

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
MD of Pincher Creek Council Chambers
July 5th 2022
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of March 1, 2022

3. Closed Meeting Session

4. Unfinished Business

None

5. Subdivision Application

- a. Subdivision Application No. 2022-0-096
Roy Stoddard
NE 15-4-29 W4M

- b. Subdivision Application No. 2022-0-102
Agnes Thibert
Lot 1, Block 1, Plan 0312304 within NE 24-7-2 W5M

6. New Business

7. Next Regular Meeting September 6, 2022 6:00 pm

8. Adjournment

Meeting Minutes of the Subdivision Authority
Tuesday, March 1, 2022
6:00 pm
MD of Pincher Creek No. 9 via Virtual Meeting

IN ATTENDANCE

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

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

Planning Advisors: ORRSC, Senior Planner Gavin Scott

Absent: CAO Troy MacCulloch

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Harold Hollingshead 22/007

Moved that the Subdivision Authority Agenda for March 1, 2022, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Dave Cox 22/008

Moved that the February 1, 2022, Subdivision Authority Minutes, be approved as amended.

Carried

3. CLOSED MEETING SESSION

Councillor Harold Hollingshead 22/009

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 6:01 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
March 1, 2022

Councillor Harold Hollingshead

22/010

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

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2022-0-011
Ronald Bruce Conrad
SW1/4 35-5-29 W4M

Councillor Tony Bruder

22/011

Moved that the Country Residential subdivision of SW1/4 35-5-29-W4M (Certificate of Title No. 981 248 858 +1), to create a 6.37-acre (2.58 ha) parcel from a previously subdivided title of 157.73 acres (63.8 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 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 7 of the Subdivision and Development Regulation.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
March 1, 2022

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, April 5, 2022; 6:00 pm.

8. ADJOURNMENT

Councillor Dave Cox

22/012

Moved that the meeting adjourn, the time being 6:06 pm.

Carried

Rick Lemire, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2022-0-096

June 23, 2022

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

Dear Mr. Milligan,

RE: NE1/4 15-4-29-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, AB Environment & Parks - E. Evenson, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Historical Resources Administrator, AER and Plains Midstream Canada ULC.

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

2022-0-096

M.D. of Pincher Creek No. 9 Country Residential subdivision of NE1/4 15-4-29-W4M

THAT the Country Residential subdivision of NE1/4 15-4-29-W4M (Certificate of Title No. 111 062 736 +2), to create a 3.0 acre (1.21 ha) parcel from a previously unsubdivided quarter section of 157.0 acres (63.5 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 9 of the *Matters Related to Subdivision and Development Regulation*.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.

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) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

(f) Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.
Please notify Alberta 1st Call at 1-800-242-3447 to arrange for "field locating" should excavations be required within the described area.

We wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

(g) Alberta Health Services – Amanda Hepp, Executive Officer/Public Health Inspector:

"The aforementioned application has been received by our office and we are satisfied that the application poses minimal risk to public health.

AHS recommends consideration of the following items be made in order to ensure that the development of this property does not create a nuisance as defined in the Public Health Act: *Nuisance and General Sanitation Regulation, NGS Reg, (AR 243/2003)*:

- The setback distances outlined in Section 15(1) and (2) the NGS Reg must be met, these include:
 - o No person shall locate a water well within:
 - a) 10 m of a watertight septic tank, pump out tank or other water tight compartment of a sewage or waste water system,
 - b) 15 m of a weeping tile field, evaporation treatment mound, or outdoor pit privy,
 - c) 30 m of a leaching cesspool,
 - d) 50 m of sewage effluent on the ground surface,
 - e) 100 m of a sewage lagoon,
 - f) Or 450 m of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96)
 - o Nor shall you locate any of the aforementioned items listed in points a-f within the stipulated distances of an **existing well**.

Please let me know if anything additional is required from our office."

(h) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 6, 2022

Date of Receipt:

May 18, 2022

Date of Completeness:

May 20, 2022

TO: Landowner: Roy T Harland Stoddard
Agent: Matthew Harker
Surveyor: Michael A. Thompson, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Apex Utilities Inc., AB Health Services - South Zone, AB Environment & Parks - E. Evenson, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Historical Resources Administrator, AER, Canada Post, Plains Midstream Canada ULC

Adjacent Landowners: 1837407 Alberta Ltd, 1993349 Alberta Ltd, Brenda Cofell, Ingrid & Donald Swanton, Roy Stoddard, Tony & Lorraine Bruder

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 **June 27, 2022**. (Please quote our File No. **2022-0-096** in any correspondence with this office).

File No.: 2022-0-096
Legal Description: NE1/4 15-4-29-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: 111 062 736 +2

Meeting Date: July 5, 2022

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 3.0 acre (1.21 ha) parcel from a previously unsubdivided quarter section of 157.0 acres (63.5 ha) for country residential use.

The proposal is to accommodate the subdivision of a house under construction. 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.

