# Agenda Municipal District of Pincher Creek No. 9 Subdivision Authority Meeting November 5, 2019 6:00 pm

1. Adoption of Agenda

# 2. Adoption of Minutes

a. Minutes of September 3, 2019

# 3. Closed Meeting Session

# 4. Unfinished Business

# 5. Subdivision Application

 a. Subdivision Application No. 2019-0-137 Brent D McGlynn S1/2 20-5-28 W4M

# 6. New Business

7. Next Regular Meeting December 3, 2019; 6:00 pm

# 8. Adjournment

# Meeting Minutes of the Subdivision Authority Tuesday, September 3, 2019 6:00 pm MD of Pincher Creek No. 9 Administration Building

# **IN ATTENDANCE**

Members: Reeve Brian Hammond, Councillors Rick Lemire, Bev Everts and Terry Yagos Staff: CAO Troy MacCulloch, Director of Development and Community Services Roland Milligan, Assistant Planner Hailey Winder, Accounting Clerk Joyce Mackenzie-

Absent: **Councillor Quentin Stevick** 

Grieve

# COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 6:00 p.m.

#### **ADOPTION OF AGENDA** 1.

Councillor Terry Yagos

Moved that the Subdivision Authority Agenda for September 3, 2019, be approved as presented.

#### 2. **ADOPTION OF MINUTES**

Councillor **Bev** Everts

Moved that the June 4, 2019, Subdivision Authority Minutes, be approved as presented.

#### **CLOSED MEETING SESSION** 3.

Councillor **Bev** Everts

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 6:01 p.m.

Councillor Terry Yagos 19/034

Moved that the Subdivision Authority open the meeting to the public, the time being 6:13 pm.

Carried

Carried

# 19/032

Carried

19/031

Carried

19/033

#### MINUTES SUBDIVISION AUTHORITY Municipal District of Pincher Creek No. 9 September 3, 2019

### 4. UNFINISHED BUSINESS

Nil

# 5. SUBDIVISION APPLICATIONS

 a. Subdivision Application No. 2019-0-112 Leonard Mcglynn SE1/4 28-5-28 W4M

Councillor Bev Everts

19/035

Moved that the Country Residential subdivision of SE1/4 28-5-28-W4M (Certificate of Title No. 191 138 928), to create a 9.8 acre (3.97ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; <u>BE APPROVED subject to the following</u>:

### **RESERVE:**

Pursuant to Sections 664 and 664.1 of the Municipal Government Act, that environment reserve be provided as a 10m environmental reserve easement along the banks of Foothill Creek within the proposed subdivision with the actual acreage to be dedicated being determined at the final stage, for Environmental 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.

### **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. That the municipality in having taken into account the Provincial document Stepping Back from the Water, and the Environmental Reference Manual for the Review of Subdivisions in Alberta has determined that a buffer from the natural water body's banks by the mechanism of environmental reserve easement provides the best means of environmental protection for the water course known as Foothill Creek.
- 4. The proposed subdivision 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.

#### MINUTES SUBDIVISION AUTHORITY Municipal District of Pincher Creek No. 9 September 3, 2019

- (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) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have 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.

(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 - Kristen Dykstra, Public Health Inspector/Executive Officer:

"In response to your July 31, 2019, subdivision of land application, we have reviewed the information provided. We wish to provide the following comments:

- We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.
- Each parcel of residential land should have access to a legal source of drinking water as designated by the appropriate regulatory authority.
- Where water services are provided, sewer services approved by the appropriate agency must also be provided.
- In the application, the applicant noted that the property is within 1 mile of a Confined Feeding Operation (CFO). It must be confirmed that the setback distance from the CFO meets the requirements set out in legislation.

If you require further clarification, please contact me at the Lethbridge Community Health Centre at 403-388-6690 Ext. 8."

Carried

### 6. NEW BUSINESS

#### MINUTES SUBDIVISION AUTHORITY Municipal District of Pincher Creek No. 9 September 3, 2019

7. NEXT MEETING – Tuesday, October 1, 2019; 6:00 pm.

# 8. ADJOURNMENT

Councillor Rick Lemire

19/036

Moved that the meeting adjourn, the time being 6:14 pm.

