

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
May 2, 2017
6:00 pm

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of December 6, 2016
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a. Subdivision Application No. 2017-0-042
Gary and Delphine Crayford
SE 6-7-1 W5M
- 6. New Business**
- 7. Next Regular Meeting** June 6, 2017; 6:00 pm
- 8. Adjournment**

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

IN ATTENDANCE

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

Absent: Councillor 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 Terry Yagos 16/060

Moved that the Subdivision Authority Agenda for December 6, 2016, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Quentin Stevick 16/061

Moved that the October 4, 2016, Subdivision Authority Minutes, be approved as presented.

Carried

3. IN CAMERA

Councillor Quentin Stevick 16/062

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

Carried

Councillor Terry Yagos 16/063

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:25 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
December 6, 2016

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a) Subdivision Application No. 2016-0-159
Thomas James Liscombe
SE 22-5-1 W5M

Councillor Terry Yagos

16/064

Moved that Country Residential subdivision of SE 22-5-1 W5M (Certificate of Title No. 151 097 393), to create a 7.52 acre (3.04 ha) parcel from a title of 160 acres (64.7 ha) 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.

Carried

6. NEW BUSINESS

Nil

- 7. NEXT MEETING** – Tuesday, January 3, 2017; 6:00 pm.

8. ADJOURNMENT

Councillor Fred Schoening

16/065

Moved that the meeting adjourn, the time being 6:26 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority



3105 - 16th 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
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2017-0-042

April 26, 2017

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 6-7-1-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 School Division, AltaLink, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, AB Environment & Parks – C. Wojtowicz, AER, and South Lunbreck Water Co-op.

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/so
Attachment

RESOLUTION

2017-0-042

M.D. of Pincher Creek No. 9 Country Residential subdivision of SE1/4 6-7-1-W5M

THAT the Country Residential subdivision of SE1/4 6-7-1-W5M (Certificate of Title No. 011 163 419), to create a 7.01 acre (2.84 ha) parcel from a previously unsubdivided quarter section of 161.39 acres (65.31 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. In accordance with Section 654(1)(2) of the Municipal Government Act for the purpose of subdivision, the Subdivision Authority of the MD of Pincher Creek granted a waiver of the land use bylaw required setback distance from a public road. And further in the granting of a waiver has determined the location of the residence and deck has had no impact on adjoining properties.
4. 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 Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The Tentative Plan (17-13667 Brown Okamura & associates Ltd.) indicates that the nearest portion of deck structure is 22.89 m from the eastern property line which in accordance with the Land Use Bylaw requires a 50.0 m setback. An approval of the subdivision grants a 27.11 m waiver for the purposes of subdivision only.
- (e) Municipal District of Pincher Creek, David Cox – Chief, Emergency Services:
"I have no issues with this development."

- (f) TELUS Communications Inc. has **no objections** to the current land owner proceeding with this application.

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.

- (g) ATCO Gas, Ellen Struthers – Land Agent:

"ATCO Gas has no existing Utility Right of Way on the subject property. **The landowner(s) is required to contact the ATCO Gas land agent listed below to execute a Utility Right of Way to the satisfaction of ATCO Gas. Once the Utility Right of Way is registered at the Alberta Land Titles Office we will notify the municipality of the same.**

Land Agent: Ellen Struthers

Phone No.: (403) 245-7839"

- (h) ATCO Pipelines has no objection.

- (i) 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 or by calling (403) 514-4783 for any questions.

CHAIRMAN

DATE



3105 - 16th 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
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: March 28, 2017

Date of Receipt: May 24, 2017

TO: Landowner: Gary & Delphine Crayford

Agent or Surveyor: Thomas C. Penner, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Quentin Stevick, Livingstone School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks - K. Murphy, AB Environment & Parks - C. Wojtowicz, AER, South Lundbreck Water Co-op

Adjacent Landowners: Elizabeth Evans, Joan Likuski, William Everts, Keith & Beverly Everts, Reners Farms Ltd., Elizabeth Evans, Reners Farms Ltd., Thomas & Patricia Toney, Allen Tapay, Raymond & Joan Banga

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 **April 17, 2017**. (Please quote our File No. **2017-0-042** in any correspondence with this office).

