

*UPDATES TO AN EXISTING REGULATION

FOR DISCUSSION PURPOSES ONLY

CANMORE UNDERMINING REVIEW REGULATION

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Schedules

Definitions

1 In this Regulation,

- (a) "Act" means the *Municipal Government Act*;
- (b) "Canmore" means The Town of Canmore;
- (c) "Canmore's agents" means
 - (i) Canmore's councillors, chief administrative officer, designated officers and employees,
 - (ii) members of Canmore's council committees, and
 - (iii) a volunteer member of a fire ambulance service or emergency measures organization established by Canmore or any other volunteer performing duties under the direction of Canmore;
- (d) "compliance review certificate" means a statement in ~~the~~ Form 2 of Schedule 3;
- (e) "designated land" means
 - (i) the land described in Schedule 2 and within the boundaries shown on the map in Schedule 1, including the Government road allowances, and

Clerical amendment to ensure appropriate reference is used.

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Clerical amendment to ensure appropriate name is being referenced.

- (ii) the land required for access roads from ~~highway No. 1~~ Highway 1 to the land described in subclause (i);
- (f) “developer” means a person who undertakes a development;
- (g) “development” means development as defined in section 616(b) of the Act;
- (h) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under the *Engineering and Geoscience Professions Act*;
- (i) “undermining and related conditions” means the presence of coal and methane gas and any abandoned opening or excavation in, or working of, the surface or subsurface for the purpose of working, recovering, opening up or proving any coal, coal-bearing substance or methane gas, and includes abandoned works, waste piles and machinery at or below the surface belonging to or used in connection with any or all of the openings, excavations or workings;
- (j) “undermining report” means an assessment of undermining and related conditions;
- (k) “undermining report compliance certificate” means a statement in Form 1 of Schedule 3.

AR 114/97 s1;132/97;170/2012

Regulation’s scope

2 This Regulation applies only to designated land.

Undermining exemption

3(1) Part 17 of the Act and the *Subdivision and Development Regulation* (AR 43/2002) do not apply with respect to undermining and related conditions in designated land.

(2) Canmore and Canmore’s agents have no responsibility, duty or obligation to consider undermining and related conditions in designated land with respect to the subdivision, development or any other land use planning function of Canmore under Part 17 of the Act and the *Subdivision and Development Regulation* (AR 43/2002), including, without restricting the generality of the foregoing, with respect to enforcement, maintenance or inspection of undermining and related conditions in designated land.

AR 114/97 s3;221/2004

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Undermining report

4(1) Prior to the commencement of a development of any designated land for which a compliance review certificate with respect to the land and the proposed development has not been completed, a developer **must at the developer's expense,**

- ~~(a) ensure that a professional engineer prepares an undermining report in accordance with guidelines satisfactory to the Minister,~~
- ~~(b) ensure that an undermining report compliance certificate is completed by a professional engineer with respect to the undermining report, and~~

Provide clarity that undermining reports align with guidelines that are approved by the Minister.

- (a) ensure that a professional engineer prepares an undermining report with respect to the land in accordance with the guidelines established by order of the Minister,
- (b) ensure that an undermining report compliance certificate is completed by the professional engineer with respect to the undermining report,

Clarify the existing responsibilities of the developer(s) in hiring a professional engineer and obtaining necessary reports and compliance

- (b.1) obtain the undermining report and the undermining report compliance certificate from the professional engineer, and
- (c) carry out the mitigative measures, actions and duties established in the undermining report, including but not limited to monitoring of conditions and maintenance of mitigative measures as established in the undermining report.

(2) Despite subsection (1), a developer may commence construction of roads, infrastructure and site clearing related to a proposed or approved subdivision prior to completion of an undermining report for that land and proposed development if an undermining report will be completed and the requirements of sections 4(1) and 5 will be met with respect to that report prior to any development other than the construction of those roads, infrastructure and site clearing.

Ensures the Town of Canmore has a role in the selection of engineering firms.

(3) A developer must obtain Canmore's agreement to the selection of a professional engineer for the purposes of subsection (1).

