

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
MD of Pincher Creek Council Chambers
February 7th 2023
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of January 3, 2023

3. Closed Meeting Session

4. Unfinished Business

None

5. Subdivision Application

- a. Subdivision Application No. 2022-0-189
Warren Burles
NW 34-8-1 W5
- b. Subdivision Application No. 2022-0-195
L Y Investments Ltd
Lot 97, Block 4, Plan 0513736 within SW 25-4-4 W5

6. New Business

7. Next Regular Meeting March 7, 2023 6:00 pm

8. Adjournment

Meeting Minutes of the Subdivision Authority
Tuesday, January 3, 2023
6:00 pm
Go-To Virtual Meeting

IN ATTENDANCE

Members: Reeve Rick Lemire, Councillors Harold Hollingshead, Dave Cox, Tony Bruder and John MacGarva

Staff: Chief Administrative Officer Roland Milligan, Assistant Planning and Development Officer Laura McKinnon

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Absent:

COMMENCEMENT

Reeve Rick Lemire called the meeting to order, the time being 6:01 pm.

1. ADOPTION OF AGENDA

Councillor Harold Hollingshead 23/001

Moved that the Subdivision Authority Agenda for January 3, 2023, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Dave Cox 23/002

Moved that the September 3, 2022, Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor John MacGarva 23/003

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
January 3, 2023

Councillor Harold Hollingshead

23/004

Moved that the Subdivision Authority open the meeting to the public, the time being 6:11 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2022-0-174
Constance Margaret Murphy-Blomgren, Rut's Ranching Ltd.
N ½ 21-8-1 W5

Councillor Harold Hollingshead

23/005

THAT the Agricultural subdivision of N1/2 21-8-1-W5M (Certificate of Title No. 171 252 840, 071 395 798), to create a 163.85 acre (66.31 ha) parcel from a previously unsubdivided quarter section of 160.01 acres (64.76 ha) and a 3.83 acres (1.55 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into 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.
3. That the Certificate of Title 171252840 be consolidated with the adjacent 1.55ha portion of Certificate of Title 071395798 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and with waiver 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 9 of the Matters Related to Subdivision and Development Regulation.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
January 3, 2023

3. The Subdivision Authority is satisfied that with the consolidation, the proposed subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's land use bylaw.
4. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.22.

6. NEW BUSINESS

Nil

7. **NEXT MEETING** – Tuesday, February 7th, 2022; 6:00 pm.

8. ADJOURNMENT

Councillor John MacGarva

23/006

Moved that the meeting adjourn, the time being 6:13 pm.

Carried

Rick Lemire, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2022-0-189

January 30, 2023

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

Dear Mr. Milligan,

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

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, FortisAlberta, AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AB Environment & Protected Areas - M. Armstrong 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

2022-0-189

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

THAT the Agricultural subdivision of NW1/4 34-8-1-W5M (Certificate of Title No. 201 207 756 +2), to create a 9.04 acre (3.66 ha) parcel from a previously unsubdivided quarter section of 82.85 acres (33.5 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 9.04 acres at the market value of \$2,800 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 9 of the Matters Related to Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.20.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 9.04 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 9.04 acre (3.66 ha) being subdivided at \$2,800 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$2,531.20 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 Protected Areas, 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) Historical Resources – Barry Newton, Land Use Planner:

“We have reviewed the captioned subdivision application and determined that in this instance formal *Historical Resources Act* approval is not necessary, and submission of a Historic Resources application is not required.”

(g) Alberta Environment Water Infrastructure and Operations Branch has reviewed the lands in question and has no comments/concerns to add.

(h) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: January 4, 2023

Date of Receipt:

December 14, 2022

Date of Completeness:

December 14, 2022

TO: Landowner: Warren Percy Burles

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

Referral Agencies: M.D. of Pincher Creek No. 9, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AB Environment & Protected Areas - M. Armstrong, AB Environment Operations Infrastructure Branch (OIB), Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Cindy Mauthe & Michael Drake, Edward & Rosalind Kapala

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 Matters Relating to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **January 23, 2023**. (Please quote our File No. 2022-0-189 in any correspondence with this office).

File No.: 2022-0-189

Legal Description: NW1/4 34-8-1-W5M

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

Land Designation: Agriculture – A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 201 207 756 +2

Meeting Date: February 7, 2023

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 9.04 acre (3.66 ha) parcel from a title of 82.85 acres (33.5 ha) for agricultural use.

The proposal is to accommodate the subdivision of cut off parcel. Access to the lot is presently available from two developed municipal road allowances.

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 Culture, Historic Resources, shall be met prior to finalization. That the applicant submit a copy of the Historical Resources Act approval prior to registration of the plan of subdivision.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 9.04 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw): <u>Agriculture - A</u>	
Fee Submitted: <u>\$1040.00</u>	File No: <u>2022-0-189</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>December 14, 2022</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>December 14, 2022</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

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

Mailing Address: Box 61 City/Town: Cowley

Postal Code: T0K 0P0 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 NW ¼ Section 34 Township 8 Range 1 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 33.526 hectares 82.84 acres

d. Total number of lots to be created: 1 Size of Lot(s): 3.66 hectares (9.04 acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 201 207 756+2

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

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

- f. Is the land the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission? Yes No

If 'yes', please describe: _____

- g. Is the land the subject of the application is the subject of a licence, permit, approval, or other authorization granted by the Minister or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act*? Yes No

If 'yes', please describe: _____

**The Minister is responsible for the following Acts: AB Land Stewardship Act, Environmental Protection Act, Public Lands Act, Surveys Act, Water Act.*

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

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

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) grass
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) unknown
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No

If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.

- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

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

7. SEWER SERVICES

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

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Warren Burles hereby certify that

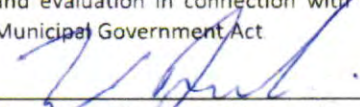
- I am the registered owner I am authorized to act on behalf of the register owner

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: _____

9. RIGHT OF ENTRY

I, Warren Burles do / do not (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act



Signature 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.