File No.: 2017-0-042

Legal Description: SE1/4 6-7-1-W5M

Municipality: M.D. of Pincher Creek No. 9

Land Designation: Agriculture - A
(Zoning)

Existing Use: Country Residential & Agriculture

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 011 163 419

Meeting Date: May 2, 2017

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 7.01 acre (2.84 ha) parcel from a previously unsubdivided quarter section of 161.39 acres (65.31 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, shop, and number of other out-buildings. The existing residence is serviced by a 2008 septic system and water from the South Lundbreck Water CO-OP Ltd.

An unnamed seasonal creek (tributary to the Oldman Dam) traverses the northerly portion of the proposed subdivision and a large pond which is included in the subdivision request lies to the north of the creek.

Access to the lot is presently granted from an existing approach to the east, off of a developed municipal road allowance. In 1990, a 5.12m road widening moved the eastern lot line to 26.59m from the existing dwelling. For the purposes of subdivision, a setback waiver from the required 50m setback should be considered to accommodate the subdivision request.

With waiver 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 the proposed parcel may be reduced in size sufficient to accommodate existing buildings, structures and improvements.
7. In accordance with Section 654(2) of the Municipal Government Act, the Subdivision Authority of the MD of Pincher Creek should consider granting a waiver of the land use bylaw required minimum setback from a public roadway.

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.



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw): <u>Agriculture - A</u>		
Fee Submitted: <u>\$935.00</u>	File No: <u>2017-0-042</u>	
APPLICATION SUBMISSION		
Date of Receipt: <u>Mar 24/17</u>	Date Deemed Complete: <u>Mar 24/17</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: GARY & DELPHINE CRAYFORD

Mailing Address: [Redacted] Postal Code: [Redacted]

Telephone: [Redacted] Cell: _____ Fax: _____

Email: _____

Name of Agent (Person Authorized to act on behalf of Registered Owner): Thomas C. Penner, ALS

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

Telephone: 403-329-4688 ex. 28 Cell: _____ Fax: 403-320-9144

Email: thomas@bokamura.com

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 6 Township 7 Range 1 West of 5 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: 65.32 hectares 161.41 acres

d. Total number of lots to be created: 1 Size of Lot(s): 2.84 hectares (7.01 acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 011 163 419

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD Pincher 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 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 unnamed creek

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 Acres and Farmland

b. Proposed use of the land Acres and Farmland

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) mixed
- 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.) unknown
- 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.
see attached tentative plan
- 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 water co-op
- b. Proposed source of potable water water co-op

7. SEWER SERVICES

Describe:

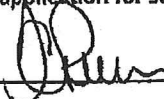
- a. Existing sewage disposal: Type septic tank and field Year Installed 2008
- b. Proposed sewage disposal: Type septic tank and field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File: 17-13667) 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 22, 2017

9. RIGHT OF ENTRY

I DELPHINE CRAYFORD 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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0020 774 840 5;1;7;6;SE 011 163 419

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 7
SECTION 6
QUARTER SOUTH EAST
AS SHOWN ON THE TOWNSHIP PLAN DATED 16 JANUARY 1988
CONTAINING 65.8 HECTARES (162.57 ACRES) MORE OR LESS
ALSO EXCEPTING THEREOUT
PLAN NUMBER HECTARES ACRES
ROAD 9012042 0.476 1.18
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 011 043 065

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

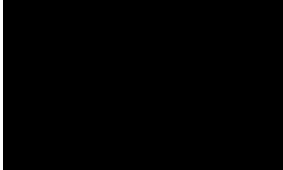
011 163 419 13/06/2001 TRANSFER OF LAND \$97,000 \$97,000

OWNERS

GARY CRAYFORD

AND

DELPHINE CRAYFORD



(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
011 163 419

REGISTRATION

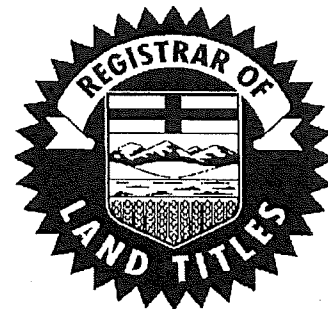
NUMBER	DATE (D/M/Y)	PARTICULARS
911 019 979	25/01/1991	UTILITY RIGHT OF WAY GRANTEE - SOUTH LUNDBRECK WATER CO-OP LTD.
011 163 421	13/06/2001	MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES. PO BOX 1600 PINCHER CREEK ALBERTA TOKIWO ORIGINAL PRINCIPAL AMOUNT: \$22,000
061 087 078	01/03/2006	AMENDING AGREEMENT AMOUNT: \$120,000 AFFECTS INSTRUMENT: 011163421
111 124 279	19/05/2011	AMENDING AGREEMENT AMOUNT: \$250,000 AFFECTS INSTRUMENT: 011163421

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 1 DAY OF MARCH, 2017 AT 02:54 P.M.

