

**Agenda**  
**Municipal District of Pincher Creek No. 9**  
**Subdivision Authority**  
**April 5, 2016**  
**6:00 pm**

- 1. Adoption of Agenda**
- 2. Minutes**
  - a) Minutes of March 1, 2016
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
  - a) Subdivision Application No. 2016-0-040  
Lee and Tracey Evenson  
Plan 9410018, Lot 4; NE ¼ and S ½ 19-4-29 W4M
- 6. New Business**
- 7. Next Regular Meeting**     May 3, 2016; 6:00 pm
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority  
Tuesday, March 1, 2016; 6:00 pm  
M.D. of Pincher Creek No. 9 Council Chambers**

**IN ATTENDANCE**

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

Staff: Chief Administrative Officer Wendy Kay, Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, 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 16/017

Moved that the Subdivision Authority Agenda for March 1, 2016, be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Councillor Terry Yagos 16/018

Moved that the February 2, 2016 Subdivision Authority Minutes, be approved as presented.

Carried

**3. IN CAMERA**

Councillor Fred Schoening 16/019

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

Carried

Councillor Terry Yagos 16/020

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:27 pm.

Carried

MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
March 1, 2016

**4. UNFINISHED BUSINESS**

Nil

**5. SUBDIVISION APPLICATION**

a) Subdivision Application No. 2016-0-024  
Marylyn Heaton  
W ½ 1-8-1 W5M

Councillor Quentin Stevick

16/021

Moved that the Country Residential subdivision of W ½ 1-8-1 W5M (Certificate of Title No. 141 025 139+1, 141 025 139+2 and 141 025 139+3), to create a 16.00 acre (6.48 ha) parcel from three existing titles for country residential use, be approved subject to the following:

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 residential portion of Certificate of Title 141 025 139+1 be consolidated with the adjacent portion of the NW 1-8-1 W5M (Title 141 025 139+3) in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the abandoned house be demolished or removed prior to finalization of the subdivision and that the demolition debris is not to be buried on site, but removed and disposed of at a landfill that accepts such material.
5. That an easement for legal access across proposed Lot 1, Block 1, and NW 1-8-1 W5M to the benefit of NE 1-8-1 W5M shall be provided before final approval of the subdivision. A copy of the signed easement agreement is required by the subdivision authority.

Councillor Fred Schoening requested a recorded vote.

Councillor Quentin Stevick – In Favour  
Councillor Garry Marchuk – In Favour  
Reeve Brian Hammond – In Favour  
Councillor Fred Schoening – Opposed  
Councillor Terry Yagos – In Favour  
Motion Carried

**MINUTES**  
**SUBDIVISION AUTHORITY**  
**Municipal District of Pincher Creek No. 9**  
**March 1, 2016**

**6. NEW BUSINESS**

Nil

**7. NEXT MEETING** – Tuesday, April 5, 2016; 6:00 pm.

**8. ADJOURNMENT**

Councillor Garry Marchuk

16/022

Moved that the meeting adjourn, the time being 6:29 pm.

Carried

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Brian Hammond, Chair  
Subdivision Authority

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Wendy Kay, Secretary  
Subdivision Authority

3105 - 16<sup>th</sup> 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](mailto:subdivision@orrsc.com)

Website: [www.orrsc.com](http://www.orrsc.com)



## DRAFT RESOLUTION

Our File: 2016-0-040

March 23, 2016

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: Plan 9410018, Lot 4 within NE1/4 & S1/2 19-4-29-W4M / 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, AltaLink, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, AER, Plains Midstream Canada, Solex Energy Corp 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.

Gavin Scott  
Planner

GS/jm  
Attachment

# RESOLUTION

2016-0-040

**M.D. of Pincher Creek No. 9 Country Residential** subdivision of Plan 9410018, Lot 4 within NE1/4 & S1/2 19-4-29-W4M

THAT the Country Residential subdivision of Plan 9410018, Lot 4 within NE1/4 & S1/2 19-4-29-W4M (Certificate of Title No. 941 134 880), to create a 16.10 acre (6.50 ha) parcel from a title of 229.93 acres (93.05 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 both the Municipal Development Plan and Land Use Bylaw.
4. 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.
5. 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) MD of Pincher Creek No. 9, L.J. Reedyk – Director of Operations:  
“I have no issues with the proposed subdivision.”
- (e) Pincher Creek Emergency Services, David Cox – Chief:  
“I have no issues with this development.”

