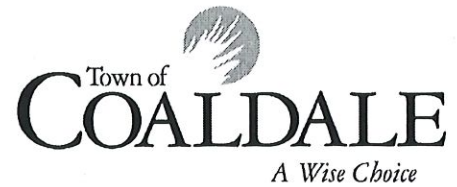


Wednesday, July 11, 2018

5:00p.m.

Town of Coaldale Council Chambers



Municipal Planning Commission Agenda

1.0 CALL TO ORDER

2.0 ADDITIONS TO THE AGENDA

3.0 ADOPTION OF THE MINUTES

May 13, 2018 meeting

4.0 BUSINESS FROM THE MINUTES

5.0 NEW BUSINESS

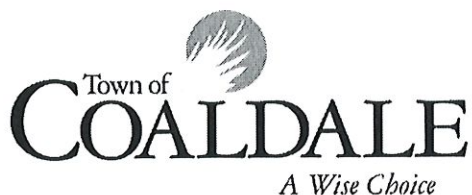
5.1 Subdivision Application 2018-0-081

5.2 Development Application 2018-092
Over height fence

6.0 INFORMATION ITEMS

7.0 IN-CAMERA DELIBERATIONS

8.0 ADJOURNMENT



**MUNICIPAL PLANNING COMMISSION
WEDNESDAY, JUNE 13, 2018
5:00 PM – COUNCIL CHAMBERS**

PRESENT:	Council Members:	R. Hohm (Chairman), J. Abrey, D. Lloyd
	Director of Planning:	S. Croil
	Development Officer:	C. L'Hirondelle
	ORRSC Planning Advisor:	R. Dyck
	Citizen Members:	R. Pitsol, J. Cortes
	Recording Secretary:	K. Bly
	Gallery:	B. Deleurme, J & B. Kemp, C. Koyata, M. Peters, L. Virginillo, J. Virginillo, D. Miller, T. Shaum, R. Tajiri, C. Fletcher, G. Van Mannen, K. Miller, S. Duda, D. Bergen, J. Lebsack, Maria Peters,

1.0 CALL MEETING TO ORDER:

Chairman R. Hohm called the meeting to order at 5:00 p.m.

2.0 ADDITIONS TO / ADOPTION OF AGENDA: No additions.

MOTION: D. Lloyd moved to adopt the agenda for the meeting.

5-0 CARRIED

3.0 ADOPTION OF MINUTES:

Municipal Planning Commission Minutes – April 11, 2018

R. Pitsol noted D. Davies was missing from the names noted under the Gallery.

MOTION: R. Pitsol moved to approve the May 9, 2018 minutes as amended

5-0 CARRIED

4.0 BUSINESS ARISING FROM MINUTES: None

5.0 NEW BUSINESS:

5.1 Subdivision Application 2018-0-064

BACKGROUND/DESCRIPTION OF APPLICATION:

R. Dyck noted the purpose of this application is to create eighteen (18) (0.04 ha (0.10)) bareland condominium units and one (1) unit for common road property within the Seasons Manufactured Home Community in southeast Coaldale for residential use. The subdivision area takes up approximately 0.99

ha (2.45 acre) from a titled area containing 4.31 ha (10.65 acre) and is legally described as Unit 73, Plan 141 3021/

The proposal represents Phase 1C of the Seasons Area Structure Plan (ASP) Bylaw No. 608-P-11-08, approved by Town Council in 2009. The application will create titles (known units in a condominium scenario) for the future development of single detached manufactured dwellings, which are a permitted use in the Manufactured Home Park – R3 within the Land Use Bylaw. The proposed site layout, density and road network conform to the relevant provisions of the ASP, notably Figure 3.1a. which also acts as a “comprehensive plan” for the purposes of the Manufactured Home Park – R3 District.

Servicing to the development will be provided by way of privately owned connections to municipal infrastructure and the private road network within the Seasons Community. A 3.5 m wide utility right-of-way (Plan 141-3022) was previously dedicated and will support shallow utility services in the front of the units. In accordance with the drainage plan in Figure 4.1c of the ASP stormwater will drain overland from north to south within the roadway (Summer Street) and then east to the culvert in Applewood Road. It is understood that the existing Water Act Approval No. 00262038-00-00 is in effect for all Phase 1 stormwater management work in the Seasons but will be required to be amended for subsequent phases. As this subdivision proposal conforms to the approved area structure plan for the subject lands, approval may be considered with the following suggested conditions:

1. Any outstanding property taxes shall be paid to the Town of Coaldale.
2. The applicant or owner or both enter into a Development Agreement with the Town of Coaldale to address any servicing requirements. The existing development agreements (2) from 2010 should be reviewed to ensure their applicability pursuant to Section 655(3) of the Municipal Government Act.
3. That the applicant pays any applicable or outstanding off-site levies and development fees as required by the Town of Coaldale.
4. That the applicant provides a copy of a bareland condominium plan from a certified Alberta Land Surveyor.
5. That an overland drainage/grading plan, signed by a registered engineer, be provided that is acceptable to the Town of Coaldale with any requirements addressed in the terms of the Development Agreement with the Town.
6. That any easement(s) as required by utility companies or the municipality shall be established.
7. Consideration of referral agencies comments and any requirements.

RESERVE: Since the proposed subdivision complies with Section 663(d) of the Municipal Government Act municipal reserve is not required. Municipal reserve was previously dealt with and deferred (registered by caveat on Lot 4, Block 1, Plan 101 3475) from the previous block parcel subdivision approval (see ORRSC subdivision file no. 2009-0-052).

- D. Bergen noted the subdivision application is part of the master plan for the area.
- A commission member questioned if all of the buildings would be condos.
- R. Dyck confirmed they would be.

MOTION: J. Abrey moved to approve Subdivision Application 2018-0-064 with conditions. 1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Town of Coaldale. 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 Town

of Coaldale which shall be registered concurrently with the final plan against the title(s) being created. 3. That the applicant pays any applicable or outstanding off-site levies and development fees as required by the Town of Coaldale. 4. That the applicant provides a copy of a bareland condominium plan from a certified Alberta Land Surveyor. 5. That an overland drainage/grading plan, signed by a registered engineer, be provided that is acceptable to the Town of Coaldale with any requirements addressed in the terms of the Development Agreement with the Town. 6. That any easements as required by utility companies or the municipality be established prior to finalization.

5-0 CARRIED

**5.2 Development Application 2018-043
Front yard setback waiver
456 Westgate Crescent**

BACKGROUND/DESCRIPTION OF APPLICATION:

C. L'Hirondelle explained this application was previously heard at the May 9, 2018 meeting and tabled. The Town of Coaldale has received a development permit application as the existing Single-Detached Dwelling is located 6.82 m away from the front property line whereas 7.62 m is required. Notice of the application was sent to adjacent properties and no written or verbal concerns have been brought forward to date.

- J. Lebsack Developer of the property address the commission.
- There was a question from the commission on the bump out and the overage.
- C. L'Hirondelle noted as development officer she is allowed to grant up to a 10 per cent waiver without having to go to an MPC meeting. She has granted the 10 per cent on this development but it still exceeds the front yard setback.
- J. Lebsack said it is the thickness of the finishing that has led to the need for a setback waiver.
- A member of the commission questioned where it says in the bylaw that a 10 per cent waiver can be granted without having to come before the MPC.
- S. Croil said it is section 36 of the administrative portion of the Town's Land Use Bylaw.
- C. L'Hirondelle said it would still need to come to the MPC as it is over the 10 per cent.
- The commission questioned allowing this approval even though it is a small amount because it could set a precedent for applications in the future. There should be a fine for those who go over the allowed setback.
- C. L'Hirondelle noted there is a fine in place of \$400.
- The commission noted that is not high enough. It was noted the fine needs to be high enough that builders will quit doing it. The Town needs to address this issue it was noted.
- S. Croil said Coaldale is not the only community dealing with this issue. The MPC can make a recommendation to Town Council to increase the fees.

MOTION: J. Cortes moved to approve the front yard setback waiver for Development Application 2018-043 and additionally that the fines for not adhering to the development requirements be reviewed by Town Council.

5-0 CARRIED

**5.3 Development Application 2018-074
Temporary sign time extension
Town land west of McDonalds**

BACKGROUND/DESCRIPTION OF APPLICATION:

C. L'Hirondelle provided a overview of Development Application 2018-074 to display a temporary sign at the above referenced property.

