

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
June 1, 2021
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of May 4, 2021

3. Closed Meeting Session

4. Unfinished Business

Nil

5. Subdivision Application

- a. Subdivision Application No. 2021-0-074
Kenneth H Lewis and Dorothy M Lewis
SW1/4 1-8-1-W5M
- b. Subdivision Application No. 2021-0-079
Boyd Robin Lewis and Brittany Dawn Lewis
Lots 8-10, Block 9, Plan 1993N within SW1/4 1-7-30-W4M
- c. Subdivision Application No. 2021-0-089
Barry Leeson Barager and Verneal Barbara Barager
SE1/4 19-3-29-W4M

6. New Business

7. Next Regular Meeting July 6, 2021 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, May 4, 2021; 6:00 pm
MD of Pincher Creek No. 9, via Virtual Meeting**

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, Financial Services and Planning Clerk Joyce Mackenzie-Grieve

Planning Advisors: ORRSC, Senior Planner Gavin Scott

Absent: CAO Troy MacCulloch

COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 6:00 pm.

1. ADOPTION OF AGENDA

Councillor Bev Everts 21/022

Moved that the Subdivision Authority Agenda for May 4, 2021, be approved as amended, adding topic of 'Substantially Complete' as New Business.

Carried

2. ADOPTION OF MINUTES

Councillor Quentin Stevick 21/023

Moved that the April 6, 2021, Subdivision Authority Minutes, be approved as amended.

Carried

3. CLOSED MEETING SESSION

Councillor Terry Yagos 21/024

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 6:02 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
May 4, 2021

Councillor Rick Lemire

21/025

Moved that the Subdivision Authority open the meeting to the public, the time being 6:02 pm.

Carried

4. UNFINISHED BUSINESS

- a. Subdivision Application No. 2021-0-036
Jeffrey James Marcel Dejax
Lot 1, Block 1, Plan 1013365 and a portion of the NW1/4 22-5-1 W5M all
within N1/2 22-5-1 W5M

Councillor Quentin Stevick

21/026

Moved that the Country Residential subdivision Lot 1, Block 1, Plan 1013365 and a portion of the NW1/4 22-5-1-W5M all within N1/2 22-5-1-W5M (Certificate of Title No. 101 291 249, 121 251 804), to create a 22.83 acre (9.24 ha) lot, for country residential use; BE APPROVED as amended, 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 14.18 acres within the NW22 5-1 W5M at the market value of \$3,100 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 certificate of Title 121251804 be consolidated with the subdivided 14.18 acres of the NW22 5-1 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

WAIVER:

1. 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.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
May 4, 2021

Carried

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2021-0-051
Lady Hawk Ranch Ltd., Gloria Drummond
Block J, Plan 9211229 within NW1/4 31-7-1-W5M
Intervening road allowance and SW1/4 6-8-1-W5M

Councillor Terry Yagos

21/027

Moved that the Agricultural subdivision of Block J, Plan 9211229 within NW1/4 31-7-1-W5M, intervening road allowance and SW1/4 6-8-1-W5M (Certificate of Title No. 941 039 420, 081 270 741), to create a 73.23 acre (29.63 ha) parcel from a title of 149.8 acres (0.62 ha) for agricultural use; BE APPROVED as amended, 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 closed road and residual portion of Certificate of Title 941039420 be consolidated with the SW6 8-1 W5M (as shown on Brown Okamura & associates ltd tentative plan 20-14986TA) in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

6. NEW BUSINESS

- a. Gavin Scott, Senior Planner and Subdivision Authority briefly discussed the definition of “Substantially Complete”.

7. NEXT MEETING – Tuesday, June 1, 2021; 6:00 pm.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
May 4, 2021

8. ADJOURNMENT

Councillor Quentin Stevick

21/028

Moved that the meeting adjourn, the time being 6:30 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2021-0-074

May 21, 2021

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 1-8-1-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 Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, AB Environment & Parks - J. Wu, AB Environment & Parks - T. Zembal, AB Environment & Parks - M. Armstrong, Historical Resources Administrator, AER and TM Mobile Inc.

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

Please contact this office if you require any further information.

Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2021-0-074

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

THAT the Country Residential subdivision of SW1/4 1-8-1-W5M (Certificate of Title No. 161 205 908), to create a 4.04 acre (1.63 ha) parcel from a previously unsubdivided quarter section of 157.71 acres (63.4 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 and comply with a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with the Municipal Development Plan, the Oldman River Reservoir Area Structure 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.11.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The subject property is located within an area identified by the province as having potential historical resources (HRV5). Per the Land Use Procedures Bulletin Subdivision Historical Resources Act Compliance (January 22, 2019), a historical resource clearance is not required for a first parcel out of a quarter section that is designated HRV5.
- (e) Telus Communications Inc. has no concerns.
- (f) 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.

(g) Chief Mountain Gas Co-op Ltd. – Delbert G. Beazer, Chief Executive Officer:

"Please note, we have no objections to the proposed subdivisions, as long as our Utility-Right-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.

Being that the application is in a remote area, natural gas service may be unavailable. Developer should discuss gas needs and plans for implementation before lots are sold. We would rather deal with the developer than individual lot owners for capital expense and planning.

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

(h) Alberta Health Services – Wade Goin, 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."

(i) Canada Post has no comment.

(j) Alberta Environment & Parks Water Infrastructure and Operations Branch has no concerns.

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

"Reference your file to create a parcel for country residential/farmstead use at the above noted location.

The proposal is to create a single parcel of land from an unsubdivided quarter section to accommodate an existing residence and related improvements. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 ("the regulation").

Notwithstanding the foregoing, resultant of the fact that the remnant land does have direct access to Highway 510 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 network.

To that end, currently and as proposed the parcel to be created will gain indirect access to the highway solely by way of the local road system. Given this and that the remnant lands will remain to be an agricultural tract, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the country residential/farmstead parcel as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance Alberta Transportation grants a waiver of said Section 15(2).

Even though the waiver of Section 15(2) has been granted, 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 accesses could remain on a temporary basis for limited agricultural use only.

Section 16 of the regulation only states that the requirements of Sections 14 and 15 may be varied. Although the waiver of Section 15(2) has been granted for this application, it has been granted under site specific circumstance (in accordance with Section 14(b), (indirect access by the local road system and the remnant lands will remain to be an agricultural tract) and it should not be construed that this variance would set precedent or be granted as a matter of course.

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 Alberta Transportation. 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 the said permit. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated as a 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 Alberta Transportation through the undersigned, at Lethbridge 403-388-3105, in this regard.

Alberta Transportation 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 agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation 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



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: April 16, 2021

Date of Receipt:

March 30, 2021

Date of Completeness:

April 6, 2021

TO: Landowner: Kenneth H Lewis and Dorothy M Lewis

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

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, AB Environment & Parks - T. Zembal, AB Environment & Parks - M. Armstrong, AB Environment Operations Infrastructure Branch (OIB), AB Transportation, Historical Resources Administrator, AER, Canada Post, TM Mobile Inc.,

Adjacent Landowners: Berwin Ronald & Sandra L. Lewis, Boyd Robyn Lewis & Brittany Dawn Lewis, Craig Marshall Deforest, Anthony James Connellan, Jean Claude Mccnicoll, Beverly A. Lang, Galt Murray & Roxane Baalim, Her Majesty The Queen, John R Neufeld, Ronald S Rayner

Planning Advisor: Gavin Scott *GS*

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 **May 5, 2021**. (Please quote our File No. **2021-0-074** in any correspondence with this office).

File No.: 2021-0-074

Legal Description: SW1/4 1-8-1-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: 161 205 908

Meeting Date: June 1, 2021

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 4.04 acre (1.63 ha) parcel from a previously unsubdivided quarter section of 157.71 acres (63.4 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling. Access to the lot is presently granted from an existing approach to the west, off of a developed municipal road allowance. The existing residence is serviced by a septic system and water cistern.

