

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
February 2, 2016
6:00 pm

- 1. Adoption of Agenda**
- 2. Minutes**
 - a) Minutes of January 5, 2016
- 3. In Camera**
- 4. Unfinished Business**
 - a) SE 22-6-2 W5M
Douglas and Leona McClelland
Subdivision Application No. 2015-0-198
- 5. Discussion of Approval Process**
 - Rational for Reasons
- 6. Subdivision Applications**

Nil
- 7. New Business**
- 8. Next Regular Meeting** March 1, 2016; 6:00 pm
- 9. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, January 5, 2016; 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

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

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor Mike Burla, 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 Garry Marchuk 16/001

Moved that the Subdivision Authority Agenda for January 5, 2016 be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 16/002

Moved that the December 1, 2015, Subdivision Authority Minutes be approved as presented.

Carried

3. IN CAMERA

Councillor Fred Schoening 16/003

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

Carried

Councillor Terry Yagos 16/004

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:36 pm.

Carried

Councillor Terry Yagos 16/005

Moved that the Subdivision Authority Meeting recess, the time being 6:37 pm, to allow for the Municipal Planning Commission Meeting.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 5, 2016

Councillor Terry Yagos

16/006

Moved that the Subdivision Authority Meeting reconvene, the time being 7:00 pm.

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a) SE 25-8-1 W5M
Kenneth Maufort
Subdivision Application No. 2015-0-192

Councillor Garry Marchuk

16/005

Moved that the Agricultural subdivision of SE 25-8-1-W5M (Certificate of Title No. 961 078 407 +1), to create a 6.20 acre (2.52 ha) parcel from a fragmented title of 125.48 acres (50.78 ha) for agricultural 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 6.20 acres at the market value of \$2,200 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 portion of Road Plan 70482 lying west of the proposed Road Plan (as shown on BOA Plan Showing Survey of Road file 15-12822) be consolidated with the adjacent portion of the SE 28 8-1 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the portion of Road Plan 70482 and that portion of Road Plan 78030 both lying within proposed Lot 1 Block 1 (as shown on BOA Plan Showing Survey of Road file 15-12822) be consolidated in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
5. That the proposed Road Plan creating Lot 1 Block 1 be registered concurrently with the Plan of Subdivision.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 5, 2016

Councillor Quentin Stevick

16/006

Moved that the Agricultural subdivision of SE 25-8-1-W5M (Certificate of Title No. 961 078 407 +1), to create a 6.20 acre (2.52 ha) parcel from a fragmented title of 125.48 acres (50.78 ha) for agricultural use, be tabled pending further information.

Councillor Stevick requested a recorded vote.

Councillor Stevick – In Favour
Councillor Marchuk – Opposed
Reeve Hammond – Opposed
Councillor Schoening – Opposed
Councillor Yagos – Opposed
Tabling Motion Defeated

Main Motion

Councillor Stevick requested a recorded vote.

Councillor Stevick – Opposed
Councillor Marchuk – In Favour
Reeve Hammond – In Favour
Councillor Schoening – In Favour
Councillor Yagos – In Favour
Carried

- b) SE 22-6-2 W5M
Doug and Lee McClelland
Subdivision Application No. 2015-0-198

Councillor Quentin Stevick

16/007

Moved that the Country Residential subdivision of SE 22-6-2 W5M (Certificate of Title No. 791 208 846), to create a 2.95 acre (1.19 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use, be tabled pending further information.

Councillor Stevick requested a recorded vote.

