

**Agenda**  
**Municipal District of Pincher Creek No. 9**  
**Subdivision Authority**  
**October 4, 2016**  
**6:00 pm**

- 1. Adoption of Agenda**
- 2. Minutes**
  - a) Minutes of September 6, 2016
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
  - a) Subdivision Application No. 2016-0-125  
Kent Bonertz and Wendy McClelland c/o Gary Nicolson  
SE 35-5-30 W4M
  - b) Subdivision Application No. 2016-0-128  
Richard Hardy, Suzanne Kirby & Murray Kirby  
W ½ 15-4-30 W4M
- 6. New Business**
- 7. Next Regular Meeting**      November 1, 2016; 6:00 pm
- 8. Adjournment**

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

**IN ATTENDANCE**

Members: Reeve Brian Hammond, Deputy Reeve Terry Yagos, Councillors Fred Schoening, Quentin Stevick 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 Fred Schoening 16/046

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

Carried

**2. ADOPTION OF MINUTES**

Councillor Quentin Stevick 16/047

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

Carried

**3. IN CAMERA**

Councillor Garry Marchuk 16/048

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

Carried

Councillor Garry Marchuk 16/049

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:13 pm.

Carried

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

**4. UNFINISHED BUSINESS**

Nil

**5. SUBDIVISION APPLICATION**

- a) Subdivision Application No. 2016-0-093  
Susan Casey  
NW 10-4-29 W4M

Councillor Terry Yagos

16/050

Moved that the Agricultural subdivision of NW 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:

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 Titles could not be subdivided without the approval of the Subdivision Authority.

Carried

- b) Subdivision Application No. 2016-0-110  
Edward and Patricia Moskaluk  
NW 22-5-30 W4M

Councillor Fred Schoening

16/051

Moved that the Country Residential subdivision of NW 22-5-30 W4M (Certificate of Title No. 861 189 624), to create a 6.5 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:

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

Carried

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

**6. NEW BUSINESS**

Nil

**7. NEXT MEETING** – Tuesday, October 4, 2016; 6:00 pm.

**8. ADJOURNMENT**

Councillor Terry Yagos

16/052

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

Carried

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Brian Hammond, Chair  
Subdivision Authority

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Wendy Kay, Secretary  
Subdivision Authority

DRAFT



OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 - 16<sup>th</sup> A **5a**  
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344  
Toll-Free: 1-844-279-8760  
Fax: (403) 327-6847  
E-mail: [subdivision@orrsc.com](mailto:subdivision@orrsc.com)  
Website: [www.orrsc.com](http://www.orrsc.com)

## DRAFT RESOLUTION

Our File: 2016-0-125

September 28, 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: SE1/4 35-5-30-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, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, 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

2016-0-125

**M.D. of Pincher Creek No. 9**                      **Country Residential** subdivision of SE1/4 35-5-30-W4M

THAT the Country Residential subdivision of SE1/4 35-5-30-W4M (Certificate of Title No. 121 139 328, 081 441 138 +1), to create a 5.14 acre (2.08 ha) parcel from two titles containing 153.86 acres (64.7 ha) and 3.43 (1.39ha) respectively 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.
3. That the 1.71 acres of the SE35 5-30 W4M be consolidated with the adjacent portion of Lot 1 Block 1 Plan 0815313 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 municipality's land use bylaw.

### 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) M.D. of Pincher Creek No. 9, L.J. (Leo) Reedyk – Director of Operations:  
“I have no issues with the proposed subdivision.”

- (e) FortisAlberta has no concerns or objection. The Developer can contact 310-WIRE (9473) to make arrangements for electrical services.
- (f) AltaGas Utilities has no objection to the proposed subdivision.

Please notify Alberta 1<sup>st</sup> Call at 1-800-242-3447 to arrange for “field locating” should excavations be required within the described area.

They wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

- (g) Alberta Transportation, Leah Olsen – Development/Planning Technologist:

“Reference your file to create a boundary adjusted country residential/farmstead parcel at the above noted location.

This is merely a boundary adjustment of which the proposal is to continue using the parcel to be created a country residential/farmstead parcel. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“the regulation”).

Notwithstanding the foregoing, resultant of the fact that the parcel to be created and remnant land does have direct access to Highway 6 this application is subject to the requirements of Section 15(2) of the regulation.

Alberta Transportation’s primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway system.

To that end, the proposal is in accordance with Section 14(b) of the regulation and the remnant lands will remain to be an agricultural tract. The subject property does have alternate means of indirect access to the highway being gained solely by way of Caveat Registration Number 081 441 174 existing 30 meter wide service road right-of-way perpendicular to and across the highway frontage of the remnant land lying north of the boundary adjusted country residential/farmstead parcel. As such, strictly from Alberta Transportation’s point of view, creation of the boundary adjusted country residential/farmstead parcel as proposed could be accommodated.

Notwithstanding that this application is in accordance with Section 15(2) the applicant is advised that no additional direct access to the highway will be allowed as a result of this application and that the existing direct access could remain on a temporary basis for agricultural purposes only.

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and as such any development would require the benefit of a permit from our department. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403/381-5426, in this regard.

The department accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole

responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation (AT) agrees to waive the referral distance for this particular subdivision application. As far as AT is concerned an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application."

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CHAIRMAN

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DATE



NW35

NE35 5-30-4

NW36

**Caveat Registration Number 081 441 174**  
 30m wide Service Road Right-of-Way lying  
 perpendicular to and across the highway  
 frontage of the remnant land lying north of the  
 boundary adjusted parcel (see 2008-0-173)

REMAINDER OF  
 TITLE IN  
 SE35 5-30-4  
 61.58±ha  
 (152.15±Ac)

PROPOSED  
 LOT 2,  
 BLOCK 1  
 2.08±ha  
 (5.14±Ac)

TABLE OF AREAS

FROM SE35 5-30-4	= 0.69±ha (1.71±Ac)
FROM LOT 1, BLOCK 1	= 1.39±ha (3.43±Ac)
<b>Total</b>	<b>= 2.08±ha (5.14±Ac)</b>

SW35 5-30-4

SW36 5-30-4

2248IX  
 HIGHWAY 6  
 2248IX

NW26

NE26 5-30-4

NW25

### SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13395T

LOT 1, BLOCK 1, PLAN 0815313 & SE 1/4 SEC 35, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 31, 2016

FILE No: 2016-0-125



## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** September 9, 2016

**Date of Receipt:** August 31, 2016

**TO: Landowner:** Kent D. Bonertz & Wendy McClelland C/O Gary Nicolson

**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, AltaGas, AB Health Services, AB Agriculture, AB Transportation, AB Environment & Parks - K. Murphy, AER

**Adjacent Landowners:** Kevin Steinke, Susan Steinke-Prins, Dean Steinke, Curtis Steinke, Brent & Patricia McRae, Chas & Margaret Fitzpatrick, Otto Bonertz, Micheal Bonertz, Edna & Mark MacKenzie, Edwin & Betty Whipple, Lorraine Unruh

**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 28, 2016**. (Please quote our File No. 2016-0-125 in any correspondence with this office).

