

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
January 5, 2016
6:00 pm

1. Adoption of Agenda

2. Minutes

- a) Minutes of December 1, 2015

3. In Camera

4. Unfinished Business

5. Subdivision Applications

- a) SE 25-8-1 W5M
Kenneth Maufort
Subdivision Application No. 2015-0-192
- b) SE 22-6-2 W5M
Douglas and Leona McClelland
Subdivision Application No. 2015-0-198
- c) Plan 1698AI, Blocks A, B, C, D, & E and NW 3-6-2 W5M
Lyle Noble
Subdivision Application No. 2015-0-201

6. New Business

7. Next Regular Meeting February 2, 2016; 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, December 1, 2015 – 1:30 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Fred Schoening, Terry Yagos, 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 1:30 pm.

1. ADOPTION OF AGENDA

Councillor Fred Schoening 15/051

Moved that the Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 15/052

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

Carried

3. IN CAMERA

Councillor Garry Marchuk 15/053

Moved that the Subdivision Authority and staff move In-Camera, the time being 1:31 pm.

Carried

Councillor Terry Yagos 15/054

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 1:43 pm.

Carried

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

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a) SW 11-6-30 W4M
Miljoy Farms Ltd.
Subdivision Application No. 2015-0-166

Councillor Terry Yagos

15/055

Moved that the Country Residential subdivision of SW 11-6-30 W4M (Certificate of Title No. 142U73A), to create a 3.60 acre (1.48 ha) parcel from a previously unsubdivided quarter section of 159.2 acres (64.7 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 MD 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 MD of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.

Carried

- b) SE 27-8-2 W5M
Terry and Susan Aris
Subdivision Application No. 2015-0-170

Councillor Garry Marchuk

15/056

Moved that the Country Residential subdivision of SE 27-8-2-W5M (Certificate of Title No. 971 217 040), to create a 6.90 acre (2.79 ha) parcel from a previously unsubdivided quarter section of 156.31 acres (63.26 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.
3. That the easement as required by Fortis shall be established prior to finalization of the application.

Carried

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

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, January 5, 2016; 6:00 pm.

8. ADJOURNMENT

Councillor Fred Schoening

15/057

Moved that the meeting adjourn, the time being 1:44 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority



3105 - 16th A 5a
Lethbridge, Alberta T1T 2L0

Phone: (403) 329-1344
Toll-Free: 1-844-279-8766
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2015-0-192

December 22, 2015

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

Dear Ms. Kay:

RE: SE1/4 25-8-1-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision & Development Authority should note that comments have not been received from the Livingstone School Division, AltaLink, 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.

for 
Gavin Scott
Planner

GS/jm
Attachment

RESOLUTION

2015-0-192

M.D. of Pincher Creek No. 9 Agricultural subdivision of SE1/4 25-8-1-W5M

THAT the Agricultural subdivision of SE1/4 25-8-1-W5M (Certificate of Title No. 961 078 407 +1), to create a 6.20 acre (2.52 ha) parcel from a fragmented title of 125.48 acres (50.78 ha) for agricultural use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 6.20 acres at the market value of \$2,200 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the portion of Road Plan 704BZ lying west of the proposed Road Plan (as shown on BOA Plan Showing Survey of Road file 15-12822) be consolidated with the adjacent portion of the SE28 8-1 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the portion of Road Plan 704BZ and that portion of Road Plan 7803Q both lying within proposed Lot 1 Block 1 (as shown on BOA Plan Showing Survey of Road file 15-12822) be consolidated in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
5. That the proposed Road Plan creating Lot 1 Block 1 be registered concurrently with the Plan of Subdivision.

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.15.
4. The Subdivision Authority is satisfied that with the consolidations, 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) The requirement for Municipal Reserve on proposed Lot 1 Block 1 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 6.20 acre (2.52 ha) being subdivided at \$2,200 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is \$1,364.

- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Pincher Creek Emergency Services, David Cox – Chief:
 “No issues with this development.”
- (e) Municipal District of Pincher Creek, Stu Weber – Public Works Superintendent:
 “There is no approach into this subdivision on the east side of the road. Otherwise, I have no concerns.”
- (f) TELUS Communications Inc. has no objections to the current land owner proceeding with this application, as we’ve determined it will not interfere with TELUS facilities.
- (g) FortisAlberta Inc. has no objection/no easement required.
 FortisAlberta Inc. is the Distribution Wire Service Provider for this area. The Developer must arrange installation of electrical services for this subdivision with FortisAlberta. Please contact FortisAlberta Inc. @ 310-WIRE (310-9473) to make application for your electrical services.
- (h) Chief Mountain Gas Co-op has no objection to the subdivision “as long as our Utility Right of Way remains on title. Also, that any relocating of lines requested by the owner because of this subdivision will be at the owners cost. All contracts for gas service will be supplied as needed and at owners cost. If this subdivision splits a gas contract that serves two homes a new contract will have to be purchased by the owner.

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

CHAIRMAN

DATE

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: November 23, 2015

Date of Receipt: November 18, 2015

TO: Landowner: Kenneth Angus Mauford

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, Chief Mountain Gas Co-op, AB Health Services, AB Agriculture, AB Environment & Parks - K. Murphy, Historical Resources Administrator and AER

Adjacent Landowners: Kenneth Mauford, Amanda Neale, 1140540 Alberta Inc, Ronald Mauford, Ronald and Donna Davis, Renae and David Kapala & Jan and Amanda Monnisse

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 **December 14, 2015**. (Please quote our File No. 2015-0-192 in any correspondence with this office).

