



AGENDA

REGULAR MEETING OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON WEDNESDAY, MAY 18, 2022 AT 5:00 PM.

***Call for nominations for the Chair**

MOTION

1. CALL TO ORDER

2. ADOPTION OF THE MINUTES

ITEM No.2.1 Minutes of the Subdivision and Development Appeal Board Meeting: **X**
August 21, 2018

3. PURPOSE OF HEARING

ITEM No.3.1 Notice of Appeal of Decision of Subdivision Application TT 22-0-002,
5031 45 Avenue, Taber, AB, Plan 6390L, Block 17, Lots 23-25

4. INTRODUCTION OF THE BOARD MEMBERS

5. APPELLANT'S PRESENTATION

6. PUBLIC COMMENTS IN SUPPORT OF APPELLANT

7. DEVELOPMENT AUTHORITY PRESENTATION

8. PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY

9. APPELLANT'S FINAL COMMENTS AND SUMMATION

10. CLOSE OF MEETING **X**

Subdivision & Development Appeal Board Request for Decision

Meeting Date: May 18, 2022

Subject:

Minutes of the Subdivision and Development Appeal Board Meeting: August 21, 2018

Recommendation:

The Subdivision and Development Appeal Board adopts the minutes of the Regular Meeting held on August 21, 2018, as presented.

Background:

Approval of the minutes is in accordance with the *Municipal Government Act*, Section 208.

Legislation / Authority:

Municipal Government Act, Section 208 (1)(a)(c).

Strategic Plan Alignment:

Define and practice good governance.

Financial Implication:

None.

Service Level / Staff Resource Implication:

No significant implication.

Justification:

Approval of the minutes is in accordance with the *Municipal Government Act*, Section 208.

Alternative(s):

The Subdivision and Development Appeal Board adopts the minutes of the Regular Meeting of the Subdivision and Development Appeal Board held on August 21, 2018, as amended.

Attachment(s): Minutes

APPROVALS:



Originated By:
Kerry Van Ham

Chief Administrative Officer (CAO) or Designate: _____

MINUTES OF THE MEETING OF THE SUBDIVISION &
DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, TO BE
HELD IN THE GREEN ROOM, TABER COMMUNITY CENTRE, ON
AUGUST 21, 2018 AT 5:00 PM.

Members

Ben Koersen
Debbie Sargeant
Joanne Sorensen

Chief Administrative Officer

Cory Armfelt

Staff

Raeanne Keer
Phyllis Monks
Grace Noble

CALL TO ORDER

C. Armfelt called the meeting to Order at 5:00 PM as the Board required the election of a Chairperson.

C. Armfelt called for nominations from the floor for the position of Chair of the Subdivision and Development Appeal Board for 2018.

B. Koersen nominated D. Sargeant for the position of Chair of the Subdivision and Development Appeal Board for 2018.

C. Armfelt called for further nominations for Chairperson a 2nd and 3rd time.

No further nominations were put forth, and D. Sargeant accepted the nomination as Chair of the Subdivision and Development Appeal Board.

D. Sargeant assumed the Chair at 5:02 PM

ADOPTION OF THE AGENDA

Chair Sargeant inquired if there were any additions or deletions to the Agenda, and there were none.

RES. 1/2018 MOVED by B. Koersen that the Subdivision and Development Appeal Board adopts the Agenda, as presented.

CARRIED UNANIMOUSLY

ADOPTION OF THE MINUTES

1) Minutes Subdivision and Development Appeal Board Meeting: November 29, 2017

RES. 2/2018 MOVED by J. Sorensen that the Subdivision and Development Appeal Board adopts the minutes of the Meeting of the Subdivision and Development Appeal Board held on November 29, 2017.

CARRIED UNANIMOUSLY

B. Koersen noted that he was not in attendance to the Regular Meeting held on November 29, 2017, and abstained from voting in RES. 2/2018.

PURPOSE OF HEARING

1) Notice of Decision DP 18-60, 6002 58 Street, Taber, AB, Lot 36, Block 27, Plan 821 0712

C. Armfelt described the purpose of the hearing involving the decision of the Development Authority (Municipal Planning Commission) to issue a development permit for a metal fabrication and structural steel welding, Discretionary Use, Light Industrial District (M-1) at 6002 58 Street. C. Armfelt described the description of the decision, the appeal, and read the letter from the appellants.

PURPOSE OF HEARING – CONT'D

1) Notice of Decision DP 18-60, 6002 58 Street, Taber, AB, Lot 36, Block 27, Plan 821 0712 – CONT'D

C. Armfelt stated that there was an Administrative error in the Development Authority (Municipal Planning Commission) which stated that appeals must be submitted prior to August 2, 2018. He stated in the *Municipal Government Act* legislative changed from a 14-day appeal period to a 21-day appeal period.

He stated that the appeals received later than the original date within the Development Authority (Municipal Planning Commission) letter were valid for consideration in this hearing.

C. Armfelt stated that the Subdivision and Development Authority Appeal Board has the opportunity to rule in any which way they see fit on the matter. He stated that any decision will be drafted after this meeting, and that this meeting is to hear the evidence from the appellants.

INTRODUCTION OF THE BOARD MEMBERS

The Board Members introduced themselves and Chair Sargeant inquired if there was any objection to the members of the Board by the appellants. She stated that the Board for this meeting only consisted of 3 members, as the other member of the Board was unavailable to attend.

There were no objections.

APPELLANT'S PRESENTATION

Brandi and Scott Olsen, residents of 6017 57 Street, stated that the quality of living at their home has been negatively impacted while living adjacent to the property in question. They stated that the noise is constant through-out the day due to loud equipment and machines being used by the business, which has made it difficult for them to enjoy their home and yard.

APPELLANT'S PRESENTATION – CONT'D

Mrs. Olsen stated that the residential and industrial areas are two very different zones, each with their own distinct uses. She stated that they are also concerned about the possible negative impacts the business could have to their property value as the noise occurs well after most “business hours”.

Mr. Olsen stated that although there are other similar businesses in the industrial area nearby, they do not run the same types of equipment, nor was it constant through-out the day. He further stated that as homeowners they also have rights, and that they are concern that even with the recommendations in place the noise will still be unbearable.

J. Sorensen inquired on how long they have lived in the area.

Mr. Olsen indicated that they moved to their property in 2000.

Chair Sargeant inquired if they have had previous issues with existing industrial neighbours.

Mrs. Olsen stated that previously there had been the odd issue, but it remediated quickly by Bylaw Enforcement.

B. Koersen requested the homeowners to identify where on the map was their residence was in relation to the property in question.

Mr. Olsen indicated the location on the map for the Board.

The Board had no further questions at this time.

PUBLIC COMMENTS IN SUPPORT OF APPELLANT

Chair Sargeant inquired if there was anyone present in the gallery to speak in support of the Appellant.

PUBLIC COMMENTS IN SUPPORT OF APPELLANT – CONT'D

Monica and Bill Browning, residents of 57 Street, stated that they live directly behind the industrial property in question and provided detail on the level of noise experienced, and stated that although noise is expected to an extent the business is often operating late into the day. They also indicated that they were concerned as the majority of the machines and equipment were being used exclusively outside.

Mr. and Mrs. Browning further indicated that they were concerned about the possible hazardous and explosive materials being used, and the unsightliness of the industrial yard from their property. They indicated that they would like the Board to consider recommending that the business install a barrier between the properties. They also agreed with the Appellants and stated they were also concerned with the negative impacts the business could have to their property value.

J. Sorensen inquired as to how long Mr. and Mrs. Browning have lived at their property.

Mrs. Browning stated they have lived there for 39 years.

Mr. Browning stated that he believed there is a way for all parties involved to remain, but a barrier between the parties would be necessary.

Chair Sargeant inquired if there was anyone else who wished to speak in support of the Appellant.

John and Carol Donahue, residents of 57 Street, stated they have lived on their property since 1989.

Mr. Donahue stated that often the decibel count of the equipment and machines used at the property were quite high, and constant throughout the day.

Mrs. Donahue presented a video for the Board to demonstrate the level of sound experienced at their property.

Chair Sargeant inquired if there was anyone else who wished to speak in support of the Appellant, and there were none.

DEVELOPMENT AUTHORITY PRESENTATION

P. Monks, Director of Planning and Economic Development, and G. Noble, Development Officer, stated that Torrent Steelworks Ltd. applied for a Discretionary Use Development Permit for 6002 58 Street, within the Light Industrial M-1 Land Use District on July 9, 2018, and stated that their application was reviewed by the Development Authority (Municipal Planning Commission) on July 17, 2018.

P. Monks reviewed Light Industrial M-1 Land Use within the Land Use Bylaw 14-2016.

B. Koersen inquired if Light Industrial M-1 Land Use specified the work must be completed inside a building.

P. Monks stated that was correct, if work is being completed outside they are not within the requirements for that Land Use District, and further stated that the neighbouring business, Well Tech Energy Services Inc., have been grand-fathered under a previous clause within the previous Land Use Bylaw.

P. Monks stated that the applicant, Torrent Steelworks Ltd. had received the Notice of Decision, but the Development Permit had not been approved at that time. She also stated at this time there is no concern regarding the chemicals being used.

Chair Sargeant inquired if there were any further questions by the Board, and there were none.

PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY

Anton Biegler and Shane Beaugrand, owners of Torrent Steelworks Ltd., stated that they sympathize with residents in the area, and have purchased mufflers to help suppress the noise from their equipment such as welders and generators. They stated that they currently have a number of projects in progress which has resulted in tight deadlines, and working longer hours than anticipated.

PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY – CONT'D

A. Biegler stated that they have also implemented internal changes such as ensuring equipment is turned off when not in use. Mr. Biegler also noted that they are just starting up, and are considering their options for a temporary structure to be used to avoid working outdoors.

A. Beigler stated that he did not anticipate receiving this type of feedback, being as the neighbouring business does similar tasks and projects.

J. Sorensen inquired what was being made inside, and if the larger projects could be completed in tents outside.

A. Biegler stated that they work on pieces and parts inside, but the building is not large enough to accommodate large I-beams. He stated they are considering upgrading the inverters to limit the number of generators being used.

S. Beaugrand stated that when they were notified of the Appeal and the concerns brought forward by the residents they stood near the residential properties and agreed the level of noise was high. He further stated that in addition to purchasing new mufflers they also ensure their equipment is as far from the properties as possible, and pointed away from the residents.

A. Biegler and S. Beaugrand stated that they are taking measures to limit the noise, but that they are still within the industrial area and therefore there will always be noise, noting that the residents have become used to having the building remain vacant for a number of years.

B. Koersen inquired about moving the generators to the front of the building and if a new building would help reduce noise.

S. Beaugrand stated that moving the generators would only result in approximately a 10% decrease and that they could not speak to if a new building would be a benefit to residents in the area or not.

PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY

Rick Popadynetz, President of the Taber & District Chamber of Commerce, stated that he understood arguments from both the Appellant and the Development Permit Applicant. He stated that the Town has struggled to encourage and maintain growth in the industrial area and has provided a letter of support for Torrent Steelworks Ltd., as it has been an important business to the community and has provided a number of volunteer hours to community projects and events.

Chair Sargeant inquired if there were any questions from the Board and there were none.

DEVELOPMENT AUTHORITY FINAL COMMENTS AND SUMMATION

B. Olsen wished to reiterate her opening statement being that there are two very distinct zones and districts neighbouring each other. She stated that she did not wish to single-out an individual business, but consideration needs to be given regarding what is an allowable decibel in a residential area versus an industrial area.

S. Olsen stated they he appreciates the local businesses in the area, and hopes to see them thrive but is still not sure what is considered "light industrial", and hopes that a buffer between both zones would assist with the noise in the area.

B. Koersen inquired if there was a suitable middle ground solution that would be acceptable to the Appellants.

B. Olsen stated that she would request a massive reduction in noise in order for there to be care and concern for residents in the area and stated that what a business can tolerate for noise is not the same as a residential area.

C. Donahue stated that herself, and others in the area volunteer within the community as well, and that residents are of value not just businesses. She stated that the noise produced by Well Tech Energy Services Ltd. is intermittent and not as frequent as the Applicants at this time.

**DEVELOPMENT AUTHORITY FINAL COMMENTS AND
SUMMATION – CONT'D**

C. Donahue stated she would like to find a way to co-exist in order to make this work for all parties involved.

Chair Sargeant inquired if there were any questions from the Board, and there were none.

CLOSE OF MEETING

P. Monks declared this Regular Subdivision and Development Appeal Board Hearing hereby Closed at 6:25 PM.

CHAIR

CHIEF ADMINISTRATIVE OFFICER

Subdivision & Development Appeal Board Request for Decision

Meeting Date: May 18, 2022

Subject:

Notice of Appeal of Decision of Subdivision Application TT 22-0-002, 5031 45 Avenue, Taber, AB, Plan 6390L, Block 17, Lots 23-25

Recommendation:

In accordance with the provincial legislation, this portion of the hearing is closed and the Subdivision and Development Appeal Board will discuss the appeal and make its decision within 15 days from the conclusion of the hearing. No decision is binding until the Board issues a written decision.

Background:

Notice of Subdivision and Development Appeal Board Hearing regarding Subdivision Application TT 22-0-002.

Legislation / Authority:

Municipal Government Act, Section 678 (1)(a).

Strategic Plan Alignment:

Define and practice good governance.

Financial Implication:

Currently unquantifiable due to multiple considerations related to possible policy direction.

Service Level / Staff Resource Implication:

Volunteer board member time, along with staff time to create and have the hearing.

Currently unquantifiable due to multiple considerations related to possible policy direction.

Justification:

Subdivision and Development Appeal Board Hearing is in accordance with the *Municipal Government Act*, Section 678.

Alternative(s):

The Subdivision and Development Appeal Board could recess the hearing to another date.



Attachment(s): Appeal Package TT 22-0-002 May 18, 2022

APPROVALS:

Originated By:
Kerry Van Ham

Chief Administrative Officer (CAO) or Designate: _____



**NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
REGARDING THE REFUSAL OF A SUBDIVISION APPLICATION TT 22-0-002
(5031 45 AVENUE, Taber, AB,
Legal Land Description of Plan 6390L, Block 17, Lots 23-25)**

HEARING DATE: Wednesday, May 18, 2022

TIME: 5:00PM

LOCATION: Town of Taber Administration Building, Council Chambers, A – 4900 50th Street, Taber, AB

Pursuant to the requirements of the Municipal Government Act, you are being advised of a public hearing being held by the Town of Taber's Subdivision and Development Appeal Board. *If you have received this package of information, you are either directly involved in the issue at hand or are a nearby landowner.*

At issue is a decision by the Town's Subdivision Authority to refuse the Subdivision Approval Application for the subdivision of land for separate structures at 5031 45 Ave. The Subdivision and Development Appeal Board will make a decision as to whether or not to uphold the original decision after it has heard from anyone claiming to be affected by the proposal.

The Board will hold its hearing on Wednesday, May 18, 2022 at 5:00PM as noted above. You are invited to attend this hearing and speak to the matter, either in support of the appeal or in support of the Subdivision Authority's decision. You do not have to register for the hearing in advance, and can simply voice your opinion at the appropriate point in the hearing. You can also provide a written comment, whether or not you speak at the hearing. Any written comment must be delivered in person at the hearing or be provided to the Town's Municipal Office by 2:00 pm on the day of the hearing (May 18, 2022). The Town's office address for delivery or mail purposes is: A – 4900 50th Street Taber, AB, T1G 1T1.

To assist you in understanding this matter, enclosed are:

- Subdivision and Development Appeal Board Hearing Procedure
- Notice of Appeal including attachments
- Notice of Subdivision Authority Decision
- Area Map to Show Property Location
- Subdivision Application TT 22-0-002 and attachments
- Comments received from referral agencies and affected parties
- Excerpts from the Land Use Bylaw that were used in making the decision
- Original advertisements
- Unadopted minutes from the Subdivision Authority meeting of March 28, 2022

The Town of Taber hopes that you find this information package sufficient to address your questions but, if not, please do not hesitate to contact Derrin Thibault, Secretary to the Subdivision and Development Appeal Board, at (403) 223-5504.

Sincerely,

Derrin Thibault
Secretary to the Board



Subdivision and Development Appeal Board (S/DAB) Hearing

Procedure No.: ADM- 4	Council Resolution No.: N/A
Department: Administrative	Authority: CAO
Effective Date: April 16, 2013	Revision Date:
Review Date: January 2025	Repealed Date:
Supersedes: N/A	
Related Policy No.: N/A	
Related Policy Name: N/A	

Purpose

The Purpose is to develop operating guidelines for the Subdivision and Development Appeal Board (S/DAB) Hearing.

Operating Guidelines

When hearing a subdivision or development appeal, the S/DAB shall follow the following procedure:

- 1) The Chair will call the hearing to order and describe the hearing procedure and protocols.
- 2) The Chair will ask the Secretary to the S/DAB to provide an overview of the appeal, including the property involved and any relevant material from the Town's files. (Questions from the Board, if any.)
- 3) The Chair will introduce the Board and ask if there are any objections to these persons hearing the appeal from the appellant or other parties directly affected.
- 4) The appellant will be asked to present the appeal details, explaining the reasons for the appeal and the remedy being sought. (Questions from the Board, if any.)
- 5) Persons in support of the appellant will be asked to speak. Written submissions in support of the appeal will also be presented. (Questions from the Board, if any.)

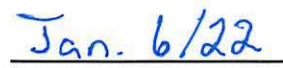


- 6) The development authority will be asked to present its case: the reason the decision was made, and any other pertinent conditions or factors. (Questions from the Board, if any.)
- 7) Persons in support of the development authority's decision will be asked to speak. Written submissions in support of the development authority's decision will also be presented. (Questions from the Board, if any.)
- 8) The Chair will then provide an opportunity for the person(s) making the appeal, not those in support, to make any rebuttal. (Questions from the Board, if any.)
- 9) The Chair will ask the Board members whether or not they require additional information, or if the hearing can be closed. (The Board may choose to recess the hearing to a future date, if necessary.)
- 10) The Chair will then ask the appellant and the development authority to express an opinion as to the fairness of the hearing.
- 11) The Chair closes the hearing.

Note: The S/DAB will discuss the appeal and make its decision in closed session. A decision will be made public within 15 days of the conclusion of the hearing.



CHIEF ADMINISTRATIVE OFFICER



DATE





Notice of Subdivision Appeal

Planning and Economic Development
 A-4900 50th St.
 Taber, Alberta T1G 1T1
 Phone: 403-223-6009
 Fax: 403-223-5530



4:20 pm

Office Use Only	
Subdivision File No: TT 22-0-002	Appeal Received: APRIL 21, 2022
Subdivision Applicant: Zachary Prosper, ALS	Application Received: February 18, 2022

- Division 10 of the Municipal Government Act establishes the requirements and procedure for Subdivision Appeals, applicants are encouraged to review this section to familiarize themselves with the process The Town of Taber will follow to review and make a decision on your appeal.
- Notices of Appeal from the public must be received within 14 days from the mailing date of the decision letter.
- Notices of Appeal from external agencies must be received within 19 days from the mailing date of the decision letter.
- The Subdivision and Development Board will give a minimum of 5 days written notice of the hearing to all affected parties, this includes the applicant, the authority who made the decision, and anyone else that received a notice of the application such as neighbors and external agencies.
- Please attach the following:
 - Application fee

I/We hereby make application under the provisions of the Municipal Government Act for a Subdivision Appeal in accordance with the plans and supporting information submitted herewith and which forms part of this application.		
Municipal Address of Property Subject to the Appeal:	5031-45 AVE Taber, AB	
Legal Description of Property Subject to the Appeal:	Lot (Parcel): 23-25	Block: 17 Plan: 6390L
Appellant:	Name:	530577 Alberta Ltd.
	Address:	5335-47 AVE
	Town:	Taber Postal Code: T1G-1R4
	Phone Res:	403-223-2716 Phone Cell: 403-330-9267
	Email:	j.stojwas@gmail.com
	Business License#:	TACO - 004
Agent: (if different from appellant)	Name:	
	Address:	
	Town:	Postal Code:
	Phone Res:	Phone Cell:
	Email:	
Appeal Commenced By:	Interest in the property subject to the appeal, if not the registered owner:	
	<input type="checkbox"/> The applicant for subdivision	
	<input type="checkbox"/> The school authority	
	<input type="checkbox"/> A government department	
Reason(s) for the Appeal:	<input checked="" type="checkbox"/> The decision of the subdivision application	
	<input type="checkbox"/> The conditions imposed in the approval of the subdivision	

The personal information on this form is being collected for the purpose of reviewing your application to the municipality of the Town of Taber. The information is collected under the authority of section 146 of the Municipal Government Act (MGA) and section 33 of the Freedom of Information and Protection of Privacy Act. Under section 33 of the FOIPP Act, the Town of Taber reserves the right to collect information that relates directly to and is necessary for an operating program or activity of the public body. Names of applicants will be provided to the public. If you have any questions about the collection of this information, please contact the FOIPP Coordinator at 403-223-5500 ext 5519.



Notice of Subdivision Appeal

Planning and Economic Development

A-4900 50th St.
Taber, Alberta T1G 1T1
Phone: 403-223-6009
Fax: 403-223-5530

As per attached

Please describe your issues in the decision or the conditions imposed in the approval that are subject of the appeal.
Attach additional information if necessary.

