

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

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of June 1, 2021

3. Closed Meeting Session

4. Unfinished Business

Nil

5. Subdivision Application

- a. Subdivision Application No. 2021-0-092
Audrey Elizabeth McRae and Stewart McRae
NE1/4 1-5-30-W4M
- b. Subdivision Application No. 2021-0-114 Max
Muselius and Brenda Muselius
NW1/4 18-9-1-W5M

6. New Business

7. Next Regular Meeting August 3, 2021 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, June 1, 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 6:01 pm.

1. ADOPTION OF AGENDA

Councillor Bev Everts 21/029

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 21/030

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

Carried

3. CLOSED MEETING SESSION

Councillor Rick Lemire 21/031

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 6:03 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 1, 2021

Councillor Terry Yagos

21/032

Moved that the Subdivision Authority open the meeting to the public, the time being 6:35 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2021-0-074
Kenneth H Lewis & Dorothy M Lewis
SW1/4 1-8-1-W5M, M.D. of Pincher Creek No. 9

Councillor Quentin Stevick

20/033

Moved 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 (1.63ha) parcel from a previously un-subdivided 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 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 northern boundary of the proposed lot be moved to the quarter section line in its entirety.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 1, 2021

- b. Subdivision Application No. 2020-0-079
Boyd Lewis
Lots 8-10, Block 9m, Plan 1993N within SW1/4 1-7-30-W4M
M.D. of Pincher Creek No. 9

Councillor Rick Lemire

20-034

Moved 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 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

- c. Subdivision Application No. 2021-0-089
Barry Leeson & Verneal Barbara Barager
SE1/4 19-3-29-W4M

Councillor Bev Everts

20/035

Moved 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 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 northern lot line of the proposed subdivision be moved 50m south.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 1, 2021

6. NEW BUSINESS

Nil

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

8. ADJOURNMENT

Councillor Quentin Stevick

21/036

Moved that the meeting adjourn, the time being 6:38 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2021-0-092

June 24, 2021

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

Dear Mr. MacCulloch,

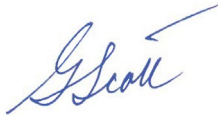
RE: NE1/4 1-5-30-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, Apex Utilities Inc., AB Environment & Parks - J. Wu, AB Environment Operations Infrastructure Branch (OIB) 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

2021-0-092

M.D. of Pincher Creek No. 9 Agricultural subdivision of NE1/4 1-5-30-W4M

THAT the Agricultural subdivision of NE1/4 1-5-30-W4M (Certificate of Title No. 201 130 940), to create a 8.36 acre (3.39 ha) parcel from a title of 75.18 acres (30.4 ha) for agricultural use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 8.36 acres 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 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. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.15.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 8.36 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 8.36 acre (3.38 ha) being subdivided at \$3,100 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$2,591.60 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (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 objection.
- (e) Alberta Environment & Parks Lands Division has no concerns.
- (f) Canada Post has no comment.

- (g) 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.

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

“In response to your May 18, 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 agricultural parcel at the above noted location.

By virtue of Section 14(a) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“the regulation”), the parcel to be created will be less than the 16 hectares size requirement to qualify as an agricultural parcel.

Given that determination, 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, this is a logical separation of the subject property due to the severance by Highway 6 right-of-way (Road Plan 2248IX). The parcel to be created and the remnant land will remain to be an agricultural tract which by virtue of Alberta Transportation’s current access management guidelines, use of the existing direct highway accesses for limited agricultural use is an acceptable access management strategy. Given this, strictly from Alberta Transportation’s point of view, we do not anticipate that creation of the agricultural lot 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 fact 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 these sections have been granted for this application, it has been granted under site specific circumstance 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 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: May 18, 2021

Date of Receipt:

May 3, 2021

Date of Completeness:

May 13, 2021

TO: Landowner: Audrey Elizabeth McRae and Stewart McRae

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, Apex Utilities Inc., AB Health Services - South Zone, AB Environment & Parks - E. Evenson, AB Environment & Parks - J. Wu, AB Environment Operations Infrastructure Branch (OIB), AB Transportation, AER, Canada Post

Adjacent Landowners: Brian McRae, Carol & Donald Haavardsrud, Crown - Province, Dennis & Donalee Smith, James Allen & Sandra McMullen, Jeffery & Lavonne Blosser, Joan Boras, Michael McRae, Patricia & Kenneth Anderson, Philip McRae

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 **June 7, 2021**. (Please quote our File No. **2021-0-092** in any correspondence with this office).

File No.: 2021-0-092

Legal Description: NE1/4 1-5-30-W4M

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: 201 130 940

Meeting Date: July 6, 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 8.36 acre (3.39 ha) parcel from a title of 75.18 acres (30.4 ha) for agricultural use.

The proposal is to accommodate the cut-off subdivision of parcel fragmented by Highway 6. Access to the lot is presently granted from an existing approach to the east off of the highway.

