

Agenda
Municipal District of Pincher Creek No. 9
Special Meeting of the Subdivision Authority
Tuesday, September 4, 2018
3:00 pm

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of June 5, 2018
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a. Subdivision Application No. 2018-0-127
Keith Shenton and Brenda Shenton
SW 14-5-2 W5M
- 6. New Business**
- 7. Next Regular Meeting** October 2, 2018; 6:00 pm
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, June 5, 2018; 6:00 pm
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

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

Staff: Interim Chief Administrative Officer / 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 18/025

Moved that the Subdivision Authority Agenda for June 5, 2018, be amended, the amendment as follows:

Deletion of Delegation;

And that the agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 18/026

Moved that the May 1, 2018 Subdivision Authority Minutes, be approved as presented.

Carried

3. IN CAMERA

Councillor Bev Everts 18/027

Moved that the Subdivision Authority and staff move In-Camera, the time being 6:02 pm.

Carried

Councillor Terry Yagos 18/028

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

Carried

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4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a. Subdivision Application No. 2018-0-071
1607454 Alberta Ltd and
William Keeler & Susan Keeler
Lot 1, Block 1, Plan 1011409 and
NE 25-8-2 W5M

Councillor Bev Everts

18/029

Moved that the Country Residential subdivision of Lot 1, Block 1, Plan 1011409 & NE 25-8-2-W5M (Certificate of Title No. 111 187 302, 111 030 364), to create a 10.00 acre (4.04 ha) parcel from a title of 157 acres (63.5 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 the proposed parcel be reduced in size eliminating the westerly 4.5 acres which is sufficient to accommodate existing buildings, structures and improvements.
4. That Certificate of Title 111030364 be consolidated with the adjacent 2.5 acres (directly south of the Lot 1 Block 1 Plan 1011409) of NE25 8-2 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 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 land use bylaw.
4. With the reduction of the parcel size and a waiver for bare land without improvements (in accordance with Section III Part A of the Municipal Development Plan), the proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.11.

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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 Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) M.D. of Pincher Creek No. 9 – David Cox, Fire Chief:
“I have no issues with this development.
Out of curiosity, why does the proposed subdivision not use the section boundary to the north as boundary line and move the south boundary as needed? It seems to create a narrow bottleneck for no reason.”
- (e) M.D. of Pincher Creek No. 9 – L.J. (Leo) Reedyk:
“I have no issue with the Subdivision.”
- (f) Chief Mountain Gas Co-op Ltd. – Delbert G. Beazer, Chief Executive Officer:
“Please note, we have no objections to the proposed subdivisions, as long as our Utility-Right-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.
Being that the application is in a remote area, natural gas service may be unavailable. Developer should discuss gas needs and plans for implementation before lots are sold. We would rather deal with the developer than individual lot owners for capital expense and planning.
As a condition of subdivision, we request that a Service Agreement be signed by the Applicant prior to subdivision finalization.”
- (g) Alberta Health Services – Wade Goin, Executive Officer:
“Based on a review of this file and a site visit to the property, this department has no objection to this subdivision provided:
- All other pertinent bylaws, regulations and standards are complied with.
Should you have any questions regarding this report, please do not hesitate to contact me at 403-562-5030.”
- (h) FortisAlberta Inc. – Garry Simpson:
“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 Commission defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement agreement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify Oldman River Regional Services Commission once these steps have been completed and confirm to you that FortisAlberta no longer

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has any concerns with Oldman River Regional Services Commission's approval of this subdivision.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-94 73) to make application.

Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514- 4783 for any questions.”

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, July 3, 2018; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

18/030

Moved that the meeting adjourn, the time being 6:31 pm.

Carried

Quentin Stevick, Chair
Subdivision Authority

Roland Milligan, Interim Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2018-0-127

August 27, 2018

s

Dear Mr. Steinke:

RE: SW1/4 14-5-2-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 Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Pipelines, AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, 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
Senior Planner

GS/jm
Attachment

RESOLUTION

2018-0-127

(g) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

We wish to advise that we have no facilities in the proposed subdivision, however, please notify Alberta 1st Call at 1-800-242-3447 to arrange for "field locating" should excavations be required within the described area.

We wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 10, 2018

Date of Receipt:

August 3, 2018

Date of Completeness:

August 8, 2018

TO: Landowner: Keith Cecil Shenton and Brenda Joy Shenton

Agent or Surveyor:

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, Historical Resources Administrator, AER

Adjacent Landowners: Keith Shenton, Patrick and Sheila Shenton, Shelly Clark

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 **August 29, 2018**. (Please quote our File No. **2018-0-127** in any correspondence with this office).

File No.: 2018-0-127

Legal Description: SW1/4 14-5-2-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: 091 002 078

Meeting Date: September 4, 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 13.03 acre (5.27 ha) parcel from a previously un-subdivided quarter section of 160 acres (64.7 ha) for country residential use.

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: 2018-0-127

OLD MAN R. REGON, S. C. MISSION

APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY

Date of Receipt: August 3, 2018	Accepted By:
Date Deemed Complete: August 8, 2018	Accepted By: [Signature]

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: _____

Mailing Address: _____

Telephone: _____

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: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the 21 1/4 Section 14 Township _____ Range 2 West of 5 Meridian (e.g. SE 1/4 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 160 acres

d. Total number of lots to be created: 1 Size of Lot(s): 329±

e. Rural Address (if applicable): Box 269 THE CREEK, AB

f. Certificate of Title No.(s): 002 B

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of INDIAN 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 1.6 kilometres (1 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 IT

e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown Yes No

SOUR
D. 1/2 MILE WES

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

u he W O LOT
U CE 1 / R CH / W O

5. TYPICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

IX 7 / PAS RG / W
e d o o n e a a . EL
g
non e 1

6. WATER SERVICES

NA.

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type sewer Year Installed 1980
- b. Proposed sewage disposal: Type NA

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Keith and Brenda Shenton

hereby certify that

- I am the registered owners
- I am authorized to act on behalf of the registered 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: Keith Shenton Brenda Shenton Date: 01-01-00

9. RIGHT OF ENTRY

I, Keith Shenton / Brenda Shenton do / do not (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Keith Shenton Brenda Shenton
Signature of Registered Owner(s)



CERTIFIED COPY OF
Certificate of Title

S

LINC SHORT LEGAL
0012 923 785 5;2;5;14;SW

TITLE NUMBER: 091 002 078
TRANSFER OF LAND
DATE: 05/01/2009

AT THE TIME OF THIS CERTIFICATION

KEITH CECIL SHENTON

AND
BRENDA JOY SHENTON
BOTH OF:

ARE THE OWNERS OF AN ESTATE IN FEE SIMPLE
OF AND IN

MERIDIAN 5 RANGE 2 TOWNSHIP 5
SECTION 14
QUARTER SOUTH WEST
EXCEPTING THEREOUT ALL MINES AND MINERALS

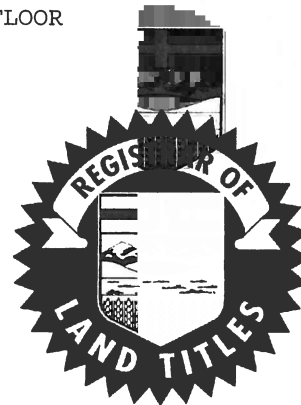
SUBJECT TO THE ENCUMBRANCES, LIENS AND INTERESTS NOTIFIED BY MEMORANDUM UNDER-
WRITTEN OR ENDORSED HEREON, OR WHICH MAY HEREAFTER BE MADE IN THE REGISTER.