**File No.:** 2016-0-125

**Legal Description:** SE1/4 35-5-30-W4M

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

**Land Designation:** Agriculture - A  
(Zoning)

**Existing Use:** Country Residential

**Proposed Use:** Country Residential

**# of Lots Created:** 1

**Certificate of Title:** 121 139 328, 081 441 138 +1

**Meeting Date:** October 4, 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 5.14 acre (2.08 ha) parcel two titles containing 153.86 acres (64.7 ha) and 3.43 (1.39ha) for country residential use.

The proposal is to accommodate the realignment of an existing farmyard subdivision which presently contains a dwelling, garage, shop, and number of other out-buildings. The realignment is intended to capture a shelter belt, 1370sqft building and two out buildings. Access to the lot is presently granted from an existing approach to the east, off of Highway 6. 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.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That the 1.71 acres of the SE35 5-30 W4M be consolidated with the adjacent portion of Lot 1 Block 1 Plan 0815313 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.

**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>2016-0-185</u>	
APPLICATION SUBMISSION		
Date of Receipt: <u>Aug. 31/16</u>	Date Deemed Complete: <u>Aug. 31/16</u>	Accepted By: 

**APPLICATION FOR SUBDIVISION  
RURAL MUNICIPALITY**

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: KENT DAVID BONERTZ and WENDY MCCLELLAND c/o GARY NICOLSON  
 Mailing Address: BOX 1433, PINCHER CREEK AB Postal Code: T0K 1W0  
 Telephone: 403-627-8277 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

Name of Agent (Person Authorized to act on behalf of Registered Owner): Thomas C. Penner, ALS  
 Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4  
 Telephone: 403-329-4688 ex. 28 Cell: \_\_\_\_\_ Fax: 403-320-9144  
 Email: thomas@bokamura.com

**2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED**

a. All/part of the SE ¼ Section 35 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: 62.3 hectares 153.86 acres  
 d. Total number of lots to be created: 1 Size of Lot(s): 0.691 ha (1.71 ac) to be consolidated with plan 081 5313  
 e. Rural Address (if applicable): 5512 Hwy 6  
 f. Certificate of Title No.(s): 081 441 138 +1

**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. 6

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 Used as part of existing yard.

b. Proposed use of the land Consolidate with plan 081 5313 to align boundary with physical use

**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.)  
Tree Stands
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Unknown
- d. Is this a vacant parcel (void of any buildings or structures)? Yes  No   
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.  
See Sketch
- 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 Well within plan 081 5313
- b. Proposed source of potable water Same

**7. SEWER SERVICES**

Describe:

- a. Existing sewage disposal: Type Septic tank and field Year Installed in the 1980's
- b. Proposed sewage disposal: Type Same

**8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF**

I THOMAS C. PENNER, ALS (BOA File: 16-13395) 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: Aug 29/16

**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*

**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 KENT BOEVTZ 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: Kent Boevertz Date: AUG 23/16

**9. RIGHT OF ENTRY**

I Kent Boevertz 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.

Kent Boevertz  
Signature of Registered Owner

**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 registered 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 KENT BOEHRZ 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.

Kent Boehr  
Signature of Registered Owner





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0033 624 172            4;30;5;35;SE                      081 441 138 +1

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 30 TOWNSHIP 5  
SECTION 35  
QUARTER SOUTH EAST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT;

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
ROAD	2248IX	1.10	2.71	
DESCRIPTIVE	0815313	1.389	3.43	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 041 152 284

-----  
REGISTERED OWNER(S)  
REGISTRATION      DATE (DMY)      DOCUMENT TYPE      VALUE      CONSIDERATION  
-----  
081 441 138      27/11/2008      DESCRIPTIVE PLAN

OWNERS

KENT DAVID BONERTZ

AND

WENDY MCCLELLAND

BOTH OF:

165 MORNINGSIDE GARDEN SW

AIRDRIE

ALBERTA T4B 0C9

AS JOINT TENANTS



-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 081 441 138 +1

REGISTRATION

NUMBER      DATE (D/M/Y)      PARTICULARS

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4242KL .      20/08/1969 CAVEAT  
CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.

851 112 837    10/07/1985 UTILITY RIGHT OF WAY  
GRANTEE - ICG UTILITIES (PLAINS-WESTERN) LTD.

081 441 174    27/11/2008 CAVEAT  
RE : ROADWAY  
CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF  
ALBERTA  
AS REPRESENTED BY MINISTER OF TRANSPORTATION  
2ND FLOOR, TWIN ATRIA BLDG  
4999 - 98 AVENUE  
EDMONTON  
ALBERTA T6B2X3  
AGENT - GORDON ZACK.  
PORTION DESCRIBED

121 145 075    13/06/2012 MORTGAGE  
MORTGAGEE - ALBERTA TREASURY BRANCHES.  
769 MAIN ST  
PINCHER CREEK  
ALBERTA T0K1W0  
ORIGINAL PRINCIPAL AMOUNT: \$300,000

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 25 DAY OF JULY,  
2016 AT 01:46 P.M.

ORDER NUMBER:    31122261

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

( CONTINUED )



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0033 624 180            0815313;1;1            121 139 328

LEGAL DESCRIPTION

DESCRIPTIVE PLAN 0815313  
BLOCK 1  
LOT 1  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 1.389 HECTARES (3.43 ACRES) MORE OR LESS

ATS REFERENCE: 4;30;5;35;SE  
ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 081 465 717

---

REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
121 139 328	07/06/2012	TRANSFER OF LAND	\$430,000	\$430,000

---

OWNERS

GARY NICOLSON  
OF BOX 1433  
PINCHER CREEK  
ALBERTA T0K 1W0

---

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4242KL	20/08/1969	CAVEAT CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.
851 112 837	10/07/1985	UTILITY RIGHT OF WAY GRANTEE - ICG UTILITIES (PLAINS-WESTERN) LTD.
121 139 329	07/06/2012	MORTGAGE MORTGAGEE - ALBERTA TREASURY BRANCHES.

( CONTINUED )

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 121 139 328

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

BOX 1600  
769 MAIN STREET  
PINCHER CREEK  
ALBERTA T0K1W0  
ORIGINAL PRINCIPAL AMOUNT: \$380,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 25 DAY OF JULY,  
2016 AT 01:46 P.M.