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 any conditions of Alberta Transportation shall be established prior to finalization of the application.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 8.36 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1040.00	File No: 2021-0-092
APPLICATION SUBMISSION	
Date of Receipt: May 3, 2021	Received By: [Signature]
Date Deemed Complete: May 13, 2021	Accepted By: [Signature]

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Audrey Elizabeth McRae and Stewart McRae

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: 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 NE ¼ Section 1 Township 5 Range 30 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

b. Being all/part of: Lot/Unit _____ Block _____ Plan _____

c. Total area of existing parcel of land (to be subdivided) is: 30.45 hectares 75.18 acres

d. Total number of lots to be created: 1 Size of Lot(s): 3.39 ha (8.36 ac)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 201 130 940

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. 6

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

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Vacant Land
- b. Proposed use of the land No Change

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
Brush
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Unknown
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
- e. Is there a Confined Feeding Operation on the land or within 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 N/A
- b. Describe proposed source of potable water N/A

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type N/A Year Installed _____
- b. Describe proposed sewage disposal: Type N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, David J. Amantea, ALS, P.Eng (boa file: 21-15282) 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: APR 27/2021

9. RIGHT OF ENTRY

I, Audry Elizabeth McRae & Stewart McRae 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.

Audry McRae Stewart McRae April 27th, 2021
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.

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Vacant Land
- b. Proposed use of the land No Change

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) Brush
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Unknown
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
- e. Is there a Confined Feeding Operation on the land or within 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 N/A
- b. Describe proposed source of potable water N/A

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type N/A Year Installed _____
- b. Describe proposed sewage disposal: Type N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I David J. Amantea, ALS, P.Eng (boa file: 21-15282) hereby certify that

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

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

Signed:  Date: APR 27/2021

9. RIGHT OF ENTRY

I, Audry Elizabeth McRae & Stewart McRae 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 of Registered Owner(s)

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LAND TITLE CERTIFICATE

S
LINC 0014 716 831 SHORT LEGAL 4;30;5;1;;15,16 TITLE NUMBER 201 130 940

LEGAL DESCRIPTION

LEGAL SUBDIVISIONS 15 AND 16 IN THE NORTH EAST QUARTER OF SECTION 1 IN TOWNSHIP 5 RANGE 30 WEST OF THE FOURTH MERIDIAN CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS, AND EXCEPTING THEREOUT OF LEGAL SUBDIVISION 15 PLAN NUMBER HECTARES ACRES (MORE OR LESS) HIGHWAY NO. 6 2248IX 1.95 4.82 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: 191 129 772

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

[Redacted registration details]