- (f) FortisAlberta has 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 (310-9473) to make application for electrical services.

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

- (g) Alberta Transportation, John Thomas – Development/Planning Technologist:

"Reference your file to create a parcel for country residential/farmstead use at the above noted location.

The proposal is to create a single parcel of land from an unsubdivided parcel of land of which was created by consolidation of a portion of the SE of 19 with the SW of 19, to accommodate an existing residence and related improvements. As such, for all intents and purposes this application is in accordance with the spirit and intent of Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 ("the regulation").

Notwithstanding the foregoing, resultant of the fact that the remnant land does have direct access to Highway 6 this application is subject to the requirements of Section 15(2) of the regulation.

Alberta Transportation's primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.

To that end, the proposal is in accordance with said Section 14(b) and the parcel to be created will be well removed from the highway with indirect access solely by way of the local road system. Moreover, the remnant land will remain to be an agricultural tract with no additional highway frontages being created and by virtue of the department's current access management guidelines use of the existing direct highway access for limited agricultural use is an acceptable access management strategy. Given this, strictly from Alberta Transportation's point of view, we do not anticipate that creation of the country residential/farmstead parcel as proposed would have any appreciable impact on the highway.

Therefore, in this instance the department grants a waiver of Section 15(2) of the regulation.

Even though the waiver of Section 15(2) has been granted, the applicant is advised that no additional access to the highway will be allowed as a result of this application and that the existing direct access could remain on a temporary basis for limited agricultural use only.

The applicant would also be advised that any development within the highway right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the center 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 Act and the corresponding 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 the said permit. To ensure that any future highway expansion plans are not unduly compromised minimum setbacks would be identified and invoked as a 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.

Alberta Transportation 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.”

\_\_\_\_\_

CHAIRMAN

\_\_\_\_\_

DATE



## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** March 9, 2016

**Date of Receipt:** March 4, 2016

**TO: Landowner:** Lee L Evenson & Tracey P Evenson

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

**Referral Agencies:** M.D. of Pincher Creek No. 9, Fred Schoening, Livingstone School Division, TELUS, FortisAlberta, AltaLink, AltaGas, AB Health Services, AB Agriculture, AB Transportation, AB Environment & Parks - K. Murphy, AER, Plains Midstream Canada, Solex Energy Corp, Shell Canada

**Adjacent Landowners:** Lee and Tracey Evenson, Dianne Gregory, Chester Bonertz, Canadian Pacific Railway, Norman and Tamara McNeil, Jacob Beemsterboer, Glen and Barbara Dunbar, Jacob Beemsterboer, Drywood Ranch Ltd., Barbara Turpin, Iris Winkelaar (Executrix for Elsie Gold)

**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 **March 29, 2016**. (Please quote our File No. 2016-0-040 in any correspondence with this office).

**File No.:** 2016-0-040

**Legal Description:** Plan 9410018, Lot 4 within NE1/4 & S1/2 19-4-29-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:** 941 134 880

**Meeting Date:** April 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 16.10 acre (6.50 ha) parcel from a title of 229.93 acres (93.05 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling and an out-building. Access to the lot is presently granted from an existing approach to the west, off of a developed municipal road allowance. The existing residence is serviced by a septic system and on-site 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.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. 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.
8. That the proposed parcel be reduced in size 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.