ORDER NUMBER: 31122261

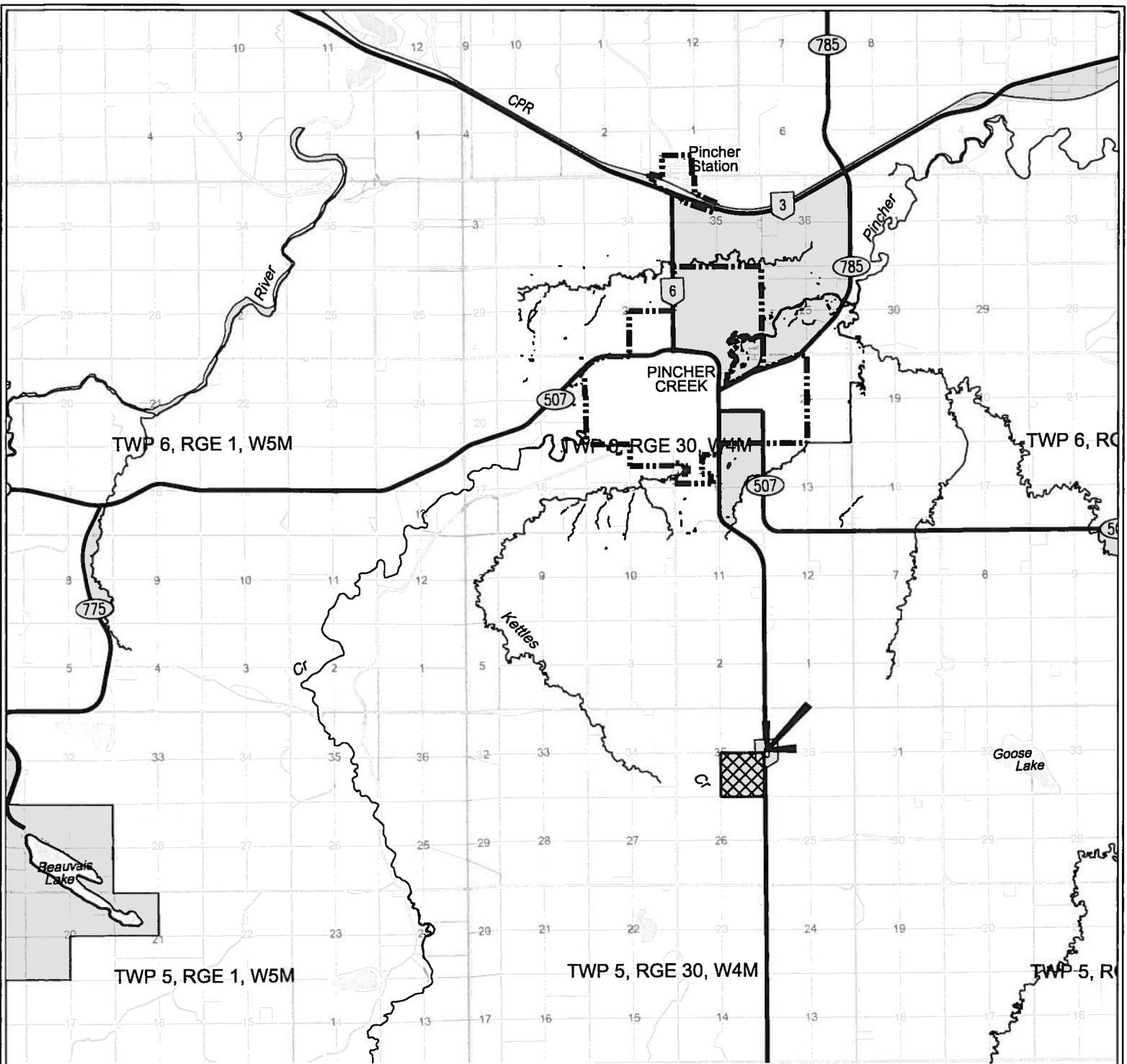
CUSTOMER FILE NUMBER:



\*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**

**LOT 1, BLOCK 1, PLAN 0815313 & SE 1/4 SEC 35, TWP 5, RGE 30, W 4 M**

**MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

**DATE: AUGUST 31, 2016**

**FILE No: 2016-0-125**

MAP PREPARED BY  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3123 18th AVENUE NORTH, LETHBRIDGE, AB T1V 5E9  
 \*NOT RESPONSIBLE FOR ERRORS OR OMISSIONS\*



**OLDMAN RIVER REGIONAL SERVICES COMMISSION**

August 31, 2016 N:\Subdivision\2016\2016-0-125.dwg

NW35

NE35 5-30-4

NW36

SW35 5-30-4

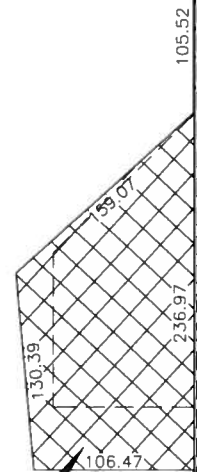
SW36 5-30-4

REMAINDER OF  
TITLE IN  
SE35 5-30-4  
61.58±ha  
(152.15±Ac)

PROPOSED  
LOT 2,  
BLOCK 1  
2.08±ha  
(5.14±Ac)

TABLE OF AREAS

FROM SE35 5-30-4=0.69±ha(1.71±Ac)
FROM LOT 1, BLOCK 1=1.39±ha(3.43±Ac)
<u>Total=2.08±ha(5.14±Ac)</u>



2248IX

HIGHWAY 6

2248IX

NW26

NE26 5-30-4

NW25

### SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13395T

LOT 1, BLOCK 1, PLAN 0815313 & SE 1/4 SEC 35, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 31, 2016

FILE No: 2016-0-125



## SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13395T

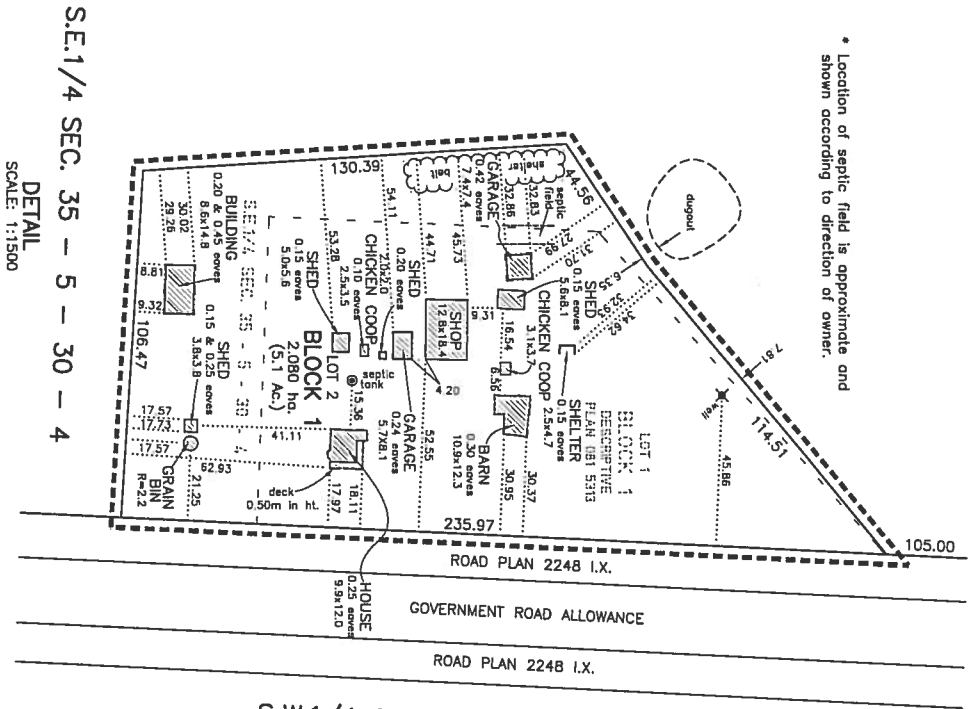
LOT 1, BLOCK 1, PLAN 0815313 & SE 1/4 SEC 35, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 31, 2016

FILE No: 2016-0-125

\* Location of septic field is approximate and shown according to direction of owner.