Land Use Bylaw 677-P-04-13 states that a development permit for a portable sign shall be valid for a period of no longer than 60 days. The Land Use Bylaw also states that once the permit has expired for a portable sign at a location address, application for another portable sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the portable sign is removed, whichever is the later of the two dates.

A request has been made for a 120-day time extension waiver which would allow the sign to be displayed continuously for a total of 180 days, September 18, 2018 to March 31, 2019.

The Town of Coaldale Land-Use Bylaw states that waivers exceeding 10% of any measurable standard shall be considered by the Municipal Planning Commission (MPC). As such, a hearing must be held for consideration of this application. Notice of the application was sent to neighbouring property owners. We have not had any written or verbal concerns brought forward.

- The time extension is at the request of the Coaldale Copperheads in order to display their sign for the junior hockey season in Coaldale.

MOTION: J. Abrey moved to approve the time extension for Development Application 2018-074 subject to the following conditions: 1. The sign must be removed on or before March 31, 2019. 2. The portable sign is to be non-illuminated and the position of the sign will not impede the vision of drivers. 3. The sign shall not project or overhang onto public property.

5-0 CARRIED

**5.4 Development Application 2018-075
Residential shipping container
1623-22A Street**

BACKGROUND/DESCRIPTION OF APPLICATION:

C. L'Hirondelle noted the Town of Coaldale has received a development permit application for the existing shipping container located in the rear yard of the above-mentioned property. The shipping containers appearance is a per the attached pictures.

In the Land Use Bylaw 677-P-04-13, Schedule 4, Section 33(d)(iii) states that the Development Authority is satisfied that the design, character and appearance of the finished building or structure is compatible with other buildings in the vicinity and consistent with the purpose of the land use district in which the building is located.

APPLICABLE SECTIONS OF THE LAND USE BYLAW:

- Schedule 4: Standards of Development, 33: Shipping Containers

Notice of the application was sent to adjacent properties and 3 written concerns have been brought forward to date.

- M. Peters as the applicant addressed the commission and noted the plan was always to use the container as a base structure with a build over. It is to be used for cold storage with no electrical wiring inside.
- The commission raised a question about how long the container had been on the property.
- M. Peters noted it had been about 1.5 years. They were approached by the Bylaw officer and told to remove the container. They felt he was rude and moved ahead with appealing to the Town for a change in its bylaw for dealing with storage containers. She moved ahead with an application but it was delayed as the Town dealt with the issues of shipping containers and how they would be handled in the Town.
- The commission questioned what is being stored in the container.
- M. Peters said her personal items are being stored inside.
- R. Dyck questioned if the plan was to convert the container to an accessory building.
- M. Peters said she is willing to work with the neighbours to complete the build over with siding or a material that can be glued on to improve the look of the structure.
- The commission questioned her time line to complete the build over.
- M. Peters said that would depend on what work the commission requires her to do in order to approve the use of the container as an accessory structure.
- J. Virginillo, a neighbour to the property, said the shipping container should not be on the property. It doesn't belong, it doesn't fit the esthetic of the other properties. There are already too many accessory buildings on the property. He doesn't care what is done to it to improve the exterior, it shouldn't be there at all.
- The commission questioned if it was more economical to use the container for storage rather than build an accessory building.
- M. Peters said yes and it will last longer than a building.
- S. Duda, who lives across the street from the property, said if it is approved it should meet the requirements of an accessory building. Her issues centers on what may happen in the future if the property is ever sold. If approved now, it will stay.
- A homeowner in the neighbourhood, raised a concern with esthetics of the building. Questioned its purpose and how it fits within the building code. They also questioned what it will be used for.
- Another homeowner in the neighbourhood, said it is a very large shipping container. It stands out on the property. It should be made to conform to the bylaw. If the owner decides to use a glue on material to side the structure, they questioned how that will stand up to southern Alberta winds. They also raised a concern that new property owners won't get a say on the issue if the container is allowed to remain in place.
- A member of the commission questioned if the owners received permission to put the container in place when it was originally brought in.
- M. Peters said no, she doesn't see it as a shipping container because it is new, was only shipped once from the manufacturer. The plan was to complete the build over.
- There was a question from the gallery on whether there was a bylaw on the maximum size allowed.
- C. L'Hirondelle noted the maximum is 10 per cent of the lot size, and the applicant is currently within the 10 per cent allowed.

- M. Peters said the Town started the process to order the container removed in September of 2016 which led to the change to the bylaw which governs the containers. She noted she had to wait while the Town decided on how it would be dealing with the containers. She also added she doesn't believe hers is a container as it was not used as a shipping container after its initial shipping.
- S. Croil provided the commission with an overview of the process involved in updating the Town bylaw with respect to shipping containers.
- It was noted the structure in question is a shipping container, not an accessory building.
- It was noted it will cost less to stick build an accessory building than it will to convert the shipping container to meet the requirements under the bylaw.
- S. Croil added the reason it has remained on site for almost two years is because it was allowed to remain in place while the Town's bylaw was under review.
- R. Dyck said in order for the MPC to consider approving the application it would have to know what the build over is going to look like. In this case they are considering an incomplete application.

MOTION: J. Abrey moved to refuse Development Application 2018-075 as the application has been deemed not to be a similar use within the Residential -R-1A zoning district due to no evidence stating how the structure will meet the requirements of the current land use bylaw.

5-0 CARRIED

MOTION: J. Abrey moved that a stop work order be issued for the shipping container at 1623-22 A Street with a deadline of 30 days from today's date of June 13, 2018.

5-0 CARRIED

5.5 Development Application 2018-076 Side yard setback waiver for Accessory Structure 2305-13 Street

BACKGROUND/DESCRIPTION OF APPLICATION:

C. L'Hirondelle said the Town of Coaldale has received a development permit application for a detached garage to be located at the above-mentioned property. The applicant is wanting to locate the detached garage 7' – 6" away from the secondary front yard property line whereas 10' is required.

The applicant would like to locate the garage closer to the secondary front yard property line so that the existing tree in the rear yard can be maintained on site.

Notice of the application was sent to adjacent properties and no written or verbal concerns have been brought forward to date.

- G. Van Mannen said he is asking for 7.5 instead of 10 feet so he can keep the tree in his yard.
- A member of the commission noted the issue is with backing onto the street.
- Another member of the commission added the sight line is already taken up by the fence, which is not moving.
- C. L'Hirondelle used the GIS to clarify the distances and the setback requested in the application.

- The commission discussed the impact of keeping the requirement at 10 feet and the impact on the tree that is in question.
- S. Croil suggested the application could be approved with the requirement it meet the 10 feet setback which would allow the applicant to move forward as long as they meet the requirement, without having to come back to the MPC.

MOTION: J. Abrey moved to approve Development Application 2018-076 with the following conditions:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc prior to commencement. 2. Must contact Alberta 1st Call and Dig Shaw to locate any utility lines prior to commencement. 3. Setbacks to conform to site plan that was attached as part of the Development Permit application and to the current Land Use Bylaw 677-P-04-13, Schedule 2, Residential – R-1A. 4. A minimum separation distance of 4 feet shall be provided between a principal building and any accessory building. Refuse and or garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal. 6. Ensure lot drainage is maintained. 7. The building, when completed, shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations. 8. The secondary front yard setback must meet the current Land Use Bylaw requirement of 10 feet (3.05 meters) due to the site lines and potential safety issues backing into the adjacent roadway. A revised site plan MUST be submitted to the Designated Officer for approval.

4-1 CARRIED

**5.6 Development Application 2018-077
Home Occupation 2 – Furniture Store
92075 Highway 845**

BACKGROUND/DESCRIPTION OF APPLICATION:

C. L'Hirondelle said the Town is in receipt of Development Application 2018-077 to establish a Home Occupation 2 for the purpose of furniture sales and delivery at the above referenced property.

- Hours of operation – Monday thru Saturday
- No set hours of operation – when the applicant is home and available
- Employees – 1-5 Part-time

The Lethbridge County Land Use Bylaw states that a Home Occupation 2 is a Discretionary Use in the Rural Urban Fringe - RUF. As such, a hearing must be held by the Municipal Planning Commission (MPC) of the Town of Coaldale for consideration of the application.

Notice of the application was sent to adjacent properties and no concerns have been brought forward to date.

- T. Shaum, the applicant, noted on his application it says 1 to 5 part-time employees but it would be very rare that more than one at a time would be working.