Councillor Stevick – In Favour
Councillor Marchuk – In Favour
Reeve Hammond – In Favour
Councillor Schoening – In Favour
Councillor Yagos – In Favour
Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 5, 2016

- c) Plan 1698AI, Blocks A, B, C, D, & E and NW 3-6-2 W5M
Lyle Noble
Subdivision Application No. 2015-0-201

Councillor Garry Marchuk

16/008

Moved that the Agricultural subdivision of Plan 1698AI, Blocks A, B, C, D & E & NW 3-6-2-W5M (Certificate of Title No. 101 010 454 & 151 253 743+2), to create a 38.8 acre (15.69 ha) parcel and a 104.42 acre (42.26ha) 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 38.80 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 3.16 acre portion of NW3 6-2 W5 (as shown on BOA tentative plan 15-13040T) be consolidated with the adjacent portion of proposed Lot 1 Block 1 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the portions of Block A, B, C and closed road containing 6.43 acres (as shown on BOA tentative plan 15-13040T) be consolidated with the NW3 6-2 W5 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Councillor Garry Marchuk requested a recorded vote.

Councillor Stevick – In Favour
Councillor Marchuk – In Favour
Reeve Hammond – In Favour
Councillor Schoening – In Favour
Councillor Yagos – In Favour
Carried

**MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 5, 2016**

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, February 2, 2016; 6:00 pm.

8. ADJOURNMENT

Councillor Fred Schoening

16/009

Moved that the meeting adjourn, the time being 7:25 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority



3105 - 16th A^{4a}
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8766
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2015-0-198

December 22, 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: SE1/4 22-6-2-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 School Division, TELUS, FortisAlberta, AltaLink, ATCO Pipelines, AB Health Services, AB Agriculture, AB Environment & Parks – 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.


for Gavin Scott
Planner

GS/jm
Attachment

RESOLUTION

2015-0-198

M.D. of Pincher Creek No. 9 Country Residential subdivision of SE1/4 22-6-2-W5M

THAT the Country Residential subdivision of SE1/4 22-6-2-W5M (Certificate of Title No. 791208846), to create a 2.95 acre (1.19 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 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.

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 proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.

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 Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The Subdivision Approval Authority of the MD of Pincher Creek No.9 waived the 3 acre minimum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act.
- (e) MD of Pincher Creek No. 9, L.J. (Leo) Reedyk – Director of Operations:
“The only comment I have is that the proposed Lot 1 parcel is less than 3 acres.”
- (f) MD of Pincher Creek No. 9, Stu Weber – Public Works Superintendent:
“If they want a secondary approach built up they will have to pay for it. Otherwise, I have no concerns.”
- (g) ATCO Gas has no objections to the proposed subdivision as our existing lines are covered by easement.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: December 15, 2015

Date of Receipt: December 4, 2015

TO: Landowner: Douglas & Leona McClelland

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

Referral Agencies: M.D. of Pincher Creek No. 9, Fred Schoening, Livingstone School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Service, AB Agriculture, AB Environment & Parks - K. Murphy, Historical Resources Administrator, AER and Shell Canada

Adjacent Landowners: David and Margaret Cox, Sandra Duke, Riverside Ranch (Zoratti) Ltd., Stuart McDowall, Olga Petrone

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 **January 4, 2016**. (Please quote our File No. **2015-0-198** in any correspondence with this office).

File No.: 2015-0-198

Legal Description: SE1/4 22-6-2-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: 791 208 846

Meeting Date: January 5, 2016

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 2.95 acre (1.19 ha) parcel from a (previously unsubdivided quarter section/ or title) of 160 acres (64.7 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, garage, and an out-building. Access to the lot is presently granted from an existing approach to the east, off of a developed municipal road allowance. The existing residence is serviced by a septic system and domestic well.

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.

RESERVE:

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

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.



OLDMAN RIVER REGIONAL SERVICES COMMISSION

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: \$925	File No: 2015-0-198	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: Dec 4, 2015	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Douglas Leona McClelland
 Mailing Address: P.O. Box 2198 Pincher Creek Postal Code: T0K1W0
 Telephone: 403-627-2341 Cell: 403 627 8922 Fax: _____
 Email: dmcclelland@hotmail.com
 Name of Agent (Person Authorized to act on behalf of Registered Owner): DAVID Amantea
 Mailing Address: P.O. Box 655, Lethbridge, AB Postal Code: T1J 3Z4
 Telephone: 403-329-4688 Cell: _____ Fax: _____
 Email: d.amantea@bokamura.com

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 22 Township 6 Range 2 West of S 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 15.9 acres
 d. Total number of lots to be created: 1 Size of Lot(s): ± 3 Acres
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): _____

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Pincher 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 0.8 kilometres (½ 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 _____
 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 Agriculture
 b. Proposed use of the land Agriculture

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
open farm land some brush
- 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.
New home, garage, garden shed
- 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 well
- b. Proposed source of potable water well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal septic tank & field
- b. Proposed sewage disposal same

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Don Douglas & Leona McClelland 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.

