

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
Virtual VIA Microsoft Teams
December 3rd 2024
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of October 29, 2024

3. Closed Meeting Session

4. Unfinished Business

5. Subdivision Application

- a. Subdivision Application No. 2024-0-105
Sproule Agro
N ½ 25-6-30 W4
- b. Subdivision Application No. 2024-0-163
LY Investments Ltd., Jawd Holdings Inc.
Lot 96, Block 4, Plan 0513637 within SW 25-4-4 W5
- c. Subdivision Application No. 2024-0-164
LY Investments Ltd., Jawd Holdings Inc., GC & JC Investments Ltd., Timber-Tech Truss
Systems Ltd.
Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within SW 25-4-4 W5

6. New Business

7. Next Regular Meeting January 7, 2024 6:00 pm

8. Adjournment

Meeting Minutes of the Subdivision Authority
Tuesday, October 29th 2024
6:00 pm
MD of Pincher Creek Council Chambers

IN ATTENDANCE

Members: Reeve Rick Lemire, Councillors Dave Cox, Tony Bruder, Jim Welsch and John MacGarva,

Staff: Chief Administrative Officer Roland Milligan and Development Officer Laura McKinnon

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Absent:

COMMENCEMENT

Chairman Rick Lemire called the meeting to order, the time being 6:00 pm.

1. ADOPTION OF AGENDA

Councillor Jim Welsch 24/031

Moved that the Subdivision Authority Agenda for October 29, 2024, be approved as amended.

ADDITION

4.a Subdivision Application No. 2024-0-105 Sproule Agro update

Carried

2. ADOPTION OF MINUTES

Councillor Tony Bruder 24/032

Moved that the September 3, 2024, Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Dave Cox 24/033

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

Councillor John MacGarva 24/034

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
October 29, 2024

Moved that the Subdivision Authority open the meeting to the public, the time being 6:15 pm.

Carried

4. UNFINISHED BUSINESS

- a. Subdivision Application No. 2024-0-105 Sproule Agro update

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2024-0-104
Harold & Kathleen Lewis
SW 1-6-30 W4

Councillor Tony Bruder

24/034

THAT the Country Residential subdivision of SW1/4 1-6-30-W4M (Certificate of Title No. 861 075 480), to create a 4.75 acre (1.92 ha) parcel from a previously unsubdivided quarter section of 157.43 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.
3. That any conditions as required by Alberta Transportation shall be provided prior to finalization.

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.

- b. Subdivision Application No. 2024-0-136
Connaught Simmons
NW 10-6-2 W5

Councillor Dave Cox

24/035

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
October 29, 2024

THAT the Residential subdivision of NW1/4 10-6-2-W5M (Certificate of Title No. 181 151 940), to create two lots 0.32 acre (0.13 ha) lots and one 0.85 acre (0.343 ha) lot from a title of 2.0 acres (0.81 ha) for residential use; BE APPROVED subject to the following:

RESERVE

1. The 10% requirement for Municipal Reserve be dedicated (as shown on BOA tentative plan 24-16432TC) as land in accordance with s.666 of the Municipal Government Act

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. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation to accommodate the proposal.
4. The proposed subdivision complies with the M.D of Pincher Creek subdivision policy 18.30

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, December 3rd, 2024; 6:00 pm.

8. ADJOURNMENT

Councillor Dave Cox

24/035

Moved that the meeting adjourn, the time being 6:16 pm.

Carried

Rick Lemire, Reeve
Subdivision Authority

Laura McKinnon, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2024-0-105

November 25, 2024

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

Dear Mr. Milligan,

RE: N1/2 25-6-30-W4M / M.D. of Pincher Creek No. 9

With regard to the subdivision application noted above, please find attached a draft resolution for your 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 & Protected Areas - J. Cayford, AER and Canada Post.

After the Subdivision & Development 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

2024-0-105

M.D. of Pincher Creek No. 9 Country Residential subdivision of N1/2 25-6-30-W4M

THAT the Country Residential subdivision of N1/2 25-6-30-W4M (Certificate of Title No. 231 229 964 +1, 231 229 694), to create an 8.10 acre (3.28 ha) parcel and an 81.81 acre (33.11 ha) parcel (in two parts) from two titles of 44.41 acres (17.97 ha) and 45.53 acre (18.42 ha) respectively for country residential and agricultural use; BE APPROVED subject to the following:

RESERVE:

The payment of the applicable 10% Municipal Reserve on the 8.10 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes. Land valuation is \$3,700 per acre so the estimated amount owing is \$2,997.

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 an easement for legal access across the driveway of the proposed lot shall be provided before final approval of the subdivision. A copy of the signed easement agreement is required by the Subdivision Authority.
4. That the residual portion of Certificate of Title 231229964 be consolidated with the adjacent Certificate of Title 231229964+1 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 removes the encroachment of the building/structure that is located over the proposed new property line, or that an encroachment agreement is established in accordance with Section 72 of the *Land titles Act* (RSA 2000) with the SE36 6-30 W4M.
6. That a water license to service two properties be obtained for the existing well located with the quarter section to the north, a new water well be sought through Alberta Environment *Water Act* Approval, or proof of the installation of a cistern as a domestic water source be provided to the Subdivision Authority prior to endorsement for registration.
7. That the applicant complies with all requirements of Alberta Transportation and Economic Corridors comments (file RPATH0044617) which includes that a 10 metre by 10 metre service roadway shall be dedicated by plan of survey.
8. That the applicant/owner installs a private sewage disposal treatment system to replace the existing system in accordance with Private Sewage Disposal Systems Regulation and as provided by the Alberta Private Sewage Systems Standard of Practice. And further that the final installation be inspected by an accredited building inspector and the documentation for that inspection be submitted to the subdivision authority prior to endorsement for registration.

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 subdivision authority, in considering the written submissions from Marjorie Latimer and Don Carlson finds that the concerns are focused on the existing agricultural practices and are therefore outside the parameters of the subdivision policies pertaining to the proposal.
4. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.22.
5. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Section 18 of the *Matters Related to Subdivision and Development Regulation* to accommodate the proposal.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 8.10 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 8.10 acre (3.28 ha) being subdivided at \$3,700 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$2,997 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Town of Pincher Creek – Kim Kozak, Planning and Development Officer:

Comments Received August 14, 2024:

“The application is an IDP item due to the proposal of consolidating the two existing parcels together, as the existing westerly title (231 229 964 +1) is zoned Urban Fringe - UF and the existing easterly title (231 229 964) is zoned Agriculture – A. A split zoning will result but there are no issues with that. It would be the Town’s preference for the west portion to remain as is and as Urban Fringe – UF.

The land is outside the future growth area or direction of the Town as identified in the MDP, at least for the foreseeable future. The IDP does not identify anything special for the land and the yard area itself is situated outside the IDP boundary.

There was higher level thought in the past to having a future road connect from the town’s northeast area through this parcel area to Highway 785 to the east. However, as the land is just east of the area identified by Alberta Transportation for moving forward with the plans for the Highway 3/6 interchange and bypass, a future east connector at this location may no longer be a need. The location of the existing driveway may be the logical location for such a road, so the proposal itself may be seen to not interfere in any regard anyway.

Overall, see no major concerns from the Town from a planning or land use perspective.”

Comments Received November 20, 2024:

“No concerns from the Town’s end on the planning and operations side of the proposal.”

- (e) Thank you for including TELUS in your circulation. At this time, TELUS has no concerns with the proposed activities.

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

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

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

- (g) 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.

- (h) Alberta Health Services:

Comments from Wade Goin, Executive Officer/Public Health Inspector – Received August 12, 2024:

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

- As per the planner's notes, AHS recommends the applicant provide verification to the approving authority that there is sufficient and approved water allocation.
- AHS recommends that water sources and septic systems be completely contained on the property being served. This will help to avoid future conflicts or access concerns.
- Please be advised of drinking water well setbacks (Nuisance and General Sanitation Regulation section 15).

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

If you require any further information, please don't hesitate to contact me."

Comments from Kristen Dykstra, Executive Officer/Public Health Inspector – Received November 4, 2024:

"Thank you for the opportunity to comment on File No: 2024-0-105. Alberta Health Services – Environmental Public Health (AHS-EPH) reviews and provides comment on land use applications from a public health perspective.

It is understood that the purpose of this application is to subdivide agricultural land to create two parcels for country residential and agricultural use. There is an existing farmyard with a dwelling, serviced by a domestic well and septic system.

AHS-EPH would like to offer the following comments:

- Each parcel of residential land should have access to a legal source of potable drinking water as designated by the appropriate regulatory authority. The application indicates a domestic well as the potable water source. AHS-EPH recommends that wells be completely contained on the property being served to avoid future conflicts or access concerns.
- The application noted that the existing septic system is failing and needs to be replaced. AHS-EPH recommends decommissioning of any existing septic tanks or fields that will no longer be used.
- Where water services are provided, sewer services approved by the appropriate agency must also be provided. The location of any proposed septic system or release of sewage effluent to the ground surface (open discharge) should not contravene setbacks as prescribed in Section 15 of the *Nuisance and General Sanitation Regulation* (AR 243/2003).

AHS-EPH has **no concerns** with the application provided that the applicant complies with all pertinent regulations, by-laws, and standards."

- (i) Alberta Environment and Protected Areas - Kristin Cline, Wildlife Biologist:

"From a wildlife perspective, the parcel of land proposed for subdivision is ~500 m to the west of a great-blue heron colony so development/disturbance outside the sensitive breeding period (March 1st to August 31st) is suggested. In addition, there are risks to further development near Pincher Creek watercourse and the wintering range of a large herd of white-tailed deer (typically over 100 individuals). Further loss of habitat connectivity, forage habitat and sheltering habitat will impact the ungulate population in this area. Finally, the land parcel is in sharp-tailed grouse range, and sensitive raptor range (including prairie falcon, ferruginous hawk, golden eagle and bald eagle) – though it is unlikely that leks or nests are located within this area."

For further details on the above, please feel free to reach out.