Carried

Brian Hammond, Chair Subdivision Authority Roland Milligan, Secretary Subdivision Authority



3105 - 16<sup>th</sup> Avenue North Lethbridge, Alberta T1H 5E8

> Phone: (403) 329-1344 Toll-Free: 1-844-279-8760 E-mail: subdivision@orrsc.com Website: www.orrsc.com

# **DRAFT RESOLUTION**

Our File: 2019-0-137

October 25, 2019

Troy MacCulloch Chief Administrative Officer Municipal District of Pincher Creek No. 9 Box 279 Pincher Creek Alberta T0K 1W0

Dear Mr. MacCulloch,

### RE: S1/2 20-5-28-W4M / M.D. of Pincher Creek No. 9

**OLDMAN RIVER REGIONAL SERVICES COMMISSION** 

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 Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, AB Environment & Parks - K. Murphy, AB Agriculture 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 <u>earliest</u> 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

## 2019-0-137

### M.D. of Pincher Creek No. 9 Agricultural subdivision of S1/2 20-5-28-W4M

THAT the Agricultural subdivision of S1/2 20-5-28-W4M (Certificate of Title No. 121 261 541), to create a 51.37 acre (20.79 ha) parcel from a previously unsubdivided quarter section of 155.1 acres (62.8 ha) for agricultural use; <u>BE APPROVED subject to the following</u>:

### **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 remainder portion of Certificate of Title 121261541 be consolidated with the adjacent quarter section SW20 5-28 W4M 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 proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.
- 4. 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 Municipal Development Plan.

### **INFORMATIVE:**

- (a) Since the proposed subdivision complies with Section 663(a)(b) 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) TELUS COMMUNICATIONS INC. has no objection to the above noted circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta at this time.

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.

(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 Inspector – Kristen Dykstra, Public Health Inspector:

"In response to your September 25, 2019, subdivision of land application, we have reviewed the information provided. We wish to provide the following comments:

- We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.
- Each parcel of residential land should have access to a legal source of drinking water as designated by the appropriate regulatory authority.
- Where water services are provided, sewer services approved by the appropriate agency must also be provided.

If you require further clarification, please contact me at the Lethbridge Community Health Centre at 403-388-6690 Ext. 8."

CHAIRMAN

DATE



3105 - 16<sup>th</sup> Avenue North Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344 Toll-Free: 1-844-279-8760 E-mail: subdivision@orrsc.com Website: www.orrsc.com

# NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 25, 2019

Date of Receipt: Date of Completeness:

September 19, 2019 September 19, 2019

**TO: Landowner:** Brent D McGlynn

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

**Referral Agencies:** M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, AB Agriculture, AER

Adjacent Landowners: Cossins Properties Ltd., Don & Joyce Taylor, Edwin & Pa Hochstein, Galen & Gwen Toews, Leonard McGlynn, Norman & Tamara McNeil, Taylor Ridge Ranc

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 **October 14**, **2019**. (Please quote our File No. **2019-0-137** in any correspondence with this office).

File No.:	2019-0-137
Legal Description:	S1/2 20-5-28-W4M
Municipality:	M.D. of Pincher Creek No. 9
Land Designation: (Zoning)	Agriculture – A
Existing Use:	Agricultural
Proposed Use:	Agricultural
# of Lots Created:	1
Certificate of Title:	121 261 541
Meeting Date:	November 5, 2019

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 51.37 acre (20.79 ha) parcel from a previously unsubdivided quarter section of 155.1 acres (62.8 ha) for agricultural use.

The proposal is to accommodate the realignment of two quarter sections into a 51.37 acre parcel and the consolidation of the remainder with the adjacent quarter section. The proposed 51.37 acre parcel contains a former farmyard, which presently contains a no buildings. Access to the quarter is presently granted from an existing approach to the east, off of a developed municipal road allowance. There is an on-site domestic water well within the proposed 51.37 acre parcel.

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 remainder portion of Certificate of Title 121261541 be consolidated with the adjacent quarter section SW20 5-28 W4M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

### **RESERVE:**

- Municipal Reserve is not applicable pursuant to Section 663(a) of the MGA, as it is the first parcel from the quarter section.
- Municipal Reserve is not applicable pursuant to Section 663(b) of the MGA, as the parcel is greater than 40 acres and is to be used for agricultural purposes.

