

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
January 6, 2015
6:00 pm

- 1. Adoption of Agenda**
- 2. Adoption of Minutes of Regular Meeting October 7, 2014..... Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a) SE 26-10-3 W5M
Robert and Mary Swinton
Subdivision Application No. 2014-0-145 Pkg 2
- 6. New Business**
- 7. Next Regular Meeting February 3, 2015; 6:00 pm**
- 8. Adjournment**

**Special Meeting Minutes of the Subdivision Authority
Tuesday, October 7, 2014; 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Fred Schoening, Terry Yagos, Garry Marchuk and Grant McNab

Staff: Chief Administrative Officer Wendy Kay, Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, and Executive Assistant Tara Cryderman

COMMENCEMENT

Reeve Brian Hammond called the meeting to order at 5:30 pm.

1. ADOPTION OF AGENDA

Councillor Fred Schoening 14/024

Moved that the October 7, 2014, Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 14/025

Moved that the September 2, 2014 Subdivision Authority Minutes be approved as presented.

Carried

3. IN CAMERA

Councillor Fred Schoening 14/026

Moved that the Subdivision Authority and staff move In-Camera, the time being 5:31pm.

Carried

Councillor Garry Marchuk left the meeting, the time being 5:55 pm.

Councillor Terry Yagos 14/027

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:08 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
October 7, 2014

4. UNFINISHED BUSINESS

5. SUBDIVISION APPLICATION

a) **Subdivision Application No. 2014-0-121**
SE 21-4-29 W4M
Brenda Cofell

Councillor Fred Schoening

14/028

Moved that the Country Residential Subdivision of SE 21-4-29 W4M (Certificate of Title No.021 179 459+1), to create a 9.52 acre (3.85 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
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 M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That a 15m easement(s) as required by Fortis shall be established prior to finalization of the application.
4. That any conditions of TELUS shall be met prior to finalization of the subdivision.
5. That an easement for legal access across proposed 9.52 acre parcel to the benefit of SE 21-4-29 W4M shall be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to the Subdivision Authority.

Carried

a) **Subdivision Application No. 2014-0-133**
NE 23-6-1 W5M
William and Elizabeth Smith

Councillor Terry Yagos

14/029

Moved that the Country Residential subdivision of NE 23-6-1 W5M (Certificate of Title No. 961 082 417), to create a 9.6 acres (3.87 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use, BE APPROVED subject to the following:

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
October 7, 2014

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
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 M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant removes the encroachment of the barn that is located over the proposed new westerly property line, or that an encroachment agreement is established in accordance with Section 72 of the *Land Titles Act* (RSE 2000).

Carried

6. NEW BUSINESS

7. NEXT MEETING – Tuesday, November 4, 2014; 6:00 pm.

8. ADJOURNMENT

Councillor Fred Schoening

14/030

Moved that the meeting adjourn, the time being 6:10 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority

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

Phone: (403) 329-1344

Toll-Free: 1-877-329-1387

Fax: (403) 327-6847

E-mail: subdivision@orssc.com

Website: www.orssc.com



OLDMAN RIVER REGIONAL SERVICES COMMISSION

DRAFT RESOLUTION

Our File: 2014-0-145

December 19, 2014

Wendy Kay
Chief Administrative Officer
M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek AB T0K 1W0

Dear Ms. Kay:

RE: SE1/4 26-10-3-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision & Development Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Agriculture, AESRD – K. Murphy, Historical Resources Administrator, 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.


Gavin Scott
Planner

GS/gk
Attachment

RESOLUTION

2014-0-145

M.D. of Pincher Creek No. 9 Agricultural subdivision of SE1/4 26-10-3-W5M

THAT the Agricultural subdivision of SE1/4 26-10-3-W5M (Certificate of Title No. 041 029 243+2), to create a 4.51 acre (1.82 ha) parcel from a previously un-subdivided quarter section of 160 acres (64.7 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
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 M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the 15m easement(s) as required by Fortis shall be established prior to finalization of the application.
4. That the Road Plan (indicated on BOA tentative plan 14-12455T as dated September 23, 2014) be registered concurrently with the Plan of Subdivision.
5. That the portion of closed road plan (indicated on BOA tentative plan 14-12455T as dated September 23, 2014) be consolidated with the adjacent portion the SE26 10-3 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

REASONS:

1. 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.
2. The proposed subdivision with waiver complies with both the Municipal Development Plan and Land Use Bylaw.
3. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.15.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) MD of Pincher Creek Director of Operations - September 3, 2014 – At their meeting last Tuesday, Council received a request to subdivide the parcel north of the road out of the SE 26-10-3-W5M. The road is straight at that location but not on the road plan. It has been recommended that the new road plan, prior to subdivision be surveyed at a 30m plan centered on the existing road. Based that you are

already working on the preliminary design I need to confirm that registering a road plan at that location and reverting the old road plan back to the SE1/4 will not adversely affect your design.