ORDER NUMBER: 32402627

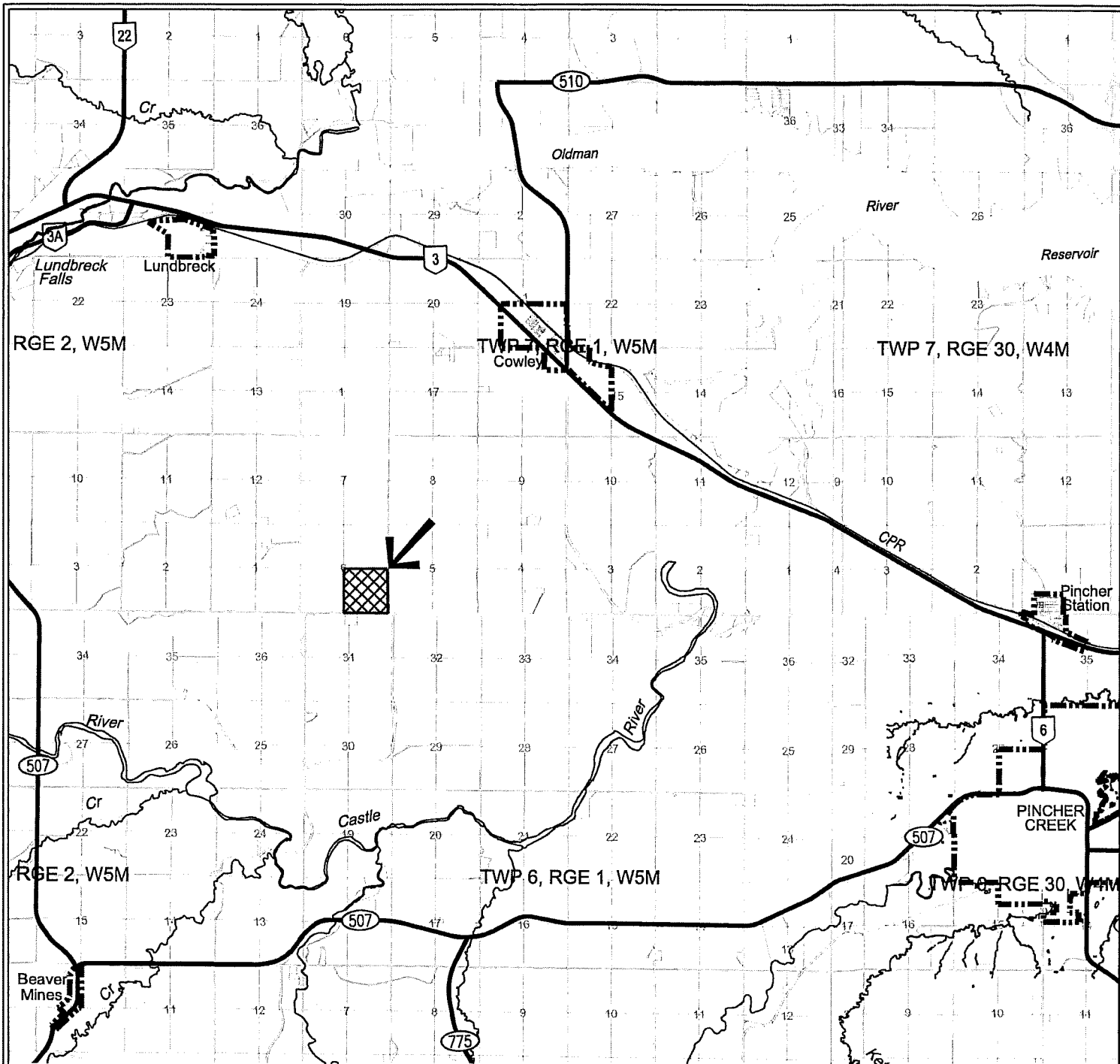
CUSTOMER FILE NUMBER: 507



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.