**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  
URBAN MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: \$925.00	File No: 2016-0-040	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: march 4, 2016	Accepted By: <i>[Signature]</i>

**1. CONTACT INFORMATION**

Name of Agent (Person Authorized to act on behalf of Registered Owner): DAVID J. AMANTEA, ALS

Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4

Telephone: 403 329-4688 x 29 Cell: \_\_\_\_\_ Fax: 403-320-9144

Email: d.amantea@bokamura.com

Name of Registered Owner of Land to be Subdivided: LEE & TRACEY EVENSON

Mailing Address: P.O BOX 1056, PINCHER CREEK Postal Code: T0K 1W0

Telephone: 403-627-6667 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED**

a. All/part of the SW ¼ Section 19 Township 4 Range 29 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

b. Being all/part of: Lot/Unit 4 Block \_\_\_\_\_ Plan 941 0018

c. Total area of existing parcel of land (to be subdivided) is: 6.50 hectares \_\_\_\_\_ acres

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

e. Municipal/Civic Address (if applicable): \_\_\_\_\_

f. Certificate of Title No.(s): 941 134 880

**3. LOCATION OF LAND TO BE SUBDIVIDED**

a. The land is located in the municipality of M.D. 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. 6

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 FARM YARD

b. Proposed use of the land \_\_\_\_\_

**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.)  
GRASS
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) MIXED
- 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.
- e. Are there any active oil or gas wells or pipelines on the land? Yes  No
- f. Are there any abandoned oil or gas wells or pipelines on the land? Yes  No

**6. WATER SERVICES**

- a. Existing source of water WELL Municipal  Other   
If other, describe existing source of water
- b. Proposed source of water WELL Municipal  Other   
If other, describe proposed source of water

**7. SEWER SERVICES**

- a. Existing sewage disposal SPETIC Municipal  Other   
If other, describe existing sewage disposal
- b. Proposed sewage disposal SEPTIC Municipal  Other   
If other, describe proposed sewage disposal

**8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF**

I David J. Amantea, ALS (BOA File No. 16-13152) 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: 

