

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
April 7, 2015
6:00 pm

- 1. Adoption of Agenda**
- 2. Adoption of Minutes of Regular Meeting January 6, 2015 Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a) NW 8-6-2 W5M
Stuart McDowall
Subdivision Application No. 2015-0-025 Pkg 2
- 6. New Business**
- 7. Next Regular Meeting May 5, 2015; 6:00 pm**
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, January 6, 2015 4:00 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 4:00 pm.

1. ADOPTION OF AGENDA

Councillor Fred Schoening 15/001

Moved that the January 6, 2015 Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Fred Schoening 15/002

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

Carried

3. IN CAMERA

Councillor Garry Marchuk 15/003

Moved that the Subdivision Authority and staff move In-Camera, the time being 4:03 pm.

Carried

Councillor Terry Yagos 15/004

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 4:10 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 6, 2015

4. UNFINISHED BUSINESS

5. SUBDIVISION APPLICATION

**a) Subdivision Application No. 2014-0-145
SE 26-10-3 W5M
Robert and Mary Swinton**

Councillor Garry Marchuk

15/005

Moved that the Agricultural subdivision of SE 26-10-3 W5M (Certificate of Title No. 041 029 243+2), to create a 4.51 acres (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 a 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 the closed road plan (indicated on BOA tentative plan 14-12455T as dated September 23, 2014) be consolidated with the adjacent portion of the SE 26-10-3 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

6. NEW BUSINESS

7. NEXT MEETING – Tuesday, February 3; 6:00 pm.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 6, 2015

8. ADJOURNMENT

Councillor Fred Schoening

15/006

Moved that the meeting adjourn, the time being 4:13 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority

DRAFT

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



OLDMAN RIVER REGIONAL SERVICES COMMISSION

DRAFT RESOLUTION

Our File: 2015-0-025

March 19, 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: NW1/4 8-6-2-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 Shell Canada.

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.

A handwritten signature in black ink that reads 'G. Scott'.

Gavin Scott
Planner

GS/gk
Attachment

RESOLUTION

2015-0-025

M.D. of Pincher Creek No. 9 Agricultural subdivision of NW1/4 8-6-2-W5M

THAT the Agricultural subdivision of NW1/4 8-6-2-W5M (Certificate of Title No. 131 037 826+1), to create a 53.80 acre (21.77 ha) parcel and a 98.01 acre (39.66 ha) parcel from a fragmented title of 151.81 acres (61.44 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 physical location of the road, creating the cut off parcels, be legal and congruent requiring the registration of a new road plan.
4. That, any required consolidation, as a result of condition 3, be completed in a manner such that the registration creates only two titles on either side of the road (excluding Plan 1310444).

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 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(b) 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 M.D. of Pincher Creek Emergency Services advises that they have no issues with the development as posted, but are wondering (if the intent is to develop a residence) whether the proximity to Shell's infrastructure in Section 7 should be taken into consideration.
- (e) The M.D. of Pincher Creek Public Works advises that they have no concerns with this. The M.D. should deal with the road plan issue before the subdivision goes through.
- (f) TELUS Communications has no objection to the proposed subdivision. Provisioning of telephone service for the proposed subdivision will be considered upon application of same.

(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 advises that from the information provided and an on-site inspection, they do not object to the subdivision at this time.

(k) AB Environment and Sustainable Resource Development appreciates being considered in the referral process for this subdivision. This application presents no concerns for public land. In the future we would appreciate if the landowner would consult the Stepping Back from the Water Handbook (5th link down on following webpage: <http://esrd.alberta.ca/water/education-guidelines/> for best practices for new developments near waterbodies.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: February 18, 2015

Date of Receipt: February 12, 2015

TO: Landowner: Stuart McDowall

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 Agriculture, AESRD - K. Murphy & C. Wojtowicz, Historical Resources Administrator, AER, Shell Oil Canada

Adjacent Landowners: Doug McClelland, Duncan McDowall, Stephan Benediktson & Betty Hiltz, Murray & Marci Barrios, Kathryn Lunn, Chuck Swanson, Keith Vancha & Ruth McLeod, Castle River Stock Association, Shell Canada

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 **March 9, 2015**. (Please quote our File No. 2015-0-025 in any correspondence with this office).