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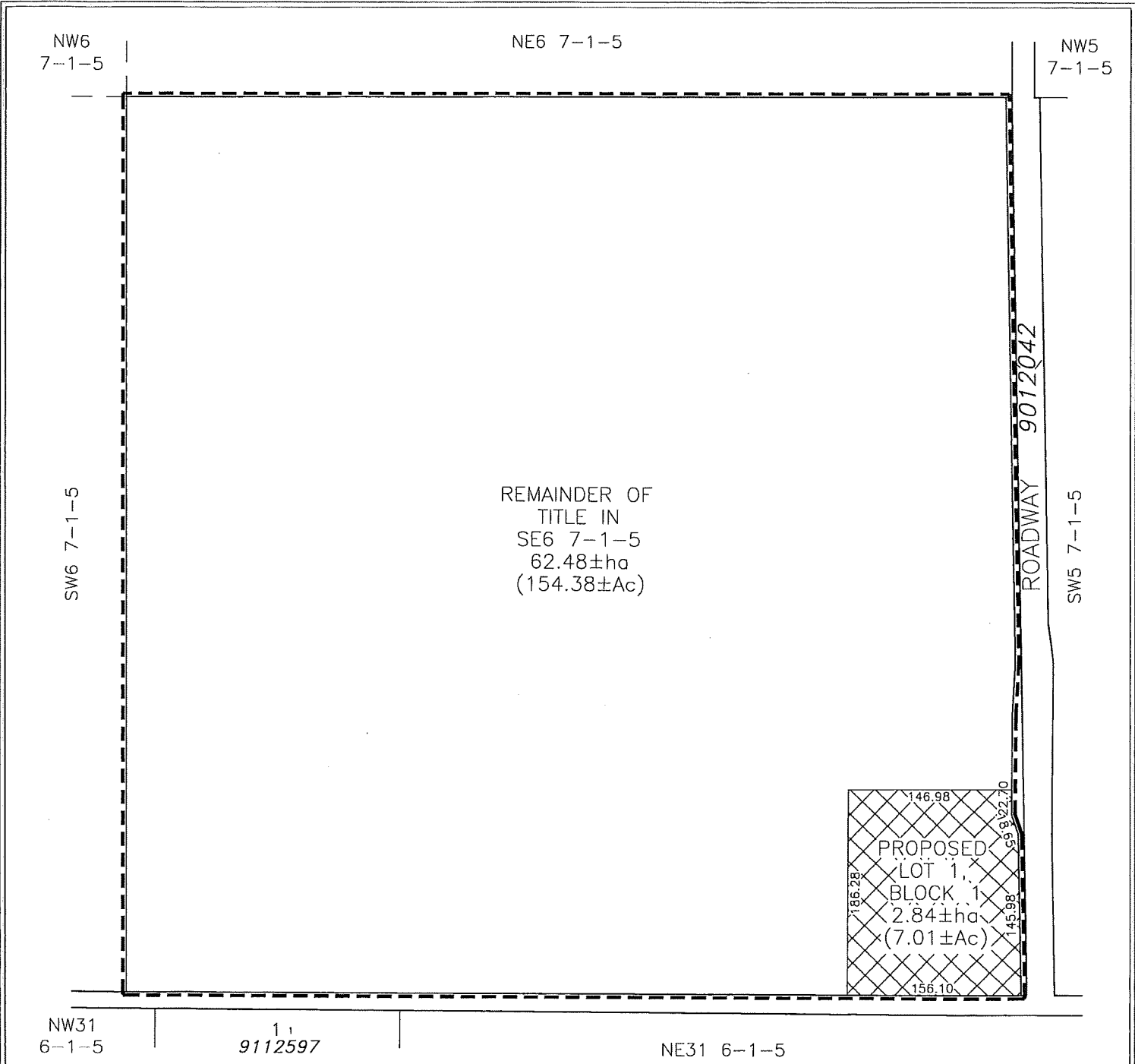


SUBDIVISION LOCATION SKETCH
SE 1/4 SEC 6, TWP 7, RGE 1, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: MARCH 27, 2017
FILE No: 2017-0-042

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3104 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5S8
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



March 27, 2017 N:\Subdivision\2017\2017-0-042.dwg



SUBDIVISION SKETCH

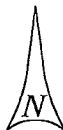
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 17-13667T