RESERVE:

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

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):	
Fee Submitted: \$1040.00	File No: 2022-0-096
APPLICATION SUBMISSION	
Date of Receipt: May 18, 2022	Received By: <i>[Signature]</i>
Date Deemed Complete: May 20, 2022	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Roy T Harland Stoddard C/O Matthew Harker

Mailing Address: Box 2847 City/Town: Pincher Creek

Postal Code: TOK 1W0 Telephone: [REDACTED] Cell: _____

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

Name of Agent (Person Authorized to act on behalf of Registered Owner): Halma Thompson Land Surveys Ltd.

Mailing Address: 200 - 410 Stafford Drive S City/Town: Lethbridge

Postal Code: T1J 2L2 Telephone: 403-381-1320 Cell: _____

Email: mthompson@htlandsurveys.ca Preferred Method of Correspondence: Email Mail

Name of Surveyor: Halma Thompson Land Surveys Ltd.

Mailing Address: 200 - 410 Stafford Drive S City/Town: Lethbridge

Postal Code: T1J 2L2 Telephone: 403-381-1320 Cell: _____

Email: mthompson@htlandsurveys.ca Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NE ¼ Section 15 Township 4 Range 29 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: 1.21 hectares 3.00 acres

d. Total number of lots to be created: 1 Size of Lot(s): See Plan

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 111 062 736 +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 Rural Residential
- b. Proposed use of the land Rural Residential

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Relatively Flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
Newly developed yard
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) sandy clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
All buildings to remain
- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

- a. Describe existing source of potable water Well
- b. Describe proposed source of potable water Well (Same)

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type None Year Installed _____
- b. Describe proposed sewage disposal: Type Septic Field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Michael Thompson hereby certify that

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

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

Signed:  Date: May 18, 2022

9. RIGHT OF ENTRY

I, Michael Thompson, on behalf of Owner 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 553 491 4;29;4;15;NE 111 062 736 +2

LEGAL DESCRIPTION
MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 15
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: 101 200 028 +3

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
111 062 736	16/03/2011	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

ROY T HARLAND STODDARD
OF BOX 2847
PINCHER CREEK
ALBERTA T0K 1W0

(DATA UPDATED BY: CHANGE OF ADDRESS 171215639)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
3223IN .	25/05/1962	UTILITY RIGHT OF WAY GRANTEE - PLAINS MIDSTREAM CANADA ULC. AS TO PORTION OR PLAN:1112JK "0.46 ACRE" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 031206707) (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 081067527)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
111 062 736 +2

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
211 076 277	15/04/2021	CAVEAT RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL GOVERNMENT ACT CAVEATOR - THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9. BOX 279, PINCHER CREEK ALBERTA T0K1W0 AGENT - TROY MACCULLOCH

TOTAL INSTRUMENTS: 002

PENDING REGISTRATION QUEUE

DRR NUMBER	RECEIVED DATE (D/M/Y)	CORPORATE LLP TRADENAME	LAND ID
D0012ZI	10/02/2022	ELDORWAL REGISTRATIONS (1987) LTD. CUSTOMER FILE NUMBER: BUR100 - 76828-25/BW	
001		CAVEAT	0021 553 491

TOTAL PENDING REGISTRATIONS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 6 DAY OF MAY, 2022 AT 08:51 A.M.