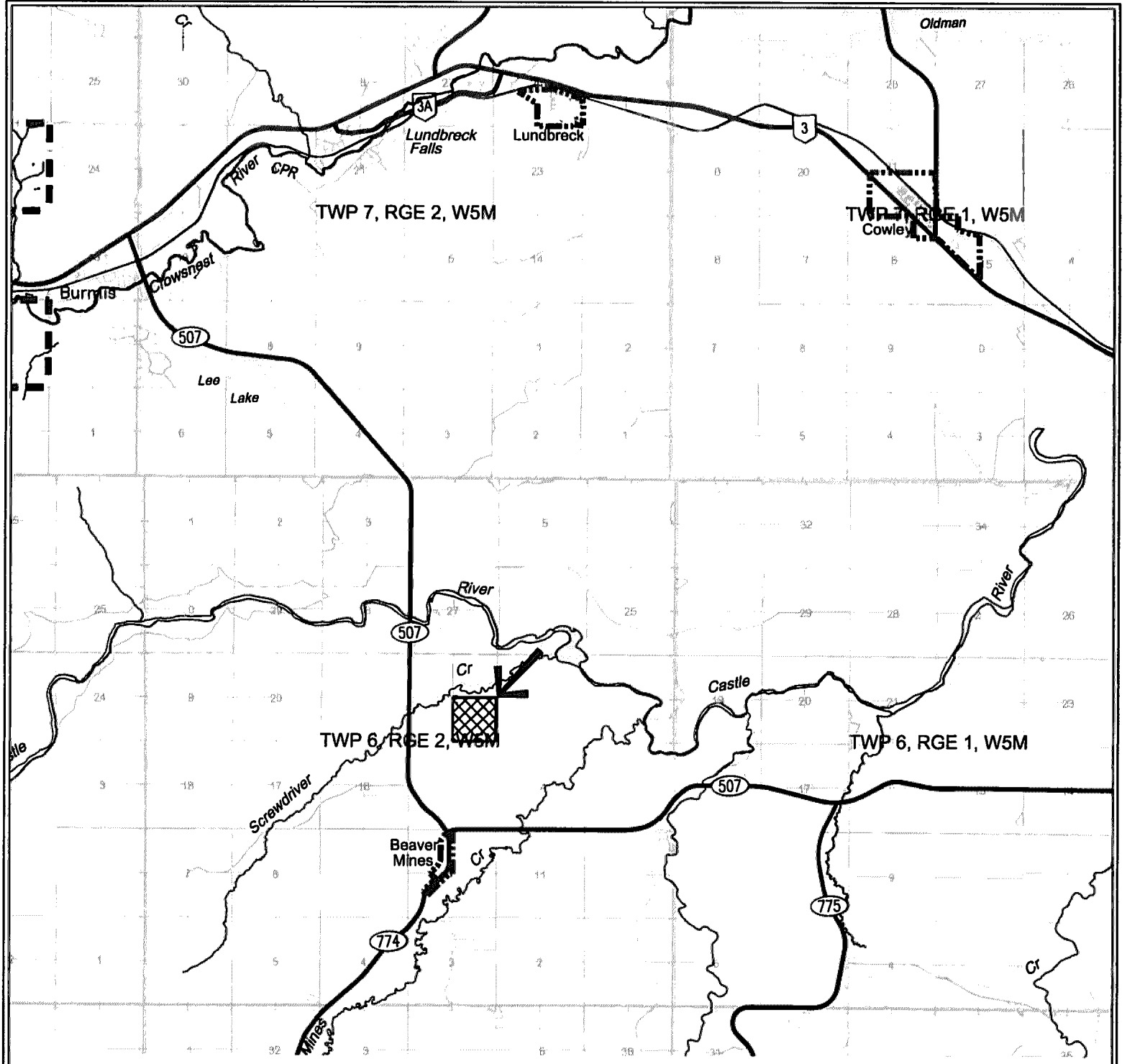
Signed: Don Douglas & Leona McClelland Date: Nov 18 / 2015

9. RIGHT OF ENTRY

I, Don Douglas & Leona McClelland 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.