HISTORICAL LAND TITLE CERTIFICATE
CURRENT TITLE WITH HISTORICAL DATA

S
LINC SHORT LEGAL TITLE NUMBER
0038 746 335 5;1;8;34;NW 201 207 756 +2

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 8
SECTION 34
QUARTER NORTH WEST
CONTAINING 64.75 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
ROADWAY	829JK	2.473	6.11	
ROADWAY	2765JK	0.741	1.83	
DESCRIPTIVE	2011883	28.01	69.21	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 031 083 717 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
201 207 756	09/11/2020	DESCRIPTIVE PLAN		

OWNERS

WARREN PERCY BURLES
OF PO BOX 61
COWLEY
ALBERTA T0K 0P0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
901 254 940	11/10/1990	UTILITY RIGHT OF WAY GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD. BOX 38

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
201 207 756 +2

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

CARDSTON
ALBERTA T0K0K0
(DATA UPDATED BY: CHANGE OF NAME 021135792)

021 135 792 23/04/2002 CHANGE OF NAME
RE: CHIEF MOUNTAIN GAS CO-OP LTD.
BOX 38
CARDSTON
ALBERTA T0K0K0
AFFECTS INSTRUMENT: 901254940

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 13 DAY OF
DECEMBER, 2022 AT 02:21 P.M.

ORDER NUMBER: 46072275

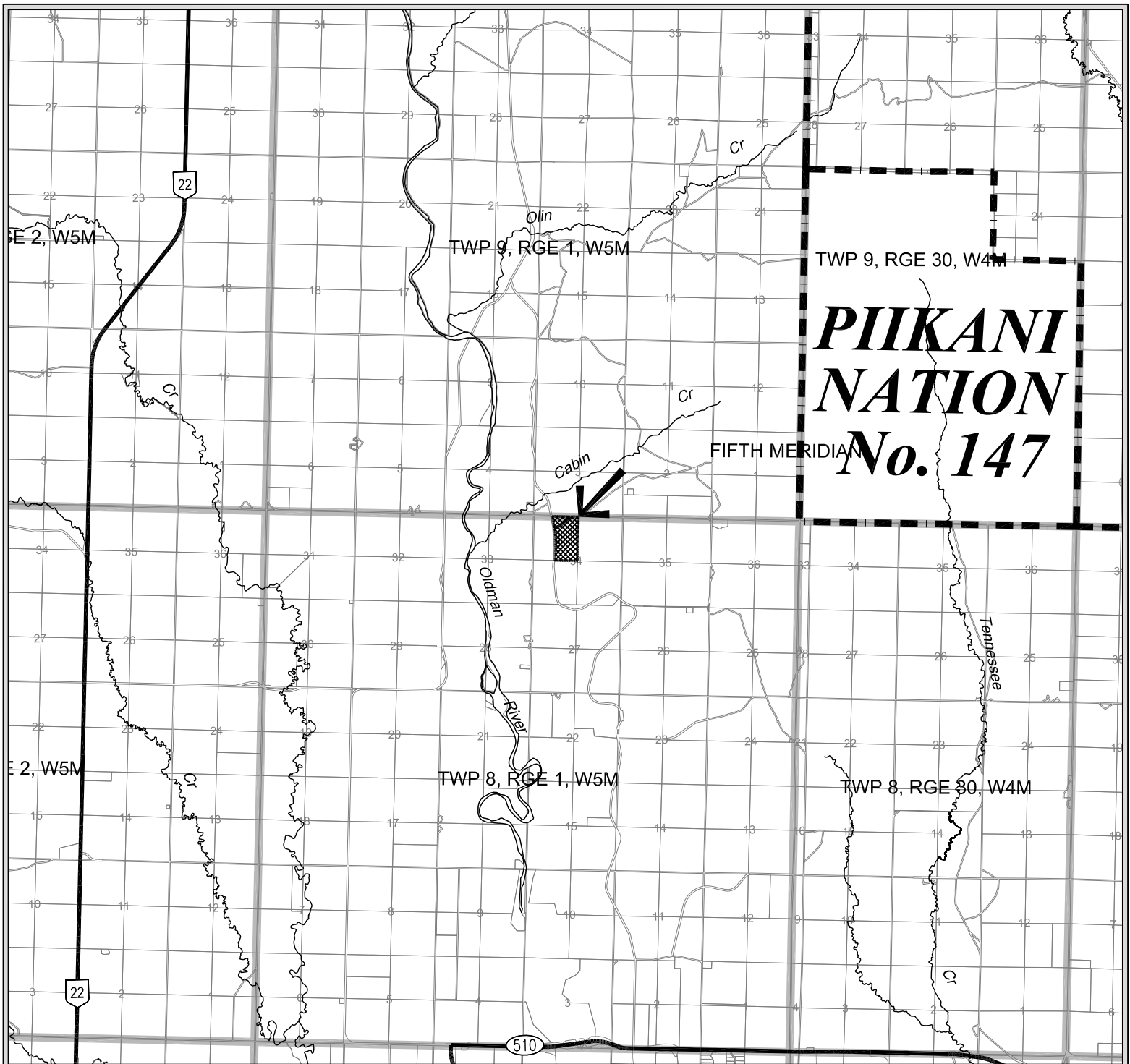
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