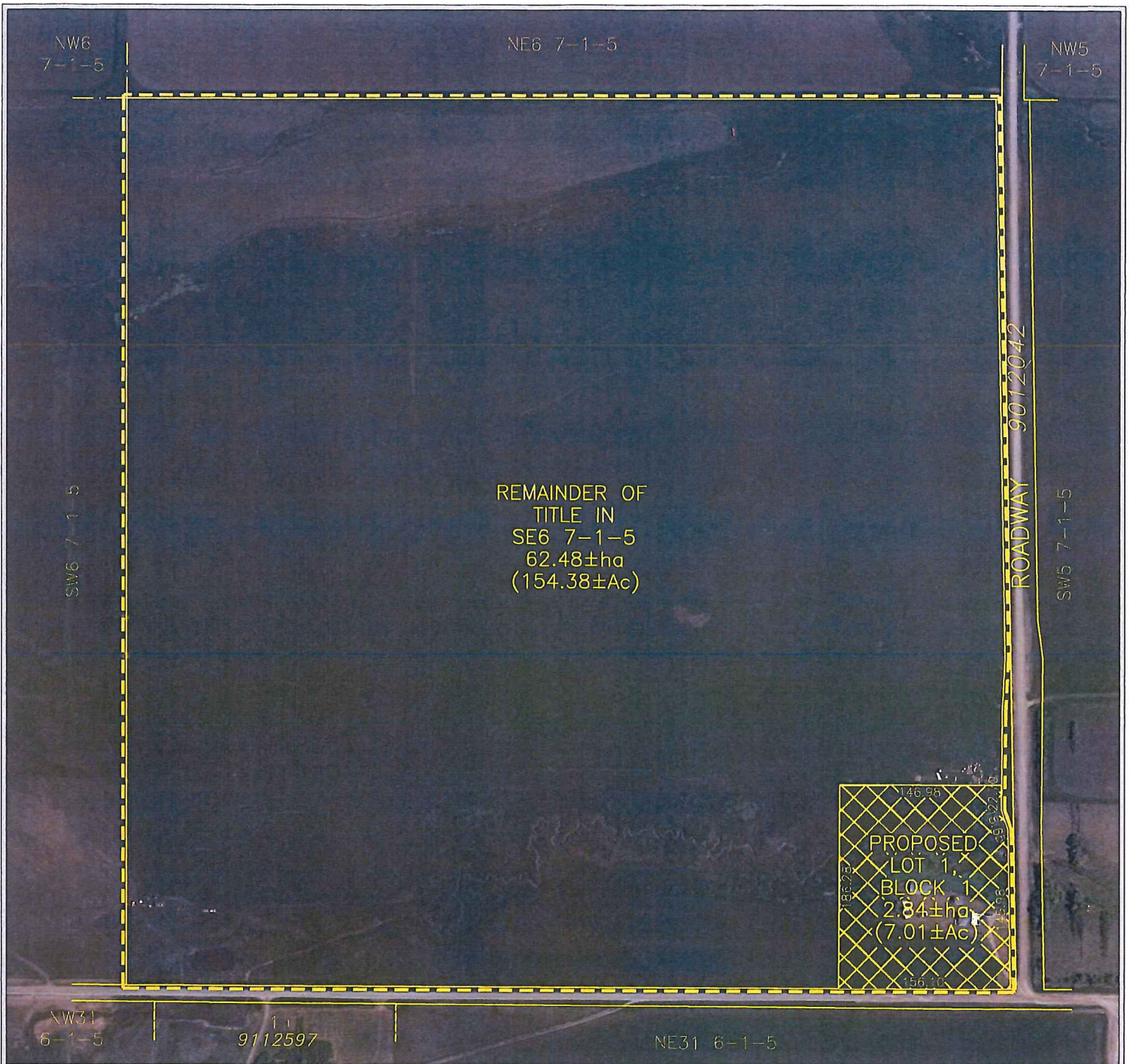
SE 1/4 SEC 6, TWP 7, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 27, 2017

