

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
October 6, 2015
6:00 pm

- 1. Adoption of Agenda**
- 2. Adoption of Minutes of Regular Meeting September 1, 2015 Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a) NE 26-3-29 W4M
David and Dana Fitzpatrick
Subdivision Application No. 2015-0-134 Pkg 2
 - b) Lot 1, Block 2, Plan 0614685; NE 18-7-2 W5M and
SE 19-7-2 W5M
John and Beverly Krall/Cornelis and Li Timmermans
Subdivision Application No. 2015-0-141 Pkg 3
 - c) NE 24-8-1 W5M
Kenneth Maufort
Subdivision Application No. 2015-0-146 Pkg 4
- 6. New Business**
- 7. Next Regular Meeting November 3, 2015; 6:00 pm**
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, September 1, 2015 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Fred Schoening, Terry Yagos, 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 Terry Yagos 15/037

Moved that the September 1, 2015 Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 15/038

Moved that the July 7, 2015, Subdivision Authority Minutes be approved as presented.

Carried

3. IN CAMERA

Councillor Fred Schoening 15/039

Moved that the Subdivision Authority and staff move In-Camera, the time being 6:00 pm.

Carried

Councillor Fred Schoening 15/040

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:32 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 1, 2015

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

Nil

6. REQUEST TO CLOSE AND PURCHASE ROAD ALLOWANCE

Councillor Garry Marchuk

15/041

Moved that the request to purchase and close the road allowance be referred back to Council for their consideration.

Carried

7. NEW BUSINESS

Nil

8. NEXT MEETING – Tuesday, October 6, 2015; 6:00 pm.

9. ADJOURNMENT

Councillor Terry Yagos

15/042

Moved that the meeting adjourn, the time being 6:34 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority



OLDMAN RIVER REGIONAL SERVICES COMMISSION

DRAFT RESOLUTION

Our File: 2015-0-134

September 29, 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: NE1/4 26-3-29-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 Range School Division, FortisAlberta, AltaLink, AB Health Services, AB Agriculture, AESRD – K. Murphy, Historical Resources Administrator, 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 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.

A handwritten signature in cursive script that reads "G. Scott".

Gavin Scott
Planner

GS/gk
Attachment

RESOLUTION

2015-0-134

M.D. of Pincher Creek No. 9 Country Residential subdivision of NE1/4 26-3-29-W4M

THAT the Country Residential subdivision of NE1/4 26-3-29-W4M (Certificate of Title No. 151 080 844), to create an 11.42 acre (4.62 ha) country residential parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha); 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 the Land Use Bylaw.
2. The Subdivision Approval Authority of the MD of Pincher Creek No.9 waived the 10 acre maximum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act.
3. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.
4. 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.

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 Director of Operations does not see any operational issues with the subdivision.
- (e) MD of Pincher Creek Public Works has no concerns.
- (f) MD of Pincher Creek Emergency Services has no issues with this development.
- (g) TELUS Communications has no objection to the proposed subdivision. Provisioning of telephone service for the proposed subdivision will be considered upon application of same.

(h) Chief Mountain Gas Co-op has no objection to the subdivision “as long as our Utility Right of 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.

As a condition of subdivision, we request that a service Agreement be signed by the Applicant prior to subdivision finalization.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 31, 2015

Date of Receipt: August 8, 2015

TO: Landowner: David W. & Dana R. Fitzpatrick

Agent or Surveyor:

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, Holy Spirit School Division, TELUS, FortisAlberta, AltaLink, Chief Mountain Gas, AB Health Services, AB Agriculture, AESRD - K. Murphy, Historical Resources Administrator, AER

Adjacent Landowners: Reinhold Schmidt, Terrence & Ursula Winkler, Boyd & Cheryl Woodruff, Henry & Carolyn Primrose, Spearpoint Cattle Co. Ltd.

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 **September 21, 2015**. (Please quote our File No. **2015-0-134** in any correspondence with this office).

File No.: 2015-0-134

Legal Description: NE1/4 26-3-29-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: 151 080 844

Meeting Date: October 6, 2015

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 an 11.42 acre (4.62 ha) parcel from a previously unsubdivided quarter section 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, shop, and number of other out-buildings. 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 on-site domestic well.

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 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 or that the proposed parcel be reduced in size to 10 acres sufficient to accommodate existing buildings, structures and improvements.
7. That, any conditions of Alberta Culture and Community Spirit, Historical Resources, shall be met prior to finalization.

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
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: <u>925.00</u>	File No: <u>2015-0-134</u>	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: <u>Aug 14/15</u>	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): _____
 Mailing Address: _____ Postal Code: _____
 Telephone: _____ Cell: _____ Fax: _____
 Email: _____
 Name of Registered Owner of Land to be Subdivided: David W. & Dana R. Fitzpatrick
 Mailing Address: Box 517 Twin Butte Postal Code: TOK 2J0
 Telephone: 403-627-5708 Cell: _____ Fax: 403-627-5918
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NE ¼ Section 26 Township 3 Range 29 West of 4 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 160 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 10± Ac
 e. Rural Address (if applicable): 3426 Rg Rd. 29-1
 f. Certificate of Title No.(s): 151080844

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Pincher Creek MD#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 Coulee in close proximity
 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 Farmstead with outbuildings, House, corrals, shop etc
 b. Proposed use of the land Acquire Farmstead.

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Mixed - Flat to Rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
Shelterbelts around House & to S.W. of House ^{the} more shelter belt ^{1 grass} Yard ^{well} Drain
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Black, Clay
- 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.
House, metal clad shop, Claving Barn, open front Barn, corrals, -out Bunkhouse
non - are in any shape to demolish - chicken House, & Run. wooden windbreak
- e. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (1/2 mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Chief Mt. gas line comp 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 water ground deep water well (cased)
- b. Proposed source of water deep ~~or~~ cased water well
ground

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal septic tank & field (apparently)
- b. Proposed sewage disposal septic tank & field (use existing system)

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I David W. Fitzpatrick 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.