S.E.1/4 SEC. 35 - 5 - 30 - 4  
SCALE: 1:1500

S.W.1/4 SEC. 36 - 5 - 30 - 4

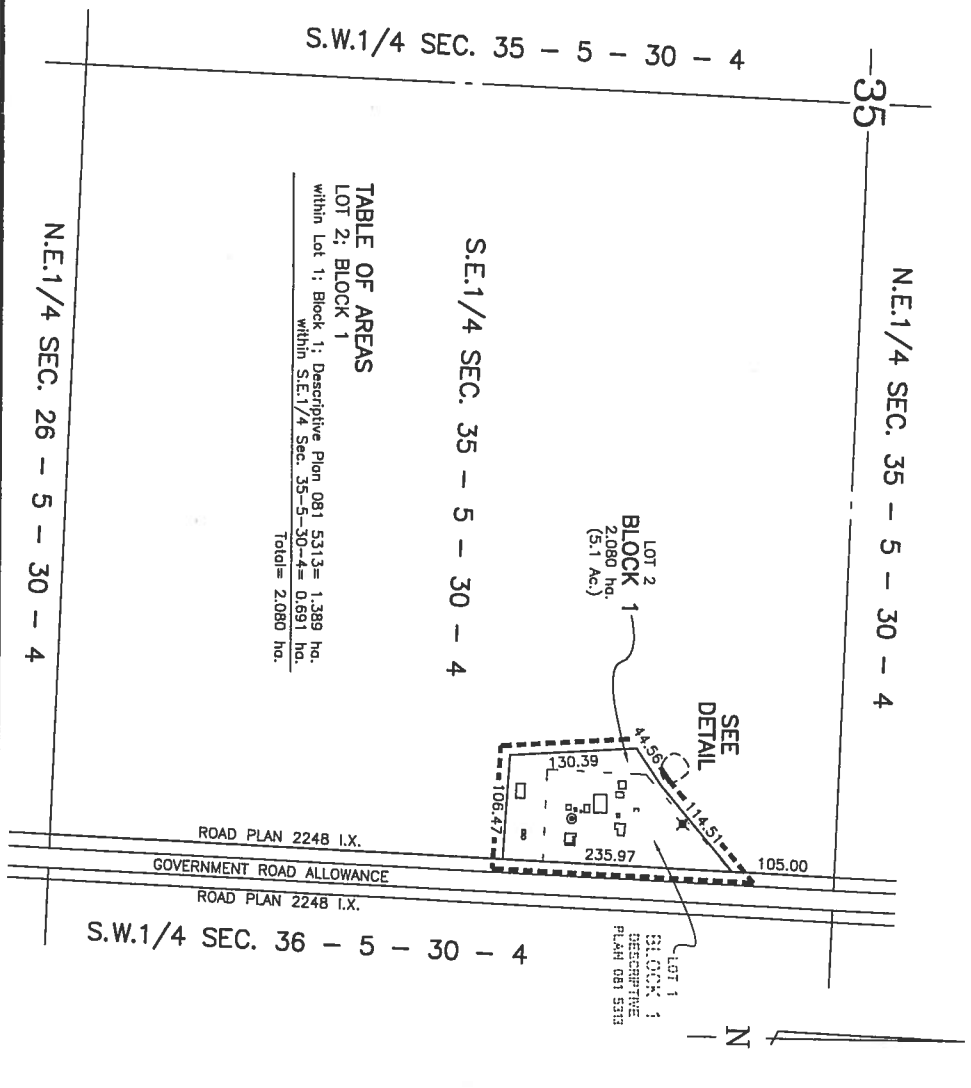
S.W.1/4 SEC. 35 - 5 - 30 - 4

35

N.E.1/4 SEC. 35 - 5 - 30 - 4

N.E.1/4 SEC. 26 - 5 - 30 - 4

S.E.1/4 SEC. 35 - 5 - 30 - 4



**TABLE OF AREAS**

LOT 2; BLOCK 1  
within Lot 1; Block 1  
within S.E.1/4 Sec. 35-5-30-4= 0.691 ha.  
Total= 2.080 ha.

GARY NICOLSON

TENTATIVE PLAN SHOWING SUBDIVISION  
of all of

LOT 1; BLOCK 1; DESCRIPTIVE PLAN 081 5313  
AND PART OF S.E.1/4 SEC. 35  
all within

S.E.1/4 SEC. 35; TWP. 5; RGE. 30; W.4 M.  
MUNICIPAL DISTRICT OF PINCHER CREEK No. 9



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

APPROVED  
*[Signature]*  
T. C. Penner, A.L.S.

DRAWN	CJB	DATE	AUG. 19/16
CHECKED	TCP	JOB	16-13395
SCALE	1:5000	DRAWING	16-13395T

NO.	REVISION	DATE	BY
	Improvements shown were surveyed on July 27th, 2016		

NOTE : Portion to be approved is outlined thus -----  
and contains approximately 2.080 ha.  
Distances are in metres and decimal parts thereof.  
Distances and areas are approximate and are  
subject to change upon final survey.

## DRAFT RESOLUTION

Our File: 2016-0-128

September 28, 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: W1/2 15-4-30-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, FortisAlberta, AltaLink, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, AB Environment & Parks – C. Wojtowicz, Historical Resources Administrator, AER, and Shell Canada.

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

2016-0-128

**M.D. of Pincher Creek No. 9**                      **Country Residential** subdivision of W1/2 15-4-30-W4M

THAT the Country Residential subdivision of W1/2 15-4-30-W4M (Certificate of Title No. 071 064 179, 151 060 648), to create a 39.8 acre (16.09 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 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.
4. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.

## 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) AltaGas Utilities has no objection to the proposed subdivision.

Please notify Alberta 1st Call at 1-800-242-3447 to arrange for "field locating" should excavations be required within the described area.

They wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

June 21, 2016  
Pincher Creek AB


Council, M.D. #9  
Pincher Creek AB

Dear Council Members

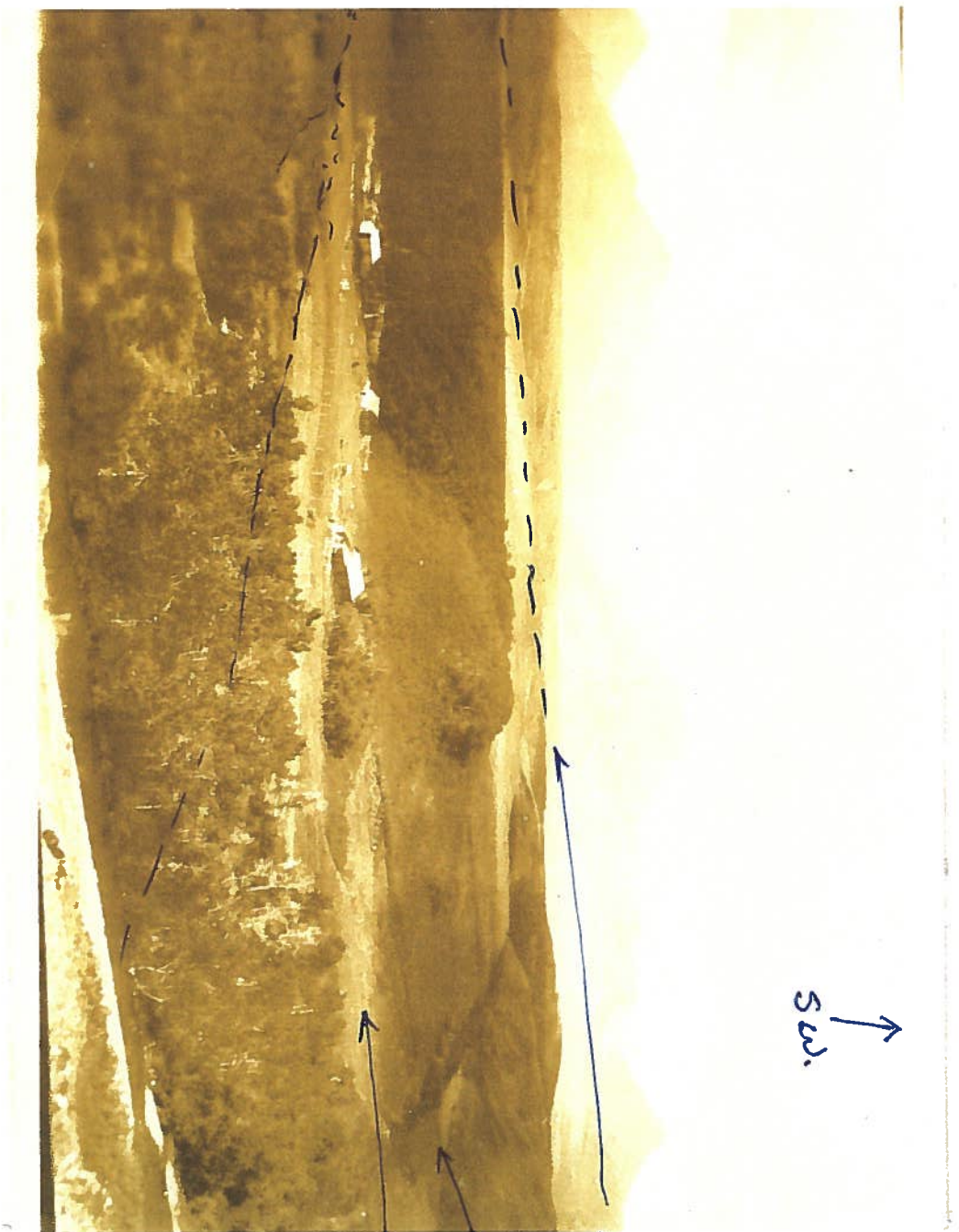
In reference to my application for sub-division on NW15-04-30W4 I wish to clarify my reasons for exceeding municipal guidelines for permissible acreage.

The proposed access road used approximately 3 acres. Due to steep topography the building site restricts useable area for animal enclosure. The proposed area adjacent to the access road is bordered by Drywood creek to the west and a very steep ridge to the east. Including this area provides room for animal enclosure and eliminates the area for a future residential site.

Yours Truly.

  
Richard Herdy

Re: Richard Hardy Subdivision Application  
NW-15-04-30 W4th



SW. ↓

APPROX. SOUTH  
SECTION LINE

ACCESS ROAD

PRESNT  
RESIDENCE SITE

APPROX. EAST  
1/4 SEC LINE

This photo was taken approx 100 yrs ago!

RECEIVED  
SEP 15 2016  
GS

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** September 12, 2016

**Date of Receipt:** September 6, 2016

**TO: Landowner:** Richard F. Hardy, Suzanne Kirby & Murray Kirby

**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, AltaGas, AB Health Services, AB Agriculture, AB Environment & Parks - K. Murphy, AB Environment & Parks - C. Wojtowicz, Historical Resources Administrator, AER, Shell Canada, AltaGas

**Adjacent Landowners:** Evelyn Riviere, Brett and Norma Fairbairn, Kim and Patsy Hardy, Darryl Carlson

**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 4, 2016**. (Please quote our File No. 2016-0-128 in any correspondence with this office).

**File No.:** 2016-0-128

**Legal Description:** W1/2 15-4-30-W4M

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

**Land Designation:** Agriculture – A  
(Zoning)

**Existing Use:** Country Residential

**Proposed Use:** Country Residential

**# of Lots Created:** 1

**Certificate of Title:** 071 064 179, 151 060 648

**Meeting Date:** October 4, 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 39.8 acre (16.09 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, shed, pump house, and two barns. Access to the lot is presently granted from the adjoining quarter section to the south via an existing driveway and approach off of a developed municipal road allowance. The existing residence is serviced by a septic system and on-site domestic well.

Drywood Creek traverses through the SW15 and NW15 4-30 W4M isolating the acreage in the southeast corner of the NW15 from the remainder of the quarter section. The topography of the land rises 28m from the location of the house to the top of the knoll. The applicant has indicated that although possible to meet subdivision Policy R.11 which allows for a parcel size of 3 to 10 acres to capture improvements, it is impractical to leave a portion of the quarter section separated by the farmstead and the creek from the remainder of the quarter section north of the creek.

The proposed parcel will require a waiver of Policy R11 if approved as presented. This proposal with waiver 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 sufficient to accommodate existing buildings, structures and improvements.
7. 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(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.**



FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw): <u>Agriculture - A</u>		
Fee Submitted: <u>\$1250.00</u>	File No: <u>2016-0-128</u>	
APPLICATION SUBMISSION		
Date of Receipt: <u>Sept 2/16</u>	Date Deemed Complete: <u>Sept 6/16</u>	Accepted By: <u>[Signature]</u>

**APPLICATION FOR SUBDIVISION  
RURAL MUNICIPALITY**

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: Richard F Hardy / Suzanne Kirby / Murray Kirby  
 Mailing Address: Box 1221, Pincher Creek AB Postal Code: TOK 1W0  
 Telephone: 403-632-9365 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

Name of Agent (Person Authorized to act on behalf of Registered Owner): Thomas C. Penner, ALS  
 Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4  
 Telephone: 403-329-4688 ex. 28 Cell: \_\_\_\_\_ Fax: 403-320-9144  
 Email: thomas@bokamura.com

**2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED**

a. All (part) of the W 1/2 Section 15 Township 4 Range 30 West of 4 Meridian (e.g. SE 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: 125.54 hectares 310.22 acres  
 d. Total number of lots to be created: 1 Size of Lot(s): 16.09 ha (39.8 ac)  
 e. Rural Address (if applicable): 4209 Rge Rd 30-3  
 f. Certificate of Title No.(s): 071 064 179 / 151 060 648

**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) mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)  
trees / bushes
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) unknown
- d. Is this a vacant parcel (void of any buildings or structures)? Yes  No   
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.  
see tentative plan
- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes  No
- f. Are there any active oil or gas wells or pipelines on the land? Yes  No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes  No

**6. WATER SERVICES**

Describe:

- a. Existing source of potable water well (within pumphouse)
- b. Proposed source of potable water well

**7. SEWER SERVICES**

Describe:

- a. Existing sewage disposal: Type septic tank and line Year Installed 2006
- b. Proposed sewage disposal: Type septic tank and line

**8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF**

I THOMAS C. PENNER, ALS (BOA File: 16-13175) 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 1/16

**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

**5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED**

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)  
trees / bushes
- 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   
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- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes  No
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- 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**

We, Richard Hardy, Suzanne Kirby & Murray Kirby 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.