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

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

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>\$10400</u>	File No: <u>2021-G-074</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>March 30, 2021</u>	Received By: <u>SM</u>
Date Deemed Complete: <u>April 6, 2021</u>	Accepted By: <u>GS</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Kenneth H Lewis & Dorothy M Lewis

Mailing Address: [REDACTED] City/Town: Pincher Creek

Postal Code: [REDACTED] Telephone: [REDACTED] Cell: [REDACTED]

Email: beaukranch@hotmail.com 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: David J. Amantea, ALS, P.Eng brown okamura & associates ltd.

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

Postal Code: T1H 5J9 Telephone: 403-329-4688 ext. 129 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 1 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: 63.37 hectares 156.71 acres

d. Total number of lots to be created: 1 Size of Lot(s): 1.63 ha (4.04 Acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 161 205 908

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of M.D. 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 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. 510

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 Agriculture
 - b. Proposed use of the land Removing Yard FROM 1/4 SECTION LAND

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.) Grass in Yard
- 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

- a. Describe existing source of potable water Cistern
- b. Describe proposed source of potable water No Change

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type Septic Year Installed ?
- b. Describe proposed sewage disposal: Type No Change

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, David J. Amantea, ALS, P.Eng (boa file: 21-15213) 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: MAR 18/2021

9. RIGHT OF ENTRY

I, KEN LEWIS 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
0018 248 989 5;1;8;1;SW 161 205 908

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 8
SECTION 1
QUARTER SW
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

	HECTARES (ACRES) MORE OR LESS
A) PLAN 9110977 ROAD	1.33 (3.29)

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 141 025 139 +2

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

[REDACTED]

OWNERS

KENNETH H LEWIS

AND
DOROTHY M LEWIS

BOTH OF:
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
161 205 908

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

761 064 197 21/05/1976 UTILITY RIGHT OF WAY
GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD.
BOX 38
CARDSTON
ALBERTA T0K0K0
(DATA UPDATED BY: CHANGE OF NAME 021072856)

101 276 716 16/09/2010 CAVEAT
RE : LEASE INTEREST
CAVEATOR - TM MOBILE INC.
TELUS
1600 CONSILIUUM PLACE SUITE 1600
SCARBOROUGH
ONTARIO M1H3J3

131 066 948 22/03/2013 CAVEAT
RE : LEASE INTEREST UNDER 20 ACRES
CAVEATOR - TM MOBILE INC.
200 CONSILIUUM PLACE, SUITE 1600
SCARBOROUGH
ONTARIO M1H3J3

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 5 DAY OF MARCH,
2021 AT 04:06 P.M.

ORDER NUMBER: 41163303

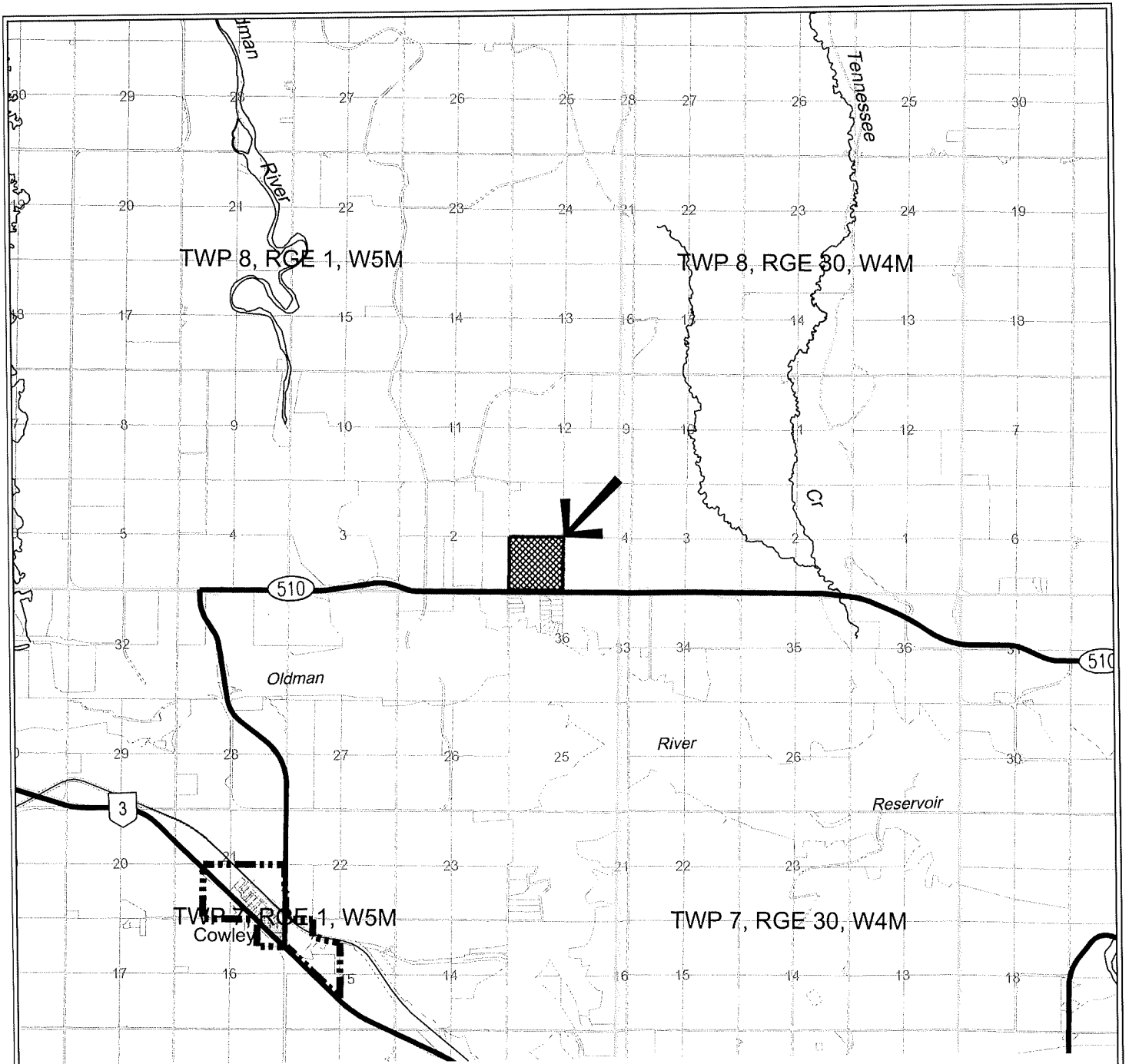
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
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SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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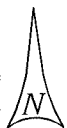
SUBDIVISION LOCATION SKETCH
 WITHIN SW 1/4 SEC 1, TWP 8, RGE 1, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: APRIL 7, 2021
 FILE No: 2021-0-074

