

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
November 7, 2017
6:00 pm

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of June 6, 2017
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a. Subdivision Application No. 2017-0-143
Lorna Maureen McRae
SW 10-6-2 W5M
- 6. New Business**
- 7. Next Regular Meeting** December 5, 2017
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, June 6, 2017; 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Quentin Stevick, Garry Marchuk and Fred Schoening

Absent: Councillor Terry Yagos

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

COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 6:00 pm.

1. ADOPTION OF AGENDA

Councillor Quentin Stevick 17/007

Moved that the Subdivision Authority Agenda for June 6, 2017, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Fred Schoening 17/008

Moved that the May 2, 2017 Subdivision Authority Minutes, be approved as presented.

Carried

3. IN CAMERA

Councillor Garry Marchuk 17/009

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

Carried

Councillor Garry Marchuk 17/010

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
June 6, 2017

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a. Subdivision Application No. 2017-0-064
Leonard Green / Sheila Green and Michael Pratchler
Lot 11, Block 1, Plan 1211525 and Part of Road Plan 1835HX within NE 12-7-3 W5M

Councillor Fred Schoening

17/011

Moved that the Agricultural subdivision of Lot 11, Block 1, Plan 1211525 & part of Road Plan 1835HX within NE 12-7-3-W5M (Certificate of Title No. 971 357 257 +10, 121 129 000), to create a 34.30 acre (13.88 ha) parcel from two titles of 30.10 acres (12.18 ha) and 69.64 acres (28.18 ha) respectively for agricultural use; **BE APPROVED** subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 669(2) and (3) of the Municipal Government Act, on the 34.30 acres be deferred by caveat for Municipal Reserve purposes.

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 of Certificate of Title 121129000 be consolidated with the adjacent portion of closed road and a portion of the NE12 7-3 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That a road closure bylaw be prepared at the applicant's expense, with the bylaw being approved and adopted by the MD of Pincher Creek and subsequently consented to by the Minister of Transportation, prior to final registration of the subdivision.

Carried

6. NEW BUSINESS

Nil

**MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 6, 2017**

7. **NEXT MEETING** – Tuesday, July 4, 2017; 6:00 pm.

8. **ADJOURNMENT**

Councillor Quentin Stevick

17/012

Moved that the meeting adjourn, the time being 6:09 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority

DRAFT

DRAFT RESOLUTION

Our File: 2017-0-143

November 1, 2017

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

Dear Ms. Kay:

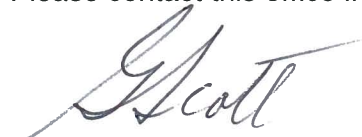
RE: SW1/4 10-6-2-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone School Division, AltaLink, ATCO Gas, AB Agriculture, AB Environment & Parks – K. Murphy, Historical Resources Administrator, AER and the Area Wildlife Biologist.

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
Senior Planner

GS/jm
Attachment

RESOLUTION

2017-0-143

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 10-6-2-W5M

THAT the Country Residential subdivision of SW1/4 10-6-2-W5M (Certificate of Title No. 131 154 672), to create a 10.05 acre (4.07 ha) parcel from a title of 138.74 acres (56.17 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 10.05 acres at the market value of \$3,500 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek No. 9 be determined at the final stage, for Municipal Reserve Purposes.

Section 16 of the regulation only states that the requirements of Sections 14 and 15 may be varied. Although the waiver of these sections have been granted for this application, it has been granted under site specific circumstance (alternate/indirect access by the undeveloped road allowance road system) and it should not be construed that this variance would set precedent or be granted as a matter of course.

Notwithstanding the foregoing, the applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway 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 and, as such, any development would require the benefit of a permit from our department. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues could be appropriately addressed. The applicant could contact the department through 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 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."

- (j) Alberta Environment & Parks – Cory Wojtowicz, Regional Supervisor – Lands Program:

"Please apply "Stepping Back from the Water Guidelines" to any new developments around waterbodies."

- (k) B&A Planning Group – Russ Leedham, Community Planner & Senior Planning Technician for TransCanada Pipelines Ltd.:

"Thank you for the circulation of the proposed subdivision of land at SW-10-6-2-W5.

TransCanada has reviewed the application and comments are provided on the following page.

Please continue to keep us notified on any updates to the subdivision in addition to any other land use / zoning re-designation applications, crossings, or development permit applications. These notifications can be sent to me directly at transcanada@bapg.ca.

