

Agenda
Municipal District of Pincher Creek No. 9

**Meeting Minutes of the Subdivision Authority
Tuesday, April 3, 2018, 2018; 6:00 pm
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

Members: Reeve Quentin Stevick, Councillors Brian Hammond, Terry Yagos, Bev Everts and Rick Lemire

Staff: Director of Development and Community Services Roland Milligan,
Planning Advisor Gavin Scott and Executive Assistant Tara Cryderman

COMMENCEMENT

Reeve Quentin Stevick called the meeting to order, the time being 6:00 pm.

1. ADOPTION OF AGENDA

Councillor Brian Hammond 18/013

Moved that the Subdivision Authority Agenda for April 3, 2018, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Rick Lemire 18/014

Moved that the February 6, 2018 Subdivision Authority Minutes, be approved as presented.

Carried

3. IN CAMERA

Councillor Terry Yagos 18/015

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

Carried

Councillor Terry Yagos 18/016

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:16 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a. Subdivision Application No. 2018-0-036
Shane Novlesky, Karen Clymer & Charles Clymer, and Hutterian Brethren Church of
Pincher Creek
NW 34-6-1 W5M

Councillor Bev Everts

18/017

Moved that the Country Residential subdivision of NW 34-6-1 W5M (Certificate of Title No. 131 284 190, 121S160), to create a 9.74 acres (3.94 ha) parcel from title of 73.11 acres (29.61 ha) for country residential use and consolidating the remainder with the adjoining 80 acres title, be approved, subject to the following conditions, reasons and informatives:

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 9.74 acres at the market value of \$2,500 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.

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 remainder of Certificate of Title No. 131284190 be consolidated with the adjacent 80 acres Certificate of Title 121S160 in a manner such that the resulting Certificate of title council not be subdivided without the approval of the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. 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.
3. The Subdivision Authority is satisfied that with the consolidation, the proposed subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's Municipal Development Plan.
4. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
April 3, 2018

INFORMATIVES:

- a) The requirement for Municipal Reserve on the portion of SE16 6-30 W4M must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 9.74 acre (3.94 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is \$2,435.
- 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 Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- d) Pincher Creek Emergency Services Commission - David Cox, Chief: "No issues with this development."
- e) Please accept this letter advising TELUS Communications Inc. has no objections to the current land owner proceeding with this application.
If TELUS requires to place future facilities on private lands to service future customers, we will require a URW at that time.
It is the land owner's responsibility to ensure they contact Alberta One-Call to ensure no facilities will be disrupted. If at any time TELUS facilities are disrupted, it will be at the sole cost of the land owner.
- f) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta. FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-94 73) to make application for electrical services.
Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.
- g) ATCO Pipelines has no objection.
- h) Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 971 295 672. Therefore, ATCO Gas has no objection to the proposed subdivision.
- i) Alberta Health Services - Wade Goin, Executive Officer:
"Based on a review of this file and a site visit to the property, this department has the following comments:
The existing home is approximately 850 m from the nearest windmill. Information regarding the windmill was not provided. All setback distances and noise objectives should be in compliance with relevant legislation and requirements of the AUC (Alberta Utilities Commission).
All other pertinent bylaws, regulations and standards should be complied with.
Should you have any questions regarding this report, please do not hesitate to contact me at 403-562- 5030."

Carried

**MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
April 3, 2018**

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, May 1, 2018; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

18/018

Moved that the meeting adjourn, the time being 6:19 pm.

Carried

Quentin Stevick, Chair
Subdivision Authority

Roland Milligan, Interim Secretary
Subdivision Authority

DRAFT



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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

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

DRAFT RESOLUTION

Our File: 2018-0-042

April 23, 2018

Roland Milligan
Interim Chief Administrative Officer
Municipal District of Pincher Creek No. 9
Box 279
Pincher Creek AB T0K 1W0

Dear Mr. Milligan:

RE: SE1/4 30-4-29-W4M / M.D. of Pincher Creek No. 9

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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 blue ink that reads "G. Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2018-0-042

- (i) Alberta Environment & Parks – Edward Evenson, Forest Officer Land Management Operations Divisions Public Lands Approvals Branch:

“The Department of Environment and Parks Public Lands Approvals Branch has no concerns with proposed subdivision 2018-0-042.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: April 11, 2018

Date of Receipt:

March 8, 2018

Date of Completeness:

