

Meeting Minutes of the Subdivision Authority
Tuesday, December 3rd 2024
6:00 pm
Virtual VIA Microsoft Teams

IN ATTENDANCE

Members: Reeve Rick Lemire, Councillors Dave Cox, Tony Bruder, Jim Welsch and John MacGarva,

Staff: Chief Administrative Officer Roland Milligan and Development Officer Laura McKinnon

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Absent:

COMMENCEMENT

Co-Chairman Tony Bruder called the meeting to order, the time being 6:06 pm.

1. ADOPTION OF AGENDA

Councillor Dave Cox 24/036

Moved that the Subdivision Authority Agenda for December 3, 2024, be approved as presented.

2. ADOPTION OF MINUTES

Councillor Jim Welsch 24/037

Moved that the October 29, 2024, Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor John MacGarva 24/038

Moved that the Subdivision Authority close the meeting to the public, under the authority of the *Municipal Government Act* Section 197(2.1), the time being 6:06 pm.

Carried

Councillor Jim Welsch 24/039

Moved that the Subdivision Authority open the meeting to the public, the time being 6:27 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
December 3, 2024

4. UNFINISHED BUSINESS

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2024-0-105
Sproule Agro
N ½ 25-6-30 W4

Councillor Dave Cox

24/040

THAT the Country Residential subdivision of N1/2 25-6-30-W4M (Certificate of Title No. 231 229 964 +1, 231 229 694), to create an 11.69 acre (4.73 ha) parcel and an 78.23 acre (31.66 ha) parcel (in two parts) from two titles of 44.41 acres (17.97 ha) and 45.53 acre (18.42 ha) respectively for country residential and agricultural use; BE APPROVED subject to the following:

RESERVE:

The payment of the applicable 10% Municipal Reserve on the 11.69 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes. Land valuation is \$3,700 per acre so the estimated amount owing is \$4,325.30.

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 and comply with 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 an easement for legal access across the driveway of the proposed lot shall be provided before final approval of the subdivision. A copy of the signed easement agreement is required by the Subdivision Authority.
4. That the residual portion of Certificate of Title 231229964 be consolidated with the adjacent Certificate of Title 231229964+1 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
5. That the applicant removes the encroachment of the building/structure that is located over the proposed new property line, or that an encroachment agreement is established in accordance with Section 72 of the Land titles Act (RSA 2000) with the SE36 6-30 W4M.
6. That a water license to service two properties be obtained for the existing well located with the quarter section to the north, a new water well be sought through Alberta Environment Water Act Approval, or proof of the installation of a cistern as a domestic water source be provided to the Subdivision Authority prior to endorsement for registration.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
December 3, 2024

7. That the applicant complies with all requirements of Alberta Transportation and Economic Corridors comments (file RPATH0044617) which includes that a 10 metre by 10 metre service roadway shall be dedicated by plan of survey.
8. That the applicant/owner installs a private sewage disposal treatment system to replace the existing system in accordance with Private Sewage Disposal Systems Regulation and as provided by the Alberta Private Sewage Systems Standard of Practice. And further that the final installation be inspected by an accredited building inspector and the documentation for that inspection be submitted to the subdivision authority prior to endorsement for registration.

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 9 of the *Matters Related to Subdivision and Development Regulation*.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.22.
4. The subdivision authority, in considering the written submissions from Marjorie Latimer and Don Carlson finds that the concerns are focused on the existing agricultural practices and are therefore outside the parameters of the subdivision policies pertaining to the proposal.
5. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Section 18 of the *Matters Related to Subdivision and Development Regulation* to accommodate the proposal.
6. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.

- b. Subdivision Application No. 2024-0-163
L Y Investments Ltd., Jawd Holdings Inc.
Lot 96, Block 4, 0513736 within SW 25-4-4 W5

Councillor Jim Welsch

24/041

THAT the Residential subdivision of Lot 96, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M (Certificate of Title No. 211 075 715), to create two leasehold lots being 0.065 acre (0.026 ha) each, from a title of 0.28 acres (0.112 ha) for multi-unit 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 and comply with a Development Agreement with the M.D. of

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
December 3, 2024

Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.

3. That a party wall agreement be established in accordance with the Land Titles Act for the common shared wall between the units, which shall be registered concurrently on title with the subdivision.

REASONS

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan, Castle Mountain Resort Area Structure 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 9 of the Matters Related to Subdivision and Development Regulation.

- c. Subdivision Application No. 2024-0-164
L Y Investments Ltd., Jawd Holdings Inc., GC & JC Investments Ltd.,
Timber-Tech Truss Systems Ltd.
Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within
SW 25-4-4 W5

Reeve Rick Lemire

24/042

THAT the Residential subdivision of Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within SW1/4 25-4-4-W5M (Certificate of Title No. 151 082 929 +2, 241 129 230), to create two revised leasehold lots being 0.15 acre (0.060 ha) and 0.10 acre (0.042 ha), from two leasehold titles of 0.13 and 0.12 acres respectively for multi-unit 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 and comply with 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 0.018 acre portion of Certificate of Title 241129230 (as depicted in BOA tentative plan 24-16555TA) be consolidated with the adjacent lot Plan 0513736 Block 4 Lot 98 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.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
December 3, 2024

2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to 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.

6. NEW BUSINESS

Nil

7. **NEXT MEETING** – Tuesday, January 7th, 2024; 6:00 pm.

8. ADJOURNMENT

Councillor John MacGarva


24/043

Moved that the meeting adjourn, the time being 6:30 pm.

Carried



Tony Brader, Deputy Reeve
Subdivision Authority



Laura McKinnon, Secretary
Subdivision Authority