

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

- 1. Adoption of Agenda**
- 2. Minutes**
 - a) Minutes of July 5, 2016
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a) Subdivision Application No. 2016-0-093
Susan Casey
NW 10-4-29 W4M
 - b) Subdivision Application No. 2016-0-110
Edward and Patricia Moskaluk
NW 22-5-30 W4M
- 6. New Business**
- 7. Next Regular Meeting** October 4, 2016; 6:00 pm
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, July 5, 2016; 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

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

Staff: Chief Administrative Officer Wendy Kay, 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 Fred Schoening 16/038

Moved that the Subdivision Authority Agenda for July 5, 2016, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Quentin Stevick 16/039

Moved that the June 7, 2016 Subdivision Authority Minutes, be approved as presented.

Carried

3. IN CAMERA

Councillor Garry Marchuk 16/040

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

Carried

Councillor Fred Schoening 16/041

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:28 pm.

Carried

Councillor Terry Yagos 16/042

Moved to recess the Subdivision Authority meeting, the time being 6:29 pm, to allow for the Municipal Planning Commission meeting.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
July 5, 2016

The Subdivision Authority Meeting reconvened, the time being 7:39 pm.

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a) Subdivision Application No. 2016-0-077
Suzanne and Murray Kirby
SW 15-4-30 W4M

Councillor Fred Schoening

16/043

Moved that the Country Residential subdivision of SW 15-4-30 W4M (Certificate of Title No. 071 064 179), to create a 16.0 acre (6.49 ha) parcel from a fragmented quarter section where the title contains 150.8 acres (61.0 ha), be approved, subject to the following:

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That an easement for legal access across SW 15-4-30 W4M to the benefit of NW 15-4-30 W4M, shall be provided before final approval of the subdivision, with a copy of the signed easement agreement being submitted to the Subdivision Authority.
4. That any road closures and consolidations, as indicated on BOA drawing 16-13176T, be prepared, approved and adopted by the MD of Pincher Creek and subsequently consented to by the Minister of Infrastructure, for concurrent registration with the subdivision.

Carried

6. SUBDIVISION NO. 2016-0-024 – W 1-8-1 W5M – REQUEST TO REALIGN SUBDIVISION BOUNDARY

Councillor Fred Schoening

16/044

Moved that the proposed changes be considered a new application, and that the landowner of W 1-8-1 W5M, be requested to reapply for subdivision.

Carried

7. NEW BUSINESS

Nil

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
July 5, 2016

8. NEXT MEETING – Tuesday, September 6, 2016; 6:00 pm.

9. ADJOURNMENT

Councillor Garry Marchuk

16/045

Moved that the meeting adjourn, the time being 7:42 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority

DRAFT

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: 2016-0-093

August 31, 2016

Wendy Kay
Chief Administrative Officer
M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek AB T0K 1W0

Dear Ms. Kay:

RE: NW1/4 10-4-29-W4M / M.D. of Pincher Creek No. 9

With regard to the subdivision application noted above, please find attached a draft resolution for your Municipality's decision.

The Subdivision 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, 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
Senior Planner

GS/so
Attachment

RESOLUTION

2016-0-093

M.D. of Pincher Creek No. 9 Agricultural subdivision of NW1/4 10-4-29-W4M

THAT the Agricultural subdivision of NW1/4 10-4-29-W4M (Certificate of Title No. 081 443 878, 081 443 878 +1), to create a 41.74 acre (16.89 ha) parcel from a fragmented quarter section containing two titles of 77.7 acres (31.4 ha) and 75.4 acres (30.5 ha) respectively 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.
3. That the portions of Certificate of Titles 081443878 and 081443878+1 lying south of Road Plan 1768Q be consolidated 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 with waiver complies with the M.D. of Pincher Creek subdivision policy R.15 and 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 municipality's land use bylaw.

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 Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Pincher Creek Emergency Services, David Cox – Chief:

"I have no issues with this subdivision."

- (e) 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.

- (f) FortisAlberta has reviewed the plan and determined that no easement is required by FortisAlberta.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

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

- (g) Alberta Environment & Parks, Edward Evenson – Forest Officer and Land Management:

"The Department of Environment and Parks, Public Lands Branch has reviewed the application for subdivision (2016-0-093) and has no concerns."

CHAIRMAN

DATE



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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: July 25, 2016

Date of Receipt: July 4, 2016

TO: Landowner: Susan Casey

Agent or Surveyor:

Referral Agencies: M.D. of Pincher Creek No. 9, Fred Schoening, Livingstone School Division, TELUS, FortisAlberta, AltaLink, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks - K. Murphy, Environment & Parks - E. Evenson, Historical Resources Administrator, AER

Adjacent Landowners: Carol Bruder, Anthony and Lorraine Bruder, David Fitzpatrick, John and Valerie Marr, James Gallup and Eulalia Anastacia-Gallup, Michael Rothery and Leslie Tutty, Robert Dyrda and Zoe Wagenaar, Robert Peters

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 **August 15, 2016**. (Please quote our File No. **2016-0-093** in any correspondence with this office).