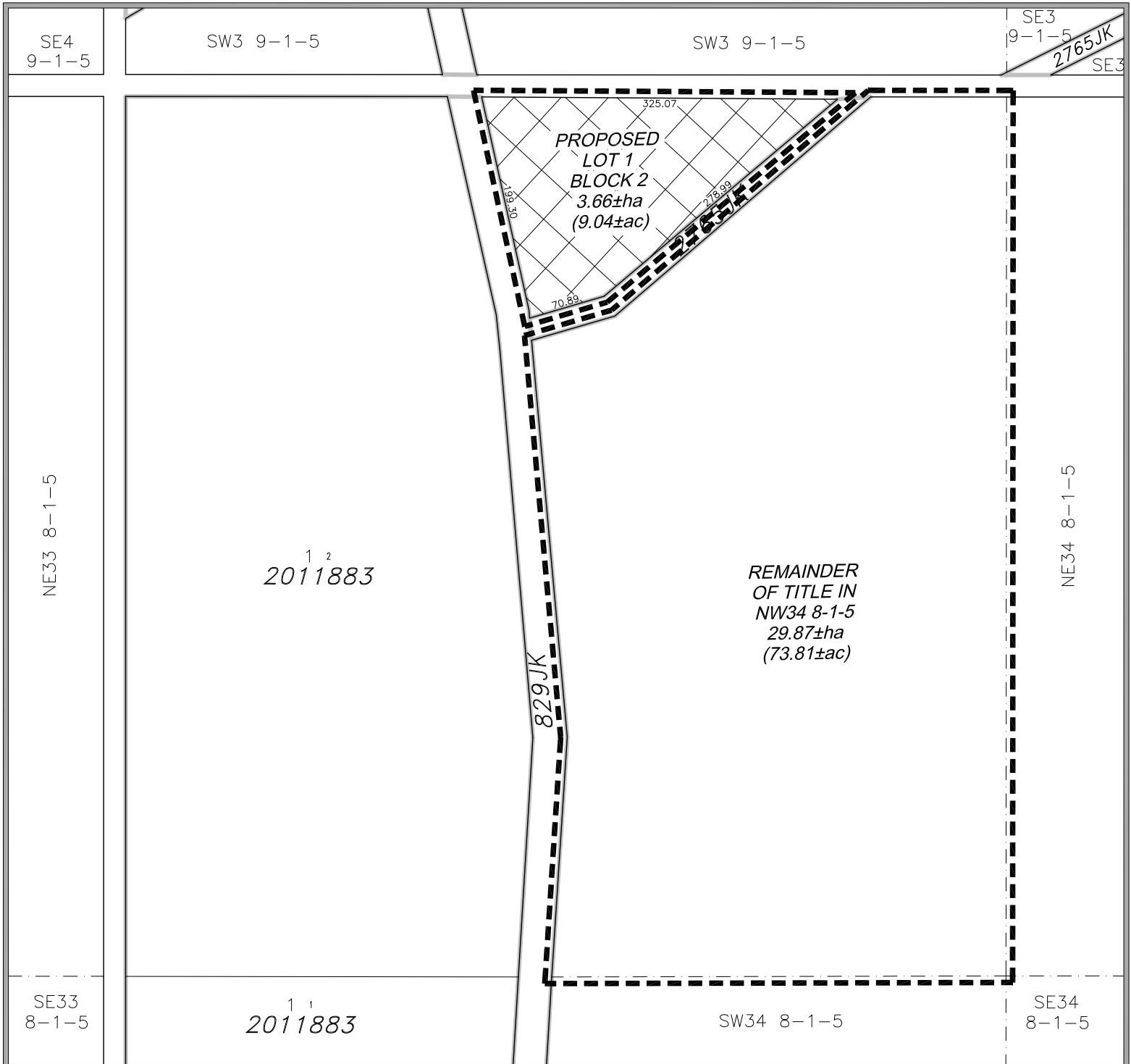
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



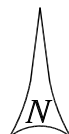
SUBDIVISION LOCATION SKETCH
WITHIN NW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: DECEMBER 21, 2022
FILE No: 2022-0-189

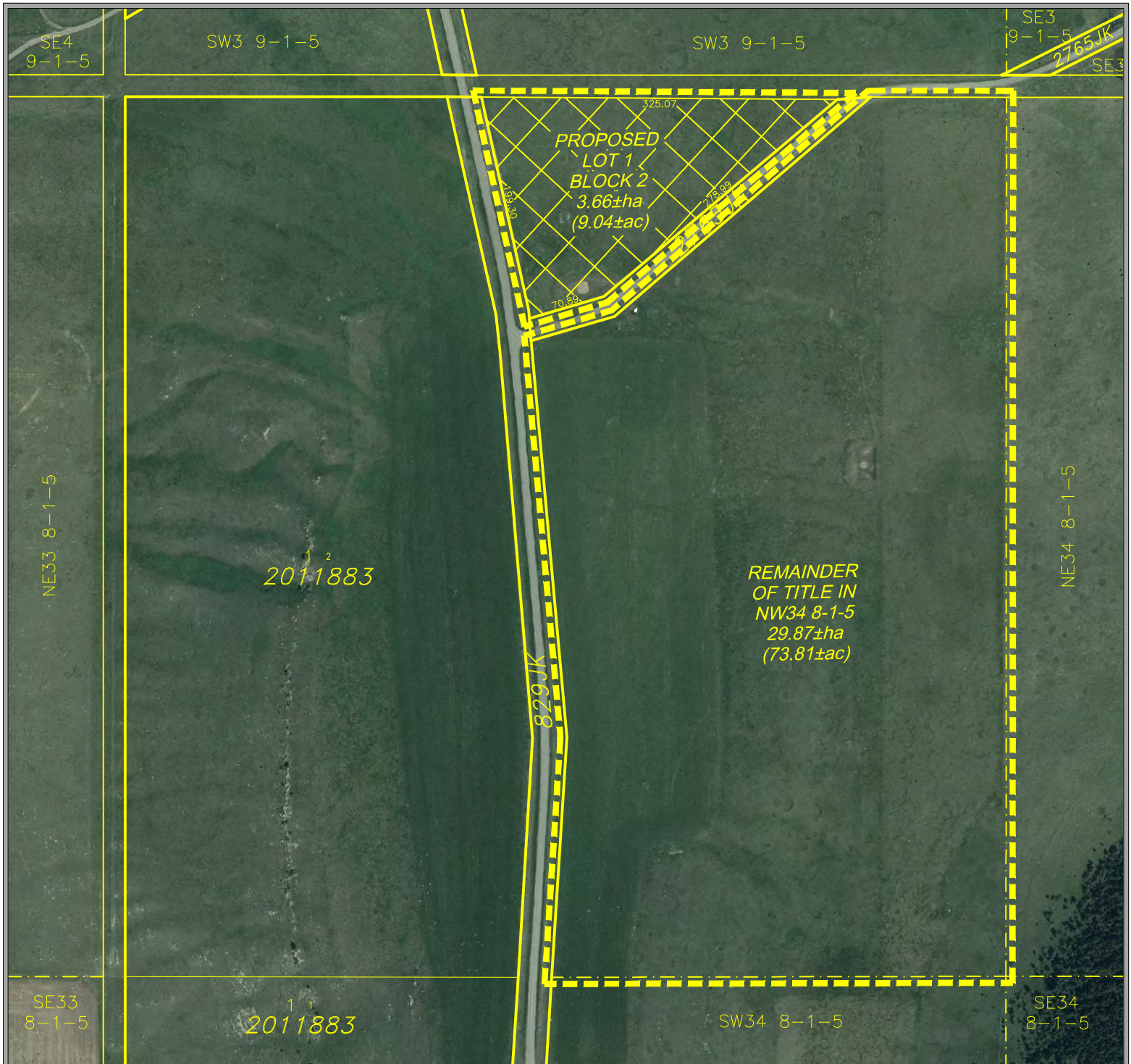
MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LEATHERBRIDGE, AB T1H 3E8
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"





