internal street system of which is consistent with the existing access management strategy for this stretch of highway. Given this, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the residential lots as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance the department grants a waiver of said Section 15(2).

Notwithstanding that the waiver of Section 15(2) has been granted the applicant is advised that no direct highway access will be allowed as a result of this application. 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 center point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is stipulated in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines however given the site specific circumstance, development setbacks will be defaulted to the village's side-yard setback requirements and as all access to the highway is indirect by way of the village's internal street system a permit from the department will not be required and development of the residential lots could proceed under the direction, control and management of the village. The applicant could contact the undersigned, at Lethbridge 403/381-5426, in this regard.

The department 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. Moreover, 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) ATCO Pipelines has no objection.
- (j) TELUS Communications Inc. has **no objections** to the current land owner proceeding with this application.

It is the land owner’s responsibility to ensure they contact Alberta One-Call to ensure no facilities will be disrupted. If at any time TELUS facilities are disrupted, it will be at the sole cost of the land owner

Carried

2016-37 ADJOURN

Councillor Lewington moved to adjourn at 6:14 p.m.

Carried

Chair



Development Officer