

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
September 7, 2021
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of August 3, 2021

3. Closed Meeting Session

4. Unfinished Business

5. Subdivision Application

- a. Subdivision Application No. 2021-0-141
Rea Tarnava
SW1/4 1-9-3-W5M
- b. Subdivision Application No. 2021-0-153
William David Gerald Yates & Susan Frances Yates
NE1/4 2-8-30-W4M
- c. Subdivision Application No. 2021-0-156
Lazy R Ranch Inc.
SW1/4 18-3-29-W4M

6. New Business

7. Next Regular Meeting October 5, 2021 6:00 pm

8. Adjournment

Meeting Minutes of the Subdivision Authority
Tuesday, August 3, 2021; 6:00 pm
MD of Pincher Creek No. 9

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors' Quentin Stevick, 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 and Councillor Rick Lemire

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Quentin Stevick 21/044

Moved that the Subdivision Authority Agenda for August 3, 2021, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos 21/045

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

Carried

3. CLOSED MEETING SESSION

Councillor Bev Everts 21/046

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 6:00 pm.

Carried

Councillor Terry Yagos 21/047

Moved that the Subdivision Authority open the meeting to the public, the time being 6:28 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
August 3, 2021

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2021-0-124
Edward Cervo, Audrey Alice Cervo and Norman Adrian Cervo
S1/2 14-7-3-W5M

Councillor Terry Yagos

21/048

Moved that the Agricultural & Country Residential subdivision of S1/2 14-7-3-W5M (Certificate of Title No. 051163 851 +2, 051 163 851 +4), to create a 9.72 acre (3.93 ha) lot and a 111.00 acre (44.92 ha) lot from 2 titles of 170.80 acres (69.12 ha) and 56.19 acres (22.74 ha) respectively for country residential and 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 9.72 acres (proposed Lot 1) at the market value of \$4,000 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into 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 portions of titles described as Lot 2 be consolidated as described in the tentative plan (BOA file 20-14772T) in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the remainder portions lying south of the railway right-of-way and those between the railway and the highway be consolidated into two lots running on either side of the railway, in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
5. That the applicant is responsible, at their expense, for carrying out any requirements of the provincial Historical Resources Administrator with respect to the Historical Resources Act prior to registration of the plan of subdivision.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
August 3, 2021

Carried

- b.** Subdivision Application 2021-0-128
Mark Burles
NE1/4 16-9-1-W5M

Councillor Bev Everts

21-049

Moved that the Agricultural subdivision of NE1/4 16-9-1-W5M (Certificate of Title No. 111 221 296), to create two cut off parcels being 69.13 acre (27.98 ha) and 4.35 acre (1.76 ha) respectively, from a previously unsubdivided quarter section of 147.89 acres (59.85 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.

Carried

- c.** Subdivision Application No. 2021-0-129
Mark Burles
SE1/4 16-9-1 W5M

Councillor Terry Yagos

21-050

Moved that the Agricultural subdivision of SE1/4 16-9-1-W5M (Certificate of Title No. 031 080 073), to create a 15.81 acre (6.40 ha) parcel from a previously unsubdivided quarter section of 153.15 acres (61.97 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.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
August 3, 2021

- d.** Subdivision Application No. 2021-0-130
Kenneth W Fast & Sharon A Fast
Lots 5 – 10, Block 15, Plan 7850AL within SW1/4 10-6-2-W5M

Councillor Bev Everts

21/051

Moved that the Residential subdivision of Lots 5-10, Block 15, Plan 7850AL within SW1/4 10-6-2-W5M (Certificate of Title No. 781 154 503), to create a 0.14 acre (0.06 ha) parcel from a title of 0.42 acres (0.16 ha) for 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 existing Lots 9-10 Block 15 Plan 7850AL be consolidated in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That existing Lots 5-8 Block 15 Plan 7850AL be consolidated 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

Nil

- 7. NEXT MEETING** – Tuesday, September 7, 2021; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

21/052

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

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2021-0-141

August 30, 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 1-9-3-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, ATCO Pipelines, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, 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

2021-0-141

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 1-9-3-W5M

THAT the Country Residential subdivision of SW1/4 1-9-3-W5M (Certificate of Title No. 201 192 380), to create a 6.94 acre (2.81 ha) parcel from a (previously unsubdivided quarter section/ or title) of 143.16 acres (57.9 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 6.94 acres at the market value of \$3,200 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into 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.14.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 6.94 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 6.94 acre (2.81 ha) being subdivided at \$3,200 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$2,220.80 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) Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 781 035 372.

Therefore, ATCO Gas has no objection to the proposed subdivision.

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

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

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

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

(g) Alberta Environment & Parks – Michael Taje, Public Land Management Specialist:

“I have 2 comments with regards to this request

1. the proposed subdivision of 6.94 +ac, is associated with Cow Creek. The Bed and shore is considered Crown Claimable and by definition is Public Land as identified as per Section 3(1) of the Public Lands Act. There will no activity within Cow Creek unless this is Public Lands Authorization or approval
2. It is recommended that development is set back from Cow Creek as per Stepping back from the Water: a beneficial management practices guide for new development neat water bodies in Alberta’s settled region (2012)
3. As for the remainder 136.22(+/-) there will be no permitted access from Public Land located at NW36 8 3 W5M

If you have any questions please call me.”

(h) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 17, 2021

Date of Receipt:

July 12, 2021

Date of Completeness:

August 12, 2021

TO: Landowner: Rea Tarnava

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

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, AB Environment & Parks - J. Cayford, AB Environment & Parks - M. Taje, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Berwyn Pisony, Bradley Pisony, Brady Douglas, Carolyn Lastuska, Clarence & Barba Giesbrecht, Dirk Bollman-Schulte, Paula Reedyk, Randall Warren & Randal Glaholt, Robert & Allison Oxoby, Roger & Cathy Pisony, Thomas & Pamela Gross

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 **September 6, 2021**. (Please quote our File No. **2021-0-141** in any correspondence with this office).

File No.: 2021-0-141

Legal Description: SW1/4 1-9-3-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: 201 192 380

Meeting Date: September 7, 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 6.94 acre (2.81 ha) parcel from a (previously unsubdivided quarter section/ or title) of 143.16 acres (57.9 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing residence, 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 off-site domestic well (400' south of the driveway). The water well has been registered with Alberta Environment to service both the proposed and existing parcels.

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.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 6.94 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.

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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>2021-0-141</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>July 12, 2021</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>Aug 12, 2021</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Rea Elizabeth Tarnava

Mailing Address: _____ City/Town: Calgary

Postal Code: _____ Telephone: _____ Cell: same

Email: _____ of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): None

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: David Amantea, A.I.S., C.I.S., P.Eng.

