

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
June 2, 2015
6:00 pm

- 1. Adoption of Agenda**
- 2. Adoption of Minutes of Regular Meeting May 5, 2015..... Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a) Lots 2 & 3, Block 1, Plan 9511008; NW 12-7-3 W5M
Peter Davidson and Paul & Brenda Davison
Subdivision Application No. 2015-0-075 Pkg 2
- 6. New Business**
- 7. Next Regular Meeting July 7, 2015; 6:00 pm**
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, May 5, 2015 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

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

Absent: Councillor 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 6:00 pm.

1. ADOPTION OF AGENDA

Councillor Fred Schoening 15/013

Moved that the May 5, 2015 Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 15/014

Moved that the April 7, 2015, Subdivision Authority Minutes be approved as presented.

Carried

3. IN CAMERA

Councillor Garry Marchuk 15/015

Moved that the Subdivision Authority and staff move In-Camera, the time being 6:01 pm.

Carried

Councillor Fred Schoening 15/016

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:30 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
May 5, 2015

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

a) Subdivision Application No. 2015-0-042

SE 16-6-30 W4M

Walter Schaurete & Jane Bruder and Karla & Dean Breeze

Councillor Terry Yagos

15/017

Moved that the Agricultural/Country Residential subdivision of SE 16-6-30 W4M (Certificate of Title No. 101 168 990, 031 441 246), to create a 21.66 acre (8.77 ha) parcel and a 58.34 acre (23.61 ha) parcel from two titles of 11.42 acres (4.62 ha) and 70.58 acres (28.56 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the *Municipal Government Act*, be provided as money in place of land on the 10.24 acres at the market value of \$2,200 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

That, pursuant to Section 664 of the *Municipal Government Act*, and the planning policies of the MD of Pincher Creek, a 15 m Environmental Reserve Easement be provided along each side of Kettles Creek for Environmental Reserve purposes prior to final approval.

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, Plan 9611309, Block 1, be consolidated with the adjacent portion of title 101 168 990 within the SE 16-6-30 W4M lying north of Kettles Creek in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That an easement for legal access across NE 16-6-30 W4M to the benefit of the proposed Lot shall be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to the Subdivision Authority.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
May 5, 2015

b) Subdivision Application No. 2015-0-063
NW 1-7-1 W5M
9601919 Alberta Ltd. c/o Murray Sinnott

Councillor Garry Marchuk

15/018

Moved that the Country Residential subdivision of NW 1-7-1 W5M (Certificate of Title No. 141 261 045) to create a 12.91 acre (5.23 ha) parcel from a previously unsubdivided quarter section of 160 acres 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 the proposed parcel be reduced to 10 acres in size to accommodate existing buildings, structures and improvements. And that, the septic field is located entirely within the boundary of the residential lot and complies with the minimum setbacks from the property line as stipulated in the Private Sewage Standard of Practice.

Carried

c) Subdivision Application No. 2015-0-065
SE 4-7-1 W5M
Zoratti Properties Ltd

Councillor Fred Schoening

15/019

Moved that the Country Residential subdivision of SE 4-7-1 W5M (Certificate of Title No. 041 157 153+1), to create a 10 acre (4.05 ha) parcel from a previously unsubdivided quarter section of 160 acres 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.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
May 5, 2015

6. **NEW BUSINESS**

7. **NEXT MEETING** – Tuesday, June 2, 2015; 6:00 pm.

8. **ADJOURNMENT**

Councillor Terry Yagos

15/020

Moved that the meeting adjourn, the time being 6:32 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority

DRAFT



DRAFT RESOLUTION

Our File: 2015-0-075

May 22, 2015

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: Lots 2 & 3, Block 1, Plan 9511008 within NW1/4 12-7-3-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, AER, and Trouts Unlimited.