March 23, 2018

TO: Landowner: Chester Bonertz

Agent or Surveyor: David J. Amantea, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, TELUS, FortisAlberta, AltaLink, AltaGas Utilities Inc., AB Health Services, AB Agriculture, AB Transportation, AB Environment & Parks - K. Murphy, AB Environment & Parks – E. Evenson, AER, Area Wildlife Biologist, AB Water Boundaries

Adjacent Landowners: Stewart and Kelly Anne McRae, Margit Burns, Roger Burns, Lena Derie-Gillespie, 1993349 Alberta Ltd., Deley Ranches Ltd., Darryl and Valerie Carlson, Glen and Barbara Dunbar

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. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **April 30, 2018**. (Please quote our File No. **2018-0-042** in any correspondence with this office).

File No.: 2018-0-042

Legal Description: SE1/4 30-4-29-W4M

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: 781 178 617

Meeting Date: May 1, 2018

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 12.80 acre (5.13 ha) parcel from a previously subdivided quarter section of 160 acres (64.7 ha) for country residential use.

The proposed subdivision is adjacent to a wetland to the north and a seasonal creek (labelled as Bed of Day Brook on Department of the Interior topographical survey, March 1896) is captured in the subdivision boundary on the south side.

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 of the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That any conditions of Alberta Environment shall be established prior to finalization of the application.
8. That a waiver of the Land Use Bylaw 10 acre maximum parcel size requirement be granted by the Subdivision Approval Authority of the MD of Pincher Creek or that the proposed parcel be reduced in size sufficient to accommodate existing buildings, structures and improvements.

RESERVE:

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

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.

FOR OFFICE USE ONLY

Zoning (as classified under the Land Use Bylaw):

Fee Submitted:

\$1025.00

File No:

2018-0-042

APPLICATION SUBMISSION

Date of Receipt:

March 8, 2018

Accepted By:

Date Deemed Complete:

March 23, 2018

Accepted By:

APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided:

Charles Boneste

Mailing Address:



Postal Code:

T0K-1W0

Telephone: 403

Email:

Preferred Method of Correspondence:

Email

Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner):

Mailing Address:

Postal Code:

Telephone:

Cell:

Fax:

Email:

Preferred Method of Correspondence:

Email

Mail

Name of Surveyor:

Mailing Address:

5 Sta

Postal Code:

J

Telephone: 0

Cell:

Fax:

Email:

Preferred Method of Correspondence:

Email

Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 30 Township 4 Range 29 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

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

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

d. Total number of lots to be created: 1 Size of Lot(s): 0- acs

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 1, 1, 1

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD of Pipestone Creek NO 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 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No

If "yes" the highway is No. 505 secondary

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? Unknown Yes No

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land tree
- b. Proposed use of the land separate residence

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) rolling mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
sloughs, farm lands pasture 45 acres of farmland
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) loam
- 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.
farm house and buildings
- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 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 well
- b. Proposed source of potable water well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type septic tank Year Installed 1961
- b. Proposed sewage disposal: Type

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Chester Bonville hereby certify that

- I am the registered owner
- I am authorized to act on behalf of t

and that the inf facts

Signe

9. RIGHT OF ENTRY



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 582 152 4;29;4;30;SE 781 178 617

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 30
QUARTER SOUTH EAST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THE ROADWAY ON PLAN 3509HV,
CONTAINING (1) ACRES MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REGISTERED OWNER(S)
REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

781 178 617 03/11/1978

OWNERS

CHESTER C BONERTZ (RANCHER)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

111 073 635 28/03/2011 MORTGAGE
MORTGAGEE - FARM CREDIT CANADA.
2ND FLOOR, 12040-149 STREET NW
EDMONTON
ALBERTA T5V1P2
ORIGINAL PRINCIPAL AMOUNT:

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 8 DAY OF MARCH,
2018 AT 12:47 P.M.