Mailing Address: 2830 – 12th Avenue North City/Town: Lethbridge

Postal Code: T1H 5J9 Telephone: (403) 329-4688x129 Cell: _____

Email: d.amantea@bokamura.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- All/part of the SW ¼ Section 1 Township 9 Range 3 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: _____ hectares 150 acres
- Total number of lots to be created: one Size of Lot(s): 400' x 756' (nearly 7 acres)
- Rural Address (if applicable): _____
- Certificate of Title No.(s): 201 192 380

3. LOCATION OF LAND TO BE SUBDIVIDED

- The land is located in the municipality of MD of Pincher Creek
- 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 Small seasonal branch of Cow Creek
- 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 (pasture)
- b. Proposed use of the land Homestead and Agriculture (pasture)

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

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

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

New 1056 square foot RTM bungalow being delivered July 26. Grading, septic, electrical, water all completed.

- 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 (water line completed to house)
- b. Describe proposed source of potable water _____

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type septic (pressurized mound) Year Installed 2021 (new)
- b. Describe proposed sewage disposal: Type _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Rea Elizabeth Tarnava 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: July 11, 2021

9. RIGHT OF ENTRY

I, Rea Elizabeth Tarnava **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; right is granted pursuant to Section 653(2) of the Municipal Government Act


Signature of Registered Owner(s)

**I would like the option of meeting the Commission or municipality on site when conducting site inspection please.

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

TO: MEL, CHARLES

FROM: ALTA Production

08:27MST

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PAGE 2

CERTIFICATE OF TITLE

TITLE NUMBER: 201 192 380

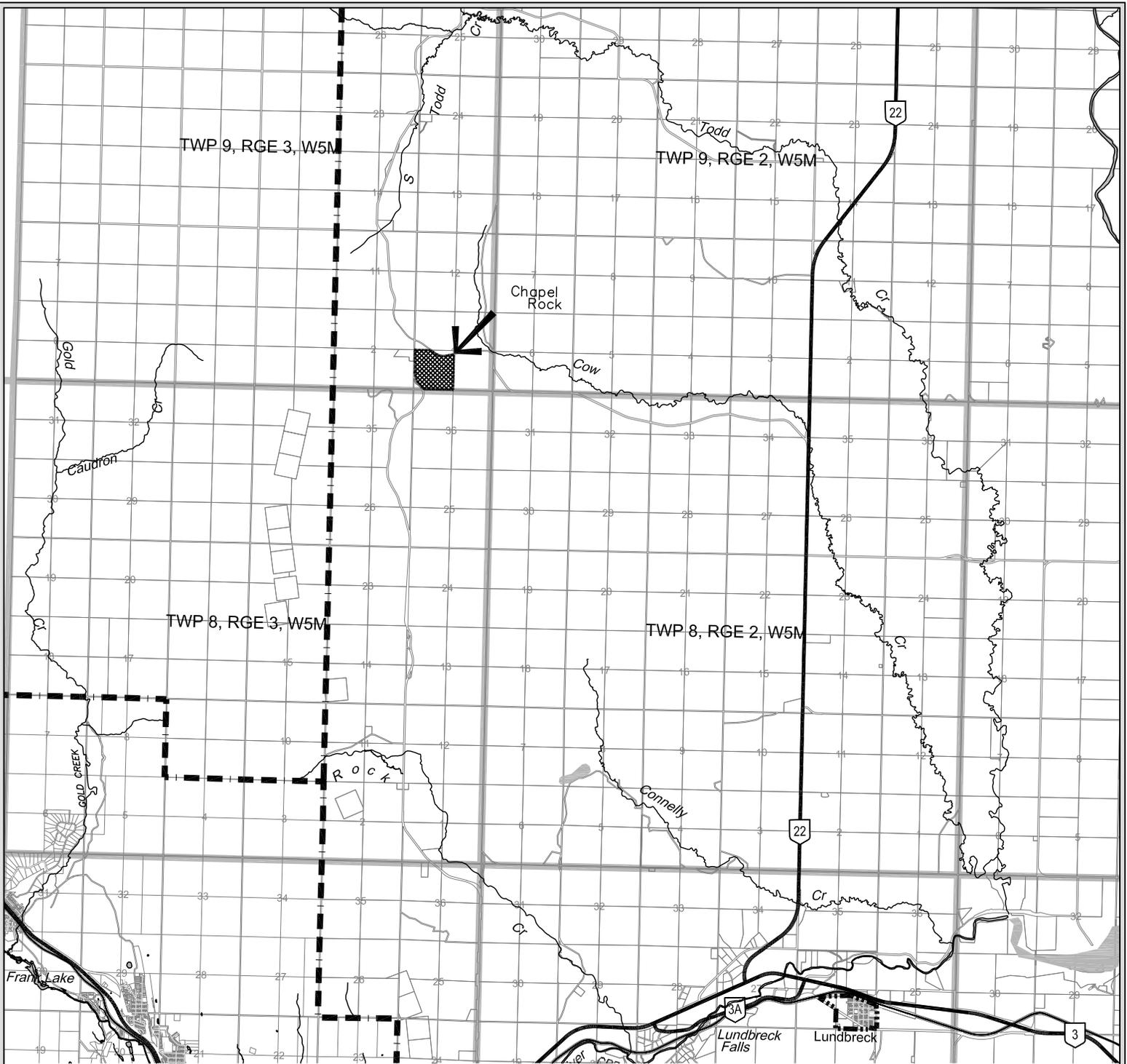
THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF
THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 22 DAY OF OCTOBER ,2020



SUPPLEMENTARY INFORMATION

[REDACTED]

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
REFERENCE NUMBER:
161 279 445
TOTAL INSTRUMENTS: 001



