

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
July 7, 2020
6:00 pm

- 1. Adoption of Agenda**
- 2. Adoption of Minutes**
 - a. Minutes of June 2, 2020
- 3. Closed Meeting Session**
- 4. Unfinished Business**
- 5. Subdivision Application**
 - a. Subdivision Application No. 2020-0-074
Warren Percy Burles
SW1/4 34-8-1-W5M
 - b. Subdivision Application No. 2020-0-075
Warren Percy Burles
NW1/4 34-8-1-W5M
- 6. New Business**
- 7. Next Regular Meeting** September 1, 2020; 6:00 pm
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, June 2, 2020; 5:30 pm, via Virtual Meeting
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors' Quentin Stevick, Rick Lemire, Bev Everts and Terry Yagos

Staff: Director of Development and Community Services Roland Milligan,
CAO Troy MacCulloch and Financial Services and Planning Clerk
Joyce Mackenzie-Grieve

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 5:30 pm.

1. ADOPTION OF AGENDA

Councillor Rick Lemire 20/008

Moved that the Subdivision Authority Agenda for June 2, 2020, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Bev Everts 20/009

Moved that the May 5, 2020 Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Terry Yagos 20/010

Moved that the Subdivision Authority close the meeting to the public, under the authority of the *Municipal Government Act* Section 197(2.1), the time being 5:31 pm.

Carried

Councillor Quentin Stevick 20/011

Moved that the Subdivision Authority open the meeting to the public, the time being 6:05 pm.

Carried

4. UNFINISHED BUSINESS

- a. Subdivision Application No. 2020-0-048
Sheila Carol Pratchler and Roxann Louise Green
NE1/4 12-7-3 W5M

Councillor Terry Yagos

20/012

Moved that the Agricultural subdivision NE ¼ 12-7-3-W5M (Certificate of Title No. 191 250 134), to create a 16.97 acre (6.87 ha) parcel and an 83.54 acre (33.81 ha) parcel from two titles of 65.01 acres (26.3 ha) and 34.31 acres (13.9 ha) respectively 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 16.97 acres at the market value of \$3,000 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 easterly remainder of NE12 7-3 W5M (as depicted in BOA tentative plan 19-14706TE) be consolidated with the Lot 12 Block 1 Plan 1810126 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That 7.5m of land on the east side of Plan 4449K (as depicted in BOA sketch plan file 20-14903SK) be dedicated as road widening.
5. That proposed Lot 15ER be registered as roadway on a Road Plan.
6. That a road closure bylaw be prepared for that portion of Government Road Allowance adjacent to the NE12 7-3 W5M as depicted in BOA sketch plan file 20-14903SK , with the bylaw being approved and adopted by the MD of Pincher Creek and subsequently consented to by the Minister of Transportation, prior to final registration of the subdivision. And that the portion of closed road be consolidated to the adjacent property in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 2, 2020

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2020-0-035
Lloyd Winston Sproule, Church of God in Christ Mennonite Pincher
Alberta
Block 1, Plan 0013264 and a part of SW1/4 18-6-29-W4M

Councillor Quentin Stevick

20/013

Moved that the Public Institutional subdivision of Block 1, Plan 0013264 and a part of SW1/4 18-6-29-W4M (Certificate of Title No. 001 362 235, 121 103 538), to create an 8.96 acre (3.63 ha) parcel from two titles of 6.99 acres (2.83 ha) and 152.02 acres (61.52 ha) respectively, for public institutional use; BE APPROVED subject to the following:

RESERVE:

That 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 1.97 acres at the market value of \$2,500 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 1.97 acres of SW18 6-29 W4M be consolidated with Block 1, Plan 0013264 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 2, 2020

- b. Subdivision Application No. 2020-0-056
Curtis Lammers and Jackie Sproule
W1/2 31-5-28-W4M

Councillor Rick Lemire

20-014

Moved that the County Residential subdivision of W1/2 31-5-28-W4M (Certificate of Title No. 171 280 782+1, 171 280 782+5, to create a 13.58 acre (5.494 ha) parcel from 2 titles of 167.39 acres (67.74 ha) and 6.01 acres (2.43 ha) 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 residual portion of Certificate of Title 171280782+5 be consolidated with the adjacent portion of the SW31 5-28 W4M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the Remainder of Certificate of Title 171280781+1 within the NW and SW 31 5-28 W4M be consolidated in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 2, 2020

- c. Subdivision Application No. 2020-0-060
Hutterian Brethren Church of Livingstone, Derek M. Smith
NW1/4 36-8-2-W5M

Councillor Terry Yagos

20/015

Moved that the Country Residential subdivision of NW1/4 36-8-2-W5M (Certificate of Title No. 191 113 711, 201 046 147), to create a 32.48 acre (13.14 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) and an adjoining small title containing 2.16 acres (0.87 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.
3. That Certificate of Title 201046147 be consolidated with proposed Lot 1 as depicted in the tentative plan submitted by Brown Okamura & Associates (BOA file 19-14549T) in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 2, 2020

- d. Subdivision Application No. 2020-0-065
1140540 Alberta Ltd.
NW1/4 25-8-1-W5M

Councillor Bev Everts

20/016

Moved that the Agricultural subdivision of NW1/4 25-8-1-W5M (Certificate of Title No. 071 612 750), to create a 117.10 acre (47.40 ha) lot and a 35.60 acre (14.40 ha) lot from a previously unsubdivided quarter section of 160 acres (64.7 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

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

Carried

6. NEW BUSINESS

Nil

- 7. NEXT MEETING** – Tuesday, July 7, 2020; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

20/017

Moved that the meeting adjourn, the time being 6:09 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2020-0-074

June 24, 2020

Troy MacCulloch
Chief Administrative Officer
Municipal District of Pincher Creek No. 9
Box 279
Pincher Creek Alberta T0K 1W0

Dear Mr. MacCulloch,

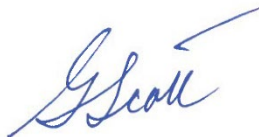
RE: SW1/4 34-8-1-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, Historical Resources Administrator and AER.