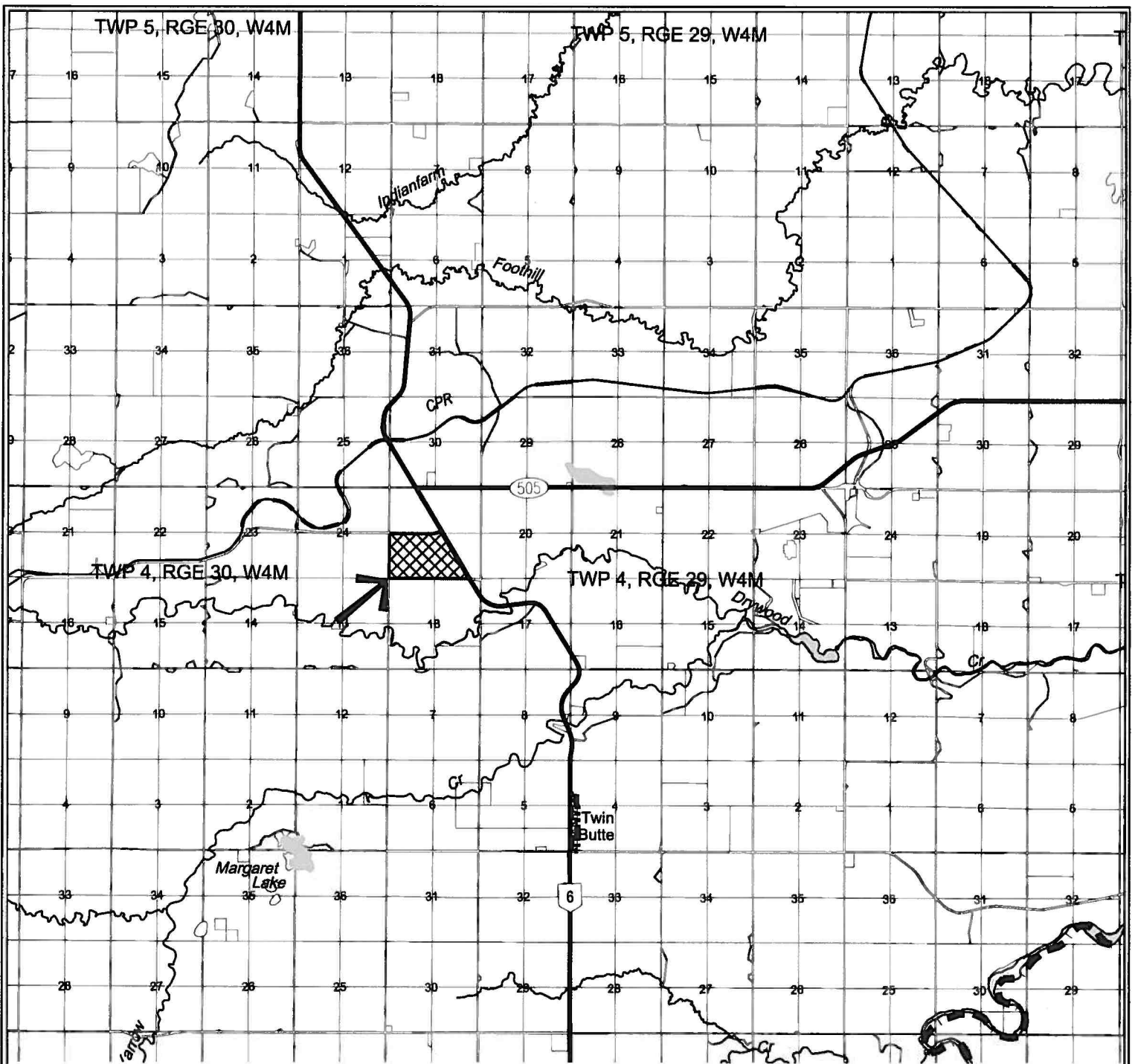
Date: MARCH 3/2016

**9. RIGHT OF ENTRY**

I \_\_\_\_\_ 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.