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

2015-0-075

M.D. of Pincher Creek No. 9 Residential subdivision of Lots 2 & 3, Block 1, Plan 9511008 within NW1/4 12-7-3-W5M

THAT the Residential subdivision of Lots 2 & 3, Block 1, Plan 9511008 within NW1/4 12-7-3-W5M (Certificate of Title No. 951 134 752, 951 117 081), to subdivide a 15m strip off the west side of Lot 2 and consolidate it to Lot 3; 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 westerly 15m of Lot 2 be consolidated with Lot 3 Block 1 Plan 9511008 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 is consistent with the South Saskatchewan Regional Plan.
3. The proposed subdivision complies with the Municipal Development Plan, the Burmis Lundbreck Corridor Area Structure Plan, and Land Use Bylaw.
4. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.21.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(d) 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) The MD of Pincher Creek Director of Operations has no issue with this subdivision.
- (e) The Chief of the MD of Pincher Creek Emergency Services has no issues with this development.
- (f) TELUS Communications **has concerns with the proposed subdivision** as there are existing TELUS facilities at the subdivision location:

TELUS requirements are as follows:

1. Subdivision applicant to locate the existing TELUS facilities on property. Send locate documents and plan showing location of TELUS facilities to steve.nagy@telus.com
2. The subdivision applicant must provide a registered utility easement for all service requirements, if direct access from the new lot to the road allowance is not possible; or is existing facilities cross new property lines.

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

3. Alternatively, 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 or placement of new facilities shall be wholly borne by the Owner/Developer. Custom work labor rates shall apply.
4. **For design purposes, if necessary, a copy of Subdivision plans in .dgn format would be appreciated.**

Should TELUS Communications be required to obtain and register the required 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.

Contact: Steve Nagy PH: (403) 382-2448 EMAIL: steve.nagy@telus.com

- (g) FortisAlberta Inc. has no objection/no easement required.

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

- (h) ATCO Gas has no objections to the proposed subdivision.
- (i) ATCO Pipelines has no objection.
- (j) Alberta Health Services does not object to this subdivision at this time.
- (k) Alberta Transportation submitted the following:

"Reference your file to create a boundary adjusted parcel for grouped country residential use at the above noted location.

The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 ("the regulation").

The department's primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway system.

To that end, this is merely a boundary adjustment of which currently and as proposed the proposed parcel to be created and remnant land will gain indirect access to the provincial highway system solely by way of the local road system. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the grouped country residential boundary adjusted parcel as proposed would have any appreciable impact on the highway.

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

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway (3) or within 800 metres from the centre point of the intersection of the highway (3) and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines however given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance a permit from the department will not be required and development of the grouped country residential parcel could proceed under the direction, control and management of the municipal district. The applicant could contact the undersigned, at Lethbridge 403/381-5426, in this regard.

The department accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation (AT) agrees to waive the referral distance for this particular subdivision application. As far as AT 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."

- (l) Cory Wojotowicz of Alberta Environment & Sustainable Resource Development only has the following recommendation for the subdivision, and that is that any new developments within the proposed application area practice the "Stepping back from the Water" management practices, issue 2012. Should you have any further questions in this regard, please do not hesitate to call. (403) 562-3210.

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: May 1, 2015

Date of Receipt: April 29, 2015

TO: Landowner: Peter Davidson, Paul & Brenda Davison

Agent or Surveyor:

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Services, AB Transportation, AESRD - K. Murphy & C. Wojtowicz, Historical Resources Administrator, AER, Trouts Unlimited

Adjacent Landowners: Peter & Joanne Coldham, Larry & Judy Scheurman, Kimberley & Darrell Hilliard, Jack & Aurore McCleary, Tuppence & Michael Sternloff

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 **May 20, 2015**. (Please quote our File No. **2015-0-075** in any correspondence with this office).

File No.: 2015-0-075

Legal Description: Lots 2 & 3, Block 1, Plan 9511008 within NW1/4 12-7-3-W5M

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

Land Designation: Grouped Country Residential - GCR
(Zoning)

Existing Use: Residential

Proposed Use: Residential

of Lots Created: 1 (Boundary Line Adjustment)

Certificate of Title: 951 134 752, 951 117 081

Meeting Date: June 2, 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 4.71 acre (1.64 ha) lot and a 3.44 acre (1.39 ha) lot from two titles of 4.05 acre (1.64 ha) lot and a 4.01 acre (1.39 ha) residential use.