Russell Pinchak of WSP Group – September 5, 2014 – We have reviewed the area in question and have found that the recommendation to establish the new roadway plan at 30m, centered on the existing roadway and revert the old road plan back to the SE1/4 will not have any adverse effects on our proposed design.

- (e) TELUS Communications has concerns with the proposed subdivision as there are existing TELUS facilities at the subdivision location. TELUS requires the following for approval:
1. Subdivision applicant to have TELUS facilities on or near property located. Send the locate documents and plan showing location of TELUS facilities to kevin.wittke@telus.com
 2. The plan noted above will be reviewed by TELUS to determine if our facilities will cross new property lines. If so, the subdivision applicant must provide a registered utility easement, for all locations where TELUS facilities cross new property lines. As an alternative to registering an easement, the subdivision applicant may request that TELUS reroute or replace existing facilities that cross newly created property lines. However, all costs incurred by TELUS Communications for relocation or rearrangement of existing facilities shall be wholly borne by the Owner/Developer. Custom work labor rates shall apply.
 3. If facilities do not cross new property lines, TELUS will approve the application. Copies of the registration are to be forwarded to:
TELUS Rights of Way Department
10th Floor, 10035 102 Ave NW.
Edmonton, AB
T5J 0E5 1-866-774-7002
 4. For design purposes, if necessary, a copy of Subdivision plans in .dgn file format would be appreciated.

In the event that TELUS Communications is required to obtain and register the easement(s) on behalf of the Subdivision Applicant, all labor costs and applicable fees shall be wholly borne by the Owner/Developer. Custom work labor rates shall apply.

For more information, contact: Kevin Wittke
Engineering Technician
TELUS Communications
808 4 Ave S Lethbridge, AB T1J 0P2 Phone 403-382-2355
Fax (403) 329-3443
Email: kevin.wittke@telus.com

- (f) FortisAlberta advises that Easements are required for this development. FortisAlberta will contact the developer to initiate the process of securing an easement for the proposed subdivision. FortisAlberta is requesting that the Oldman River Regional Services defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify Oldman River Regional Services once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with Oldman River Regional Services approval of this subdivision.

FortisAlberta Inc. is the Distribution Wire Service Provider for this area. The Developer must arrange installation of electrical services for this subdivision with FortisAlberta. Please contact FortisAlberta Inc. @ 310-WIRE (310-9473) to make application for your electrical services.

Please direct any additional questions or concerns to landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.

(g) Chief Mountain Gas Co-op has no objection to the subdivision "as long as our Utility Right of Way remains on title. Also, that any relocating of lines requested by the owner because of this subdivision will be at the owners cost. All contracts for gas service will be supplied as needed and at owners cost. If this subdivision splits a gas contract that serves two homes a new contract will have to be purchased by the owner.

As a condition of subdivision, we request that a service Agreement be signed by the Applicant prior to subdivision finalization."

(h) Alberta Health Services advises that based on a review of this file and a site visit to the property this department has no objection to this subdivision provided:

- All pertinent bylaws, regulations and standards are complied with
- A nuisance according to the Public Health Act is not created.

CHAIRMAN

DATE



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

Phone: (403) 329-1344
Toll-Free: 1-877-329-1387
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: November 24, 2014

Date of Receipt: November 13, 2014

TO: Landowner: Robert & Mary Swinton

Agent or Surveyor: Thomas C. Penner, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, TELUS, FortisAlberta, AltaLink, Chief Mountain Gas Co-op, AB Health Services, AB Agriculture, AB Environment, Historical Resources Administrator, AER

Adjacent Landowners: Verne & Ida Dennis, Dennis Ranch Ltd.