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

Please contact this office if you require any further information.



Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2020-0-074

M.D. of Pincher Creek No. 9 Agricultural subdivision of SW1/4 34-8-1-W5M

THAT the Agricultural subdivision of SW1/4 34-8-1-W5M (Certificate of Title No. 031 083 717 +2), to create a 77.49 acre (31.36 ha) lot and a 76.27 acre (30.86 ha) lot from a previously unsubdivided quarter section of 153.76 acres (62.23 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The 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.

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) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (f) Canada Post has no comments at this time.

(g) Alberta Health Services – Wade Goin, Executive Officer/Public Health Inspector:

“In response to the request for comment on the above noted subdivision, we have reviewed the information and wish to provide the following comments:

- Alberta Health Services does not object to this subdivision provided all other pertinent bylaws, regulations and standards are complied with.

If you require any further information, please call me at 403-562-5030.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 15, 2020

Date of Receipt:

June 2, 2020

Date of Completeness:

June 2, 2020

TO: Landowner: Warren Percy Burles

Agent or Surveyor: Zachary J. Prosper, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Allan Garbutt and Beverly Morris-Garbutt, Burles Cattle Co. Inc., Edward and Rosalind Kapala, Harold and Debra Hollingshead, Laura Dingreville, Lee and Christi Hollingshead, Michael Drake and Cindy Mauthe, Rivers, James and Judith, Sharon Elizabeth Roberts

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. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **July 6, 2020**. (Please quote our File No. **2020-0-074** in any correspondence with this office).

File No.: 2020-0-074

Legal Description: SW1/4 34-8-1-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: 031 083 717 +2

Meeting Date: July 7, 2020

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 77.49 acre (31.36 ha) lot and a 76.27 acre (30.86 ha) lot in two parts from a previously unsubdivided quarter section of 153.76 acres (62.23 ha) for agricultural use.

The proposal is to accommodate a cut-off subdivision which is fragmented by Road Plan 829JK. Access to the lots is presently granted from a developed municipal roadway.

This property is designated with a Historic Resource Value of 5. As this proposal is for first parcel out, it is exempt from Alberta Culture and Tourism approval per the Land Use Procedures Bulletin entitled Subdivision Historical Resources Act Compliance, January 2019.

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

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

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(a) of the MGA, as it is the first parcel from the quarter section.

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1040.00	File No: 2020-0-074
APPLICATION SUBMISSION	
Date of Receipt: June 2, 2020	Received By: <i>[Signature]</i>
Date Deemed Complete: June 2, 2020	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Warren Percy Burles

Mailing Address: [Redacted] City/Town: [Redacted]

Postal Code: [Redacted] Telephone: [Redacted] Cell: _____

Email: [Redacted] Preferred Method of Correspondence: Email Mail

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

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: Zachary J. Prosper, ALS brown okamura & associates ltd.

Mailing Address: 2830 - 12 Avenue North City/Town: Lethbridge

Postal Code: T1H 5J9 Telephone: 403-329-4688 ext. 132 Cell: 403-715-8676

Email: zach@bokamura.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 34 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: 62.22 hectares 153.76 acres

d. Total number of lots to be created: 1 Size of Lot(s): 31.36 hectares (77.49 acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 031 083 717+2

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Pincher Creek M.D.

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 1.6 kilometres (1 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? Unknown Yes No

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land grazing and dryland
- b. Proposed use of the land same

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, cultivated
- 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 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

- a. Describe existing source of potable water none
- b. Describe proposed source of potable water none

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type none Year Installed _____
- b. Describe proposed sewage disposal: Type none

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Warren Burles (boa file: 20-14790) 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: MAY 27/2020

9. RIGHT OF ENTRY

I, Warren Burles do / do not (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation 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(s)



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0020 788 980 5;1;8;34;SW 031 083 717 +2

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 8
SECTION 34
QUARTER SOUTH WEST
CONTAINING 160 ACRES MORE OR LESS
EXCEPTING THEREOUT THE ROADWAY AS SHOWN ON PLAN 829JK, CONTAINING
6.24 ACRES MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 132J78

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
031 083 717	13/03/2003	TRANSFER OF LAND			SEE INSTRUMENT

OWNERS

WARREN PERCY BURLES



ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	NUMBER	DATE (D/M/Y)	PARTICULARS
761 063 313	19/05/1976	UTILITY RIGHT OF WAY GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD. BOX 38 CARDSTON ALBERTA T0K0K0 "INST. TYPE CORRECTED 27/3/95 BY 951069958"	

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
031 083 717 +2

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

(DATA UPDATED BY: CHANGE OF NAME 021072973)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 22 DAY OF MAY,
2020 AT 01:06 P.M.