- (j) Historical Resources – Barry Newton, Land Use Planner:

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

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

Revised Comments Received September 4, 2024:

"This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 6X, 3, 785, 3X

Transportation and Economic Corridors offers the following comments with respect to this application:

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

The requirements of Section 19 of the Regulation are not met. To ensure future access management requirements are met a service road is required. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors does not grant approval for the subdivision authority to vary the requirements of Section 19 of the Regulation, Transportation and Economic Corridors will accept service road dedication as described below:

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

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. To satisfy Section 19 of the Subdivision and Development Regulation, a 10 metre by 10 metre service road shall be dedicated along the highway frontage as shown on the attached plan. The service road shall be dedicated by plan of survey and clearly delineated on the final survey as "service road" and the service road shall be a condition of subdivision approval.
3. Transportation and Economic Corridors accepts no responsibility for the noise impacts or other impacts of highway traffic upon any development or occupants thereof. The subdivision design should include adequate physical features to ensure that the proposed use of land is compatible with the adjacent provincial highway system. Some of these features might, for example, include landscaping and/or berming, to provide noise attenuation and visual screening from the highway. Implementation of these features is the responsibility of the owner/municipality.

4. The existing access may remain on a temporary basis. All direct highway accesses are to be considered temporary. No compensation shall be payable to the landowner, or their assigns or successors when Transportation and Economic Corridors removes or relocates the access or if highway access is removed and access provided via a municipal road or service road.
5. The subject land is within the permit area of a highway as outlined in the Highways Development and Protection Regulation. Proposed development on the subject will require the benefit of a Roadside Development Permit from Transportation and Economic Corridors.

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.



(j) Comments from Marjorie Latimer:

"I am writing regarding File No. 2024-0-105. As an adjacent landowner, I have concerns regarding the proposed subdivision.

The applicant has established a pattern of over spraying and spray drift. On the family farm, for the past two years—and previous to that, but not continuously—significant native grass has been killed along fence lines between the applicant and ourselves. Once the spray kills the native grass, the first plants in are thistles, giving grass no chance of recovery. A drive around the Municipal District of Pincher Creek indicates that other farms and ditches have been impacted the same way. In our case, seeking restitution via conversation, text, phone, and letter have proved unfruitful.

While it is only speculation that a potential landowner might be similarly impacted if a subdivision were created, a pattern has clearly been established. Over spraying of an acreage would not only impact any grass on "the place," it might impact the health and well-being of any people and animals living there. There is no reason to believe that more care would be taken in that scenario, than is currently being taken.

I recognize that this email likely sounds like the emotional response; certainly any financial loss and rising cynicism about the responsibility of a neighbour rouses emotion. Dead native grass; however, is a fact. Approving the subdivision would not be in the best interests of a future owner."

(m) Comments from Don Carlson:

Thank you for the opportunity to make comments regarding the proposed subdivision of land--File No. 2024-0-105. I am not in favour of the proposed development.

While you indicate that the westerly title is zoned Urban Fringe, there is significant pride and value in maintaining the farmland that predated zoning, going back to the 1800's. I am not in favour of further urban expansion into our rural neighbourhood.

Having shared land borders with the application for some years has not proven beneficial to me, given his propensity for overspraying and/or spray drift and refusing to provide any compensation for the resulting damages. It seems likely that an acreage owner in the midst of the applicant's farming operation, might suffer similar carnage with no likelihood of restitution.

Historically, the applicant has been neither communicative nor responsible, lacking the integrity to make restitution for the damages caused, thus I am not in favour of giving him further opportunity for negative impact."

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND (RECIRCULATION – REVISED TENTATIVE PLAN)

NOTE: This application was initially circulated on July 24, 2024 and our office received comments from several agencies. Since then the applicant has submitted a revised tentative plan (see Preliminary Comments). **We ask that you respond only if your comments differ from your first response.** In summary, if we do not receive a reply from you, we will use the information provided in your first communication.


DATE: October 31, 2024 **Date of Receipt:** July 10, 2024
Date of Completeness: July 16, 2024

TO: Landowner: Lloyd Winston Sproule

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

Referral Agencies: M.D. of Pincher Creek No. 9, Town of Pincher Creek, S. Harty - ORRSC, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Apex Utilities Inc., AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, Area Wildlife Biologist, AB Transportation, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: 1232146 ALBERTA LTD., Audrey Westrop, Donald Carlson & Marjorie Latimer, Elizabeth Hilliard, Kelly & Jaycne Bischoff, Macleod View Dairy (1994) Ltd, Malcolm Holtman, Ryan and Kendra Yanke

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 **November 19, 2024**. (Please quote our File No. 2024-0-105 in any correspondence with this office).

File No: 2024-0-105

Legal Description: N1/2 25-6-30-W4M

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

Land Designation: Agriculture – A / Urban Fringe - UF
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 231 229 964 +1, 231 229 694

Proposal: To create an 11.69 acre (4.73 ha) parcel and a 78.23 acre (31.66 ha) parcel (in two parts) from two titles of 44.41 acres (17.97 ha) and 45.53 acre (18.42 ha) respectively for country residential and agricultural use.

Planner's Preliminary Comments:

The purpose of this application is to create an 11.69 acre (4.73 ha) parcel and a 78.23 acre (31.66 ha) parcel (in two parts) from two titles of 44.41 acres (17.97 ha) and 45.53 acre (18.42 ha) respectively for country residential and agricultural use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, and two other out-buildings which encroach into SE36 6-30 W4M. Access to the lot is presently granted from an existing approach to the east, off of Highway 785. The revised lot configuration creates the title in two parts scenario. The existing residence is serviced by a septic system and off-site domestic well. The off-site well will either need to be licensed or replaced with a new well or cistern on-site. A new well would require Water Act approval as the new lot will be the seventh in the quarter. The septic system was discovered to be failing and needs to be replaced.

The existing westerly title (231229964+1) is zoned Urban Fringe - UF and the existing easterly title (231229964) is zoned Agriculture – A. In accordance with MD Bylaw 1200-10, an Intermunicipal Development Plan (IMDP) meeting will be held to gather a recommendation from the IMDP committee.

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 an easement for legal access across proposed Lot 3 Block 1 shall be provided to the benefit of Proposed Lot 4 Block 1 before final approval of the subdivision. A copy of the signed easement agreement is required by the Subdivision Authority.
7. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
8. That the residual portion of Certificate of Title 231229964 be consolidated with the adjacent Certificate of Title 231229964+1 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
9. That the applicant removes the encroachment of the building/structure that is located over the proposed new property line, or that an encroachment agreement is established in accordance with Section 72 of the Land titles Act (RSA 2000).

10. That a water license to service two properties be obtained for the existing well located with the quarter section to the north, a new water well be sought through Alberta Environment Water Act Approval, or proof of the installation of a cistern as a domestic water source be provided to the Subdivision Authority prior to endorsement for registration.
11. That, any conditions of Alberta Culture, Historic Resources, shall be met prior to finalization. That the applicant submit a copy of the Historical Resources Act approval prior to registration of the plan of subdivision.
12. That a copy of the final inspection of the replacement of the septic system be submitted to the subdivision authority and further that a surveyed location sketch be submitted to ensure setbacks required under the Alberta Private Sewage Systems Standard of Practice were adhered to.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 11.69 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes. Land valuation is \$3,700 per acre so the estimated amount owing is \$4,325.

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): <u>Agriculture - 4</u>	
Fee Submitted: <u>31100.00</u>	File No: <u>2024-0-105</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>July 10, 2024</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>July 16, 2024</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Lloyd Winston Sproule

Mailing Address: Box 1180 City/Town: Pincher Creek

Postal Code: T0K 1W0 Telephone: [Redacted] Cell: _____

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

Name of Agent (Person Authorized to act on behalf of Registered Owner): _____

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: David J. Amantea, ALS, P.Eng. brown okamura & associates ltd.

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

Postal Code: T1H 5J9 Telephone: 403-329-4688 ex 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 N¹/₂ 1/₄ Section 25 Township 6 Range 30 West of 4 Meridian (e.g. SE¹/₄ 36-1-35-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 36.39 hectares _____ acres

d. Total number of lots to be created: 2 Size of Lot(s): 3.28 ha (8.10 ac) & 33.11 ha (81.81 ac)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 231 229 964+1 & 231 229 964

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 Pincher Creek

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. 785

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 subject of the application, the subject of a licence, permit, approval, or other authorization granted by any of the provincial agencies or regulatory bodies listed below?

Yes No

Provincial agencies and regulatory bodies:

- Alberta Energy and Utilities Board (AEUB)
- Alberta Energy Regulator (AER)
- Alberta Utilities Commission (AUC)
- Energy Resources Conservation Board (ERCB)
- Natural Resources Conservation Board (NRCB)

If 'yes', please describe: _____

g. Is the land subject of the application, 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

*The Minister is responsible for the following Acts:

- Alberta Environmental Protection Act
- Alberta Land Stewardship Act
- Alberta Public Lands Act
- Alberta Surveys Act
- Alberta Water Act

If 'yes', please describe: _____

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Residential & Agriculture
- b. Proposed use of the 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.)
AG & 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:

Onsite Well Offsite Well Cistern Water Source for Cistern: _____
Other _____

b. Describe proposed source of potable water

Onsite Well Offsite Well Cistern Water Source for Cistern: _____
Other _____

7. SEWER SERVICES

a. Describe existing sewage disposal:

Sub-surface treatment field Treatment Mound Open Discharge Lagoon Holding Tank
Other _____ Year Installed _____

b. Describe proposed sewage disposal:

Sub-surface treatment field Treatment Mound Open Discharge Lagoon Holding Tank
Other _____ Year Installed _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, _____ 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: July 10/2*

9. RIGHT OF ENTRY

I, _____ 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 481 403

4;30;6;25;NW

231 229 964 +1

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 30 TOWNSHIP 6

SECTION 25

THE MOST NORTHERLY 755 FEET THROUGHOUT OF THE NORTH WEST QUARTER

CONTAINING 18.5 HECTARES MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 801 183 480 C .

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
231 229 964	02/08/2023	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

LLOYD WINSTON SPROULE

OF PO BOX 1180

PINCHER CREEK

ALBERTA T0K 1W0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 21 DAY OF MAY,
2024 AT 02:11 P.M.

ORDER NUMBER: 50561748

CUSTOMER FILE NUMBER: CH-Sproule



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).

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 21 DAY OF MAY,
2024 AT 02:09 P.M.