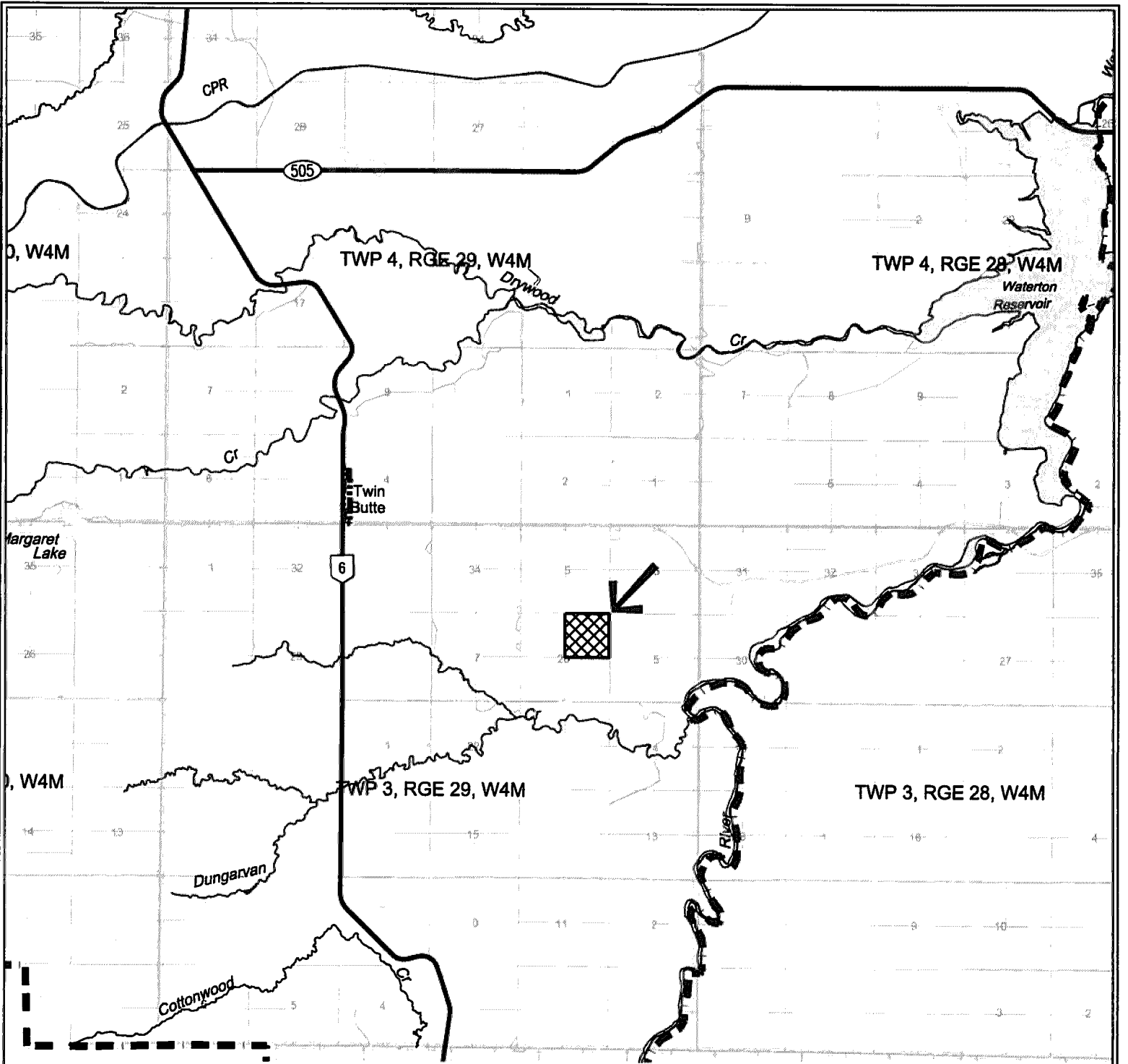
Signed: David W. Fitzpatrick Date: July 28, 2015

9. RIGHT OF ENTRY

I David W. Fitzpatrick 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.

David W. Fitzpatrick
Signature of Registered Owner



SUBDIVISION LOCATION SKETCH

NE 1/4 SEC 26, TWP 3, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 24, 2015

FILE No: 2015-0-134

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 7500 666 AVENUE NORTH LETHBRIDGE, AB T1V 0Z2
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



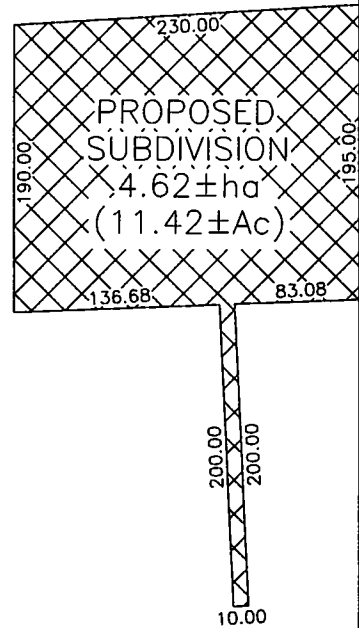
SW35

SE35 3-29-4

SW36

NW26 3-29-4

REMAINDER OF TITLE
IN NE26 3-29-4
60.54±ha
(149.58±Ac)