A general alignment map of the impacted infrastructure is attached. TransCanada's Work Safely booklet that provides guidelines for development near TransCanada pipelines and facilities is also attached. We can also offer ORRSC, upon a signed confidentiality agreement, two separate GIS datasets. The 30m RoW can be utilized to identify potential crossings and the 200m notification zone can assist in identifying referrals which have an impact on TransCanada infrastructure. Should this data be utilized in future planning applications and more detailed location information is required, TransCanada and Alberta One call must be contacted.

TransCanada Application Comments:

1. CROSSINGS OF THE TRANSCANADA RIGHT-OF-WAY

The following provides design guidance for crossings for future consideration. While exceptions might be made once an assessment has been completed, adhering to the guidance will assist in efforts to process applications expeditiously.

General Requirements

- The crossing must occur as close as possible to 90 degrees;
- The crossing must not occur at a bend in a TransCanada pipeline.

Highways, Private Roads, and Railways

- A highway or private road must be constructed so that the travelled surface is no less than 1.5 metres above the top of the pipeline;
- The bottom of the ditches adjacent to roads should not be less than 1.4 metres above the top of the pipeline;
- Minimum cover for railway crossings (below base of rail) is 3.05 metres for uncased pipe.

Utilities

- TransCanada will retain the upper position in the crossing area;
- Minimum separation between buried facilities must be:
 - For open cut excavations - 300mm (600mm during installation)
 - For horizontal directional drills - 1000mm
- The utility depth must be maintained for the entire width of the pipeline right-of-way;
- The utility must have no bends within the pipeline right-of-way;
- The utility must have no joints, splices or other connections within the TransCanada pipeline right-of-way;
- Utility crossings must not be placed within seven (7) metres of a TransCanada pipeline bend.

2. CONSTRUCTION NEAR TRANSCANADA'S RIGHT-OF-WAY

General Requirements

- No work may take place within TransCanada's pipeline right-of-way, or within a TransCanada designated exclusion area, without a TransCanada representative on site;
- The instructions and directions of the TransCanada representative must be strictly adhered to; Hand excavation of the pipeline prior to mechanical excavation within five (5) metres is necessary in all circumstances;
- Some municipalities require additional setbacks from pipeline rights-of-way for the safety of the public. Please check with the local municipality to determine these requirements. A setback is the minimum distance required between a property line and a structure as dictated by a regulator and/or municipality;

Note - Failure to follow the requirements of the National Energy Board (NEB), including the above guidelines which are intended to promote safety and environmental protection, could result in the NEB imposing Administrative Monetary Penalties on companies or individuals."

(See Attachment)

(I) Adjacent Landowner - Lynn Calder and Mark Pinard:

"We are residents of the hamlet of Beaver Mines and just found out about this application today. We were not notified because we appear to be just outside the arbitrary line you have drawn on the map. I am also aware of at least 3 residents who should have been notified based on that line who were not (McNeill-Farley, Comanescu, Burla).

CHAIRMAN

DATE



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

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 20, 2017

Date of Receipt: August 31, 2017

TO:

n y n n yn

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 **October 9, 2017**. (Please quote our File No. 2017-0-143 in any correspondence with this office).

File No.: 2017-0-143
Legal Description: SW1/4 10-6-2-W5M
Municipality: M.D. of Pincher Creek No. 9
Land Designation: Agriculture - A
(Zoning)
Existing Use: Agricultural
Proposed Use: Country Residential
of Lots Created: 1

Certificate of Title: 131 154 672

Meeting Date: November 7, 2017



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

Or, a cistern be installed for Lot 1 Block 20 in accordance with Alberta Safety Codes with copies of the approved inspections being submitted to the subdivision authority prior to finalization.

8. That, any conditions of Alberta Culture and Tourism, Historic Resources, shall be met prior to finalization.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 10 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

PROCESSING NOTES: No further comment pending a site inspection.

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.



APPLICATION FOR SUBDIVISION RURAL MUNICIPALITY

FOR OFFICE USE ONLY

Zoning (as classified under the Land Use Bylaw):

Fee Submitted:

\$925.00

File No:

2017-0-143

APPLICATION SUBMISSION

Date of Receipt:

Date Deemed Complete:

Accepted By:

Aug 31/17

[Signature]

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): Bruce A. Barnett, ALS

Mailing Address: 255 - 31 Street North, Lethbridge Postal Code: T1H 3Z4

Telephone: 403-329-0050 Cell: N/A Fax: 403-329-6594

Email: bruceb@mgcl.ca

Name of Registered Owner of Land to be Subdivided: Lorna Maureen McRae

Mailing Address: [Redacted] Postal Code: [Redacted]

Telephone: N/A Cell: [Redacted] Fax: N/A

Email: pharps@gmail.com / lornamcrae@yahoo.ca

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 10 Township 6 Range 2 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 4.07 hectares 10.0 acres

d. Total number of lots to be created: 1 Size of Lot(s): Refer to subdivision sketch

e. Rural Address (if applicable): N/A

f. Certificate of Title No.(s): 131 154 672

3. LOCATION OF LAND

e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility?