Compliance review certificate

5(1) The developer of a development described in section 4(1) must, at the developer's expense, forward, for review, a copy of the undermining report and undermining review compliance certificate to a professional engineer who did not assist in the preparation of the undermining report and is not associated with or employed by the individuals or firm that prepared the undermining report.

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Ensures the Town of Canmore has a role in the selection of engineering firms.

(1.1) A developer must obtain Canmore's agreement to the selection of a professional engineer for the purposes of subsection (1).

~~(2) When the professional engineer referred to in subsection (1) reviews the undermining report and is satisfied that the report complies with guidelines satisfactory to the Minister, the engineer must complete a compliance review certificate and send the original compliance review certificate and the undermining report to the Minister and send a copy of the compliance review certificate to the developer.~~

Provide clarity that technical reviews comply with guidelines that are approved by the Minister.

(2) When the professional engineer referred to in subsection (1) reviews the undermining report and is satisfied that the report complies with the guidelines established by order of the Minister and that the review of the land described in the report was made in accordance with accepted professional practice and accordingly included the investigations necessary in the circumstances, the professional engineer must complete a compliance review certificate.

Currently, Municipal Affairs provides copies of these reports to the Town of Canmore. This ensures that the Town of Canmore, as a directly affected party, receives information in a timely and direct fashion.

(2.1) On completing the compliance review certificate the professional engineer must

- (a) send the original compliance review certificate and a copy of the undermining report to the Minister,
- (b) send a copy of the compliance review certificate and the undermining report to the developer and to Canmore, and
- (c) send a copy of the compliance review certificate to the developer.

(3) The Minister must notify Canmore and the developer on receipt of the undermining report and compliance review certificate under subsection (2.1).

Minor clerical amendment to provide clarity.

(4) The developer must make a copy of the undermining report, undermining report compliance certificate and compliance review certificate available ~~in Canmore at a location~~ at a location within the municipal boundaries of Canmore that is open to the general public during normal business hours.

Amendments

6 If a developer wishes to undertake development that is not consistent with an undermining report and compliance review certificate completed with respect to that development, the developer must before undertaking that development ensure that a

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new undermining report is prepared and that the requirements of sections 4 and 5 are met with respect to the new undermining report.

Insurance

7 The developer of a development described in section 4(1) must obtain insurance coverage of the type, in the amount and for the period of time, satisfactory to the Minister to insure against claims for damages arising from undermining and related conditions.