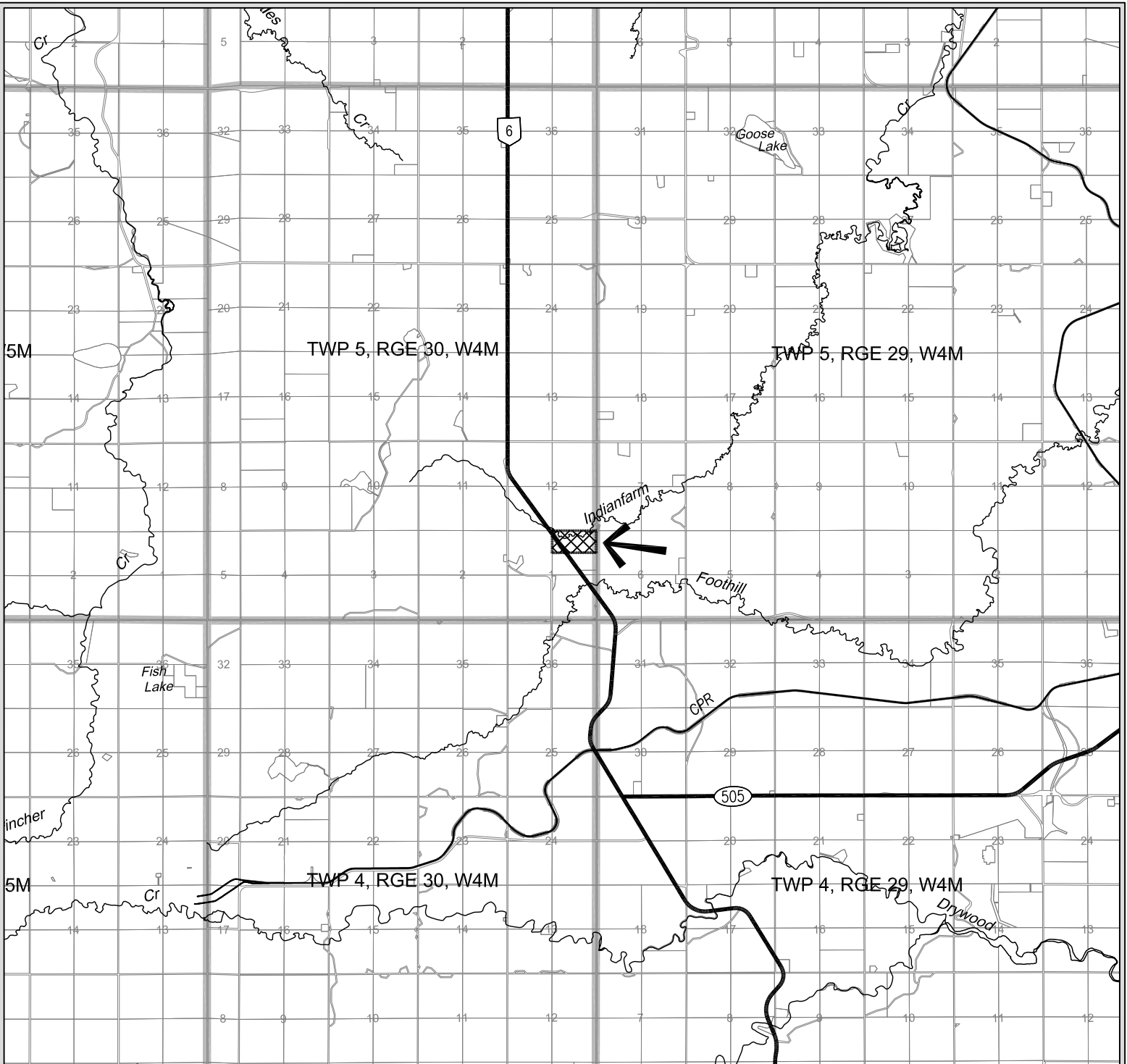
AUDREY ELIZABETH MCRAE

[Redacted address for Audrey Elizabeth McRae]

AND

STEWART MCRAE

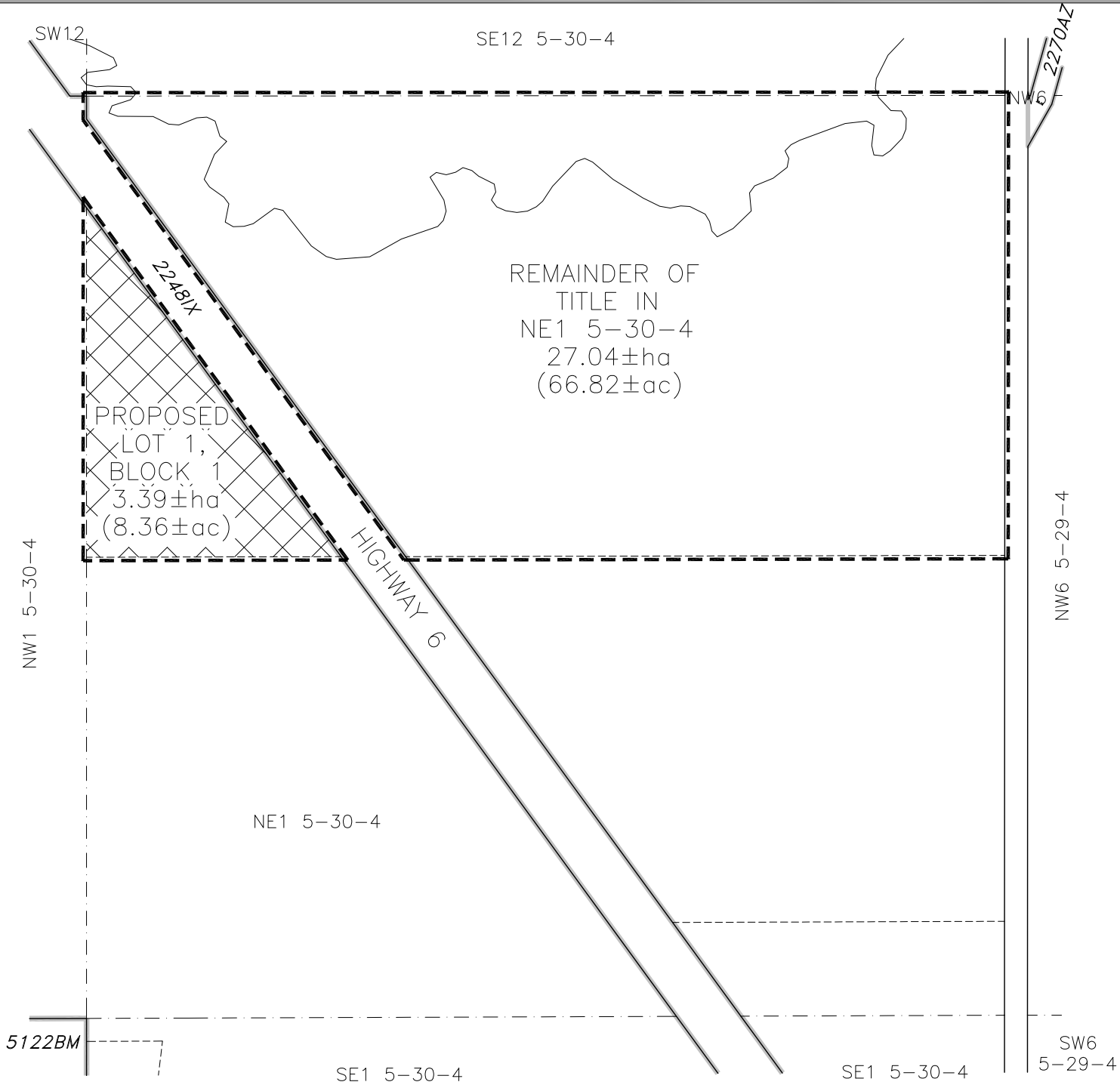
[Redacted address for Stewart McRae]