ORDER NUMBER: 44362611

CUSTOMER FILE NUMBER: H11322



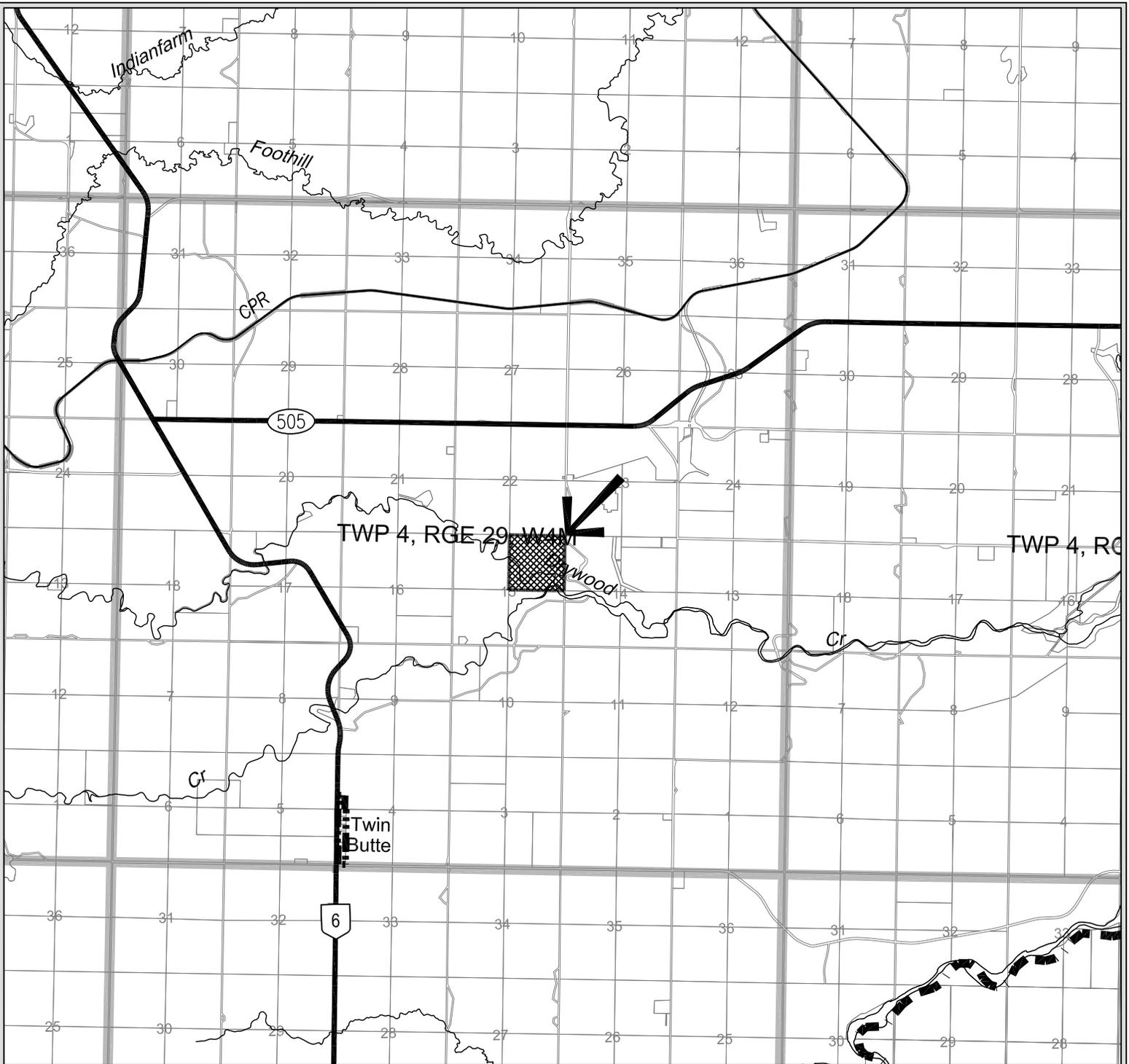
END OF CERTIFICATE

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).

(CONTINUED)

IF MORE INFORMATION IS REQUIRED ON A PENDING REGISTRATION WHERE
THE CONTACT INFORMATION DISPLAYS N/A PLEASE EMAIL LTO@GOV.AB.CA.



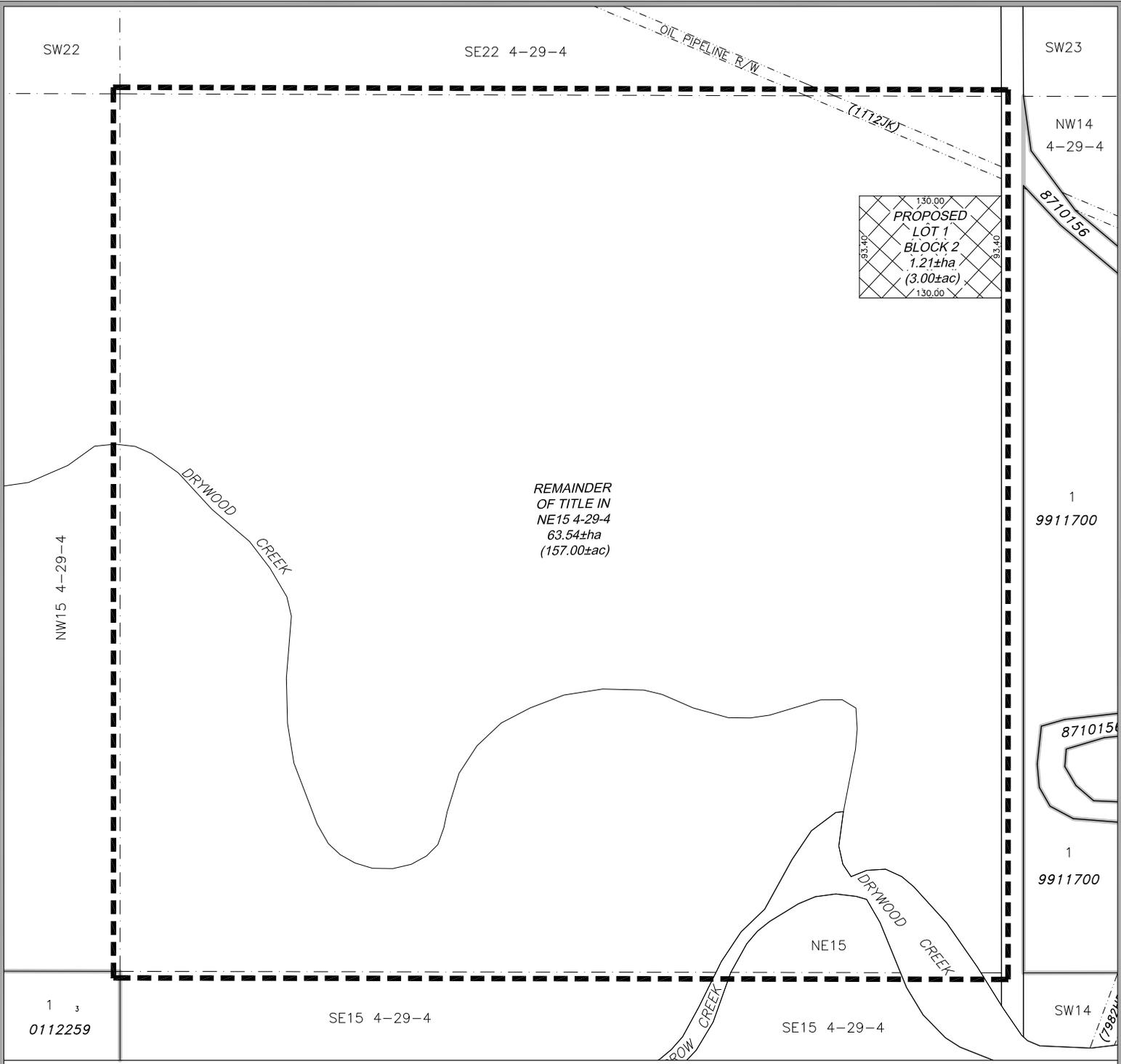
SUBDIVISION LOCATION SKETCH
WITHIN NE 1/4 SEC 15, TWP 4, RGE 29, W 4 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: MAY 25, 2022
FILE No: 2022-0-096