ORDER NUMBER: 50561677

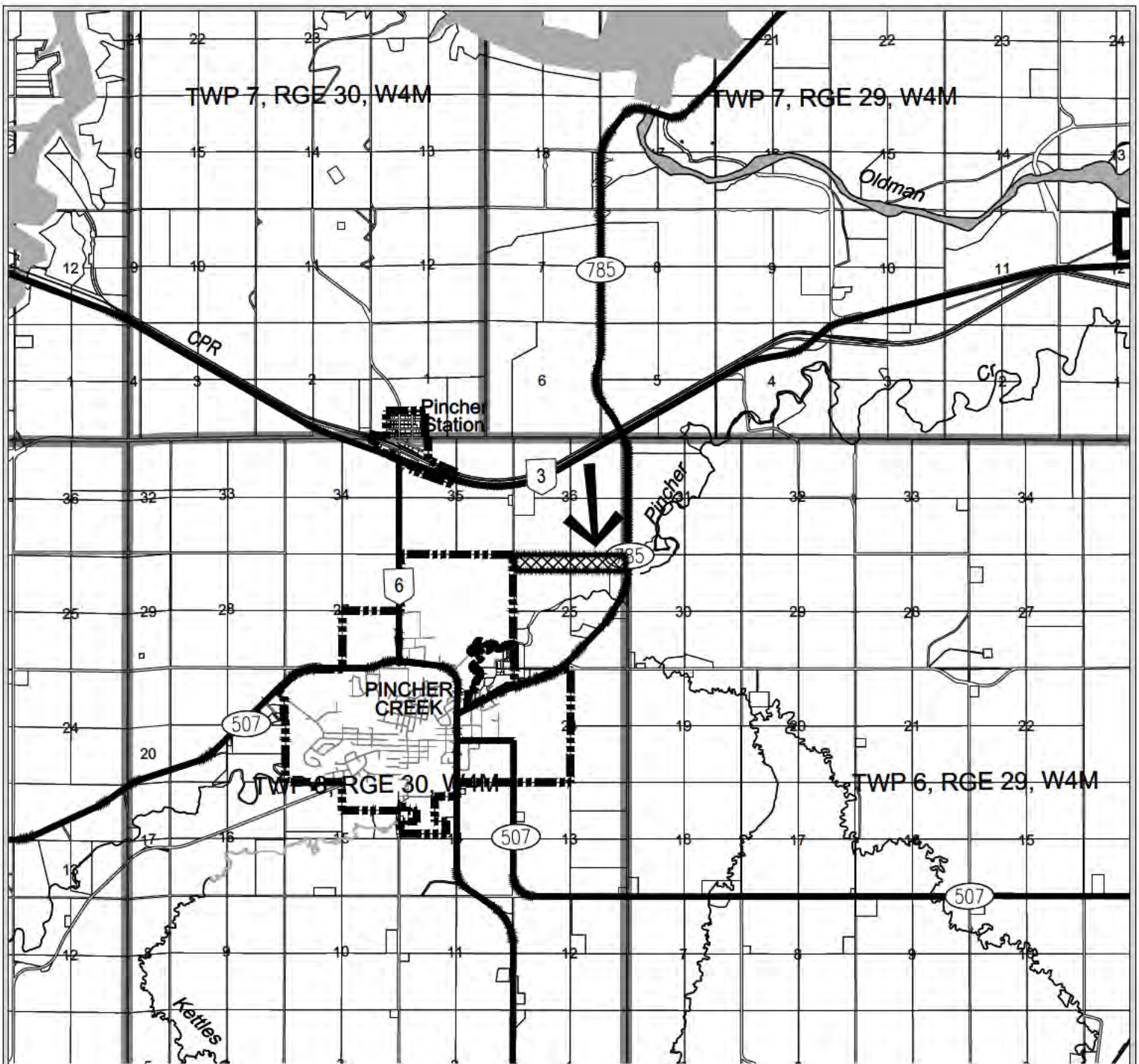
CUSTOMER FILE NUMBER: CH-Sproule



END OF CERTIFICATE

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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



SUBDIVISION LOCATION SKETCH
PORTION OF N 1/2 SEC 25, TWP 6, RGE 30, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: JULY 18, 2024
FILE No: 2024-0-105

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3102 18th AVENUE NORTH, LETHBRIDGE, AB T1Y 2G8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



July 17, 2024 N:\Subdivision\2024\2024-0-105.dwg

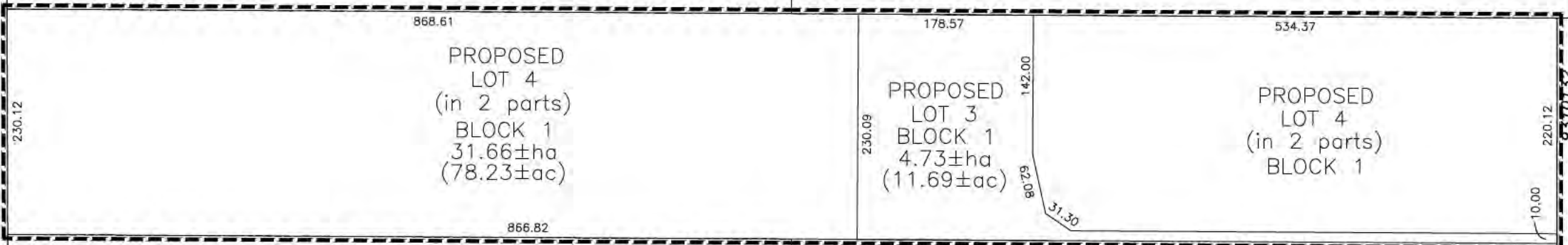


SE35
6-30-4

SW36 6-30-4

SE36 6-30-4

1
2(in 2 parts)
2111898



PROPOSED
LOT 4
(in 2 parts)
BLOCK 1
31.66±ha
(78.23±ac)

PROPOSED
LOT 3
BLOCK 1
4.73±ha
(11.69±ac)

PROPOSED
LOT 4
(in 2 parts)
BLOCK 1

TABLE OF AREAS

PROPOSED LOT 3, BLOCK 1
within NE 1/4 SEC 25 6-30-4 = 4.73±ha(11.69±ac)

PROPOSED LOT 4 (in 2 parts), BLOCK 1
within NE 1/4 SEC 25 6-30-4 = 13.24±ha(32.72±ac)
within NW 1/4 SEC 25 6-30-4 = 18.42±ha(45.52±ac)

SUBTOTAL = 31.66±ha(78.23±ac)

TOTAL = 36.39±ha(89.92±ac)

NW25 6-30-4

1
8211098

PINCHER CREEK

NE25 6-30-4

NE25
6-30-4

NW30 6-29-4

NE26 6-30-4

0614105

NE26

(8310359)
PIPELINE R/W

SE 26
6-30-4

3
1311876

PIPELINE R/W (831)

2
1311876

SE25 6-30-4

SE25 6-30-4

SW30
6-29-4

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16408T

PORTION OF N 1/2 SEC 25, TWP 6, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JULY 18, 2024

FILE No: 2024-0-105

AERIAL PHOTO SOURCE: ESRI Imagery



0 100 200 300 400 Metres

October 16, 2024 N:\Subdivision\2024\2024-0-105.dwg





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16408T

PORTION OF N 1/2 SEC 25, TWP 6, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JULY 18, 2024

FILE No: 2024-0-105

AERIAL PHOTO SOURCE: 2015



S.E.1/4 SEC. 35
6 - 30 - 4

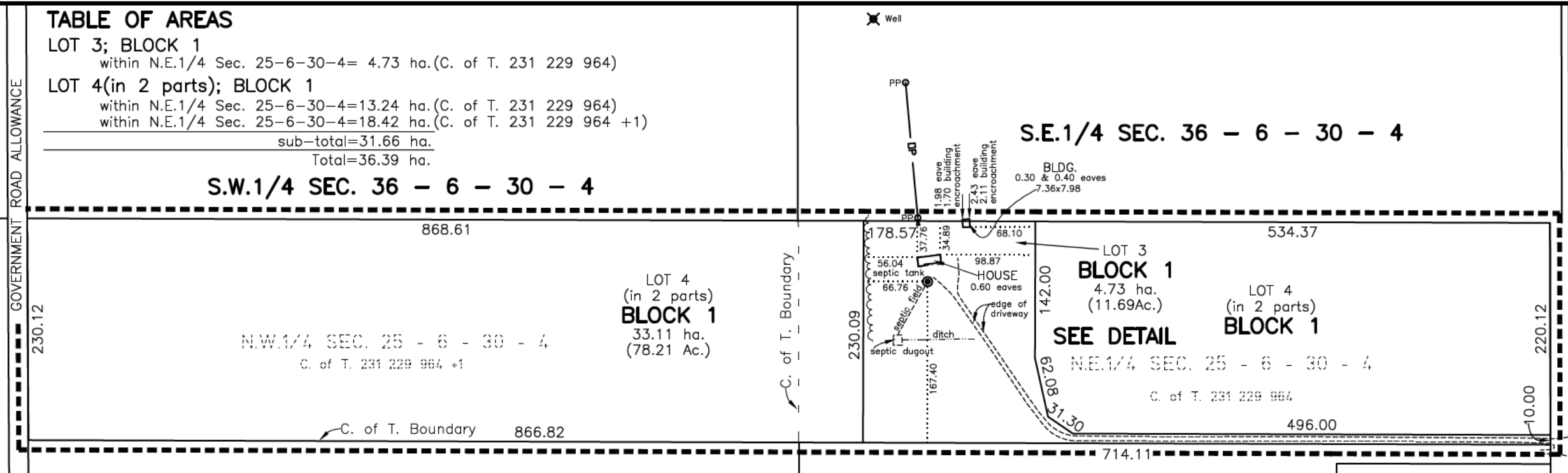
TABLE OF AREAS

LOT 3; BLOCK 1
within N.E.1/4 Sec. 25-6-30-4= 4.73 ha.(C. of T. 231 229 964)
LOT 4(in 2 parts); BLOCK 1
within N.E.1/4 Sec. 25-6-30-4=13.24 ha.(C. of T. 231 229 964)
within N.E.1/4 Sec. 25-6-30-4=18.42 ha.(C. of T. 231 229 964 +1)
sub-total=31.66 ha.
Total=36.39 ha.