NW25 3-29-4

SW26

SE26 3-29-4

SW25

SUBDIVISION SKETCH

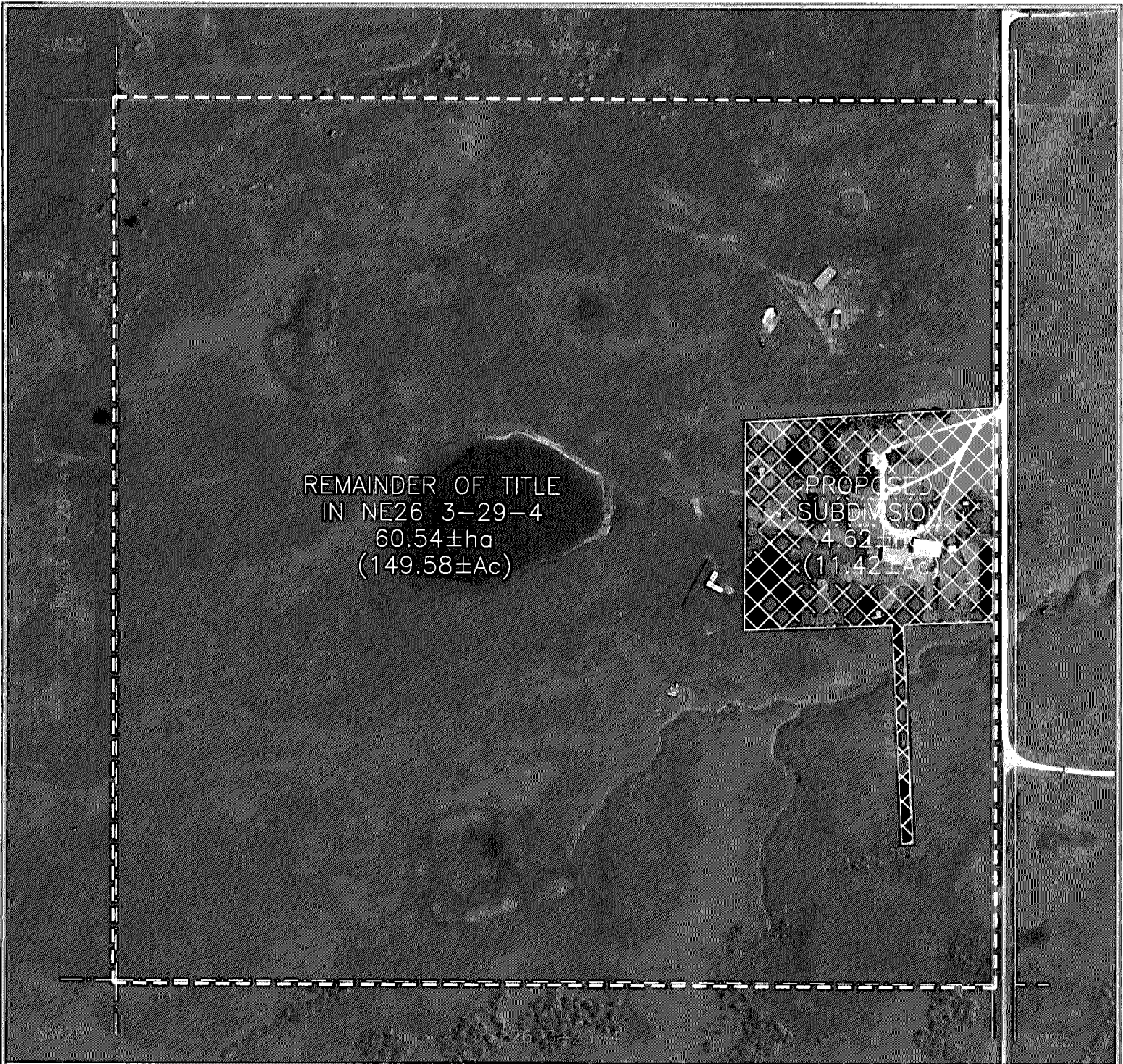
NE 1/4 SEC 26, TWP 3, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 24, 2015

FILE No: 2015-0-134





SUBDIVISION SKETCH

NE 1/4 SEC 26, TWP 3, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 24, 2015

FILE No: 2015-0-134





DRAFT RESOLUTION

Our File: 2015-0-141

September 29, 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: Lot 1, Block 2, Plan 0614685 in NE1/4 18-7-2-W5M and the SE1/4 19-7-2-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 Range School Division, TELUS, FortisAlberta, AltaLink, AB Health Services, AB Agriculture, AB Transportation, AESRD – K. Murphy, Historical Resources Administrator, AER, Wind Power Inc., Shell Canada Limited, CPR, and Trouts Unlimited.

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/gk
Attachment

RESOLUTION

2015-0-141

M.D. of Pincher Creek No. 9 Agricultural subdivision of Lot 1, Block 2, Plan 0614685 in NE1/4 18-7-2-W5M and the SE1/4 19-7-2-W5M

THAT the Agricultural subdivision of Lot 1, Block 2, Plan 0614685 in NE1/4 18-7-2-W5M and the SE1/4 19-7-2-W5M (Certificate of Title No. 121 176 205, 141 036 085), to create a 104.63 acre (42.34 ha) parcel from a fragmented title of 102.16 acres (41.34 ha) for agricultural 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 proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.
3. 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.
4. The subdivision authority, in considering the written submission from Louis Monti, finds that the concerns are focused on the existing development approvals, issues relevant to Alberta Transportation, and land use designation, and are therefore outside the parameters of the subdivision policies pertaining to the proposal.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(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 Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) MD of Pincher Creek Director of Operations has no issues with this subdivision.
- (e) MD of Pincher Creek Emergency Services has no issues with the development as shown.
- (f) ATCO Gas has no objections to the proposed subdivision.
- (g) Alberta Environment & Parks has no concerns with this proposal.

(h) Adjacent landowner Louis Monti submitted the following:

"This perspective comes primarily from an adjoining agriculture land owner point of view and not from a local residential citizen; however, it is not without a common sense realistic observation.

First of all, it is somewhat difficult to comment on the proposal itself without knowing the essential details of the full development of the proposal and how it might affect an already very congested area. More specific... the effects of road access, utility development, water usage etc. Understandably, these issues will most likely be addressed by the commission.

However, this personal perspective comes from several years of visits and observations.

What we currently have in the Burmis Corridor and specific to the Provincial Weight Scale area at the intersection of highway 507, highway 3 and the North Burmis Road is a very congested area that endangers the lives of all people who access this area. This area has a high concentration of signage including green directional signage, brown informative signage, as well as personal and local signage that makes it extremely difficult (impossible) to process in such a short period of time let alone to see through all of the posts that support the signs and to do it while driving on a gradual turn. Additional challenges include watching for oncoming traffic, watching the turning lanes, and watching for boats and truck turning into the the weigh scale. Long weekends add still more challenges when drivers pass on the shoulders, tractor trailers blowing through and, at times, when all four lanes come to an abrupt stop. Good luck with that mess.

The point of all this description is to point out how complex and dangerous this area already is. This is a situation, to my thinking, that will likely soon see the intervention of a law firm representing the interests of a tragedy. Who will be liable?

Essentially, this particular area is a total mess of poor planning, gravel pits, a junk yard of personal and large industrial vehicles and road side sales.

It reflects the leadership of both local and provincial politicians and our laws that have been compromised and that have culminated in poor planning practices. You need only open your eyes to the evidence.

Ladies and gentlemen, whatever the final decision on future development in this area – where conventional thinking is to develop "a balance" between development, conservation and safety, please make prudent decisions that take into account future generations, the environment as well as public safety. These latter factors do not have a direct monetary value attach and therefore only attract lip service support.

I am neither "a granola cruncher" nor a green peace advocate, just a common sense and realistic person trying to offer an alternative and caution to the "all for profit at all costs" approach to the changes in our landscape."

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 9, 2015

Date of Receipt: August 24, 2015

TO: Landowner: John & Beverley Krall/Cornelis & Li Timmermans

Agent or Surveyor: Case & Linda Timmermans

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, , Livingstone Range School Division, Holy Spirit RC School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Services, AB Agriculture, AB Transportation, AESRD - K. Murphy & C. Wojtowicz, Historical Resources Administrator, AER, Wind Power Inc., Shell Canada, CPR, Trouts Unlimited

Adjacent Landowners: Duncan & Elizabeth Drain, Louis & Diane Monti, Randy Hilbert & Linda Ykema, John & Beverly Cervo, Allan & Shirley Kuzyk, William & Shirley Sara, Freestone Resources Ltd., Douglas & Renee Zur, Kevin Watson, Gregory & Lori Townsend, Margaret & Joshua Haag, Duncan & Sandra Gano, Harry Dean, Dorothy Wood, Donna McElligott

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 **October 6, 2015**. (Please quote our File No. **2015-0-141** in any correspondence with this office).