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 16th AVENUE NORTH, LETBRIDGE, AB T1H 5E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



May 25, 2022 N:\Subdivision\2022\2022-0-096.dwg





SUBDIVISION SKETCH

WITHIN NE 1/4 SEC 15, TWP 4, RGE 29, W 4 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: MAY 25, 2022
 FILE No: 2022-0-096





SUBDIVISION SKETCH

WITHIN NE 1/4 SEC 15, TWP 4, RGE 29, W 4 M

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

DATE: MAY 25, 2022

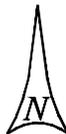
FILE No: 2022-0-096



OLDMAN RIVER REGIONAL SERVICES COMMISSION



May 27, 2022 N:\Subdivision\2022\2022-0-096.dwg



AERIAL PHOTO DATE: 2015

DRAFT RESOLUTION

Our File: 2022-0-102

June 23, 2022

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

Dear Mr. Milligan,

RE: Lot 1, Block 1, Plan 031 2304 within NE1/4 24-7-2-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 Gas, ATCO Pipelines, AB Environment & Parks - C. Wojtowicz, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Historical Resources Administrator, AER, CPR, Lexin Resources Ltd. and South Lundbreck Water Co-op.

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

2022-0-102

M.D. of Pincher Creek No. 9 Country Residential subdivision of Lot 1, Block 1, Plan 0312304 within NE1/4 24-7-2-W5M

THAT the Country Residential subdivision of Lot 1, Block 1, Plan 0312304 within NE1/4 24-7-2-W5M (Certificate of Title No. 151 068 212 +1), to create a 14.52 acre (5.87 ha) parcel from a previously unsubdivided quarter section of 158.94 acres (64.32 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 9 of the *Matters Related to Subdivision and Development Regulation*.
3. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.
4. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.

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) Alberta Health Services – Amanda Hepp, Executive Officer/Public Health Inspector:

“The aforementioned application has been received by our office and we are satisfied that the application poses minimal risk to public health.

AHS recommends consideration of the following items be made in order to ensure that the development of this property does not create a nuisance as defined in the Public Health Act: *Nuisance and General Sanitation Regulation, NGS Reg, (AR 243/2003):*

- The setback distances outlined in Section 15(1) and (2) the NGS Reg must be met, these include:
 - o No person shall locate a water well within:
 - a) 10 m of a watertight septic tank, pump out tank or other water tight compartment of a sewage or waste water system,
 - b) 15 m of a weeping tile field, evaporation treatment mound, or outdoor pit privy,
 - c) 30 m of a leaching cesspool,
 - d) 50 m of sewage effluent on the ground surface,
 - e) 100 m of a sewage lagoon,
 - f) Or 450 m of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96)
 - o Nor shall you locate any of the aforementioned items listed in points a-f within the stipulated distances of an existing well.

Please let me know if anything additional is required from our office.”

- (f) Alberta Transportation – Leah Olsen, 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 Subdivision and Development Regulation, due to the proximity of Highway 3.

The proposal is contrary to Section 18 and subject to the requirements of Section 19(2) of the Subdivision and Development Regulation, being Alberta Regulation 84-2022(“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of properties in a manner that will not compromise the integrity and associated safe operational use or the future expansion of the provincial highway network.

To that end, the parcel to be created will be well removed from Highway 3 with indirect access to the highway being gained solely by way of local roads. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the parcel as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 20 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 18 and 19(2).

The subject property is outside of our control lines and a permit from Alberta Transportation will not be required and development of the parcel could proceed under the direction, control and management of the municipality. The applicant could contact the undersigned, at Lethbridge 403-388-3105, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

- (g) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 15, 2022

Date of Receipt:

June 8, 2022

Date of Completeness:

June 9, 2022

TO: Landowner: Agnes Thibert

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

Referral Agencies: M.D. of Pincher Creek No. 9, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, AB Environment & Parks - C. Wojtowicz, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, AB Transportation, Historical Resources Administrator, AER, Canada Post, CPR, Lexin Resources Ltd., South Lundbreck Water Co-op

Adjacent Landowners: Bar AB Ranch Ltd., Dustin Leskosky, Gordon & Sharon Leskosky, Joan & Michael Monaghan, Pam Houze & Glen Stadnichuk, United Doukhobores of Alberta, Cowley - Lundbreck

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 **July 4, 2022**. (Please quote our File No. **2022-0-102** in any correspondence with this office).