**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
Li	Zoning (as classified under the Land Use Bylaw):
OLDMAN RIVER REGIONAL SERVICES COMMISSION	Fee Submitted: File No:
	APPLICATION SUBMISSION
APPLICATION FOR SUBDIVISION	Date of Receipt: Accepted By:
RURAL MUNICIPALITY	Determed Complete: / / Accepted, By:
	Slat 19/19 95
CONTACT INFORMATION	
Name of Registered Owner of Land to be Subdivided:	t mcGlynn
Mailing Address:	_ Postal Code:
Telephone Cell:	Fax:
Email: p	red 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: Prefer	red Method of Correspondence: Email 🗆 Mail [
Name of Surveyor: Brown otamoras	ssociates Thomas Penn
Mailing Address: 514 Stafford Drive, NL	
Telephone: 43-329-4688 Cell: 403-382-0	
Email: Prefer	red Method of Correspondence: Email 🗌 Mail [
LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED	
a. All/part of the $5\%$ section 5 Township 8 Range	5 West of 4 Meridian (e.g. SE% 36-1-36-W4M)
b. Being all/part of: Lot/Unit Block	
c. Total area of existing parcel of land (to be subdivided) is:	
d. Total number of lots to be created: Size of Lot(s):	50 00
e. Rural Address (if applicable):	
f. Certificate of Title No.(s): 121 26 541	
LOCATION OF LAND TO BE SUBDIVIDED	
a. The land is located in the municipality of <b>Rincher</b>	Freek No. 9
b. Is the land situated immediately adjacent to the municipal bound	
If "yes", the adjoining municipality is	
<ul> <li>c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-v</li> </ul>	
If "yes" the highway is No.	
in tea me infilmed is not	
d Does the proposed parcel contain or is it hounded by a river stre	
d. Does the proposed parcel contain or is it bounded by a river, stre other body of water, or by a canal or drainage ditch?	
	eam, lake or Yes 🗆 No 🏹

### 4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

	Describe:			
	a. Existing use of the land tarm hand and graging			
	b. Proposed use of the land <u>Homestead</u> and farm hand and grag.	nn (		
5.	PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED			
	a. Describe the nature of the topography of the land (flat, rolling, steep, mixed)			
	b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.			
	tarmland with old tarm stead			
	c. Describe the kind of soil on the land (sandy, loam, clay, etc.) <u>Slack Chemozenics</u>			
	d. Is this a vacant parcel (void of any buildings or structures)? Yes 💢 No $\Box$			
	If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.			
	e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes D 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 <u>Develop old well and put in</u> b. Proposed source of potable water <u>Develop old well and put in</u>	X		
7.	SEWER SERVICES Describe:			
	a. Existing sewage disposal: TypeYear InstalledYear Installed			
	b. Proposed sewage disposal: Type Septic Tank with Field			
8.	REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF			
	I			
	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.			
9.	RIGHT OF ENTRY			
	1, Brent M6 Ann do Ø/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	!		

Signature of Registered Owner(s)



### LAND TITLE CERTIFICATE

S SHORT LEGAL LINC 0021 634 845 4;28;5;20;SW 0021 634 853 4;28;5;20;SE

LEGAL DESCRIPTION

FIRST

MERIDIAN 4 RANGE 28 TOWNSHIP 5 SECTION 20 QUARTER SOUTH WEST CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS EXCEPTING THEREOUT: NUMBER PLAN HECTARES ACRES MORE OR LESS ROADWAY 6385I 0.397 0.98 EXCEPTING THEREOUT ALL MINES AND MINERALS

SECOND

MERIDIAN 4 RANGE 28 TOWNSHIP 5 SECTION 20 QUARTER SOUTH EAST CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS EXCEPTING PLAN NUMBER HECTARES ACRES MORE OR LESS ROADWIDENING 2119JK 0.42 1.03 EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 961 144 437

REGISTERED OWNER(S) REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION 121 261 541 TRANSFER OF LAND OWNERS

TITLE NUMBER 121 261 541

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS \_\_\_\_\_

PAGE 2 # 121 261 541

#### NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2019 AT 01:14 P.M.

ORDER NUMBER: 38022462

CUSTOMER FILE NUMBER:



#### \*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.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).