File No: 2015-0-192

Legal Description: SE1/4 25-8-1-W5M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 961 078 407 +1

Proposal: To create a 6.20 acre (2.52 ha) parcel from a fragmented title of 125.48 acres (50.78 ha) for agricultural use.

Planner's Preliminary Comments:

The purpose of this application is to create a 6.20 acre (2.52 ha) parcel from a fragmented title of 125.48 acres (50.78 ha) for agricultural use.

The proposal is to establish a road plan to capture the legal right of way of an existing MD road and to accommodate the subdivision of the fragmented parcel created by that road plan. Access to the lot is presently granted off of a developed municipal road.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyors sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
6. That the portion of Road Plan 704BZ lying west of the proposed Road Plan (as shown on BOA Plan Showing Survey of Road file 15-12822) be consolidated with the adjacent portion of the SE28 8-1 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
7. That the portion of Road Plan 704BZ and that portion of Road Plan 7803Q both lying within proposed Lot 1 Block 1(as shown on BOA Plan Showing Survey of Road file 15-12822) be consolidated in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
8. That, any conditions of Alberta Culture and Tourism, Historical Resources, shall be met prior to finalization.

RESERVE:

The payment of the applicable 10% Municipal Reserve on the 6.2 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

If you wish to make a presentation at the subdivision authority meeting, please notify the M.D. of Pincher Creek No. 9 Municipal Administrator as soon as possible.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: Invoice \$925	File No: 2015-0-192	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: Nov 18, 2015	Accepted By: <i>[Signature]</i>

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): THOMAS C. PENNER, ALS
 Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4
 Telephone: 403 329-4688 x 29 Cell: _____ Fax: 403 320-9144
 Email: thomas@bokamura.com
 Name of Registered Owner of Land to be Subdivided: KENNETH ANGUS MAUFORT c/o MD of PINCHER CREEK
 Mailing Address: BOX 279 PINCHER CREEK AB Postal Code: T0K 1W0
 Telephone: 403-627-3130 Cell: _____ Fax: _____
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 25 Township 8 Range 1 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)
 b. Being all/part of: Lot/Unit _____ Block _____ Plan _____
 c. Total area of existing parcel of land (to be subdivided) is: 50.59 hectares 125.01 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 2.52 ha (6.2 ac)
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 961 078 407 +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. _____
 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) mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
grass/brush
- 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.
- e. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (½ mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of water none
- b. Proposed source of water none

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal none
- b. Proposed sewage disposal none

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File No. 15-12822B) hereby certify that

- I am the registered owner I am authorized to act on behalf of the register owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

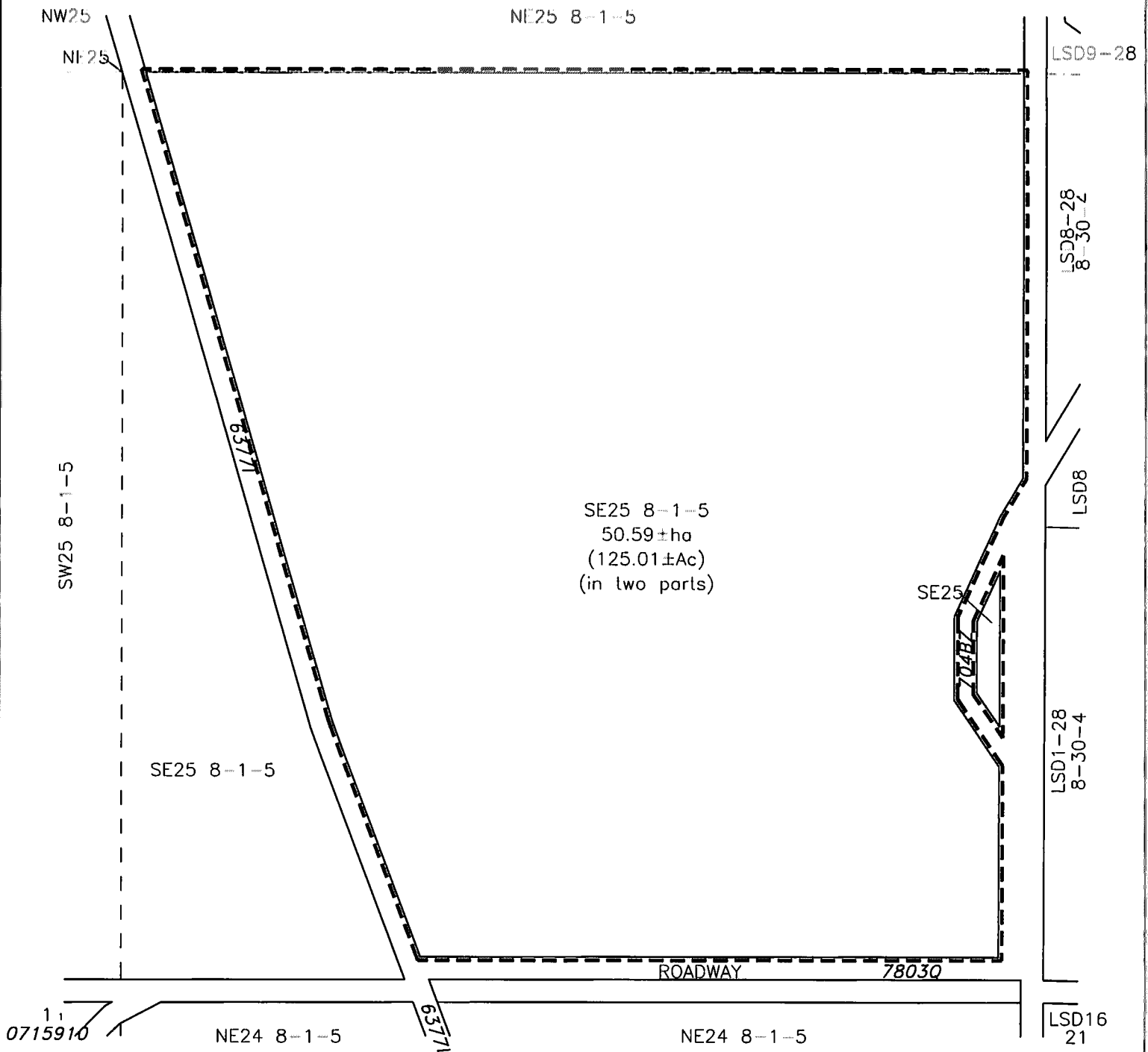
Signed: [Signature] Date: Nov 17/15

9. RIGHT OF ENTRY

I _____ hereby authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection in connection with my application for subdivision.