S.W.1/4 SEC. 36 - 6 - 30 - 4

S.E.1/4 SEC. 36 - 6 - 30 - 4

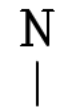
N.E.1/4 SEC. 26
6 - 30 - 4



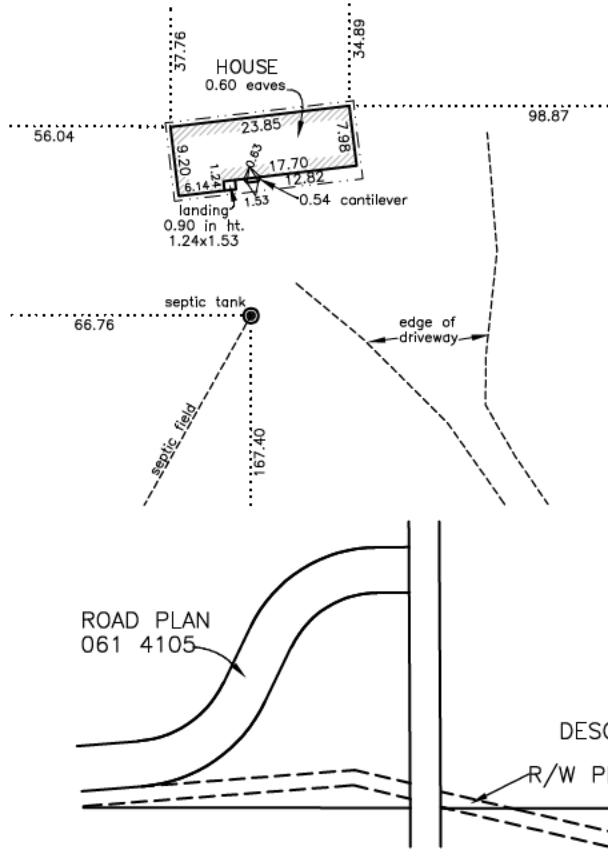
LOT 1
BLOCK 1
PLAN 211 1898

ROAD PLAN 931 0132
N.W.1/4 SEC. 30 - 6 - 29 - 4

ROAD PLAN 931 0132
N.W.1/4 SEC. 30 - 6 - 29 - 4



DETAIL
SCALE: 1:1000



N.W.1/4 SEC. 25 - 6 - 30 - 4
C. of T. 201 000 523 +2

LOT 1
BLOCK 1
PLAN 821 1098

N.E.1/4 SEC. 25 - 6 - 30 - 4

25

LOT 1 BLOCK 2 DESCRIPTIVE PLAN 131 1876

S.E.1/4 SEC. 25 - 6 - 30 - 4

1	Revised Lots	Oct. 16/24	cjb
NO.	REVISION	DATE	BY

Improvements shown were surveyed on June 6th, 2024
NOTE : Portion to be approved is outlined thus **-----**
and contains approximately 36.39 ha.
Distances are in metres and decimal parts thereof.
Overhead line is shown thus **—DP—DP—**
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.

LLOYD SPROULE

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
N.1/2 SEC. 25; TWP. 6; RGE. 30; W.4 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9



brown okamura & associates ltd.

Professional Surveyors
2830 - 12th Avenue North, Lethbridge, Alberta

APPROVED	DRAWN CJB	DATE JULY 8/24
	CHECKED DJA	JOB 24-16408
	SCALE 1:5000	DRAWING 24-16408T
D. J. Amantea, A.L.S.		

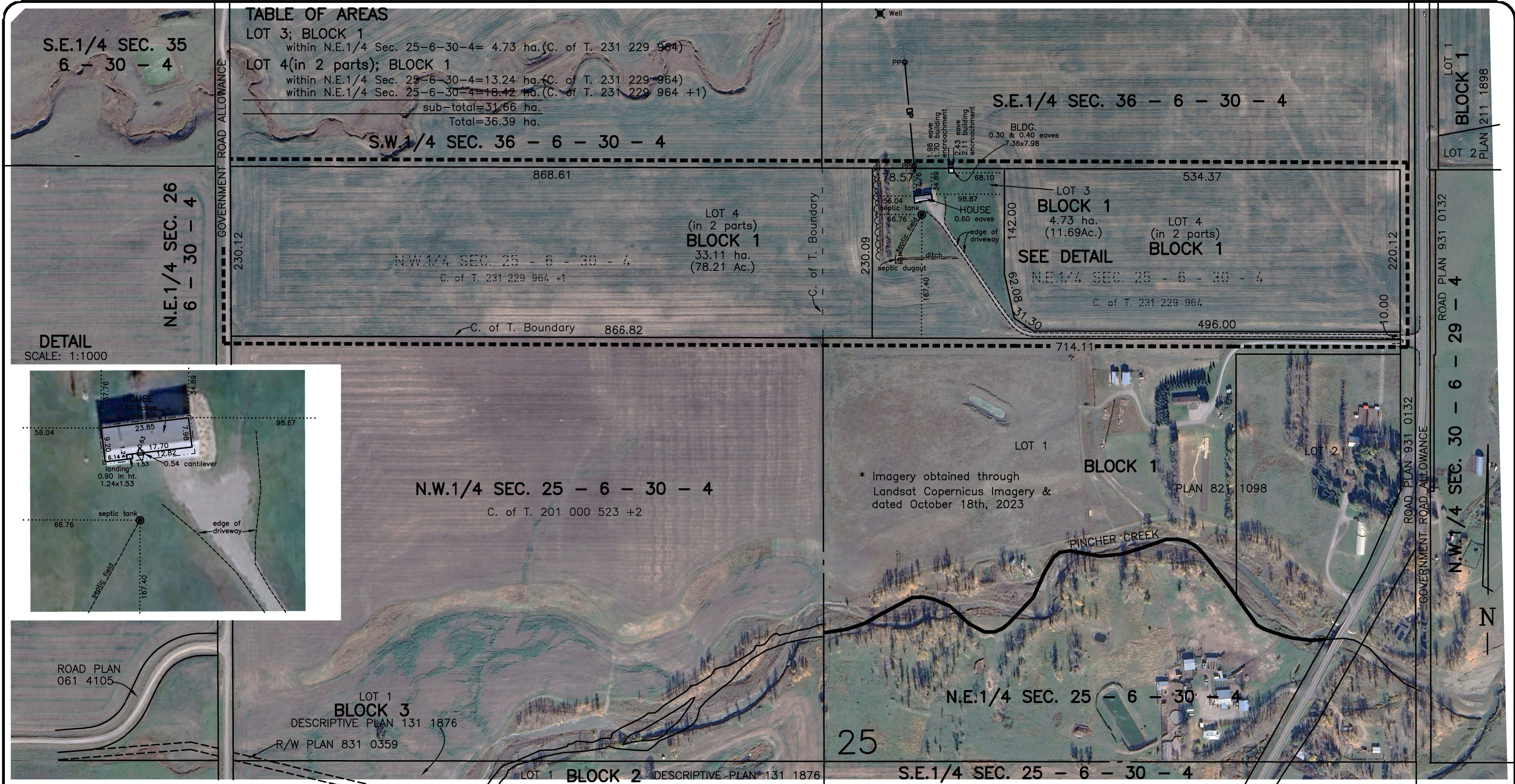


TABLE OF AREAS

LOT 3; BLOCK 1	within N.E.1/4 Sec. 25-6-30-4= 4.73 ha.(C. of T. 231 229 964)
LOT 4(in 2 parts); BLOCK 1	within N.E.1/4 Sec. 25-6-30-4=13.24 ha.(C. of T. 231 229 964)
	within N.E.1/4 Sec. 25-6-30-4=18.42 ha.(C. of T. 231 229 964 +1)
	sub-total=31.66 ha.
	Total=36.39 ha.

S.E.1/4 SEC. 35
6 - 30 - 4

S.W.1/4 SEC. 36 - 6 - 30 - 4

S.E.1/4 SEC. 36 - 6 - 30 - 4

N.E.1/4 SEC. 26
6 - 30 - 4

LOT 4
(in 2 parts)
BLOCK 1
33.11 ha.
(78.21 Ac.)

LOT 3
BLOCK 1
4.73 ha.
(11.69Ac.)

LOT 4
(in 2 parts)
BLOCK 1

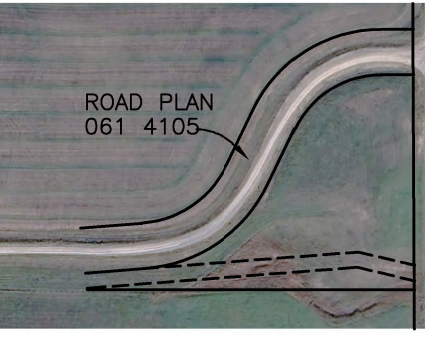
N.W.1/4 SEC. 25 - 6 - 30 - 4
C. of T. 231 229 964 +1

N.E.1/4 SEC. 25 - 6 - 30 - 4
C. of T. 231 229 964

N.W.1/4 SEC. 25 - 6 - 30 - 4
C. of T. 201 000 523 +2

N.E.1/4 SEC. 25 - 6 - 30 - 4

DETAIL
SCALE: 1:1000



LOT 1
BLOCK 3
DESCRIPTIVE PLAN 131 1876
R/W PLAN 831 0359

LOT 1 **BLOCK 2** DESCRIPTIVE PLAN 131 1876

25

S.E.1/4 SEC. 25 - 6 - 30 - 4

1	Revised Lots	Oct. 16/24	cjb
NO.	REVISION	DATE	BY
<p>Improvements shown were surveyed on June 6th, 2024</p> <p>NOTE : Portion to be approved is outlined thus -----</p> <p>and contains approximately 36.39 ha.</p> <p>Distances are in metres and decimal parts thereof.</p> <p>Overhead line is shown thus — DP — DP —</p> <p>PP stands for utility pole.</p> <p>Fence lines are shown thus — X — X —</p> <p>Distances and areas are approximate and are subject to change upon final survey.</p>			

LLOYD SPROULE

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
N.1/2 SEC. 25; TWP. 6; RGE. 30; W.4 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

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

APPROVED	DRAWN CJB	DATE JULY 8/24
	CHECKED DJA	JOB 24-16408
	SCALE 1:5000	DRAWING 24-16408T
D. J. Amantea, A.L.S.		