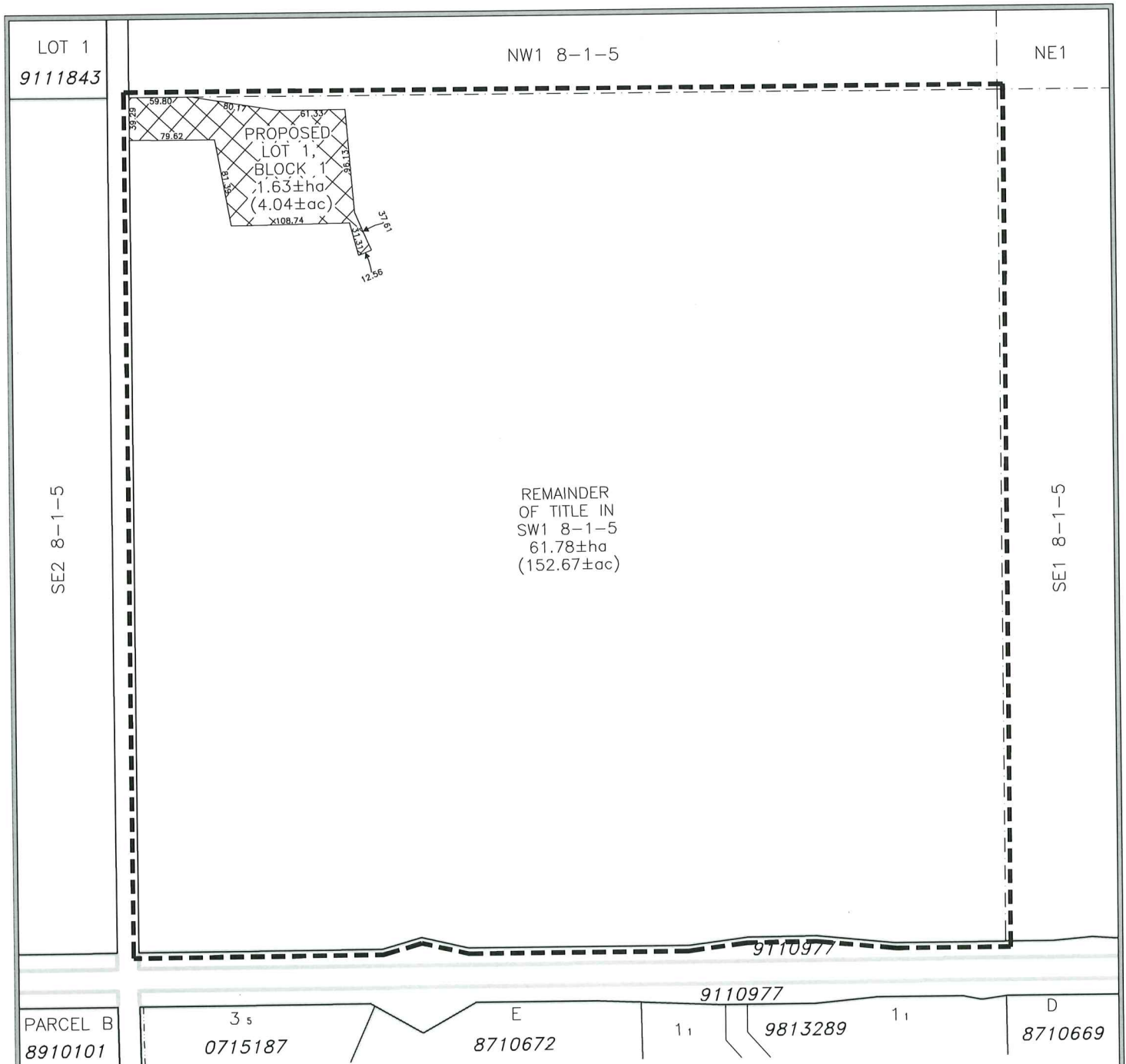
MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 16th AVENUE NORTH LITTLE ROCK, AR 71208
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

April 07, 2021 N:\Subdivision\2021\2021-0-074.dwg



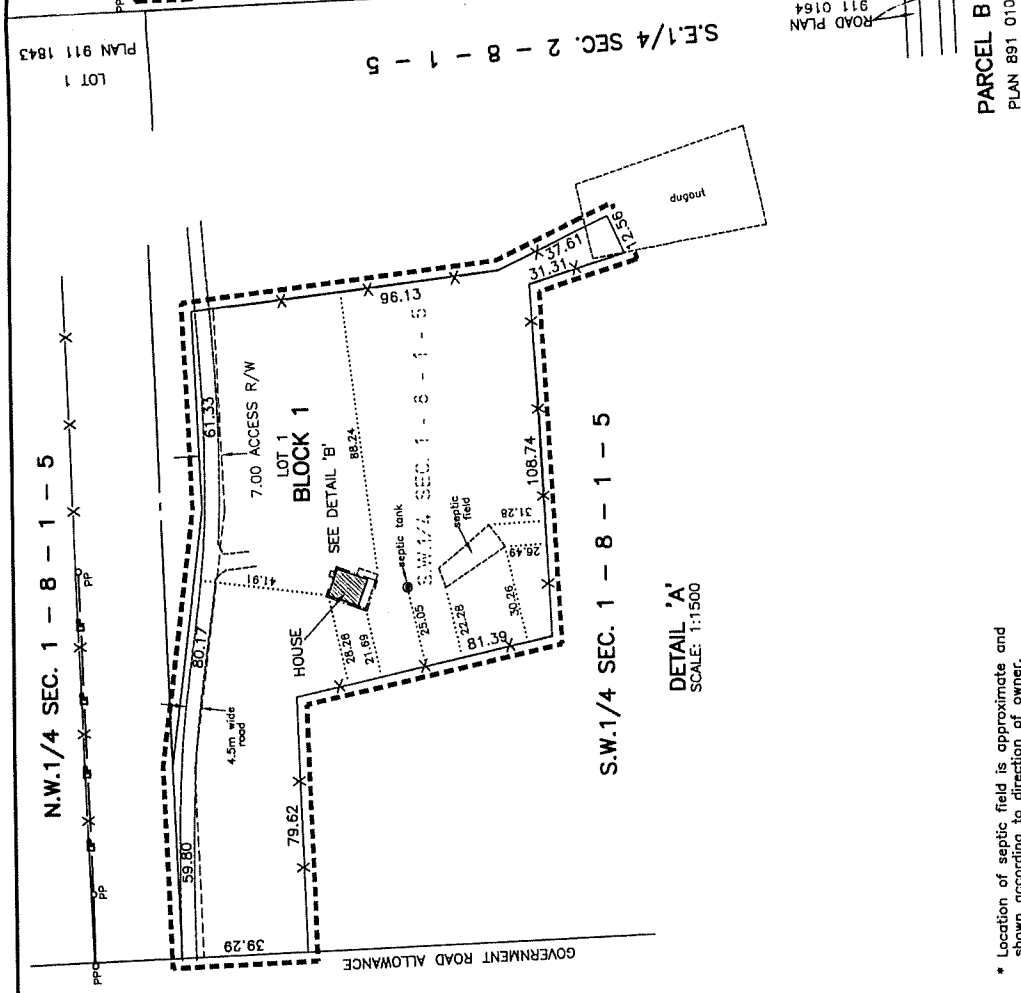
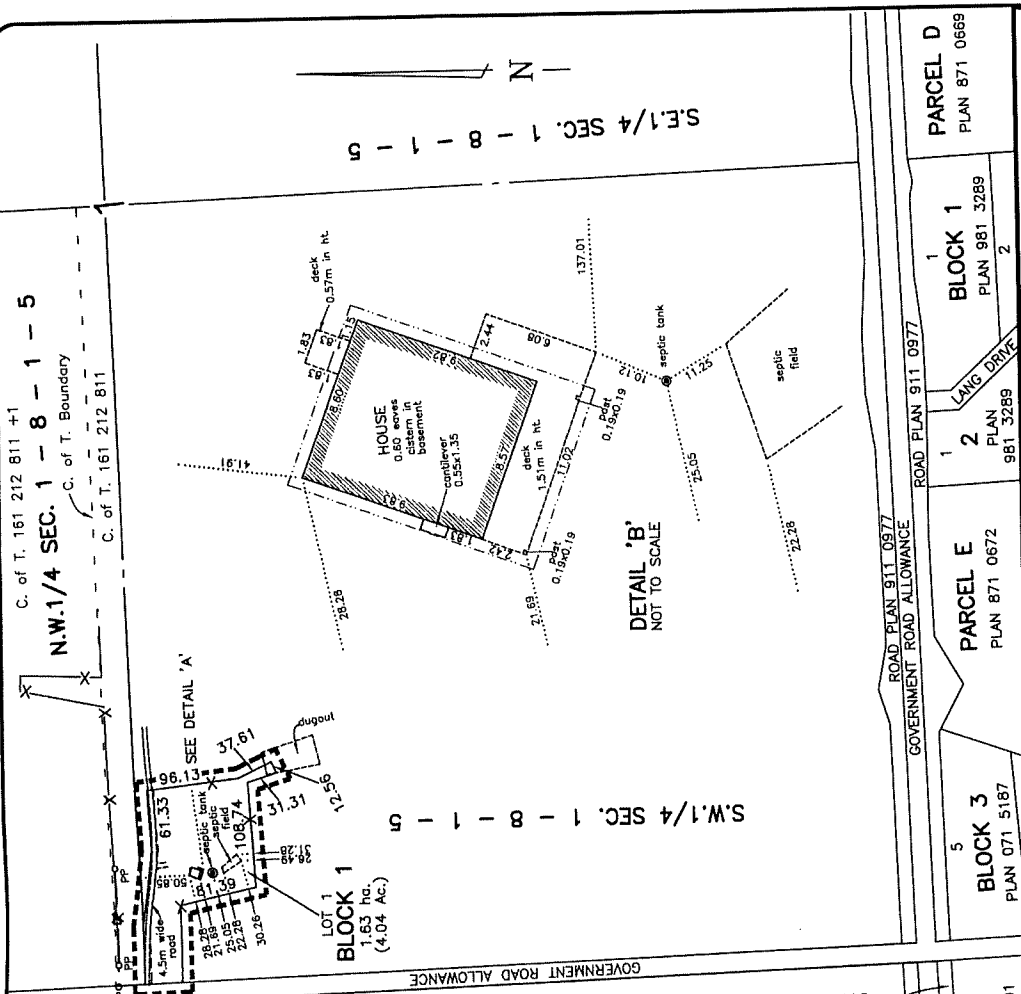