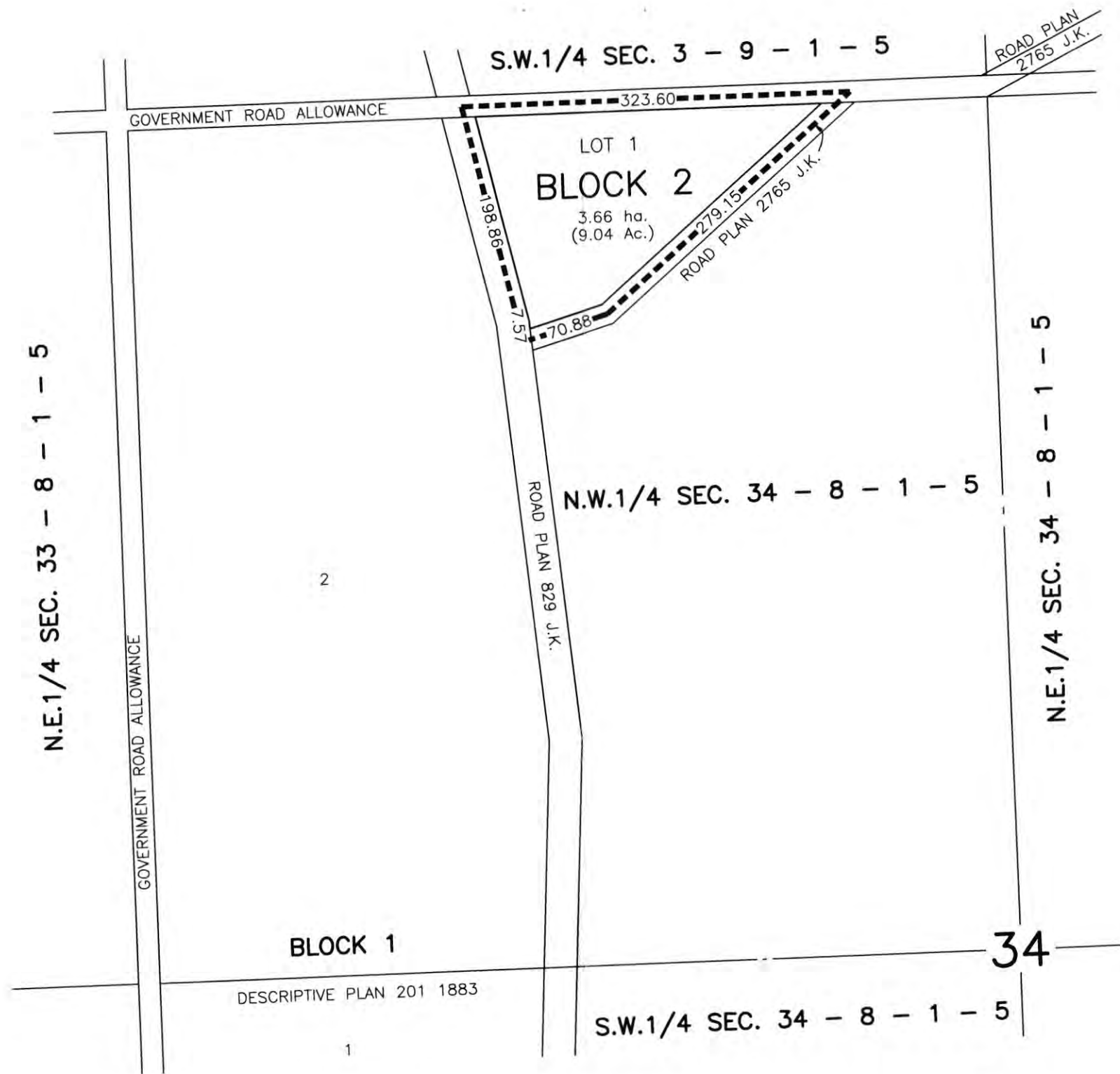
SUBDIVISION SKETCH
WITHIN NW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: DECEMBER 21, 2022
FILE No: 2022-0-189





SUBDIVISION SKETCH
 WITHIN NW 1/4 SEC 34, TWP 8, RGE 1, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: DECEMBER 21, 2022
 FILE No: 2022-0-189





NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus **-----** and contains approximately 3.66 ha. Distances are in metres and decimal parts thereof.