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

Signature of Registered Owner



SUBDIVISION SKETCH - EXISTING

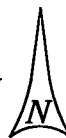
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12822B-T

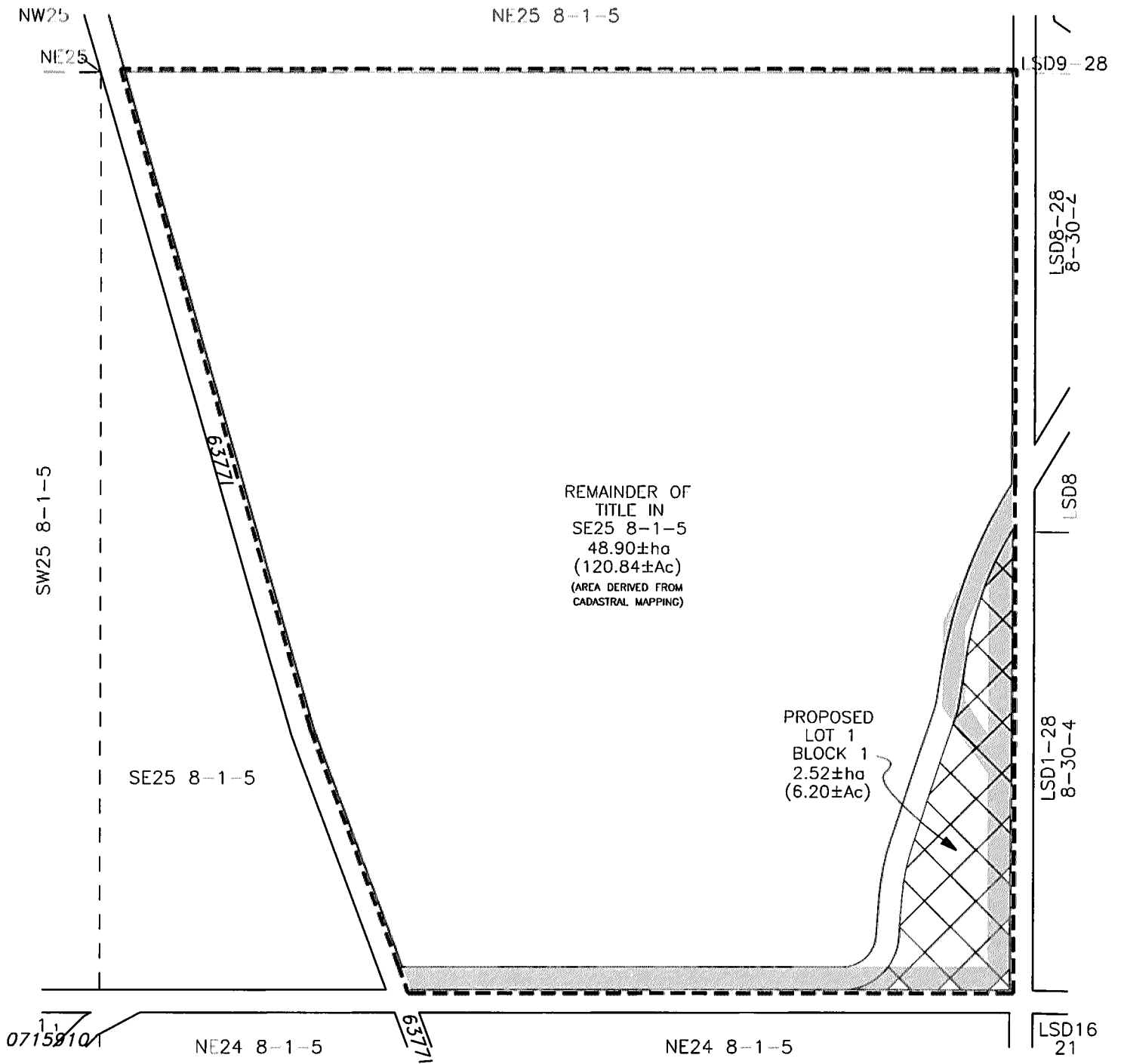
NE 1/4 SEC 24, TWP 8, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: NOVEMBER 18, 2015

FILE No: 2015-0-192





SUBDIVISION SKETCH - PROPOSED

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12822B-T

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

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: NOVEMBER 18, 2015

FILE No: 2015-0-192



PREVIOUS ROAD PLAN



3105 - 16th A 5b
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8766
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2015-0-198

December 22, 2015

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

Dear Ms. Kay:

RE: SE1/4 22-6-2-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision & Development Authority should note that comments have not been received from the Livingstone School Division, TELUS, FortisAlberta, AltaLink, ATCO Pipelines, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, 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.