Don Douglas & Leona McClelland
Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
SE 1/4 SEC 22, TWP 6, RGE 2, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: DECEMBER 7, 2015
FILE No: 2015-0-198

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2015 000 000000 000000 000000 000000 000000
 NOT RESPONSIBLE FOR CHANGES OR OMISSIONS

NE22 6-2-5

NW23

1 (IN TWO PARTS)
2
1413153

SW22 6-2-5

SW23 6-2-5

REMAINDER OF
TITLE IN
SE22 6-2-5
63.56±ha
(157.05±Ac)

PROPOSED
LOT 1
BLOCK 1
1.19±ha
(2.95±Ac)

PIPELINE R/W

(9911350)

ROADWAY

1218AZ

NW15

NE15 6-2-5

NW14

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-13071T

SE 1/4 SEC 22, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 7, 2015

FILE No: 2015-0-198



0 100 200 300 400
Metres
December 07, 2015 N:\Subdivision\2015\2015-0-198.dwg





SUBDIVISION SKETCH

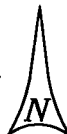
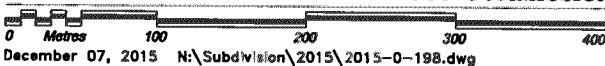
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-13071T

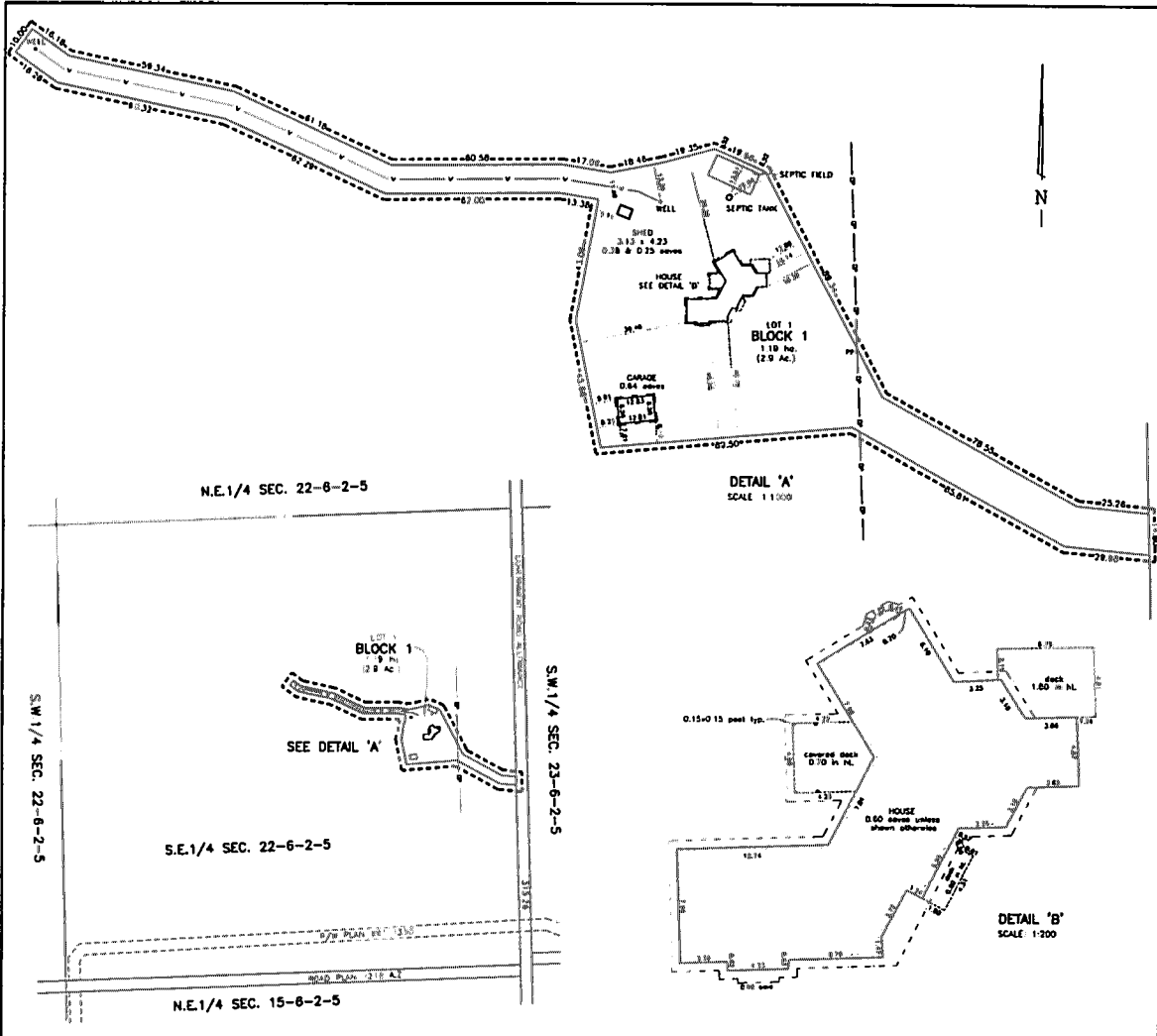
SE 1/4 SEC 22, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 7, 2015