MOTION: D. Lloyd moved to approve Development Application 2018-077 subject to the following conditions: 1. Applicant complies with the Lethbridge County Land Use Bylaw No. 1404, Part 4, Section 20 Home Occupations. 2. Development Permit #2018-077 may be revoked at any time if, in the opinion of the Development Authority, the use is or has become detrimental to the amenities of

the neighbourhood. 3. Applicant applies to the Town of Coaldale for a Business License. 4. Hours of operation will be: Monday through Saturday. 5. At no time shall there be a surplus of vehicles parked on or in front of the subject property to ensure there will be no traffic or parking problems. 6. A separate sign application must be submitted to the Town of Coaldale. 7. Applicant/Owner shall contact the fire department and arrange a fire inspection prior to commencement.

5-0 CARRIED

**5.7 Development Application 2018-080
Overheight fence
199 Westgate Drive**

BACKGROUND/DESCRIPTION OF APPLICATION:

C. L'Hirondelle said the applicant is requesting approval for an additional 12' tall mesh fence on top of the 5' chain link fence at the rear of the property. The fence would be used to protect against errant golf balls from the adjacent golf course. Fence height restrictions are explained in Schedule 4, Section 14 of the Land Use Bylaw.

Notice of the application was sent to adjacent properties and no verbal or written concerns have been brought forward.

She noted the MPC could consider an approval conditional upon the fence height being reduced.

J. Cortes noted he would not be voting on the application as he lives in the area and does not want to be in conflict.

- B. Deleurme said the application is totally for safety reasons. She noted several neighbours are wanting to do the same thing to protect themselves from errant golf balls. There are others in the area who already have the additional fencing in place to stop the balls from entering their yards.
- C. Fletcher said she knows of a homeowner who was hit by a golf ball. The additional fencing is required for safety. She is not only concerned for her safety but for that of her neighbours.
- B. Deleurme said she is also concerned for kids who might get hit as it could be more dangerous for them than the adults.
- A member of the commission questioned what the setback is on the properties in the area of the application.
- C. L'Hirondelle said it is 25 feet.
- The commission member questioned why it isn't 75 feet as the lots are on Cottonwood that back onto the golf course.
- C. L'Hirondelle explained the Town's required setback is 25 feet, a developer can choose to make it deeper which was the case in Cottonwood.
- B. Deleurme said they started the process on their own property to put the additional fencing up for safety reasons without realizing it would be an issue.
- G. Van Mannen said last year he did screening for a lady who had been hit by a golf ball and since then has also done several other fences. He did receive permission from the owner of the golf course to do the fencing on the golf course side of the property line.
- A member of the commission noted they had driven a bike through the area and it looks good even with the additional fencing.

- C. L'Hirondelle noted the golf course does have a tall fence to block golf balls from leaving the driving range.
- S. Croil said the lots in question are already 10 metres deeper than the Town's Land Use Bylaw requires.
- The commission noted the fences in question are being built on the golf course side of the property line. There are also a number of fences that have been built to block the golf balls that have not come before the MPC for a waiver.
- A concern was raised that developers were aware this was a high ball zone and they took away the buffer zone in order to create smaller lots.
- It was noted some of the higher fences have been in place for at least 20 years.
- It was questioned if the MPC could approve the waiver on property that isn't owned by the applicant, in this case the golf course land.
- S. Croil said the application could be tabled to allow time to ensure where the fences are actually located and to get a letter of authorization from the golf course land owner.
- It was noted it would be better if the golf course applied for the waiver for all of the affected properties so it can be dealt with under one application instead of individual applications.
- R. Dyck said it could be approved with conditions to cover those issues.

MOTION: J. Abrey moved to approve Development Application 2018-080 subject to the following conditions: 1. Shall contact Alberta 1st Call and Dig Shaw to locate any utility lines prior to commencement. 2. The fences shall not exceed 17 feet in height at the location and with the materials specified in the development permit application. All fences aside from this portion shall comply with the height standards of the current Land Use Bylaw 677-P-04-13. Section 14 of Schedule 4. 3. Refuse and or garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal. 4. All surface water must drain from the building site to the street and/or lane and not adversely affect neighbouring properties. Should retaining walls e required they are at the expense of the developer. 5. Consent, for the construction of the over height fence, from the registered property owner must be obtained.

4-0 CARRIED

The public portion of the meeting closed at 5:38 p.m.

MOTION: R. Pitsol moved to adjourn meeting at 6:26 p.m.

5-0 CARRIED



CHAIR- ROGER HOHM

RECORDING SECRETARY- KATE BLY



OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrrsc.com
Website: www.orrrsc.com

DRAFT RESOLUTION

Our File: 2018-0-081

July 4, 2018

Spencer Croil
Director of Planning & Development
Town of Coaldale
1920 - 17 Street
Coaldale AB T1M 1M1

Dear Mr. Croil:

RE: Block 3, Plan 7642FW within NE1/4 3-9-20-W4M / Town of Coaldale

With regard to the subdivision application noted above, please find attached a draft resolution for your Municipality's decision.

The Subdivision Authority should note that comments have not been received from the Lethbridge County, Steve Harty - Senior Planner, Palliser School Division, Holy Spirit RC School Division, AltaLink, TELUS, ATCO Pipelines, AB Environment & Park - K. Murphy and AER.

After the Subdivision Approval Authority's consideration of the application, **please forward the signed resolution to the Oldman River Regional Services Commission at your earliest convenience in order for our staff to promptly notify the applicant of the decision.**

Please contact this office if you require any further information.



Ryan Dyck
Planner

RD/jm
Attachment

RESOLUTION

2018-0-081

Town of Coaldale

Rural Urban Fringe subdivision of Block 3, Plan 7642FW within NE1/4 3-9-20-W4M

THAT the Rural Urban Fringe subdivision of Block 3, Plan 7642FW within NE1/4 3-9-20-W4M (Certificate of Title No. 981 163 712), to subdivide a 7.61 ha (18.8 acre) parcel to create two parcels containing 2.82 ha (6.97 acre) and 4.25 ha (10.5 acre) respectively; BE APPROVED subject to the following:

RESERVE: That the existing deferred reserve caveat be removed and that new deferred reserve caveats be registered against both respective titles for the proportionate amounts owing, being 0.745 acres for Lot 7, and 1.098 acres for Lot 6, pursuant to Section 669 of the Municipal Government Act, with the actual acreage being determined at the final stage.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Town of Coaldale.
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 Town of Coaldale which shall be registered concurrently with the final plan against the title(s) being created and may include a provision for development of the roadway and the collection of development or plan preparation fees (see Informative section below).
3. That the proposed 20 m wide road, described as Sprucewood Estates Drive, be dedicated on the final plan of subdivision as illustrated on the tentative plan of subdivision.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan, Spruce Woods Country Estates Area Structure 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. Alberta Transportation has allowed the temporary access from Highway 845 into Lot 7 to remain on a temporary basis until such time as further subdivision and/or development is to occur.

INFORMATIVE:

- (a) The 10% Municipal Reserve (MR) requirement is applicable pursuant to Section 666 of the Municipal Government Act. A deferred reserve caveat (DRC) exists on the certificate of title (instrument # 951 129 391) for the parcel in the amount of 1.84 acres (being the full 10% of the parcel). This DRC was registered on the title when the parcel was subdivided (title separation) in 1995 (ORRSC file #1995-0-013). MR is being deferred proportionately against each title, including a sharing of the area dedicated for the road.
- (b) According to Section 5.6 of the Spruce Woods Country Estates Area Structure Plan, "Each of the other 8 owners of parcels of land within NE¼ S3 T9 R20 W4th will have to construct their road in the 20 meter ROW in their parcel of land when they wish to proceed with subdivision."

(c) It is noted that within the development agreement (dated Nov. 5, 2008) for subdivision application 2008-0-164 is contained a clause (Section XVII, 2) that reads as follows: "The County will endeavor to recover costs for the preparation of the Area Structure Plan from adjacent landowners in the NE¼ Section 3, Township 9, Range 20 W4. Costs shall be recovered on behalf of the developer at the time of future adjacent subdivisions as a subdivision condition. For the purpose of this agreement, the fee shall be five-thousand dollars (\$5,000.00) for each new lot created."

(d) 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.)

(e) 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 or by calling (403) 514-4783 for any questions.

(f) Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 121 148 639.

Therefore, ATCO Gas has no objection to the proposed subdivision.

(g) Alberta Health Services – Kelli Kirkpatrick, Executive Officer:

"After a review of the information provided and an on site visit, this office does not have any objections to the proposed subdivision provided that:

1. all applicable regulations, standards and bylaws are met, and
2. no nuisance conditions exist or are created.