Signed: 
Appellant

Date: April 20/2022

**530577 Alberta Ltd.
5335 47 Avenue
Taber, Alberta.
T1G 1R4**

APRIL 20, 2022

**Attention; Planning & Economic Development
A-4900 50th Street
Taber, Alberta
T1G 1T1**

- Re: Appeal of subdivision

The decision by the Town is being appealed on the basis that the subject lot can support a 20 foot wide house on this lot.

A 20 ft wide home would provide a great fill in opportunity in an older section of town, and would be sold in the \$50,000.00 dollar range providing an opportunity for a low cost residence and provide close to \$2,000.00 per year in additional tax revenue.

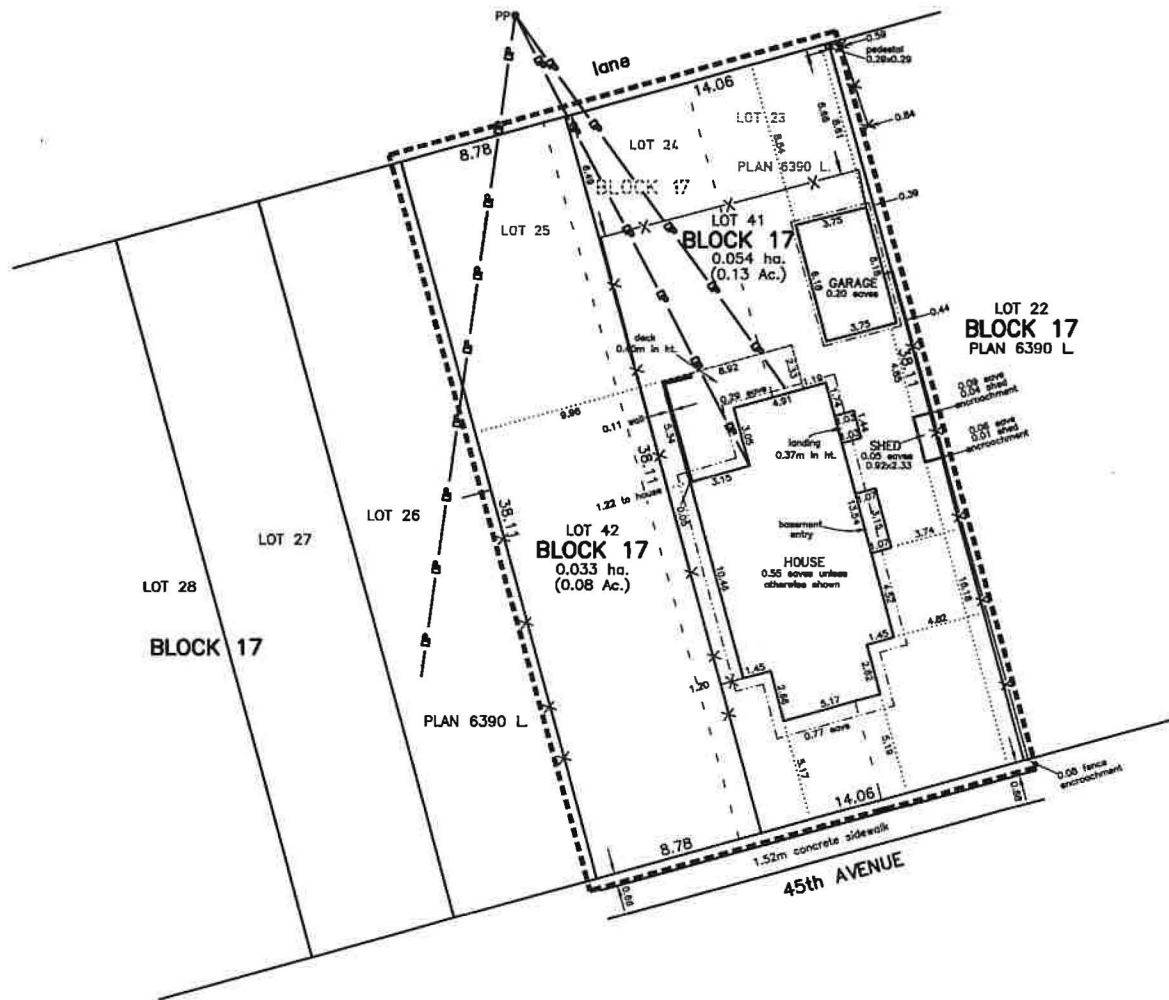
There are a number of communities in Alberta which allow for this type of development.

Have enclosed 2 such properties which could be built on this property without requiring any variances.

Thank you;



Joe Strojwas



NO.	REVISION	DATE	BY
	Improvements shown were surveyed on November 10th, 2021		
	NOTE : Portion to be approved is outlined thus -----		
	and contains approximately 0.087 ha.		
	Distances are in metres and decimal parts thereof.		
	Overhead line is shown thus ————OP———OP———		
	PP stands for utility pole.		
	Fence lines are shown thus ————X———X———		
	Distances and areas are approximate and are subject to change upon final survey.		

530577 ALBERTA LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
of all of
LOTS 23 TO 25 INCLUSIVE; BLOCK 17; PLAN 6390 L.
(5031 - 45th AVENUE)
all within
N.W.1/4 SEC. 32; TWP. 9; RGE. 16; W.4 M.
TOWN OF TABER

boa brown okamura & associates ltd.
Professional Surveyors
2830 - 12th Avenue North, Lethbridge, Alberta

APPROVED	DRAWN CJB	DATE DEC. 8/21
	CHECKED ZJP	JOB 21-15499
	SCALE	DRAWING 21-15499T
Z. J. Prosper A.L.S.		1:250

+ MY LIST

⊖ RULE OUT



PLAN 2559-00809

SQ FT	BEDS	BATHS	1/2 BATHS
1,475	3	2	1
CARS	STORIES	WIDTH	DEPTH
1	2	20' 0"	52' 0"

+ MY LIST

⊖ RULE OUT



PLAN 009-00141

SQ FT	BEDS	BATHS	1/2 BATHS
1,400	3	2	0
CARS	STORIES	WIDTH	DEPTH
0	2	20' 0"	50' 0"