File No.: 2016-0-093

Legal Description: NW1/4 10-4-29-W4M

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

Land Designation: Agricultural - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 081 443 878, 081 443 878 +1

Meeting Date: September 6, 2016

Note that meeting dates are subject to change. It is advisable to contact the M.D. of Pincher Creek No. 9 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.

Planner's Preliminary Comments:

The purpose of this application is to create a 41.74 acre (16.89 ha) parcel from a fragmented quarter section containing two titles of 77.7 acres (31.4 ha) and 75.4 acres (30.5 ha) respectively for agricultural use.

The proposal is to accommodate the subdivision of two fragmented titles by consolidating all acreage lying south of Road Plan 1768Q. This land contains a large wetland which limits its potential use on the western half. 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. Consideration of adjacent landowners and referral agencies comments.
4. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
5. That the portions of Certificate of Titles 081443878 and 081443878+1 lying south of Road Plan 1768Q be consolidated in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
6. That, any conditions of Alberta Culture and Tourism, Historic 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.

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		
Zoning (as classified under the Land Use Bylaw): <u>Agriculture - A</u>		
Fee Submitted: <u>\$ 925.00</u>	File No: <u>2016-0-093</u>	
APPLICATION SUBMISSION		
Date of Receipt: <u>July 4/16</u>	Date Deemed Complete: <u>July 4/16</u>	Accepted By: <u>[Signature]</u>

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Susan Casey
 Mailing Address: Box 1346 Pincher Creek Postal Code: T0K1W0
 Telephone: 403-627-4046 Cell: 403-999-1752 Fax: _____
 Email: shiney1@lwe.ca
 Name of Agent (Person Authorized to act on behalf of Registered Owner): _____
 Mailing Address: _____ Postal Code: _____
 Telephone: _____ Cell: _____ Fax: _____
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NW ¼ Section 10 Township 4 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 .153 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 42 acres
 e. Rural Address (if applicable): N/A
 f. Certificate of Title No.(s): 081 443 878 + 1 081 443 878

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality 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) flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
fresh water spring that forms a lake/slough.
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) loam
- 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 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 none
- b. Proposed source of potable water none

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type none Year Installed _____
- b. Proposed sewage disposal: Type none

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Susan Casey 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: Susan Casey Date: July 4 - 2016

9. RIGHT OF ENTRY

I Susan Casey 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.

Susan Casey
Signature of Registered Owner



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 553 856 4;29;4;10;NW 081 443 878 +1

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 10
THE EAST HALF OF THE NORTH WEST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THE ROADWAY ON PLAN 1768Q, CONTAINING 4.6 ACRES
MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 731 074 795

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
081 443 878	28/11/2008	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

SUSAN MARIE CASEY
OF BOX 1346
PINCHER CREEK
ALBERTA T0K 1W0
(DATA UPDATED BY: CHANGE OF ADDRESS 131254350)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
5162LE	22/12/1971	CAVEAT CAVEATOR - ALTAGAS UTILITIES INC. 5509-45TH ST LEDUC ALBERTA T9E6T6 (DATA UPDATED BY: CHANGE OF NAME 041082209)

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

081 443 878 +1

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
081 440 193	26/11/2008	EASEMENT OVER AND FOR BENEFIT OF: SEE INSTRUMENT RIGHT-OF-WAY PLAN NUMBER: SEE INSTRUMENT

081 443 879	28/11/2008	MORTGAGE MORTGAGEE - FARM CREDIT CANADA. 1200, 10250-101 STREET EDMONTON ALBERTA T5J3P4 ORIGINAL PRINCIPAL AMOUNT: \$571,000
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TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 30 DAY OF JUNE,
2016 AT 10:04 A.M.

ORDER NUMBER: 30969099

CUSTOMER FILE NUMBER: 121053.1 njp



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).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 553 863 4;29;4;10;NW 081 443 878

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 10
THE WEST HALF OF THE NORTH WEST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THE ROADWAY ON PLAN 1768Q, CONTAINING 2.3 ACRES
MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 731 074 794

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
081 443 878	28/11/2008	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

SUSAN MARIE CASEY
OF BOX 1346
PINCHER CREEK
ALBERTA T0K 1W0
(DATA UPDATED BY: CHANGE OF ADDRESS 131254350)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
081 443 879	28/11/2008	MORTGAGE MORTGAGEE - FARM CREDIT CANADA. 1200, 10250-101 STREET EDMONTON ALBERTA T5J3P4 ORIGINAL PRINCIPAL AMOUNT: \$571,000

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
081 443 878

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 30 DAY OF JUNE, 2016 AT 10:06 A.M.