Planning Advisor: Gavin Scott

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the M.D. of Pincher Creek No. 9. In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email, fax or mail no later than **December 15, 2014**. (Please quote our File No. **2014-0-145** in any correspondence with this office).

File No.: 2014-0-145

Legal Description: SE1/4 26-10-3-W5M

Municipality: M.D. of Pincher Creek No. 9

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 041 029 243+2

Meeting Date: January 6, 2015

Note that meeting dates are subject to change. It is advisable to contact the M.D. of Pincher Creek No. 9 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.

Planner's Preliminary Comments:

The purpose of this application is to create a 4.51 acre (1.82 ha) parcel from a previously un-subdivided quarter section of 160 acres (64.7 ha) for agricultural use.

The proposal is to accommodate the subdivision of a fragmented title, which is split by the Maycroft Road (TR 10-1). The road alignment is not within the municipal right-of-way (plan 2183HX) and a portion of road will have to be dedicated to cover the physical location of the built road. Access to the lot is granted from an approach to the south, off of a developed municipal road allowance.

This proposal complies with the subdivision criteria of the MD of Pincher Creek's Municipal Development Plan and Land Use Bylaw. The Subdivision Authority is hereby requested to consider the following when rendering a decision on this application:

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyors sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
6. That a road closure bylaw be prepared, with the bylaw being approved and adopted by the MD of Pincher Creek and subsequently consented to by the Minister of Infrastructure, prior to final registration of the subdivision.
7. That the closed portion of road plan 2183HX (as depicted on BOA drawing 14-12455T) be consolidated with the adjacent portion of the SE26 10-3 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
8. That, any conditions of Alberta Culture, Historical Resources, shall be met prior to finalization.

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(a) of the MGA, as it is the first parcel from the quarter section.

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):		
Fee Submitted: <u>925.00</u>	File No: <u>2014-8-145</u>	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: <u>Nov 13/14</u>	Accepted By: <u>[Signature]</u>

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): THOMAS C. PENNER, ALS

Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4

Telephone: 403 329-4688 x 29 Cell: _____ Fax: 403 320-9144

Email: thomas@bokamura.com

Name of Registered Owner of Land to be Subdivided: ROBERT TIMOTHY SWINTON and MARY SWINTON

Mailing Address: 61 EDELWEISS PT NW, CALGARY AB Postal Code: T3A 4N5

Telephone: 403-239-6359 Cell: _____ Fax: _____

Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 26 Township 10 Range 3 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 63.45 hectares 156.9 acres

d. Total number of lots to be created: 1 Size of Lot(s): 2.55 ha (6.30 ac)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 041 029 243 +2

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD of PINCHER CREEK

b. Is the land situated immediately adjacent to the municipal boundary? Yes No

If "yes", the adjoining municipality is _____

c. Is the land situated within 0.8 kilometres (½ mile) of the right-of-way of a highway? Yes No

If "yes" the highway is No. _____

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 Bare Land Agriculture

b. Proposed use of the land Agriculture, potentially future rural residential.

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
Trees
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Unknown
- 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. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (½ mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of water N/A
- b. Proposed source of water Well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal N/A
- b. Proposed sewage disposal Septic Field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File No. 14-12455) 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: 