ORDER NUMBER: 39353283

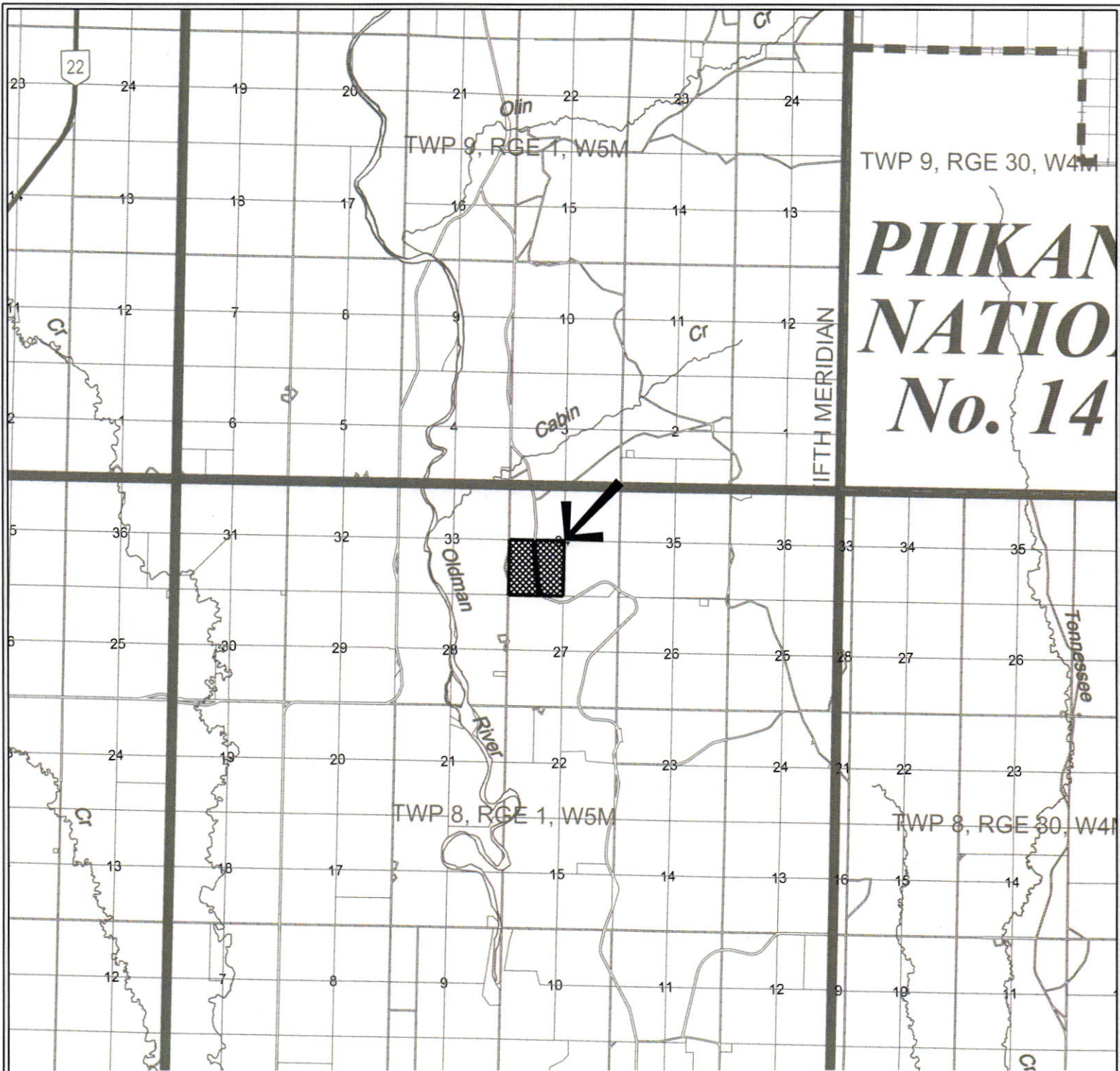
CUSTOMER FILE NUMBER:



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.