for Gavin Scott
Planner

GS/jm
Attachment

RESOLUTION

2015-0-198

M.D. of Pincher Creek No. 9 Country Residential subdivision of SE1/4 22-6-2-W5M

THAT the Country Residential subdivision of SE1/4 22-6-2-W5M (Certificate of Title No. 791208846), to create a 2.95 acre (1.19 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.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The Subdivision Approval Authority of the MD of Pincher Creek No.9 waived the 3 acre minimum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act.
- (e) MD of Pincher Creek No. 9, L.J. (Leo) Reedyk – Director of Operations:
“The only comment I have is that the proposed Lot 1 parcel is less than 3 acres.”
- (f) MD of Pincher Creek No. 9, Stu Weber – Public Works Superintendent:
“If they want a secondary approach built up they will have to pay for it. Otherwise, I have no concerns.”
- (g) ATCO Gas has no objections to the proposed subdivision as our existing lines are covered by easement.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: December 15, 2015

Date of Receipt: December 4, 2015

TO: Landowner: Douglas & Leona McClelland

Agent or Surveyor: David Amantea, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Fred Schoening, Livingstone School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Service, AB Agriculture, AB Environment & Parks - K. Murphy, Historical Resources Administrator, AER and Shell Canada

Adjacent Landowners: David and Margaret Cox, Sandra Duke, Riverside Ranch (Zoratti) Ltd., Stuart McDowall, Olga Petrone

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 **January 4, 2016**. (Please quote our File No. **2015-0-198** in any correspondence with this office).

File No.: 2015-0-198

Legal Description: SE1/4 22-6-2-W5M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 791 208 846

Meeting Date: January 5, 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 2.95 acre (1.19 ha) parcel from a (previously unsubdivided quarter section/ or title) 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, garage, and an out-building. Access to the lot is presently granted from an existing approach to the east, off of a developed municipal road allowance. The existing residence is serviced by a septic system and 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.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: \$925	File No: 2015-0-198	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: Dec 4, 2015	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Douglas Leona McClelland
 Mailing Address: P.O. Box 2198 Pincher Creek Postal Code: T0K1W0
 Telephone: 403-627-2341 Cell: 403 627 8922 Fax: _____
 Email: dleccle@hotmail.com
 Name of Agent (Person Authorized to act on behalf of Registered Owner): DAVID Amantea
 Mailing Address: P.O. Box 655, Lethbridge, AB Postal Code: T1J 3Z4
 Telephone: 403-329-4688 Cell: _____ Fax: _____
 Email: d.amantea@bokamura.com

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- a. All/part of the SE ¼ Section 22 Township 6 Range 2 West of S 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 15.9 acres
- d. Total number of lots to be created: 1 Size of Lot(s): ± 3 Acres
- e. Rural Address (if applicable): _____
- f. Certificate of Title No.(s): _____

3. LOCATION OF LAND TO BE SUBDIVIDED

- a. The land is located in the municipality of 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.)
open farm land some brush
- 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.
New home, garage, garden shed
- e. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (½ mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of potable water well
- b. Proposed source of potable water well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal septic tank & field
- b. Proposed sewage disposal same

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Don Douglas & Leona McClelland 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.

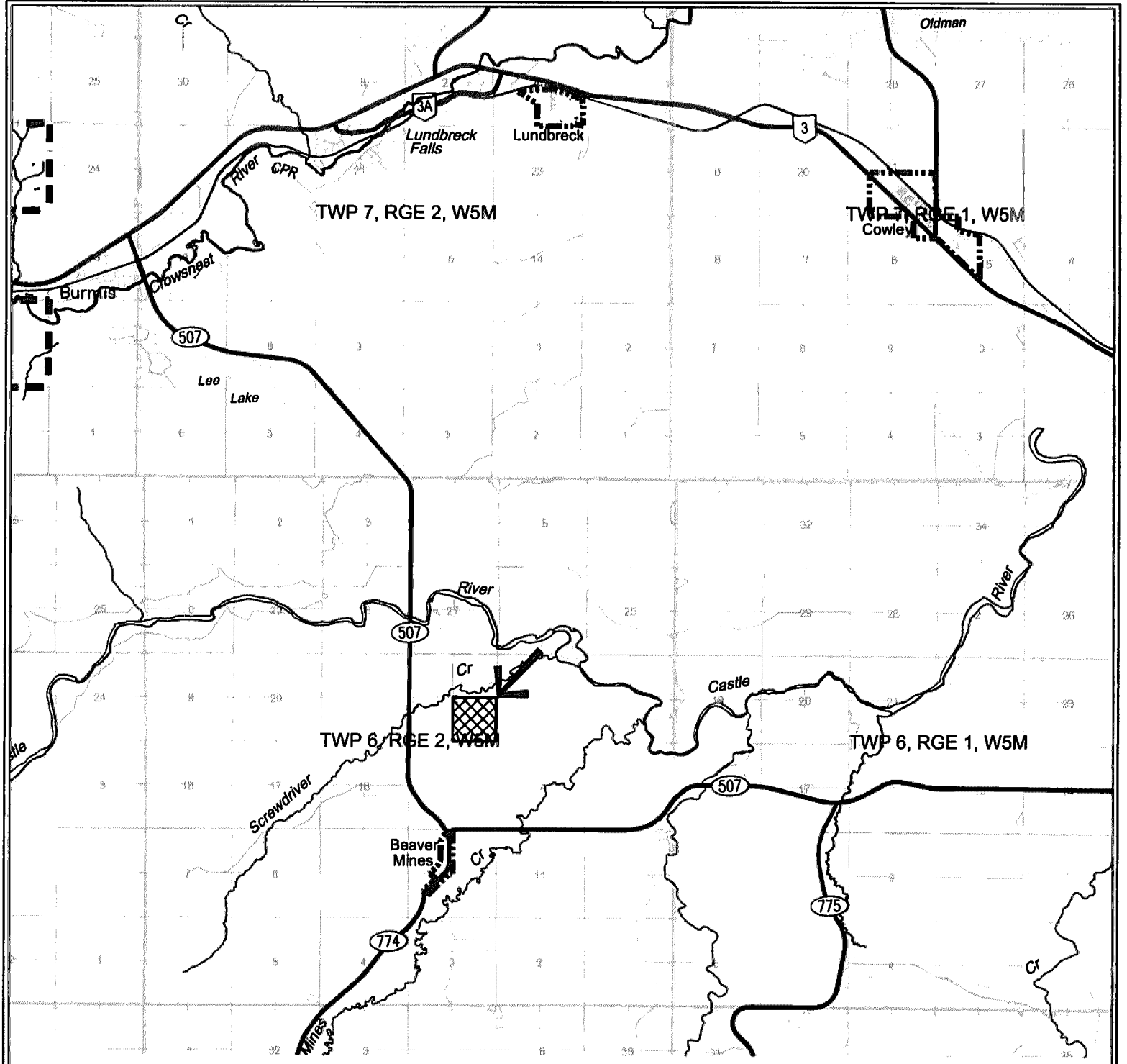
Signed: Don Douglas & Leona McClelland Date: Nov 18 / 2015