ORDER NUMBER: 34684859

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

SUBDIVISION SKETCH

Submitted to the Commission by Okamura & Associates Ltd. file no. 18-14095T

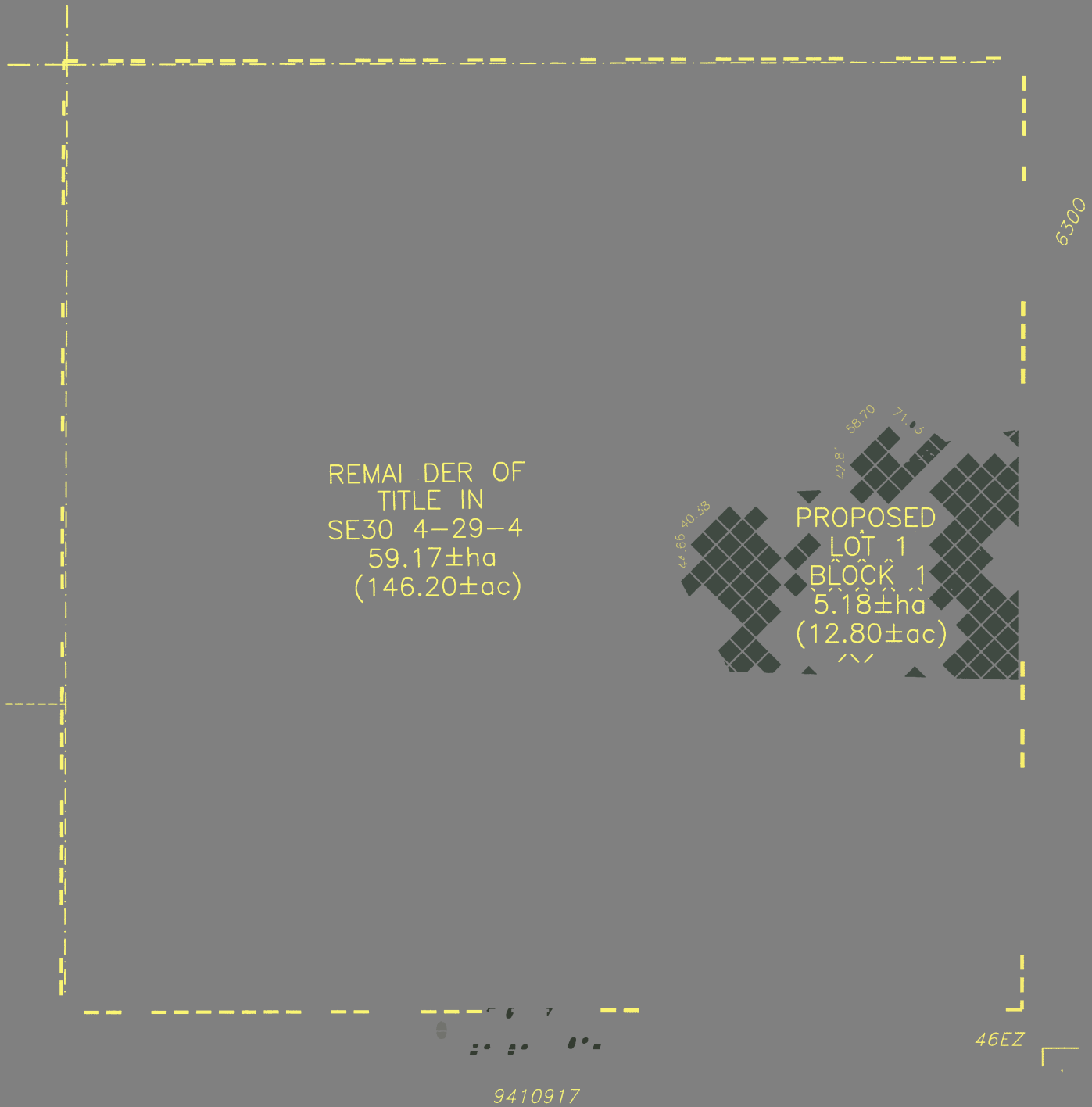
**WITHIN SECTION 14, TWP 4, RGE 29, W 4 M
MUNICIPALITY OF PINCHER CREEK NO. 9**

DATE: APRIL 11, 2018

FILE No: 2018-0042

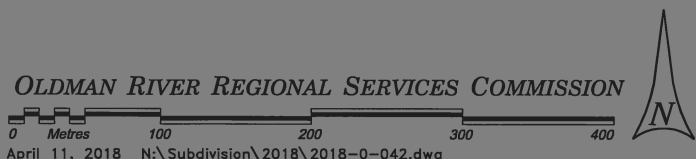
CLAYTON RIVER REGIONAL SERVICES COMMISSION





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 18-14095T
WITHIN SE 1/4 SEC 30, TWP 4, RGE 29, W 4 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: APRIL 11, 2018
FILE No: 2018-0-042



