

Cypress County
Subdivision Development Appeal Board

816 – 2 Avenue, Dunmore, AB T1B 0K3
Ph: (403) 526-2888 Fax: (403) 526-8958
Email: Patricia.Smithdorf@cypress.ab.ca
Web: www.cypress.ab.ca

August 21, 2024

JBP Enterprises Inc.
Jayson Pancoast
Box 23021
3292 Dunmore Rd SE
Medicine Hat, AB T1B T4C7
jaysonpancoast@gmail.com

RE: SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING - 24CY06, AUGUST 14, 2024
BOARD ORDER NO.: 2024/02 - FINAL DECISION

Dear Mr. Pancoast:

The Cypress County Subdivision Approving Authority approved Subdivision Application 24CY06 submitted by Adam Thompson, Benchmark Geomatics Inc., on behalf of JBP Enterprises Inc., to subdivide a 2.84 ha (7.0 acres) parcel, from a previously subdivided quarter section, for the purposes of creating a separate title for the development of a future home site. The conditions of the Subdivision Approving Authority (Municipal Planning Commission) are as follows:

1. The developer is required to make a payment to the County for money in place of municipal reserve for 2.84 hectares, at a rate of \$844.78 per hectare, being 10% of the appraised market value of \$8,447.86 per hectare. The payment is to be submitted to the County prior to the subdivision's registration with Alberta Land Titles.
2. The developer is required to obtain approval from Cypress County Public Works for the construction of two new access approaches from Rge Rd 43 both to the new parcel being created and the remnant agricultural title. The approaches are to be constructed to Cypress County standards prior to the subdivision's registration with Alberta Land Titles.
3. The developer is required to supply copies of any utility right-of-way plans, easements, and/or agreements which are to be registered as a requirement for any affected utilities to Cypress County prior to the subdivision's registration with Alberta Land Titles.

The Appellant, Jayson Pancoast, agent for JPB Enterprises Inc., is appealing against Condition 2 of the Municipal Planning Commission's decision and the appeal was filed within the required timeline.

The Subdivision and Development Appeal Board (the "Board") heard the Appeal on August 14, 2024.

The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections from the members of the Board or to the proposed hearing process.

The Board marked as exhibits the documents set out at Appendix B to this decision. There was no objection to any of the documents marked as exhibits.

In response to the Board's inquiry whether there was any additional information submitted, the Board was advised by the Clerk that no additional information was received after the submission deadline.

The property is zoned as Country Residential District 2 (CR-2) in the Cypress County Land Use Amendment 2024/11, 80SE2 and is legally described as Part North SE 4-12-4 W4, Range Road 43, within Cypress County and is 2.84 hectares in size.

The Subdivision and Development Appeal Board VARIES the conditions of the Municipal Planning Commission's approval. The Board's decision is to uphold the Appellant's appeal of Condition 2. The Conditions of the 24CY06 Subdivision Approval are as follows:

1. The developer is required to make a payment to the County for money in place of municipal reserve for 2.84 hectares, at a rate of \$844.78 per hectare, being 10% of the appraised market value of \$8,447.86 per hectare. The payment is to be submitted to the County prior to the subdivision's registration with Alberta Land Titles.
2. The developer is required to obtain approval from Cypress County Public Works for the construction of one new access approach to the remnant agricultural title, from Township Road 120. The approach is to be constructed to Cypress County standards prior to the subdivision's registration with Alberta Land Titles. The developer must enter a Municipal Services Agreement with Cypress County for the construction of an access approach from Range Road 43 to the subdivision parcel. The Municipal Services Agreement is to be executed and registered as a caveat in conjunction with the subdivision's registration with Alberta Land Titles.
3. The developer is required to supply copies of any utility right-of-way plans, easements, and/or agreements which are to be registered as a requirement for any affected utilities to Cypress County prior to the subdivision's registration with Alberta Land Titles.

Issued this 21st day of August 2024 for the Cypress County Subdivision and Development Appeal Board.



TODD READ, CHAIR
SUBDIVISION AND DEVELOPMENT APPEAL BOARD