9. RIGHT OF ENTRY

I, Don Douglas & Leona McClelland 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.

Don Douglas & Leona McClelland
Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
SE 1/4 SEC 22, TWP 6, RGE 2, W 5 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: DECEMBER 7, 2015
FILE No: 2015-0-198

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2015 07 07 10:00 AM
 NOT RESPONSIBLE FOR CHANGES OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

December 07, 2015 N:\Subdivision\2015\2015-0-198.dwg

NE22 6-2-5

NW23

1 (IN TWO PARTS)
2
1413153

SW22 6-2-5

SW23 6-2-5

REMAINDER OF
TITLE IN
SE22 6-2-5
63.56±ha
(157.05±Ac)

PROPOSED
LOT 1
BLOCK 1
1.19±ha
(2.95±Ac)

PIPELINE R/W

(9911350)

ROADWAY

1218AZ

NW15

NE15 6-2-5

NW14

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-13071T

SE 1/4 SEC 22, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 7, 2015

FILE No: 2015-0-198



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Metres
December 07, 2015 N:\Subdivision\2015\2015-0-198.dwg





SUBDIVISION SKETCH

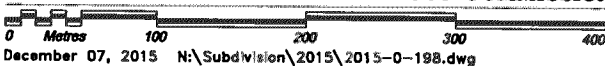
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-13071T

SE 1/4 SEC 22, TWP 6, RGE 2, W 5 M

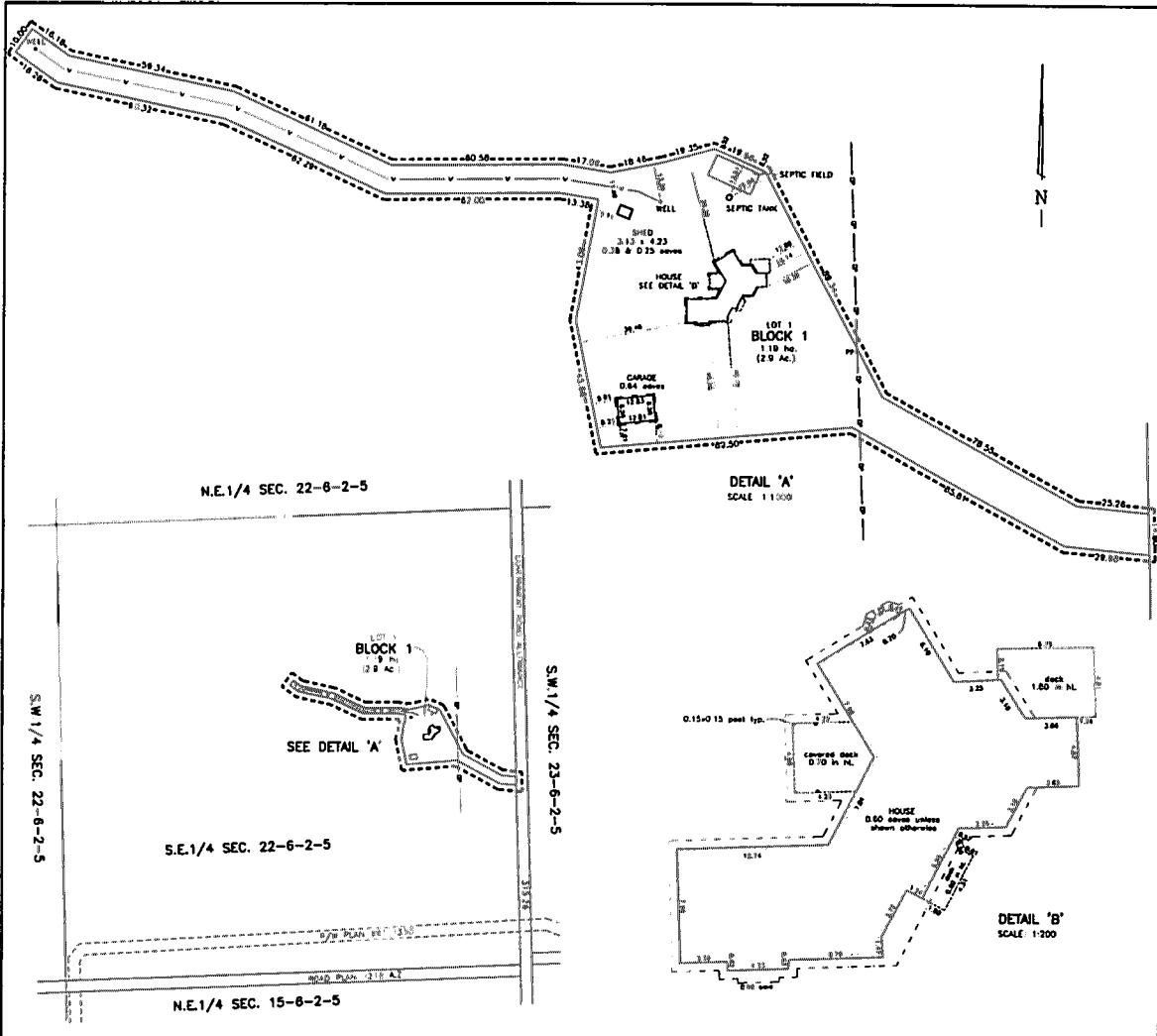
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 7, 2015