SORT BY: Most Popular

Page 1 of 1



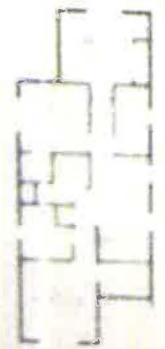
+ MY LIST

⊘ RULE OUT

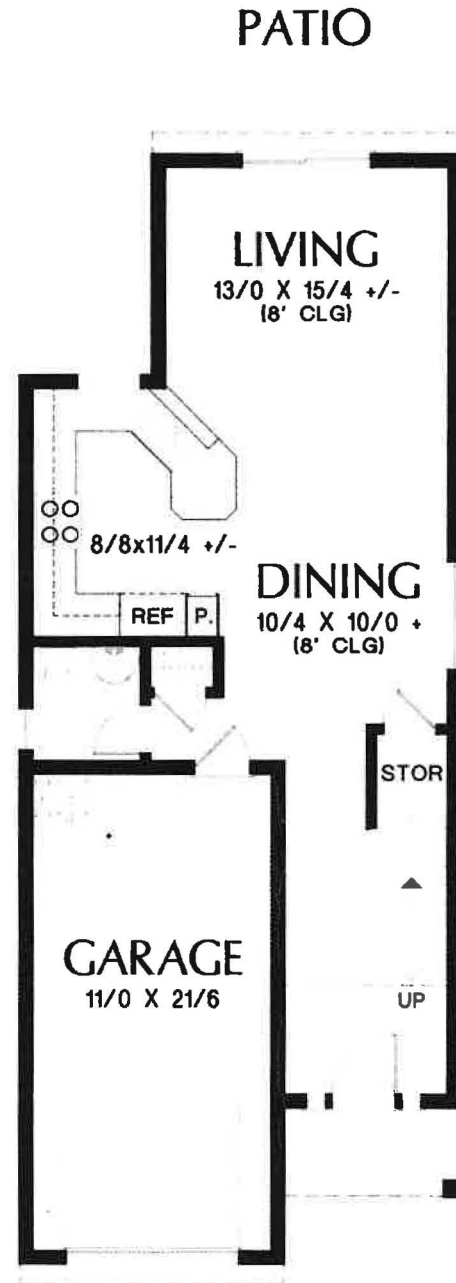


↺ REVERSE IMAGES

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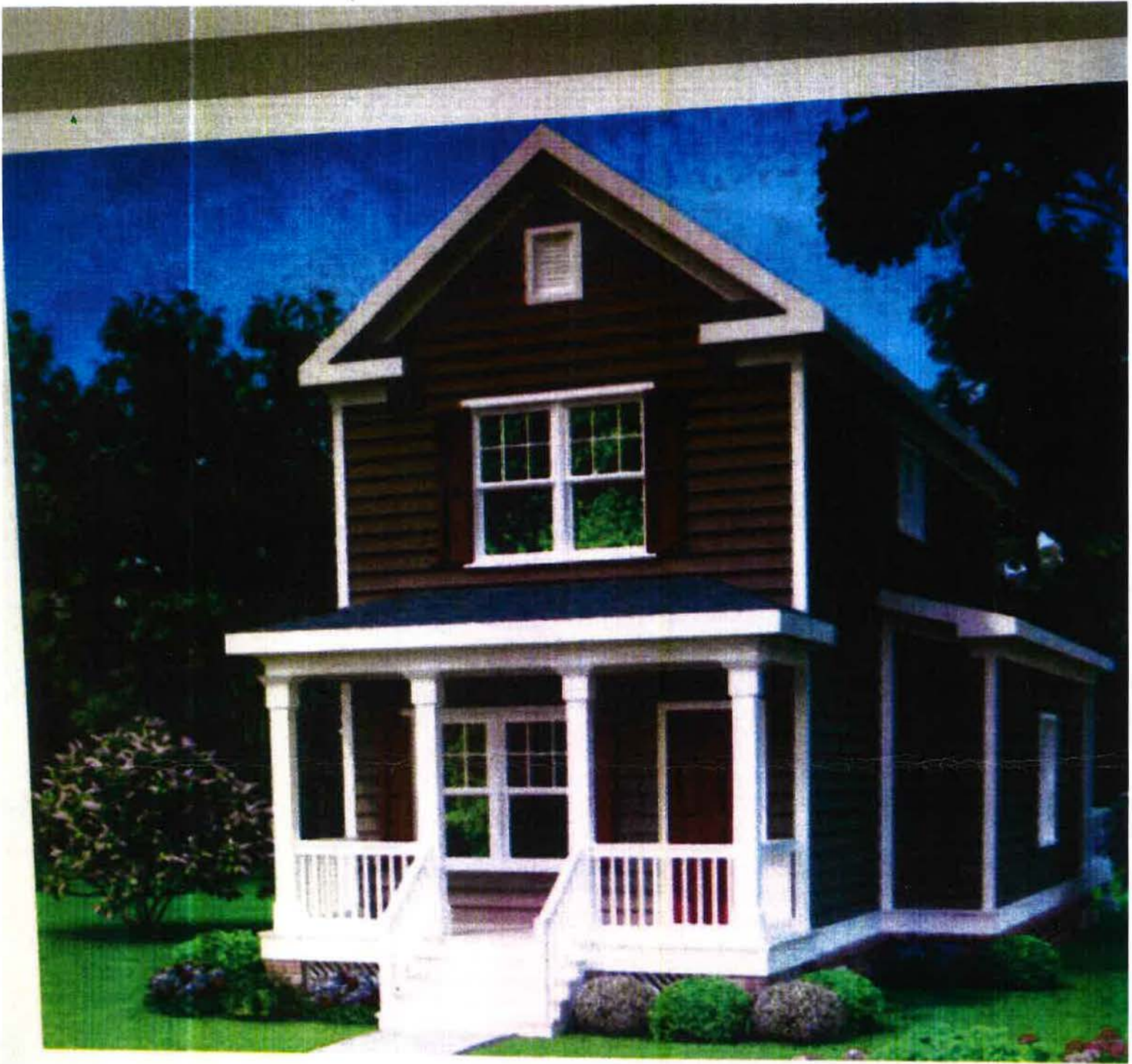
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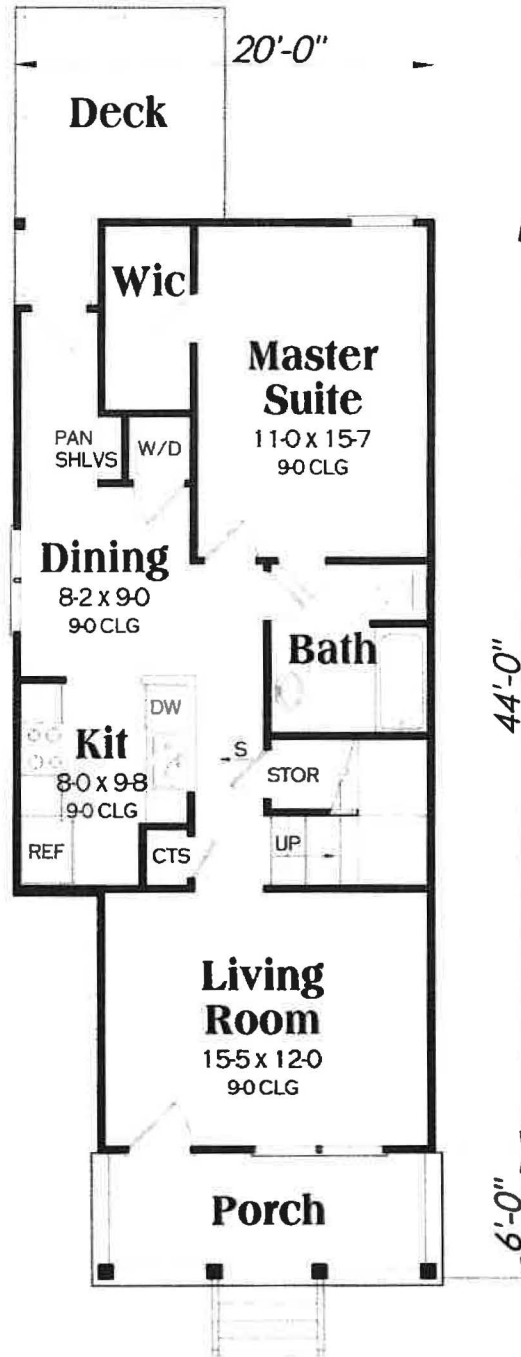




 REVERSE IMAGES

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1ST FLOOR



SUBDIVISION OF LAND

Notice of Decision

April 6, 2022

Our File: TT 22-0-002

Attention Zachary Prosper, ALS
Brown Okamura & Associates.
2830 12 Avenue N.
Lethbridge, AB
T1H 5J9

Dear Mr. Prosper,

SUBDIVISION APPLICATION
LOTS 23-25 INCLUSIVE, BLOCK 17, PLAN 6390 L.
NW ¼ SEC 32 TWP 9 RNG 17 W4M
5031 45 Ave., Taber, AB

The Town of Taber is hereby giving notice of its decision with regard to the above subdivision application which was defeated by the Subdivision Authority on March 28, 2022, as such the application has been refused. The application did not meet the subdivision standards and was therefore refused by the Subdivision Authority. This decision is subject to an appeal period.

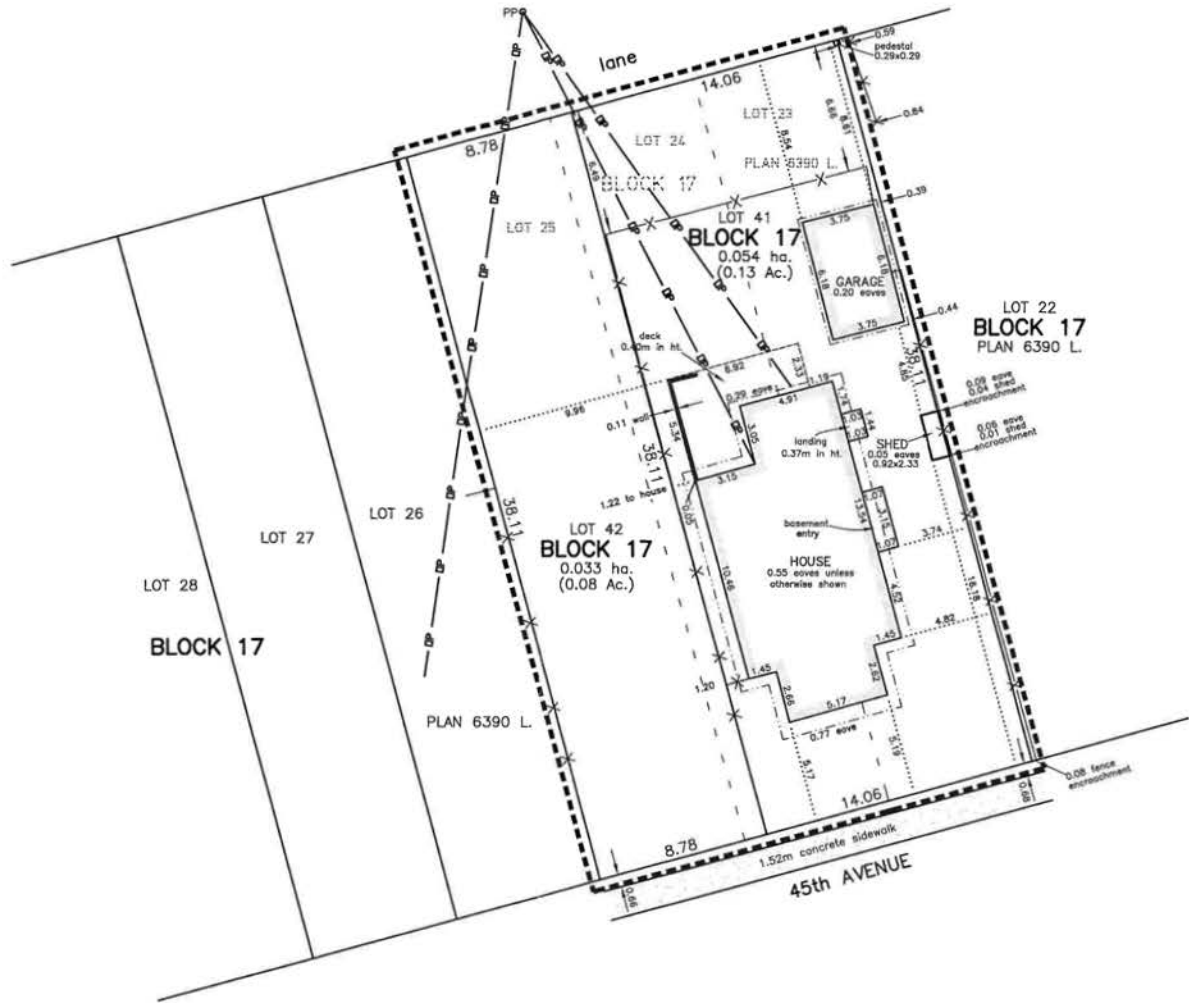
An appeal to this decision lies with the Subdivision and Development Appeal Board of the Town of Taber. Those who may appeal this decision include: the applicant; any Government Department to which the application was referred; or a school authority with respect to municipal or school reserves.



An appeal may be commenced by filing a notice of appeal within 14 days of receipt of the decision of the subdivision authority. The notice should be addressed to the attention of the Secretary of the Subdivision and Development Appeal Board. The date of receipt is deemed to be 7 days from the date this decision is mailed to you.

Again, if you require assistance, please do not hesitate to contact this office.

Sincerely,


Celina Newberry
Planning Officer
Celina.newberry@taber.ca
403-223-6003



NO.	REVISION	DATE	BY
	Improvements shown were surveyed on November 10th, 2021		
	NOTE : Portion to be approved is outlined thus -----		
	and contains approximately 0.087 ha.		
	Distances are in metres and decimal parts thereof.		
	Overhead line is shown thus -----  -----		
	PP stands for utility pole.		
	Fence lines are shown thus -----  -----		
	Distances and areas are approximate and are subject to change upon final survey.		

530577 ALBERTA LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
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TOWN OF TABER



brown okamura & associates ltd.
Professional Surveyors
2830 - 12th Avenue North, Lethbridge, Alberta

APPROVED

Z. J. Prosper A.L.S.

DRAWN CJB	DATE DEC. 8/21
CHECKED ZJP	JOB 21-15499
SCALE	DRAWING
1:250	21-15499T



Application for Subdivision Approval

Planning and Economic Development
 A-4900 50th St.
 Taber, Alberta T1G 1T1
 Phone: 403-223-6009
 Fax: 403-223-5530

Office Use Only			
Use: <input type="checkbox"/> Permitted <input type="checkbox"/> Discretionary <input type="checkbox"/> Prohibited	Land Use District:	Roll No:	
Subdivision No:	Subdivision Fee \$	Off-Site Levy: \$	Security Deposit: \$
Application Received:	Date Advertised:	Permit Effective:	Total Fees: \$

- The issuance of building permits cannot take place until certain conditions outlined by the subdivision approval process, including the requirements outlined by the Subdivision Servicing Agreement, have taken place.
- The parcel will not officially be subdivided until Land Titles registers the plan and creates the new Certificate of Title. It is the land owner's responsibility to initiate registration with Land Titles.
- Please attach the follow:
 - Application fee
 - Servicing Agreement (3 copies)
 - Current Copy of Certificate of Title
 - Tentative Plan of Subdivision prepared by an Alberta Land Surveyor (include a digital copy)

I/We hereby make application for Subdivision in accordance with the requirements of the Municipal Government Act and the Subdivision and Development Regulations.