SUBDIVISION SKETCH
 WITHIN SW 1/4 SEC 1, TWP 8, RGE 1, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: APRIL 7, 2021
 FILE No: 2021-0-074





SUBDIVISION SKETCH
 WITHIN SW 1/4 SEC 1, TWP 8, RGE 1, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: APRIL 7, 2021
 FILE No: 2021-0-074



PARCEL B PLAN 891 0101		PARCEL E PLAN 871 0672		PARCEL D PLAN 871 0669	
BLOCK 3 PLAN 071 5187		BLOCK 1 PLAN 981 3289		PARCEL D PLAN 871 0669	
ROAD PLAN 911 0977		ROAD PLAN 911 0977		ROAD PLAN 911 0977	
GOVERNMENT ROAD ALLOWANCE		GOVERNMENT ROAD ALLOWANCE		GOVERNMENT ROAD ALLOWANCE	
LOT 1 1.63 ha. (4.04 Ac.)		LOT 1 1.63 ha. (4.04 Ac.)		LOT 1 1.63 ha. (4.04 Ac.)	

Ken Lewis

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.W.1/4 SEC. 1; TWP. 8; RGE. 1; W.5 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

NO.	REVISION	DATE	BY

Improvements shown were surveyed on March 10th, 2021

NOTE : Portion to be approved is outlined thus -----
and contains approximately 1.63 ha.
Distances are in metres and decimal parts thereof.
Overhead line is shown thus -----DP-----
PP stands for utility pole.
Fence lines are shown thus -----X-----
Distances and areas are approximate and are
subject to change upon final survey.

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

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

APPROVED

DRAWN CJB DATE MARCH 17/21
CHECKED DJA JOB 21-15213
SCALE DRAWING
1:5000 21-15213T
D. J. Amantea, A.L.S.



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrc.com
Website: www.orrc.com

DRAFT RESOLUTION

Our File: 2021-0-079

May 21, 2021

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

Dear Mr. MacCulloch,

RE: Lots 8-10, Block 9, Plan 1993N within SW1/4 1-7-30-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 Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, AB Environment & Parks - J. Wu, AER and CPR.

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

2021-0-079

M.D. of Pincher Creek No. 9 Industrial subdivision of Lots 8-10, Block 9, Plan 1993N within SW1/4 1-7-30-W4M

THAT the Industrial subdivision of Lots 8-10, Block 9, Plan 1993N within SW1/4 1-7-30-W4M (Certificate of Title No. 201 228 784), to create two 0.26 acre (0.1 ha) lots from a title of 0.52 acres (0.2 ha) for industrial 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 and comply with 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.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(c) 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 concerns.
- (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) Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.
Please notify Alberta 1st Call at 1-800-242-3447 to arrange for "field locating" should excavations be required within the described area. We 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) Canada Post has no comment.

(h) Alberta Health Services – Kristen Dykstra, Public Health Inspector:

"In response to your April 21, 2021 subdivision of land application, we have reviewed the information provided. We wish to provide the following comments:

- We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.

If you require further clarification, please contact me at the Lethbridge Community Health Centre at 403-388-6690 Ext. 8."

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

"Reference your file to create an industrial 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, consolidated up to 188/2017 ("the regulation").

Alberta Transportation's primary objective is to allow subdivision and development of 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, currently and as proposed, the parcel to be created and remnant land will gain indirect access to the provincial highway system 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 industrial parcel as proposed would have any appreciable impact on the highway.

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

Notwithstanding the foregoing, the applicant would 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 center point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. 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 Alberta Transportation. 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 Alberta Transportation through the undersigned, at Lethbridge 403-388-3105, in this regard.

Alberta Transportation 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 agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation 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: April 21, 2021

Date of Receipt:

April 8, 2021

Date of Completeness:


April 9, 2021

TO: Landowner: Boyd Robin Lewis and Brittany Dawn Lewis

Agent or Surveyor: Brown Okamura & Associates Ltd.

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Apex Utilities Inc., AB Health Services - South Zone, AB Environment & Parks - J. Wu, AB Transportation, AER, Canada Post, CPR

Adjacent Landowners: Canadian Pacific Railway, Imperial Oil Limited, Martin & Mirabelle Everts, Michael Heppner, Prairie Merchant Corporation, Precision Electric (PC) Ltd., Sandra Bennett

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 **May 10, 2021**. (Please quote our File No. **2021-0-079** in any correspondence with this office).

File No.: 2021-0-079

Legal Description: Lots 8-10, Block 9, Plan 1993N within SW1/4 1-7-30-W4M

Municipality: M.D. of Pincher Creek No. 9 – Hamlet of Pincher Station

Land Designation: Hamlet General Industrial and Warehousing – HGIW
(Zoning)

Existing Use: Industrial

Proposed Use: Industrial

of Lots Created: 1

Certificate of Title: 201 228 784

Meeting Date: June 1, 2021

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 two 0.26 acre (0.1 ha) lots from a title of 0.52 acres (0.2 ha) for industrial use.

The proposal is to accommodate the subdivision of a vacant parcel. Access to the lot is presently granted from King Street.

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.

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(c) of the MGA, as the parcel is less than 2 acres in size.

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>51040.00</u>	File No: <u>2021-0-079</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>April 8, 2021</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>April 9, 2021</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Boyd Lewis

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

Postal Code: [Redacted] Telephone: [Redacted]

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: Brown Okamura + Associates Ltd.

Mailing Address: Box 655 Station Main City/Town: Lethbridge

Postal Code: T1J 3Z4 Telephone: (403) 329-4688 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW X Section 1 Township 7 Range 30 West of 4 Meridian (e.g. SE $\frac{1}{4}$ 36-1-36-W4M)

b. Being all/part of: Lot/Unit 8-10 Block 9 Plan 1993N

c. Total area of existing parcel of land (to be subdivided) is: 0.21 hectares 0.52 acres

d. Total number of lots to be created: 2 Size of Lot(s): 75' x 150'

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 201 228 784

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Pincher Creek No. 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 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. 3

d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes No
If "yes", state its name _____

e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown Yes No

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Vacant lot
- b. Proposed use of the land Workshop

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.)
none.
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
- 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 none.
- b. Describe proposed sewage disposal: Type none.