Richard Hardy Murray Kirby  
Signature of Registered Owner  
Suzanne Kirby





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0021 495 511            4;30;4;15;SW                      071 064 179

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 30 TOWNSHIP 4  
SECTION 15  
QUARTER SOUTH WEST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING:

FIRSTLY THOSE PORTIONS ON THE FOLLOWING PLANS  
PLAN                      NUMBER                      ACRES    MORE OR LESS  
ROAD DIVERSION    4135HU                      0.34  
ROAD DIVERSION    1279HT                      2.06

SECONDLY THAT PORTION WHICH LIES TO THE SOUTH WEST OF THE  
ROAD DIVERSION ON PLAN 1279HT  
CONTAINING 6.8 ACRES MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 071 064 174 +1

-----

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
071 064 179	07/02/2007	TRANSFER OF LAND	\$200,000	\$200,000

-----

OWNERS

SUZANNE KIRBY

AND

MURRAY KIRBY

BOTH OF:

BOX 1694

PINCHER CREEK

ALBERTA T0K 1W0

AS JOINT TENANTS

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 071 064 179

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
2108EO .	15/01/1936	TAX CONSOLIDATION NOTICE "THESE LANDS ARE PROTECTED BY THE PROVISIONS OF THE LOCAL TAX ARREARS CONSOLIDATION ACT"
3995KW .	29/01/1971	CAVEAT CAVEATOR - SHELL CANADA LIMITED.
5144LE .	22/12/1971	CAVEAT CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.
6673M .	30/10/1972	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. 320 - 17 AVENUE S.W. CALGARY ALBERTA T2S2Y1 "N. 15 FT. OF W. 55 FT. OF LSD 5" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 001289965) (DATA UPDATED BY: CHANGE OF NAME 051005721)
011 225 002	08/08/2001	CAVEAT RE : SURFACE LEASE UNDER 20 ACRES CAVEATOR - SHELL CANADA LIMITED. ATTN: LAND C/O PO BOX 100 CALGARY ALBERTA T2P2H5 AGENT - KEVIN DOYLE
021 004 198	07/01/2002	CAVEAT RE : SURFACE LEASE UNDER 20 ACRES CAVEATOR - SHELL CANADA LIMITED. P.O. BOX 100, CALGARY ALBERTA T2P2H5 AGENT - KEVIN DOYLE
021 004 199	07/01/2002	CAVEAT RE : EASEMENT CAVEATOR - SHELL CANADA LIMITED. P.O. BOX 100, CALGARY ALBERTA T2P2H5 AGENT - KEVIN DOYLE
021 341 538	27/09/2002	CAVEAT RE : ACCESS CAVEATOR - SHELL CANADA LIMITED. LEGAL DEPARTMENT P.O. BOX 100, STATION "M" CALGARY ALBERTA T2P2H5

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 3  
# 071 064 179

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

AGENT - JOANN P JAMIESON

141 036 383    10/02/2014 CAVEAT  
RE : LEASE INTEREST UNDER 20 ACRES  
CAVEATOR - SHELL CANADA LIMITED.  
C/O JV AND LAND DEPARTMENT  
PO BOX 100  
CALGARY  
ALBERTA T2P2H5  
AGENT - TANYA BEDNARZ

141 036 386    10/02/2014 CAVEAT  
RE : LEASE INTEREST UNDER 20 ACRES  
CAVEATOR - SHELL CANADA LIMITED.  
C/O JV AND LAND DEPARTMENT  
PO BOX 100  
CALGARY  
ALBERTA T2P2H5  
AGENT - TANYA BEDNARZ

151 083 065    26/03/2015 MORTGAGE  
MORTGAGEE - ALBERTA TREASURY BRANCHES.  
PO BOX 1600  
PINCHER CREEK  
ALBERTA T0K1W0  
ORIGINAL PRINCIPAL AMOUNT: \$580,000

TOTAL INSTRUMENTS: 011

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 6 DAY OF  
SEPTEMBER, 2016 AT 08:18 A.M.

ORDER NUMBER:    31374264

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

( CONTINUED )

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 495 495	4;30;4;15;NW	151 060 648	
0021 495 503	4;30;4;15;NE		

LEGAL DESCRIPTION

FIRST  
 MERIDIAN 4 RANGE 30 TOWNSHIP 4  
 SECTION 15  
 QUARTER NORTH WEST  
 CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
 EXCEPTING: THAT PORTION ON THE FOLLOWING PLAN

PLAN	NUMBER	ACRES	MORE OR LESS
ROAD DIVERSION	4135HU	0.58	

EXCEPTING THEREOUT ALL MINES AND MINERALS

SECOND  
 MERIDIAN 4 RANGE 30 TOWNSHIP 4  
 SECTION 15  
 QUARTER NORTH EAST  
 CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
 EXCEPTING: THAT PORTION ON THE FOLLOWING PLAN

PLAN	NUMBER	ACRES	MORE OR LESS
ROADWAY	587BM	0.9	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 071 064 174

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
151 060 648	02/03/2015	AFFIDAVIT OF SURVIVING JOINT TENANT		

OWNERS

RICHARD F HARDY  
OF GENERAL DELIVERY

PINCHER CREEK  
ALBERTA TOK 1W0

-----  
ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
2108EO .	15/01/1936	TAX CONSOLIDATION NOTICE "THESE LANDS ARE PROTECTED BY THE PROVISIONS OF THE LOCAL TAX ARREARS CONSOLIDATION ACT"
3995KW .	29/01/1971	CAVEAT CAVEATOR - SHELL CANADA LIMITED.
5144LE .	22/12/1971	CAVEAT CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.
011 225 002	08/08/2001	CAVEAT RE : SURFACE LEASE UNDER 20 ACRES CAVEATOR - SHELL CANADA LIMITED. ATTN: LAND C/O PO BOX 100 CALGARY ALBERTA T2P2H5 AGENT - KEVIN DOYLE
021 004 198	07/01/2002	CAVEAT RE : SURFACE LEASE UNDER 20 ACRES CAVEATOR - SHELL CANADA LIMITED. P.O. BOX 100, CALGARY ALBERTA T2P2H5 AGENT - KEVIN DOYLE AFFECTED LAND: 4;30;4;15;NW
021 004 199	07/01/2002	CAVEAT RE : EASEMENT CAVEATOR - SHELL CANADA LIMITED. P.O. BOX 100, CALGARY ALBERTA T2P2H5 AGENT - KEVIN DOYLE AFFECTED LAND: 4;30;4;15;NW
021 341 538	27/09/2002	CAVEAT RE : ACCESS CAVEATOR - SHELL CANADA LIMITED. LEGAL DEPARTMENT P.O. BOX 100, STATION "M" CALGARY ALBERTA T2P2H5 AGENT - JOANN P JAMIESON

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 3  
# 151 060 648

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

TOTAL INSTRUMENTS: 007

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 6 DAY OF  
SEPTEMBER, 2016 AT 08:18 A.M.