SUBDIVISION LOCATION SKETCH
PORTION OF NE 1/4 SEC 1, TWP 5, RGE 30, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: MAY 4, 2021
FILE No: 2021-0-092

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5E8
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15282

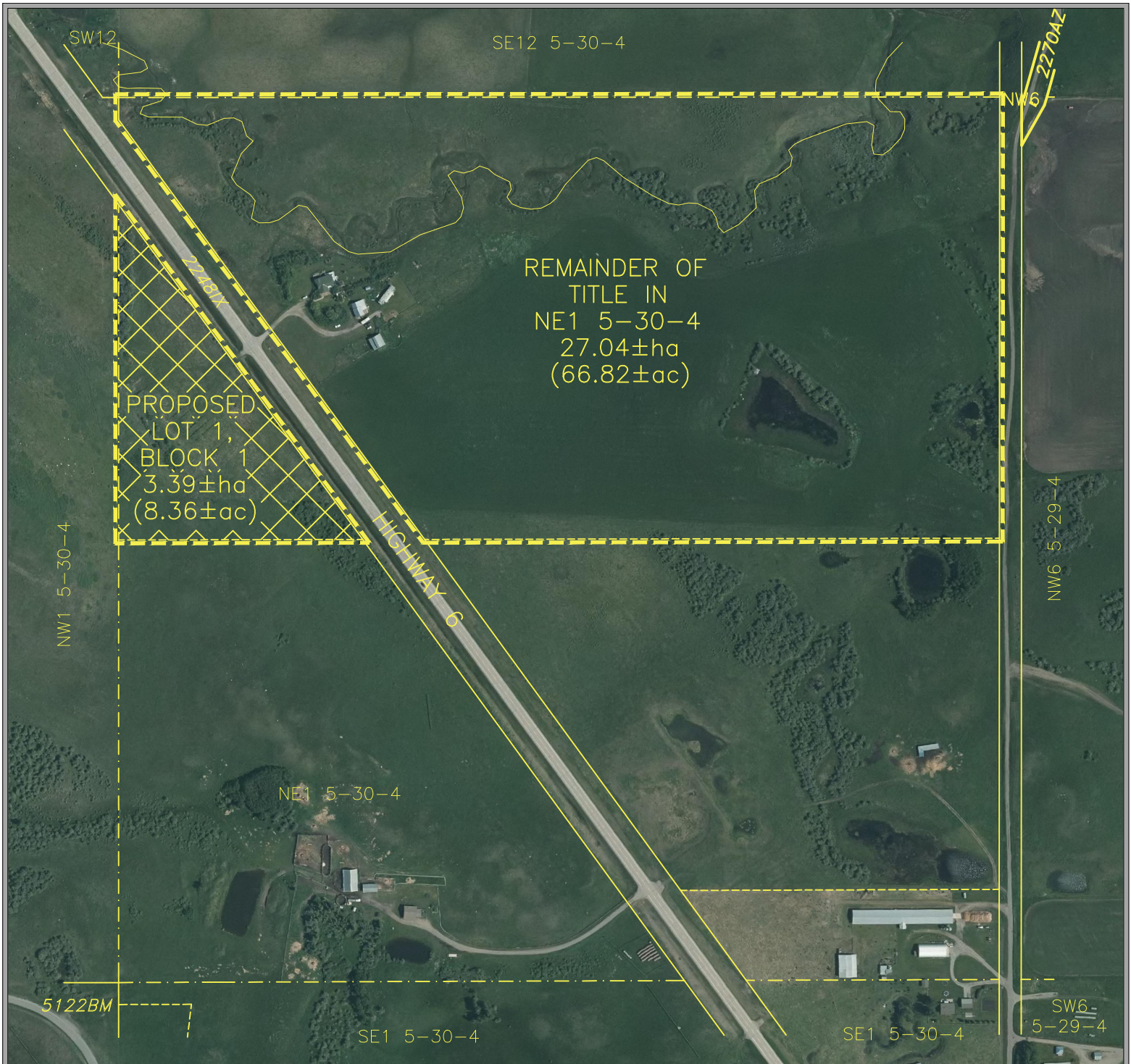
PORTION OF NE 1/4 SEC 1, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MAY 4, 2021

FILE No: 2021-0-092





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15282

PORTION OF NE 1/4 SEC 1, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MAY 4, 2021