File No.: 2015-0-141

Legal Description: Lot 1, Block 2, Plan 0614685 in NE1/4 18-7-2-W5M and the SE1/4 19-7-2-W5M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1 (Boundary Line Adjustment)

Certificate of Title: 121 176 205, 141 036 085

Meeting Date: October 6, 2015

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 104.63 acre (42.34 ha) parcel from a fragmented title of 102.16 acres (41.34 ha) for agricultural use.

The proposal is to accommodate a consolidation subdivision of that portion of Lot 1 Block 2 Plan 0614685 lying north of road plan 7910481 with the adjacent portion of SE19 7-2 W5. Access to the lot is presently granted from an existing municipal road plan.

This proposal complies with the subdivision criteria of the MD of Pincher Creek's Municipal Development Plan, Burmis Lundbreck Corridor Area Structure 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, any conditions of Alberta Culture and Community Spirit, Historical Resources, shall be met prior to finalization.

RESERVE:

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.

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		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: \$925.00 pd.	File No: 2015-0-141	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: Aug. 24/15	Accepted By: <i>[Signature]</i>

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): John & Bev Krall
 Mailing Address: Box 117 Diamond City AB. Postal Code: TOKOTO
 Telephone: 403 634-5987 Cell: _____ Fax: _____
 Email: johnwkrall@gmail.com
 Name of Registered Owner of Land to be Subdivided: CASE & LINDA TIMMERMANS
 Mailing Address: 3140 GRAHAM RD. LADYSMITH B.C. Postal Code: V9G 1C9
 Telephone: 1-250-722-2510 Cell: 1-250-741-4886 Fax: 1-250-722-2509
 Email: Caseytimmermans@shaw.ca

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NE 1/4 Section 18 Township 7 Range 2 West of 5 Meridian (e.g. SE 1/4 36-1-36-W4M)
 b. Being all/part of: Lot/Unit 1 Block 2 Plan 0614685
 c. Total area of existing parcel of land (to be subdivided) is: _____ hectares 104 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 2.47 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 MD PINCHER CREEK
 b. Is the land situated immediately adjacent to the municipal boundary? Yes No
 If "yes", the adjoining municipality is ROAD
 c. Is the land situated within 0.8 kilometres (1/2 mile) of the right-of-way of a highway? Yes No
 If "yes" the highway is No. HIGHWAY #3
 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 AGRICULTURAL GRASS LAND
 b. Proposed use of the land AGRICULTURAL GRASS LAND

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) ROLLING
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
NATIVE GRASS ONE SMALL POND
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) SANDY
- 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. 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 water NA SUBDIVISION TO BE ADDED TO ADJACENT 1/4
- b. Proposed source of water NA

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal NA SUBDIVISION TO BE ADDED TO ADJACENT 1/4
- b. Proposed sewage disposal NA

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I JOHN KRALL 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.

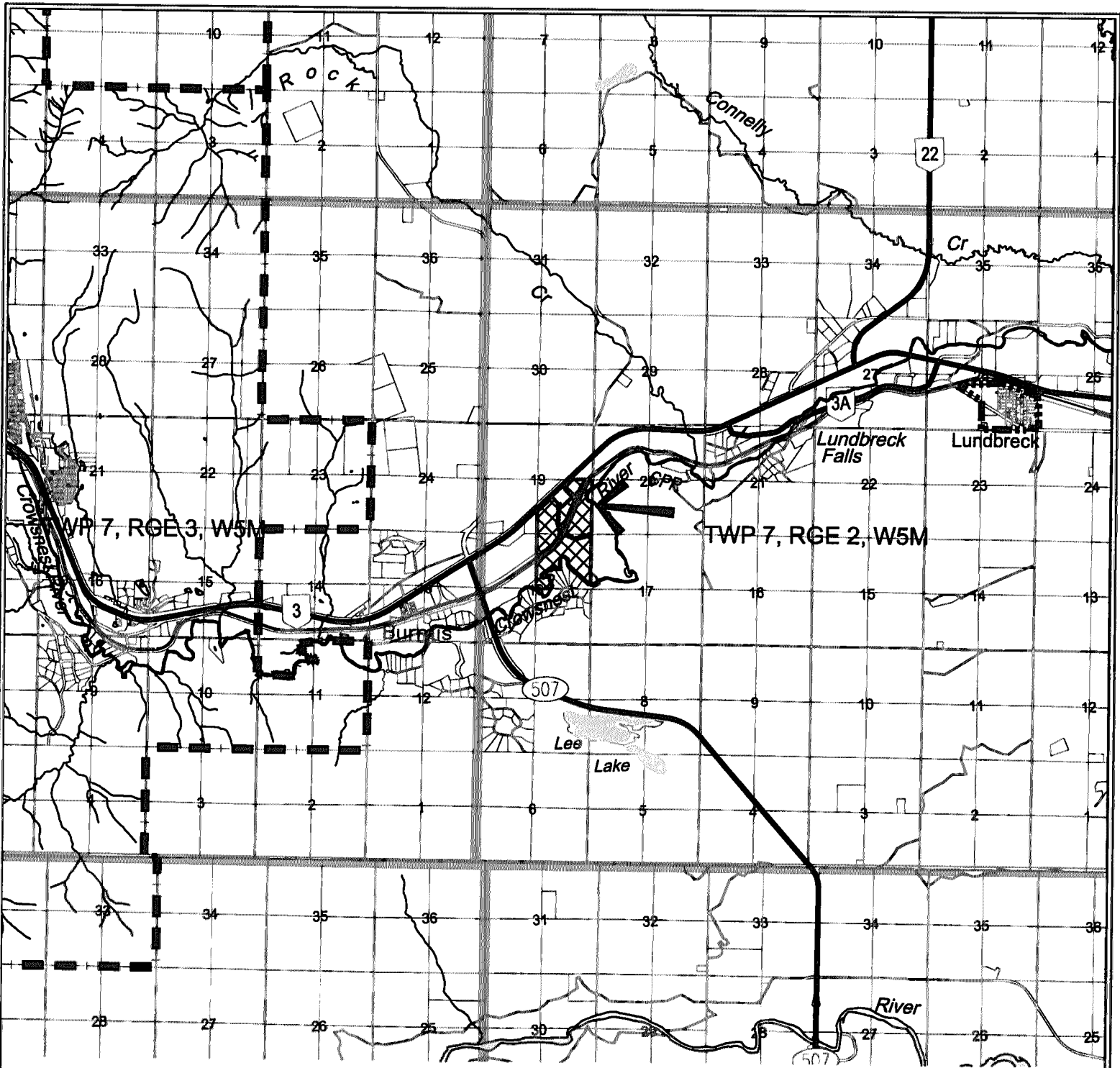
Signed: [Signature] Date: JULY 24 / 2015

9. RIGHT OF ENTRY

I JOHN KRALL 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.