ORDER NUMBER: 31374264

CUSTOMER FILE NUMBER:

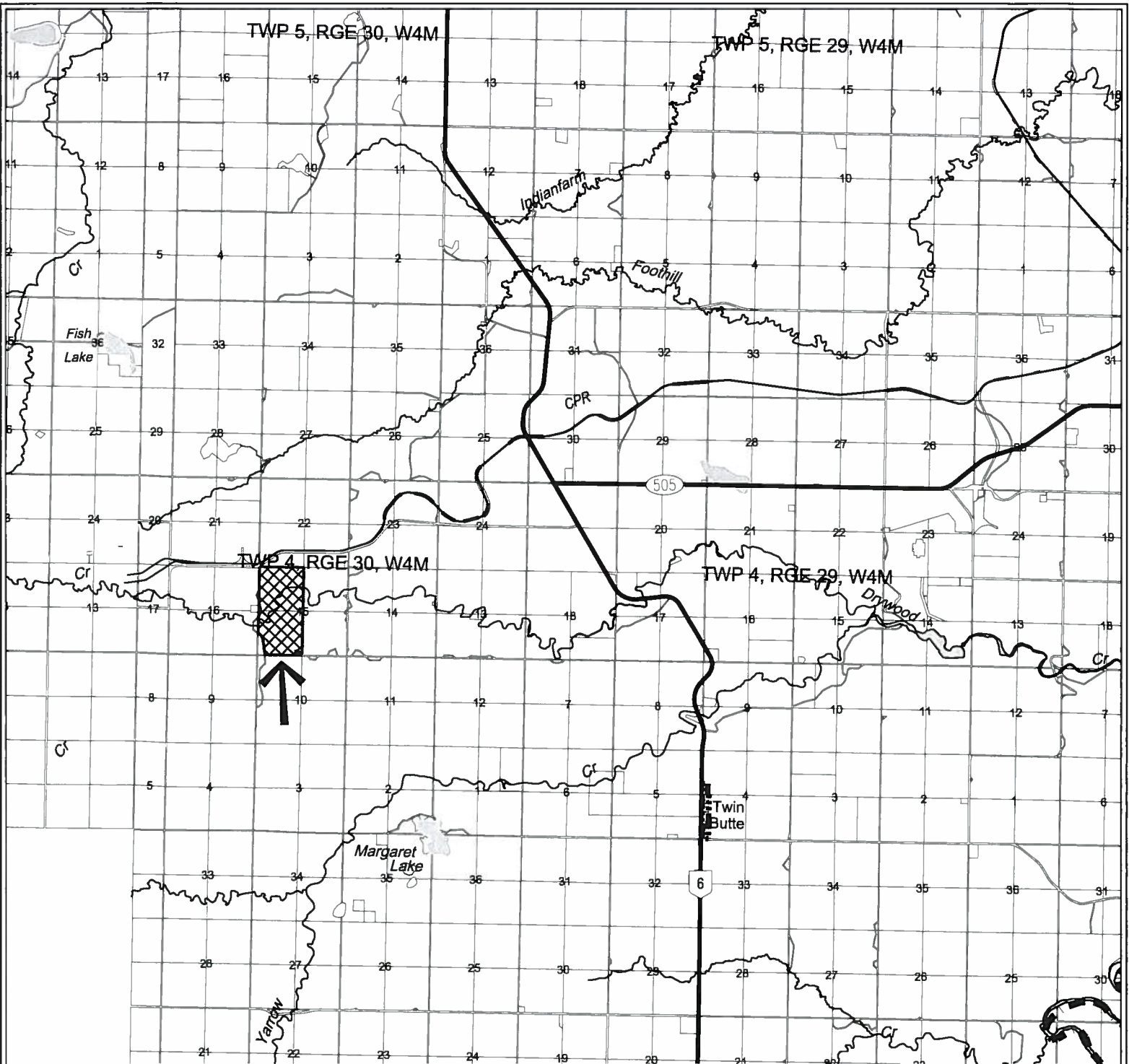


\*END OF CERTIFICATE\*

---

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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



**SUBDIVISION LOCATION SKETCH**

**W 1/2 SEC 15, TWP 4, RGE 30, W 4 M**

**MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

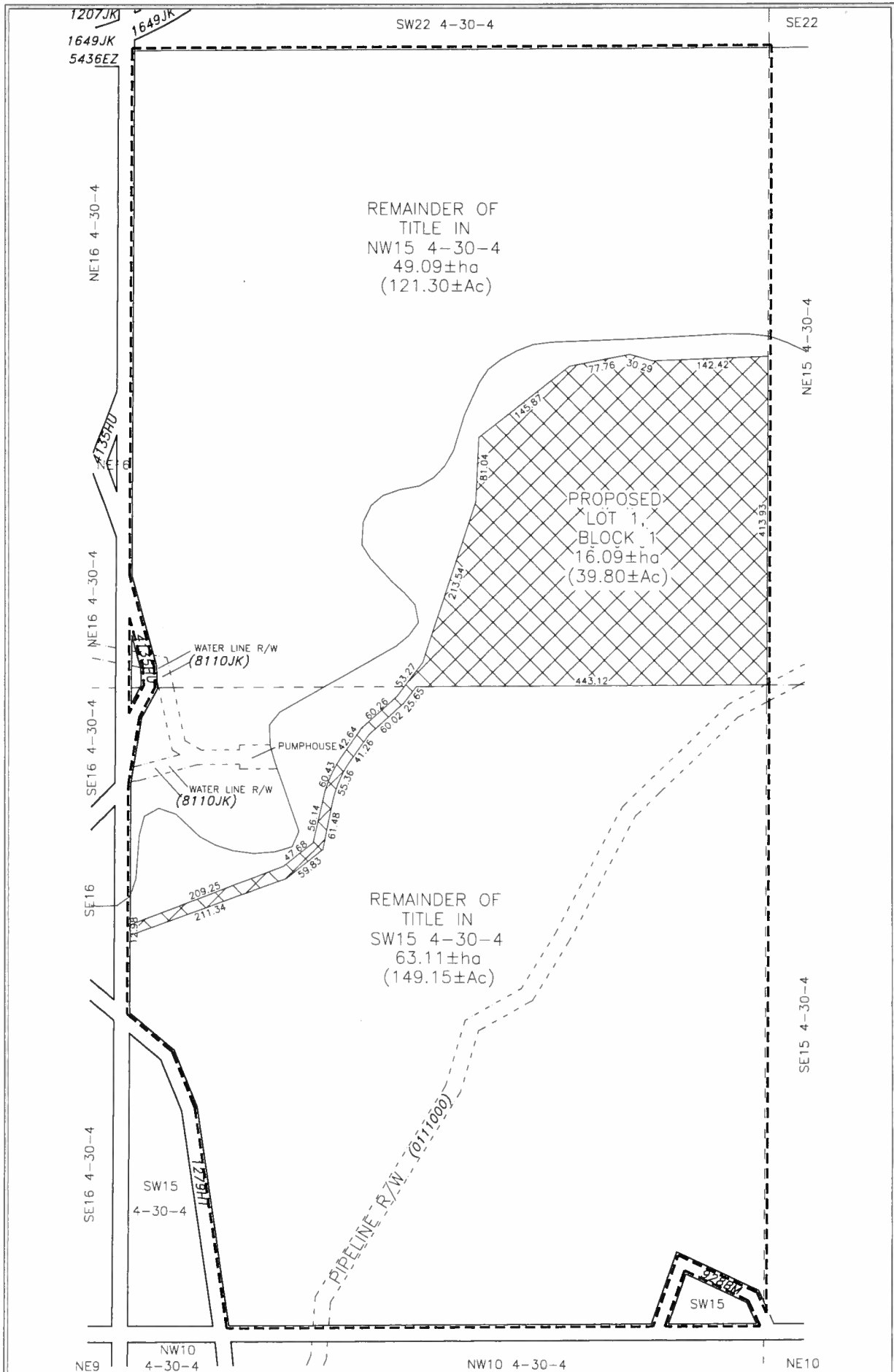
**DATE: SEPTEMBER 6, 2016**

**FILE No: 2016-0-128**

MAP PREPARED BY  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 59th AVENUE NORTH, LETHBRIDGE, AB T1V 2E8  
 \*NOT RESPONSIBLE FOR ERRORS OR OMISSIONS\*