File No.: 2022-0-102

Legal Description: Lot 1, Block 1, Plan 0312304 within NE1/4 24-7-2-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: 151 068 212 +1

Meeting Date: July 5, 2022

Note that meeting dates are subject to change. It is advisable to contact the M.D. of Pincher Creek No. 9 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.

Planner's Preliminary Comments:

The purpose of this application is to create a 14.52 acre (5.87 ha) parcel from a previously unsubdivided quarter section of 158.94 acres (64.32 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling and mobile home, shop, and number of other out-buildings. Access to the lot is presently granted from an existing approach to the north, off of a developed municipal road allowance. The existing residence is serviced by a septic system and the South Lundbreck Water CO-OP Ltd.

With a waiver for being over the maximum parcel size, this proposal will comply 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.
7. 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.



**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>2022-0-102</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>June 8, 2022</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>June 9, 2022</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: AGNES THIBERT

Mailing Address: BOX 220 City/Town: LUNDBRECK

Postal Code: TOK 1H0 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: 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 NE ¼ Section 24 Township 7 Range 2 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)

b. Being all/part of: Lot/Unit 1 Block 1 Plan 0312304

c. Total area of existing parcel of land (to be subdivided) is: 64.32 hectares 158.93 acres

d. Total number of lots to be created: 1 Size of Lot(s): 5.87 HA (14.52 ACRES)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 151 068 212 +1

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD OF PINCHER CREEK NO 9

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

c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. 3

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

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

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 RURAL RESIDENTIAL
- b. Proposed use of the land RURAL RESIDENTIAL

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) ROLLING
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
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.

SEE TENTATIVE PLAN

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

6. WATER SERVICES

- a. Describe existing source of potable water water co-op
- b. Describe proposed source of potable water water co-op - Hwy 3A waterline is close proximity for potential second source

7. SEWER SERVICES

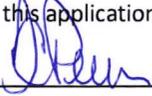
- a. Describe existing sewage disposal: Type Septic Field Year Installed unknown
- b. Describe proposed sewage disposal: Type same

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Thomas C. Penner, ALS hereby certify that

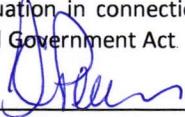
I am the registered owner I am authorized to act on behalf of the register owner

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: June 8, 2022

9. RIGHT OF ENTRY

I, THOMAS PENNER ON BEHALF OF AGNES THIBERT 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
0036 582 832 0312304;1;1 151 068 212 +1

LEGAL DESCRIPTION

DESCRIPTIVE PLAN 0312304
BLOCK 1
LOT 1
CONTAINING 65.51 HECTARES (161.88 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
SUBDIVISION	1510616	1.191	2.94	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 5;2;7;24;NE

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 121 305 638

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

151 068 212 10/03/2015 SUBDIVISION PLAN

OWNERS

AGNES THIBERT
OF PO BOX 220
LUNDBRECK
ALBERTA T0K 1H0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
761 148 532	01/12/1976	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.

(CONTINUED)

 ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
 # 151 068 212 +1

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
911 010 638	15/01/1991	UTILITY RIGHT OF WAY GRANTEE - SOUTH LUNDBRECK WATER CO-OP LTD.
911 041 452	27/02/1991	UTILITY RIGHT OF WAY GRANTEE - SOUTH LUNDBRECK WATER CO-OP LTD.
061 051 607	02/02/2006	UTILITY RIGHT OF WAY GRANTEE - LEXIN RESOURCES LTD. PO BOX 6808, STATION D CALGARY ALBERTA T2P2E7 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 081145676) (DATA UPDATED BY: CHANGE OF NAME 141166053) (DATA UPDATED BY: CHANGE OF NAME 161088671)
061 381 936	16/09/2006	CAVEAT RE : UTILITY RIGHT OF WAY CAVEATOR - FORTISALBERTA INC. 320-17 AVE SW CALGARY ALBERTA T2S2V1 AGENT - JOANNE LAFEE
131 183 298	30/07/2013	CAVEAT RE : UTILITY RIGHT OF WAY CAVEATOR - THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9. BOX 279, PINCHER CREEK ALBERTA T0K1W0 AGENT - EDWARDS LAND SERVICES LTD.

TOTAL INSTRUMENTS: 006

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
 ACCURATE REPRODUCTION OF THE CERTIFICATE OF
 TITLE REPRESENTED HEREIN THIS 3 DAY OF JUNE,
 2022 AT 12:52 P.M.