Applicant:	Name:	Zachary Prosper, ALS		
	Address:	2830 12 Avenue North		
	Town:	Lethbridge	Postal Code:	T1H 5J9
	Phone Res:	403-329-4688 x132	Phone Cell:	
	Email:	Zach@bokamura.com		
	Business License#:			
	Interest in the proposed subdivision, if not the registered owner:			
	<input type="checkbox"/> Agent <input type="checkbox"/> Contractor <input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Other explain: Land Surveyor			
Registered Owner: (if different from applicant)	Name:	530577 Alberta Ltd [REDACTED]		
	Address:	5335 47 Avenue		
	Town:	Taber	Postal Code:	T1G 1R4
	Phone Res:		Phone Cell:	403-336-9267
	Email:	[REDACTED]		
Legal Description of Land to be Subdivided:	All/Part of the ___ ¼ of Section ___ Township ___ Range ___ W4M			
	Being all/part of: Lot/Unit 23-25 Block 17 Plan 6390L			
	Municipal Address (if applicable): 5031 45 Avenue, Taber			
Location of Land to be Subdivided:	The land is situated in the Municipality of:		Town of Taber	
	Is the land situated immediately adjacent to the municipal boundary?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, name of Municipality:
	Is the land situated within 0.8 kilometers of the right-of-way of a Highway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Highway No: 3
	Does the proposed parcel contain or it is bounded by a river, stream, lake, or other body of water, or by a drainage ditch or canal?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, name:
	Is the proposed parcel within 1.5 kilometers of a sour gas facility?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Use of Land to be Subdivided:	Total Number of lots to be created:	1	Size of Lot(s) or range:	8.78m x 38.11m
	Describe the existing use of the land:		Bare land adjacent to house	
	Describe the proposed use of the land:		subdivide land for separate structure	
	Current land use designation:		R-2	
	Proposed land use designation:		R-2	
Characteristics of the Land to be Subdivided	Describe any existing buildings: House on easterly portion of lot			
	Will any structures be demolished or moved?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, explain:

The personal information requested on this form is being collected for a Subdivision application and is protected by the Freedom of Information and Protection of Privacy (FOIP) Act. If you have questions about the collection, contact our FOIP Coordinator at (403) 223-5500.



Describe the nature of the topography of the land (flat, rolling, steep, mixed, etc.):	<u>flat</u>
Describe the nature of the vegetation and water on the land (brush, shrubs, trees, woodlots, sloughs, creeks, etc.):	<u>grass</u>
Type of soil (sand, loam, clay, etc.):	<u>Unknown</u>
Describe the manner of providing water and sewage services:	<u>municipal, new services to be installed for lot.</u>

I (we), Zachary Prosper, ALS hereby certify that I am (we are)
Print full name(s)

- the registered owner(s)
 authorized to act on behalf of the registered owner(s)

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.

Signed: [Signature] **Date:** February 3, 2022
Applicant

Signed: _____ **Date:** _____
Registered Owner (if different than applicant)

Signed: _____ **Date:** _____
Development Officer

To be completed by the registered owner(s):

Right of Entry:

I, _____, hereby authorize representatives of the Town of Taber 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*.

Signed: _____ **Date:** _____
Registered Owner



Application for Subdivision Approval
 Form E
 Planning and Economic Development
 A-4900 50th St
 Taber, Alberta T1G 1T1
 Phone: 403-223-6000
 Fax: 403-223-6630

Describe the nature of the topography of the land (flat, rolling, steep, mixed, etc.):	<u>flat</u>
Describe the nature of the vegetation and water on the land (brush, shrubs, trees, woodlots, sloughs, creeks, etc.):	<u>grass</u>
Type of soil (sand, loam, clay, etc.):	<u>Unknown</u>
Describe the manner of providing water and sewage services:	<u>municipal, new services to be installed for lot.</u>

I (we), Zachary Prosper, ALS hereby certify that I am (we are)
Print full name(s)

- the registered owner(s)
 authorized to act on behalf of the registered owner(s)

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.

Signed: [Signature] Date: February 3, 2022
Applicant

Signed: [Signature] Date: Feb. 19, 22
Registered Owner (if different than applicant)

Signed: _____ Date: _____
Development Officer

To be completed by the registered owner(s):

Right of Entry:
 I, Joe Stojwos, hereby authorize representatives of the Town of Taber 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*.

Signed: [Signature] Date: Feb. 19, 22
Registered Owner

**SUBDIVISION APPROVING AUTHORITY
DECISION REPORT**

Subject:	TENTATIVE PLAN OF SUBDIVISION – 5031 45 Ave.
Date:	March 16, 2022
Subdivision Application No:	TT 22-0-002

Proposed Subdivision Summary:

Applicant	Brown Okamura & Associates Ltd.
Owner/Developer	530577 Alberta Ltd.
Legal Description	Lots 23-25 Inclusive, Block 17, Plan 6390L.
Location	5031 45 Ave.
Subdivision Area	0.087 ha (0.214 acres)
Proposed Lots	1 single-detached dwelling lot for future development and 1 remainder lot with existing single-detached dwelling.
MDP Designation	Taber Town Plan Bylaw 7-2016
Community ASP	None.
Neighbourhood Structure Plan (NSP)	None.
LUB District	Residential Single and Two Dwelling (R-2) District Land Use Bylaw 13-2020 as amended by Council from time to time.
Existing Uses	An existing single-detached dwelling exists and will remain on the remainder lot. The required side yard setback is maintained by the proposed subdivision. The newly created lot does not meet the required minimum lot width or lot area for a single-detached dwelling in the R-2 District. Approval of this subdivision will constitute an approval with a 2.22 meters lot width shortfall and 20.0m ² minimum lot area shortfall.

Internal / External Circulation:

Circulation was sent out on February 18, 2022, all relevant comments are addressed within the Planning Considerations and Conditions of approval. All circulation comments are on file for review as required.

Planning Considerations:

Topography/Soil Characteristics/ Physical Characteristics	The subject lands are mainly flat as the site is within a developed residential area.
Storm Water & Collection	Existing, any changes are to be approved by the Development Authority.
Water Supply, Sewage Disposal and Solid Waste Disposal	Services are located in the street along 45 Ave. Engineered drawings reflecting design to tie into the municipal services will need to be submitted for approval prior to development.
Subdivision Design - Roads, Accessibility, & Circulation	The plan of subdivision is intended to create two single family dwelling lots. Site access is existing from 45 Ave. any new driveway access will need to be approved under a Development Permit.
Open Space / Parks	N/A
Reserves	N/A
Land Use Bylaw	R-2 - 2 Lots Single-Detached Dwelling Area of Site: Minimum Standard required: 350.00 m ² Minimum Standard provided: 330.00 m² Width of Site: Minimum Standard required: 11.0 m Minimum Standard provided: 8.78 m

Recommendation:

That the subdivision application by the Town of Taber be **APPROVED** with the following conditions:

Prior to entering into a Servicing Agreement	1. That approval shall apply to a residential subdivision plan within Lots 23-25 Inclusive, Block 17, Plan 6390 L.
Prior to construction commencing	2. That pursuant to Section 655(1)(b) of the Municipal Government Act, the Developer shall enter into a Servicing Agreement or Deferred Servicing Agreement, to be registered on Title via Caveat, to provide separate services to each lot. 3. The Developer shall be responsible for keeping the development area in a neat and tidy fashion, particularly, as it pertains to blowing debris and weeds during development of the subdivision. 4. Development Permits will be required for any new development on the lots. Approval of this subdivision does not constitute approval of any development permit applications. 5. At the time of Development, a stormwater analysis will be required to be submitted to the Director of Planning and Economic Development for approval by Taber Irrigation District. The analysis shall show post-development flows do not exceed pre-development flows by using Low Impact Development techniques, or other suitable mitigation to ensure no additional stormwater will contribute to the system as a result of this development.

Prior to plan endorsement	<ol style="list-style-type: none"> 6. Easements and/or rights of way shall be registered against the land for the provision of storm, drainage, gas, power, and other utilities as required by the utility provider. 7. That pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Town of Taber prior to endorsement. 8. Compliance is to be maintained with existing policy documents including but not limited to Land Use Bylaw 13-2020, to the satisfaction of the Development Authority. 9. The subdivision plan shall be registered in a manner satisfactory to the Land Titles Office.