FILE No: 2015-0-198





NO.	REVISION	DATE	BY

NOTE: Portion to be approved is outlined thus
and contains approximately 3.38 ha
Distances are in metres and decimal parts thereof
Distances and areas are approximate and are
subject to change upon final survey

DOUGLAS & LEONA MCLELLAND

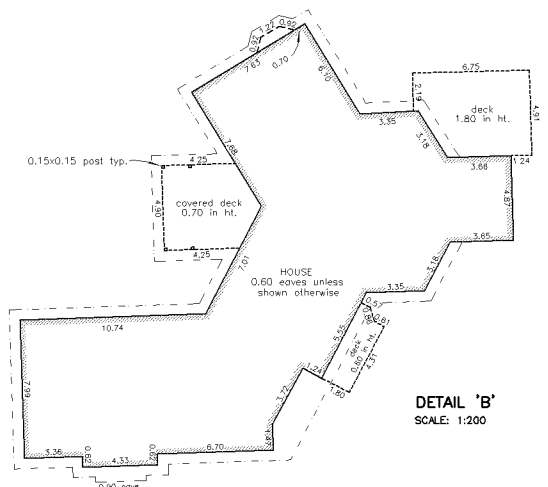
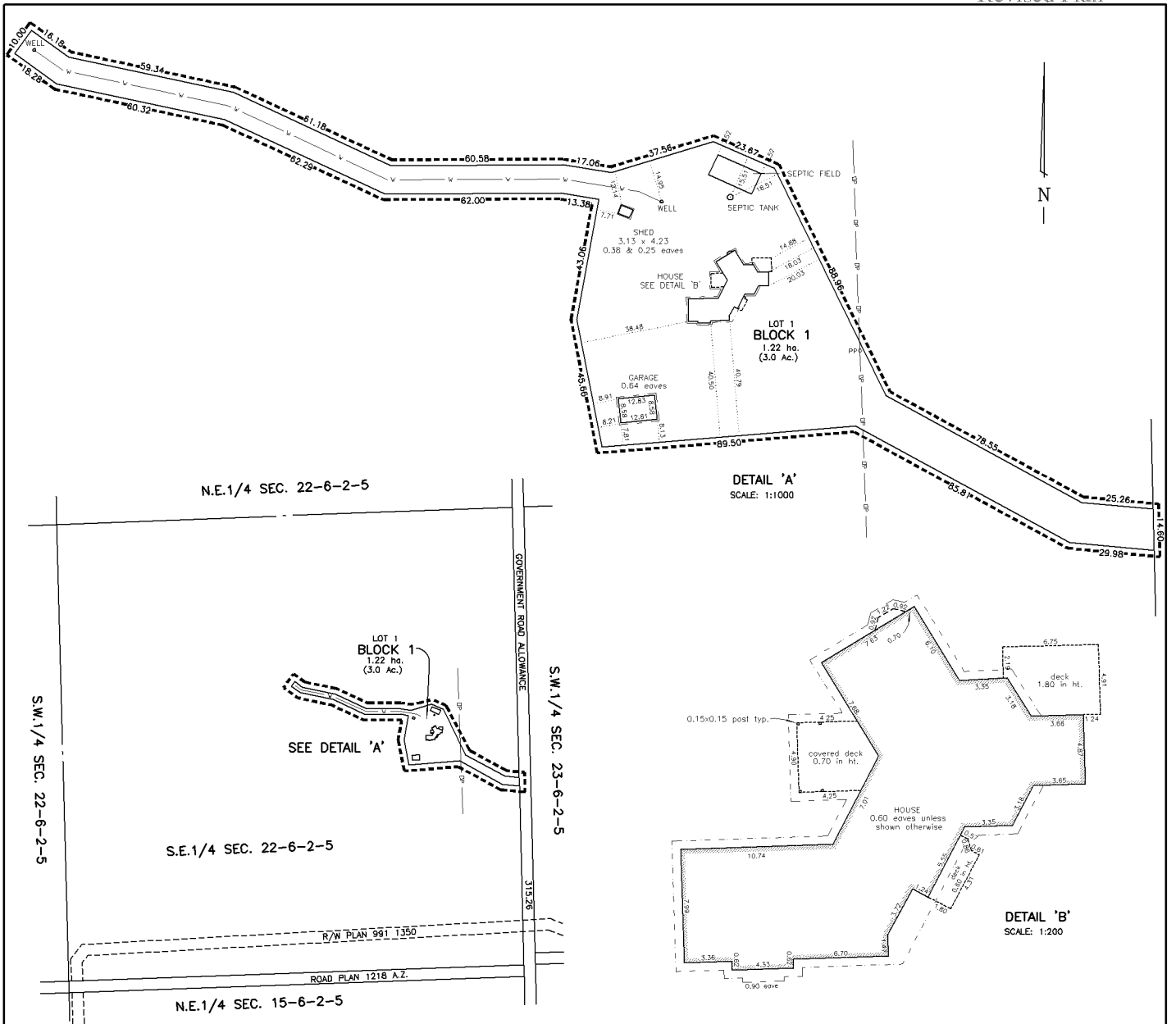
TENTATIVE PLAN SHOWING SUBMISSION
of part of
S.E.1/4 SEC. 22, TWP. 6, RGE. 2, W.5 M.

M.D. of Picher Creek No 9

bea brown okamura & associates ltd.
Professional Surveyors
518 Sturford Drive, Lethbridge, Alberta

APPROVED	DRAWN	DATE
	MAJ	NOV 27/15
CHECKED	DIA	JOB
		15-130715
SCALE	DRAWING	
D.J. Amadio, A.S.S.		15-130715
	1:5000	

Revised Plan



1	ADJUSTED NORTH BOUNDARY TO INCREASE AREA TO 3 AC. MIN	JAN 7/16	MJ
NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus ----- and contains approximately 1.22 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

DOUGLAS & LEONA MCLELLAND

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.E.1/4 SEC. 22, TWP. 6, RGE. 2, W.5 M.

M.D. of Fincher Creek No.9

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

APPROVED	DRAWN MJ	DATE NOV 27/15
	CHECKED DJA	JOB 15-13071
	SCALE 1:5000	DRAWING 15-13071T

D.J. Amantea, A.L.S.