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
091 002 079	05/01/2009	MORTGAGE MORTGAGEE - ROYAL BANK OF CANADA. 180 WELLINGTON STREET WEST, 1ST FLOOR TORONTO ONTARIO M5J1J1 ORIGINAL PRINCIPAL AMOUNT:

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE
REPRESENTED HEREIN THIS 09 DAY OF JULY ,2018

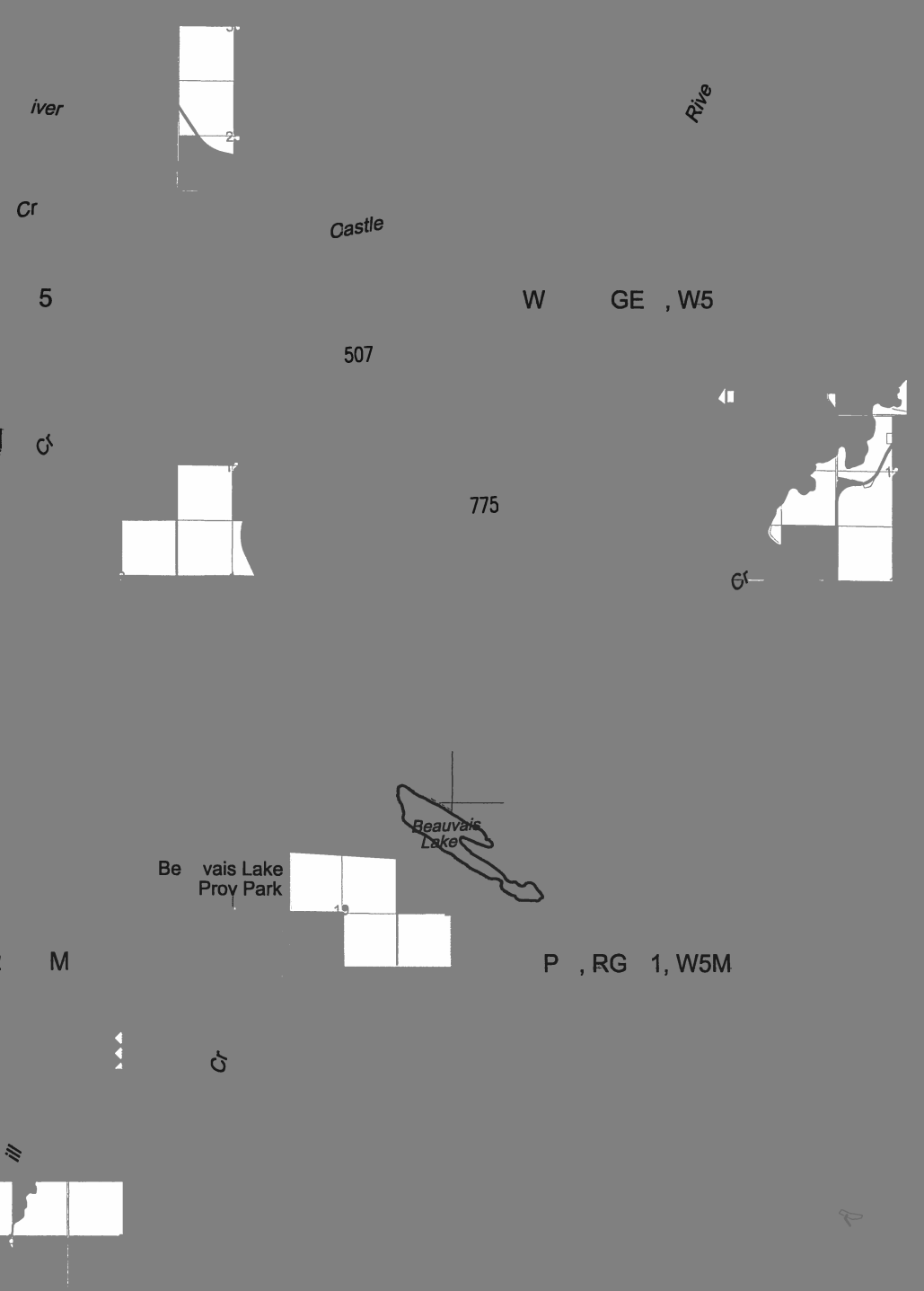
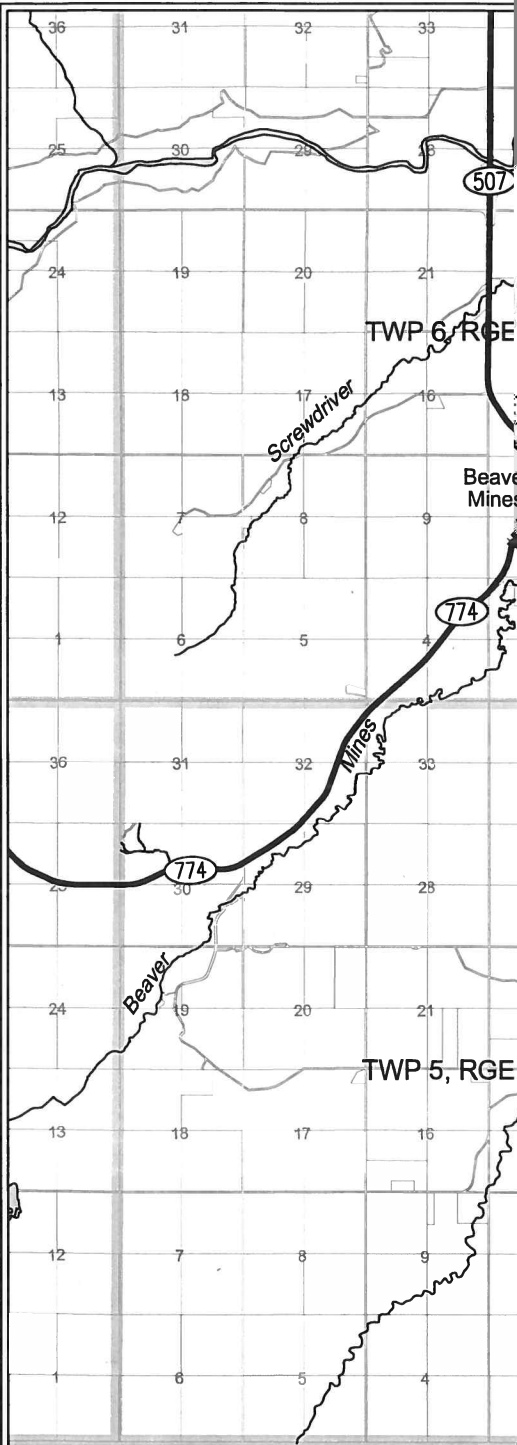