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

CABIN CREEK INVESTMENTS LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
N.W.1/4 SEC. 34, TWP. 8, RGE. 1, W.5 M.

M.D. of Pincher Creek No.9



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

APPROVED	DRAWN MJ	DATE DEC 13/22
	CHECKED ZJP	JOB 22-15865
	SCALE 1:5000	DRAWING 22-15865TA
Z.J. Prosper, A.L.S.		

DRAFT RESOLUTION

Our File: 2022-0-195

January 30, 2023

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

Dear Mr. Milligan,

RE: Lot 97, Block 4, Plan 0513736 within SW1/4 25-4-4-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, ATCO Pipelines, AB Environment & Protected Areas - E. Evenson, AB Environment & Protected Areas - J. Cayford 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

2022-0-195

M.D. of Pincher Creek No. 9 Residential subdivision of Lot 97, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M

THAT the Residential subdivision of Lot 97, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M (Certificate of Title No. 211 152 421), to create four leasehold lots ranging in size from 0.05 acre (0.019 ha) to 0.12 acre (0.049 ha), from a title of 0.28 acres (0.113 ha) for multi-unit 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.
3. That a party wall agreement be established in accordance with the Land Titles Act for the common shared wall between the units, which shall be registered concurrently on title with the subdivision.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to Subdivision and Development Regulation.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(d) 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 Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. (TELUS) will require a utility right of way for future facilities that will be placed to service this subdivision. Please have the developer contact circulations@telus.com to initiate a TELUS Right of Way Agreement.
- (e) Alberta Environment Water Infrastructure and Operations Branch has reviewed the lands in question and has no comments/concerns to add.
- (f) Canada Post has no comment.

(g) Alberta Transportation – Evan Neilsen, Development/Planning Technologist:

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 774 Alberta Transportation offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Alberta Transportation grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Alberta Transportation grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Alberta Transportation has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. 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 7(6)(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”

(h) In reference to the above request, please be advised of ATCO Gas’ response and notify the landowner of the following:

- ATCO Gas has no objection
- ATCO Gas has no need for a Utility Right of Way currently

ATCO Gas would also like to make the MD/County and Landowner/Developer aware of the following:

- If conducting any ground disturbance on the subject property, the landowner/developer must ensure the location of all utilities by contacting Utility Safety Partners at 1-800-242-3447 or <https://utility-safety.ca/>
- For any ground disturbance within 30m of an existing gas line please contact Crossings@atcogas.com to obtain permission (submit locate slip as back up)
- ATCO Gas requires a minimum of 6 months’ notice to design and construct a new gas line, or alter an existing gas line. New Service installations, pipeline alterations, and Main extensions will be performed at the landowner/developers expense.
- If the landowner requires a single gas service please visit <https://gas.atco.com/en-ca/products-services-rates/new-services-changes/new-natural-gas-line.html>

Any further questions please email southlandadmin@atco.com.

(i) 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.

CHAIRMAN

DATE



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

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: January 11, 2023

Date of Receipt: December 22, 2022

Date of Completeness: January 3, 2023

TO: Landowners: L Y Investments Ltd., Jawd Holdings Inc., GC & JC Investments Ltd.

Agent or Surveyor: Thomas C. Penner, A.L.S.,

Referral Agencies: M.D. of Pincher Creek No. 9, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Environment & Protected Areas - E. Evenson, AB Environment & Protected Areas - J. Cayford, AB Transportation, AER, Canada Post

Adjacent Landowners: Castle Mountain Resort Inc., Chad and Lori-Ann Lerner, Harvey and Della Poulsen, Jacqueline Macknight, Timber-Tech Truss Systems Ltd, Vera and Stephen Soroka

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 Matters Relating to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **January 30, 2023**. (Please quote our File No. **2022-0-195** in any correspondence with this office).

File No: 2022-0-195

Legal Description: Lot 97, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M

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

Land Designation: Castle Mountain Medium Density Residential - CMMDR
(Zoning)

Existing Use: Residential

Proposed Use: Residential

of Lots Created: 4

Certificate of Title: 211 152 421

Proposal: To create four leasehold lots ranging in size from 0.05 acre (0.019 ha) to 0.12 acre (0.049 ha), from a title of 0.28 acres (0.113 ha) for multi-unit residential use.

Planner's Preliminary Comments:

The purpose of this application is to create four leasehold lots ranging in size from 0.05 acre (0.019 ha) to 0.12 acre (0.049 ha), from a title of 0.28 acres (0.113 ha) for multi-unit residential use.

The proposal is to accommodate the subdivision of a multi-unit building into individual leasehold lots by subdividing along the party wall of each unit. Access to the lot is presently granted from an existing private road internal to Castle Mountain Resort. The existing building is serviced by a communal sewer and water system.

This proposal complies with the subdivision criteria of the MD of Pincher Creek's Municipal Development Plan, Castle Mountain Resort 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 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.
7. That a party wall agreement be established in accordance with the Land Titles Act for the common shared wall between the units, which shall be registered concurrently on title with the subdivision.

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(d) of the MGA, as it has been previously satisfied.