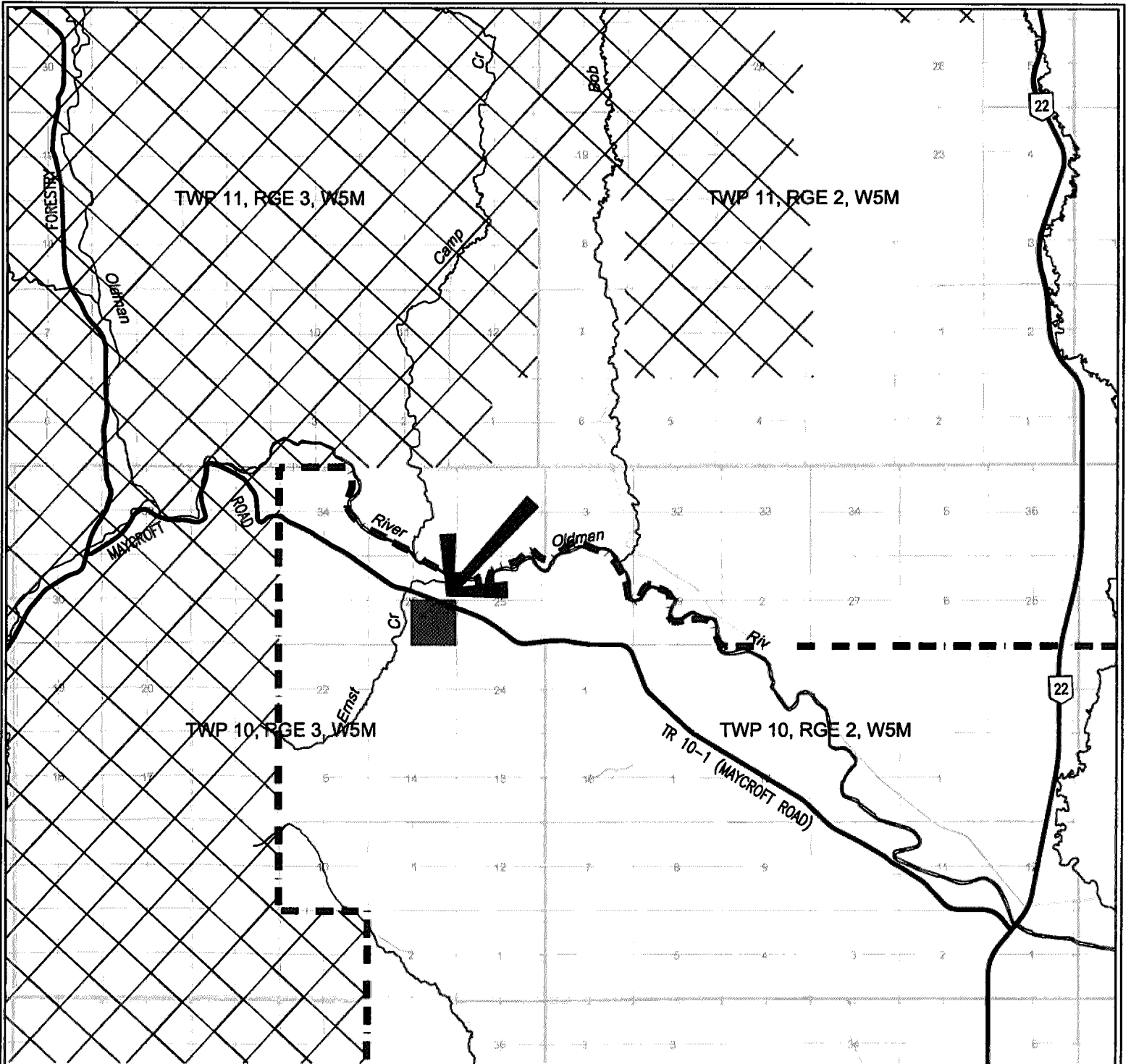
Date: September 23/14

9. RIGHT OF ENTRY

I _____ 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.

Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
SE 1/4 SEC 26, TWP 10, RGE 3, W 5 M
MUNICIPALITY: M. D. OF PINCHER CREEK NO. 9
DATE: NOVEMBER 13, 2014
FILE No: 2014-0-145

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2014 NOVEMBER 13, 2014, 10:15 AM, 10:15 AM
 NOT RESPONSIBLE FOR DAMAGES OR OMISSIONS

0011708
2 1

0410975
2 2

NE26 10-3-5

NW25

TR 10-1 (MAYCROFT ROAD)

PROPOSED
LOT 1, BLOCK 1
1.82±ha
(4.51±Ac)

PROPOSED ROAD
0.44±ha(1.10±Ac)

2183HX

PORTION OF ROAD
CONTAINING
0.58±ha(1.43±Ac)
TO BE CLOSED
AND CONSOLIDATED
WITH SE26 10-3-5

REMAINDER OF TITLE IN
SE26 10-3-5
61.76ha (152.60±Ac)
(AREA DERIVED FROM CADASTRAL MAPPING)

SW26 10-3-5

SW25 10-3-5

SW25 10-3-5

NW23

NE23 10-3-5

NW24

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no 14-12455T.