N.E.1/4 SEC. 30 - 4 - 29 - 4

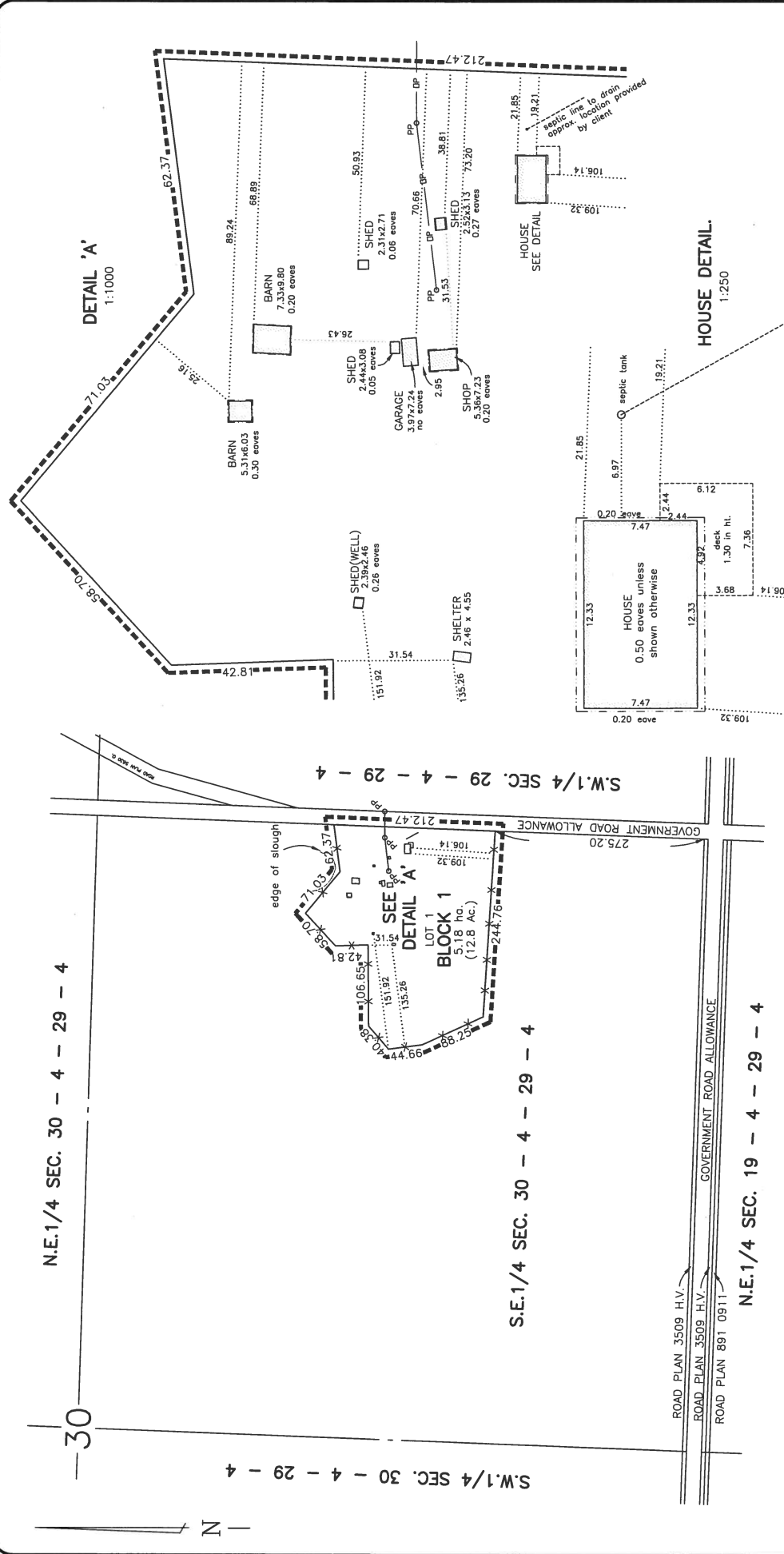
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S.W.1/4 SEC. 30 - 4 - 29 - 4

S.E.1/4 SEC. 30 - 4 - 29 - 4

N.E.1/4 SEC. 19 - 4 - 29 - 4



CHESTER BONERTZ

TENTATIVE PLAN SHOWING SUBDIVISION
of part of

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

NO.	REVISION	DATE	BY
1	adjusted boundary	APR 5/18	MJ

J contains approximately 3.10 ac. no. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

APPROVED
CHESTER BONERTZ
SCALE 1:5000
D.J. Amanteo, A.L.S.
DRAWING 18-14095T