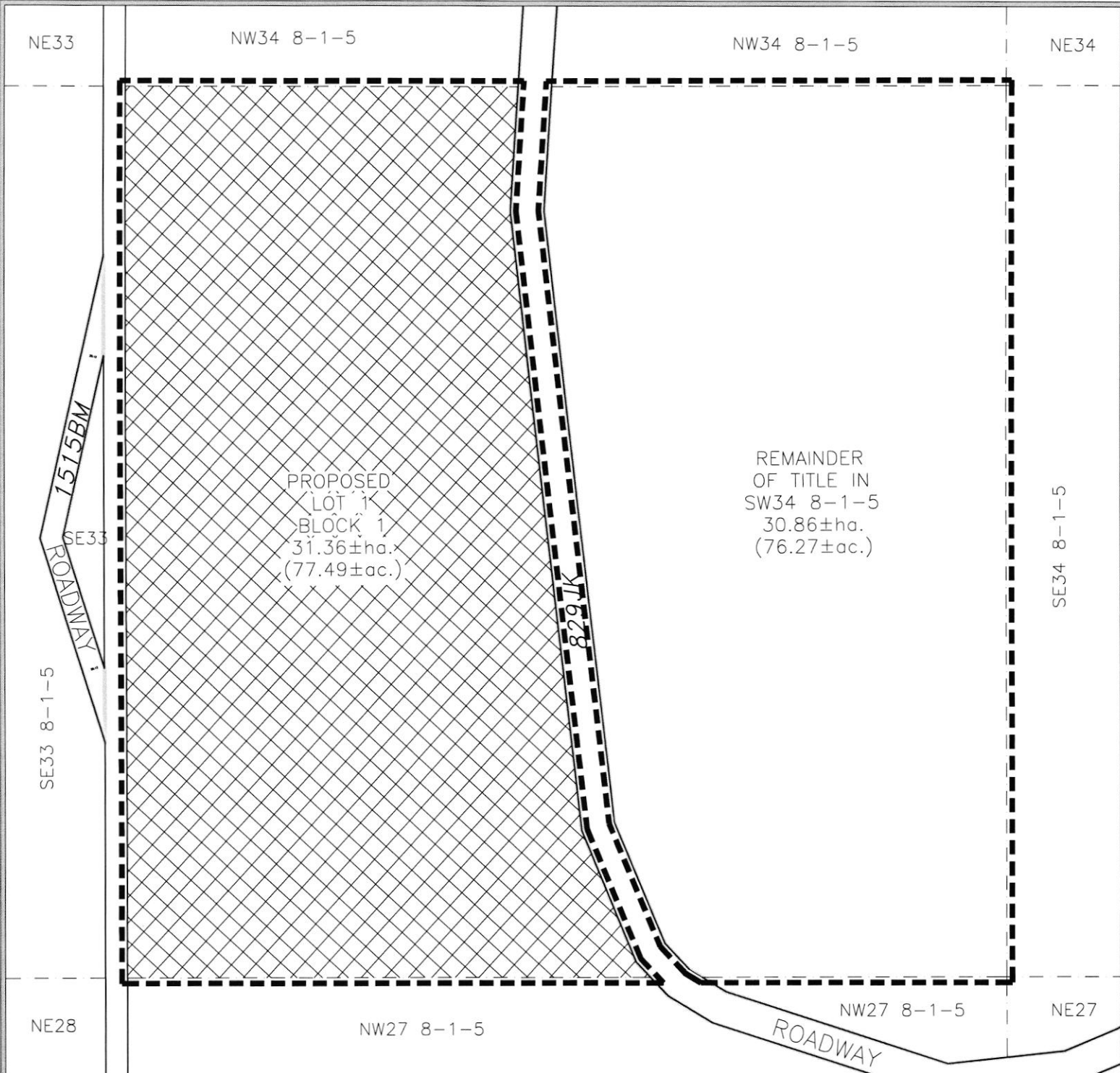
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



**PIIKAN
NATIO
No. 14**

**SUBDIVISION LOCATION SKETCH
 WITHIN SW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: JUNE 3, 2020
 FILE No: 2020-0-074**

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2020 PINCHER CREEK, ALBERTA, AB T1X 0E6
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



SUBDIVISION SKETCH
 WITHIN SW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: JUNE 3, 2020
 FILE No: 2020-0-074





SUBDIVISION SKETCH

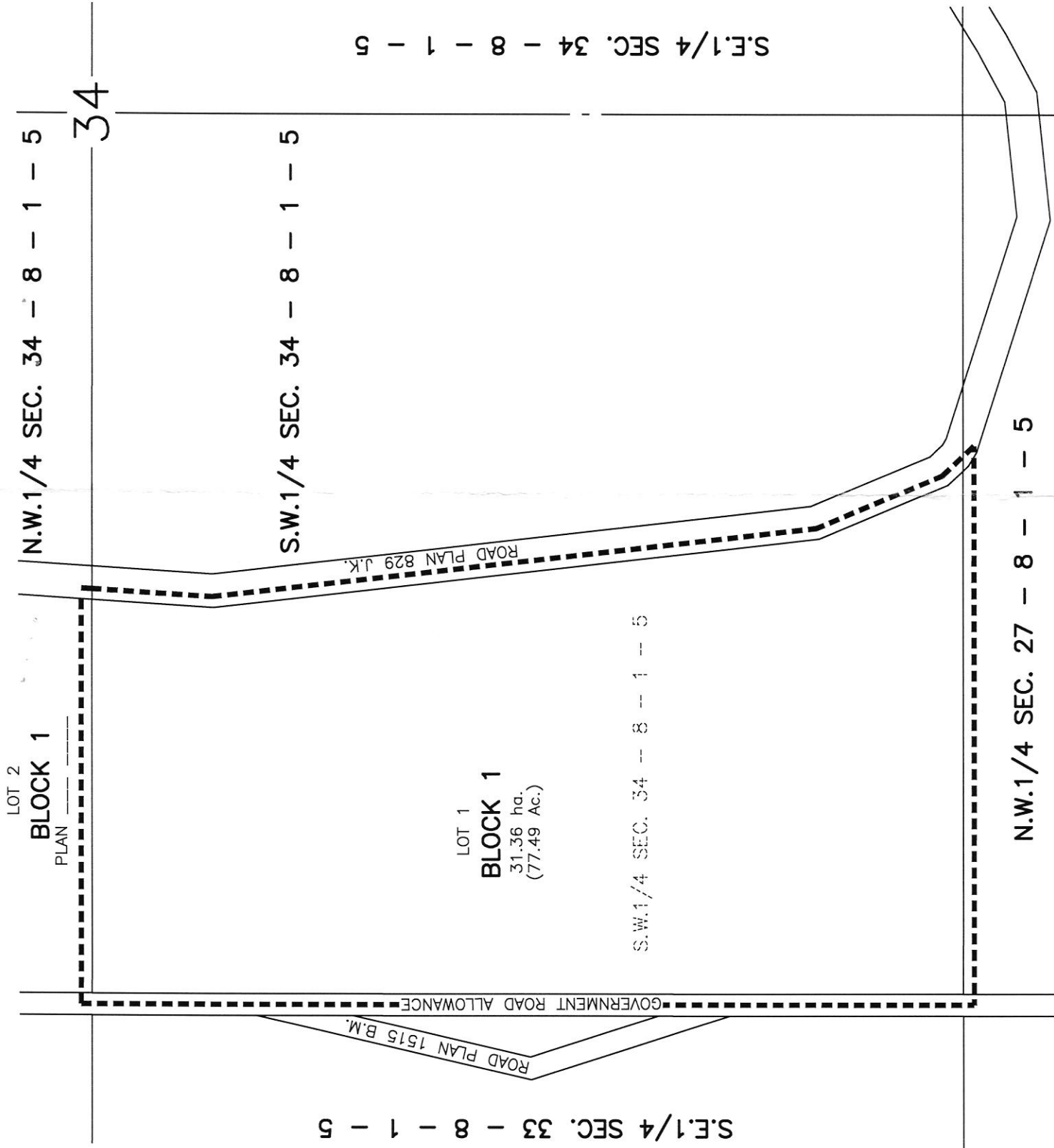
WITHIN SW 1/4 SEC 34, TWP 8, RGE 1, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: JUNE 3, 2020