ORDER NUMBER: 30969136

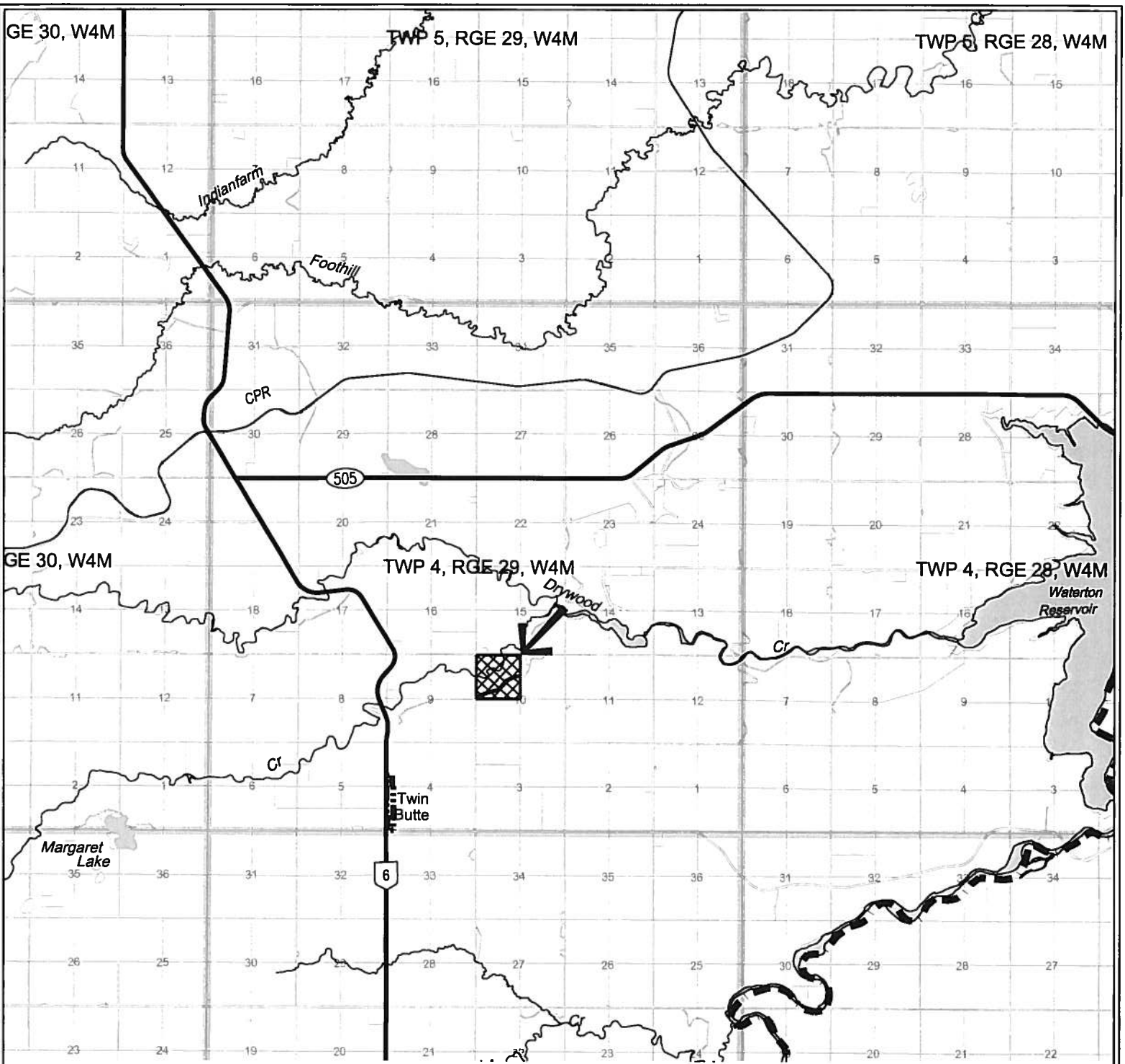
CUSTOMER FILE NUMBER: 121053.1 njp



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).