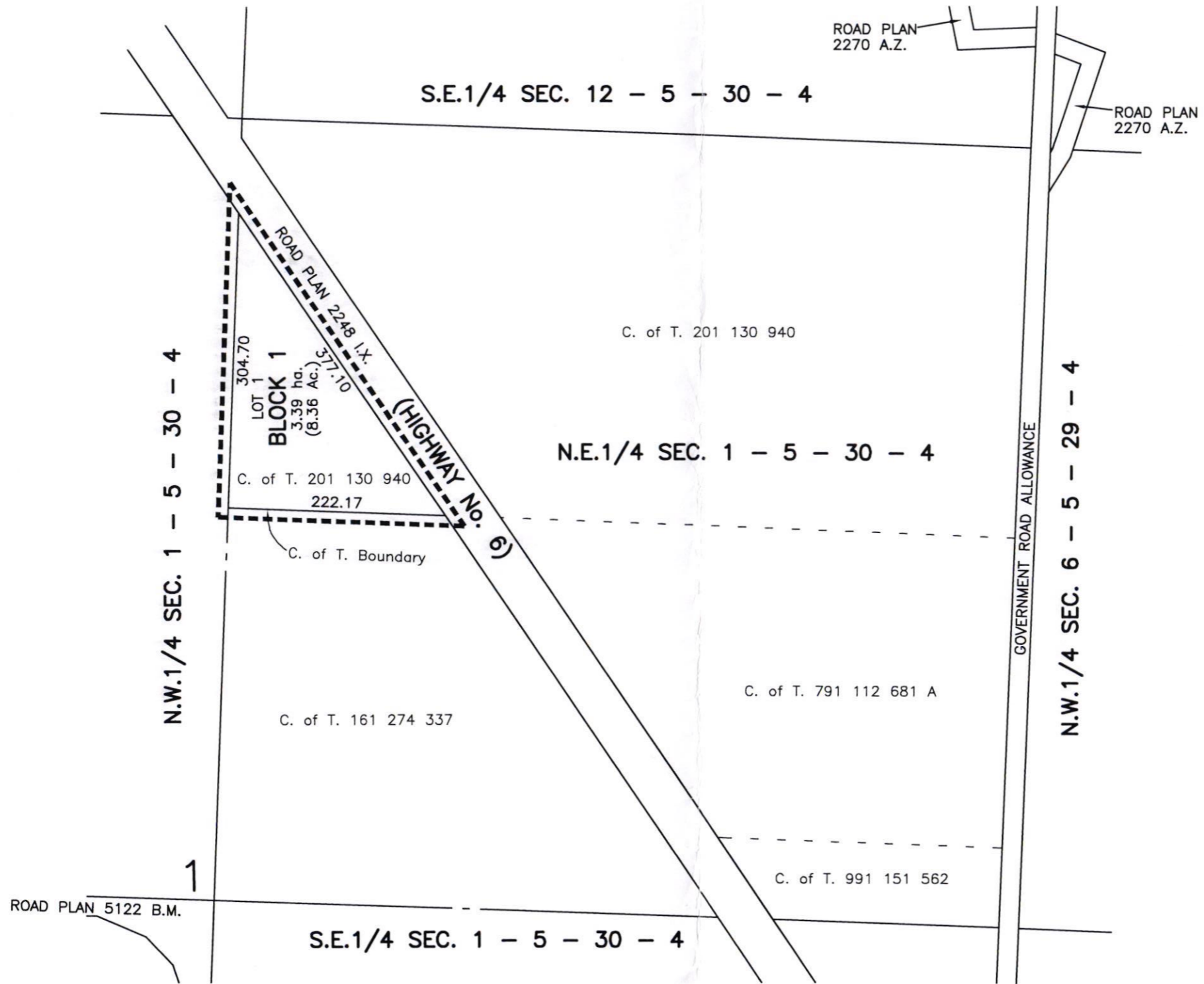
FILE No: 2021-0-092



May 04, 2021 N:\Subdivision\2021\2021-0-092.dwg



AERIAL PHOTO DATE: 2015



NO.	REVISION	DATE	BY

AUDREY ELIZABETH McRAE

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
N.E.1/4 SEC. 1; TWP. 5; RGE. 30; W.4 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

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

NOTE : Portion to be approved is outlined thus -----
and contains approximately 3.39 ha.
Distances are in metres and decimal parts thereof.

Distances and areas are approximate and are
subject to change upon final survey.

APPROVED <i>DJA</i> D. J. Amantea, A.L.S.	DRAWN CJB CHECKED DJA SCALE 1:5000	DATE APR. 27/21 JOB 21-15282 DRAWING 21-15282T
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DRAFT RESOLUTION

Our File: 2021-0-114

June 24, 2021

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

Dear Mr. MacCulloch,

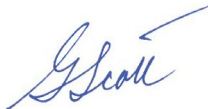
RE: NW1/4 18-9-1-W5M / M.D. of Pincher Creek No. 9

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, FortisAlberta, Apex Utilities Inc., 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

2021-0-114

M.D. of Pincher Creek No. 9 Country Residential subdivision of NW1/4 18-9-1-W5M

THAT the Country Residential subdivision of NW1/4 18-9-1-W5M (Certificate of Title No. 021 386 703 +1), to create a 14.25 acre (5.77 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into 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. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.
4. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.

INFORMATIVE:

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

(f) Alberta Health Services – Jaskiran Gill, Public Health Inspector/Executive Officer:

“In response to your June 10, 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. 2.”