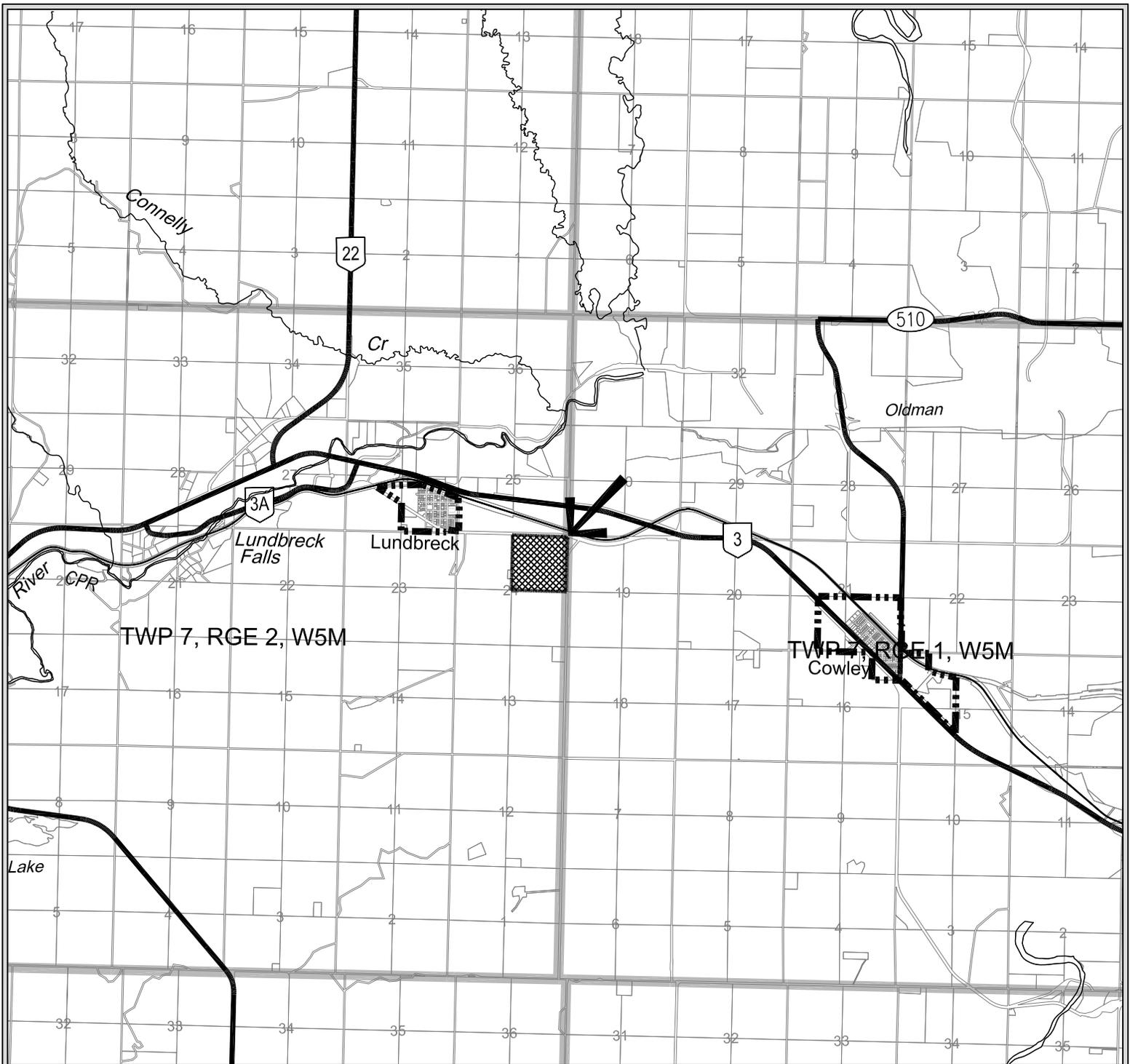
ORDER NUMBER: 44612278

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)



SUBDIVISION LOCATION SKETCH

LOT 1; BLOCK 1; PLAN 0312304

WITHIN NE 1/4 SEC 24, TWP 7, RGE 2, W 5 M

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

DATE: JUNE 14, 2022

FILE No: 2022-0-102

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

June 14, 2022 N:\Subdivision\2022\2022-0-102.dwg



9712100

LOT 1

CPR
RY31

7378HX

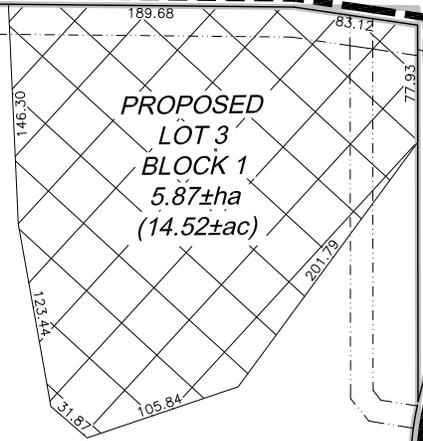
ROADWAY

WATERLINE R/W (1412439)

2327HX

WATERLINE R/W
(1412439)

1²
510616



REMAINDER
 LOT 1
 BLOCK 1
 PLAN 0312304
 58.44±ha
 (144.42±ac)

NW24 7-2-5

PCL A
294FQ

8911003

NW19 7-1-5

PIPELINE R/W (0712959)