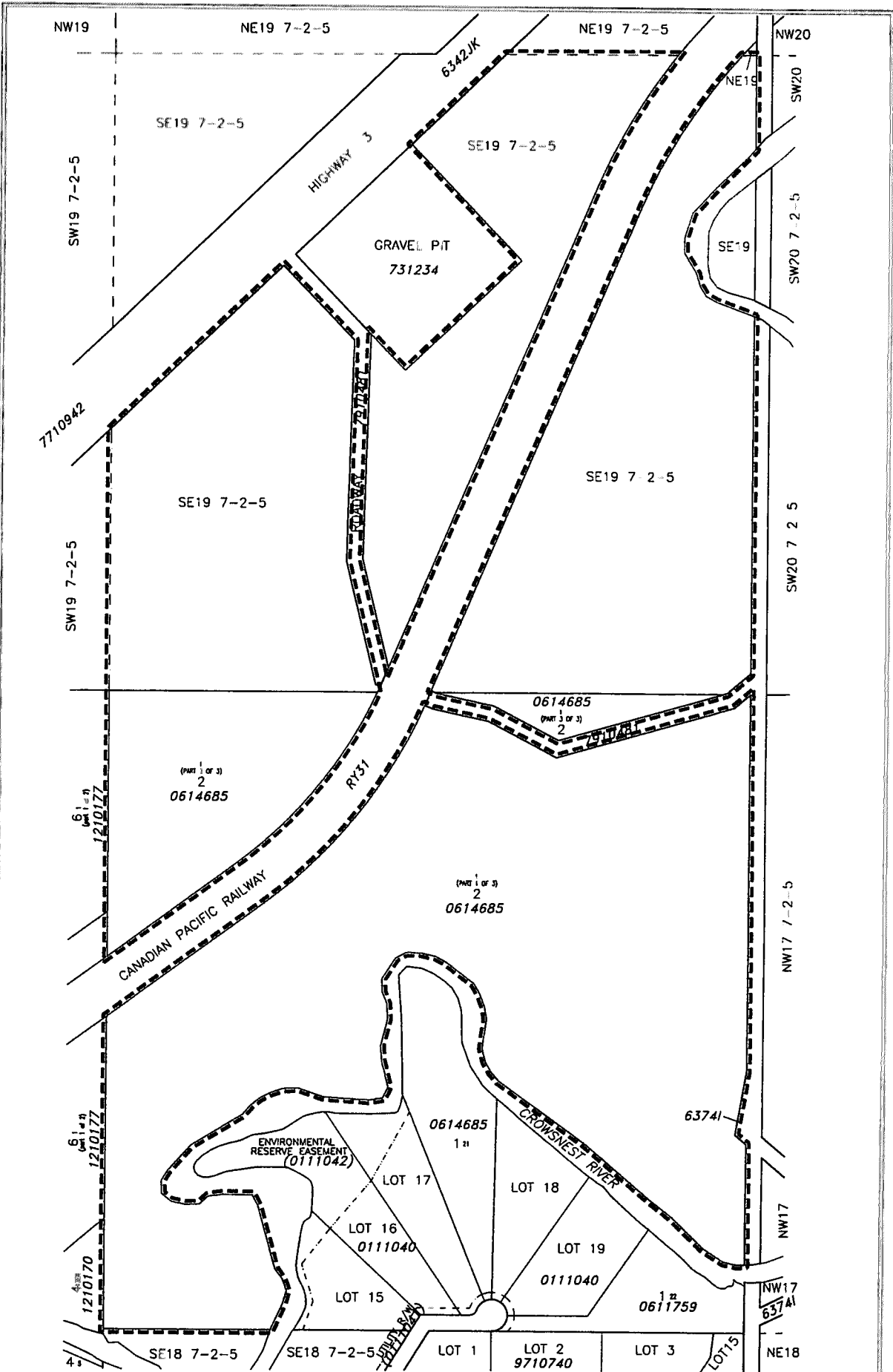
This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Signature of Registered Owner