The proposal is to accommodate the subdivision of Lot 2 with a consolidation of 15m to Lot 3. Access to the lots is presently granted from existing approaches to the south, off of a developed municipal road.

This proposal complies with the subdivision criteria of the MD of Pincher Creek's Municipal Development Plan, the Burmis Lundbreck Corridor Area Structure Plan and the 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 the westerly 15m of Lot 2 be consolidated with Lot 3 Block 1 Plan 9511008 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
7. That, any conditions of Alberta Culture and Community Spirit, Historical Resources, shall be met prior to finalization.

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(d) of the MGA, as it has been previously satisfied.

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.



OLDMAN RIVER REGIONAL SERVICES COMMISSION

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: 705.00	File No: 2015-0-075	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: Apr 29/15	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: PETER C. DAVIDSON
 Mailing Address: 921 11th St. Postal Code: T1W1Z2
 Telephone: 403-678-4479 Cell: _____ Fax: _____
 Email: petercd7@hotmail.com
 Name of Agent (Person Authorized to act on behalf of Registered Owner): PAUL DAVID DAVIDSON
 Mailing Address: BOX 117, BELLEVUE, AB Postal Code: T0K0G0
 Telephone: 403-628-3376 Cell: _____ Fax: _____
 Email: spuddyd2@gmail.com

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the N1/4 Section 12 Township 7 Range 3 West of 5 Meridian (e.g. SE1/4 36-1-36-W4M)
 b. Being all/part of: Lot/Unit 2 Block 1 Plan 9511008
 c. Total area of existing parcel of land (to be subdivided) is: 1.46 hectares 4-1 acres
 d. Total number of lots to be created: _____ Size of Lot(s): Adaptation by neighbor of 0.46 acres (approx)
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 951 134 752

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality 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. 540 507
 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 CROWNEST RIVER
 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 Vacation Home
 b. Proposed use of the land Deed 0.46 acres to adjacent neighbor's acreage.

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) FLAT
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
FRUIT TREES; AUNE; FIR; POPLAR; LILAC ADJACENT TO HOUSE
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) SANDY
- 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.
HOUSE + WOODSHED - NONE TO BE DEMOLISHED
- 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 potable water SPRING / SUBMERSIBLE PUMP
- b. Proposed source of potable water _____

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal SEPTIC
- b. Proposed sewage disposal _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Peter Campbell Davidson hereby certify that
 I am the registered owner I am authorized to act on behalf of the register owner Paul David Davidson

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.