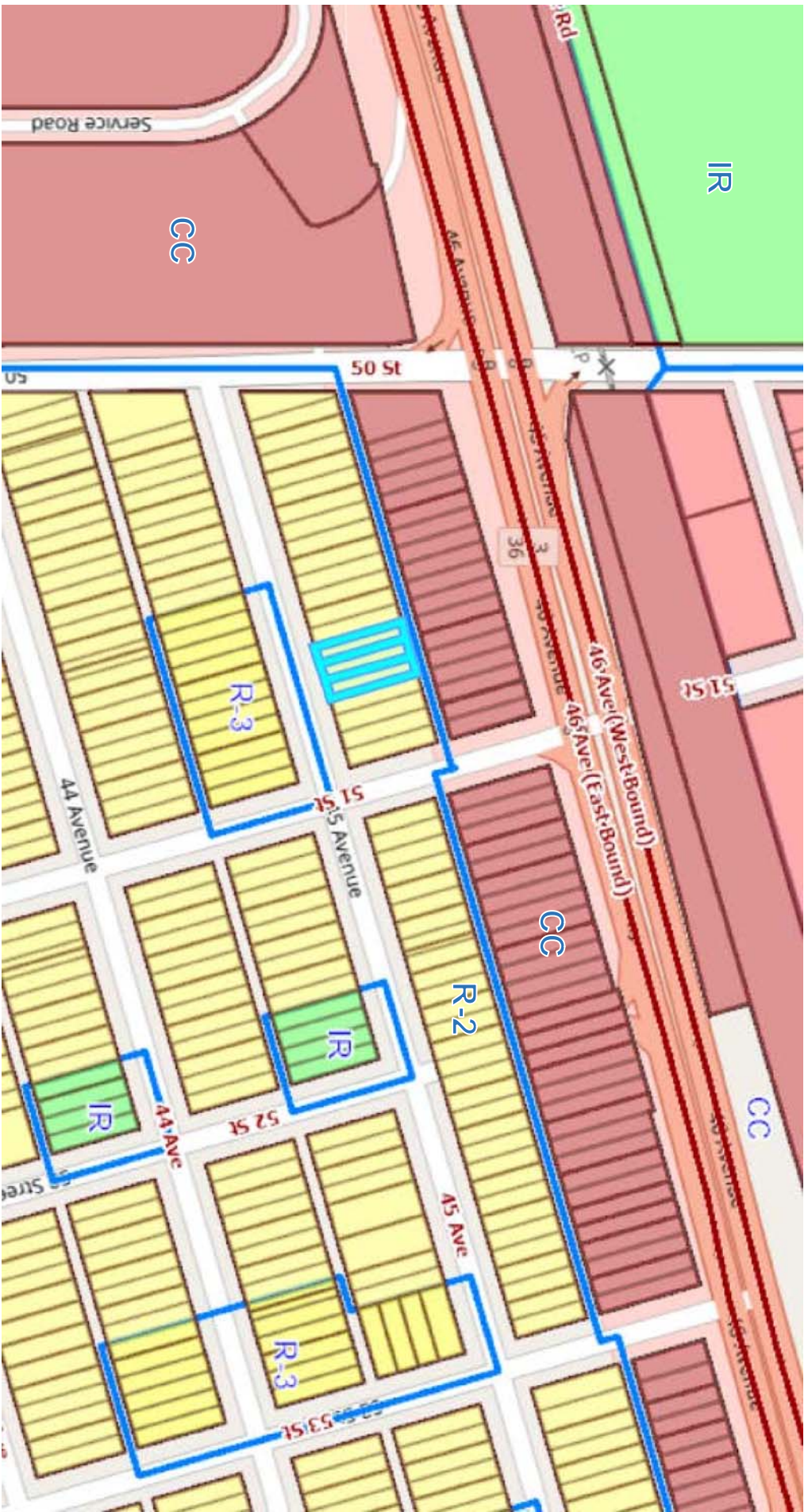
Notations

1. This approval is subject to all relevant environmental legislation and the Alberta Environmental Protection and Enhancement Act.
2. It is the developer's responsibility to ensure that boundary grades tie in with adjacent properties.
3. It is the developer's responsibility to determine whether the use approved by this tentative plan of subdivision is achievable or whether such use may be constrained or precluded by site conditions, including constraints on use resulting from environmental conditions or legislation or both.

Author: Kattie Schlamp
Departmental Review:

Subdivision Approving Authority

Approval Date



Subdivision TT 22-0-002 – Land Use Map

Property subject to the subdivision is shown in blue.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0018 884 965 6390L;17;23-25 131 198 940

LEGAL DESCRIPTION
PLAN 6390L
BLOCK 17
LOTS 23 TO 25 INCLUSIVE
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;16;9;32;NW

MUNICIPALITY: TOWN OF TABER

REFERENCE NUMBER: 011 008 592

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

131 198 940 14/08/2013 TRANSFER OF LAND SEE INSTRUMENT

OWNERS

530577 ALBERTA LTD.
OF 5335 47 AVE
TABER
ALBERTA T1G 1R4

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

131 198 941 14/08/2013 MORTGAGE
MORTGAGEE - 1ST CHOICE SAVINGS AND CREDIT UNION
LTD.
BOX 1237
LETHBRIDGE
ALBERTA T1J4A4
ORIGINAL PRINCIPAL AMOUNT: \$640,000

131 198 942 14/08/2013 CAVEAT

(CONTINUED)

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

RE : ASSIGNMENT OF RENTS AND LEASES
CAVEATOR - 1ST CHOICE SAVINGS AND CREDIT UNION LTD.
P.O. BOX 1237
1320-3 AVE S
LETHBRIDGE
ALBERTA T1J4A4
AGENT - J BRUCE MILNE

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 3 DAY OF
FEBRUARY, 2022 AT 10:35 A.M.

ORDER NUMBER: 43609161

CUSTOMER FILE NUMBER:



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).



Abandoned Well Map

Base Data provided by: Government of Alberta

Author: ZJP Printing Date: 2/4/2022

Date Date (If applicable)

Legend

- ⊙ Abandoned Well (Large Scale)
- Revised Well Location (Large Scale)
- Revised Location Pointer
- Paved Road (20K)**
- Primary Divided
- Primary Undivided 4L
- Primary Undivided 2L
- Primary Undivided 1L
- Interchange Ramp
- Secondary Divided
- Secondary Undivided 4L

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>.

Scale: 7,254.19

0.11 Kilometers

Projection and Datum:
WGS84 Web Mercator Auxiliary Sphere



From: [Danny Lo](#)
To: [Schlamp, Kattie](#)
Subject: RE: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Monday, March 7, 2022 10:04:08 AM
Attachments: [image003.png](#)
[image004.png](#)

Hi Kattie, no concerns noted with regards to the proposed subdivision.

Danny Lo, BSc, BTEch, CPHI(C)
Executive Officer/Public Health Inspector (Taber & area)
Lethbridge Community Health Centre
801 1 Avenue S
Lethbridge, AB T1J 4L5
Email: danny.lo@ahs.ca
Phone: 587-787-3367
Fax: 403-320-0145
After Hours: 1-844-388-6691



From: [Glodzinski, Claudia](#)
To: [Schlamp, Kattie](#)
Subject: RE: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Wednesday, February 23, 2022 4:47:12 PM
Attachments: [image004.png](#)

Hi Kattie,

ATCO has no opposition to this development.

Thanks,

Claudia Glodzinski 

Engineer in Training, South District Engineering
Natural Gas

E. claudia.glodzinski@atco.com

D. SouthDistrictEngineering1@atco.com

C. 403-304-5076

A. 410 Stafford Dr N, Lethbridge, AB, T1H 2A9

OH. 7:30am – 4:00pm Mon-Fri

[ATCO.com](#) [Facebook](#) [Twitter](#) [LinkedIn](#)



From: [Circulations_HP](#)
To: [Schlamo, Kattie](#)
Subject: 22-0696 Response - Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Thursday, March 10, 2022 9:04:40 AM
Attachments: [image001.png](#)
[Land Title.pdf](#)
[Abandoned Well Map.pdf](#)
[Application.pdf](#)
[Land Use Map.pdf](#)
[Plan of Subdivision.pdf](#)

ATCO Transmission high pressure pipelines has no objections.

Questions or concerns related to ATCO high pressure pipelines can be forwarded to hp.circulations@atco.com.

Thank you,

Isabel Solis-Jarek

Sr. Administrative Coordinator | Operations Engineering | Gas Transmission
ATCO Pipelines & Liquids Global Business Unit

A: 7210 42 Street, Edmonton, AB T6B 3H1

E: Isabel.Solis@atco.com

[ATCO.com](#) [Facebook](#) [Twitter](#) [LinkedIn](#)



From: [BAUER, Wendy](#)
To: [Schlamo, Kattie](#)
Subject: RE: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Tuesday, February 22, 2022 1:00:25 PM
Attachments: [image001.png](#)

Hi Kattie,

Canada Post has no comment.

Thanks,

Wendy Bauer
Officer, Delivery Planning
Canada Post Corporation
Cell:587-284-4225



Erin Aldcroft
Land Department

FortisAlberta Inc.
320 - 17 Ave SW
Calgary, AB
T2S 2V1
Phone# 587-775-6331
Cell#
www.fortisalberta.com
Email: erin.aldcroft@fortisalberta.com

February 28, 2022

Town of Taber
4900A - 50 Street
Taber, Alberta
T1G 1T1

Attention: Kattie Schlamp

RE: FortisAlberta Condition for Subdivision Approval

FortisAlberta Reference No.: 320108741

MD File No.: 22-0-002

Location/Legal Description: NW 32-09-16-W4

Customer Name: 530577 Alberta Ltd.

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.

Sincerely,

Erin Aldcroft

RE: 320108741

From: [Tanya Roberts](#) on behalf of [circulations](#)
To: [Schlamp, Kattie](#)
Subject: RE: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Tuesday, February 22, 2022 7:21:06 PM
Attachments: [image004.png](#)

Good afternoon,

TELUS Communications Inc. has no objection to the above circulation.

Thank you,

Tanya Roberts
Real Estate Specialist | TELUS Rights of Way
Customer Network Implementation
2930 Centre Avenue NE, Calgary, AB T2A 4Y2
rightofwayAB@telus.com



[Facebook](#) [Instagram](#) [Twitter](#) [LinkedIn](#) [YouTube](#)

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From: [Jake Heide](#)
To: [Schlamp, Kattie](#)
Cc: [AHS Referrals](#); [Alberta Transportation \(transdevelopment@lethbridge@gov.ab.ca\)](#); [Atco Circulations](#); [Atco Gas Subdivision Notices \(southdistrictengineering1@atco.com\)](#); [Fortis Alberta \(landserv@fortisalberta.com\)](#); [Lisa Palmarin \(palmarin@holyspirit.ab.ca\)](#); [Shaw Circulations \(ProjectManagerSouthernAlberta@srb.ca\)](#); [Taber Irrigation District \(tid@taberirrigationdistrict.ca\)](#); [Telus Subdivision notices \(circulations@telus.com\)](#); [Wendy Bauer \(Wendy.Bauer@canadapost.postescanada.ca\)](#); [Newberry, Celina](#)
Subject: Re: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Tuesday, March 1, 2022 9:56:45 AM
Attachments: [image001.png](#)

No concerns from Horizon School Division

On Tue, Feb 22, 2022 at 9:04 AM Schlamp, Kattie <Kattie.Schlamp@taber.ca> wrote:

March 15, 2022

Kattie Schlamp
Economic Development Officer
Town of Taber
A – 4900 50 Street
TABER AB T1G 1T1

**Re: Subdivision Application within NW ¼ 32-9-17-W4M
All of Lots 23-25 Inclusive, Block 17, Plan 6390L
5031 45th Ave., Taber, AB
Your File: TT22-0-002**

Dear Kattie,

The Taber Irrigation District (TID) has reviewed the above-referenced application and tentative plan Dwg. No. 21-15499T. TID has no objection to the proposed subdivision.

Sincerely,



Kyla Ross
Administrative Assistant/
Land Technician

From: [Van Ham, Kerry](#)
To: [Schlamo, Kattie](#)
Subject: RE: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Tuesday, February 22, 2022 10:08:20 AM
Attachments: [image003.png](#)
[image004.png](#)

Hi Kattie,

No concerns.

Kind regards,



Kerry Van Ham (she/her)
Administrative Services Manager
FOIP Coordinator
Commissioner for Oaths
Town of Taber
A - 4900 50 Street
Taber AB T1G 1T1

Phone: (403) 223-5519

Fax: (403) 223-5530

Visit our website at <http://www.taber.ca>

Classification: Protected A

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From: [Fleherly, Christopher](#)
To: [Schlamo, Kattie](#)
Subject: RE: Subdivision TT 22-0-002 - 5031 45 Ave.
Date: Tuesday, February 22, 2022 2:25:36 PM
Attachments: [image001.png](#)

No comment

Thanks,
Chris

AT File Reference: RPATH0001245
Our Reference: 2512-NW 32-9-16-W4M (3)
Your Reference: TT 22-0-002

February 25, 2022

Kattie Schlamp
Subdivision & Development Officer
kattie.schlamp@taber.ca
Town of Taber
4900A – 50 Street
Taber, AB T1G 1T1

Dear Ms. Schlamp:

**RE: PROPOSED SUBDIVISION
LOTS 23-25, BLOCK 17, PLAN 6390 L
PORTION OF NW 32-9-16-W4M
TOWN OF TABER**



Reference your file to consolidate and create two (2) parcels for residential use at the above noted location.