(g) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 10, 2021

Date of Receipt:

June 3, 2021

Date of Completeness:

June 4, 2021

TO: Landowner: Max Muselius and Brenda Muselius

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: Antelope Butte Ranch Ltd., Berwyn J Pisony, Berwyn Joseph Pisony & Charity Hewitt, Gary William & Eva Nancy Poulsen, Mary D & Robert J & R Troy Dezall, Stephen Walter Sapeta

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 **June 29, 2021**. (Please quote our File No. **2021-0-114** in any correspondence with this office).

File No.: 2021-0-114

Legal Description: NW1/4 18-9-1-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: 021 386 703 +1

Meeting Date: July 6, 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 14.25 acre (5.77 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing residence. 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 on-site domestic well.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a 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>2021-0-114</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>June 3, 2021</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>June 4, 2021</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Max & Brenda Muselius

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

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

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

[Redacted] 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. 1 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- All/part of the NW ¼ Section 18 Township 9 Range 1 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)
- Being all/part of: Lot/Unit _____ Block _____ Plan _____
- Total area of existing parcel of land (to be subdivided) is: 64.7 hectares 160 acres
- Total number of lots to be created: 1 Size of Lot(s): 5.77 hectares(14.25 acres)
- Rural Address (if applicable): 8231 RGE RD 2-0
- Certificate of Title No.(s): 021 386 703 +1

3. LOCATION OF LAND TO BE SUBDIVIDED

- The land is located in the municipality of Municipal District of Pincher Creek No. 9
- 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 farmland and homestead
- b. Proposed use of the land subdivided homestead from rest of quarter

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.) mixed
- 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 2007
- b. Describe proposed sewage disposal: Type septic tank and field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Zachary J. Prosper, ALS (boa file: 21-15288) hereby certify that


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

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

Signed:  Date: May 31, 2021

9. RIGHT OF ENTRY

I, Brenda Muselius 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 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 831 509 5;1;9;18;NW 021 386 703 +1

LEGAL DESCRIPTION
MERIDIAN 5 RANGE 1 TOWNSHIP 9
SECTION 18
QUARTER NORTH WEST
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 991 039 539

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

OWNERS

MAX MUSELIUS

AND

BRENDA MUSELIUS

BOTH OF:

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

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		
881 025 362	17/02/1988	UTILITY RIGHT OF WAY GRANTEE - ALTAGAS SERVICES INC. AS TO PORTION OR PLAN:8710428 "TAKES PRIORITY OF CAVEAT 871011541"

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
OF WAY 001132526)

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
OF WAY 001307978)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 21 DAY OF MAY,
2021 AT 10:57 A.M.

ORDER NUMBER: 41732962

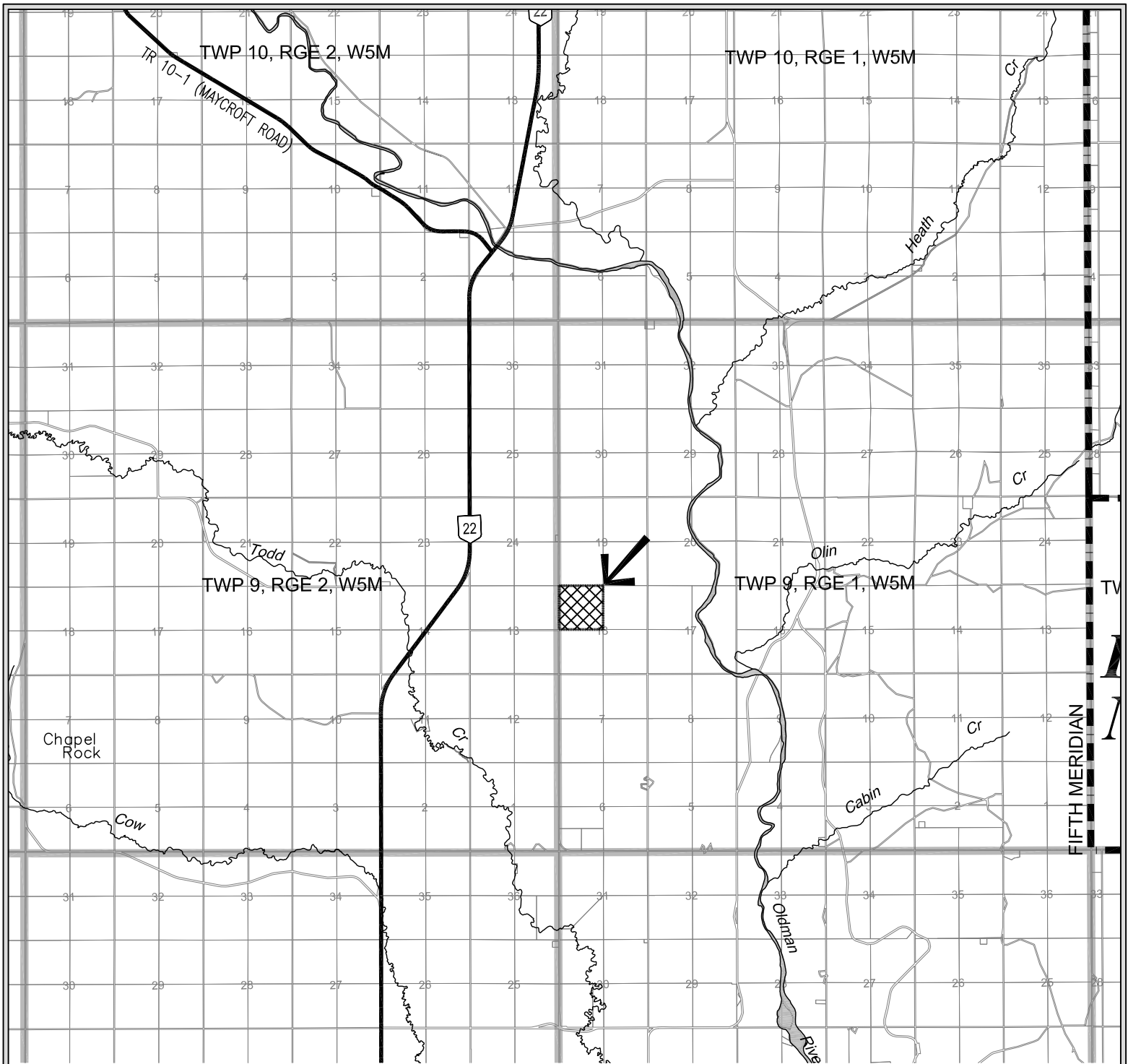
CUSTOMER FILE NUMBER:



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.

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INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



SUBDIVISION LOCATION SKETCH

NW 1/4 SEC 18, TWP 9, RGE 1, W 5 M

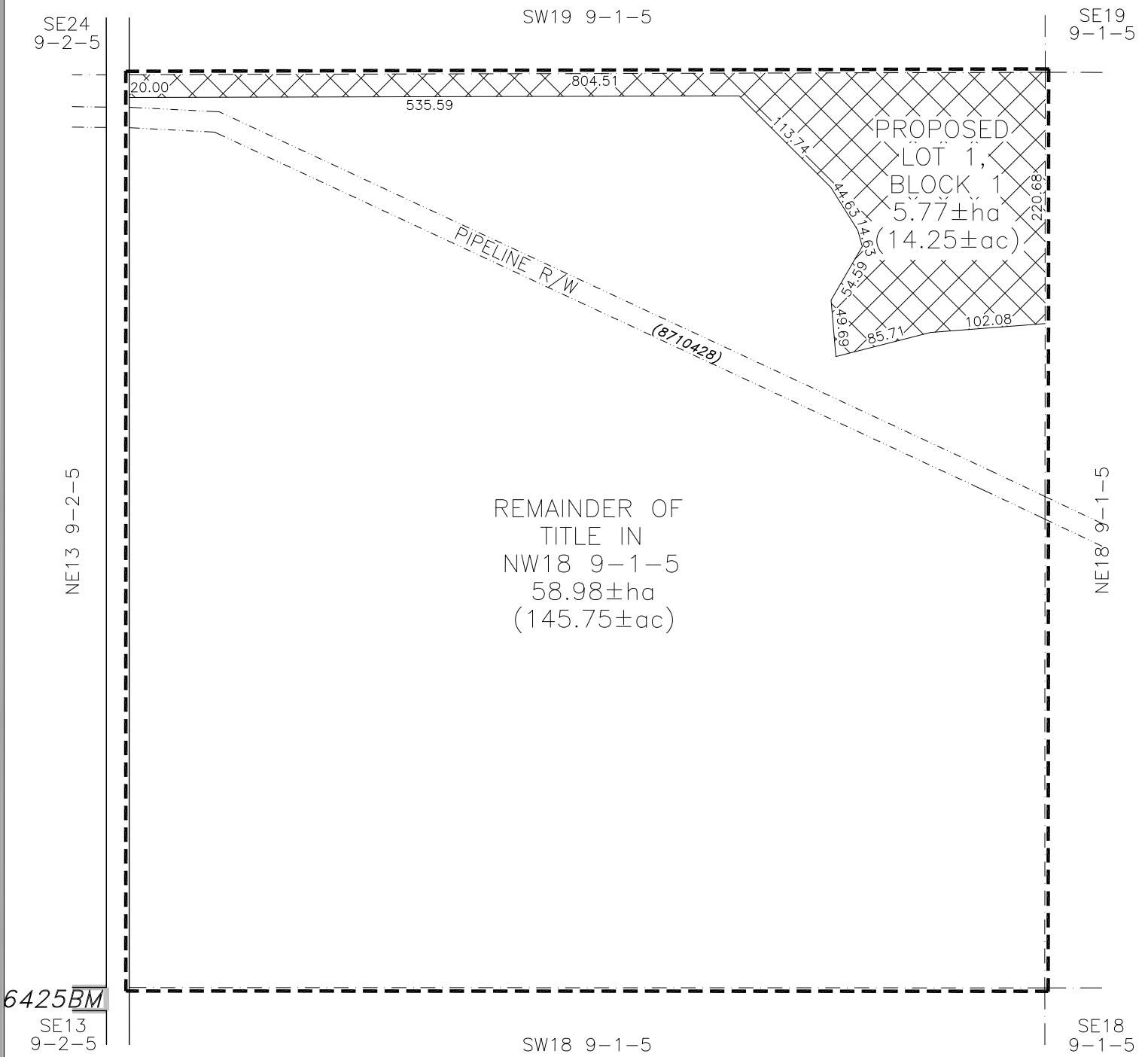
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 7, 2021