Caveat

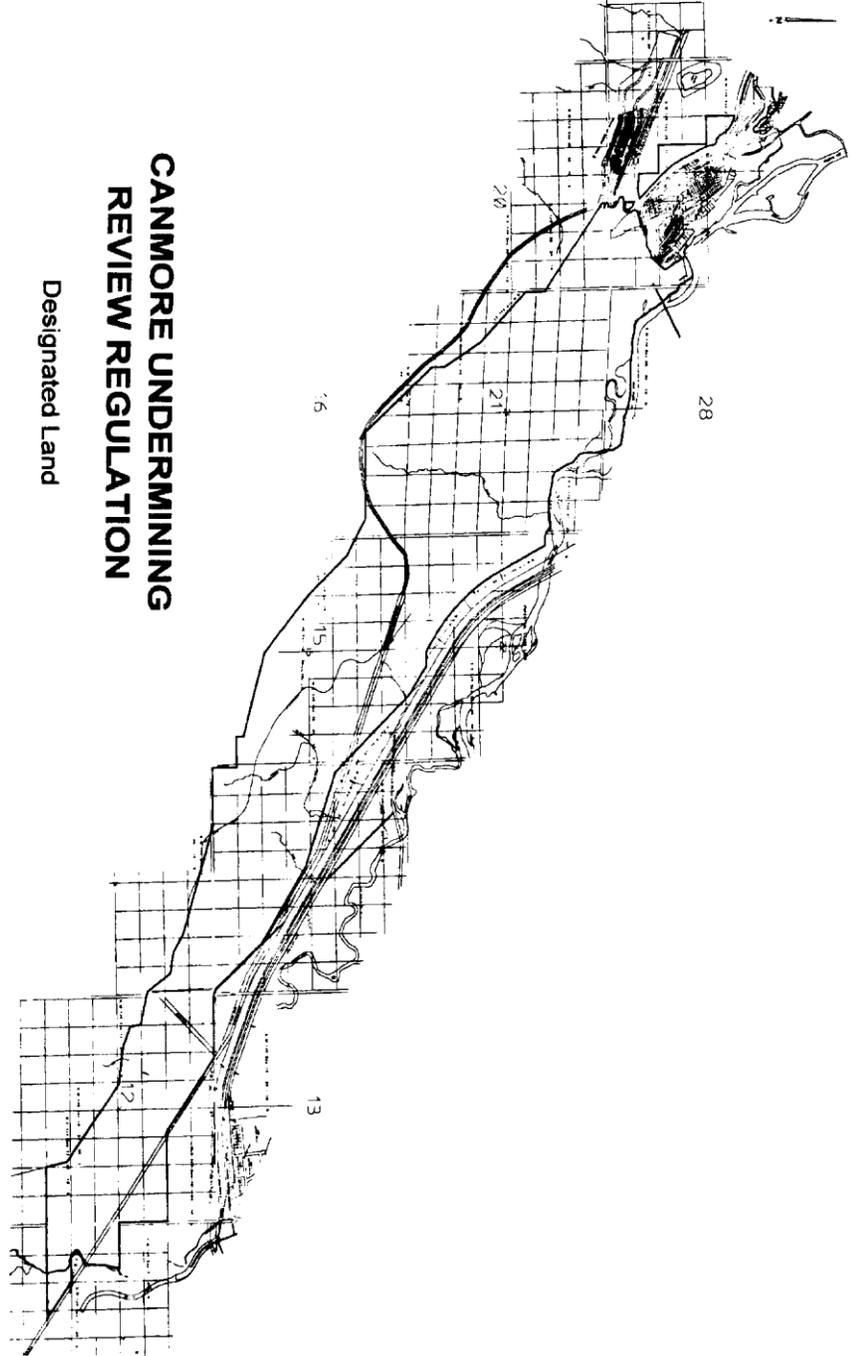
8(1) The developer must file with the Registrar of Land Titles a caveat against any title to land for which an undermining report is prepared and a compliance review certificate is completed and the Registrar may register the caveat.

(2) The caveat under subsection (1) must describe the undermining and related conditions of the land and the duties of an owner of the land with respect to the undermining and related conditions.

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Schedule 1



**CANMORE UNDERMINING
REVIEW REGULATION**

Designated Land



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Schedule 2

Designated Land

Plan	Area	Legal Description	Acreage
9410214	F	SW 1/4 7 24 9 W5M	52.36
9410213	O	NW 1/4 11 24 10 W5M	4.79
9410213	N	NE 1/4 11 24 10 W5M	55.13
RW37		tramway right of way Grainger Collieries Limited NW 12 24 10 W5M	4.47
9410214	K	NE 1/4 12 24 10 W5M	82.45
9410214	M	SE 1/4 12 24 10 W5M	90.34
9410214	L	SW 1/4 12 24 10 W5M	2.86
9410214	J	NW 1/4 12 24 10 W5M excepting thereout: tramway R/W 37 (4.47 ac)	126.88
9410213	P	SE 1/4 14 24 10 W5M LSD 1 & 2	60.74
9410213	P	SE 1/4 14 24 10 W5M	16.23
9410213	R	NW 1/4 14 24 10 W5M	18.07
9410213	Q	SW 1/4 14 24 10 W5M	157.83
9410213	U	NW 1/4 15 24 10 W5M NE 1/4 LSD 13 all of LSD 14	50
9410213	U	NW 1/4 15 24 10 W5M LSD 11 and 12 and the S 1/2 and NW 1/4 of LSD 13	81.80
9410213	S	SE 1/4 15 24 10 W5M	29.95
9410213	T	NE 1/4 15 24 10 W5M	119.26
9410247	Z	NW 1/4 16 24 10 W5M	5.23
9410247	Y	NE 1/4 16 24 10 W5M	71.90
9410247	HH	NE 1/4 20 24 10 W5M excepting thereout: N 1/2 LSD 16 in NE 1/4 (19.97 ac)	22.14
	HH	NE 1/4 20 24 10 W5M N 1/2 LSD 16 in NE 1/4	19.97
	A/ CC	S 1/2 of NE 1/4 21 24 10 W5M and E 1/2 of SE 1/4 21 24 10	150