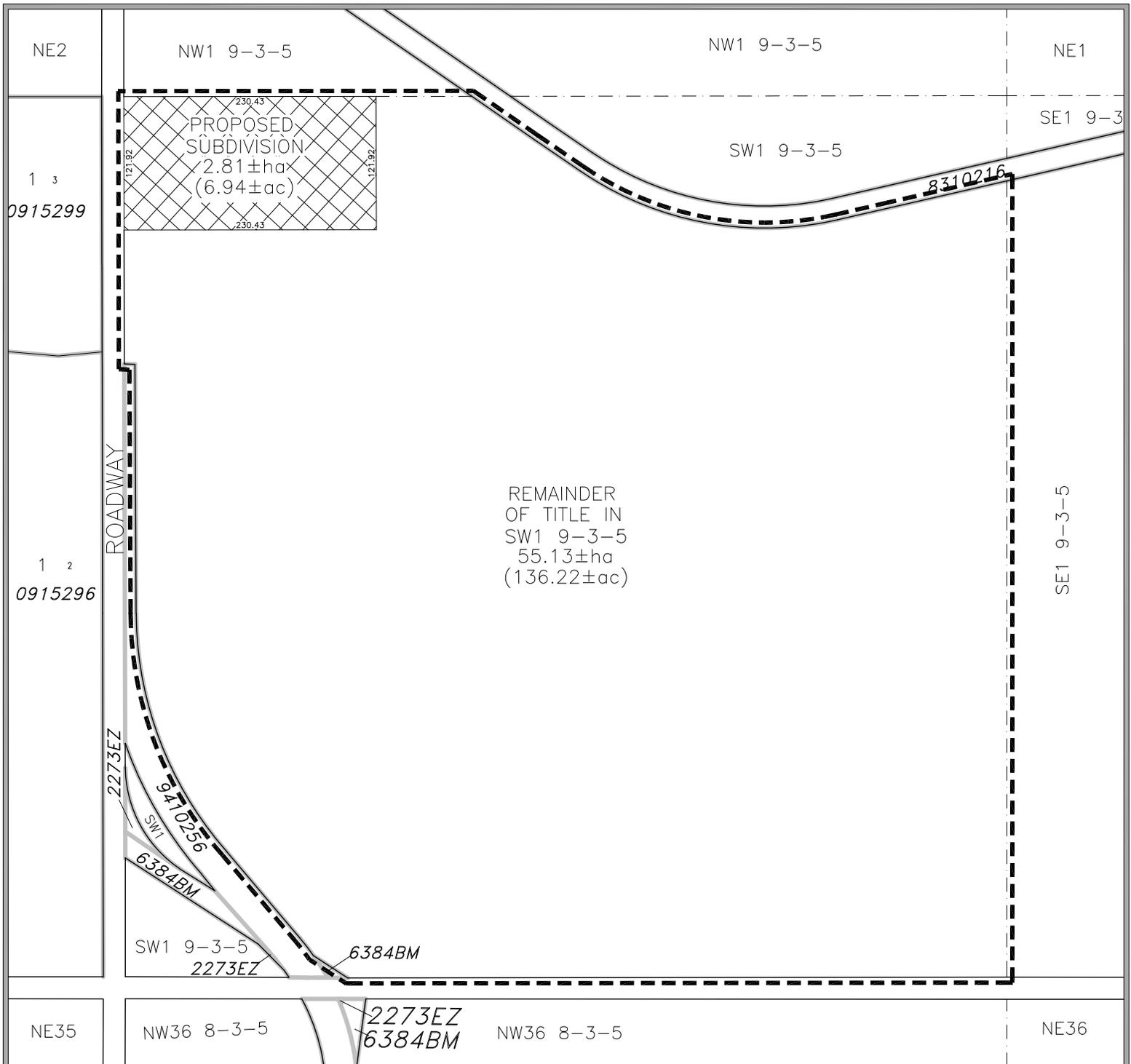
SUBDIVISION LOCATION SKETCH
WITHIN SW 1/4 SEC 1, TWP 9, RGE 3, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK
DATE: AUGUST 12, 2021
FILE No: 2021-0-141

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



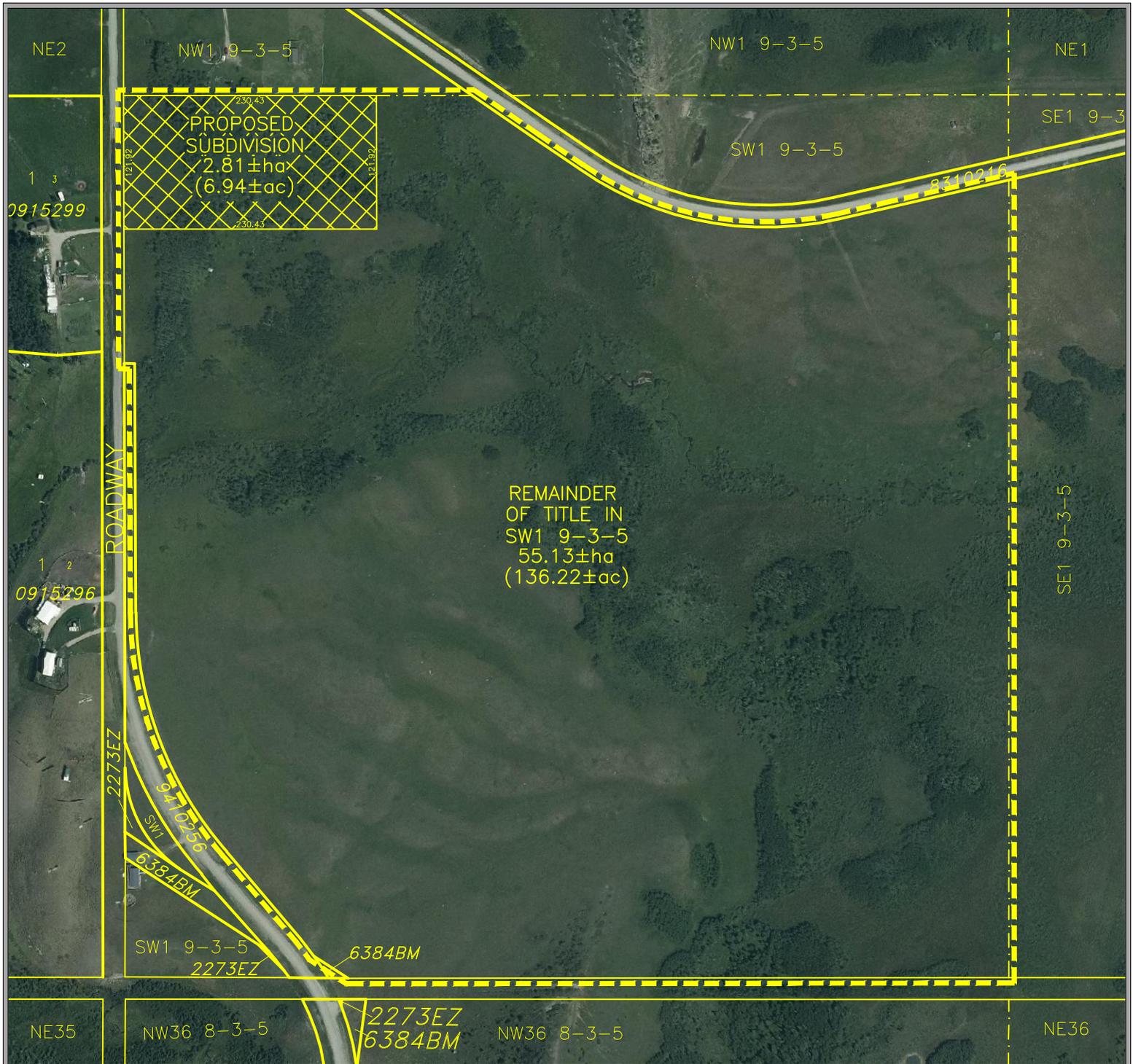
August 13, 2021 N:\Subdivision\2021\2021-0-141.dwg



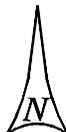


SUBDIVISION SKETCH
WITHIN SW 1/4 SEC 1, TWP 9, RGE 3, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK
DATE: AUGUST 12, 2021
FILE No: 2021-0-141





SUBDIVISION SKETCH
WITHIN SW 1/4 SEC 1, TWP 9, RGE 3, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK
DATE: AUGUST 12, 2021
FILE No: 2021-0-141



DRAFT RESOLUTION

Our File: 2021-0-153

August 30, 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 2-8-30-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, FortisAlberta, AB Environment & Parks - J. Cayford, AB Environment & Parks - M. Armstrong, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, 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

2021-0-153

M.D. of Pincher Creek No. 9 Country Residential subdivision of NE1/4 2-8-30-W4M

THAT the Country Residential subdivision of NE1/4 2-8-30-W4M (Certificate of Title No. 951 067 219), to create an 8.38 acre (3.39 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 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) Comments from Bill and Susan Yates:

"We purchased our home quarter in 1995 and have farmed/ranched it in collaboration with neighbours since then. A shop was constructed in 1999, then a house in 2001, as well as several other structures along the way consisting of two horse shelters, a small storage shed, and a pump house. Our corrals are composed of steel 2W panels and have been used annually for the High Country Bull Sale in Pincher for many years.