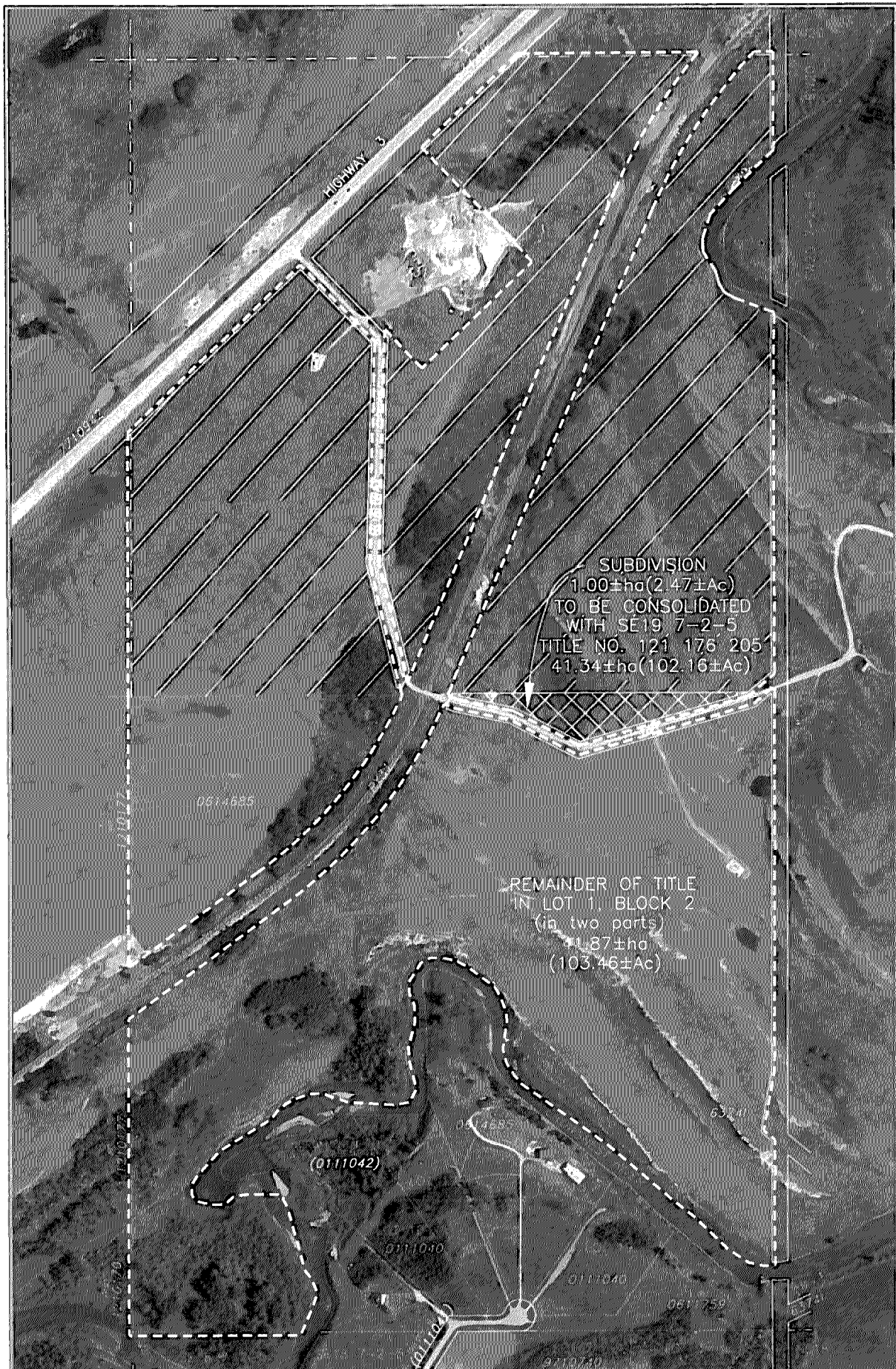
SUBDIVISION LOCATION SKETCH
SE 1/4 SEC 19, TWP 7, RGE 2, W 5 M &
LOT 1, BLOCK 2, PLAN 0614685
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: AUGUST 28, 2015
FILE No: 2015-0-141

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3708 50th AVENUE NORTH, LETHBRIDGE, AB T1K 1R9
 NOT RESPONSIBLE FOR CONVEYOR OR CONVEYOR



SUBDIVISION SKETCH - EXISTING
 SE 1/4 SEC 19, TWP 7, RGE 2, W 5 M &
 LOT 1, BLOCK 2, PLAN 0614685
 MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: AUGUST 28, 2015
 FILE No: 2015-0-141





SUBDIVISION SKETCH - PROPOSED
 SE 1/4 SEC 19, TWP 7, RGE 2, W 5 M &
 LOT 1, BLOCK 2, PLAN 0614685
 MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: AUGUST 28, 2015
 FILE No: 2015-0-141

AERIAL PHOTO DATE: 2012

OLDMAN RIVER REGIONAL SERVICES COMMISSION
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Package #4
3105 - 10th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-877-329-1387
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2015-0-146

September 29, 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: NE1/4 24-8-1-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 & Development Authority should note that comments have not been received from the Livingstone Range School Division, TELUS, AltaLink, AB Health Services, AB Agriculture, AESRD – K. Murphy, Historical Resources Administrator, 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 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/gk
Attachment

RESOLUTION

2015-0-146

M.D. of Pincher Creek No. 9 Agricultural subdivision of NE1/4 24-8-1-W5M

THAT the Agricultural subdivision of NE1/4 24-8-1-W5M (Certificate of Title No. 961 043 344), to create a 59.77 acre (24.19 ha) parcel from a title of 152.7 acres (61.8 ha) for agricultural 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 proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.15.
3. 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.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(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 Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) MD of Pincher Creek Director of Operations has no concerns with the subdivision but advises this may be an opportunity to deal with the small unused road plan.
- (e) MD of Pincher Creek Public Works has no concerns.
- (f) MD of Pincher Creek Chief of Emergency Services has no concerns.
- (g) 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.

- (h) Chief Mountain Gas Co-op has no objection to the subdivision "as long as our Utility Right of 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.

As a condition of subdivision, we request that a service Agreement be signed by the Applicant prior to subdivision finalization."

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 10, 2015

Date of Receipt: September 2, /2015

TO: Landowner: Kenneth Maufort

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

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, TELUS, FortisAlberta, AltaLink, Chief Mountain Gas Co-op Ltd., AB Health Services, AB Agriculture, AESRD - K. Murphy, Historical Resources Administrator, AER

Adjacent Landowners: Ron Maufort, Amanda Neale, Ronald & Donna Davis, Tristan & Nerissa Goodman, Patrick Lagarde, Jan & Amanda Monnissen, Renae & David Kapalla

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 **September 29, 2015**. (Please quote our File No. 2015-0-146 in any correspondence with this office).

File No.: 2015-0-146

Legal Description: NE1/4 24-8-1-W5M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 961 043 344

Meeting Date: October 6, 2015

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 59.77 acre (24.19 ha) parcel from a title of 152.7 acres (61.8 ha) for agricultural use.

The proposal is to accommodate the subdivision of a fragmented quarter section. Access to the lot is presently granted from an existing developed municipal road allowance.

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 Culture and Tourism, Historical Resources, shall be met prior to finalization.

RESERVE:

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.

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):		
Fee Submitted: \$ 925.00 pd.	File No: 2015-0-146	
APPLICATION SUBMISSION		
Date of Receipt: Sept. 1/15	Date Deemed Complete: Sept. 2/15	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): _____

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: thomas@bokamura.com

Name of Registered Owner of Land to be Subdivided: Kenneth Angus Maufort

Mailing Address: Box 268 Pincher Creek Postal Code: TOK 1W0

Telephone: 403-563-2000 Peter Maloff Cell: 403-627-8200 Fax: _____

Email: pmaloff@shaw.ca

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NE ¼ Section 24 Township 8 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: 61.8 hectares 152.8 acres

d. Total number of lots to be created: 1 Size of Lot(s): 24.19 ha (59.77 ac)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 961 043 344

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD 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) Rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
Trees / etc.
- 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.
various farm buildings
- 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 water Spring
- b. Proposed source of water Spring

7. SEWER SERVICES

Describe:

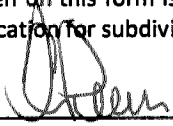
- a. Existing sewage disposal Septic Tank & Field
- b. Proposed sewage disposal Septic Tank & Field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File No. 15-12884) 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.