File No.: 2015-0-025

Legal Description: NW1/4 8-6-2-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: 131 037 826+1

Meeting Date: April 7, 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 53.80 acre (21.77 ha) parcel and a 98.01 acre (39.66 ha) parcel from a fragmented title of 151.81 acres (61.44 ha) for agricultural use.

The proposal is to accommodate the subdivision a quarter fragmented by road plan 1699BM. The southerly portion presently contains two abandoned buildings. Access to the lot is presently granted from an existing developed municipal road allowance. The establishment of any future residence will require servicing by a septic system and on-site domestic well or water cistern.

Screwdriver Creek traverses the southerly and easterly portion of the quarter section. It is a tributary of the Castle River within the Oldman River Basin.

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, 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(b) of the MGA, as the parcels are greater than 40 acres and are to be used for agricultural purposes.

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.

0225 C = STWS 16 AVE NORTH, UNIT 110
ATTENTION: GAVIN SCOTT



FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: <u>925.00</u>	File No: <u>2015-0-025</u>	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: <u>Feb 12/15</u>	Accepted By:

APPLICATION FOR SUBDIVISION RURAL MUNICIPALITY

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Stuart McDowall
 Mailing Address: Bx 1198 Postal Code: T0K 1W0
 Telephone: 403-627-1420 Cell: 403-807-9965 Fax: 403-209-2707
 Email: McDowall.sb@gmail.com
 Name of Agent (Person Authorized to act on behalf of Registered Owner): _____
 Mailing Address: _____ Postal Code: _____
 Telephone: _____ Cell: _____ Fax: _____
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NW ¼ Section 8 Township 6 Range 2 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: _____ hectares 50-52 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 50-52 acres
 e. Rural Address (if applicable): Bx 1198, Pincher Creek < Ab T0K 1W0
 f. Certificate of Title No.(s): _____

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Pincher Creek MD #9
 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. RR called "Seven Gates Road"
 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 pasture grazing
 b. Proposed use of the land pasture grazing

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) rolling to steep
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
brush, trees with intermittent open patches
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No

If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.

An old log barn and log cabin without a roof still exist

- 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 seasonal stream plus ground water
- b. Proposed source of potable water ground water or well

7. SEWER SERVICES

Describe:

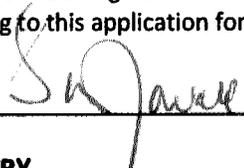
- a. Existing sewage disposal no
- b. Proposed sewage disposal no plans

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Stuart McDowall 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.

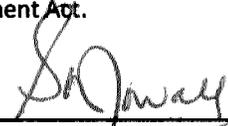
Signed: 