Certificate of Title

TITLE NUMBER: 091 002 078

SUPPLEMENTARY INFORMATION

CONSIDERATION: SEE INSTRUMENT
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
REFERENCE NUMBER:
159T8
AREA:
64.7 HECTARES (160 ACRES) MORE OR LESS
TOTAL INSTRUMENTS: 001



SUBDIVISION LOCATION SKETCH

SW 1/4 SEC 14, TWP 5, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 9, 2018

FILE No: 2018-0-127

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3165 18th AVENUE NORTH, LETHBRIDGE, AB T1H 2E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

NE15

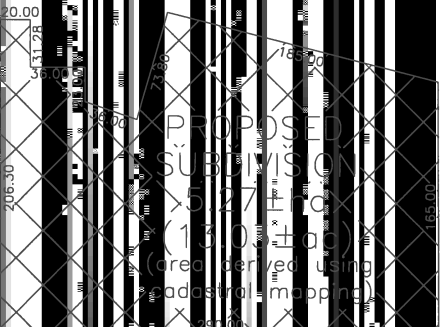
NW14 5-2-5

NE14

SE15 5-2-5

REMAINDER OF
TITLE IN
SW14 5-2-5
59.78±ha
(46.97±ac)

SE14 5-2-5



NE10

NW14 5-2-5

NE11

SUBDIVISION SKETCH
 SW14 SEC 14 TWP 5, RGE 2, W 5 M
 MUNICIPALITY MUNICIPAL DISTRICT OF FINCHER CREEK NO. 9
 DATE AUGUST 9, 2018
 FILE No. 2018-0-127