FILE No: 2015-0-198



AERIAL PHOTO DATE: 2012



NO.	REVISION	DATE	BY

NOTE: Portion to be approved is outlined thus
and contains approximately 3.38 ha
Distances are in metres and decimal parts thereof
Distances and areas are approximate and are
subject to change upon final survey

DOUGLAS & LEONA MCLELLAND

TENTATIVE PLAN SHOWING SUBMISSION
of part of
S.E.1/4 SEC. 22, TWP. 6, RGE. 2, W.5 M.

M.D. of Procher Creek No 9

bea brown okamura & associates ltd.
Professional Surveyors
518 Stanford Drive, Lethbridge, Alberta

APPROVED	DRAWN	DATE
	MAJ	NOV 27/15
	CHECKED	JOB
	DJA	15-13071
	SCALE	DRAWING
D.J. Amadio, A.S.S.	1:5000	15-13071T

DRAFT RESOLUTION

Our File: 2015-0-201

December 22, 2015

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

Dear Ms. Kay:

RE: Plan 1698AI, Blocks A, B, C, D & E & NW1/4 3-6-2-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision & Development Authority should note that comments have not been received from the Livingstone School Division, TELUS, FortisAlberta, AltaLink, ATCO Pipelines, AB Health Services, AB Agriculture, AB Environment & Parks – K. Murphy, AB Environment & Parks – C. Wojtowicz, Historical Resources Administrator and AER.

After the Subdivision Approval Authority's consideration of the application, **please forward the signed resolution to the Oldman River Regional Services Commission at your earliest convenience in order for our staff to promptly notify the applicant of the decision.**

Please contact this office if you require any further information.



Gavin Scott
Planner

GS/jm
Attachment

RESOLUTION

2015-0-201

M.D. of Pincher Creek No. 9 Agricultural subdivision of Plan 1698AI, Blocks A, B, C, D & E & NW1/4 3-6-2-W5M

THAT the Agricultural subdivision of Plan 1698AI, Blocks A, B, C, D & E & NW1/4 3-6-2-W5M (Certificate of Title No. 101 010 454 & 151 253 743+2), to create a 38.8 acre (15.69 ha) parcel and a 104.42 acre (42.26ha) for agricultural use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 669(2) and (3) of the Municipal Government Act, on the 38.80 acres be deferred by caveat for Municipal Reserve purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the 3.16 acre portion of NW3 6-2 W5 (as shown on BOA tentative plan 15-13040T) be consolidated with the adjacent portion of proposed Lot 1 Block 1 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the portions of Block A, B, C and closed road containing 6.43 acres (as shown on BOA tentative plan 15-13040T) be consolidated with the NW3 6-2 W5 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 consolidations, 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) As the intent of the subdivision is not to create an additional title in the quarter section and both titles will continue to be used for agricultural purposes, it is recommended that municipal reserve be deferred by caveat at this time.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to

Alberta Environment and Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)

(d) MD of Pincher Creek No. 9, L.J. (Leo) Reedyk – Director of Operations:

“I have no concerns with the proposed subdivision.”

(e) ATCO Gas has no objections to the proposed subdivision.

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

“Reference your file to create an agricultural parcel at the above noted location.

The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, (“the regulation”).

The department'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 parcel to be created will be well removed from Highway 774 with indirect access to the highway being gained solely by way of the local road system. Given this, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the agricultural parcel as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance the department grants a waiver of said Sections 14 and 15(2).

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway (774) or within 800 metres from the centre point of the intersection of the highway (774) 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, however given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance a permit from the department will not be required and development of the agricultural parcel could proceed under the direction, control and management of the municipal district. The applicant could contact 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.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: December 15, 2015

Date of Receipt: December 10, 2015

TO: Landowner: Lyle Noble

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, AB Health Services, AB Agriculture, AB Transportation, AB Environment & Parks - K. Murphy, AB Environment & Parks - C. Wojtowicz, Historical Resource Administrator, AER

Adjacent Landowners: Roland and Pamela Corbiere, Kenneth and Jessie Gamache, James Parker, Brian Wilson, Lorna McRae, James and Janet Evans, Glen Parker, Kathleen Thomson, Barbara McRae, Brent and Gloria Barbero, Janet Samber, Gregory Parker and James Parker, Sandra Wellman

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 **January 4, 2016**. (Please quote our File No. 2015-0-201 in any correspondence with this office).

File No.: 2015-0-201

Legal Description: Plan 1698AI, Blocks A, B, C, D & E & NW1/4 3-6-2-W5M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 101 010 454 & 151 253 743+2

Meeting Date: January 5, 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 38.8 acre (15.69 ha) parcel and a 104.42 acre (42.26ha) for agricultural use.