SE 1/4 SEC 26, TWP 10, RGE 3, W 5 M

MUNICIPALITY: M. D. OF PINCHER CREEK NO. 9

DATE: NOVEMBER 13, 2014

FILE No: 2014-0-145

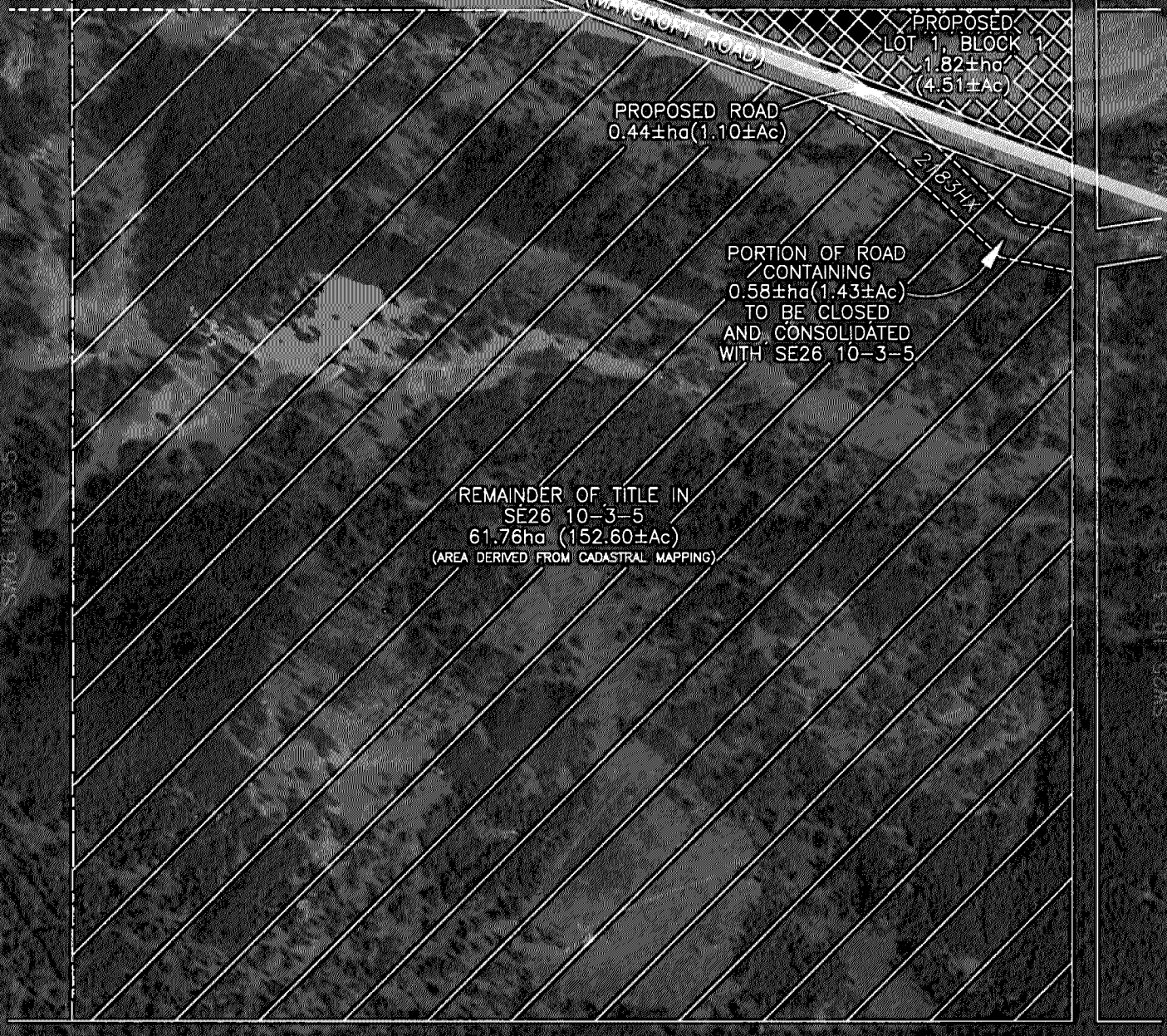


0011708

0410975

NE26 10-3-5

NW25



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no 14-12455T.