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

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

DRAFT RESOLUTION

Our File: 2024-0-163

November 25, 2024

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

Dear Mr. Milligan,

RE: Lot 96, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Environment & Protected Areas - J. Cayford, Area Wildlife Biologist, AER and Canada Post.

After the Subdivision & Development 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

2024-0-163

M.D. of Pincher Creek No. 9 Residential subdivision of Lot 96, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M

THAT the Residential subdivision of Lot 96, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M (Certificate of Title No. 211 075 715), to create two leasehold lots being 0.065 acre (0.026 ha) each, from a title of 0.28 acres (0.112 ha) for multi-unit residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That a party wall agreement be established in accordance with the Land Titles Act for the common shared wall between the units, which shall be registered concurrently on title with the subdivision.

REASONS:

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

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(d) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Thank you for including TELUS in your circulation.
At this time, TELUS has no concerns with the proposed activities.
- (e) ATCO Transmission high pressure pipelines has no objections. Questions or concerns related to ATCO high pressure pipelines can be forwarded to hp.circulations@atco.com.

- (f) Easements are required for this development. The developer can initiate the process of securing an easement for the proposed subdivision by contacting the undersigned. FortisAlberta is requesting that the county defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement agreement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify the county once these steps have been completed and confirm that FortisAlberta no longer has any concerns with approval of this subdivision.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-9473) to make application.

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

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

- ATCO Gas has no objection
 - ATCO Gas has no need for a Utility Right of Way currently
 - ATCO Gas' existing and future lines are protected by an existing Utility Right of Way

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

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

Any further questions please email southlandadmin@atco.com

- (h) Thank you for the opportunity to comment on File No. 2024-0-163. Alberta Health Services – Environmental Public Health (AHS-EPH) reviews and provides comment on land use applications from a public health perspective.

It is understood that the purpose of this application is to create two lots for multi-unit residential use.

AHS-EPH has reviewed the information, and would like to provide the following comments:

- The application indicates the proposed potable water supply will be the local water system. AHS-EPH recommends connection to an approved municipal or regional drinking water system where feasible.
- The application indicates the proposed sewage disposal will be the local septic system. AHS-EPH recommends connection to an approved municipal or regional wastewater system where feasible.

AHS-EPH has **no concerns** with the application provided that the applicant complies with all pertinent regulations, by-laws, and standards.

Please feel free to contact me with any questions or concerns.”

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

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 774

Transportation and Economic Corridors offers the following comments with respect to this application:

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

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

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors 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

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

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

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: November 6, 2024

Date of Receipt: October 24, 2024


Date of Completeness: October 24, 2024

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

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 & Protected Areas - J. Cayford, AB Transportation, Area Wildlife Biologist, AER, Canada Post

Adjacent Landowners: Castle Mountain Resort Inc., Don Penner Seeds Ltd., Macknight Jacqueline Frances

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 Related 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 **November 25, 2024**. (Please quote our File No. 2024-0-163 in any correspondence with this office).

File No.: 2024-0-163

Legal Description: Lot 96, Block 4, Plan 0513736 within SW1/4 25-4-4-W5M

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

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

Existing Use: Residential

Proposed Use: Residential

of Lots Created: 2

Certificate of Title: 211 075 715

Proposal: To create two leasehold lots being 0.065 acre (0.026 ha) each, from a title of 0.28 acres (0.112 ha) for multi-unit residential use.

Planner's Preliminary Comments:

The purpose of this application is to create two leasehold lots being 0.065 acre (0.026 ha) each, from a title of 0.28 acres (0.112 ha) for multi-unit residential use.

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

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies, or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That a party wall agreement be established in accordance with the Land Titles Act for the common shared wall between the units, which shall be registered concurrently on title with the subdivision.

RESERVE:

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

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>CmmAR</u>	
Fee Submitted: <u>31100.00</u>	File No: <u>2024-0-163</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>October 24, 2024</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>October 24, 2024</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: L Y INVESTMENTS LTD & JAWD HOLDINGS INC
 Mailing Address: Box 4225, Station Main City/Town: Taber
 Postal Code: T1G 2X7 Telephone: _____ Cell: [Redacted]
 Email: [Redacted] Preferred Method of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): _____
 Mailing Address: _____ City/Town: _____
 Postal Code: _____ Telephone: _____ Cell: _____
 Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: Thomas C. Penner, ALS brown okamura & associates ltd.
 Mailing Address: 2830 - 12 Avenue North City/Town: Lethbridge
 Postal Code: T1H 5J9 Telephone: 403-329-4688 ex 128 Cell: _____
 Email: thomas@bokamura.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- a. All/part of the _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian (e.g. SE¼ 36-1-36-W4M)
- b. Being all/part of: Lot/Unit 96 Block 4 Plan 0513736
- c. Total area of existing parcel of land (to be subdivided) is: 0.112 hectares 0.28 acres
- d. Total number of lots to be created: 2 Size of Lot(s): 0.026 ha (0.065 ac.)
- e. Rural Address (if applicable): 433/434 Starlight Way, Castle Mountain Resort
- f. Certificate of Title No.(s): 211 075 715

3. LOCATION OF LAND TO BE SUBDIVIDED

- a. The land is located in the municipality of MD of Pincher Creek
- b. Is the land situated immediately adjacent to the municipal boundary? Yes No
 If "yes", the adjoining municipality is _____
- c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
 If "yes" the highway is No. _____
- d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes No
 If "yes", state its name _____
- e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown Yes No

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

f. Is the land subject of the application, the subject of a licence, permit, approval, or other authorization granted by any of the provincial agencies or regulatory bodies listed below?

Yes No

Provincial agencies and regulatory bodies:

- Alberta Energy and Utilities Board (AEUB)
- Alberta Energy Regulator (AER)
- Alberta Utilities Commission (AUC)
- Energy Resources Conservation Board (ERCB)
- Natural Resources Conservation Board (NRCB)

If 'yes', please describe: _____

g. Is the land subject of the application, 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

*The Minister is responsible for the following Acts:

- Alberta Environmental Protection Act
- Alberta Land Stewardship Act
- Alberta Public Lands Act
- Alberta Surveys Act
- Alberta Water Act

If 'yes', please describe: _____

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Multi-family residential, under construction
- b. Proposed use of the land Multi-family residential

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
n/a
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) 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.
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:

Onsite Well Offsite Well Cistern Water Source for Cistern: _____

Other Local water system

b. Describe proposed source of potable water

Onsite Well Offsite Well Cistern Water Source for Cistern: _____

Other local water system

7. SEWER SERVICES

a. Describe existing sewage disposal:

Sub-surface treatment field Treatment Mound Open Discharge Lagoon Holding Tank

Other local septic system Year Installed _____

b. Describe proposed sewage disposal:

Sub-surface treatment field Treatment Mound Open Discharge Lagoon Holding Tank

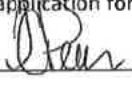
Other local septic system Year Installed _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Thomas Penner 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: Oct 23/24

9. RIGHT OF ENTRY

I, THOMAS PENNER 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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0032 236 854 0513736;4;96 211 075 715

LEGAL DESCRIPTION
PLAN 0513736
BLOCK 4
LOT 96
EXCEPTING THEREOUT ALL MINES AND MINERALS

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

ATS REFERENCE: 5;4;4;25;S

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 151 082 929 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
211 075 715	14/04/2021	TRANSFER OF LEASEHOLD TITLE	\$400,000	CASH

OWNERS

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

JAWD HOLDINGS INC.
OF 1, 704-4 AVE NORTH
LETHBRIDGE
ALBERTA T1H 6X4
AS TO AN UNDIVIDED 1/2 INTEREST

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

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

151 091 695 09/04/2015 AGREEMENT
 LEASE AMENDING AGREEMENT

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 26 DAY OF JULY,
2024 AT 03:54 P.M.