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Boyd Lewis 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: March 2, 2021

9. RIGHT OF ENTRY

I, Boyd Lewis 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]
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 232 138 1993N;9;8-10 201 228 784

LEGAL DESCRIPTION
PLAN 1993N
BLOCK 9
LOTS 8 TO 10 INCLUSIVE
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;30;7;1;S

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 091 348 392

 REGISTERED OWNER(S)
REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

██████████ ██████████ ██████████ ██████████ ██████████ ██████████

OWNERS

BOYD ROBIN LEWIS

AND

BRITTANY DAWN LEWIS

BOTH OF:

██████████
██████████
██████████
██████████

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF MARCH,
2021 AT 01:44 P.M.

ORDER NUMBER: 41301121

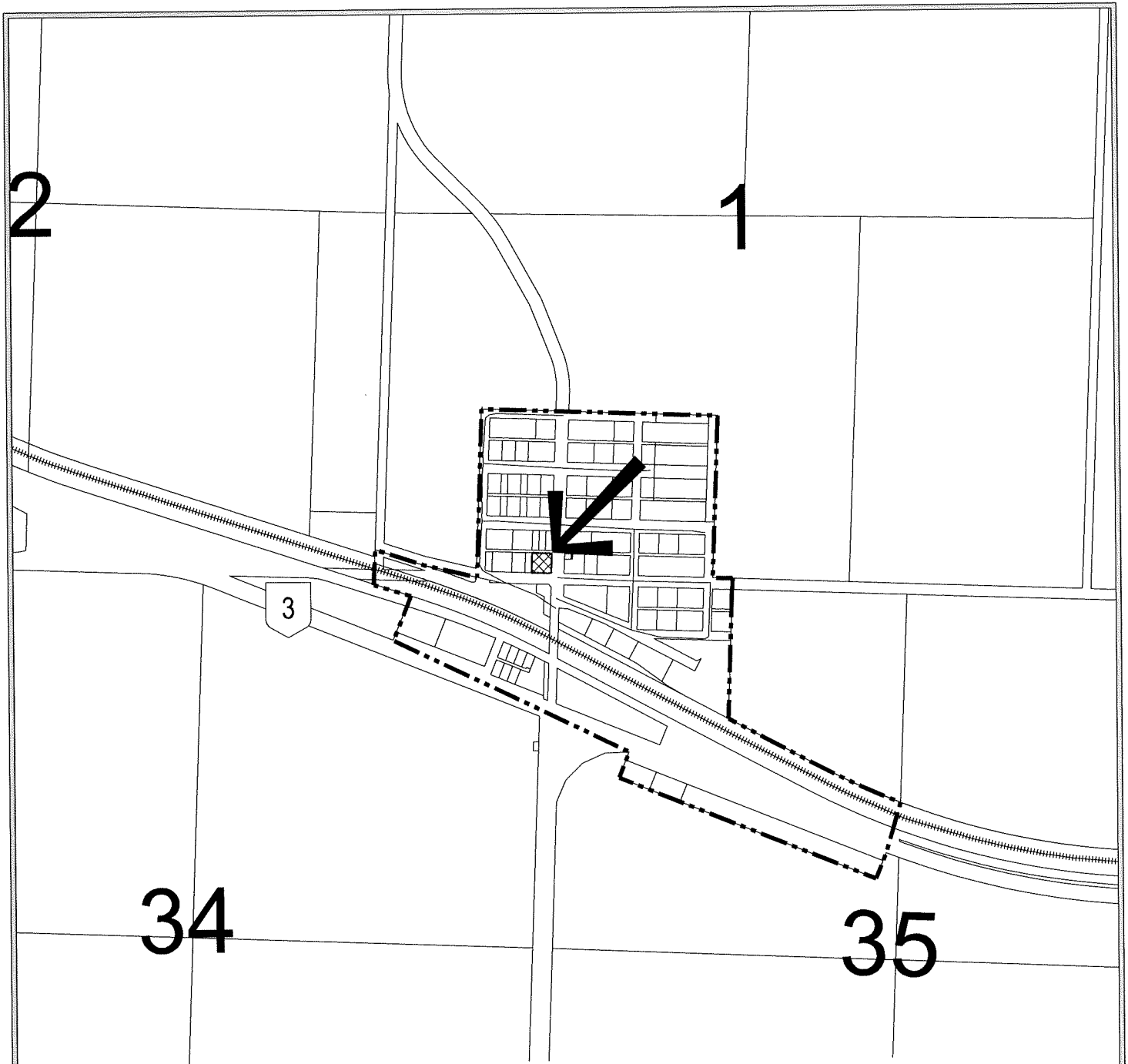
CUSTOMER FILE NUMBER:



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 8 - 10; BLOCK 9; PLAN 1993N
 WITHIN SW 1/4 SEC 1, TWP 7, RGE 30, W 4 M
 MUNICIPALITY: HAMLET OF PINCHER STATION,
 M.D. OF PINCHER CREEK NO. 9

DATE: APRIL 13, 2021

FILE: 2021-0-079

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION ON
 310 10th AVENUE NORTH LEFORSVILLE AB 71M 005
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

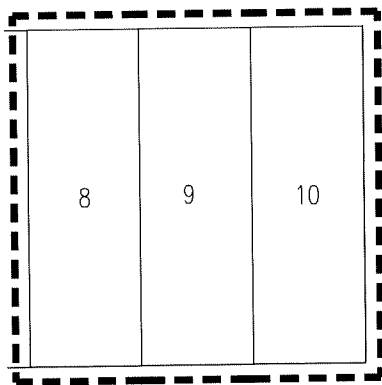


April 13, 2021 N:\Subdivision\2021\2021-0-079.dwg

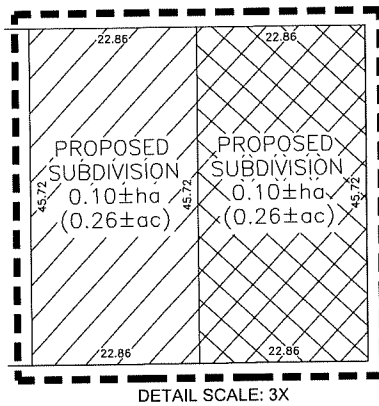




EXISTING



PROPOSED



SUBDIVISION SKETCH

LOT 8 - 10; BLOCK 9; PLAN 1993N
 WITHIN SW 1/4 SEC 1, TWP 7, RGE 30, W 4 M
 MUNICIPALITY: HAMLET OF PINCHER STATION,
 M.D. OF PINCHER CREEK NO. 9

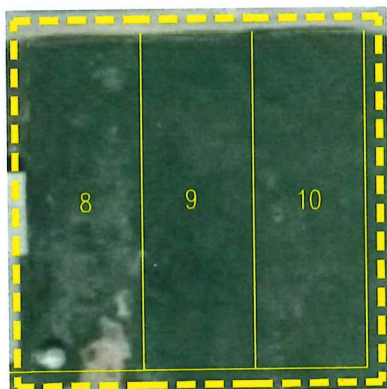
DATE: APRIL 13, 2021

FILE: 2021-0-079



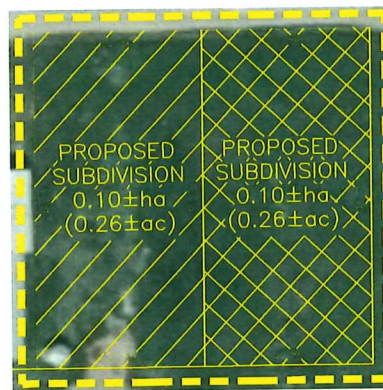


EXISTING



DETAIL SCALE: 1.5X

PROPOSED



DETAIL SCALE: 1.5X

SUBDIVISION SKETCH

LOT 8 - 10; BLOCK 9; PLAN 1993N
 WITHIN SW 1/4 SEC 1, TWP 7, RGE 30, W 4 M
 MUNICIPALITY: HAMLET OF PINCHER STATION,
 M.D. OF PINCHER CREEK NO. 9

DATE: APRIL 13, 2021

FILE: 2021-0-079



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrrsc.com
Website: www.orrrsc.com

DRAFT RESOLUTION

Our File: 2021-0-089

May 21, 2021

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

Dear Mr. MacCulloch,

RE: SE1/4 19-3-29-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, 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

2021-0-089

M.D. of Pincher Creek No. 9 Country Residential subdivision of SE1/4 19-3-29-W4M

THAT the Country Residential subdivision of SE1/4 19-3-29-W4M (Certificate of Title No. 991 177 432), to create a 10.91 acre (4.41 ha) parcel from a previously unsubdivided quarter section of 160.97 acres (65.1 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 and comply with 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. 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.
4. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Telus Communications Inc. has no concerns.
- (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) Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above as it is outside of our franchise area.