SE 1/4 SEC 26, TWP 10, RGE 3, W 5 M

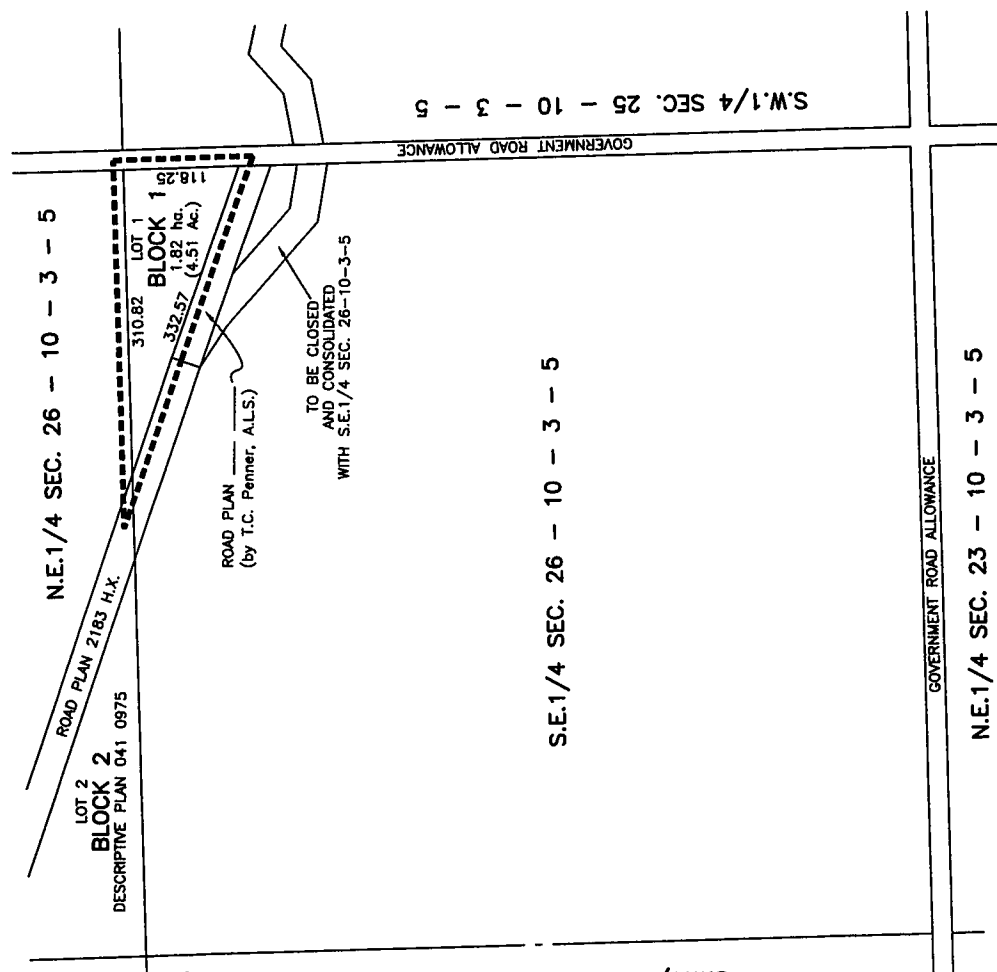
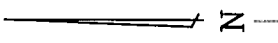
MUNICIPALITY: M. D. OF PINCHER CREEK NO. 9

DATE: NOVEMBER 13, 2014

FILE No: 2014-0-145



AERIAL PHOTO DATE: 2012



BLOCK 2
DESCRIPTIVE PLAN 001 1708

26

S.W.1/4 SEC. 26 - 10 - 3 - 5

S.E.1/4 SEC. 26 - 10 - 3 - 5

GOVERNMENT ROAD ALLOWANCE

N.E.1/4 SEC. 23 - 10 - 3 - 5

ROBERT & MARY SWINTON

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.E.1/4 SEC. 26; TWP. 10; RGE. 3; W.5 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

Revised Lot NO.	DATE	BY
1	NOV. 5/14	CJB

NOTE : Portion to be approved is outlined thus ----- and contains approximately 1.82 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

bob brown okamura & associates ltd.
Professional Surveyors
514 Stafford Drive, Lethbridge, Alberta

APPROVED	DRAWN CJB	DATE SEPT. 23/14
T. C. Penner, A.L.S.	CHECKED TCP	JOB 14-12455
	SCALE 1:5000	DRAWING 14-12455T