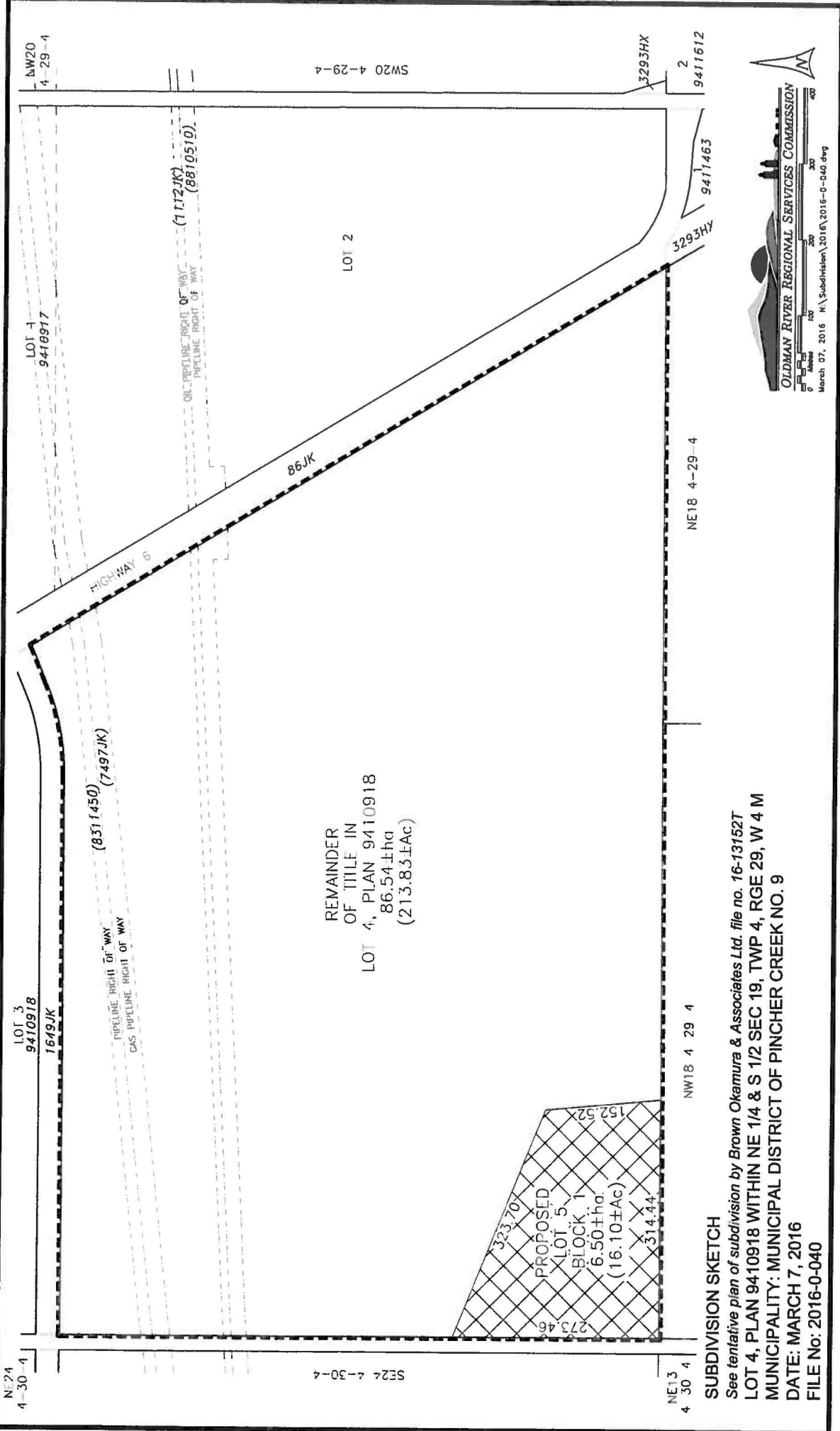
  
Signature of Registered Owner



**SUBDIVISION LOCATION SKETCH**  
**LOT 4, PLAN 9410918 WITHIN**  
**NE & S 1/2 SEC 19, TWP 4, RGE 29, W 4 M**  
**MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**DATE: MARCH 7, 2016**  
**FILE No: 2016-0-040**

MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 2105 98B AVENUE NORTH, LETHBRIDGE, AB T1V 2E5  
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS





NE24  
4-30-4

SE24 4-30-4

LOT 3  
9410918  
1649JK

(8311450)  
(7497JK)

PIPELINE RIGHT OF WAY  
GAS PIPELINE RIGHT OF WAY

REMAINDER  
OF TITLE IN  
LOT 4, PLAN 9410918  
86.54±ha  
(213.85±Ac)

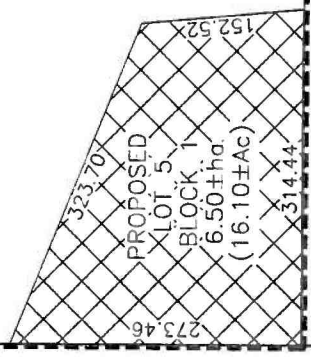
LOT 2

86JK

NW20  
4-29-4

SW20 4-29-4

(1172JK)  
(8810510)



PROPOSED  
LOT 5  
BLOCK 1  
6.50±ha  
(16.10±Ac)

NE13  
4-30-4

NW18 4 29 4

NE18 4-29-4

9411612

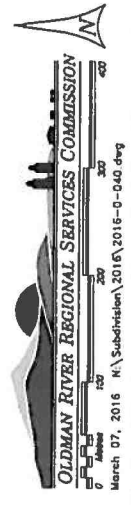
2

9411463

3293HY

3293HX

**SUBDIVISION SKETCH**  
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13152T  
LOT 4, PLAN 9410918 WITHIN NE 1/4 & S 1/2 SEC 19, TWP 4, RGE 29, W 4 M  
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
DATE: MARCH 7, 2016  
FILE No: 2016-0-040