SUBDIVISION LOCATION SKETCH

NW 1/4 SEC 10, TWP 4, RGE 29, W 4 M

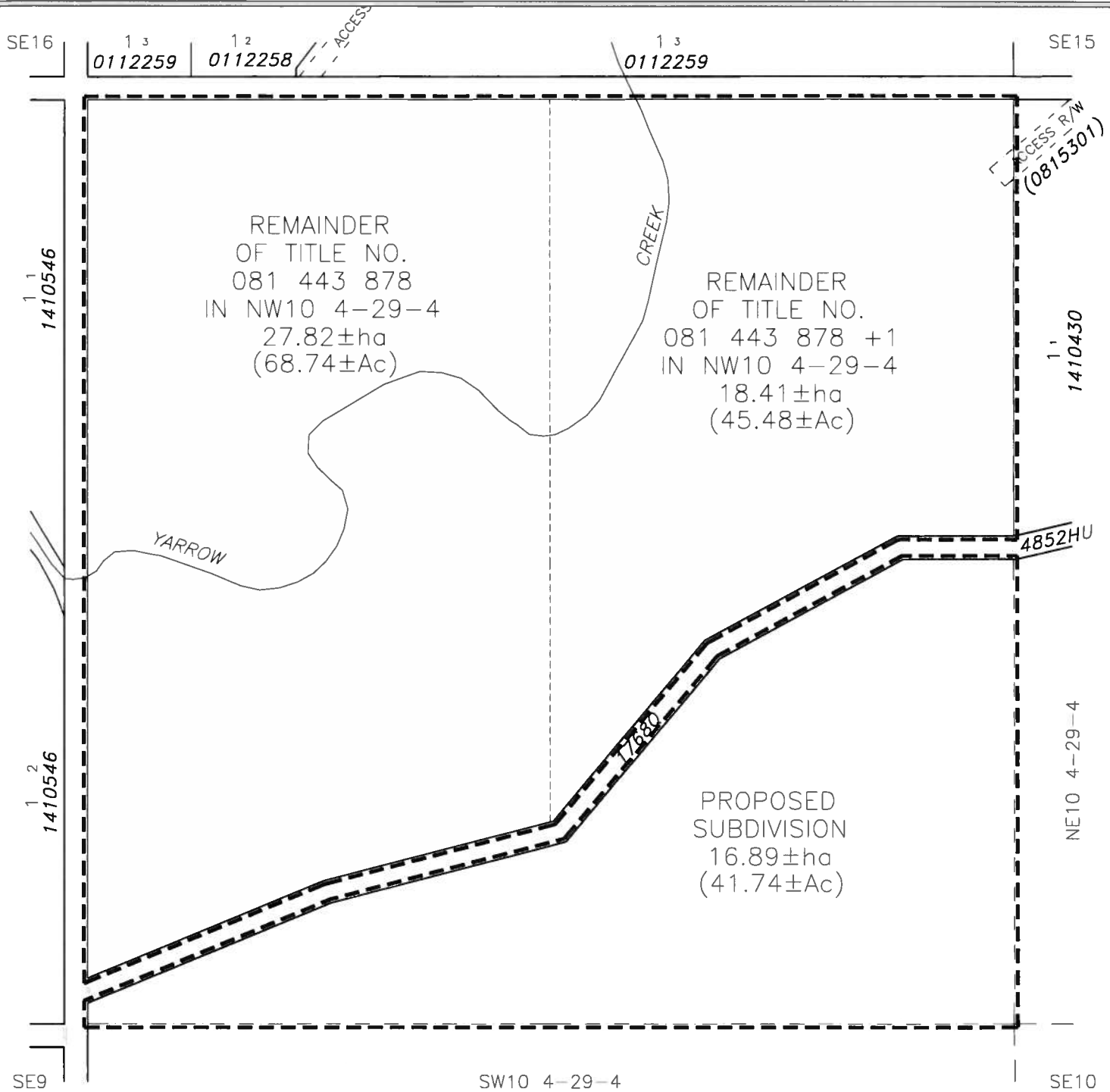
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JULY 4, 2016

FILE No: 2016-0-093

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 3E2
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS





SUBDIVISION SKETCH - PROPOSED

NW 1/4 SEC 10, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JULY 4, 2016

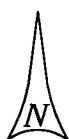
FILE No: 2016-0-093

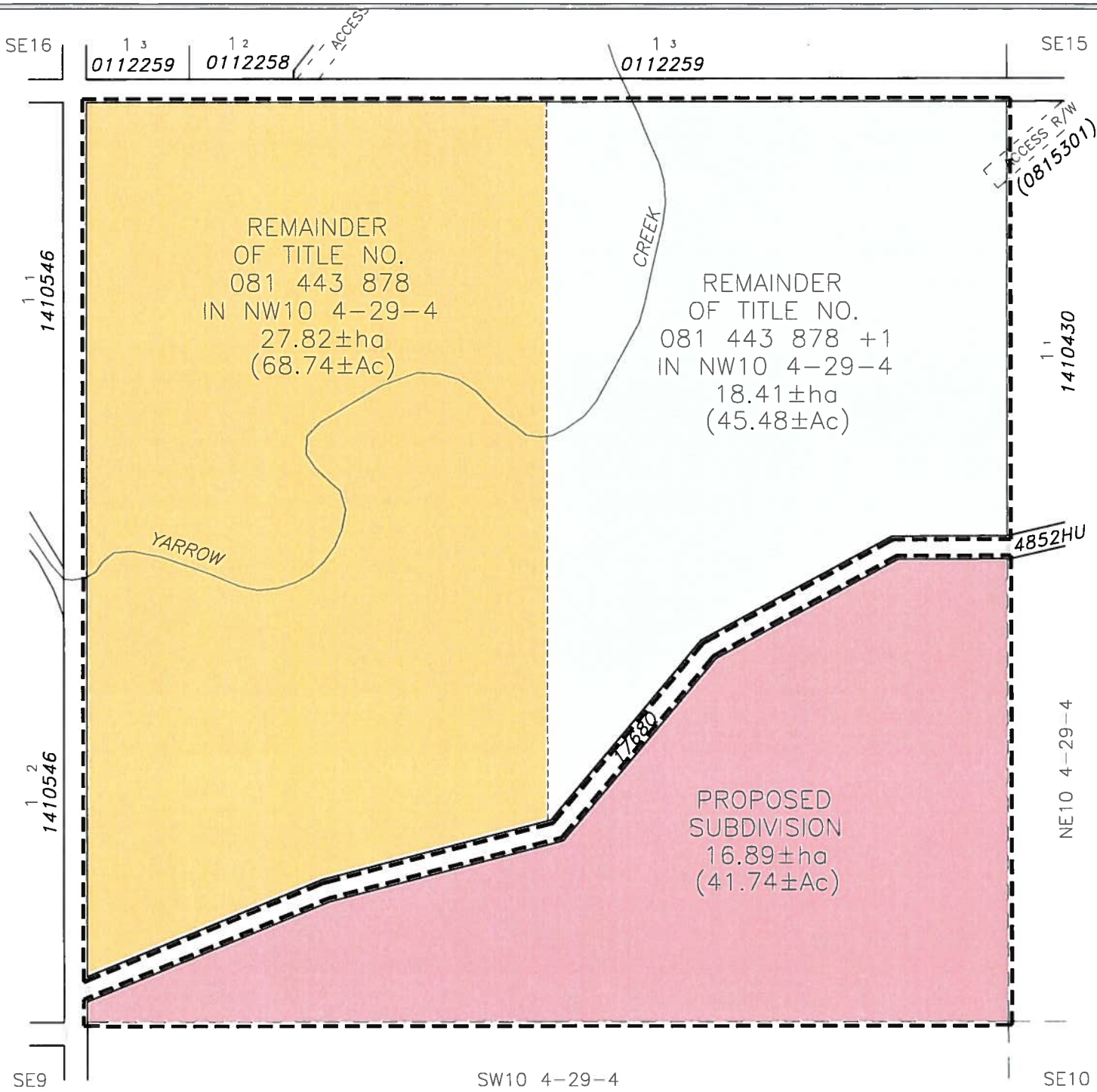
Note: Areas derived from cadastral mapping



0 Metres 100 200 300 400

July 05, 2016 N:\Subdivision\2016\2016-0-093.dwg





SUBDIVISION SKETCH - PROPOSED

NW 1/4 SEC 10, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JULY 4, 2016

FILE No: 2016-0-093

Note: Areas derived from cadastral mapping





SUBDIVISION SKETCH - PROPOSED

NW 1/4 SEC 10, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JULY 4, 2016

FILE No: 2016-0-093

Note: Areas derived from cadastral mapping



DRAFT RESOLUTION

Our File: 2016-0-110

August 31, 2016

Wendy Kay
Chief Administrative Officer
M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek AB T0K 1W0

Dear Ms. Kay:

RE: NW1/4 22-5-30-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 Authority should note that comments have not been received from the Livingstone School Division, TELUS, AltaLink, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, AER, and Centra Gas Alberta Inc.

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

2016-0-110

M.D. of Pincher Creek No. 9 Country Residential subdivision of NW1/4 22-5-30-W4M

THAT the Country Residential subdivision of NW1/4 22-5-30-W4M (Certificate of Title No. 861 189 624), to create a 6.50 acre (2.62 ha) parcel from a previously unsubdivided quarter section of 158.97 acres (64.3 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision with waiver complies with 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) Pincher Creek Emergency Services, David Cox – Chief:
“I have no issues with this development.”
- (e) 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.

- (f) ATCO Gas has no objection to the proposed.
- (g) ATCO Pipelines has no objection.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 11, 2016

Date of Receipt: August 4, 2016

TO: Landowner: Edward R & Patricia A Moskaluk

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

Referral Agencies: M.D. of Pincher Creek No. 9, Fred Schoening, Livingstone School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks - K. Murphy, AER, Centra Gas Alberta Ltd.

Adjacent Landowners: Malcolm and Wendy Main, Dean and Tamara Kennedy, David Tompkins, Brylor Ranch Ltd. , Mark and Edna MacKenzie, Ian Main, Douglas Main and Anne Gover, Kristopher and Christine Larson, Centra Gas Alberta

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 **August 30, 2016**. (Please quote our File No. **2016-0-110** in any correspondence with this office).