**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13175

W 1/2 SEC 15, TWP 4, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 6, 2016

FILE No: 2016-0-128

**OLDMAN RIVER REGIONAL SERVICES COMMISSION**

0 100 200 300 400

September 06, 2016 N:\Subdivision\2016\2016-0-128.dwg

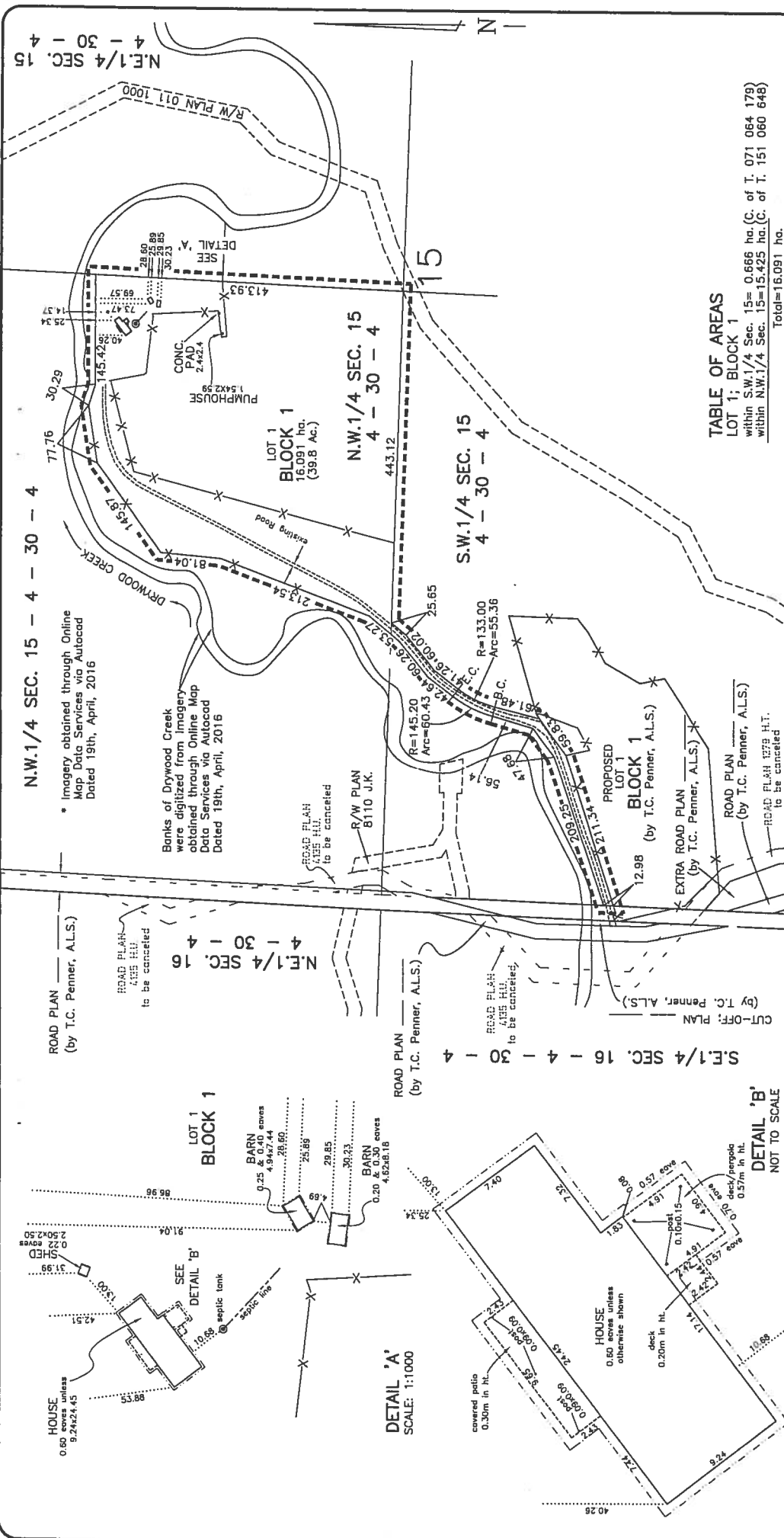


**SUBDIVISION SKETCH**

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 16-13175  
 W 1/2 SEC 15, TWP 4, RGE 30, W 4 M  
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
 DATE: SEPTEMBER 6, 2016  
 FILE No: 2016-0-128

AERIAL PHOTO DATE: 2015

**OLDMAN RIVER REGIONAL SERVICES COMMISSION**  
 0 Meters 100 200 300 400  
 September 06, 2016 N:\Subdivision\2016\2016-0-128.dwg



\* Imagery obtained through Online Map Data Services via Autocad Dated 19th, April, 2016

Banks of Drywood Creek were digitized from Imagery obtained through Online Map Data Services via Autocad Dated 19th, April, 2016

ROAD PLAN (by T.C. Penner, A.L.S.)  
ROAD FLAH LIES HLL. to be cancelled

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ROAD FLAH LIES HLL. to be cancelled

ROAD PLAN (by T.C. Penner, A.L.S.)  
ROAD FLAH LIES HLL. to be cancelled

CUT-OFF: PLAN (by T.C. Penner, A.L.S.)  
ROAD FLAH 1279 H.T. to be cancelled

HOUSE  
0.60 acres unless otherwise shown  
9.24x24.45

BARN  
0.25 & 0.40 acres  
4.9x7.44

BARN  
0.20 acres  
4.62x6.18

HOUSE  
0.60 acres unless otherwise shown  
6.0x10.0

deck  
0.20m in ht.

deck/pergola  
0.57m in ht.

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0.60 acres unless otherwise shown  
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0.57m in ht.

NO.	REVISION	DATE	BY
4	Revised Lot size	Sept.1/16	cjb
3	Revised Lot size	June.13/16	cjb
2	Revised Lot size	May.26/16	cjb
1	Revised Lot size	May.18/16	cjb

Improvements shown were surveyed on March 18th, 2016

NOTE : Portion to be approved is outlined thus ----- and contains approximately 16.091 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

**RICHARD F. HARDY**

TENTATIVE PLAN SHOWING SUBDIVISION of part of S.W.1/4 & N.1/2 SEC. 15 TWP. 4; RGE. 30; W.4 M. MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

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

APPROVED  
*[Signature]*  
T. C. Penner, A.L.S.

DRAWN CJB DATE MAY 9/16  
CHECKED TCP JOB 16-13175  
SCALE 1:5000 DRAWING 16-13175T