FILE No: 2021-0-114

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 3E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS





SUBDIVISION SKETCH

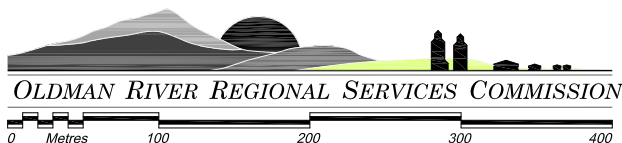
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15288T

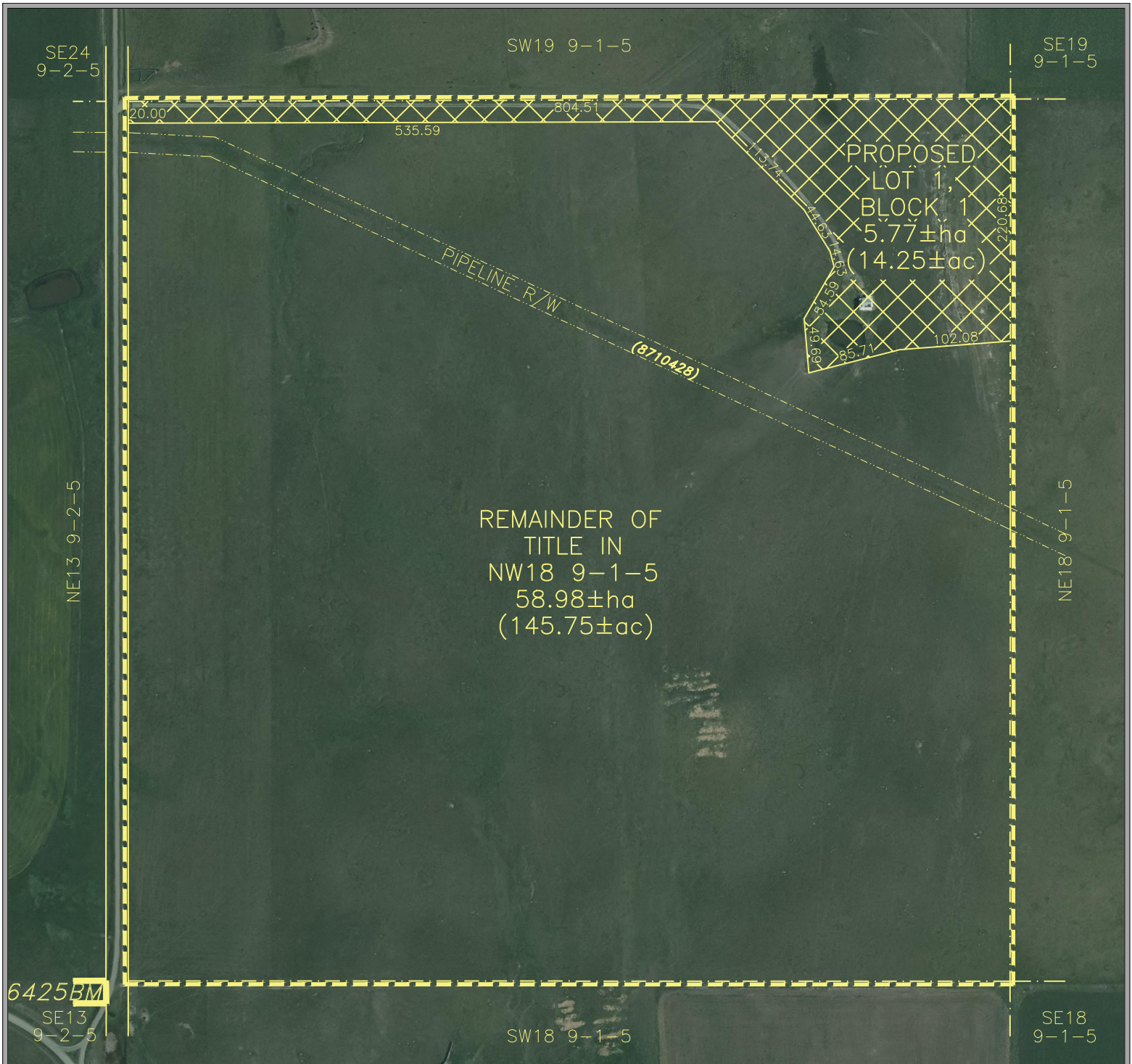
NW 1/4 SEC 18, TWP 9, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 7, 2021

FILE No: 2021-0-114





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15288T

NW 1/4 SEC 18, TWP 9, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 7, 2021

FILE No: 2021-0-114



AERIAL PHOTO DATE: 2015