Should you have any questions regarding this report, please do not hesitate to contact me at 403-388-6690 x2."

(h) St. Mary River Irrigation District (SMRID) – Jan Tamminga, Manager of Operations:

"Further to your request of June 13th , 2018, in respect to the above-noted, we provide the following comments:

1. Once the area has been subdivided, the Minimum Annual Agreement, which the owner currently has, will no longer be applicable and the area will be classified as "dry".
2. If the owner wishes to continue to use water supplied from the District for domestic purposes on the subdivided lots, the District will require them to join the Spruce Woods Estate's Water Co-Op. All negotiations/works/ agreements/ costs etc., required to access the Spruce Woods Estate's Water Co-Op, will be the sole responsibility of the owner.

A Service Fee of \$100.00 plus GST will apply."

(i) Alberta Transportation – John Thomas, Development/Planning Technologist:

"Reference your file to create a rural urban fringe lot at the caption noted location for future subdivision/development considerations as set out in the Neufeld Subdivision Area Structure Plan (NSASP). At this juncture, and pursuant to Section 14(e) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017, ("the regulation") the said NSASP has not received approval by the Minister of Transportation.

Given the foregoing, the proposal is contrary to Section 14 and, resultantly by default, subject to the requirements of Section 15(2) of the said 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 applicant has made provision for an internal road that will, in the future, provide indirect access to the highway by the local road system. Given this, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the rural urban fringe lot as proposed will have any appreciable impact on the highway.

Therefore, in this instance, the department grants a waiver of said Section 14.

The proposed extension of Sprucewood Estates Drive will place this application in accordance with Section 15(2) of the regulation, and it is to be shown and be part and parcel of the final plan of subdivision.

Notwithstanding that the application is in accordance with Section 15(2), the applicant is advised that no additional access to the highway would be allowed as a result of this application, and moreover the existing direct access could remain on temporary basis until such time as further subdivision and/or development occur. At that time, the existing direct access shall be removed, and proposed lot 7 will also be required to gain indirect access to the highway by the proposed extension of Sprucewood Estates Drive.

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 centre point of the intersection of the highway and another highway would require 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 and, as such, any development would require the said permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated 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 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."

MOVER

CHAIRMAN

DATE



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrrsc.com
Website: www.orrrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 13, 2018

Date of Receipt:

May 25, 2018

Date of Completeness:

May 25, 2018

TO: Landowner: James & Diane Nikkel

Agent or Surveyor: Michael A. Thompson, A.L.S.

Referral Agencies: Town of Coaldale, Butch Pauls, Lethbridge County, Steve Harty - Senior Planner, Palliser School Division, Holy Spirit RC School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - Lethbridge, St Mary River Irrigation District (SMRID), AB Environment & Parks - K. Murphy, AB Transportation, AER

Adjacent Landowners: Jozefa Anna Wiktorski, Helen Theresa Bartlett, David Auriel Leger & Ruth Darlene Leger, D James Nikkel & Diane Shirley Nikkel, Cody C Metheral & Julianne Ruck, Robert Troy Lougheed & Leah Kristine Lougheed, Donald Franklin Perry, Gerald & Alison Nikkel, John Piekema & Evelyn Piekema, Spruce Woods Country Estates Inc., John & Annie Nikkel

Planning Advisor: Ryan Dyck

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the Town of Coaldale. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **July 3, 2018**. (Please quote our File No. **2018-0-081** in any correspondence with this office).

File No: 2018-0-081

Legal Description: Block 3, Plan 7642FW within NE1/4 3-9-20-W4M

Municipality: Town of Coaldale

Land Designation: Rural Urban Fringe – RUF (Lethbridge County Land Use Bylaw)
(Zoning)

Existing Use: Rural Urban Fringe

Proposed Use: Rural Urban Fringe

of Lots Created: 1

Certificate of Title: 981 163 712

Proposal: To subdivide a 7.61 ha (18.8 acre) parcel to create two parcels containing 2.82 ha (6.97 acre) and 4.25 ha (10.5 acre) respectively.

Planner's Preliminary Comments:

The purpose of the application is to subdivide a 7.61 ha (18.8 acre) parcel to create two parcels containing 2.82 ha (6.97 acre) and 4.25 ha (10.5 acre) respectively. The parcel subject of the application is legally described as Block 3, Plan 7642W, in the NE¼ 3-9-20-W4M, and is located within the boundary of the Sprucewoods Country Estates (Neufeld subdivision) Area Structure Plan.

The proposed 6.97 acre parcel (Lot 7) contains a developed country residence in the southerly portion of the lot, and a small commercial tree farm in the northerly area. Access to the parcel is provided by an existing approach onto Highway 845 and from the proposed road dedication (extension of Sprucewoods Estates Drive). The dwelling is serviced with water from a dugout and a private sewage disposal system (septic field). The private sewage disposal system appears to meet the requirements of the Alberta Private Sewage Systems Standard of Practice (2015) with respect to setbacks from new property lines. Lot 6, west of the proposed road, is vacant and is currently irrigated grassland.

The Sprucewoods Country Estates (Neufeld subdivision) Area Structure Plan (ASP) Bylaw No. 1305 was adopted by Lethbridge County Council in 2008. The ASP establishes a conceptual subdivision design, including a road network and storm water retention ponds, for the entire NE¼ 3-9-20-W4M. With respect to the subject parcel, the ASP envisions ten (10) country residential lots, similar in to the subdivision layout in the parcel immediately to the south (subdivided in 2009).

The subject parcel was annexed into the Town of Coaldale by Order in Council No. 029/2018, effective April 1, 2018. In accordance with Section 135(d) of the Municipal Government Act, Lethbridge County's planning documents (namely the land use bylaw and the ASP) are applicable to the subject parcel. The Rural Urban Fringe District typically requires a minimum 2.0 acre parcel size and a 20 ft. setback from property lines, to which the proposed application complies with. It is noted that Section 2(a) of the Order in Council exempts the subject parcel from assessment under the Town of Coaldale assessment regime as the parcel is greater than 10 acres in size prior to subdivision.

The approval of the subject application will facilitate the future subdivision design as envisioned in the ASP. When further subdivision is desired it will be required to conform to the conceptual subdivision design in the Sprucewoods ASP (or a successor planning document). It is noted, given this is a recently annexed area, that the subject lands are envisioned for future residential purposes in accordance with the direction provided in Map 23 of the Town of Coaldale Growth Study (2015) and Map 5 of the mutually adopted Intermunicipal Development Plan (2010).

As such the Municipal Planning Commission may consider approval of the application along with the following suggested conditions and considerations:

1. Any outstanding property taxes shall be paid to the Town of Coaldale.
2. The applicant or owner or both enter into a Development Agreement with the Town of Coaldale to address any municipal servicing requirements.
3. That any easement(s) as required by utility companies and/or the municipality shall be established.
4. That any conditions of Alberta Transportation are met.
5. Consideration of adjacent landowners, Lethbridge County and referral agencies comments.

RESERVE:

The 10% Municipal Reserve (MR) requirement is applicable pursuant to Section 666 of the Municipal Government Act. A deferred reserve caveat (DRC) exists on the certificate of title (instrument # 951 129 391) for the parcel in the amount of 1.84 acres (being the full 10%). This DRC was registered on the title when the parcel was subdivided (title separation) in 1995 (ORRSC file #1995-0-013). It is recommended that the existing DRC be discharged and that new DRCs be registered against each respective title, for their proportionate amounts owing, pursuant to Section 669 of the Act.

The Town of Coaldale's statutory planning documents are available at:
<http://www.orrsc.com/members/towns-a-m/town-of-coaldale/>

If you wish to make a presentation at the subdivision authority meeting, please notify the Town of Coaldale Municipal Administrator as soon as possible.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw): <u>Rural Urban Fringe (RUF)</u>	
Fee Submitted: <u>\$1005.00</u>	File No: <u>2018-0-081</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>May 25, 2018</u>	Accepted By: _____
Date Deemed Complete: <u>May 25, 2018</u>	Accepted By: <u>[Signature]</u>

APPLICATION FOR SUBDIVISION URBAN MUNICIPALITY

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: James and Diane Nikkel

Mailing Address: Box 121, Coaldale, AB Postal Code: T1M 1M2

Telephone: 403-345-2080 Cell: _____ Fax: _____

Email: jimandia@xplornet.com Preferred Method of Correspondence: Email ☒ Mail ☐

Name of Agent (Person Authorized to act on behalf of Registered Owner): Michael Thompson

Mailing Address: 200 - 410 Stafford Drive S, Lethbridge, AB Postal Code: T1J 2L2

Telephone: 403-381-1320 Cell: 403-382-7899 Fax: 403-381-1366

Email: mthompson@htlandsurveys.ca Preferred Method of Correspondence: Email ☒ Mail ☐

Name of Surveyor: Halma Thompson Land Surveys Ltd.