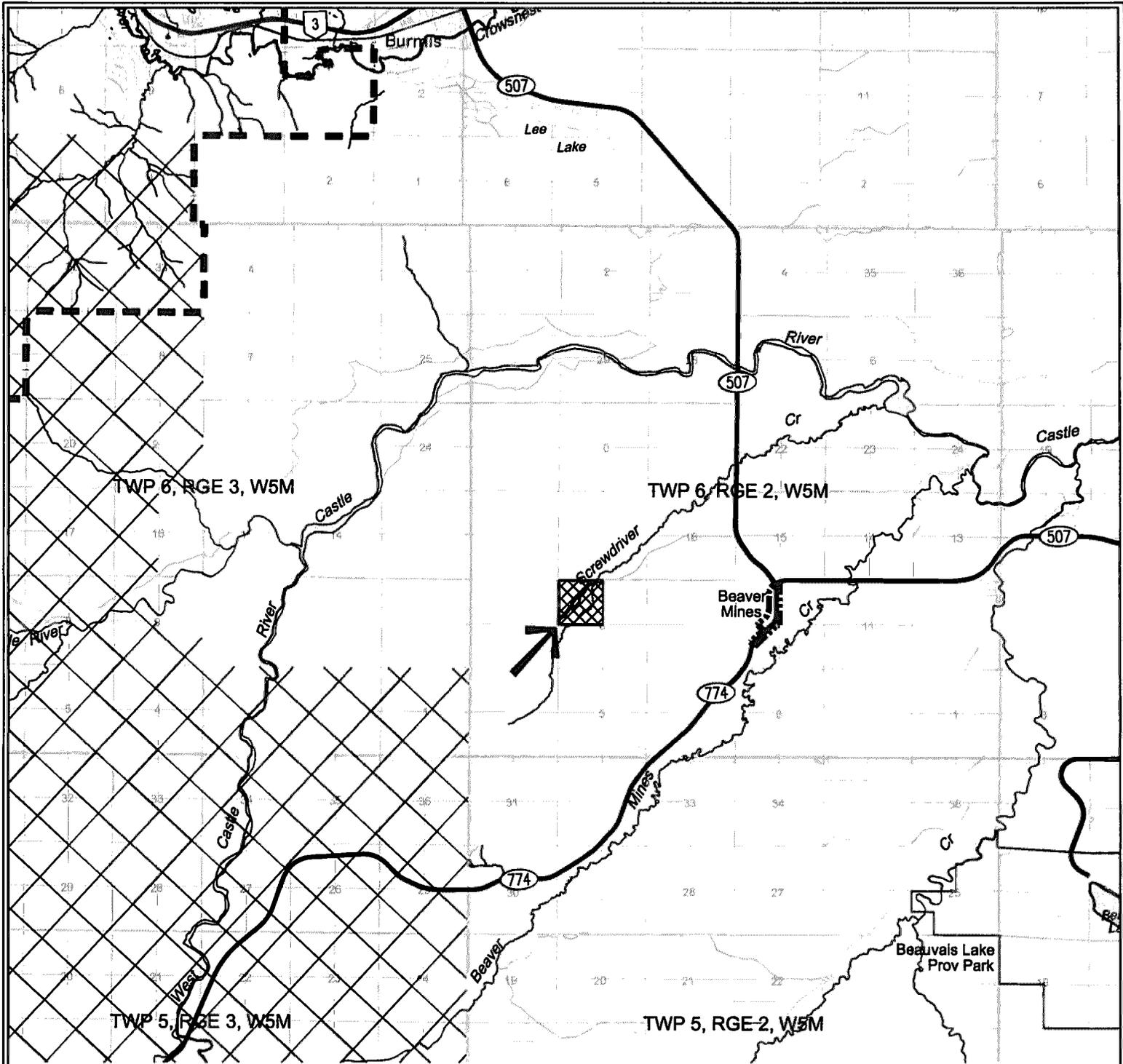
Date: February 6, 2015

9. RIGHT OF ENTRY

I Stuart McDowall 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

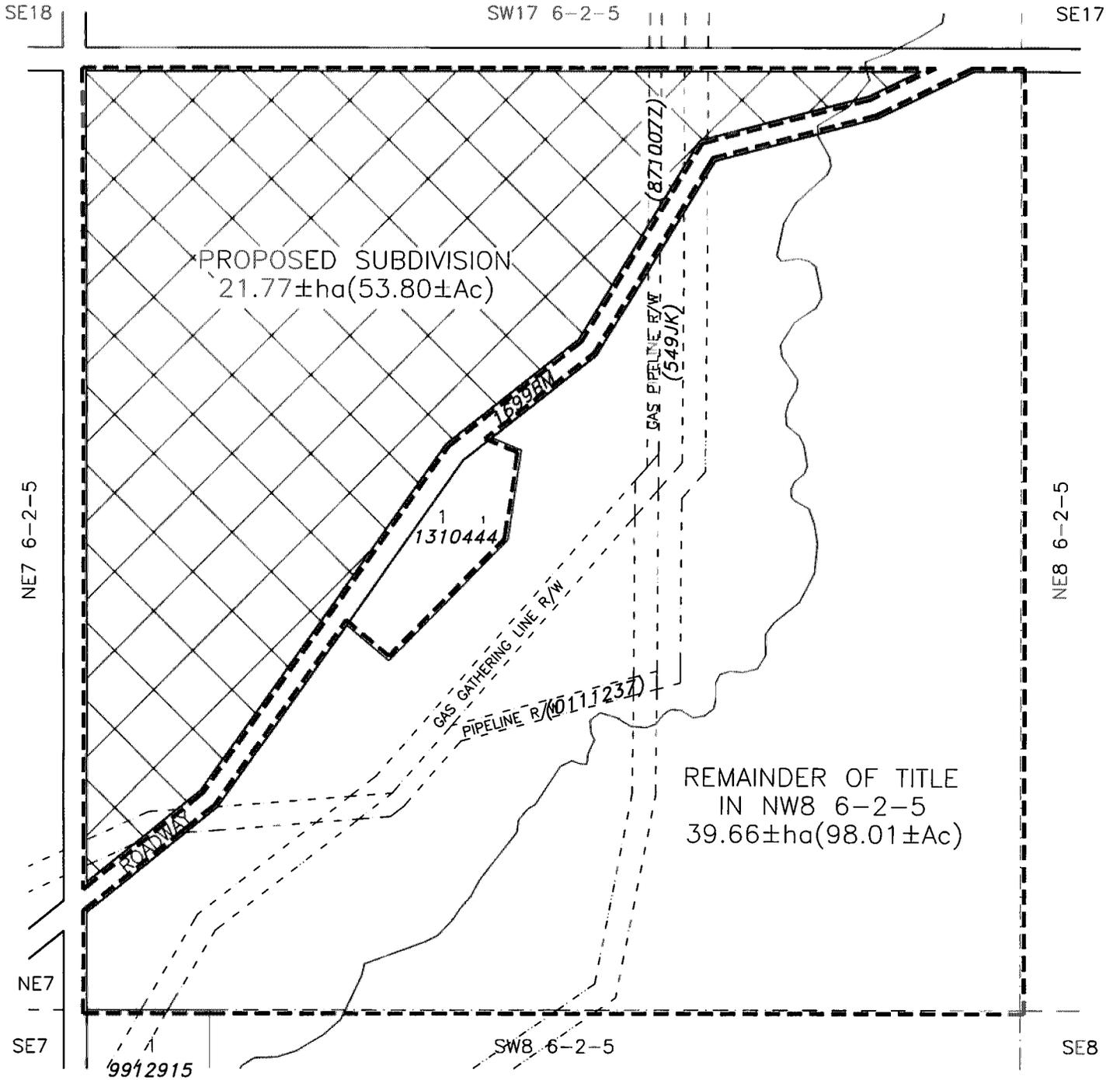


SUBDIVISION LOCATION SKETCH
NW 1/4 SEC 8, TWP 6, RGE 2, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: FEBRUARY 12, 2015
FILE No: 2015-0-025

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3705 10th AVENUE NORTH, LETHBRIDGE, AB T1V 1S2
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