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

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1700.00	File No: 2022-0-195
APPLICATION SUBMISSION	
Date of Receipt: December 22, 2022	Received By: <i>[Signature]</i>
Date Deemed Complete: Jan 3, 2023	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: LY INVESTMENTS LTD/JAWD HOLDINGS INC./GC & JC INVESTMENTS LTD.
Mailing Address: BOX 4225, STN MAIN **City/Town:** TABER
Postal Code: T1G 2C7 **Telephone:** _____ **Cell:** [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: Thomas C. Penner, ALS brown okamura & associates ltd.
Mailing Address: 2830 - 12 Avenue North **City/Town:** Lethbridge
Postal Code: T1H 5J9 **Telephone:** 403-329-4688 ext 128 **Cell:** _____
Email: thomas@bokamura.com **Preferred Method of Correspondence:** Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian (e.g. SE¼ 36-1-36-W4M)
b. Being all/part of: Lot/Unit 97 Block 4 Plan 0513736
c. Total area of existing parcel of land (to be subdivided) is: 0.113 hectares 0.28 acres
d. Total number of lots to be created: 4 Size of Lot(s): 0.019 ha - 0.049 ha
e. Rural Address (if applicable): 429-432 Star Light Way, Castle Mountain Resort
f. Certificate of Title No.(s): 211 152 421

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD OF PINCHER CREEK

b. Is the land situated immediately adjacent to the municipal boundary? Yes No
If "yes", the adjoining municipality is _____

c. Is the land situated within 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

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

- f. Is the land the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission? Yes No

If 'yes', please describe: _____

- g. Is the land the subject of the application is the subject of a licence, permit, approval, or other authorization granted by the Minister or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act*? Yes No

If 'yes', please describe: _____

**The Minister is responsible for the following Acts: AB Land Stewardship Act, Environmental Protection Act, Public Lands Act, Surveys Act, Water Act.*

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land 4 PLEX DEVELOPMENT
- b. Proposed use of the land 4 PLEX DEVELOPMENT

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.)
N/A
- 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.
4 PLEX

- 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 LOCAL SYSTEM - CMR (CASTLE MOUNTAIN RESORT)
- b. Describe proposed source of potable water LOCAL SYSTEM - CMR

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type LOCAL SYSTEM - CMR Year Installed _____
- b. Describe proposed sewage disposal: Type LOCAL SYSTEM - CMR

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Thomas C. Penner, ALS hereby certify that

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

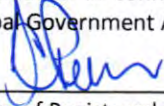
and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

Signed: 

Date: Dec 22/22

9. RIGHT OF ENTRY

I, THOMAS PENNER, ON BEHALF OF THE OWNERS 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)

Agent.

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
0032 101 800 0513736;4;97 211 152 421

LEGAL DESCRIPTION
PLAN 0513736
BLOCK 4
LOT 97
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: LEASEHOLD , FOR A TERM OF 40 YEARS
COMMENCING ON THE 15 DAY OF MARCH , 2015

ATS REFERENCE: 5;4;4;25;SW

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 211 076 273

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
211 152 421	10/08/2021	TRANSFER OF LEASEHOLD TITLE	\$100,000	\$100,000

OWNERS

L Y INVESTMENTS LTD.
OF C/O PO BOX 4225, STATION MAIN
TABER
ALBERTA T1G 2C7
AS TO AN UNDIVIDED 1/2 INTEREST

JAWD HOLDINGS INC.
OF 1, 704-4 AVE NORTH
LETHBRIDGE
ALBERTA T1H 6X4
AS TO AN UNDIVIDED 1/4 INTEREST

GC & JC INVESTMENTS LTD.
OF 1, 704-4 AVE NORTH
LETHBRIDGE
ALBERTA T1H 6X4
AS TO AN UNDIVIDED 1/4 INTEREST

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
211 152 421

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

SEE TITLE FOR ESTATE OF LARGER EXTENT,
IF ANY, FOR REGISTRATIONS PRIOR TO LEASE

151 091 696 09/04/2015 AGREEMENT
LEASE AMENDING AGREEMENT

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 22 DAY OF
DECEMBER, 2022 AT 01:58 P.M.

ORDER NUMBER: 46135706

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).