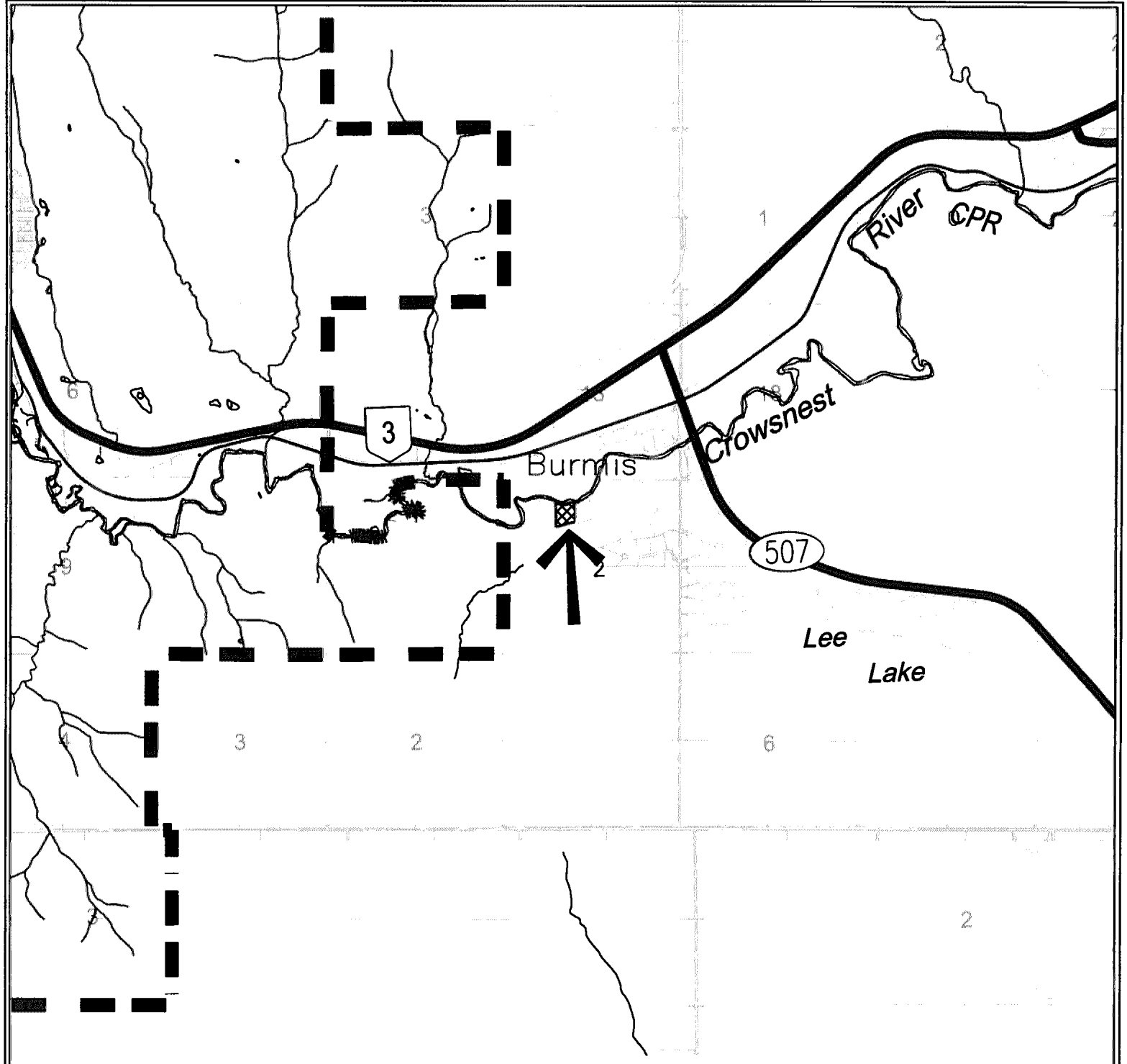
Signed: PC Davidson Date: April 21/2015

9. RIGHT OF ENTRY

I Peter Campbell Davidson 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.