We are in our 70s now, and are applying for the severance in order to protect the future agricultural integrity of the farmed portion (80 acres minus the 8.38 acre proposed subdivision, if approved) and native pasture portion (80 acres including original homestead site on the creek below a spring). We expect to sell the agricultural land portion to neighbours in future when that works for us and for them, but have the option of keeping and enjoying the separate acreage with its house, shop, corrals, watering system, and horse pastures for our use as health permits and as has been the case over the past many years.

The entire quarter is fenced and cross-fenced for current agricultural use. Our horse pastures are separately fenced and each is a little more than 3 acres. The first is along Range Road 30-1 immediately south of the yard, and the second is also along Range Road 30-1 immediately south of the first pasture and ending at the south-east corner of the quarter. Our proposal is to keep the one immediately south of the yard as is; its south boundary will be on the south boundary of the severed lot. A new pasture will be created and fenced immediately west of the original pasture that we are keeping in the lot to be severed. This arrangement will give us an equivalent amount of horse pasture to what we have now but will have two advantages:

- 1) The west boundary of the proposed lot will be a straight north-south line which will be an improvement for the big machinery used periodically on the farmed portion of the quarter.
- 2) The proposed arrangement will give us the same amount of horse pasture as before, but not close off the south-east corner of the quarter to entry from Range Road 30-1 via the existing approach with gate into the native pasture portion (which is currently the second horse pasture) in case in future the owner of the agricultural portion and the owner of the severed lot may not be the same person(s).

In summary, in a normal year the 80 acres of native pasture are used for very light grazing, and the farmed portion is hayed (although in the current drought year there was poor growth so this hay field was grazed by cow/calf pairs for 2 weeks). If the MD approves the subdivision, the entire quarter and subdivision will be used as they always have been under our ownership since 1995, but we will feel prepared for the future should our health or other things change in our lives as we age.”

(e) Telus Communications Inc has no objection.

(f) 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.”

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

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

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

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

(h) Alberta Transportation – Chris Poirier, Development/Planning Technologist:

“Reference your file to create a country residential parcel at the above noted location.

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 system.

The proposal is to create a single parcel of land from an un-subdivided 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”).

As this application complies with said Section 14(b) and access to the proposed parcel and the remnant lands is to be by a means other than a highway, Section 15(3) of the regulation applies. The subject property is not within Alberta Transportation's control lines and in this instance a permit will not be required and development of the country residential parcel could proceed under the direction, control and management of the municipal district.

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."

- (i) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 17, 2021

Date of Receipt:

August 11, 2021

Date of Completeness:

August 12, 2021

TO: Landowner: William David Gerald Yates and Susan Frances Yates

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. Cayford, AB Environment & Parks - M. Armstrong, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, AB Transportation, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Horst & Lydia Puch, Kenneth & Marcia Jewett, Brant & Renita Lewis, Martin & Kathleen Puch, Connie Llaitinen (Executor for Erkki Laitinen), Nathen Wilgosh, Gerald & Marlene Lewis

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 **September 6, 2021**. (Please quote our File No. **2021-0-153** in any correspondence with this office).

File No.: 2021-0-153

Legal Description: NE1/4 2-8-30-W4M

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: 951 067 219

Meeting Date: September 7, 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 an 8.38 acre (3.39 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 farmyard, which presently contains a dwelling, shop, 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 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 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>\$1040</u>	File No: <u>2021-0-153</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>August 11, 2021</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>Aug 12, 2021</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: William David Gerald Yates & Susan Frances Yates

Mailing Address: [Redacted] City/Town: Lethbridge

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

Email: [Redacted] 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 2 Township 8 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: 64.7 hectares 160 acres

d. Total number of lots to be created: 1 Size of Lot(s): 3.39 Ha (8.38 Ac)

e. Rural Address (if applicable): [Redacted]

f. Certificate of Title No.(s): 951 067 219

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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 Farmland
- b. Proposed use of the land Subdivide out yard

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
- 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 Well & Cistern
- b. Describe proposed source of potable water No Change

7. SEWER SERVICES

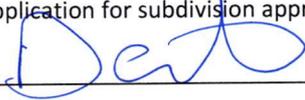
- a. Describe existing sewage disposal: Type Septic Year Installed _____
- b. Describe proposed sewage disposal: Type Septic

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, David J. Amantea, ALS, P.Eng (boa file: 21-15333) hereby certify that

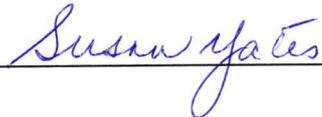
- I am the registered owner
- I am authorized to act on behalf of the register owner

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: Aug 6 / 20

9. RIGHT OF ENTRY

I, William (Bill) Yates 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
0021 495 206 4;30;8;2;NE 951 067 219

LEGAL DESCRIPTION
MERIDIAN 4 RANGE 30 TOWNSHIP 8
SECTION 2
QUARTER NORTH EAST
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: 851 057 975

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

OWNERS
WILLIAM DAVID GERALD YATES

AND
SUSAN FRANCES YATES

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

AS JOINT TENANTS
(DATA UPDATED BY: CHANGE OF ADDRESS 181177070)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
001 063 854	09/03/2000	UTILITY RIGHT OF WAY GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD. BOX 38 CARDSTON

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
951 067 219

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

ALBERTA TOKOKO

(DATA UPDATED BY: CHANGE OF NAME 021088453)

[REDACTED]

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 14 DAY OF JUNE,
2021 AT 04:54 P.M.