File No.: 2016-0-110

Legal Description: NW1/4 22-5-30-W4M

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

Land Designation: Agricultural - A
(Zoning)

Existing Use: Country Residential

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 861 189 624

Meeting Date: September 6, 2016

Note that meeting dates are subject to change. It is advisable to contact the M.D. of Pincher Creek No. 9 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.

Planner's Preliminary Comments:

The purpose of this application is to create a 6.50 acre (2.62 ha) parcel from a previously unsubdivided quarter section of 158.97 acres (64.3 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling and shop. Access to the lot is presently granted from an existing approach to the north, off of a developed municipal road allowance. The existing residence is serviced by a septic system and on-site domestic well.

This proposal complies with the subdivision criteria of the MD of Pincher Creek's Municipal Development Plan and Land Use Bylaw. The Subdivision Authority is hereby requested to consider the following when rendering a decision on this application:

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyors sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.

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>Agricultural - A</u>		
Fee Submitted: <u>\$925.00</u>	File No: <u>2016-0-110</u>	
APPLICATION SUBMISSION		
Date of Receipt: <u>Aug 4/16</u>	Date Deemed Complete: <u>Aug. 4/16</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: EDWARD R MOSKALUK & PATRICIA A MOSKALUK
 Mailing Address: BOX 2437 PINCHER CREEK AB Postal Code: T0K 1W0
 Telephone: 403-627-2599 Cell: _____ Fax: _____
 Email: moskaluk@platinum.ca

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 NW ¼ Section 22 Township 5 Range 30 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: 64.33 hectares 159.0 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 2.62 Ha. (6.47 Ac.)
 e. Rural Address (if applicable): 30217 TWP RD 5-4
 f. Certificate of Title No.(s): 961 189 624

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 RURAL RESIDENTIAL

b. Proposed use of the land RURAL RESIDENTIAL

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.)

- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) _____
- 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 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 _____
- b. Proposed source of potable water _____

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type _____ Year Installed _____
- b. Proposed sewage disposal: Type _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I _____ 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: _____

9. RIGHT OF ENTRY

I E. R. MOSKALUK 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.

E. R. Moskaluk P.A. Moskaluk
Signature of Registered Owner

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

861 189 624

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

GRANTEE - CENTRA GAS ALBERTA INC.
BOX 800, LEDUC
ALBERTA

011 015 504 16/01/2001 MORTGAGE
MORTGAGEE - ALBERTA TREASURY BRANCHES.
PO BOX 1600
PINCHER CREEK
ALBERTA T0K1W0
ORIGINAL PRINCIPAL AMOUNT: \$150,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 24 DAY OF JUNE,
2016 AT 11:39 A.M.

ORDER NUMBER: 30933419

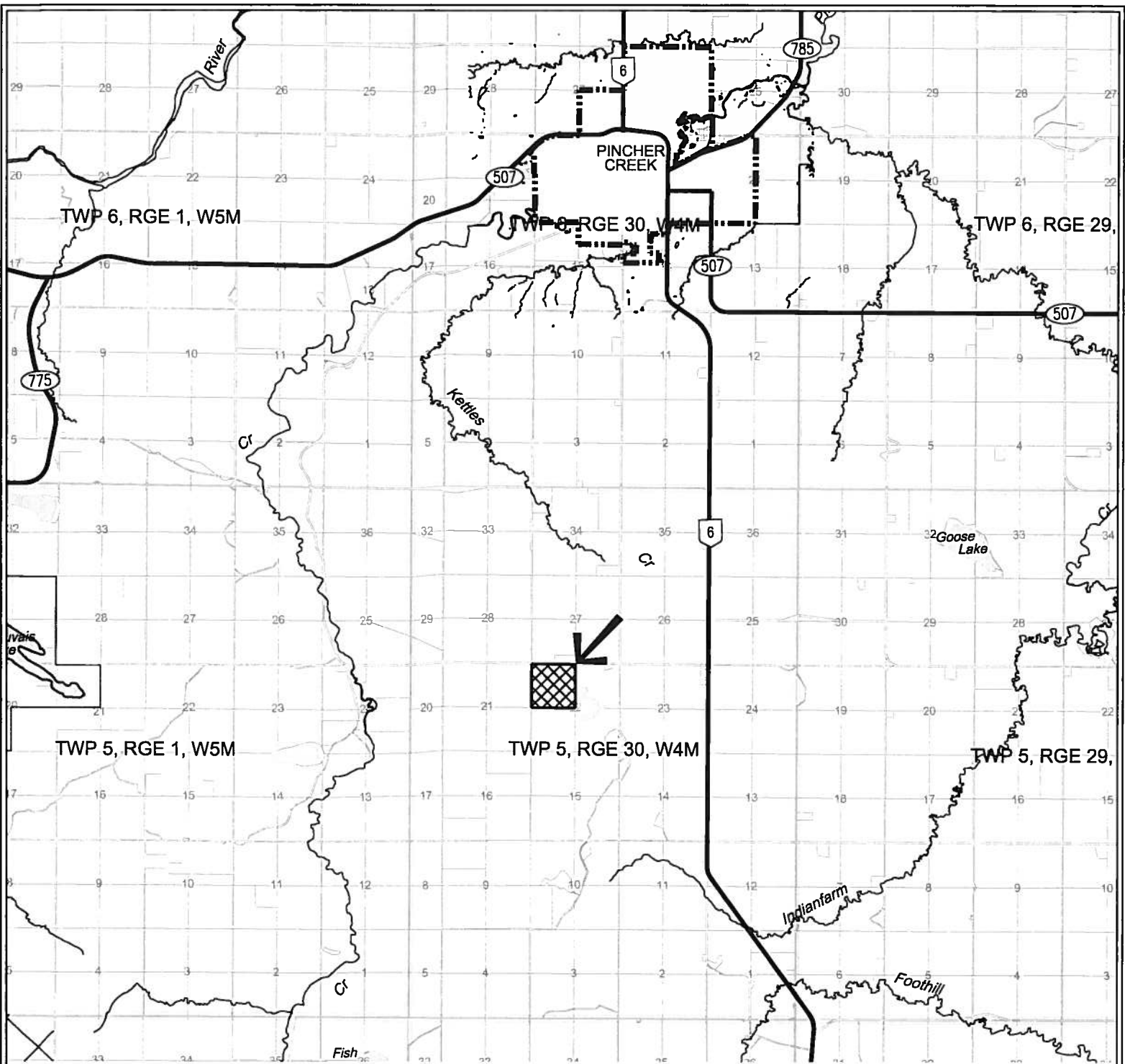
CUSTOMER FILE NUMBER:



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).



SUBDIVISION LOCATION SKETCH

NW 1/4 SEC 22, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 5, 2016

FILE No: 2016-0-110

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5E9
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

SE28

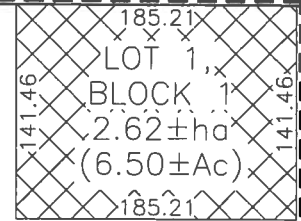
SW27 5-30-4

8811011

LOT 1
9212707

SE27

8811011



NE21 5-30-4

REMAINDER OF
TITLE IN
NW22 5-30-4
61.70±ha
(152.47±Ac)

NE22 5-30-4

SE21

SW22 5-30-4

SE22

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13341T

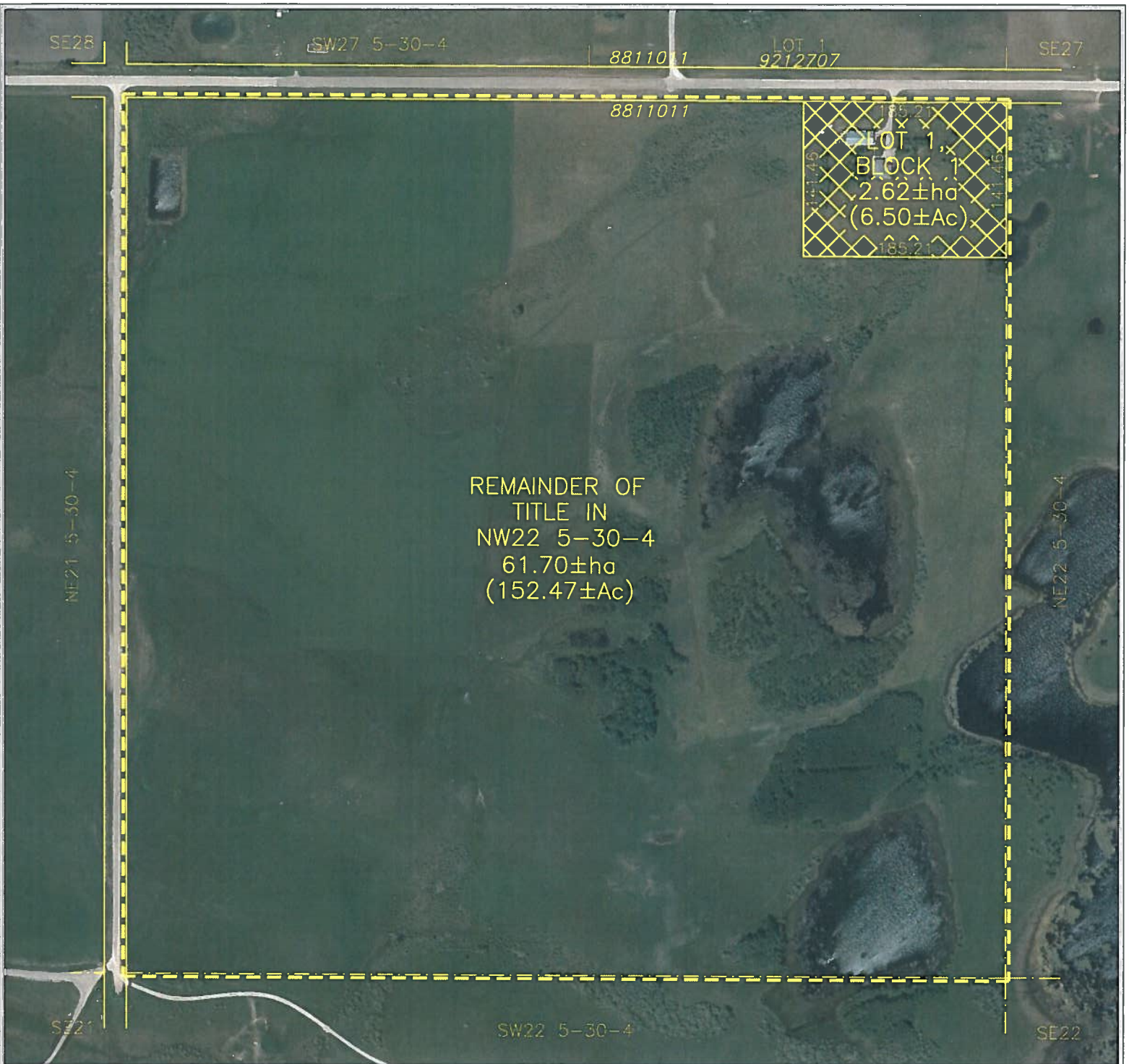
NW 1/4 SEC 22, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 5, 2016