Mailing Address: 200 - 410 Stafford Drive S, Lethbridge, AB Postal Code: T1J 2L2

Telephone: 403-381-1320 Cell: _____ Fax: 403-381-1366

Email: info@htlandsurveys.ca Preferred Method of Correspondence: Email ☒ Mail ☐

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NE $\frac{1}{4}$ Section 3 Township 9 Range 20 West of 4 Meridian (e.g. SE $\frac{1}{4}$ 36-1-36-W4M)

b. Being all/part of: Lot/Unit _____ Block 3 Plan 7642FW

c. Total area of existing parcel of land (prior to subdivision) is: 7.46 hectares 18.44 acres

d. Total number of lots to be created: 1 Size of Lot(s): See attached plan

e. Municipal/Civic Address (if applicable): _____

f. Certificate of Title No.(s): 981 163 712

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Coaldale

b. Is the land situated immediately adjacent to the municipal boundary? Yes ☒ No ☐
If "yes", the adjoining municipality is Lethbridge County

c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes ☒ No ☐
If "yes" the highway is No. 845

d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes ☐ No ☒
If "yes", state its name _____

e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Yes ☐ No ☒

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Rural Urban Fringe
- b. Proposed use of the land Rural Urban Fringe

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
None
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes ☐ No ☒
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
- e. Are there any active oil or gas wells or pipelines on the land? Yes ☐ No ☒
- f. Are there any abandoned oil or gas wells or pipelines on the land? Yes ☐ No ☒

6. WATER SERVICES

- a. Existing source of water Municipal ☐ Other ☒
If other, describe existing source of potable water Cistern
- b. Proposed source of water Municipal ☐ Other ☒
If other, describe proposed source of potable water Cistern

7. SEWER SERVICES

- a. Existing sewage disposal Municipal ☐ Other ☒
If other, describe existing sewage disposal Septic Field
- b. Proposed sewage disposal Municipal ☐ Other ☒
If other, describe proposed sewage disposal Septic Field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Michael Thompson hereby certify that

☐ I am the registered owner ☒ I am authorized to act on behalf of the register owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

Signed: Thompson, Michael Digitally signed by Thompson, Michael
Date: 2018.05.24 15:11:36 -06'00' Date: May 24, 2018

9. RIGHT OF ENTRY

I Michael Thompson, on Behalf of Owner hereby authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection in connection with my application for subdivision.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Thompson, Michael Digitally signed by Thompson, Michael
Date: 2018.05.24 15:11:41 -06'00'
Signature of Registered Owner



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0026 588 550 7642FW;3 981 163 712

LEGAL DESCRIPTION

PLAN 7642FW
BLOCK 3
CONTAINING 7.61 HECTARES (18.8 ACRES) MORE OR LESS
EXCEPTING THEREOUT:
PLAN NUMBER HECTARES ACRES
ROAD 6LK 0.161 0.40
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 4;20;9;13;NE
ESTATE: FEE SIMPLE

MUNICIPALITY: TOWN OF COALDALE

REFERENCE NUMBER: 951 267 435

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

981 163 712	05/06/1998	TRANSFER OF LAND	\$80,000	CASH

OWNERS

D JAMES NIKKEL

AND

DIANE SHIRLEY NIKKEL

BOTH OF:

P.O. BOX 121

COALDALE

ALBERTA T1M 1M2

AS JOINT TENANTS

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

981 163 712

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
1485KX	21/06/1971	IRRIGATION ORDER/NOTICE THIS PROPERTY IS INCLUDED IN THE ST. MARY RIVER IRRIGATION DISTRICT
941 066 264	16/03/1994	CAVEAT RE : EASEMENT CAVEATOR - THE BOARD OF DIRECTORS OF ST. MARY RIVER IRRIGATION DISTRICT. P.O. BOX 278, LETHBRIDGE ALBERTA T1J3Y7
941 066 265	16/03/1994	CAVEAT RE : EASEMENT CAVEATOR - THE BOARD OF DIRECTORS OF ST. MARY RIVER IRRIGATION DISTRICT. P.O. BOX 278, LETHBRIDGE ALBERTA T1J3Y7
951 129 391	08/06/1995	CAVEAT RE : DEFERRED RESERVE CAVEATOR - THE OLDMAN RIVER REGIONAL PLANNING COMMISSION. 905-4TH AVENUE, SOUTH, LETHBRIDGE ALBERTA AGENT - TOM GOLDEN
951 146 055	29/06/1995	EASEMENT OVER BLOCK 2 ON PLAN 7642FW FOR BENEFIT OF BLOCK 3 ON PLAN 7642FW
021 324 112	16/09/2002	MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES. BOX 1269 COALDALE ALBERTA T1M1N1 ORIGINAL PRINCIPAL AMOUNT: \$40,000
121 148 639	15/06/2012	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.

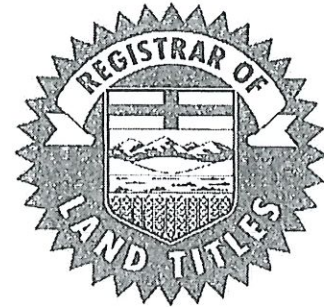
TOTAL INSTRUMENTS: 007

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 11 DAY OF MAY,
2018 AT 08:34 A.M.