ORDER NUMBER: 41923240

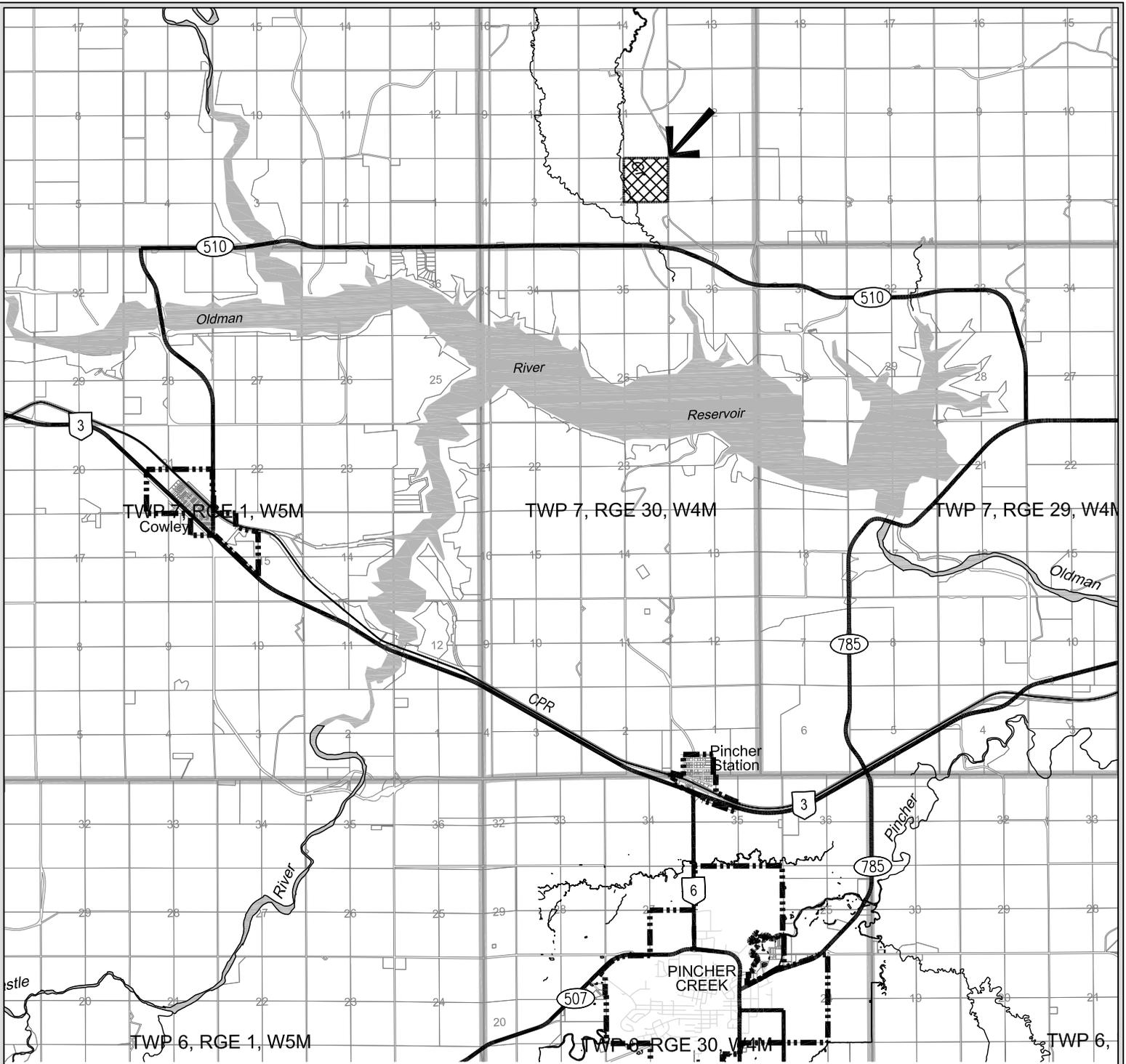
CUSTOMER FILE NUMBER:



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

NE 1/4 SEC 2, TWP 8, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 12, 2021

FILE No: 2021-0-153

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



OLDMAN RIVER REGIONAL SERVICES COMMISSION

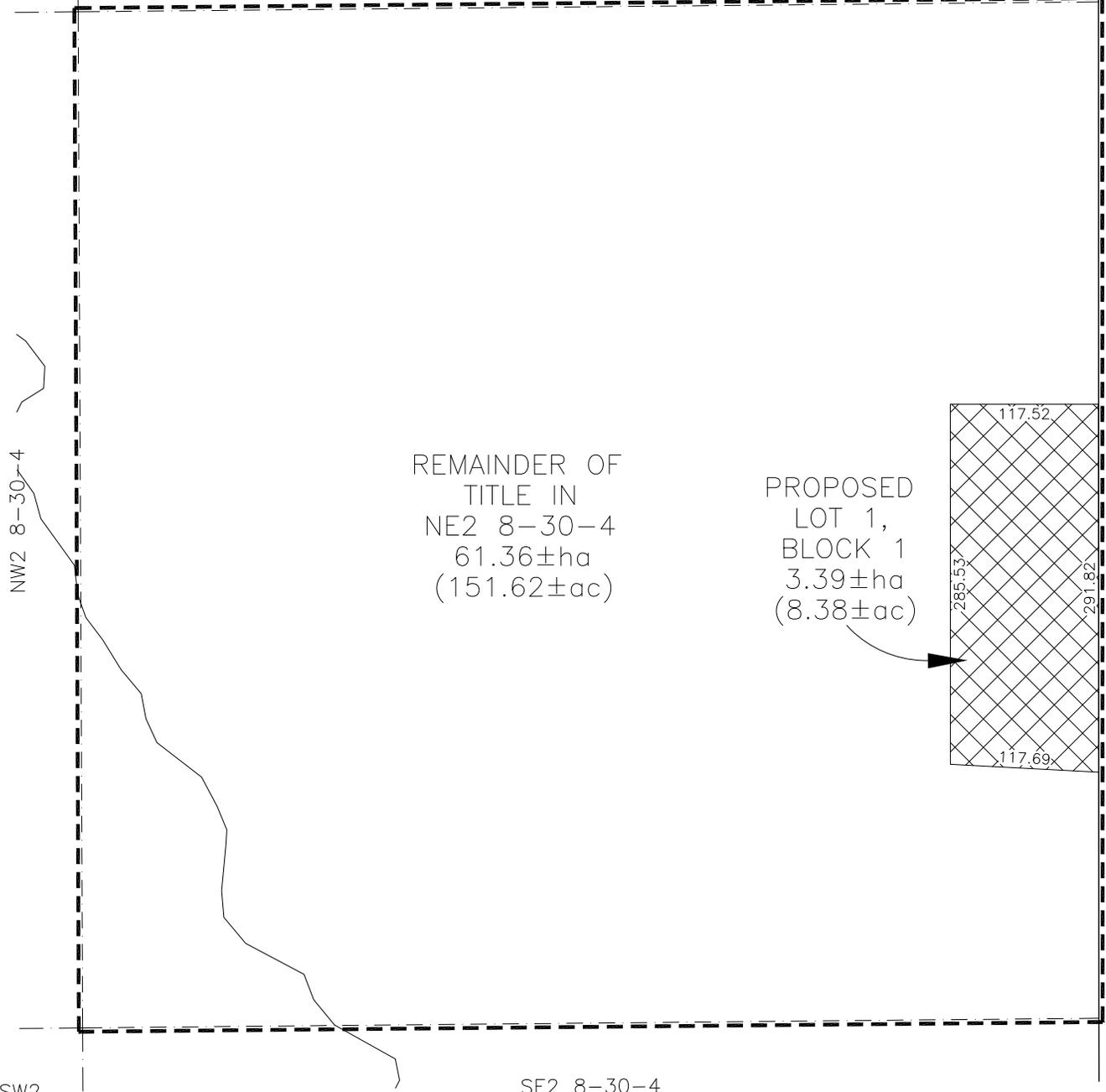
August 12, 2021 N:\Subdivision\2021\2021-0-153.dwg