SW24
7-2-5

SE24 7-2-5

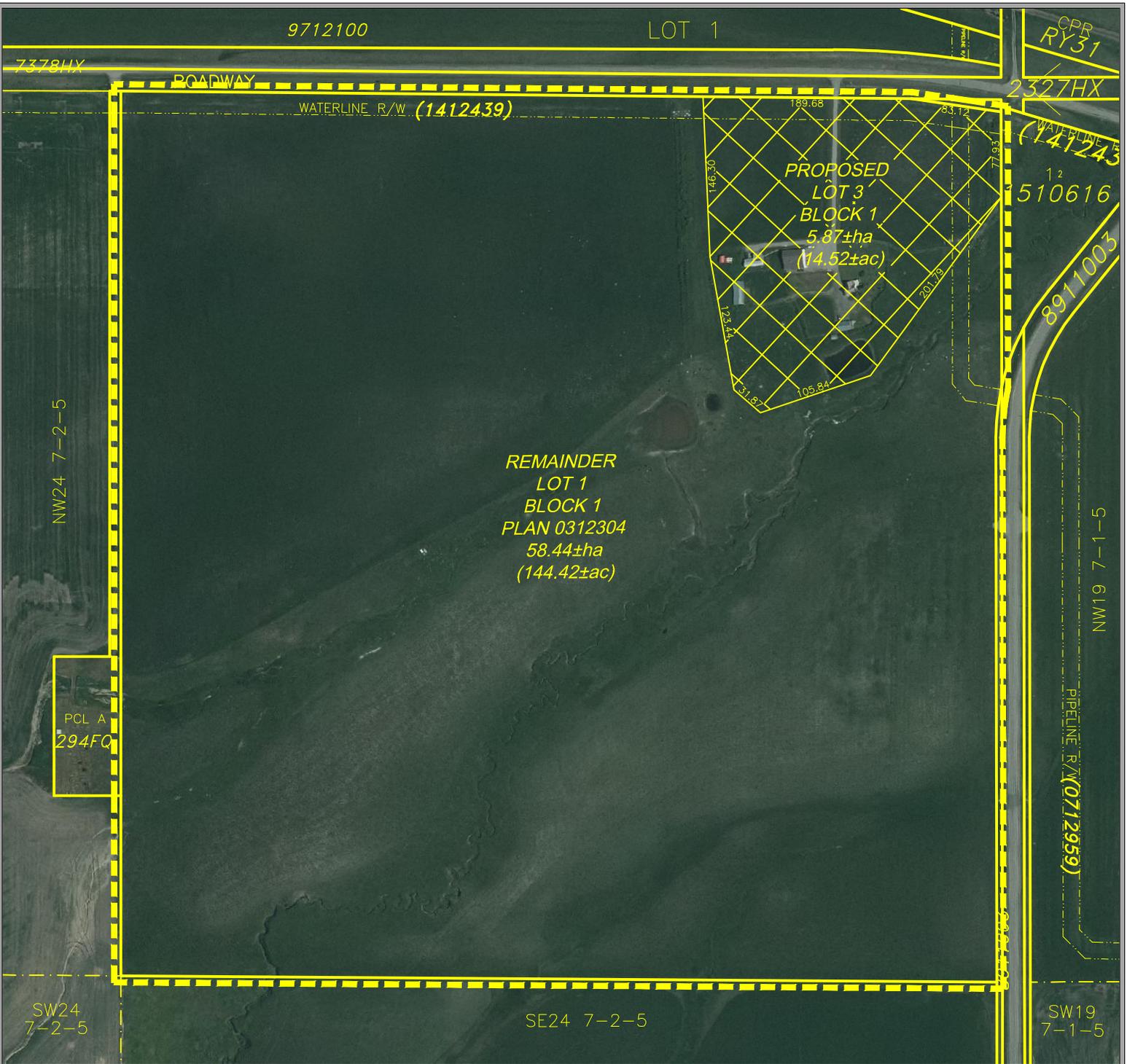
SW19
7-1-5

SUBDIVISION SKETCH
 LOT 1; BLOCK 1; PLAN 0312304
 WITHIN NE 1/4 SEC 24, TWP 7, RGE 2, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: JUNE 14, 2022
 FILE No: 2022-0-102