(g) Chief Mountain Gas Co-op Ltd. – Delbert G. Beazer, Chief Executive Officer:

“Please note, we have no objections to the proposed subdivisions, as long as our Utility-Right-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.

Being that the application is in a remote area, natural gas service may be unavailable. Developer should discuss gas needs and plans for implementation before lots are sold. We would rather deal with the developer than individual lot owners for capital expense and planning.

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

(h) Alberta Health Services – Kristen Dykstra, Public Health Inspector:

“In response to your May 5, 2021 subdivision of land application, we have reviewed the information provided. We wish to provide the following comments:

- Each parcel of residential land should have access to a legal source of drinking water as designated by the appropriate regulatory authority.
- Where water services are provided, sewer services approved by the appropriate agency must also be provided.
- We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.

If you require further clarification, please contact me at the Lethbridge Community Health Centre at 403-388-6690 Ext. 8.”

(i) Canada Post has no comment.

CHAIRMAN

DATE



3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: May 5, 2021

Date of Receipt:

April 28, 2021

Date of Completeness:

April 28, 2021

TO: Landowner: Barry Leeson Barager and Verneal Barbara Barager

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

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

Adjacent Landowners: Calvin Walper, Gordon Ernest Lawrence, J. Mitchell Professional Corporation, John Mitchell & Wade W.H. Mitchell, Kathleen Joyce Makin, Philip & Jenevieve Akitt, Philip D Akitt & Jenevieve B. Davis, Rodney McFarland

Planning Advisor: Gavin Scott *GS*

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 **May 25, 2021**. (Please quote our File No. **2021-0-089** in any correspondence with this office).

File No.: 2021-0-089

Legal Description: SE1/4 19-3-29-W4M

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

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

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 991 177 432

Meeting Date: June 1, 2021

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 10.91 acre (4.41 ha) parcel from a previously unsubdivided quarter section of 160.97 acres (65.1 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains two dwellings, barn, and number of other out-buildings. Access to the lot is presently granted from an existing approach to the east, off of a developed municipal road allowance. The existing residences are serviced by septic systems and on-site domestic wells.

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 surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
6. That a waiver of the Land Use Bylaw 10 acre maximum parcel size requirement be granted by the Subdivision Approval Authority of the MD of Pincher Creek. Or that the proposed parcel be reduced in size to accommodate existing buildings, structures, and improvements.

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>2021-0-089</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>Apr 12, 2021</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>Apr 28, 2021</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Barry Leeson & Verneal Barbara Barager

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: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE $\frac{1}{4}$ Section 19 Township 3 Range 29 West of 4 Meridian (e.g. SE $\frac{1}{4}$ 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: 65.183 hectares 161.07 acres

d. Total number of lots to be created: 1 Size of Lot(s): 4.41 hectares(10.91 Acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 991 177 432

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Municipal District of Pincher Creek No. 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 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 acreage and grazing land
- b. Proposed use of the land subdivide buildings from remainder of land

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.) mixed
- 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

- a. Describe existing source of potable water well
- b. Describe proposed source of potable water same

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type septic tank and field Year Installed approx. 40 years old
- b. Describe proposed sewage disposal: Type same

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Zachary J. Prosper, ALS Barry Barager (boa file: 21-15205) 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: April 14/21

9. RIGHT OF ENTRY

I, Barry Barager 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
0021 556 247 4;29;3;19;SE

TITLE NUMBER
991 177 432

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 3
SECTION 19
QUARTER SOUTH EAST
AS SHOWN ON A TOWNSHIP PLAN DATED 21 DECEMBER 1906
CONTAINING 65.6 HECTARES (162 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)
ROAD	8411198	0.417	(1.030)

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 981 290 484

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

[REDACTED]

OWNERS

HARRY LEESON BARAGER

AND

VERNEAL BARBARA BARAGER

[REDACTED]

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

991 177 432

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

6990HT . 10/01/1960 UTILITY RIGHT OF WAY
GRANTEE - THE ALBERTA GAS TRUNK LINE CO LTD.
AS TO PORTION OR PLAN:4931IB
"0.20 ACRES, BY 7668IA"

801 153 000 25/09/1980 UTILITY RIGHT OF WAY
GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD.

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 27 DAY OF APRIL,
2021 AT 02:14 P.M.