The proposal is to accommodate a consolidation subdivision where the physical means of access to the NW3 6-2 W5 had historically been cut-off by another title. Access to the lots is presently granted from an existing approach off of a developed municipal road allowance.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyors sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That the 3.16 acre portion of NW3 6-2 W5 (as shown on BOA tentative plan 15-13040T) be consolidated with the adjacent portion of proposed Lot 1 Block 1 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
8. That the portions of Block A, B, C and closed road containing 6.43 acres (as shown on BOA tentative plan 15-13040T) be consolidated with the NW3 6-2 W5 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
9. That, any conditions of Alberta Culture and Tourism, Historic Resources, shall be met prior to finalization.

RESERVE:

- The 10% reserve requirement, pursuant to Sections 669(2) and (3) of the Municipal Government Act, on the 38.80 acres be deferred by caveat for Municipal Reserve purposes.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted:	File No:	
\$925	2015-0-201	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete:	Accepted By:
	Dec 10, 2015	<i>[Signature]</i>

1. CONTACT INFORMATION

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

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____

Name of Registered Owner of Land to be Subdivided: LYLE NOBLE

Mailing Address: Box 1274 PENCHER CREEK AB Postal Code: T0K1W0

Telephone: 403-627-4985 Cell: 403 627-9716 Fax: _____

Email: lyle.noble@JRWAVE.COM

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the _____ ¼ Section _____ Township _____ Range _____ West of _____ 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 _____ acres

d. Total number of lots to be created: _____ Size of Lot(s): _____

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): _____

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of PENCHER CREEK MD#9

b. Is the land situated immediately adjacent to the municipal boundary? Yes No

If "yes", the adjoining municipality is _____

c. Is the land situated within 0.8 kilometres (½ mile) of the right-of-way of a highway? Yes No

If "yes" the highway is No. _____

d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes No

If "yes", state its name _____

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.)
CREEK SHRUBS AGRICULTURE
- 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.
WELL PUMP HOUSE
- e. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (½ mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of water —
- b. Proposed source of water —

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal —
- b. Proposed sewage disposal —

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I LYLE NOBLE hereby certify that

- I am the registered owner
- I am authorized to act on behalf of the register owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

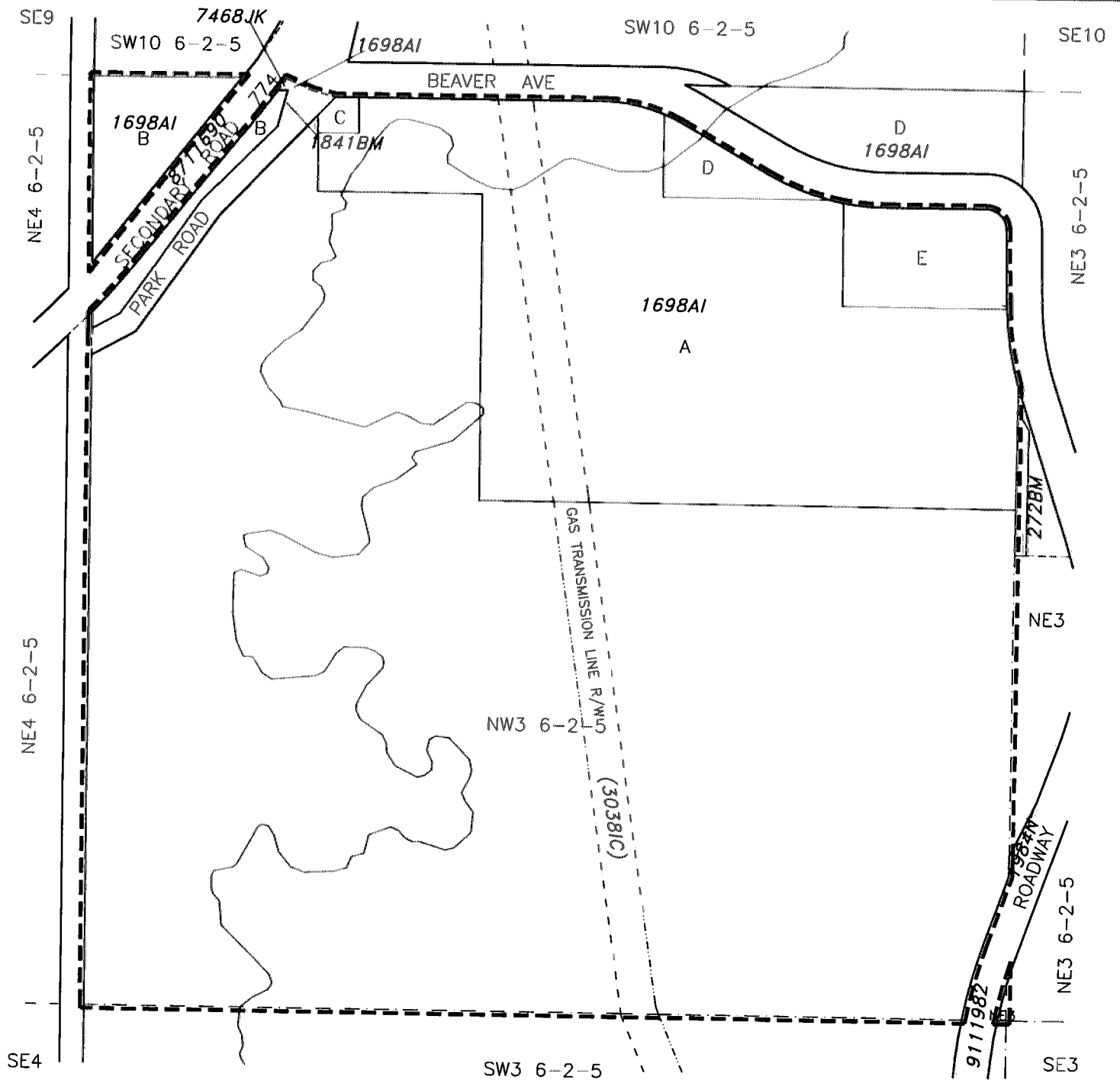
Signed: [Signature] Date: NOV 3 2015

9. RIGHT OF ENTRY

I LYLE NOBLE 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]
Signature of Registered Owner