ORDER NUMBER: 35082590

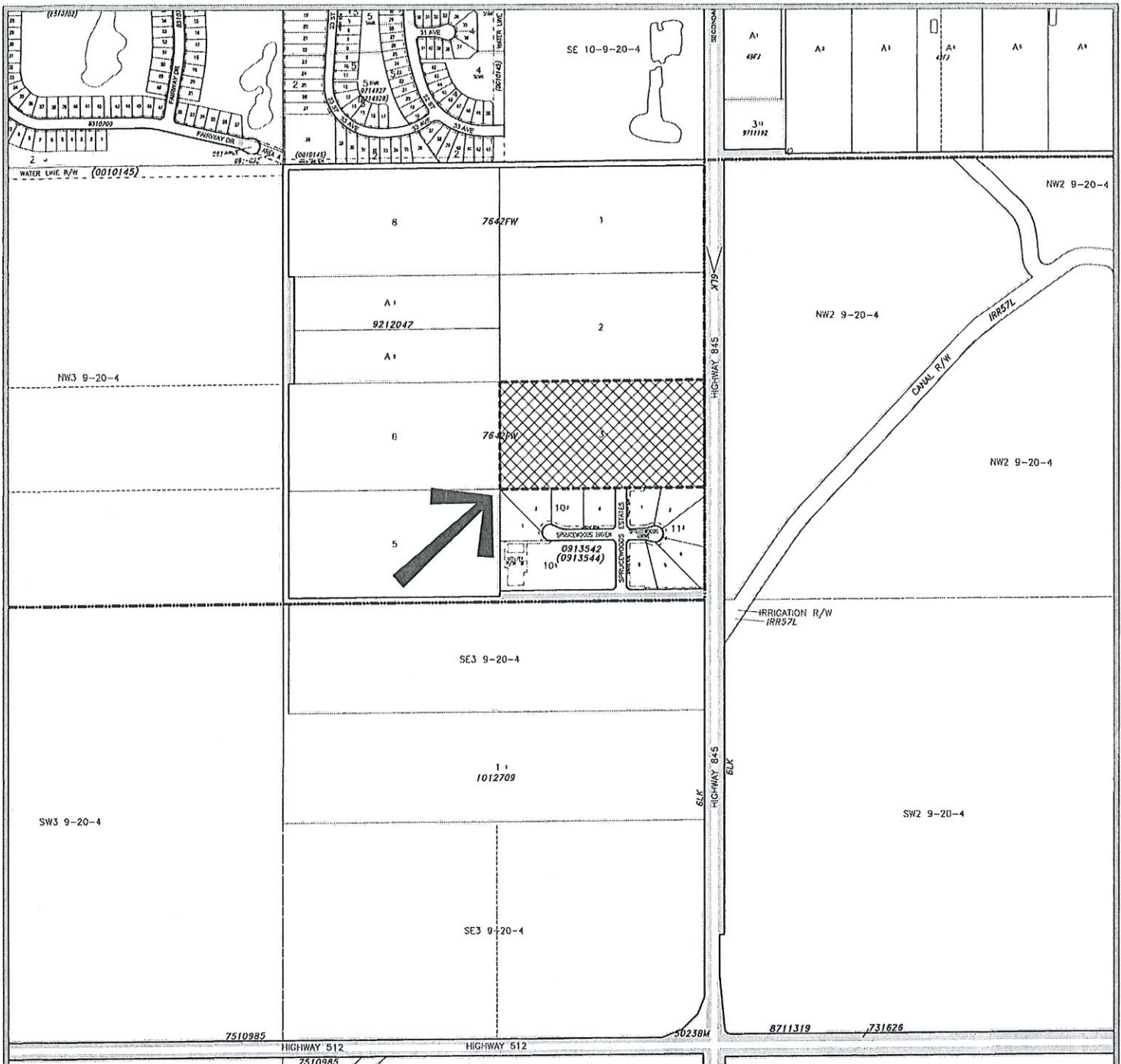
CUSTOMER FILE NUMBER: h15818



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



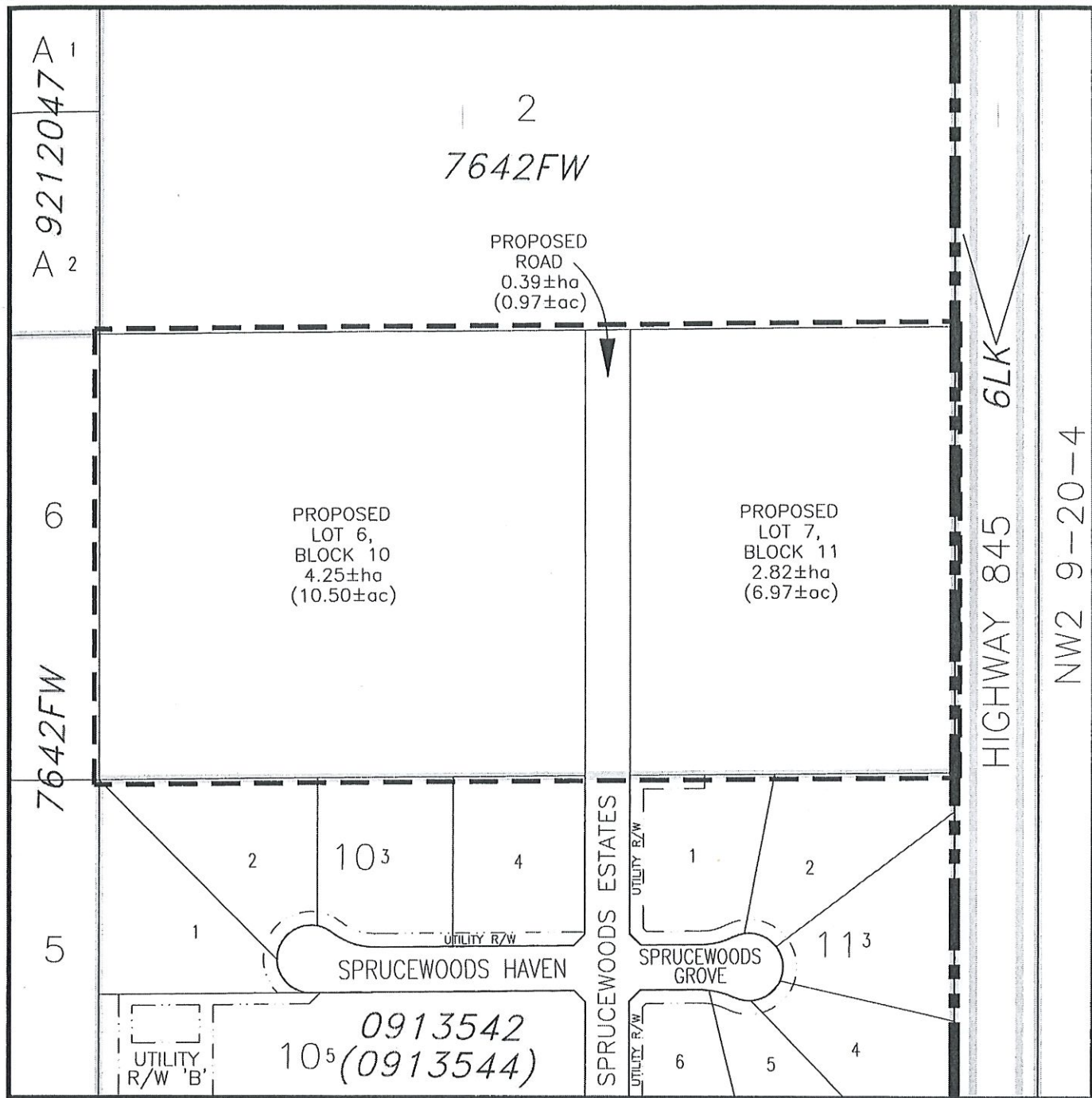
SUBDIVISION LOCATION SKETCH
BLOCK 3, PLAN 7642FW WITHIN
NE 1/4 SEC 3, TWP 9, RGE 20, W 4 M
MUNICIPALITY: TOWN OF COALDALE
DATE: MAY 28, 2018
FILE: 2018-0-081

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2100 100 AVENUE NORTH, LETHBRIDGE, AB T1V 1B8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

May 28, 2018 N:\Subdivision\2018\2018-0-081.dwg



SUBDIVISION SKETCH

See tentative plan of subdivision by Halma Thompson Land Surveys Ltd. file no. H15818T