SW11

SE11 8-30-4

SW12



REMAINDER OF
TITLE IN
NE2 8-30-4
61.36±ha
(151.62±ac)

PROPOSED
LOT 1,
BLOCK 1
3.39±ha
(8.38±ac)

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15333

NE 1/4 SEC 2, TWP 8, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 12, 2021

FILE No: 2021-0-153





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15333

NE 1/4 SEC 2, TWP 8, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 12, 2021

FILE No: 2021-0-153



August 12, 2021 N:\Subdivision\2021\2021-0-153.dwg

AERIAL PHOTO DATE: 2015

N.E.1/4 SEC. 2 - 8 - 30 - 4

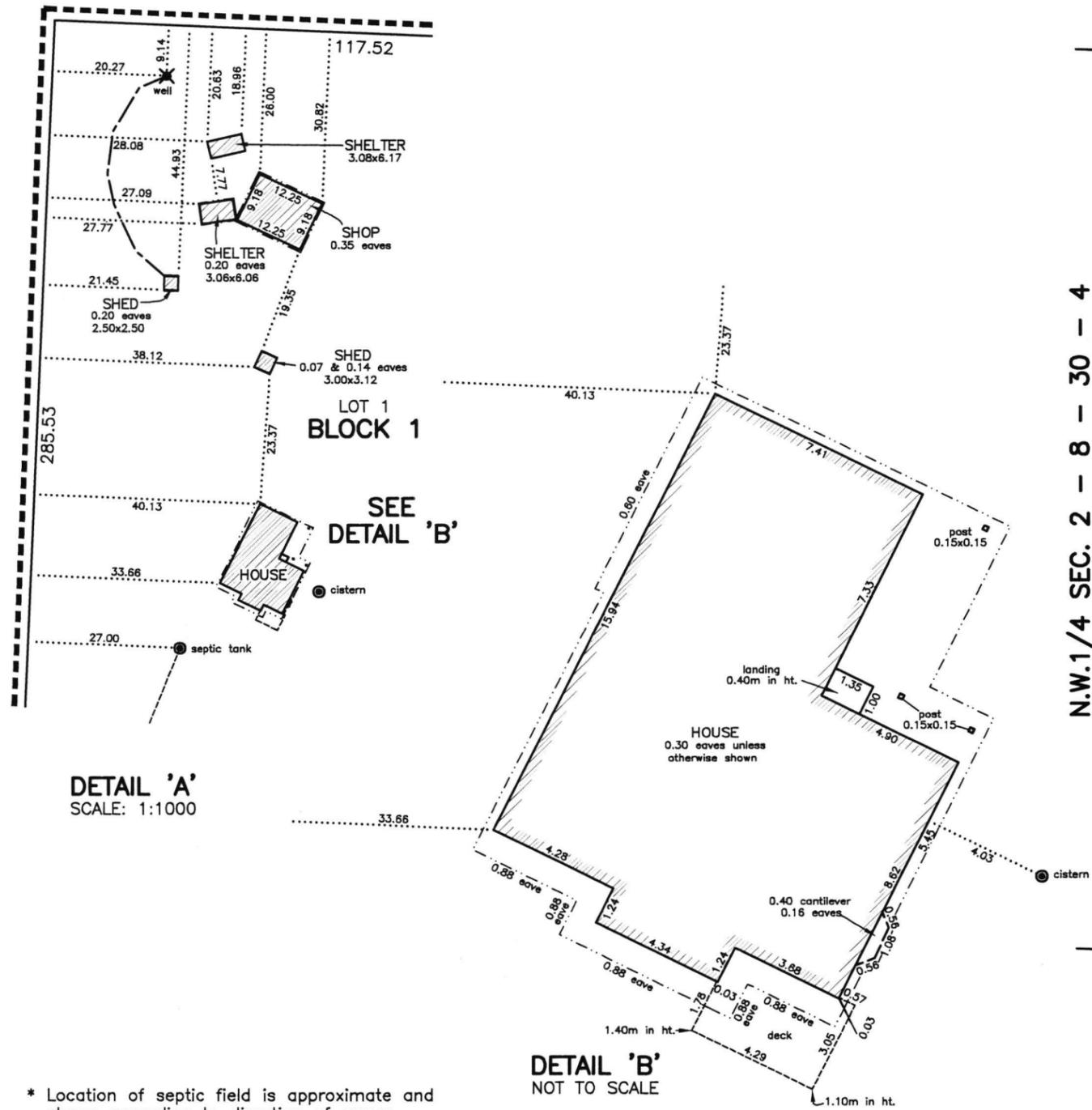
S.E.1/4 SEC. 11 - 8 - 30 - 4

N.W.1/4 SEC. 2 - 8 - 30 - 4

N.E.1/4 SEC. 2 - 8 - 30 - 4

N.W.1/4 SEC. 1 - 8 - 30 - 4

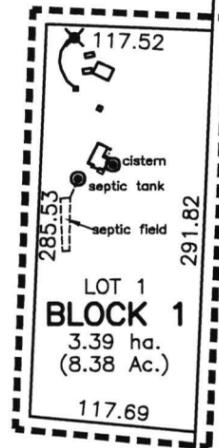
S.E.1/4 SEC. 2 - 8 - 30 - 4



DETAIL 'A'
SCALE: 1:1000

DETAIL 'B'
NOT TO SCALE

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



CIRCLE S FARMS LTD.

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

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
N.E.1/4 SEC. 2; TWP. 8; RGE. 30; W.4 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

NO.	REVISION	DATE	BY
	Improvements shown were surveyed on July 26th, 2021		
	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	DRAWN CJB	DATE AUG. 4/21
	CHECKED DJA	JOB 21-15333
	SCALE 1:5000	DRAWING 21-15333T
D. J. Amantea, A.L.S.		

DRAFT RESOLUTION

Our File: 2021-0-156

August 30, 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 18-3-29-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 Livingstone Range School Division, AltaLink, FortisAlberta, AB Environment & Parks - J. Cayford, 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

2021-0-156

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 18-3-29-W4M

THAT the Country Residential subdivision of SW1/4 18-3-29-W4M (Certificate of Title No. 001 225 108 +3), to create a 16.71 acre (6.76 ha) parcel from a previously unsubdivided quarter section of 161 acres (65.15 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 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 – Wade Goin, Executive Officer/Public Health Inspector:

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

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

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

(g) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 18, 2021

Date of Receipt:

August 13, 2021

Date of Completeness:

August 16, 2021

TO: Landowner: Lazy R Ranch Inc.