FILE No: 2016-0-110





SUBDIVISION SKETCH

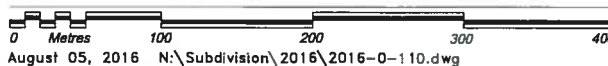
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13341T

NW 1/4 SEC 22, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 5, 2016

FILE No: 2016-0-110



S.W.1/4 SEC. 27-5-30-4

GOVERNMENT ROAD ALLOWANCE

LOT 1
PLAN 921 2707

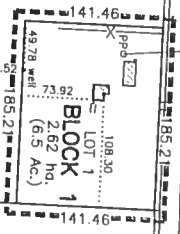
N.W.1/4 SEC. 22 - 5 - 30 - 4

N.E.1/4 SEC. 21 - 5 - 30 - 4

GOVERNMENT ROAD ALLOWANCE

S.W.1/4 SEC. 22 - 5 - 30 - 4

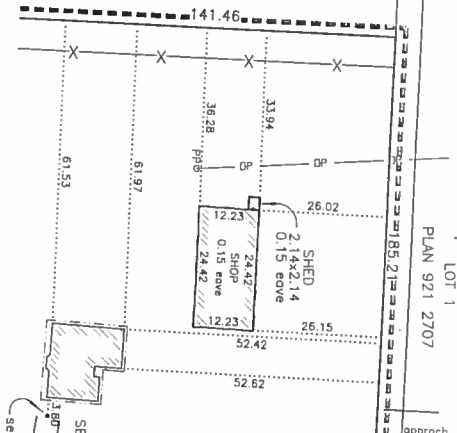
SEE
DETAIL 'A'



N.E.1/4 SEC. 22 - 5 - 30 - 4

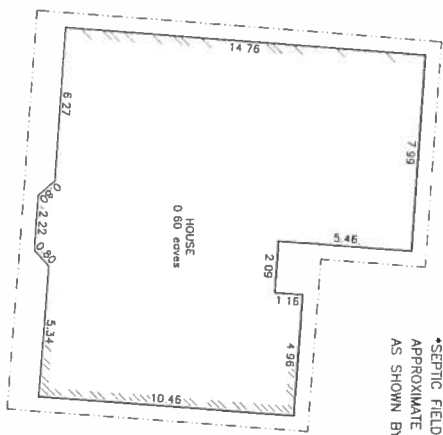
22

LOT 1
PLAN 921 2707



DETAIL 'A'
SCALE: 1:1000

*SEPTIC FIELD LOCATION IS
APPROXIMATE AND SURVEYED
AS SHOWN BY OWNERS



DETAIL 'B'
SCALE: 1:200

ED & PAT MOSKALUK

TENTATIVE PLAN SHOWING SUBDIVISION

of part of
N.W.1/4 SEC. 22, TWP. 5, RGE. 30, W.4 M.

M.P. of Pincher Creek



brown okamura & associates Ltd.
Professional Surveyors
514 Stanford Drive, Lethbridge, Alberta

APPROVED

DRAWN MJ DATE JULY 19/16

CHECKED TCP JOB 16-13341

SCALE 1:5000 DRAWING 16-13341T

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

NOTE : Portion to be approved is outlined thus -----
and contains approximately 2.62 ha.
Distances are in metres and decimal parts thereof.
Distances and areas are approximate and are
subject to change upon final survey.

NO.	REVISION	DATE	BY