BLOCK 3, PLAN 7642FW WITHIN

NE 1/4 SEC 3, TWP 9, RGE 20, W 4 M

MUNICIPALITY: TOWN OF COALDALE

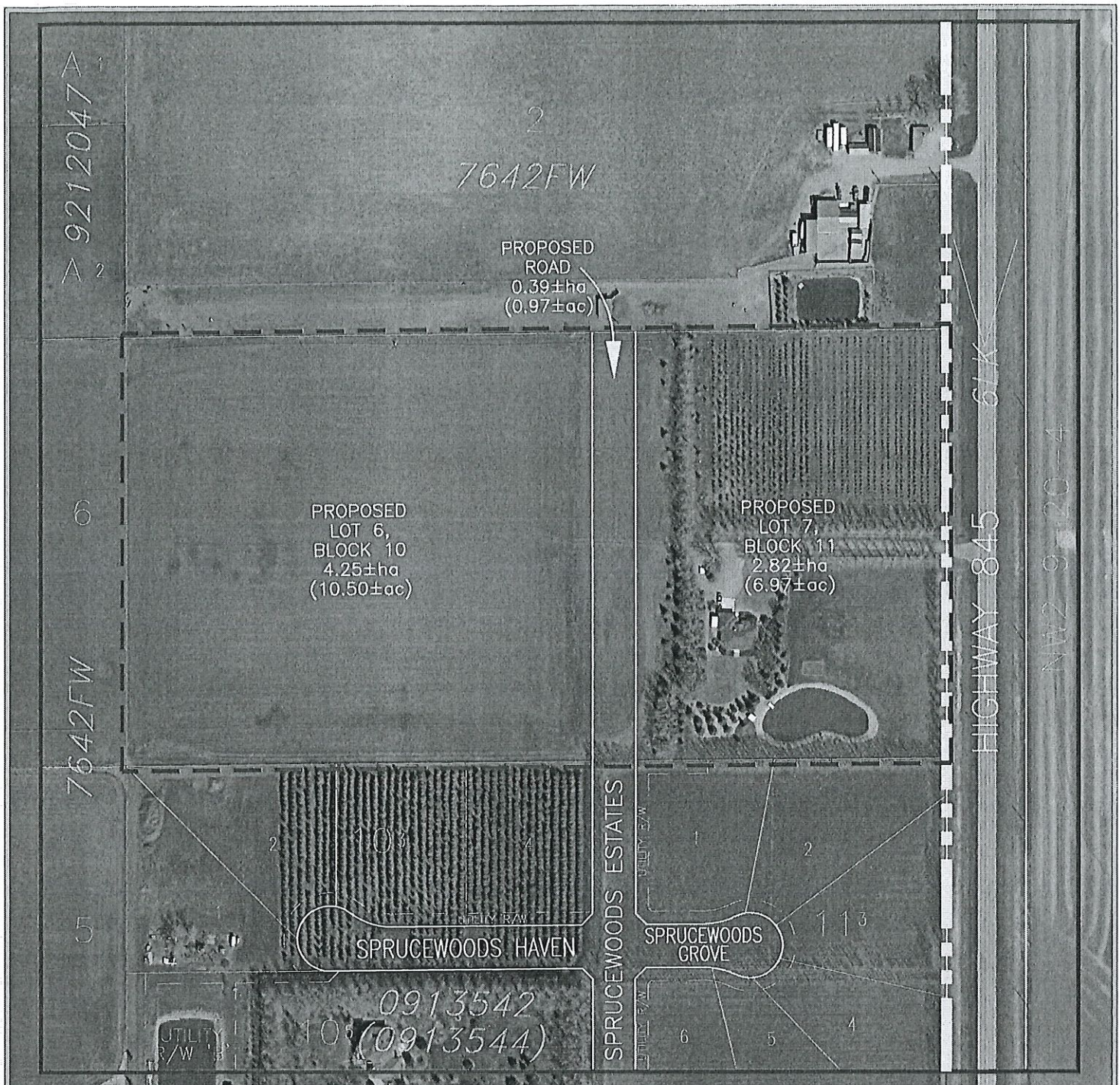
DATE: MAY 28, 2018

FILE: 2018-0-081



0 50 100 150 200
Metres
May 28, 2018 N:\Subdivision\2018\2018-0-081.dwg





SUBDIVISION SKETCH

See tentative plan of subdivision by Halma Thompson Land Surveys Ltd. file no. H15818T

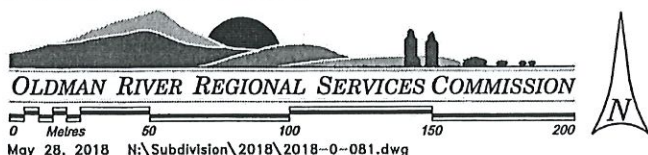
BLOCK 3, PLAN 7642FW WITHIN

NE 1/4 SEC 3, TWP 9, RGE 20, W 4 M

MUNICIPALITY: TOWN OF COALDALE

DATE: MAY 28, 2018

FILE: 2018-0-081



AERIAL PHOTO DATE: April 19, 2017

Staff Report to the Municipal Planning Commission

DEVELOPMENT PERMIT #:	2018-092
APPLICANT:	FMR Holdings (2009) Ltd.
TYPE OF DEVELOPMENT:	To erect a 17' mesh fence
CIVIC ADDRESS:	North portion of 102 Fairway Drive that borders the home on Westgate Drive
LEGAL DESCRIPTION:	n/a
LAND USE ZONING:	Residential – R-1A
USE:	Accessory structure to a permitted use – Permitted Use
HEIGHT:	17' tall– 6' tall maximum

BACKGROUND/DESCRIPTION OF APPLICATION:

The applicant requests approval for a blanket approval to allow for the construction of over height fences along the northern boundary of the above mentioned property, adjacent to the southern boundary of the properties listed below:

- 143 Westgate Drive
- 147 Westgate Drive
- 151 Westgate Drive
- 155 Westgate Drive
- 159 Westgate Drive
- 163 Westgate Drive
- 167 Westgate Drive
- 171 Westgate Drive
- 175 Westgate Drive
- 179 Westgate Drive
- 183 Westgate Drive
- 187 Westgate Drive
- 191 Westgate Drive
- 195 Westgate Drive
- 203 Westgate Drive
- 207 Westgate Drive
- 211 Westgate Drive
- 215 Westgate Drive
- 219 Westgate Drive

The property owners of the Westgate Drive addresses listed above would be responsible for the cost of the fence and it is at their discretion if they do wish to have it installed.

The fence, constructed of polls and attached netting, would be constructed to protect against erratic golf balls from entering into the yards. The proposed fence would be approximately 17' in height whereas the maximum height allowed is 6'. The fence **MUST** be professionally installed and permission given by the applicant for access to the property to have the fence installed.

Fence height restrictions are explained in Schedule 4, Section 14 of the Land Use Bylaw.

Notice of the application was sent to adjacent properties and no verbal and 1 written concern have been brought forward.

In addition to the approval and refusal options below, the MPC could consider an approval conditional upon the fence height being reduced. If the individual home owners want to erect over height mesh fences on their side property lines they will need to individually apply for the height waiver.

OPTIONS:

The board may consider APPROVAL of Development Application (#2018-092) subject to the following recommended conditions:

1. Shall contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines PRIOR to commencement.
2. The fences shall not exceed 17' in height at the location and with the materials specified in the development permit application. All fences aside from this portion shall comply with the height standards of the current Land Use Bylaw 677-P-04-13, Section 14 of Schedule 4.
3. Refuse and or garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal.
4. All surface water must drain from the building site to the street and/or lane and not adversely affect neighboring properties. Should retaining walls be required they are at the expense of the developer.

The board may consider REFUSAL of Development Application (#2018-092) for the following reasons:

1. The fence exceeds the maximum height as established in Schedule 4, Section 14 of the Land Use Bylaw and the Development Authority is not prepared to issue a variance pursuant to section 37(c)(i) of the Land Use Bylaw.

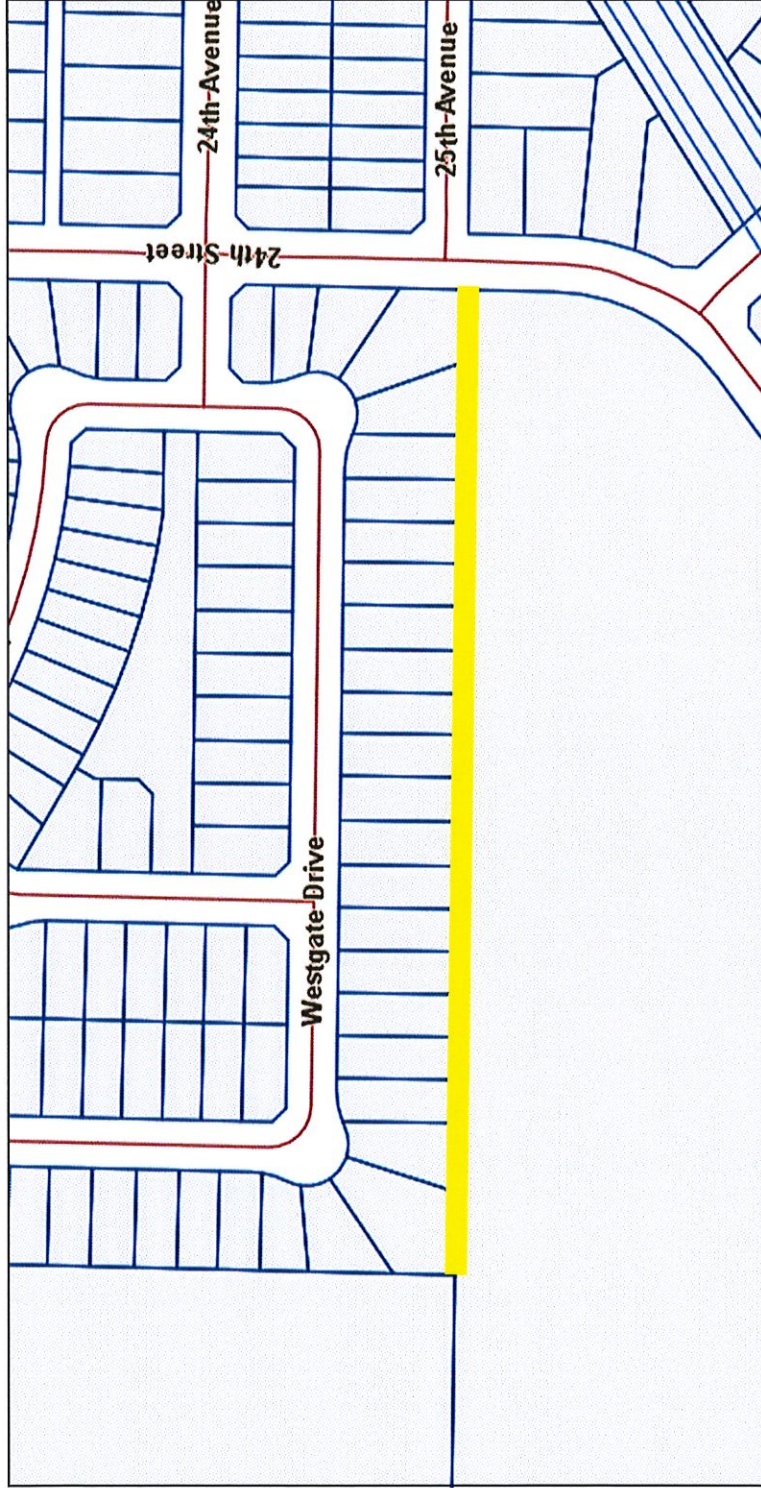
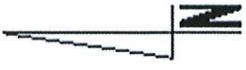
Respectfully Submitted:



Cindy L'Hirondelle
Manager of Development and Environmental Services

ATTACHED FILES:

- Site plan
- Letter to neighboring property owners
- Letter from applicant



This permit is to allow all ^{Westgate Dr.} home owners with a dividing fence line along Land O' Lakes golf course to have a professionally installed protective over-height netted fence erected along the existing fence line.