The proposal is contrary to Section 14 and, resultantly by default, subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.

To that end, currently and as proposed, the parcels to be created will gain indirect access to the highway solely by way of the local road system. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the consolidation and creation of two (2) residential parcels as proposed would have any appreciable impact on the provincial highway network.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

The applicant would also be advised that any development within the highway right-of-way or within 300 metres beyond the limit of a controlled highway or within 800 metres from the center point of an 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 town's internal street system, in this instance, a permit from Alberta Transportation will not be required, and development of the two (2) residential parcels could proceed under the direction, control, and management of the Town of Taber subdivision and development land use authority. The applicant could contact the undersigned, at Lethbridge 403-382-4052, 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.

Yours truly,

Leah Olsen
Development/Planning Technologist
403-388-3105

LO

3.4. RESIDENTIAL SINGLE AND TWO DWELLING DISTRICT (R-2)

3.4.1. Purpose

- (1) This district is intended to provide for a variety of low-density residential housing types within existing and new residential areas, with potential for smaller lot sizes and a concentrated urban form.

3.4.2. Uses

1) Permitted Uses	2) Discretionary Uses
<ul style="list-style-type: none"> a) Single Detached Dwelling b) Semi-Detached Dwelling c) Duplex Dwelling d) Row House Dwelling e) Accessory Structure (also see Section 2.11) f) Accessory Use (also see Section 2.12) g) Home Occupation – Class 1 (also see Section 2.19) h) Child Care- Limited i) Park j) Utilities k) Sign – Class A 	<ul style="list-style-type: none"> a) Secondary Suite – Attached (also see section 2.9) b) Secondary Suite – Detached (also see Section 2.9) c) Multi-unit Residential d) Home Occupation – Class 2 (also see Section 2.19) e) Place of Worship – Small (also see Section 2.17) f) Child Care g) Group Care – Limited h) Neighbourhood Commercial Development (also see Section 2.20) i) Community Entrance Feature j) Sign – Class B

3.4.3. Standards

1) Subdivision Standards	
a) Minimum Parcel Area	
i) Single Detached Dwelling	350.0 m ²
ii) Semi-detached Dwelling Unit	225.0 m ²
iii) Duplex Dwelling	450.0 m ²
b) Minimum Parcel Width	
i) Single Detached Dwelling	11.0 m
ii) Semi-Detached and Row House Dwellings:	
(1) Interior unit parcel width	6.0 m
(2) End unit parcel width	7.2 m
(3) Corner unit parcel width	9.0 m
iii) Duplex Dwelling	15.0 m
c) Minimum Unit Width	6.0 m
d) Parcel dimensions for all other uses shall be to the satisfaction of the Subdivision Authority.	

2) Development Standards	
a) Minimum Front Yard	6.0 m
b) Minimum Rear Yard	6.0 m
c) Minimum Side Yard	
i) Laned Lots	1.2 m
ii) Laneless Lots with Attached Garage	1.2 m
iii) Laneless Lots without Attached Garage	3.0 m on one side and 1.2 m on the other
iv) Laneless Semi-detached Lots on Common Lot Line	3.0 m on both sides with 0.0 m on the common Lot Line
v) Corner Lots	3.0 m
d) Maximum Building Height	10.5 m
e) Maximum Building Coverage	50%

and the advertising component of the fees (10% of application fee) will be refunded.

- (4) Should the applicant decide to proceed, the Director of Planning and Economic Development must give notice of the public hearing for the proposed amendment in accordance with the Municipal Government Act.

1.5. SUBDIVISION

1.5.1. Discretionary Subdivision Decisions

- (1) All subdivision decisions shall allow for the exercise of discretion by the Development Authority.
- (2) No subdivision shall be considered to be “permitted” based strictly upon compliance with the parcel dimension standards that apply in the applicable land use district.
- (3) Where no parcel dimension standards are identified for a permitted use or a discretionary use in a land use district, the appropriate standards shall be determined by the Subdivision Authority.

1.5.2. Bare Land Subdivisions

- (1) Where a bare land subdivision is proposed to accommodate a permitted use in a land use district that contains parcel dimension standards for that use:
 - (a) the proposed bare land units shall be considered to be the same as a parcel for the purpose of evaluating the dimension of the units, and
 - (b) the bare land subdivision may be approved in advance of the approval of the permitted use on the parcel.
- (2) Where a bare land subdivision is proposed to accommodate a permitted use or a discretionary use in a land use district that does not contain parcel dimensions for that use:
 - (a) the development permit for the use shall be approved prior to the approval of the bare land subdivision with the bare land units retrofitted to the development in a manner satisfactory to the Subdivision Authority, or
 - (b) the Subdivision Authority shall be satisfied that the approval of the bare land subdivision will not compromise the ability to subsequently achieve the acceptable development of the site.

1.6. DEVELOPMENT PERMITS

1.6.1. Requirement for a Development Permit

- (1) No person shall undertake any development, unless a development permit has first been issued pursuant to this Bylaw except as otherwise provided in this Bylaw.
- (2) Any development shall be commenced, carried out, and completed in accordance with the terms and conditions of the development permit issued for the respective development.

1.6.2. Exempt Developments

- (1) Unless otherwise provided, development permits are not required in respect of the following developments. However, such developments shall comply with the provisions of this Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:
 - (a) a Home Occupation – Class 1;
 - (b) the erection of any fence or gate, less than 1.0 metres in height in a front yard and less than 2.0 metres in height in a side or rear yard;

DP 22-005: 5202 55 Street: Lots 14-15, Block 20, Plan 5365L. Multi-unit Residential - 8 Units with Variances, Discretionary Use, Residential Street-Oriented Multiple Dwelling District (R-3).

DP 22-007: 5613 58 Avenue: Lot 12, Block 10, Plan 7710758. Mixed Use Residential and Parking/Storage/Office Space, Discretionary Use, Residential Street-Oriented Multiple Dwelling District (R-3).

DP 22-008: 6200 46 Avenue: Lot 2, Block 4, Plan 0512581, Addition of Signage to an Existing Freestanding Sign, Discretionary Use, Comprehensive Commercial District (CC).

DP 22-009: 25 Prairie Sunset Avenue: Lot 11, Block 5, Plan 1611498. Driveway and Deck Variances, Non-Conforming Permitted Use, Residential Single Dwelling District (R-1).

DP 22-010: 5404 46 Street: Lot 8, Block 4, Plan 7710300. Secondary Garage with Variance, Non-Conforming Permitted Use, Residential Single Dwelling District (R-1).

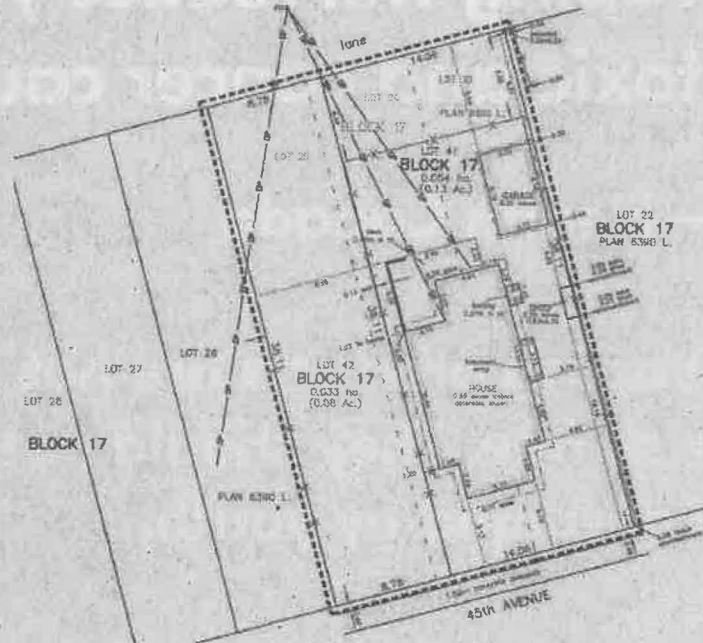
DP 22-011: 5113 47 Avenue: Lots 14-19, Block 2, Plan 5638L. Fascia and Freestanding Signage, Discretionary Use, Downtown District (DT)

PS 22-001: 6200 46 Avenue: Lot 2, Block 4, Plan 0512581, Portable Sign, Discretionary Use, Comprehensive Commercial District (CC).

Any person affected by the above decision may appeal the issuance of a permit to the applicant by submitting a written notice of appeal along with payment of \$350.00 to the office of the Planning Officer no later than 1:00 pm on March 15, 2022.

THE TOWN OF TABER HEREBY GIVES NOTICE

PURSUANT TO SECTION 653(4.2) OF THE MUNICIPAL GOVERNMENT ACT AS AMENDED, THAT THE FOLLOWING SUBDIVISION APPLICATION IN THE TOWN OF TABER HAS BEEN RECEIVED



PROPERTY DESCRIPTION
NW ¼ SEC 32 TWP 9 RNG 16 W4M
ALL OF LOTS 23-25 INCLUSIVE, BLOCK 17,
PLAN 6390 L.
SUBDIVISION APPLICATION TT 22-0-002
Civically Described as: 5031 45 Ave., Taber, AB

OWNER/AGENT PROPOSAL
Brown Okamura & Associates propose as follows:
An application intended to consolidate three lots for subdivision into two new parcels for future development on proposed Lot 42, in accordance with the Residential Single and Two Dwelling District (R-2) requirements.

Any adjacent land owner may comment on the above application by ensuring that the Planning Department receives a written submission prior to noon on March 16, 2022. Any submissions received will be considered by the Town of Taber prior to making a decision on the noted application.

Any inquiries on any matter contained within this Notice may be made to the Department of Planning and Economic Development at the Town of Taber, 4900A - 50 Street, Taber, T1G 1T1, Phone (403) 223-6009.