ORDER NUMBER: 51186725

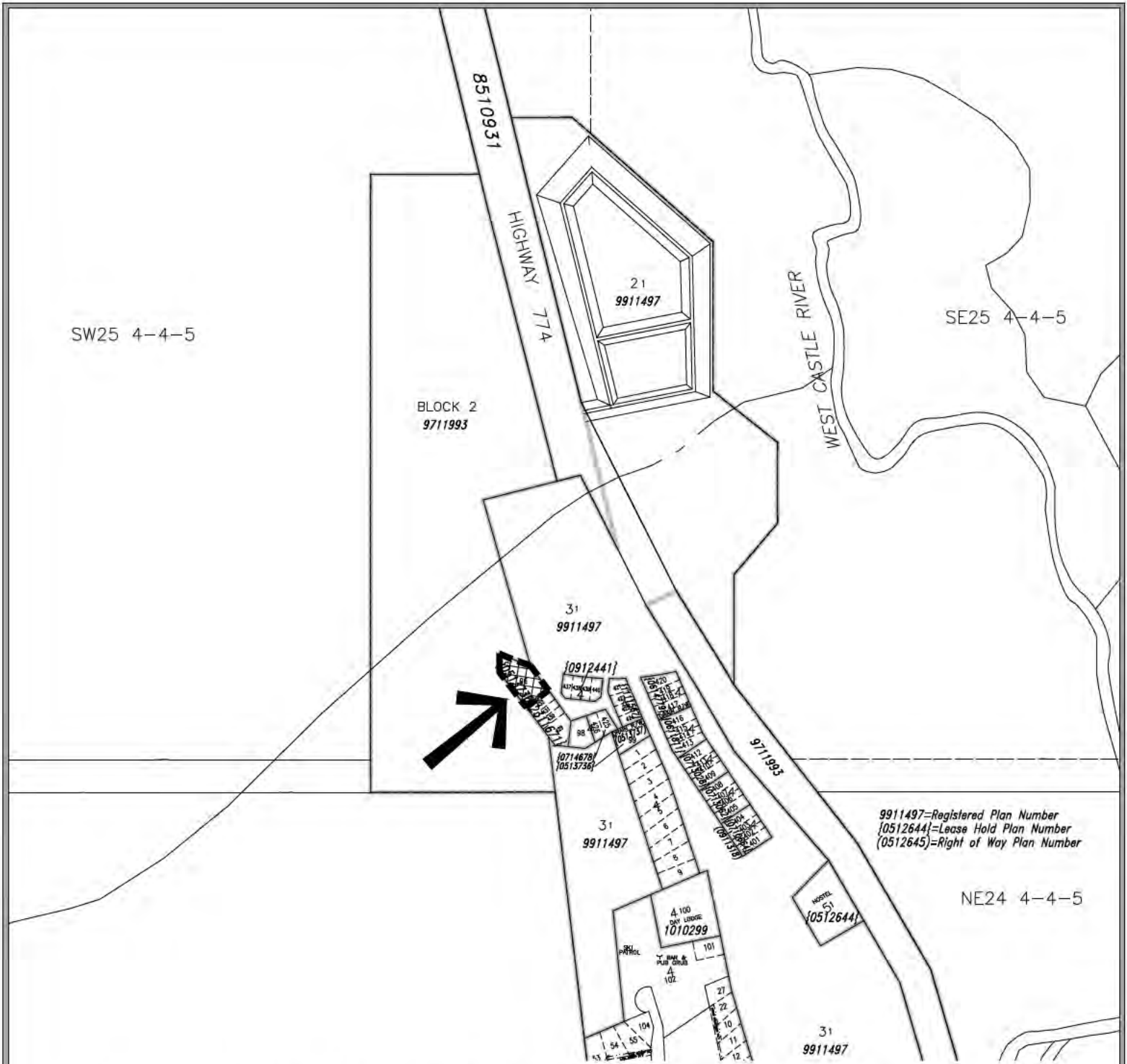
CUSTOMER FILE NUMBER: new-LY JAWD



END OF CERTIFICATE

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

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



SUBDIVISION LOCATION SKETCH

LOT 96, BLOCK 4, PLAN 0513736 WITHIN

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

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: OCTOBER 28, 2024

FILE: 2024-0-163



REMAINDER OF
TITLE IN LOT 96,
BLOCK 4
0.059±ha
(0.15±ac)
(area derived using
cadastral mapping)

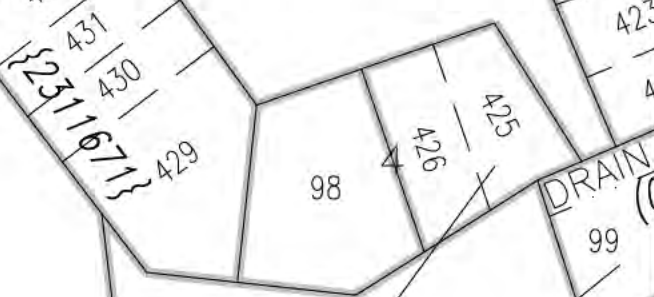
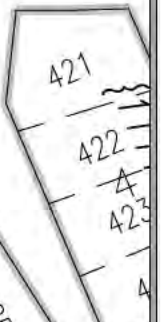
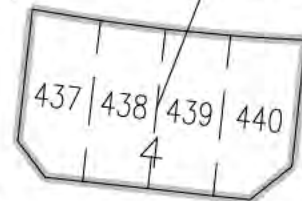
PROPOSED
LOT 434
0.026±ha
(0.065±ac)

PROPOSED
LOT 433
0.026±ha
(0.065±ac)

BLOCK 2
9711993

3 1
9911497

{0912441}



{0714678}

3 1
{0513736}
9911497

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16537TA

LOT 96, BLOCK 4, PLAN 0513736 WITHIN

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

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: OCTOBER 28, 2024

FILE: 2024-0-163





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16537TA

LOT 96, BLOCK 4, PLAN 0513736 WITHIN

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

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: OCTOBER 28, 2024

FILE: 2024-0-163



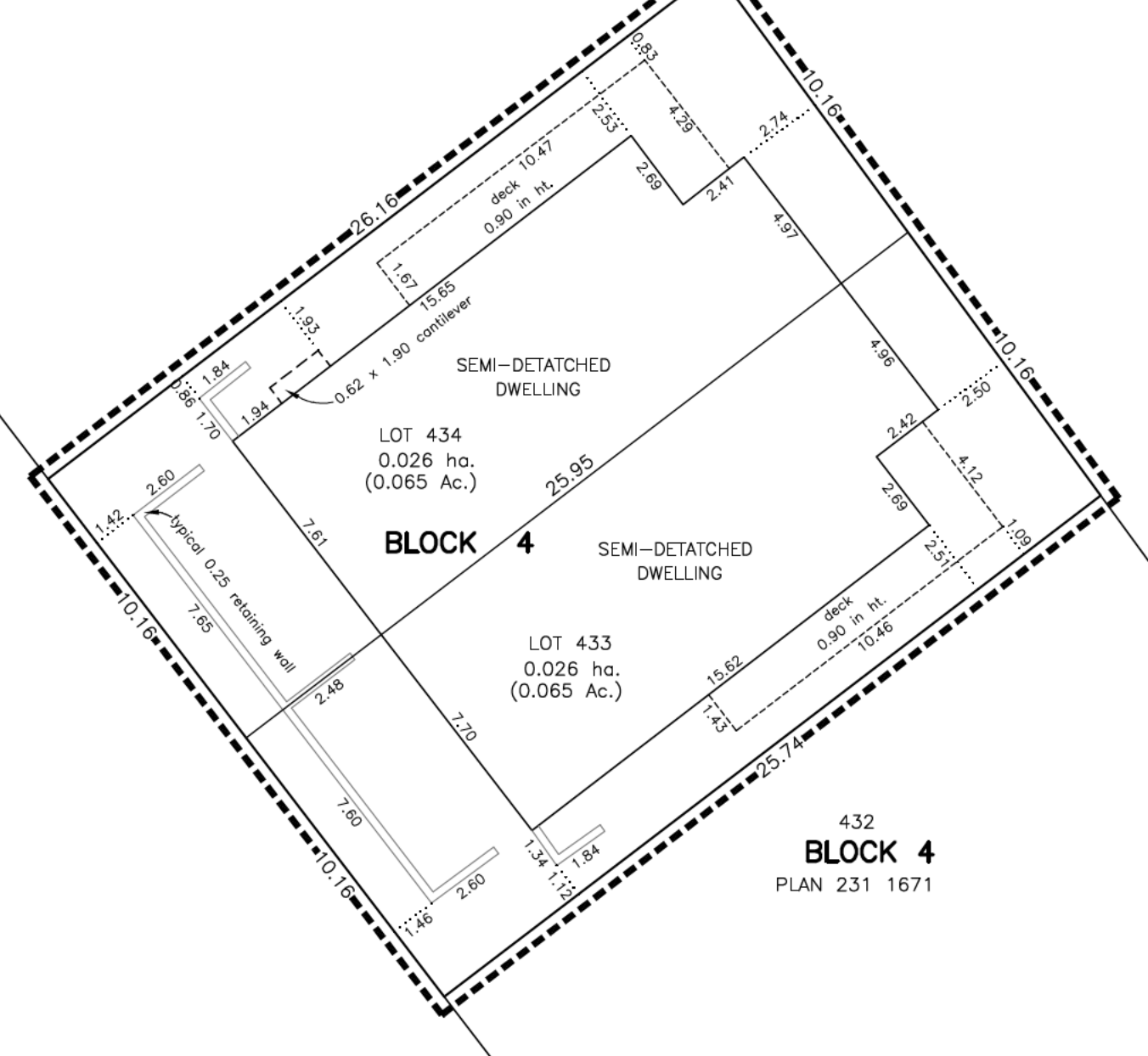
PHOTO SOURCE: ESRI IMAGERY



2
PLAN 971 1993

96
BLOCK 4
PLAN 051 3736

1
BLOCK 3
PLAN 991 1497



432
BLOCK 4
PLAN 231 1671

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus **-----**
and contains approximately 0.052 ha.
Distances are in metres and decimal parts thereof.
Distances and areas are approximate and are
subject to change upon final survey.

L Y INVESTMENTS LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
LOT 96, BLOCK 4, PLAN 051 3736
all within
S.W.1/4 SEC. 25, TWP. 4, RGE. 4, W.5 M.
Municipal District of Pincher Creek No. 9



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

APPROVED	DRAWN MJ	DATE OCT 17/24
	CHECKED TCP	JOB 24-16537
	SCALE	DRAWING
T.C. Penner, A.L.S.	1:200	24-16537TA

DRAFT RESOLUTION

Our File: 2024-0-164

November 25, 2024

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

Dear Mr. Milligan,

RE: Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within SW1/4 25-4-4-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Environment & Protected Areas - J. Cayford, Area Wildlife Biologist, AER and Canada Post.

After the Subdivision & Development 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

2024-0-164

M.D. of Pincher Creek No. 9 Residential subdivision of Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within SW1/4 25-4-4-W5M

THAT the Residential subdivision of Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within SW1/4 25-4-4-W5M (Certificate of Title No. 151 082 929 +2, 241 129 230), to create two revised leasehold lots being 0.15 acre (0.060 ha) and 0.10 acre (0.042 ha), from two leasehold titles of 0.13 and 0.12 acres respectively for multi-unit residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the 0.018 acre portion of Certificate of Title 241129230 (as depicted in BOA tentative plan 24-16555TA) be consolidated with the adjacent lot Plan 0513736 Block 4 Lot 98 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with the Municipal Development Plan, Castle Mountain Resort Area Structure Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to Subdivision and Development Regulation.
3. The Subdivision Authority is satisfied that with the consolidation, the proposed subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's land use bylaw.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(d) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Thank you for including TELUS in your circulation.

At this time, TELUS has no concerns with the proposed activities.

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

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

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

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

Any further questions please email southlandadmin@atco.com

- (g) ATCO Transmission high pressure pipelines has no objections. Questions or concerns related to ATCO high pressure pipelines can be forwarded to hp.circulations@atco.com.
- (h) Thank you for the opportunity to comment on File No. 2024-0-164. Alberta Health Services – Environmental Public Health (AHS-EPH) reviews and provides comment on land use applications from a public health perspective. It is understood that the purpose of this application is to create two revised lots for multi-unit residential use.