TWP 5, RGE 4, W5M

TWP 5, RGE 3, W5M

774

Beaver
Mines
Lake

TWP 4, RGE 4, W5M

TWP 4, RGE 3, W5M

SUBDIVISION LOCATION SKETCH

LOT 97; BLOCK 4; PLAN 0513736

SW 1/4 SEC 25, TWP 4, RGE 4, W 5 M

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

DATE: JANUARY 3, 2023

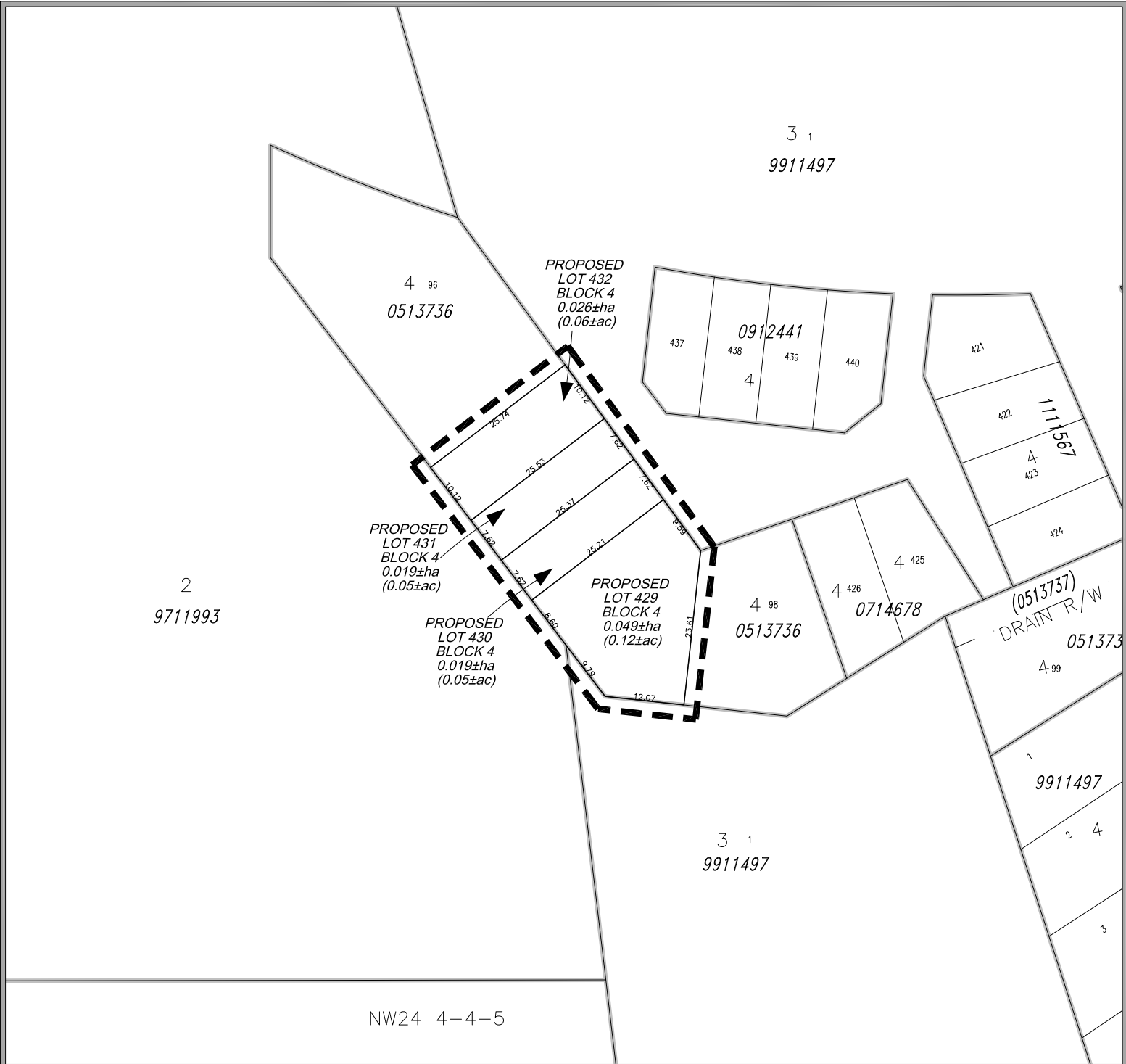
FILE No: 2022-0-195

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



January 05, 2023 N:\Subdivision\2022\2022-0-195.dwg





SUBDIVISION SKETCH

LOT 97; BLOCK 4; PLAN 0513736

SW 1/4 SEC 25, TWP 4, RGE 4, W 5 M

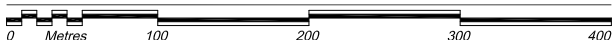
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: JANUARY 3, 2023