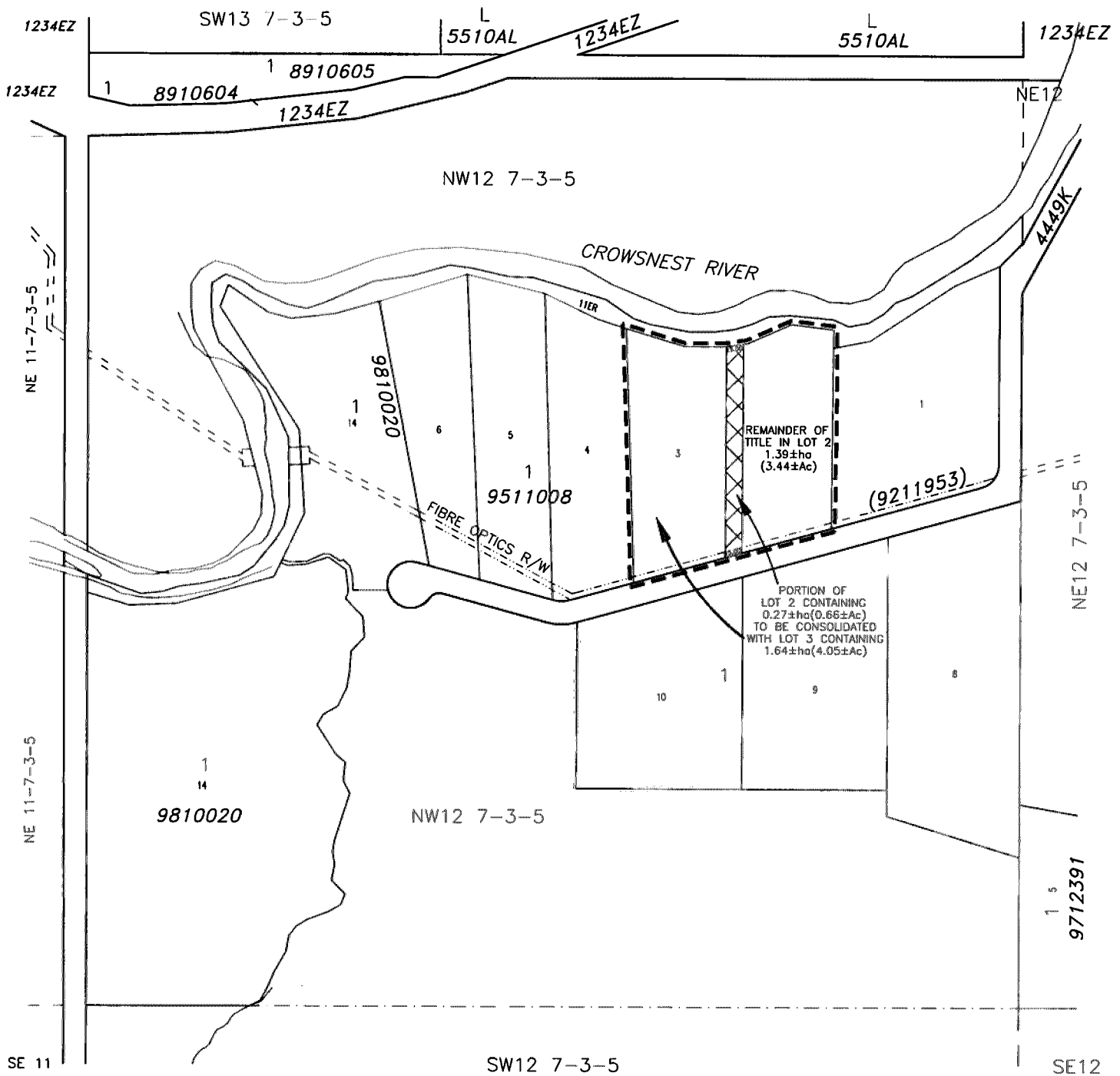
This right is granted pursuant to Section 653(2) of the Municipal Government Act.

PC Davidson
Signature of Registered Owner

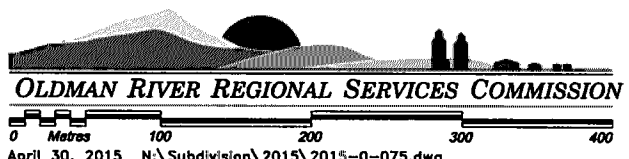


SUBDIVISION LOCATION SKETCH
LOTS 2 & 3, BLOCK 1, PLAN 9511008 WITHIN
NW 1/4 SEC 12, TWP 7, RGE 3, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: APRIL 30, 2015
FILE No: 2015-0-075

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2105 50th AVENUE NORTH, LETHBRIDGE, AB T1V 0S6
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



SUBDIVISION SKETCH
LOTS 2 & 3, BLOCK 1, PLAN 9511008 WITHIN
NW 1/4 SEC 12, TWP 7, RGE 3, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: APRIL 30, 2015
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SUBDIVISION SKETCH

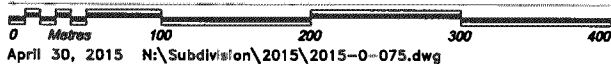
LOTS 2 & 3, BLOCK 1, PLAN 9511008 WITHIN

NW 1/4 SEC 12, TWP 7, RGE 3, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: APRIL 30, 2015

FILE No: 2015-0-075



AERIAL PHOTO DATE: 2012