FILE No: 2017-0-042





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 17-13667T

SE 1/4 SEC 6, TWP 7, RGE 1, W 5 M

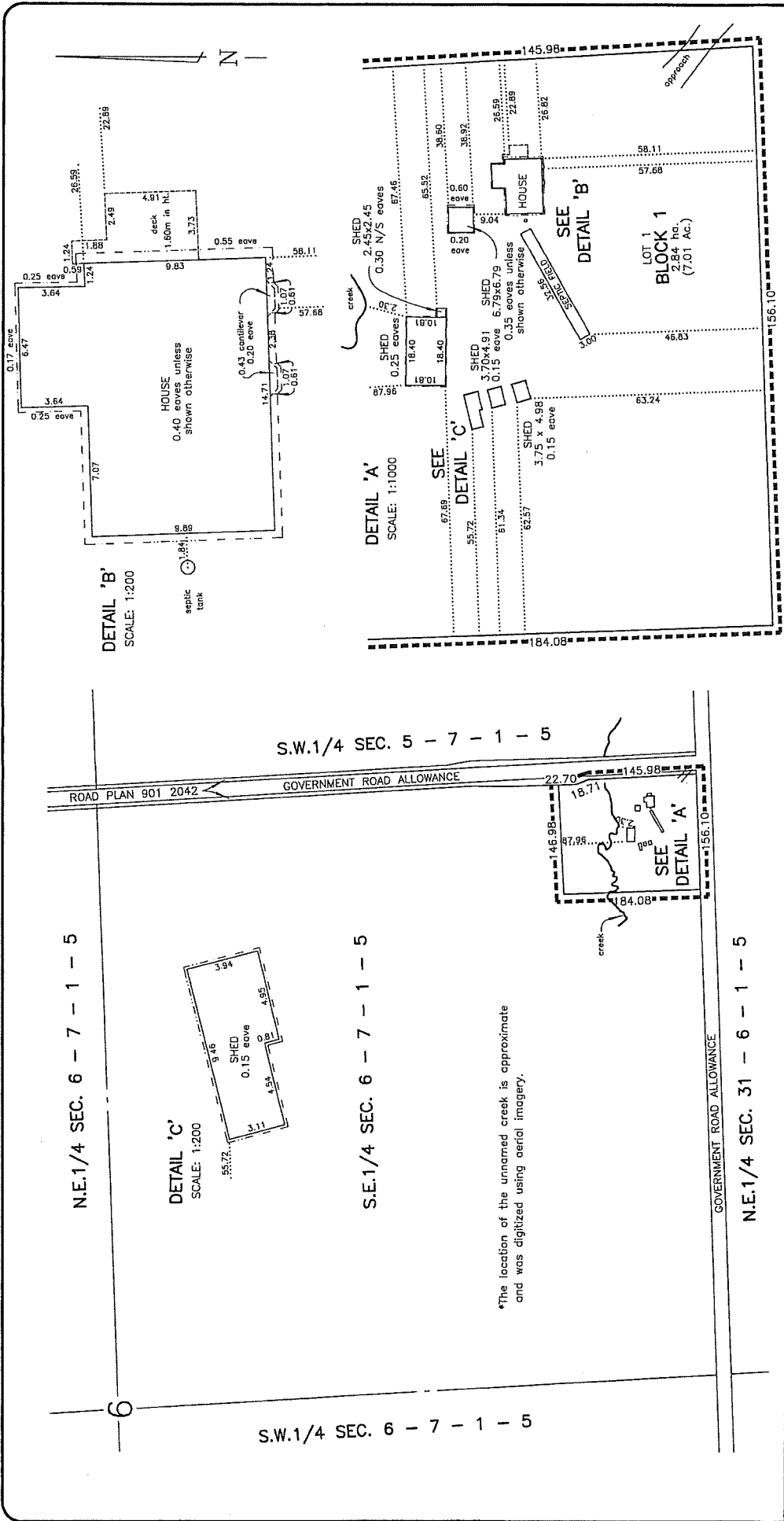
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 27, 2017

FILE No: 2017-0-042



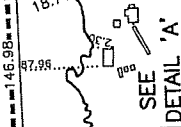
AERIAL PHOTO DATE: 2015



DETAIL 'B'
SCALE: 1:200

DETAIL 'C'
SCALE: 1:200

DETAIL 'A'
SCALE: 1:1000



*The location of the unnamed creek is approximate and was digitized using aerial imagery.

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

APPROVED	DRAWN MJ	DATE MAR 17/17
	CHECKED TCP	JOB 17-13667
	SCALE 1:5000	DRAWING 17-13667T

GARY & DELPHINE CRAYFORD

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.E. 1/4 SEC. 6, TWP. 7, RGE. 1, W.5 M.

M.D. of Pincher Creek

NO.	REVISION	DATE	BY
	NOTE : Portion to be approved is outlined thus ----- and contains approximately 2.84 ha. Improvements shown were surveyed on March 15th, 2017. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.		