FILE No: 2022-0-195

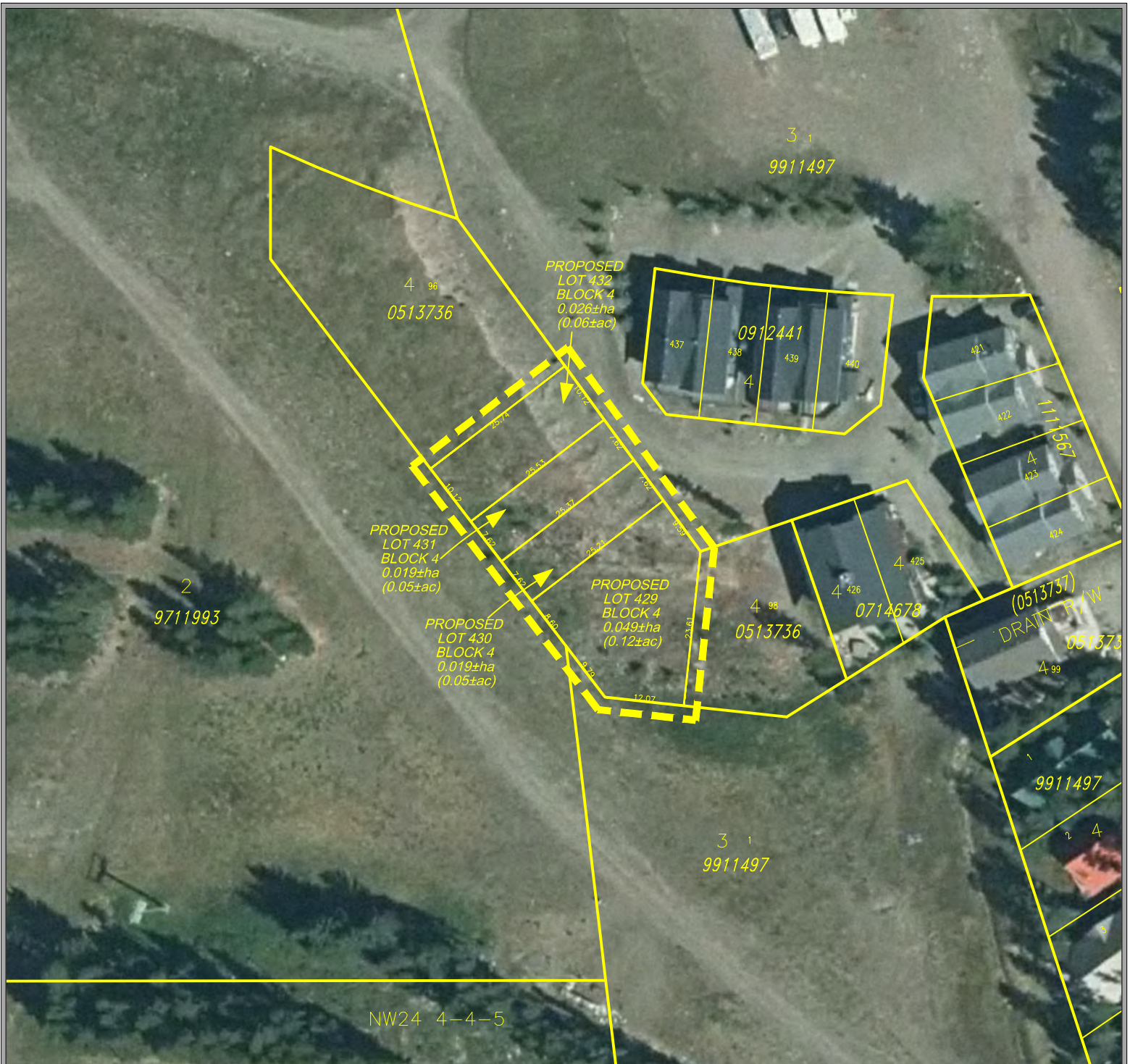


OLDMAN RIVER REGIONAL SERVICES COMMISSION



January 05, 2023 N:\Subdivision\2022\2022-0-195.dwg





SUBDIVISION SKETCH

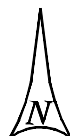
LOT 97; BLOCK 4; PLAN 0513736

SW 1/4 SEC 25, TWP 4, RGE 4, W 5 M

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

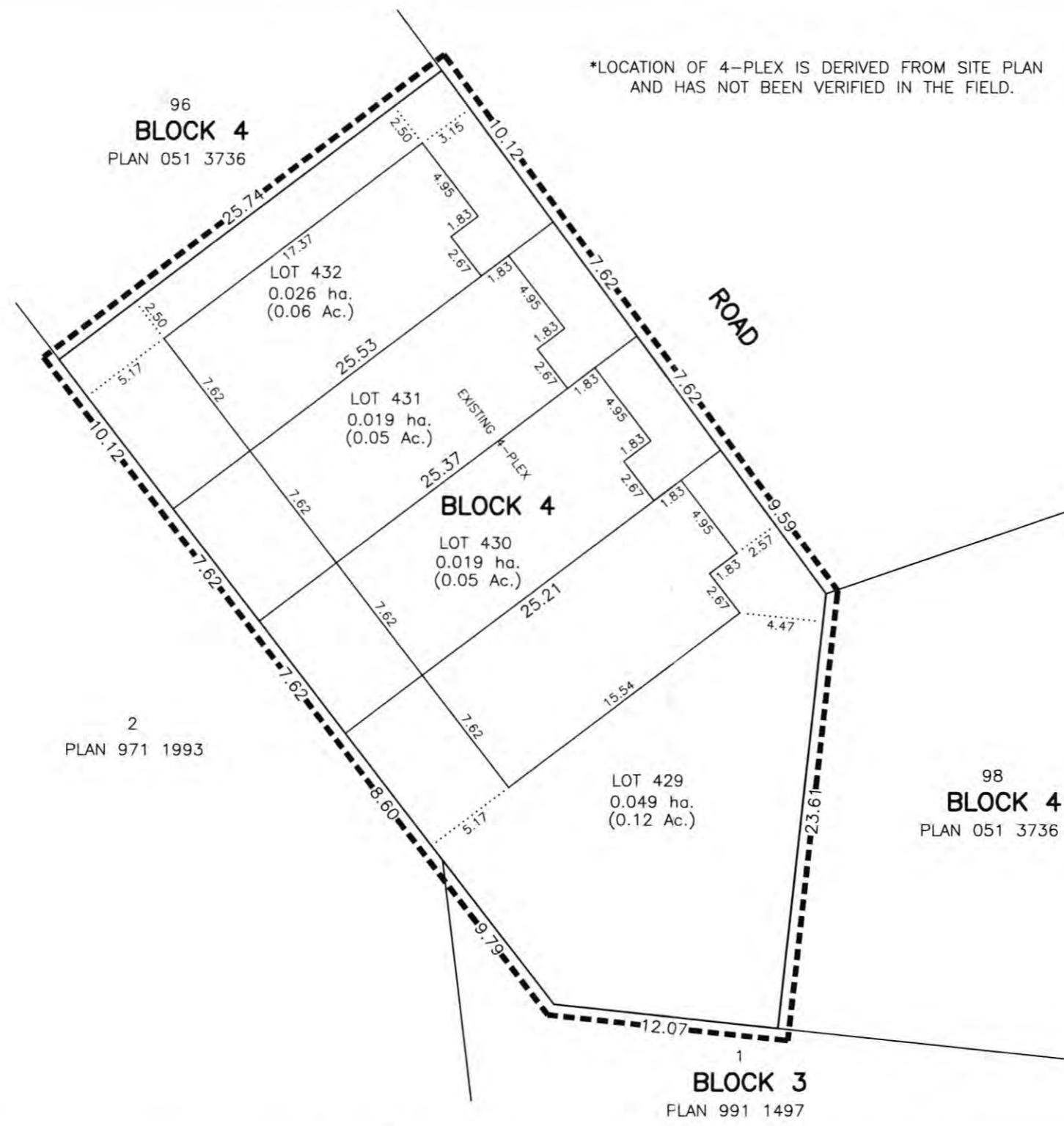
DATE: JANUARY 3, 2023

FILE No: 2022-0-195



January 05, 2023 N:\Subdivision\2022\2022-0-195.dwg

AERIAL PHOTO DATE: 2015



*LOCATION OF 4-PLEX IS DERIVED FROM SITE PLAN AND HAS NOT BEEN VERIFIED IN THE FIELD.

96
BLOCK 4
PLAN 051 3736

2
PLAN 971 1993

98
BLOCK 4
PLAN 051 3736

1
BLOCK 3
PLAN 991 1497

L Y INVESTMENTS LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
FOR LEASEHOLD PURPOSES

of
LOT 97, BLOCK 4, PLAN 051 3736
within
S.W.1/4 SEC. 25, TWP. 4, RGE. 4, W.5 M.
M.D. of Pincher Creek No. 9



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

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus **-----**
and contains approximately 0.113 ha.
Distances are in metres and decimal parts thereof.

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

APPROVED T.C. Penner, A.L.S.	DRAWN MJ	DATE DEC 14/22
	CHECKED TCP	JOB 22-15878
	SCALE 1:300	DRAWING 22-15878TA