4. EXISTING AND PROPOSED

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) /A
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
 N/A
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) N/A
- 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.
 Refer to subdivision sketch
- 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 Well
- b. Proposed source of water Well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal Septic Field
- b. Proposed sewage disposal Septic Field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

 Bruce A. Barnett, ALS 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: Bruce A. Barnett

Date: August 11 2017

9.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 177 358 5;2;6;10;SW 131 154 672

LEGAL DESCRIPTION

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 031 112 261 +6

REGISTERED OWNER(S)

REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
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ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS

6966HT .

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
131 154 672

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

6893ID . 13/04/1961 MORTGAGE OF UTILITY RIGHT OF WAY
MORTGAGEE - MONTREAL TRUST COMPANY.
AFFECTS INSTRUMENT: 6966HT .

1375IR . 31/12/1962 CAVEAT
CAVEATOR - CANADIAN WESTERN NATURAL GAS COMPANY
LIMITED.

871 095 138

909 - 11TH AVE. S.W
ALBERTA
AGENT - J DOUGLAS GRAHAM

961 175 747 02/08/1996 CAVEAT
RE : AMENDING AGREEMENT
CAVEATOR - NOVA GAS TRANSMISSION LTD.
801 SEVENTH AVE SW
PO BOX 2535, STN M
CALGARY
ALBERTA T2P2N6
AGENT - SHELLEY MUNDY

961 195 978 26/08/1996 CAVEAT
RE : RIGHT OF WAY AGREEMENT
CAVEATOR - NOVA GAS TRANSMISSION LTD.
801-7 AVE SW, PO BOX 2535, STN M
CALGARY
ALBERTA T2P2N6
AGENT - SHELLEY MUNDY

021 091 899 19/03/2002 CAVEAT
RE : RIGHT OF WAY AGREEMENT
CAVEATOR - NOVA GAS TRANSMISSION LTD.
450-1 ST SW
PO BOX 1000, STN M
CALGARY
ALBERTA T2P4K5
AGENT - SHELLEY HENDERSON

141 038 674 11/02/2014 CAVEAT
RE : PURCHASERS INTEREST
CAVEATOR - BARBARA ANN MCRAE
P.O. BOX 2439
PINCHER CREEK
ALBERTA T0K1W0

(CONTINUED)