A - 4900 50 St. Taber, T1G 1T1

Phone 403-223-5500 • Fax 403-223-5530

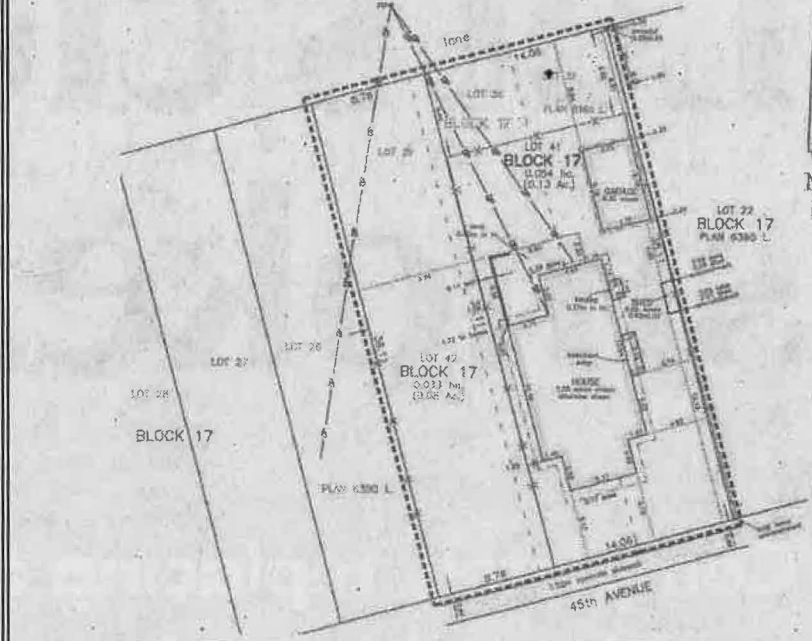
email: town@taber.ca • website: www.taber.ca

Keeping Our Community Informed



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Keeping Our Community Informed

area	Fully Vaccinated 12+	At least one dose 12+
	53% (2613 people)	56% (2762 people)
	60% (9091 people)	62.1% (9410 people)
(Md)	68.2% (3790 people)	70.5% (3920 people)
	69.8% (14381 people)	72% (14844 people)
	71% (6417 people)	74.9% (6768 people)
	77.4% (7369 people)	80% (7616 people)
	77.9% (4370 people)	80.5% (4515 people)
rea 2)	78.7% (18156 people)	82.5% (19050 people)
	82.3% (11094 people)	86.3% (11621 people)
nty And Piikani)	83.4% (5983 people)	86.7% (6217 people)
	83.8% (49632 people)	86.6% (51287 people)
	87.5% (26665 people)	90.1% (27445 people)
	87.6% (21189 people)	90.5% (21903 people)
	92% (29601 people)	94.6% (30442 people)

ine have been administered in Alberta
 n) • 86.5 percent of 12+ population with 2 doses (76% total population)
 ate as of end of day March 02, 2022

MINUTES OF THE REGULAR MEETING OF THE SUBDIVISION
AUTHORITY OF THE TOWN OF TABER, IN THE PROVINCE OF
ALBERTA, HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION
BUILDING, ON MONDAY, MARCH 28, 2022, AT 3:30 PM.

Mayor

Andrew Prokop

Councillors

Garth Bekkering
Carly Firth
Monica McLean
Alf Rudd
Joanne Sorensen

Absent

Jack Brewin

Chief Administrative Officer

Derrin Thibault

Staff

Kattie Schlamp
Kerry Van Ham

CALL TO ORDER

Mayor Prokop called the meeting to Order at 3:30 PM.

ADOPTION OF AGENDA

Mayor Prokop inquired if there were any additions or deletions to the Agenda, and there were none.

RES. 1/2022 MOVED by Councillor Firth that the Subdivision
Authority adopts the Agenda, as presented.

CARRIED UNANIMOUSLY

ADOPTION OF THE MINUTES

1) Minutes of Regular Meeting of Subdivision Authority: May 25, 2021

RES. 2/2022 MOVED by Councillor Bekkering that the Subdivision Authority adopts the minutes of the Regular Meeting of Subdivision Authority held on May 25, 2021, as presented.

CARRIED UNANIMOUSLY

SUBDIVISION APPLICATION(S)

1) Subdivision TT 22-0-001 - 3901 64 Ave.

K. Schlamp, Subdivision and Development Officer, stated that Administration received a subdivision application on January 31, 2022 to subdivide one residential lot from a larger remainder lot. She stated that the owner intends to sell the newly created lot for future development of a single-detached dwelling.

K. Schlamp stated that the subject property was annexed into the Town in 2020, and in accordance with the Annexation Agreement, the property owner is entitled to subdivide their property once to create a total of two lots without triggering a change from the stipulations outlined in the agreement. She stated that the newly created lot and the remainder lot will continue to be a part of the Rural/Urban Fringe Land Use District and are subject to the requirements of the Municipal District of Taber Land Use Bylaw 1979.

RES. 3/2022 MOVED by Councillor Firth that the Subdivision Authority approves Subdivision TT 22-0-001, Lot 2, Block 1, Plan 061 0282, within SE ¼ Sec. 12, Twp. 10, Rge. 17, W4M, civically described as 3901A & 3901B 64 Ave., with the following eighteen (18) conditions:

- 1) That approval shall apply to a residential subdivision plan within Lot 2, Block 1, Plan 061 0282;

2/2022

Meeting Date
3/28/2022

SUBDIVISION APPLICATION(S) – CONT'D

1) Subdivision TT 22-0-001 - 3901 64 Ave. – CONT'D

- 2) That pursuant to Section 655(1)(b) of the *Municipal Government Act*, the Developer shall enter into a Servicing Agreement or Deferred Servicing Agreement, to be registered on Title via Caveat, with the Town of Taber to provide separate services and access to the newly created lot;
- 3) A soils analysis and report prepared by a qualified professional shall be required at the time of Development Permit application to demonstrate the site is suitable for a septic field system to the satisfaction of the Director of Planning and Economic Development;
- 4) The Developer shall be responsible for keeping the development area in a neat and tidy fashion, particularly, as it pertains to blowing debris and weeds during development of the subdivision;
- 5) Development Permits will be required for any new development on the lots. Approval of this subdivision does not constitute approval of any development permit applications;
- 6) The subject property is within the noted control lines of Alberta Transportation, any new development on the lots shall require a permit from Alberta Transportation;
- 7) The Developer shall provide a stormwater analysis to the Director of Planning and Economic Development for approval by Taber Irrigation District. The analysis shall show post-development flows do not exceed pre-development flows by using Low Impact Development techniques, or other suitable mitigation to ensure no additional stormwater will contribute to the system as a result of this development;

SUBDIVISION APPLICATION(S) – CONT'D

1) Subdivision TT 22-0-001 - 3901 64 Ave. – CONT'D

- 8) Easements and/or rights of way shall be registered against the land for the provision of storm, drainage, gas, power, and other utilities as required by the utility provider;
- 9) The Developer shall register an easement and/or right of way against the land to protect existing Telus facilities, to the satisfaction of Telus;
- 10) The Developer shall register an easement and/or right of way against the land to protect existing Atco facilities, to the satisfaction of Atco Gas;
- 11) The Developer shall ensure legal access and conveyance from the Taber Irrigation District designated point of delivery to the point of use on each parcel for which irrigation water is intended to be used;
- 12) The newly subdivided parcel is subject to water use agreement if irrigation water is intended to be used on it;
- 13) All outstanding charges owing to the Taber Irrigation District shall be paid to The Taber Irrigation District prior to endorsement;
- 14) That pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the Town of Taber prior to endorsement;
- 15) Compliance is to be maintained with existing policy documents including but not limited to Municipal District of Taber Land Use Bylaw 1979, to the satisfaction of the Development Authority;
- 16) The subdivision plan shall be registered in a manner satisfactory to the Land Titles Office;

SUBDIVISION APPLICATION(S) – CONT'D

1) Subdivision TT 22-0-001 - 3901 64 Ave. – CONT'D

- 17) Copies of the new Titles are to be sent to Taber Irrigation District and the applicant is responsible for the cost to discharge or add any necessary instruments with respect to the new subdivision; and,
- 18) Any further subdivision of the parcel shall be considered a triggering event as defined in the Town of Taber Notice of Annexation & Annexation Negotiations Report finalized in May 2019.

CARRIED UNANIMOUSLY

2) Subdivision TT 22-0-002 - 5031 45 Ave.

K. Schlamp, stated that Administration received a subdivision application February 22, 2022 to subdivide one residential lot with one remainder lot in an existing neighbourhood. She stated that the remainder lot contains a single detached dwelling and the newly created lot will be empty for future development of a single detached dwelling.

K. Schlamp stated that both lots are designated as Residential Single and Two Dwelling (R-2) District, and would remain as R-2 after subdivision. She stated that the application was presented to the Municipal Planning Commission at their Regular Meeting held on March 21, 2022, and the Commission passed a resolution not recommending the approval of the subdivision as it did not meet the minimum subdivision standards of Land Use Bylaw 13-2020. She stated that the Commission also expressed concern over the buildability of the lot as the buildable area would be smaller than a standard size lots within the Town.

Council discussed the proposed lot size, potential buildability, and inquired if there were other narrow lots in the Town of Taber.

K. Schlamp stated that there are lots within the Town with narrow widths, but not single lot dwellings. She stated that the majority of the lots she located contained half of a building, such as a duplex.

SUBDIVISION APPLICATION(S) – CONT'D

2) Subdivision TT 22-0-002 - 5031 45 Ave. – CONT'D

RES. 4/2022

MOVED by Councillor Bekkering that the Subdivision Authority approves Subdivision TT 22-0-002, within Lots 23-25 Inclusive, Block 17, Plan 6390L, within N.W. ¼ Sec. 32, Twp. 9, Rge. 16, W4M., civically described as 5031 45 Avenue., with the following (9) conditions:

- 1) That approval shall apply to a residential subdivision plan within Lots 23-25 Inclusive, Block 17, Plan 6390 L;
- 2) That pursuant to Section 655(1)(b) of the *Municipal Government Act*, the Developer shall enter into a Servicing Agreement or Deferred Servicing Agreement, to be registered on Title via Caveat, to provide separate services to each lot;
- 3) The Developer shall be responsible for keeping the development area in a neat and tidy fashion, particularly, as it pertains to blowing debris and weeds during development of the subdivision;
- 4) Development Permits will be required for any new development on the lots. Approval of this subdivision does not constitute approval of any development permit applications;
- 5) At the time of Development, a stormwater analysis will be required to be submitted to the Director of Planning and Economic Development for approval by Taber Irrigation District. The analysis shall show post-development flows do not exceed pre-development flows by using Low Impact Development techniques, or other suitable mitigation to ensure no additional stormwater will contribute to the system as a result of this development;

SUBDIVISION APPLICATION(S) – CONT'D

2) Subdivision TT 22-0-002 - 5031 45 Ave. – CONT'D

- 6) Easements and/or rights of way shall be registered against the land for the provision of storm, drainage, gas, power, and other utilities as required by the utility provider;
- 7) That pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the Town of Taber prior to endorsement;
- 8) Compliance is to be maintained with existing policy documents including but not limited to Land Use Bylaw 13-2020, to the satisfaction of the Development Authority; and,
- 9) The subdivision plan shall be registered in a manner satisfactory to the Land Titles Office.

DEFEATED

CLOSE OF MEETING

Mayor Prokop declared the Regular Meeting of the Subdivision Authority hereby Closed at 3:39 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

7/2022

Meeting Date
3/28/2022