Agent or Surveyor: Jason Jack

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

Adjacent Landowners: Barry & Verneal Barager, Calvin Walper, Francine Genereux, Margaret Russell, Margaret Russell, Michael Taylor & Kimberly Pearson, Nature Conservancy of Canada, Panoram Canada Ltd., Rodney & Nancy Kretz, Sharla Hummel

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 **September 6, 2021**. (Please quote our File No. **2021-0-156** in any correspondence with this office).

File No.: 2021-0-156

Legal Description: SW1/4 18-3-29-W4M

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: 001 225 108 +3

Meeting Date: September 7, 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 16.71 acre (6.76 ha) parcel from a previously unsubdivided quarter section/ or title of 161 acres (65.15 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing yard, which presently contains a dwelling, garage, shop, and dugout. 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 an open discharge septic system and on-site domestic well. Open discharge septic systems require a 90m setback be maintained within the proposed lot per the National Building Code – Alberta Edition and the Alberta Private Sewage Systems Standard of Practice (2015).

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 sufficient 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>2021-0-156</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>August 13, 2021</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>August 16, 2021</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: LAZY R RANCH Inc.

Mailing Address: [Redacted] Pincher Creek, AB

[Redacted] 43

[Redacted] Telephone: [Redacted] Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): Jason Jack (owner)

Mailing Address: [Redacted] Pincher Creek, AB

[Redacted] 12

Name of Surveyor: _____

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 18 Township 03 Range 29 West of 4th Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: _____ hectares 161 acres

d. Total number of lots to be created: 1 Size of Lot(s): To be Decided by MD 10-15 acres.

e. Rural Address (if applicable): Civic = 03213 RGE. RD. 30-0.

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

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Pincher Creek, AB #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 Home and Grazing For Cattle
- b. Proposed use of the land Subdivide House Yard out of Grazing 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.) brush, poplar
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) loam

- d. Is this a vacant parcel (void of any buildings or structures)? Yes No

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

Home, Shop, Well, Dugout (Fire supression), Sewer (90 meters From End), Nothing Can Be 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 Deep Water Well
- b. Describe proposed source of potable water _____

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type open Discharge Year Installed 2017
- b. Describe proposed sewage disposal: Type _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Jason Tack 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: August 12/2021

9. RIGHT OF ENTRY

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

[Signature]
Signature of Registered Owner(s)



LAND TITLE CERTIFICATE

S LINC SHORT LEGAL TITLE NUMBER
0021 550 976 4;29;3;18;SW 001 225 108 +3

LEGAL DESCRIPTION
MERIDIAN 4 RANGE 29 TOWNSHIP 3
SECTION 18
QUARTER SOUTH WEST
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 65.2 HECTARES (161 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 971 355 699 +3

Table with 5 columns: REGISTRATION, DATE (DMY), REGISTERED OWNER(S) DOCUMENT TYPE, VALUE, CONSIDERATION

[Redacted registration entry]

LAZY R RANCH INC.

[Redacted registration entry]

ENCUMBRANCES, LIENS & INTERESTS

Table with 3 columns: REGISTRATION NUMBER, DATE (D/M/Y), PARTICULARS. Entry: 751 088 751 20/08/1975 UTILITY RIGHT OF WAY GRANTEE - UNITED RURAL ELECTRIFICATION ASSOCIATION LIMITED. "RURAL ELECTRIFICATION ACT. SOUTH 40 FT"

[Redacted registration entry]

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
001 225 108 +3

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
101 135 710	[REDACTED]	[REDACTED]
161 229 026	[REDACTED]	[REDACTED]

171 028 136 31/01/2017 UTILITY RIGHT OF WAY
GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD.

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 13 DAY OF AUGUST, 2021 AT 08:22 A.M.

ORDER NUMBER: 42372594

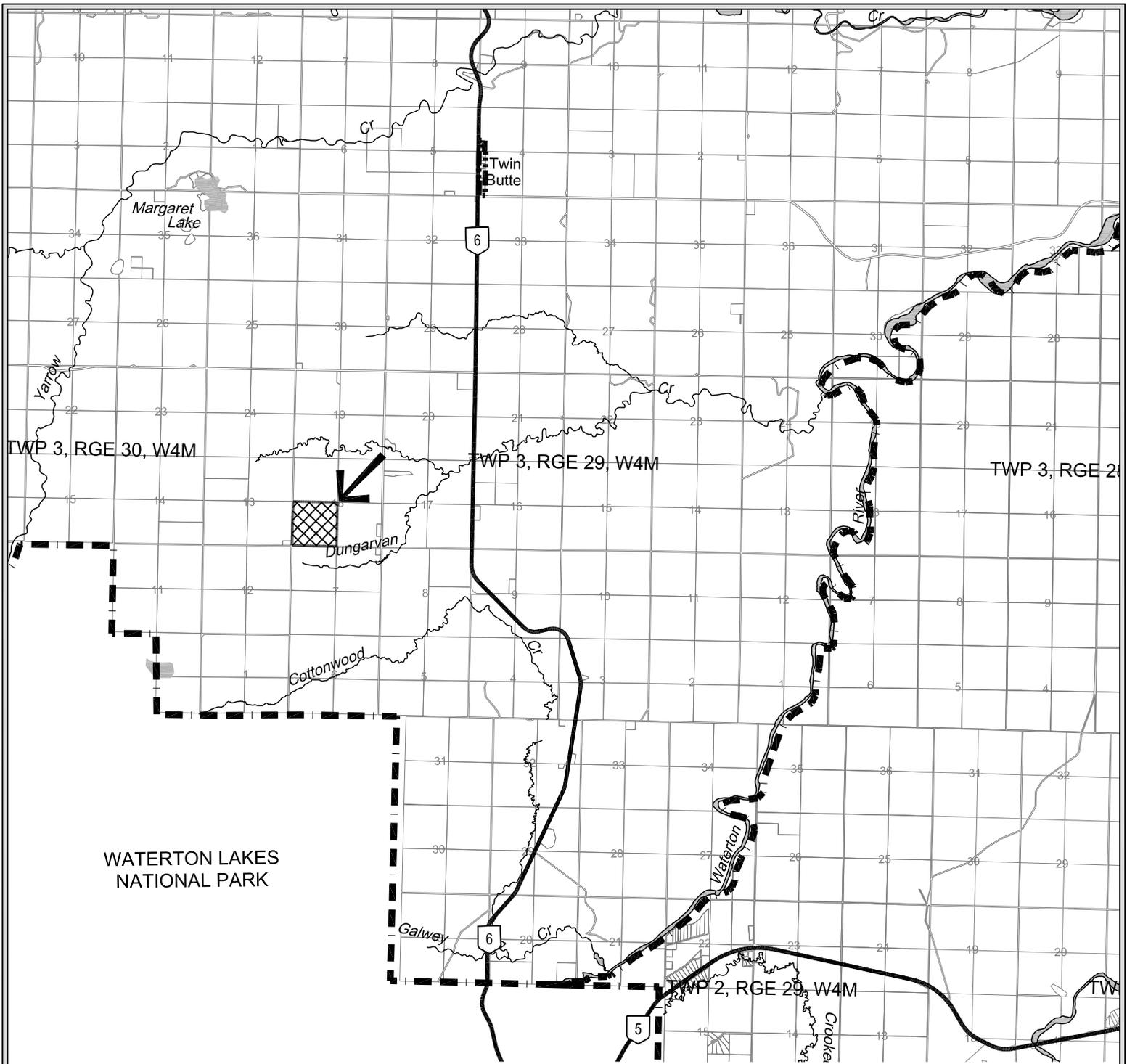
CUSTOMER FILE NUMBER:



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

SW 1/4 SEC 18, TWP 3, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 16, 2021

FILE No: 2021-0-156

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



OLDMAN RIVER REGIONAL SERVICES COMMISSION

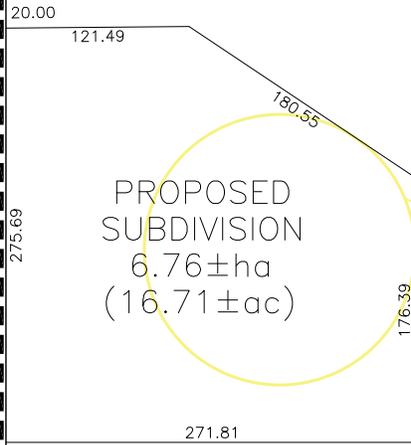
August 17, 2021 N:\Subdivision\2021\2021-0-156-LocationSketch.dwg



NE13
3-30-4

NW18 3-29-4

NE18
3-29-4



90m buffer from
approximate location
of open discharge

SE13 3-30-4

REMAINDER OF
TITLE IN
SW18 3-29-4
58.39±ha
(144.29±ac)

SE18 3-29-4

NE12
3-30-4

NW7 3-29-4

NE7
3-29-4

SUBDIVISION SKETCH

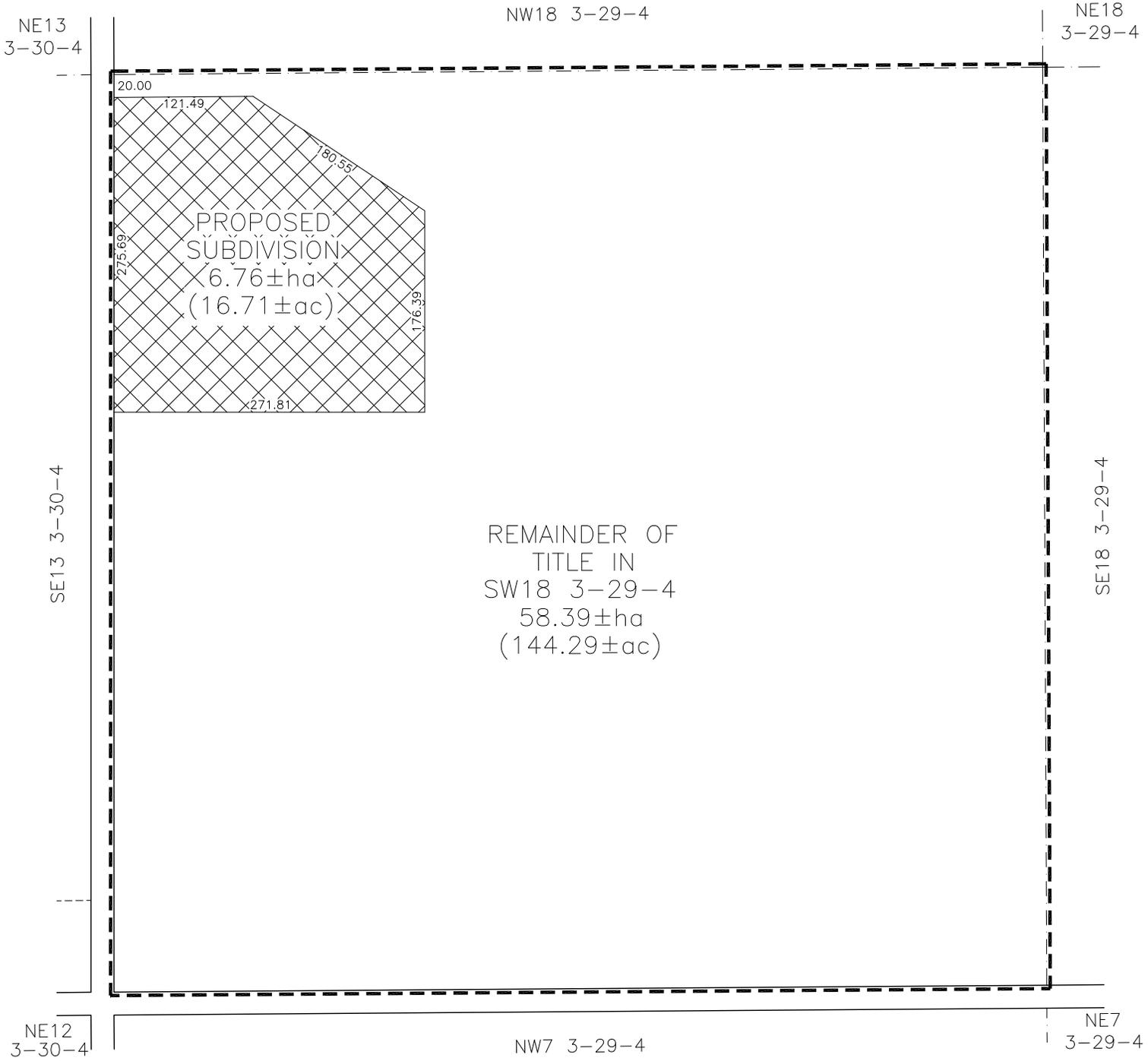
SW 1/4 SEC 18, TWP 3, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 16, 2021

FILE No: 2021-0-156





SUBDIVISION SKETCH

SW 1/4 SEC 18, TWP 3, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: AUGUST 16, 2021

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SUBDIVISION SKETCH
 SW 1/4 SEC 18, TWP 3, RGE 29, W 4 M
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: AUGUST 16, 2021
 FILE No: 2021-0-156



AERIAL PHOTO DATE: 2018



SUBDIVISION SKETCH
 SW 1/4 SEC 18, TWP 3, RGE 29, W 4 M
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: AUGUST 16, 2021
 FILE No: 2021-0-156



AERIAL PHOTO DATE: 2018