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		W5M excepting thereout: S 1/2 of the W 1/2 of LSD 1	
	A/ DD	SE 1/4 21 24 10 W5M LSD 7 excepting thereout: S 1/2 of the W 1/2 of LSD 7 and NW 1/4 21 24 10 W5M LSD 11 and 13 excepting thereout: S 1/2 of the W 1/2 of LSD 11	100
9410247	A	SE 1/4 21 24 10 W5M S 1/2 of the W 1/2 of LSD 1, all of LSD 2 and S 1/2 of the W 1/2 of LSD 7	64.37
9410247	BB	SW 1/4 21 24 10 W5M	87.25
9410247	CC	N 1/2 of NE 1/4 21 24 10 W5M	35.31
9410247	DD	NW 1/4 21 24 10 W5M LSD 12 and the S 1/2 of the W 1/2 of LSD 11	54.60
9410247	DD	NW 1/4 21 24 10 W5M LSD 14	40
9410247	V	SE 1/4 22 24 10 W5M	10.50
9410247	X	NW 1/4 22 24 10 W5M	14.83
9410247	W	SW 1/4 22 24 10 W5M LSD 5 and 6	36.95
9410247	W	SW 1/4 22 24 10 W5M LSD 3 and 4	72.17
	EE	SW 1/4 28 24 10 W5M SW corner of said 1/4 sec., thence in along the W boundary thereof to its intersection with the S bank of the Bow River, thence SE along the said S bank of said river to its intersection with the S boundary of said 1/4 sec., thence W along said S boundary to the place of commencement	32.00
9410247	GG	SE 1/4 28 24 10 W5M	3.45
9410247	FF	SW 1/4 28 24 10 W5M	.97
9512235	A	SW 28 24 10 W5M	7.86
9412235	A	SE 28 24 10 W5M	5.61
Land described in Miscellaneous Lease #910136, as recorded in either the Alberta Mineral Information system maintained by the Minister of Energy or the Geographic Land Information Management and Planning System maintained by the Minister of Environment and Sustainable Resource Development			

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AR 114/97 Sched.2;206/2001;221/2004;54/2011;170/2012

Schedule 3

Form 1

Undermining Report Compliance Certificate

Pursuant to the Canmore Undermining Review Regulation, a review of the land described in (name of undermining report) dated _____ was carried out to determine whether the area is suitable for the intended development, _____, having regard to undermining and related conditions. The review was made in accordance with accepted professional practice and accordingly includes the investigations considered necessary in the circumstances.

In my opinion, the land described in the above report is considered suitable for the intended development with respect to the undermining and related conditions.

Professional Seal

Municipality: _____
Date: _____

Form 2

Compliance Review Certificate

~~Pursuant to the Canmore Undermining Review Regulation, I have made an examination to determine whether the (name of undermining report) complies with the guidelines that are satisfactory to the Minister. My examination was made in accordance with accepted professional practice and accordingly included the investigations that I considered necessary in the circumstances.~~

~~In my opinion, the (name of undermining report) complies with the guidelines, satisfactory to the Minister.~~

Provide clarity that the guidelines have been established by order of the Minister.

~~Pursuant to the Canmore Undermining Review Regulation, I have made a review of the (name of undermining report) dated _____ to determine whether the report complies with the guidelines established by order of the Minister and whether the review of the land described in the report was made in accordance with accepted professional practice and accordingly included the investigations necessary in the circumstances.~~

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In my opinion, the (name of undermining report) complies with the guidelines established by order of the Minister.

In my opinion, the review of the land described in the (name of undermining report) was made in accordance with accepted professional practice and accordingly included the investigations necessary in the circumstances.

I certify that I did not assist in the preparation of the (name of undermining report) and I am not associated with or employed by the individuals or firm that prepared the undermining report.

Professional Seal

Municipality: _____

Date: _____

AR 114/97 Sched.3;176/2006

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