FILE No: 2020-0-074





S.E.1/4 SEC. 34 - 8 - 1 - 5

WARREN BURLLES

TENTATIVE PLAN OF SUBDIVISION
within
S.W. 1/4 SEC. 34, TWP. 8, RGE. 1, W.5 M.

M.D. of Pincher Creek No.9

boa brown okamura & associates ltd.
Professional Surveyors
2830 - 12 Avenue North, Lethbridge, Alberta

APPROVED

DRAWN MJ
CHECKED ZJP
SCALE 1:5000

DATE MAY 5/20
JOB 20-14790
DRAWING 20-14790TB

Z.J. Prosper, A.L.S.

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus **-----**
and contains approximately 31.36 ha.
The area shown were derived from Plan 829 J.K.

DRAFT RESOLUTION

Our File: 2020-0-075

June 24, 2020

Troy MacCulloch
Chief Administrative Officer
Municipal District of Pincher Creek No. 9
Box 279
Pincher Creek Alberta T0K 1W0

Dear Mr. MacCulloch,


RE: NW1/4 34-8-1-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 Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, Historical Resources Administrator and AER.

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

Please contact this office if you require any further information.



Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2020-0-075

M.D. of Pincher Creek No. 9 Agricultural subdivision of NW1/4 34-8-1-W5M

THAT the Agricultural subdivision of NW1/4 34-8-1-W5M (Certificate of Title No. 031 083 717 +1), to create a 69.22 acre (28.01 ha) lot and an 82.84 acre (33.52 ha) lot in two parts from a previously unsubdivided quarter section of 152.06 acres (61.54 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The 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.

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) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (f) Canada Post has no comments at this time.

(g) Alberta Health Services – Wade Goin, Executive Officer/Public Health Inspector:

“In response to the request for comment on the above noted subdivision, we have reviewed the information and wish to provide the following comments:

- Alberta Health Services does not object to this subdivision provided all other pertinent bylaws, regulations and standards are complied with.

If you require any further information, please call me at 403-562-5030.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 15, 2020

Date of Receipt:

June 2, 2020

Date of Completeness:

June 2, 2020

TO: Landowner: Warren Percy Burles

Agent or Surveyor: Zachary J. Prosper, A.L.S.,

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Bruce Mowat, Burles Cattle Co. Inc., Edward and Rosalind Kapala, Laura Dingreville, Lee and Christi Hollingshead, Mark Burles, Michael Drake and Cindy Mauth

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. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **July 6, 2020**. (Please quote our File No. **2020-0-075** in any correspondence with this office).

File No.: 2020-0-075

Legal Description: NW1/4 34-8-1-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: 031 083 717 +1

Meeting Date: July 7, 2020

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 69.22 acre (28.01 ha) lot and an 82.84 acre (33.52 ha) lot in two parts from a previously unsubdivided quarter section of 152.06 acres (61.54 ha) for agricultural use.

The proposal is to accommodate a cut-off subdivision which is fragmented by Road Plan 829JK. Access to the lots is presently granted from a developed municipal roadway.

This property is designated with a Historic Resource Value of 5. As this proposal is for first parcel out, it is exempt from Alberta Culture and Tourism approval per the Land Use Procedures Bulletin entitled Subdivision Historical Resources Act Compliance, January 2019.

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

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

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(a) of the MGA, as it is the first parcel from the quarter section.

PROCESSING NOTES: No further comment pending a site inspection.

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



APPLICATION FOR SUBDIVISION RURAL MUNICIPALITY

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$1040.00</u>	File No: <u>2020-0-075</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>June 2, 2020</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>June 2, 2020</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Warren Percy Burles

Mailing Address: [Redacted] City/Town: [Redacted]

Postal Code: [Redacted] Telephone: [Redacted] Cell: _____

Email: [Redacted] Preferred Method of Correspondence: Email Mail

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

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: Zachary J. Prosper, ALS brown okamura & associates ltd.