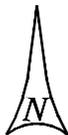


OLDMAN RIVER REGIONAL SERVICES COMMISSION

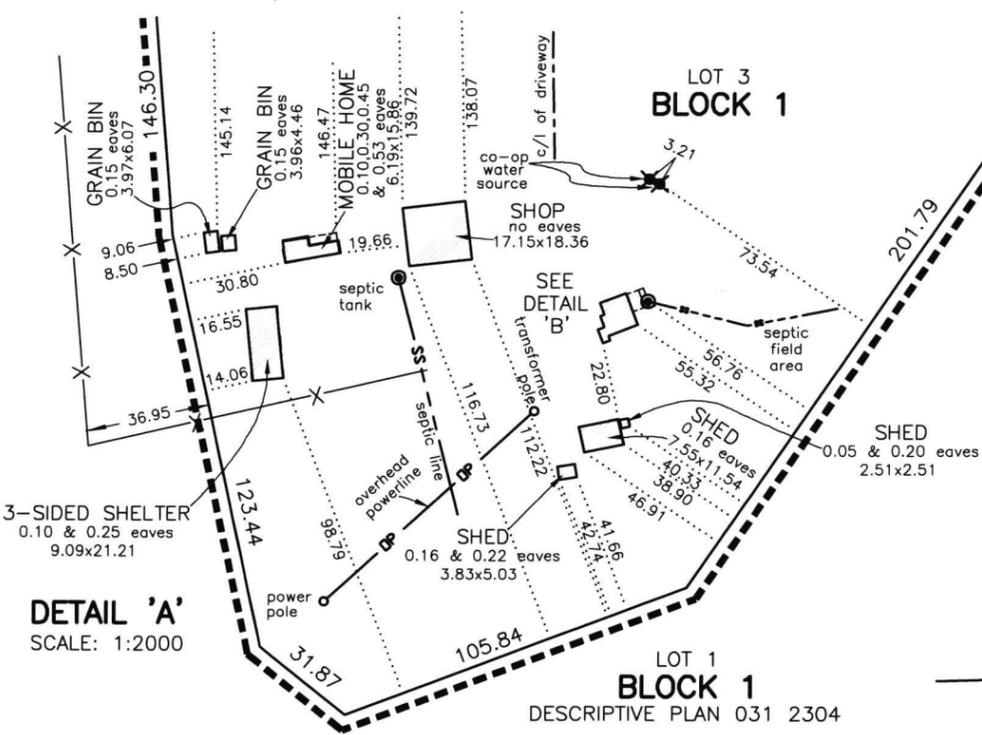
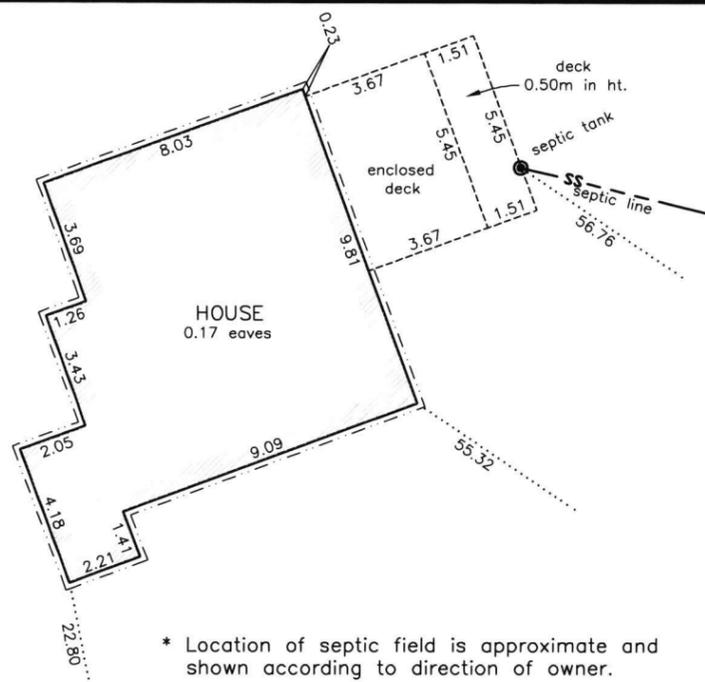




SUBDIVISION SKETCH
 LOT 1; BLOCK 1; PLAN 0312304
 WITHIN NE 1/4 SEC 24, TWP 7, RGE 2, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: JUNE 14, 2022
 FILE No: 2022-0-102



DETAIL 'B'
NOT TO SCALE



DETAIL 'A'
SCALE: 1:2000

LOT 1
DESCRIPTIVE PLAN 971 2100

ROAD PLAN 7378 H.X.
GOVERNMENT ROAD ALLOWANCE
R/W PLAN 141 2036

LOT 3
BLOCK 1
5.87 ha.
(14.52 Ac.)

LOT 1
BLOCK 1
DESCRIPTIVE PLAN 031 2304

BLOCK 1
PLAN 901 1518
CANADIAN PACIFIC RAILWAY
R/W PLAN R.Y. 31

LOT 2
BLOCK 1
PLAN 151 0616

N.W.1/4 SEC. 24 - 7 - 2 - 5
PARCEL 'A'
PLAN 294 F.O.

24

S.E.1/4 SEC. 24 - 7 - 2 - 5

2	Revised Lot	May 17/22	cjb
1	Revised Lot	Jan.26/16	cjb
NO.	REVISION	DATE	BY

Improvements shown were surveyed on June 12th, 2013
NOTE : Portion to be approved is outlined thus **-----**
and contains approximately 5.87 ha.
Distances are in metres and decimal parts thereof.
Overhead line is shown thus **— OP — OP —**
PP stands for utility pole.
Fence lines are shown thus **— X — X —**
Distances and areas are approximate and are
subject to change upon final survey.

AGNES THIBERT

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
LOT 1; BLOCK 1; DESCRIPTIVE PLAN 031 2304
all within
N.E.1/4 SEC. 24; TWP. 7; RGE. 2; W.5 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9



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

APPROVED	DRAWN CJB	DATE DEC. 17/15
T. C. Penner, A.L.S.	CHECKED TCP	JOB 13-11826
	SCALE 1:5000	DRAWING 13-11826TB