TOTAL INSTRUMENTS: 008

ORDER NUMBER: 26214833

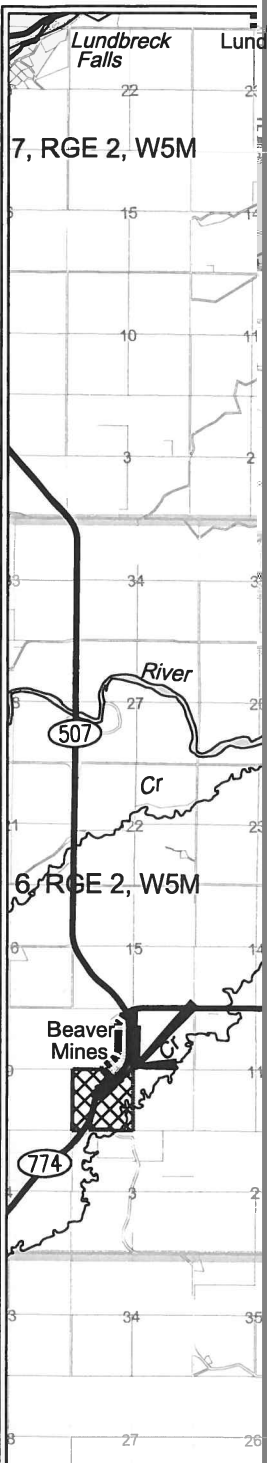
CUSTOMER FILE NUMBER: 145175



END OF CERTIFICATE

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3



TWP 7, RGE 0, W4M

Castle

River

CPR

inch
tati

6, RGE 2, W5M

W 6, RGE 1, W5M

PINCHER
CREEK

507

507

6, RGE 30

Beaver
Mines

775

ettles

774

Cr

SUBDIVISION LOCATION SKETCH

SW 1/4 SEC 10, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

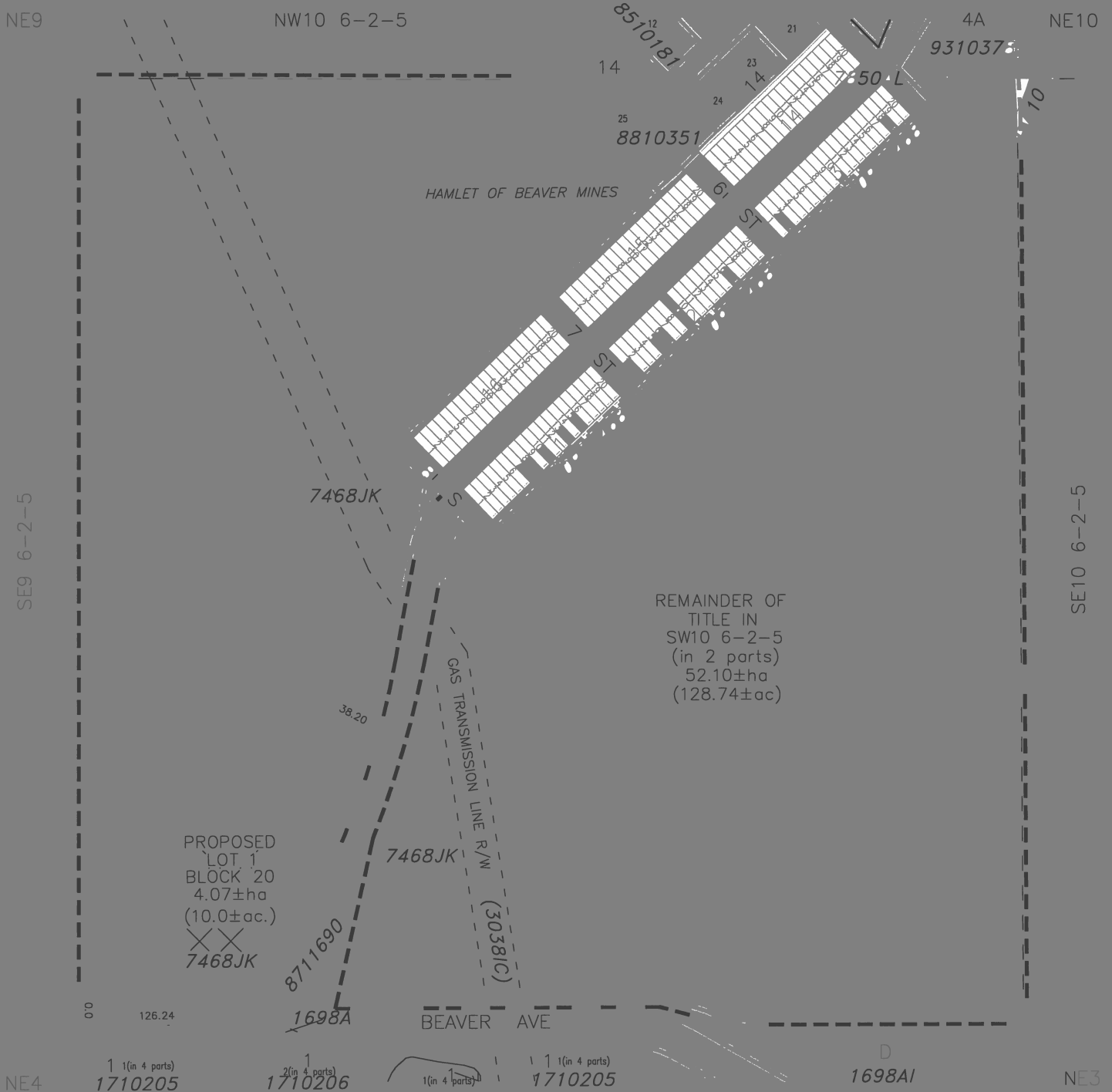
DATE: AUGUST 31, 2017

FILE No: 2017-0-143

MAP PREPARED BY
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5E8
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

August 31, 2017 N:\Subdivision\2017\2017-0-143.dwg



SUBDIVISION SKETCH

See tentative plan of subdivision by Martin Geomatic Consultants Ltd. file no. 145175LS_PRO_SUB

SW 1/4 SEC 10, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 31, 2017

FILE No: 2017-0-143

OLDMAN RIVER REGIONAL SERVICES COMMISSION