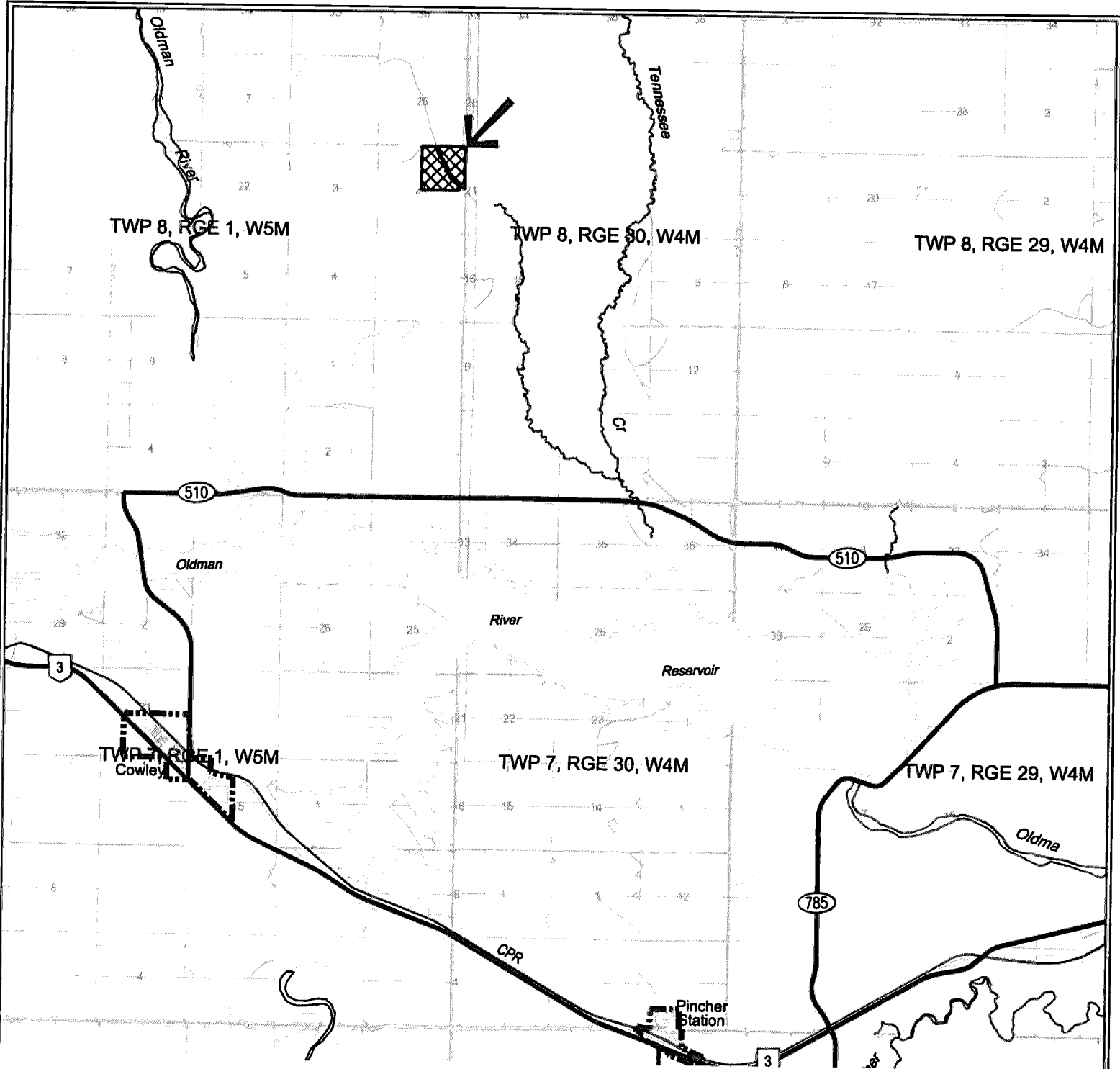
Signed:  Date: Sept 1 / 15

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.

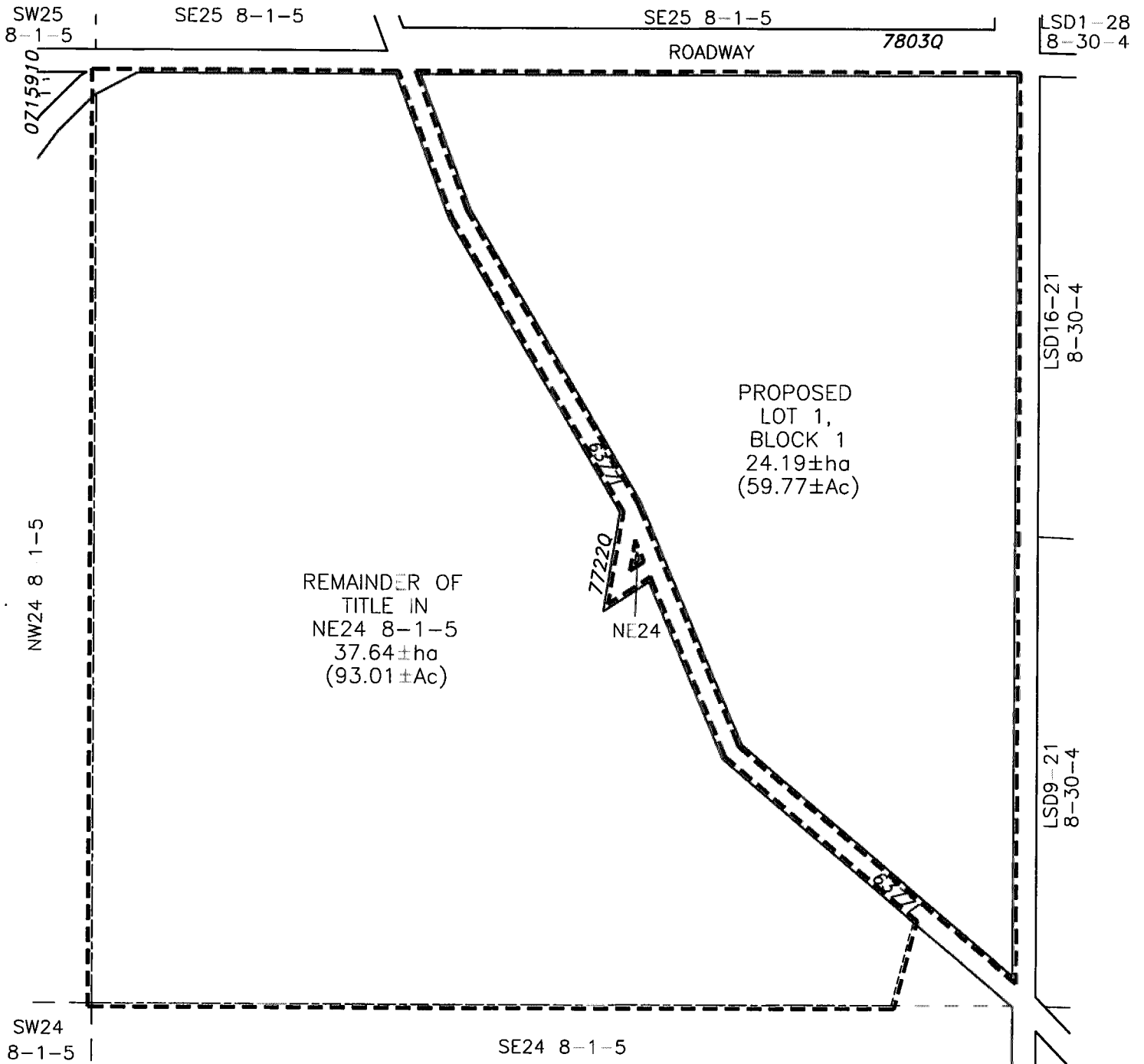
Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
NE 1/4 SEC 24, TWP 8, RGE 1, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: SEPTEMBER 3, 2015
FILE No: 2015-0-146