February 12, 2015 Ni\Subdivision\2015\2015-0-025.dwg



SUBDIVISION SKETCH

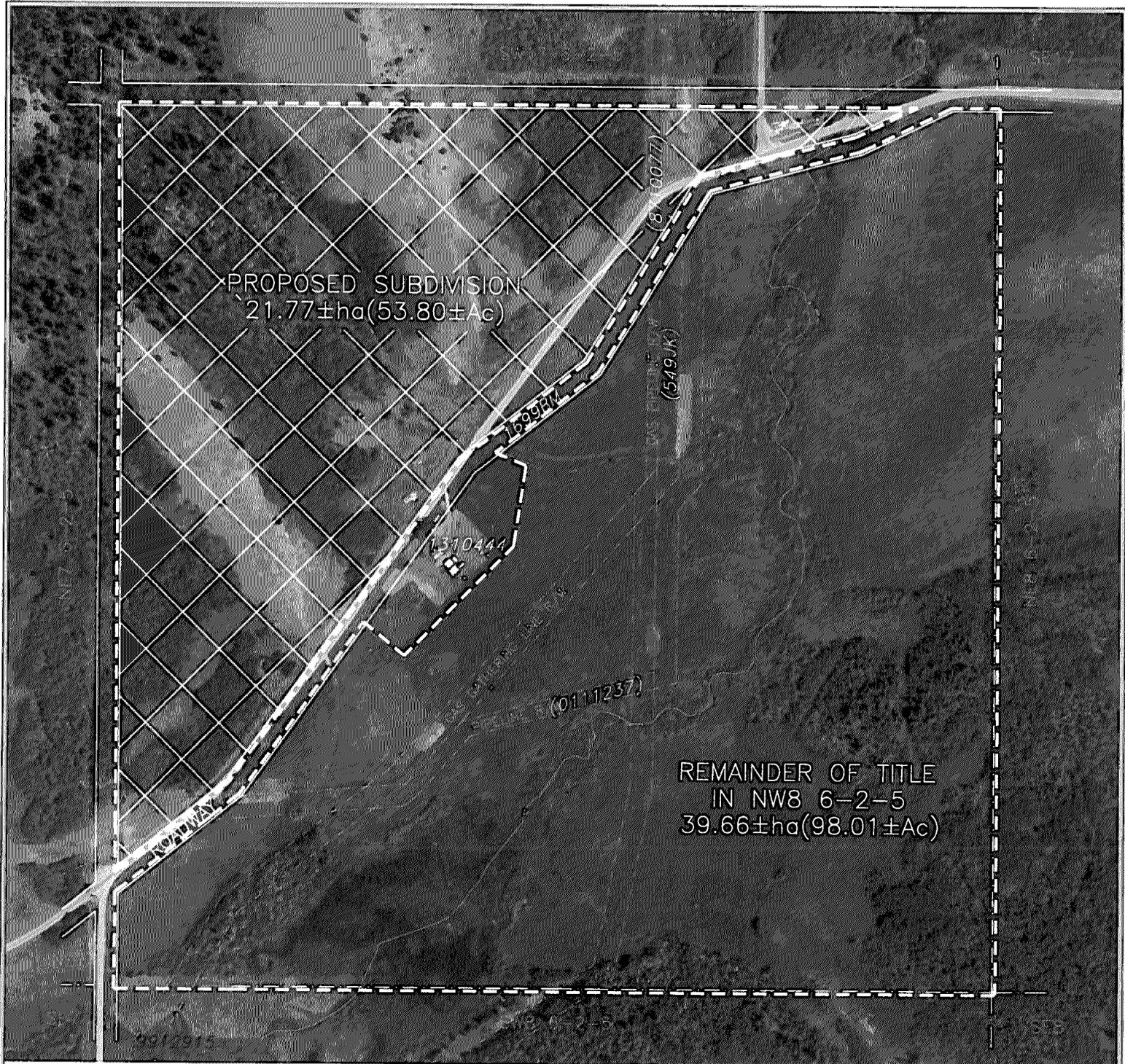
NW 1/4 SEC 8, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: FEBRUARY 12, 2015

FILE No: 2015-0-025





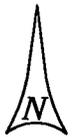
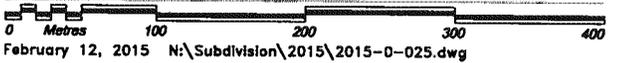
SUBDIVISION SKETCH

NW 1/4 SEC 8, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: FEBRUARY 12, 2015

FILE No: 2015-0-025



AERIAL PHOTO DATE: 2012