SUBDIVISION SKETCH - EXISTING

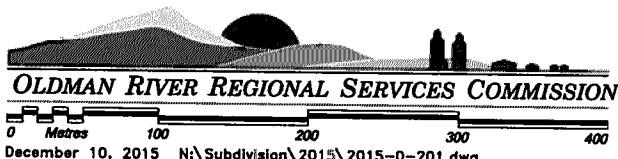
BLOCKS A, B, C, D & E, PLAN 1698AI &

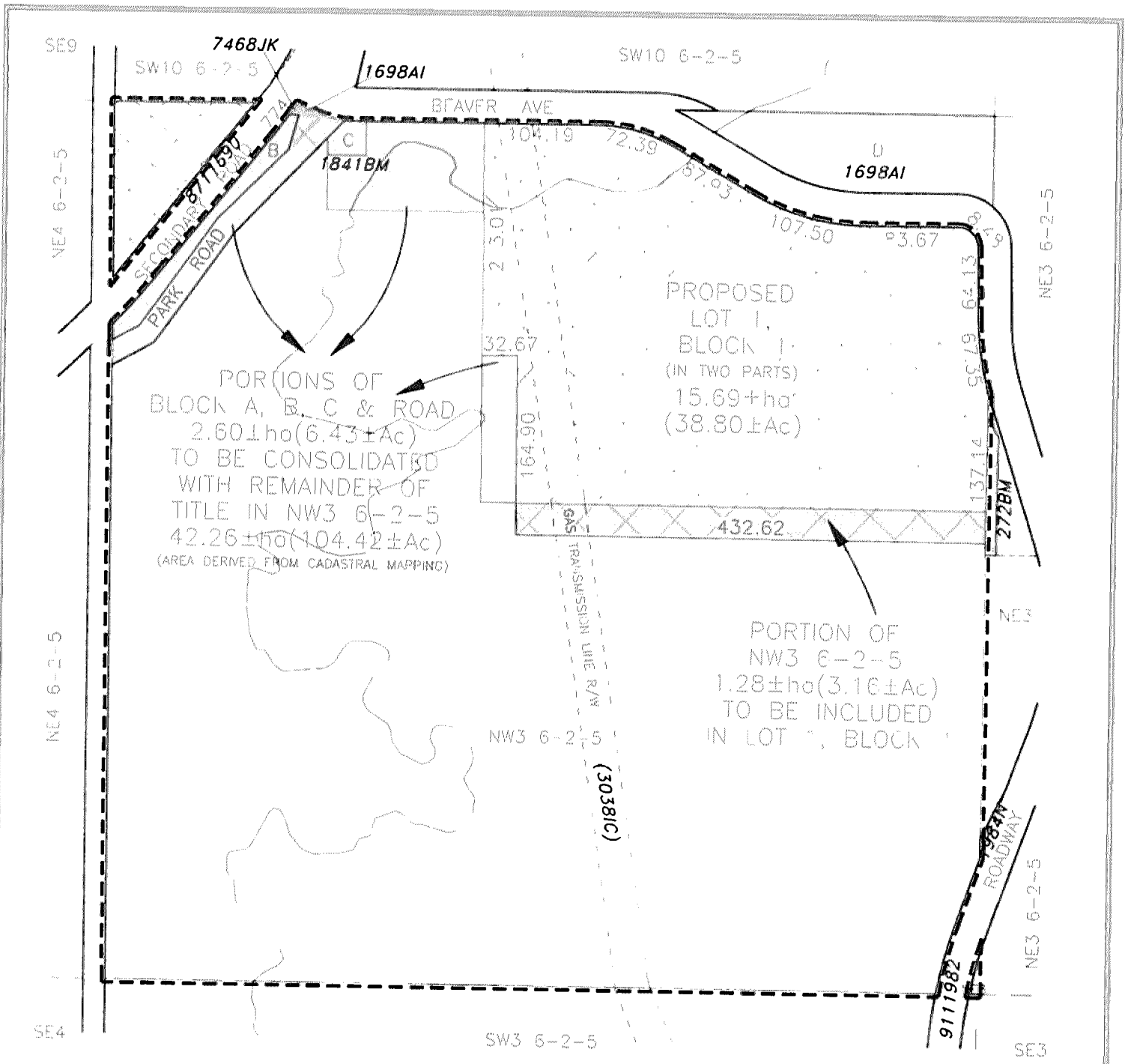
NW 1/4 SEC 3, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 10, 2015

FILE No: 2015-0-201





SUBDIVISION SKETCH - PROPOSED

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-13040T

BLOCKS A, B, C, D & E, PLAN 1698AI &

NW 1/4 SEC 3, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 10, 2015

FILE No: 2015-0-201



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December 10, 2015 N:\Subdivision\2015\2015-0-201.dwg





SUBDIVISION SKETCH - PROPOSED

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-13040T

BLOCKS A, B, C, D & E, PLAN 1698AI &

NW 1/4 SEC 3, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: DECEMBER 10, 2015

FILE No: 2015-0-201



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AERIAL PHOTO DATE: 2012