Mailing Address: 2830 - 12 Avenue North City/Town: Lethbridge

Postal Code: T1H 5J9 Telephone: 403-329-4688 ext. 132 Cell: 403-715-8676

Email: zach@bokamura.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- All/part of the NW $\frac{1}{4}$ Section 34 Township 8 Range 1 West of 5 Meridian (e.g. SE $\frac{1}{4}$ 36-1-36-W4M)
- Being all/part of: Lot/Unit _____ Block _____ Plan _____
- Total area of existing parcel of land (to be subdivided) is: 61.54 hectares 152.06 acres
- Total number of lots to be created: 1 Size of Lot(s): 28.01 hectares (69.22 acres)
- Rural Address (if applicable): _____
- Certificate of Title No.(s): 031 083 717+1

3. LOCATION OF LAND TO BE SUBDIVIDED

- The land is located in the municipality of Pincher Creek M.D.
- Is the land situated immediately adjacent to the municipal boundary? Yes No
If "yes", the adjoining municipality is _____
- Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. _____
- 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 _____
- Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown Yes No

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land grazing and dryland
- b. Proposed use of the land same

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, cultivated
- 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 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

- a. Describe existing source of potable water none
- b. Describe proposed source of potable water none

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type none Year Installed _____
- b. Describe proposed sewage disposal: Type none

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Warren Burles (boa file: 20-14790) 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: MAY 27 / 2020

9. RIGHT OF ENTRY

I, Warren Burles do / do not (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation 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(s)

Personal information collected on this form is collected in accordance with Section 653 of the Alberta Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy Act. Please note that such information may be made public. If you have any questions about the information being collected, contact the Oldman River Regional Services Commission FOIP Coordinator at 403-329-1344.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0020 796 132 5;1;8;34;NW 031 083 717 +1

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 8
SECTION 34
QUARTER NORTH WEST
CONTAINING 160 ACRES MORE OR LESS
EXCEPTING THEREOUT:

Table with 3 columns: PLAN, NUMBER, ACRES MORE OR LESS. Rows include ROADWAY 829JK (6.11) and ROADWAY 2765JK (1.83).

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 132J77

Table with 5 columns: REGISTRATION, DATE (DMY), REGISTERED OWNER(S), DOCUMENT TYPE, VALUE, CONSIDERATION. Row: 031 083 717, 13/03/2003, TRANSFER OF LAND, SEE INSTRUMENT.

OWNERS

WARREN PERCY BURLES

[Redacted owner details]

ENCUMBRANCES, LIENS & INTERESTS

Table with 3 columns: REGISTRATION NUMBER, DATE (D/M/Y), PARTICULARS. Row: 901 254 940, 11/10/1990, UTILITY RIGHT OF WAY GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD. BOX 38 CARDSTON

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
031 083 717 +1

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

ALBERTA TOKOKO

(DATA UPDATED BY: CHANGE OF NAME 021135792)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 22 DAY OF MAY,
2020 AT 01:06 P.M.

ORDER NUMBER: 39353283

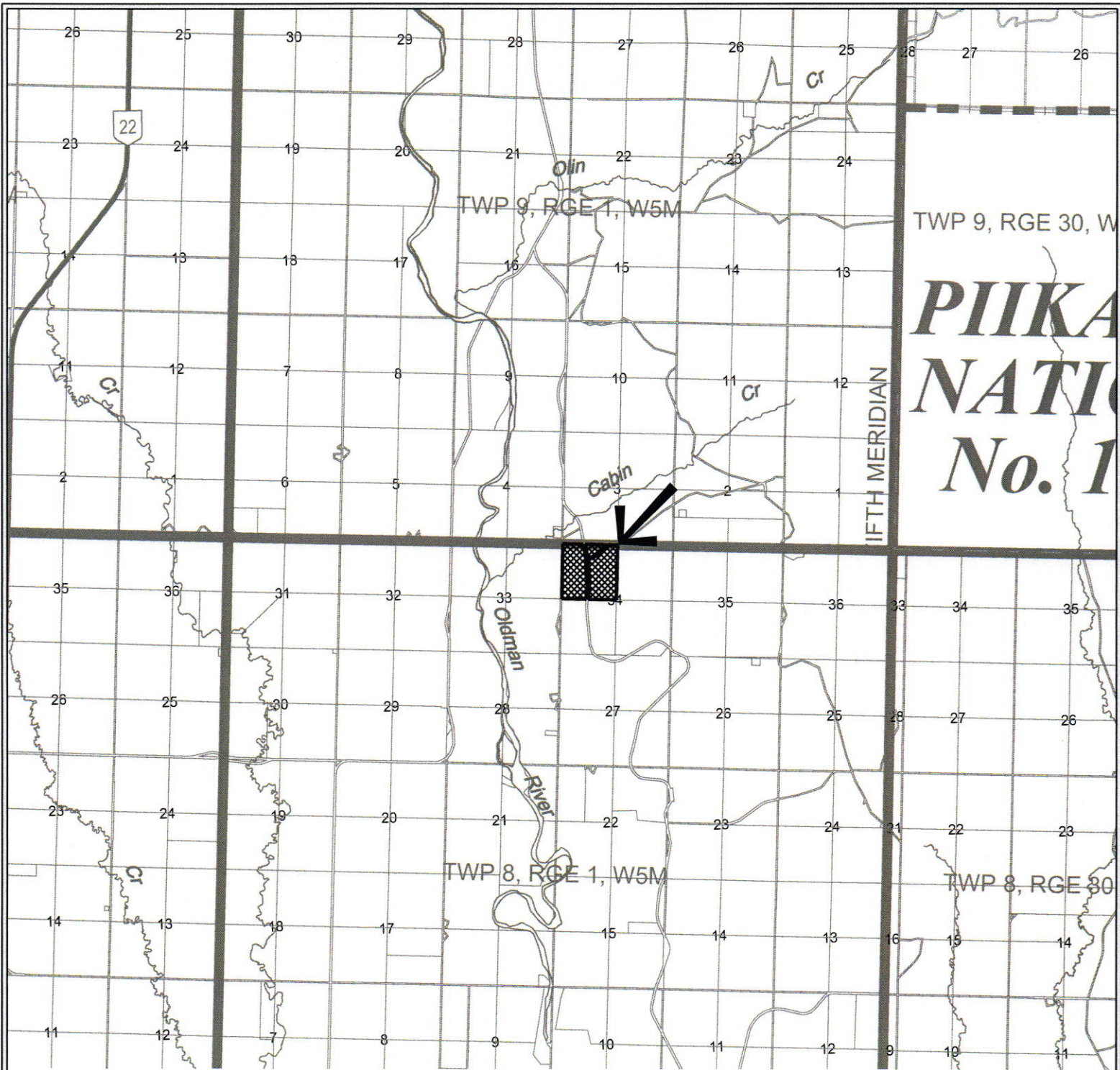
CUSTOMER FILE NUMBER:



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.

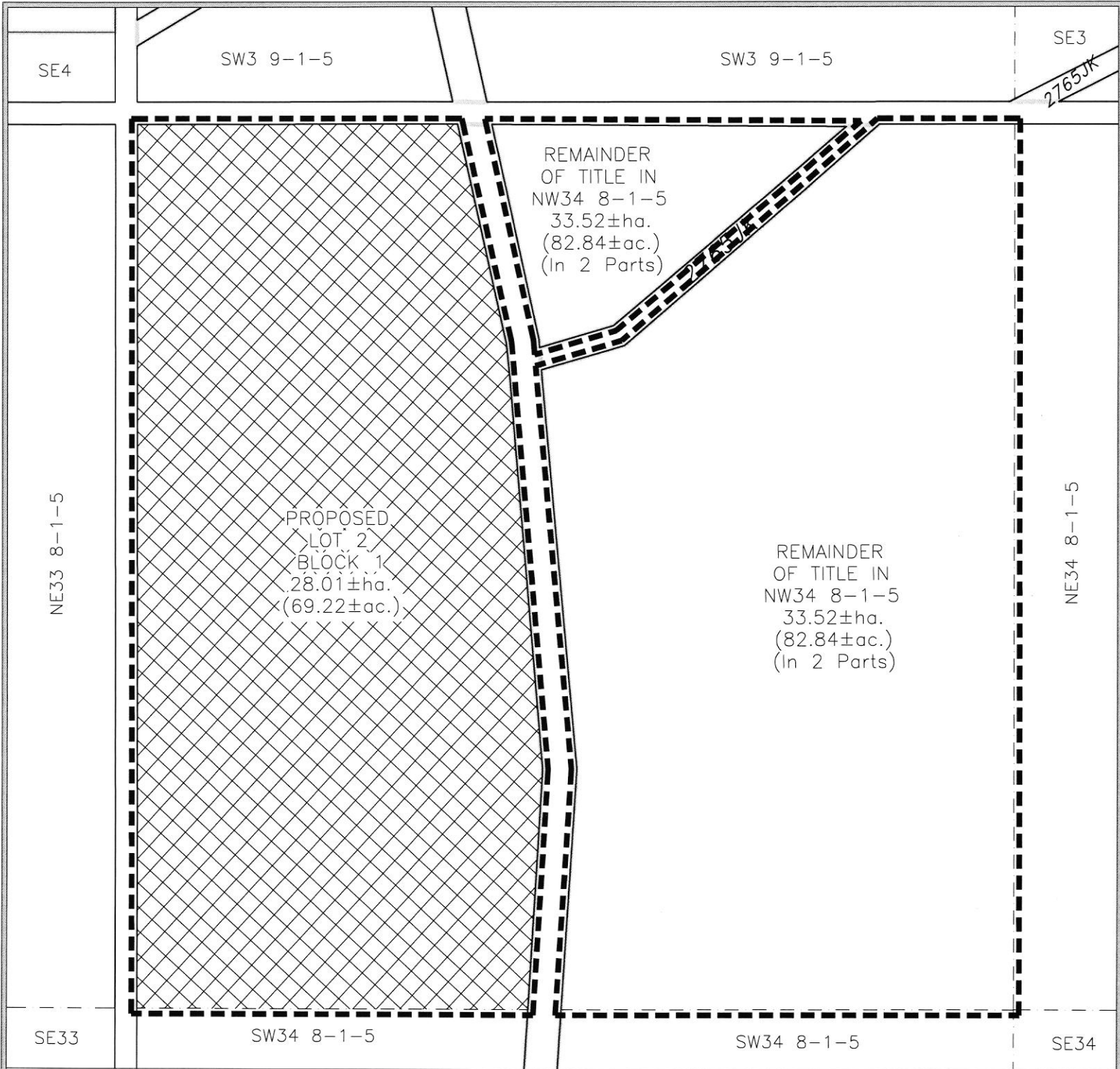
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