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3705 50th AVENUE NORTH, LEWISTON, AB T9N 0G9
 NOT RESPONSIBLE FOR ANYTHING ON THIS MAP





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12884

NE 1/4 SEC 24, TWP 8, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 3, 2015

FILE No: 2015-0-146



0 Metres 100 200 300 400

September 04, 2015 N:\Subdivision\2015\2015-0-146.dwg





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12884

NE 1/4 SEC 24, TWP 8, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 3, 2015

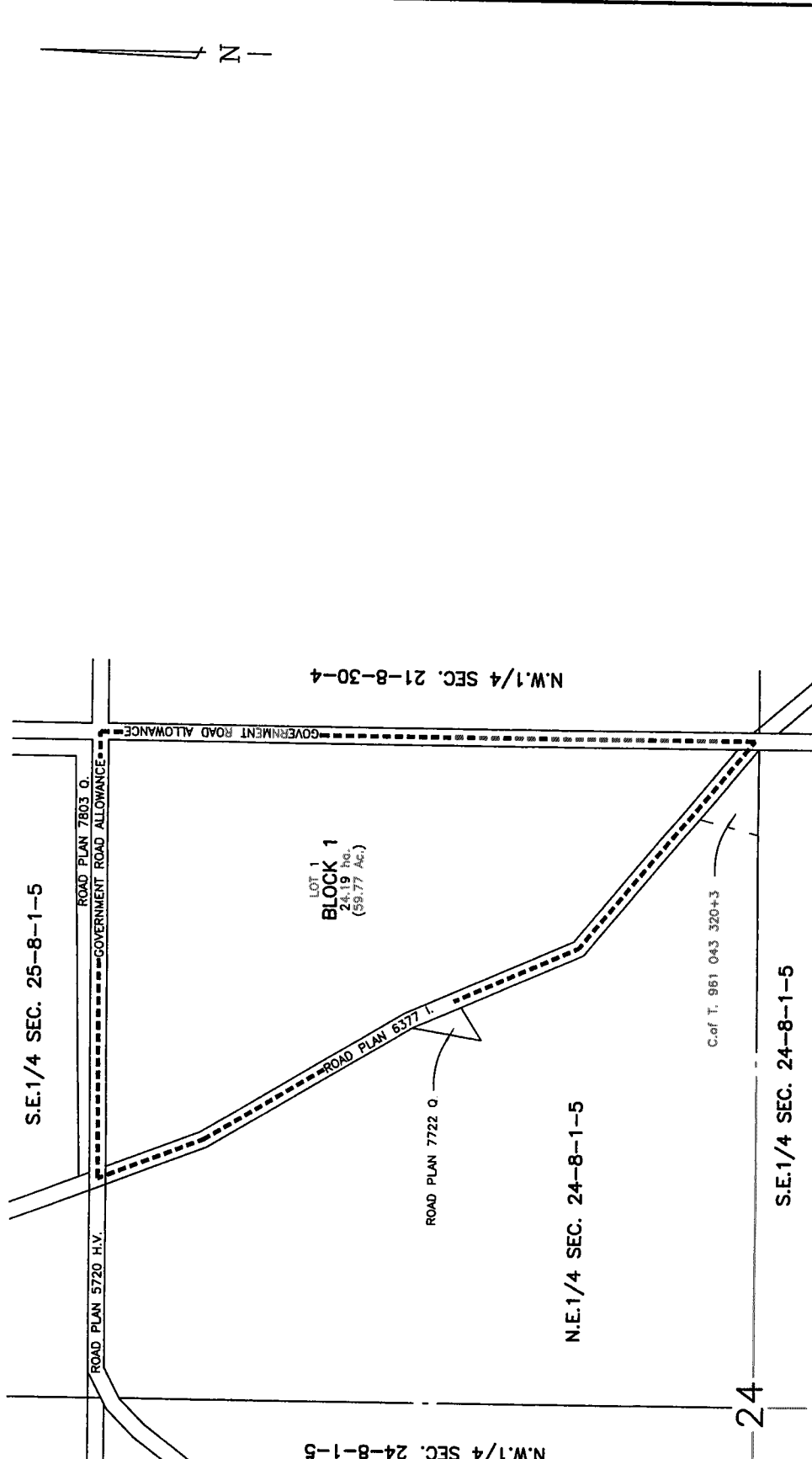
FILE No: 2015-0-146



0 100 200 300 400
Metres
September 04, 2015 N:\Subdivision\2015\2015-0-146.dwg



AERIAL PHOTO DATE: 2012



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

APPROVED	DRAWN MJ	DATE AUG 20/15
	CHECKED TCP	JOB 15-12884
	SCALE 1:5000	DRAWING 15-12884T

T.C. Penner, A.L.S.

507 CATTLE CO.

TENTATIVE PLAN SHOWING SUBDIVISION
 of part of
 N.E.1/4 SEC. 24, TWP. 8, RGE. 1, W.5 M.
 M.D. of Fincher Creek

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus -----
 and contains approximately 24.19 ha.
 Distances are in metres and decimal parts thereof.
 Distances and areas are approximate and are
 subject to change upon final survey.

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