ORDER NUMBER: 41531235

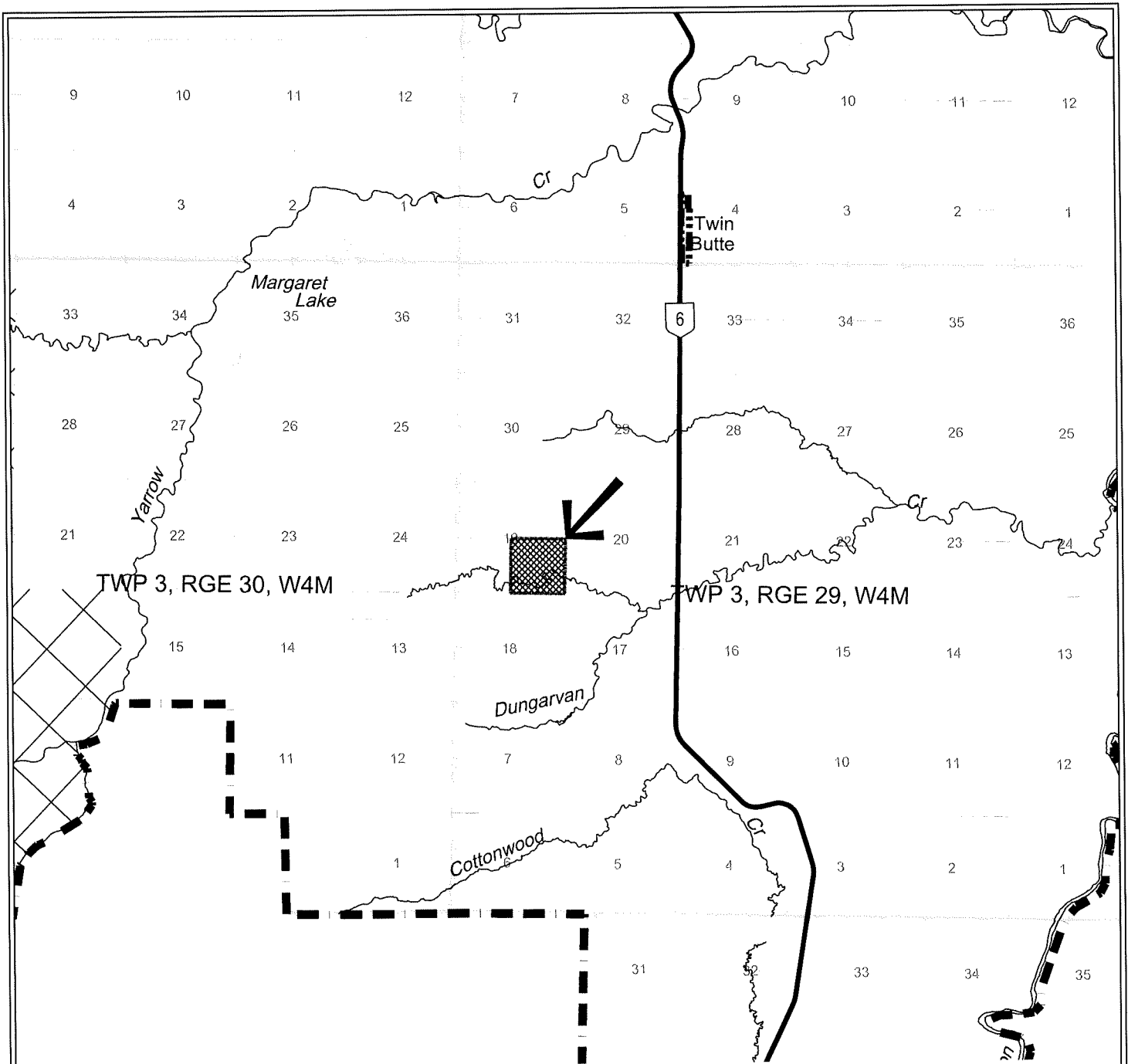
CUSTOMER FILE NUMBER: 21-15205



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).



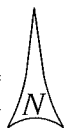
SUBDIVISION LOCATION SKETCH
 WITHIN SE 1/4 SEC 19, TWP 3, RGE 29, W 4 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: APRIL 29, 2021
 FILE No: 2021-0-089

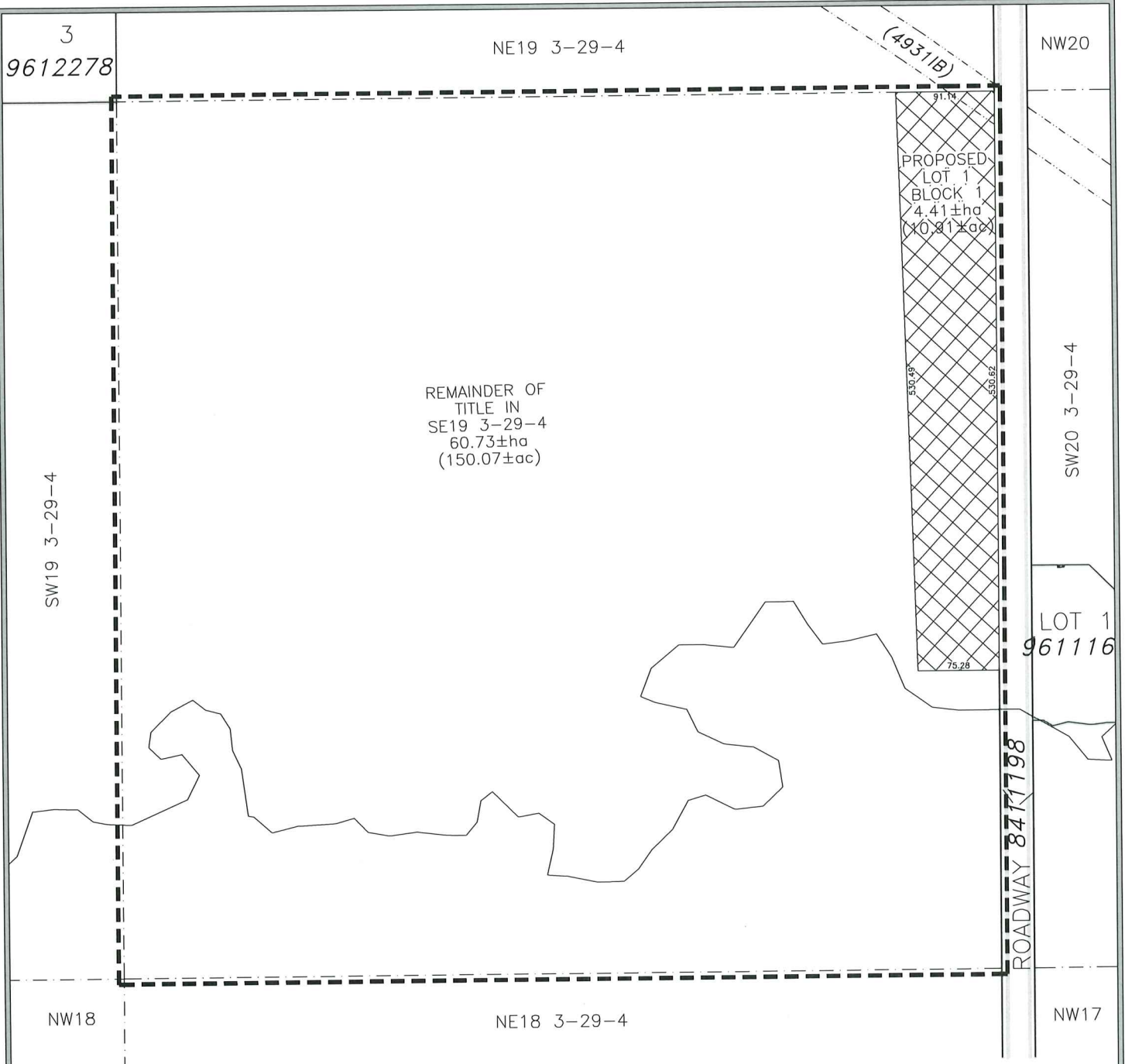
MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2102 50th AVENUE NORTH LETHBRIDGE, AB T1V 2G4
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

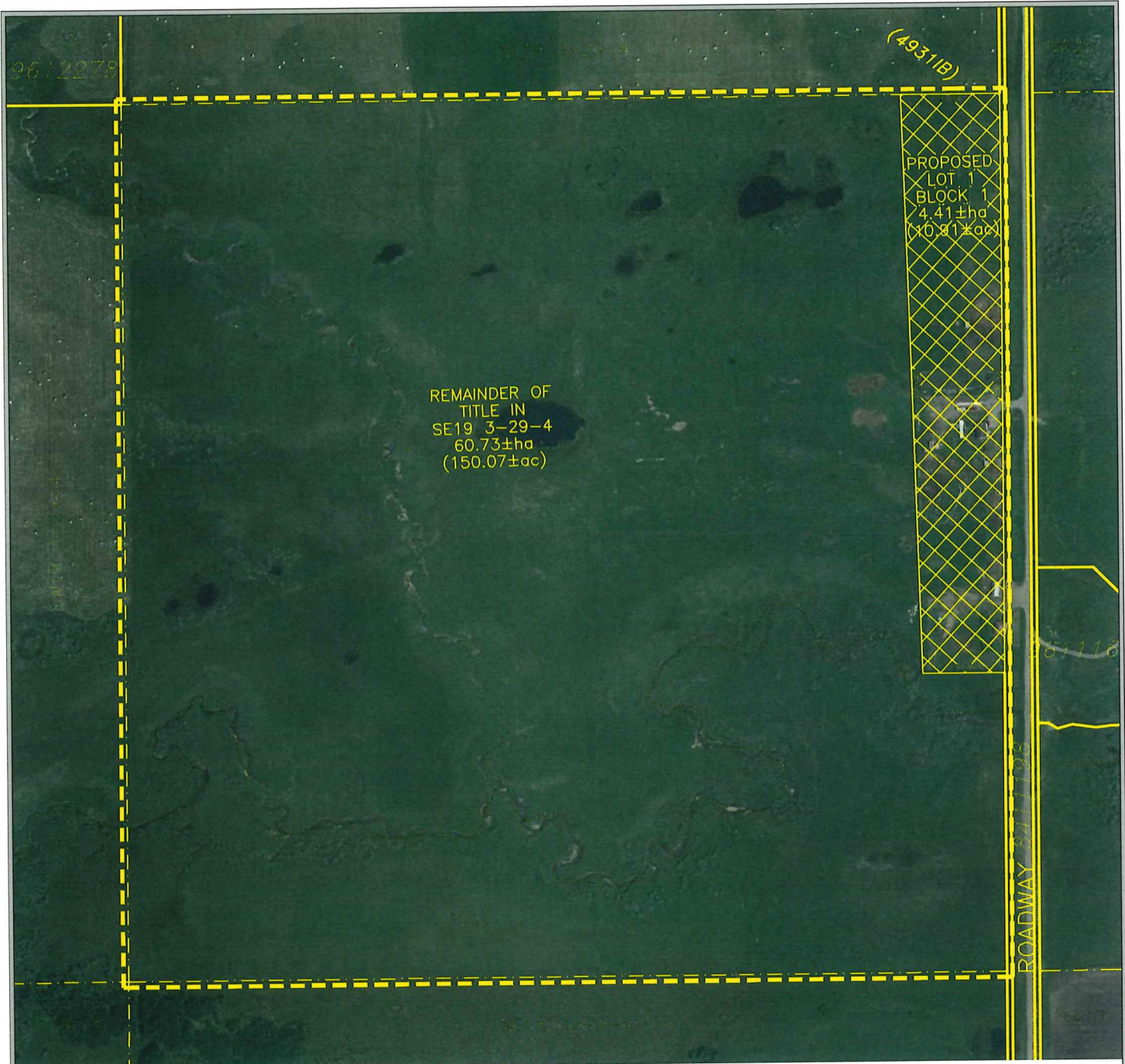
May 02, 2021 N:\Subdivision\2021\2021-0-089.dwg