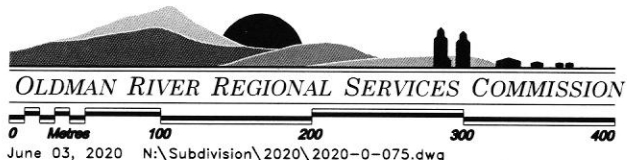
SUBDIVISION LOCATION SKETCH
WITHIN NW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: JUNE 3, 2020
FILE No: 2020-0-075

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2008 50th AVENUE NORTH, LETHBRIDGE, AB T1V 0B8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS





SUBDIVISION SKETCH
WITHIN NW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: JUNE 3, 2020
FILE No: 2020-0-075





SUBDIVISION SKETCH

WITHIN NW 1/4 SEC 34, TWP 8, RGE 1, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: JUNE 3, 2020

FILE No: 2020-0-075



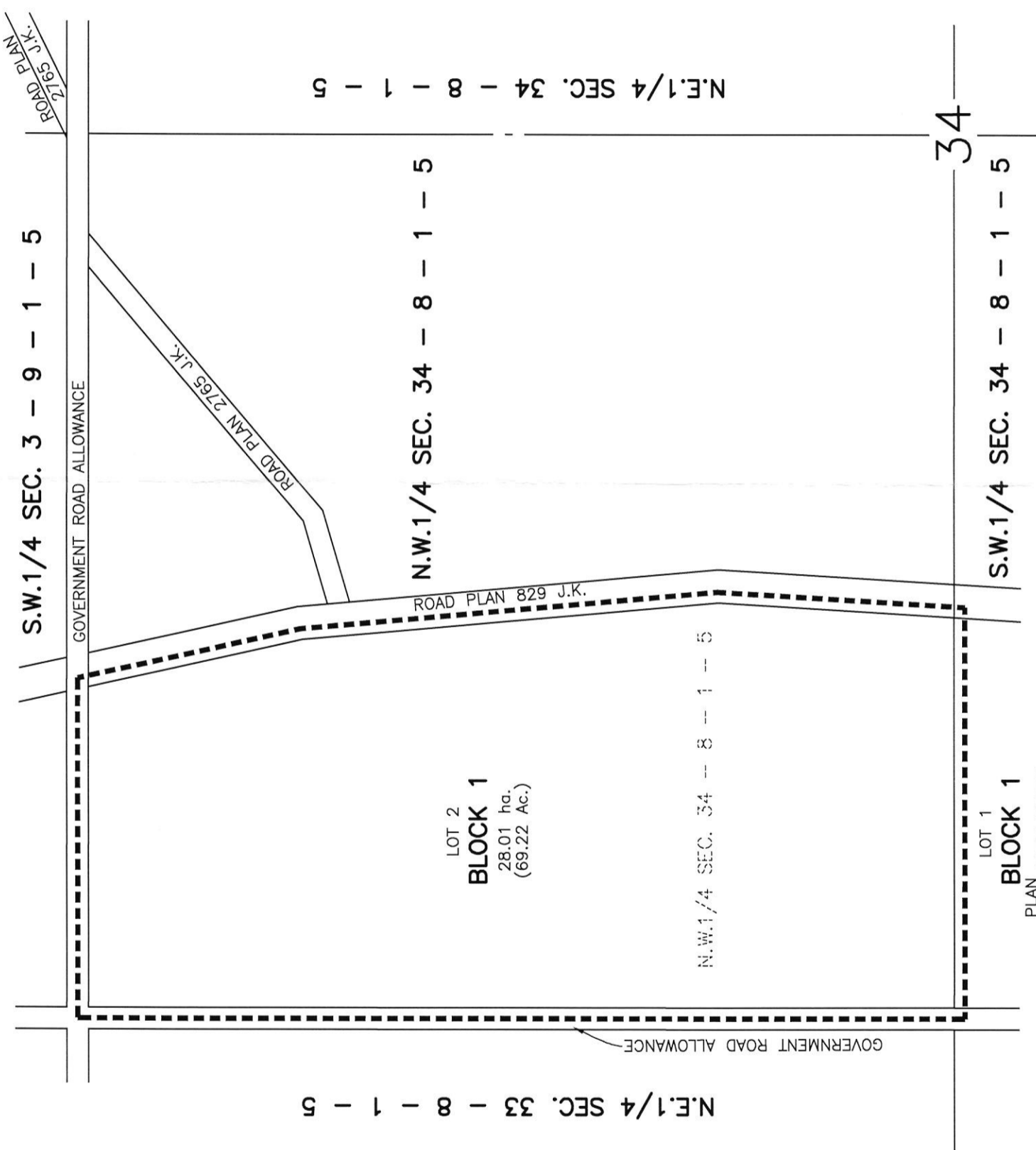
OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

June 03, 2020 N:\Subdivision\2020\2020-0-075.dwg



AERIAL PHOTO DATE: 2015



WARREN BURTLES

TENTATIVE PLAN OF SUBDIVISION
within
N.W. 1/4 SEC. 34, TWP. 8, RGE. 1, W.5 M.

M.D. of Pincher Creek No.9

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus **-----** and contains approximately 28.01 ha.
The area shown were derived from Plan 829 J.K.



brown okamura & associates ltd.
Professional Surveyors
2830 - 12 Avenue North, Lethbridge, Alberta

APPROVED	DRAWN MJ	DATE MAY 5/20
	CHECKED ZJP	JOB 20-14790
	SCALE	DRAWING
Z.J. Prosper, A.L.S.	1:5000	20-14790TA