AHS-EPH has reviewed the information, and would like to provide the following comments:

- The application indicates the proposed potable water supply will be the local water system. AHS-EPH recommends connection to an approved municipal or regional drinking water system where feasible.
- The application indicates the proposed sewage disposal will be the local septic system. AHS-EPH recommends connection to an approved municipal or regional wastewater system where feasible.

AHS-EPH has **no concerns** with the application provided that the applicant complies with all pertinent regulations, by-laws, and standards.

Please feel free to contact me with any questions or concerns.”

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

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 774

Transportation and Economic Corridors offers the following comments with respect to this application:

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

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

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors 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

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

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

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information."

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND


DATE: November 7, 2024
Date of Receipt: October 24, 2024
Date of Completeness: October 24, 2024

TO: Landowners: L Y Investments Ltd., Jawd Holdings Inc., GC & JC Investments Ltd., Timber-Tech Truss Systems Ltd.

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 & Protected Areas - J. Cayford, Area Wildlife Biologist, AB Transportation, AER, Canada Post, Castle Mountain Resort

Adjacent Landowners: Castle Mountain Resort Inc., Chad Tyler Lerner, Lori-Ann Lerner, Doris Foden, William Foden, Harvey Lee Poulsen, Della Marie Poulsen, Jacqueline Frances Macknight, Joel Bond, Kristy Bond, Stephen Alfred Soroka, Vera Margaret Soroka

Planning Advisor: Gavin Scott 

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the M.D. of Pincher Creek No. 9. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Matters Related 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 **November 26, 2024**. (Please quote our File No. 2024-0-164 in any correspondence with this office).

File No.: 2024-0-164

Legal Description: Lot 98, Block 4, Plan 0513736 & Lot 429, Block 4, Plan 2311671 within SW1/4 25-4-4-W5M

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

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

Existing Use: Residential

Proposed Use: Residential

of Lots Created: 1 (Boundary Line Adjustment)

Certificate of Title: 151 082 929 +2, 241 129 230

Proposal: To create two revised leasehold lots being 0.15 acre (0.060 ha) and 0.10 acre (0.042 ha), from two leasehold titles of 0.13 and 0.12 acres respectively for multi-unit residential use.

Planner's Preliminary Comments:

The purpose of this application is to create two revised leasehold lots being 0.15 acre (0.060 ha) and 0.10 acre (0.042 ha), from two leasehold titles of 0.13 and 0.12 acres respectively for multi-unit residential use.

The proposal is to accommodate the subdivision two leasehold lots for a boundary line adjustment. Access to the lot is presently granted from an existing private road internal to Castle Mountain Resort. The existing building is serviced by a communal sewer and water system.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies, or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That the 0.018 acre portion of Certificate of Title 241129230 (as depicted in BOA tentative plan 24-16555TA) be consolidated with the adjacent lot Plan 0513736 Block 4 Lot 98 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

RESERVE:

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

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>CM mdr</u>	
Fee Submitted: <u>31100</u>	File No: <u>2024-0-164</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>October 24, 2024</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>October 24, 2024</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: LY INVESTMENTS LTD/JAWD HOLDINGS INC/GC & JC INVESTMENTS LTD

Mailing Address: Box 4225, Station Main City/Town: Taber

Postal Code: T1G 2X7 Telephone: _____ Cell: 188-884-1888

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 ex 128 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian (e.g. SE¼ 36-1-36-W4M)

b. Being all/part of: Lot/Unit 429 Block 4 Plan 2311671

c. Total area of existing parcel of land (to be subdivided) is: 0.049 hectares 0.020 acres

d. Total number of lots to be created: 1 Size of Lot(s): 0.007ha(0.018 ac.) to be consolidated with Lot 98

e. Rural Address (if applicable): 429 Starlight Way, Castle Mountain Resort

f. Certificate of Title No.(s): 241 129 230

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

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

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

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

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

- f. Is the land subject of the application, the subject of a licence, permit, approval, or other authorization granted by any of the provincial agencies or regulatory bodies listed below?

Yes No

Provincial agencies and regulatory bodies:

- Alberta Energy and Utilities Board (AEUB)
- Alberta Energy Regulator (AER)
- Alberta Utilities Commission (AUC)
- Energy Resources Conservation Board (ERCB)
- Natural Resources Conservation Board (NRCB)

If 'yes', please describe: _____

- g. Is the land subject of the application, 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

*The Minister is responsible for the following Acts:

- Alberta Environmental Protection Act
- Alberta Land Stewardship Act
- Alberta Public Lands Act
- Alberta Surveys Act
- Alberta Water Act

If 'yes', please describe: _____

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Multi-family residential
- b. Proposed use of the land Multi-family residential - boundary re-alignment

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) mixed
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
n/a
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) 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.
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:

Onsite Well Offsite Well Cistern Water Source for Cistern: _____

Other Local water system

b. Describe proposed source of potable water

Onsite Well Offsite Well Cistern Water Source for Cistern: _____

Other local water system

7. SEWER SERVICES

a. Describe existing sewage disposal:

Sub-surface treatment field Treatment Mound Open Discharge Lagoon Holding Tank

Other local septic system Year Installed _____

b. Describe proposed sewage disposal:

Sub-surface treatment field Treatment Mound Open Discharge Lagoon Holding Tank

Other local septic system Year Installed _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Thomas Penner hereby certify that

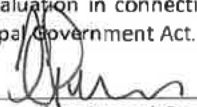
I am the registered owner I am authorized to act on behalf of the register owner

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: Oct 23/24

9. RIGHT OF ENTRY

I, THOMAS PENNER 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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0039 904 438 2311671;4;429 241 129 230

LEGAL DESCRIPTION
PLAN 2311671
BLOCK 4
LOT 429
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: LEASEHOLD , FOR A TERM OF 040 YEARS
COMMENCING ON THE 15 DAY OF OCTOBER , 2015

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

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
241 129 230	24/05/2024	PARK LEASE		

OWNERS

L Y INVESTMENTS LTD.
OF C/O PO BOX 4225, STATION MAIN
TABER
ALBERTA T1G 2X7
AS TO AN UNDIVIDED 1/2 INTEREST

JAWD HOLDINGS INC.
OF C/O PO BOX 4225, STATION MAIN
TABER
ALBERTA T1G 2X7
AS TO AN UNDIVIDED 1/4 INTEREST

GC & JC INVESTMENTS LTD.
OF C/O PO BOX 4225, STATION MAIN
TABER
ALBERTA T1G 2X7
AS TO AN UNDIVIDED 1/4 INTEREST

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

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

TOTAL INSTRUMENTS: 000

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 1 DAY OF
OCTOBER, 2024 AT 12:11 P.M.

ORDER NUMBER: 51764218

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).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0032 719 726 0513736;4;98 151 082 929 +2

LEGAL DESCRIPTION

PLAN 0513736
BLOCK 4
LOT 98

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
FILED PLAN	0714678	0.048	0.12	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 5;4;4;25;SE
ESTATE: LEASEHOLD , FOR A TERM OF 40 YEARS
COMMENCING ON THE 15 DAY OF MARCH , 2015

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 071 477 828

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
151 082 929	26/03/2015	TRANSFER OF LEASEHOLD TITLE		SEE INSTRUMENT

OWNERS

TIMBER-TECH TRUSS SYSTEMS LTD.
OF 1405-31 ST NORTH
LETHBRIDGE
ALBERTA T1H 5G8
(DATA UPDATED BY: 151091702)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	NUMBER	DATE (D/M/Y)	PARTICULARS
--------------	--------	--------------	-------------

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

071 478 074 24/09/2007 CAVEAT

(CONTINUED)

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

RE : RESTRICTIVE COVENANT

151 091 697 09/04/2015 AGREEMENT
LEASE AMENDING AGREEMENT

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 1 DAY OF
OCTOBER, 2024 AT 12:11 P.M.

ORDER NUMBER: 51764218

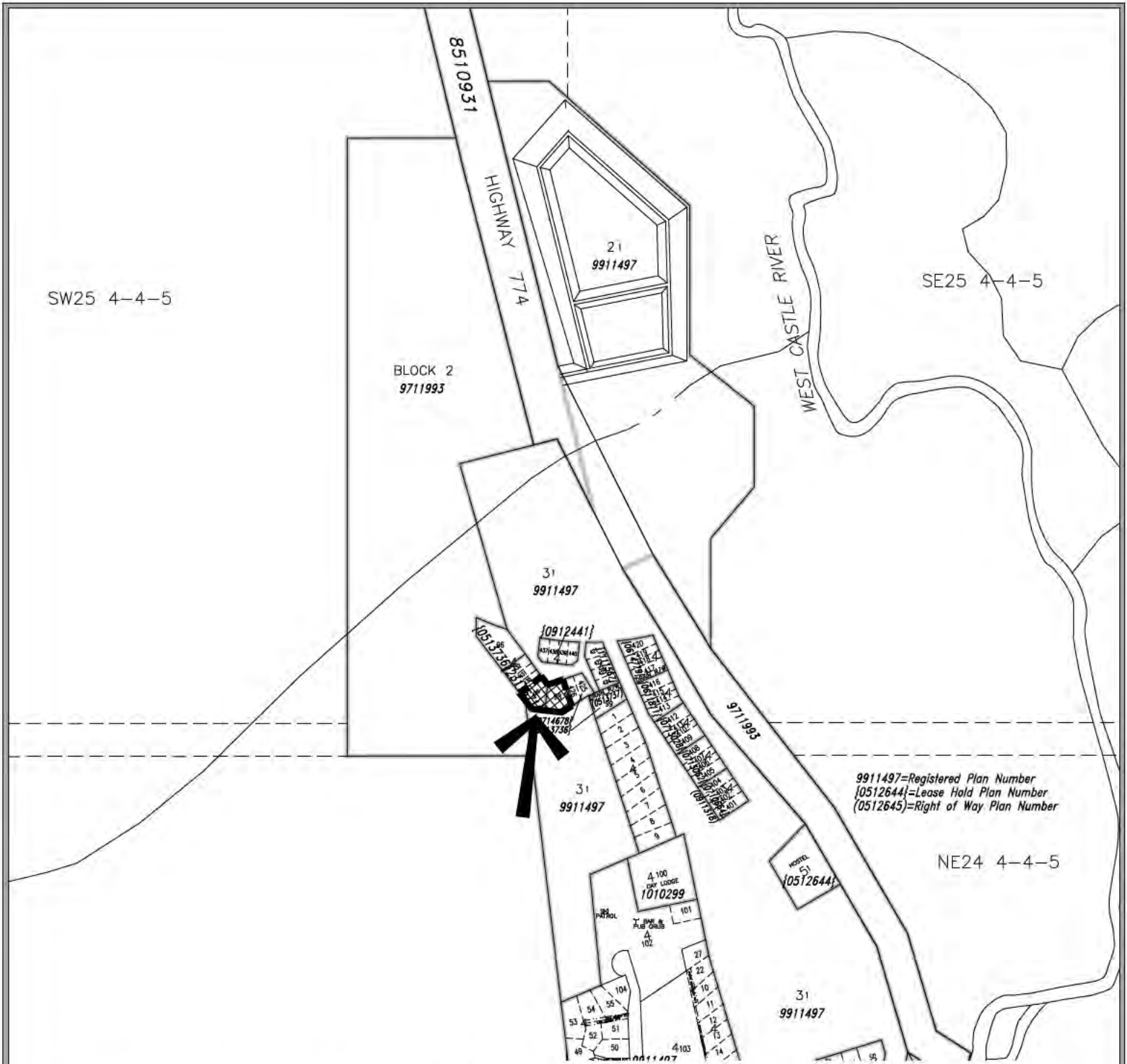
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