SUBDIVISION SKETCH
 WITHIN SE 1/4 SEC 19, TWP 3, RGE 29, W 4 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: APRIL 29, 2021
 FILE No: 2021-0-089



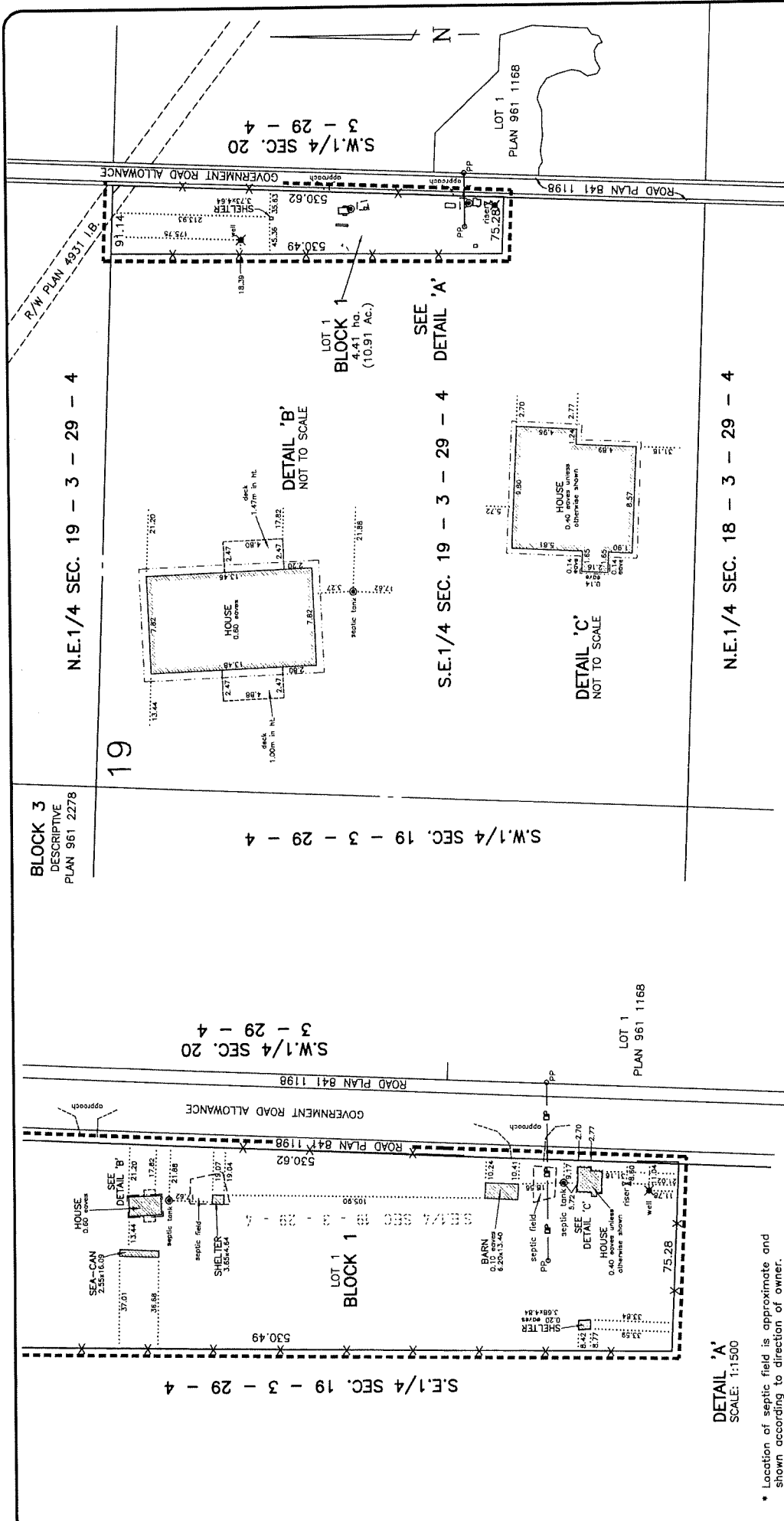


SUBDIVISION SKETCH

WITHIN SE 1/4 SEC 19, TWP 3, RGE 29, W 4 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: APRIL 29, 2021
 FILE No: 2021-0-089



AERIAL PHOTO DATE: 2015



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

bood

APPROVED

DRAWN CJB DATE MARCH 22/21
 CHECKED ZJP JOB 21-15205
 SCALE DRAWING
 1:5000 21-15205T

Z. J. Prosper A.L.S.

BARRY BARAGER

TENTATIVE PLAN SHOWING SUBDIVISION
 of part of
 S.E.1/4 SEC. 19; TWP. 3; RGE. 29; W.4 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

NO.	REVISION	DATE	BY

Improvements shown were surveyed on March 1st, 2021, 2021
 NOTE : Portion to be approved is outlined thus -----
 and contains approximately 4.41 ha.
 Distances are in metres and decimal parts thereof.
 Overhead line is shown thus ----- DP -----
 PP stands for utility pole.
 Fence lines are shown thus ----- X -----
 Distances and areas are approximate and are
 subject to change upon final survey.

DETAIL 'A'
 SCALE: 1:1500

DETAIL 'B'
 NOT TO SCALE

DETAIL 'C'
 NOT TO SCALE

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

Email- subdivision@orrsc.com

May 22, 2021

Subdivision Application file #2021-0-089

Oldman River Regional Services Commission

To Whom It May Concern,

As an adjacent landowner my concerns are as follows:

1. The quarter section already has two functional residences- why is one more needed?
2. Landowner is not a permanent resident.
3. Increased traffic on narrow rural road.
4. Close proximity to creek increase risk of damage to water by increased effluent- only serve by old sewage system which is already probably inadequate for two existing residences.
5. Design of subdivision increases difficulty of access for the rest of the quarter section.
6. Increases population density and development pressure on land that is and is meant to stay agricultural land.

Yours respectfully ,

Joanne Mitchell

for J.Mitchell Professional Corporation