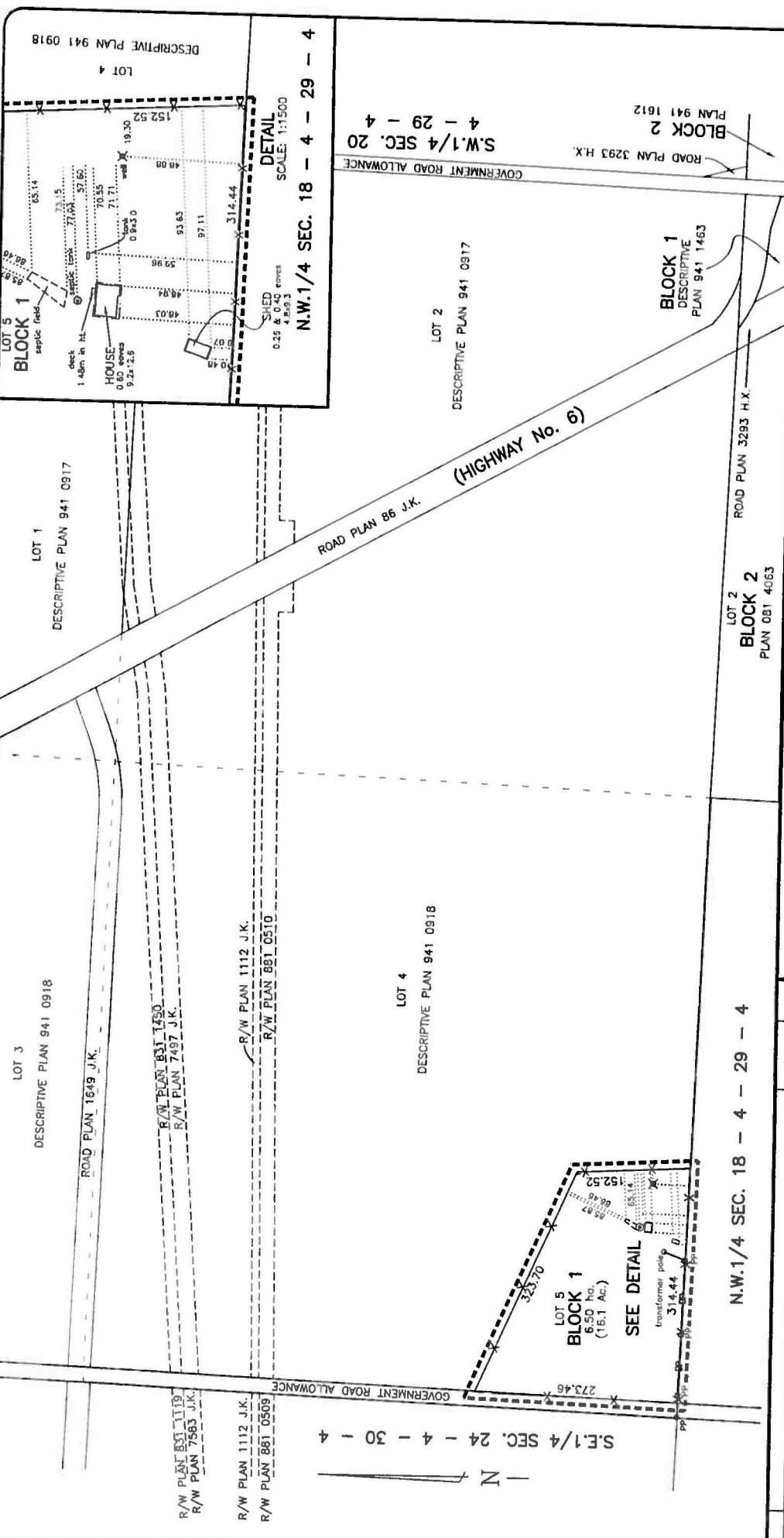


**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13152T  
 LOT 4, PLAN 9410918 WITHIN NE 1/4 & S 1/2 SEC 19, TWP 4, RGE 29, W 4 M  
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
 DATE: MARCH 7, 2016  
 FILE No: 2016-0-040

AERIAL PHOTO DATE: 2012





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

APPROVED	DRAWN	CJB	DATE	MARCH 1/16
<i>[Signature]</i>	CHECKED	DUA	JOB	16-13152
	SCALE		DRAWING	16-13152T
				1:5000

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

**LEE EVENSON**  
TENTATIVE PLAN SHOWING SUBDIVISION  
of part of  
LOT 4; DESCRIPTIVE PLAN 941 0918  
(4305 RGE RD 30-0)  
all within  
S.W.1/4 SEC. 19; TWP. 4; RGE. 29; W.4 M.  
MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

NO.	REVISION	DATE	BY

Improvements shown were surveyed on February 25th, 2016

NOTE : Portion to be approved is outlined thus  
and contains approximately 6.50 ha.  
Distances are in metres and decimal parts thereof.  
Distances and areas are approximate and are  
subject to change upon final survey.