This would be at the home owner's discretion and expense.

Domino City.



June 26, 2018

TO: NEIGHBOURING PROPERTY OWNERS

RE: DEVELOPMENT APPLICATION 2018-092

APPLICANT: FMR HOLDINGS (2009) LTD.

ADDRESS: 102 FAIRWAY DRIVE, COALDALE, ALBERTA
PLAN 8510700, BLOCK 2, LOT 69

ZONING: INSTITUTIONAL/RECREATIONAL – I/R

Dear Sir/Madam,

We are in receipt of Development Application #2018-092, for a blanket approval to allow for the construction of over height fences along the northern boundary of the above mentioned property, adjacent to the southern boundary of the properties listed below:

- 143 Westgate Drive
- 147 Westgate Drive
- 151 Westgate Drive
- 155 Westgate Drive
- 159 Westgate Drive
- 163 Westgate Drive
- 167 Westgate Drive
- 171 Westgate Drive
- 175 Westgate Drive
- 179 Westgate Drive
- 183 Westgate Drive
- 187 Westgate Drive
- 191 Westgate Drive
- 195 Westgate Drive
- 203 Westgate Drive
- 207 Westgate Drive
- 211 Westgate Drive
- 215 Westgate Drive
- 219 Westgate Drive

The property owners of the Westgate Drive addresses listed above would be responsible for the cost of the fence and it is at their discretion if they do wish to have it installed.

The fence, constructed of polls and attached netting, would be constructed to protect against erratic golf balls from entering into the yards. The proposed fence would be approximately 17' in height whereas the maximum height allowed is 6'. The fence MUST be professionally installed and permission given by the applicant for access to the property to have the fence installed.

The Town of Coaldale Land-Use Bylaw states that any waiver greater than 10% shall be considered by the Municipal Planning Commission (MPC). As such, a hearing must be held for consideration of this application.

The full agenda will be posted on our website by July 4, 2018 at the following link, <http://www.coaldale.ca/mpc-meeting-agendas/>

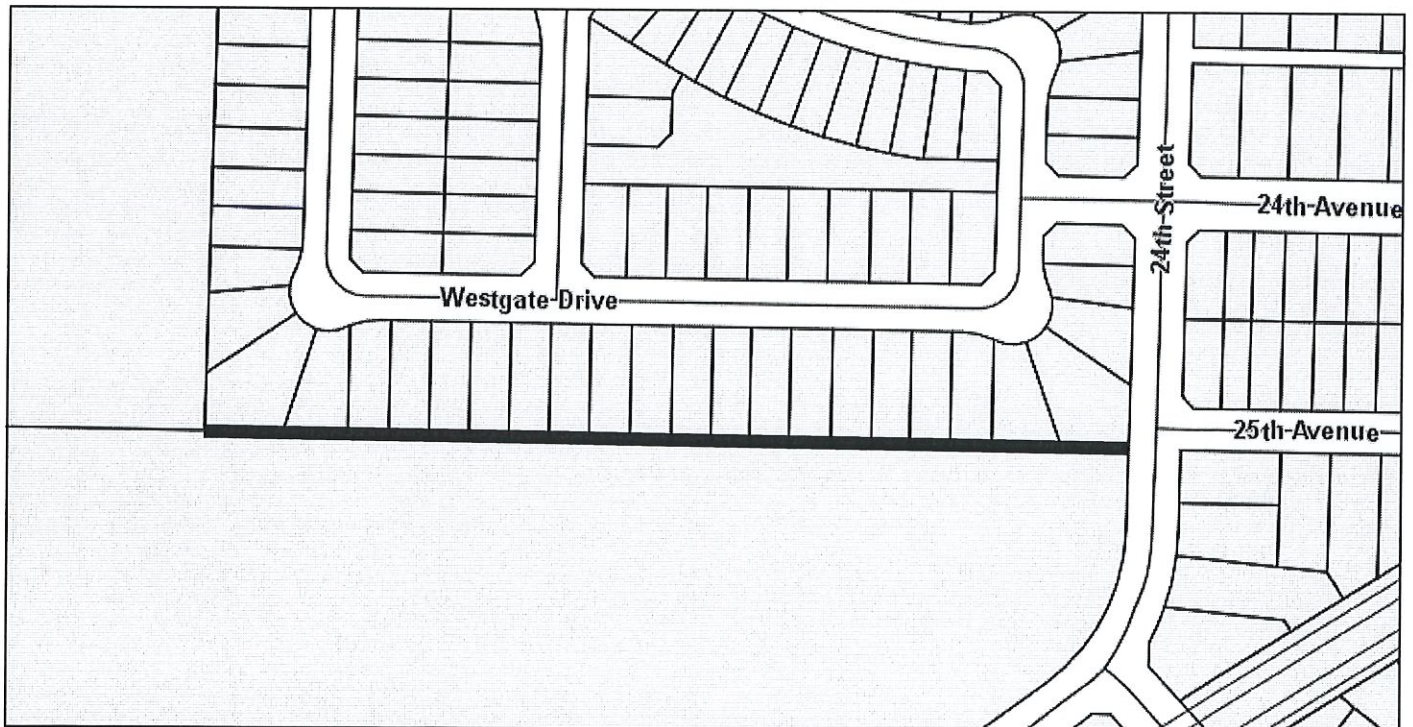
Pursuant to the provisions of Section 42 of the Bylaw 677-P-04-13 being the Land Use Bylaw of the Town of Coaldale, notice is hereby given that on **Wednesday, July 11, 2018, at 5:00 p.m., the Municipal Planning Commission (MPC) will consider an application for Development Permit (#2018-092) requesting a waiver. The hearing will take place in the Town Council Chambers at 1920 - 17 Street Coaldale, Alberta.**

Any comments you wish to make concerning the application can be made in writing to the Town of Coaldale by 1:00pm on Friday, July 6, 2018 or verbally at the meeting. Comments for the application can be dropped off in person at the Town Office, faxed to 403-345-1311 or emailed to buildingcoaldale@coaldale.ca. Please note that all submissions will be made public.

Sincerely,

Cindy L'Hirondelle
Manager of Development & Environmental Services

cc. Applicant





Cindy L'Hirondelle <buildingcoaldale@coaldale.ca>

Development Application 2018-092

2 messages

Telus <jtclelland@telus.net>

To: buildingcoaldale@coaldale.ca

Thu, Jul 5, 2018 at 8:26 AM

Dear Sir/Madam,

We the residents of 163 Westgate Drive do not want the fence that is being proposed on or along our property line. We will not pay for any fence that goes up along our property. We like our view and do not want anything obstructing our current view. We knew when we moved into this neighbourhood that golf balls coming onto our property was highly likely. We do not have a problem with other residents in the neighbourhood putting up a fence along their property line. Again, we the residents of 163 Westgate Drive do not want the fence on or along our property line.

Sincerely,
John & Tracey Clelland
163 Westgate Drive
Coaldale Alberta

Sent from my iPad

Cindy L'Hirondelle <buildingcoaldale@coaldale.ca>

To: Telus <jtclelland@telus.net>

Thu, Jul 5, 2018 at 8:35 AM

Good Morning,

The waiver that is being applied for would give you the option for the fence with no additional expense for the waiver. Each resident that backs onto the golf course can choose if they would like to install a fence to the specified spec but there is no obligation to. This waiver application is to save each property from applying separately. Nothing will be installed until the property owner initiates it.

Please let me know if you have any other concerns.

[Quoted text hidden]

--

Thank you,

Cindy L'Hirondelle C.E.T
Manager of Development & Environmental Services
Town of Coaldale
Direct Line (403) 345-1337
Cell (403) 331-8266
Fax (403) 345-1311
email: buildingcoaldale@coaldale.ca