SUBDIVISION LOCATION SKETCH

**LOT 98, BLOCK 4, PLAN 0513736 & LOT 429, BLOCK 4, PLAN 2311671
WITHIN SW 1/4 SEC 25, TWP 4, RGE 4, W 5 M**

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: OCTOBER 28, 2024

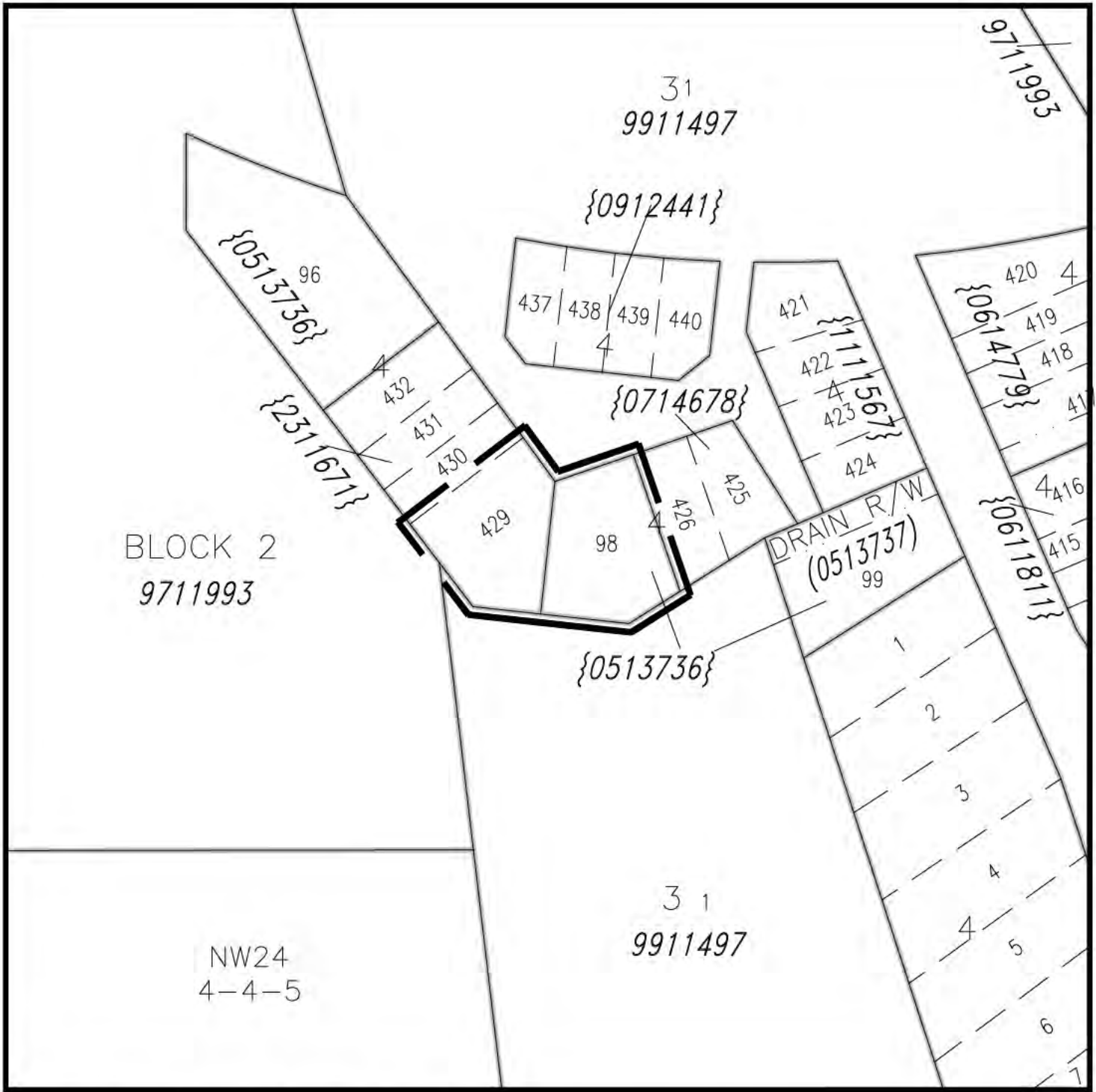
FILE: 2024-0-164



OLDMAN RIVER REGIONAL SERVICES COMMISSION

October 29, 2024 N:\Subdivision\2024\2024-0-164.dwg





BLOCK 2
9711993

NW24
4-4-5

31
9911497

{0912441}

{0714678}

{0513736}

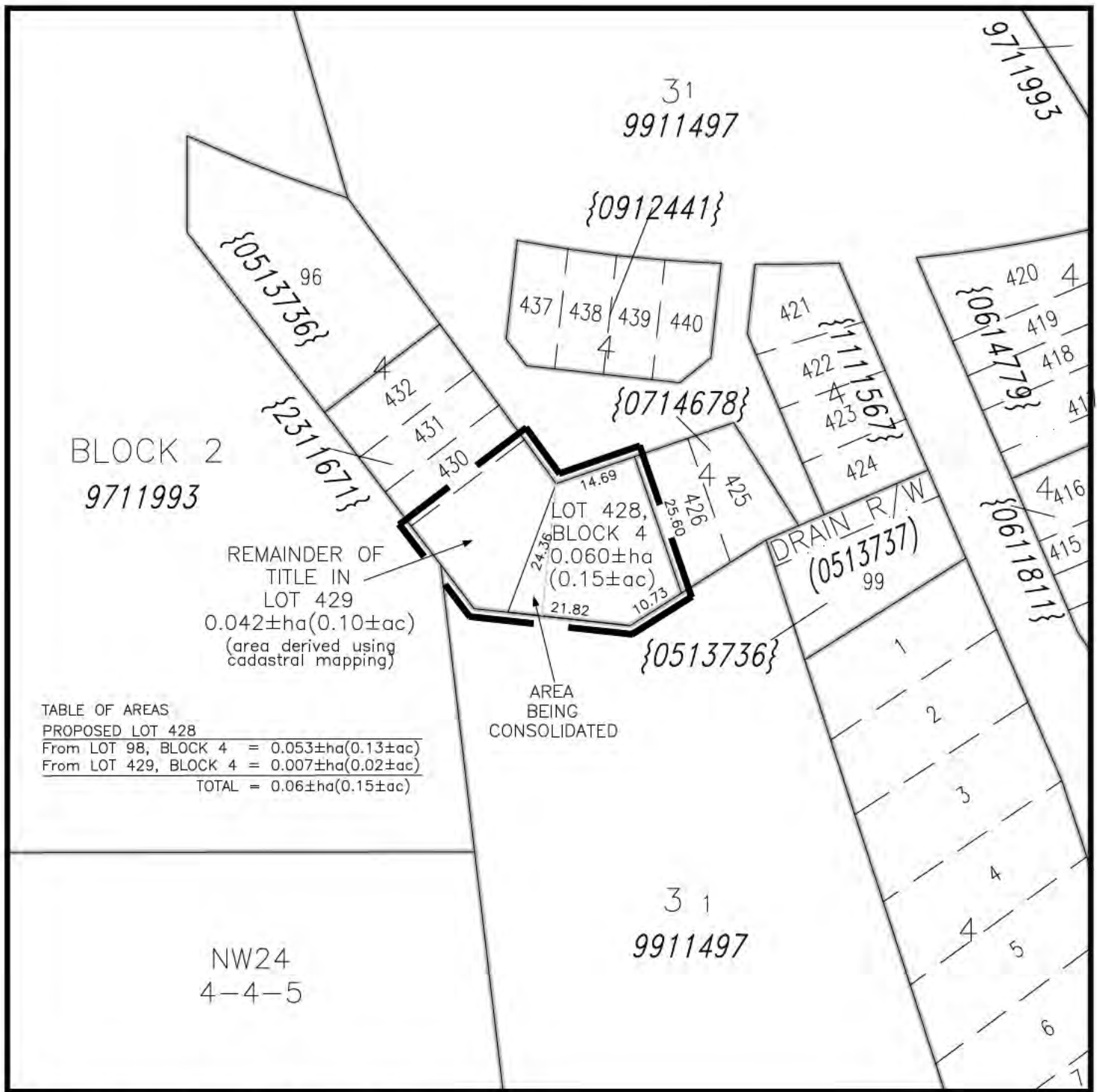
3 1
9911497

DRAIN R/W
(0513737)
99

SUBDIVISION SKETCH - EXISTING

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16555TA
 LOT 98, BLOCK 4, PLAN 0513736 & LOT 429, BLOCK 4, PLAN 2311671
 WITHIN SW 1/4 SEC 25, TWP 4, RGE 4, W 5 M
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: OCTOBER 28, 2024
 FILE: 2024-0-164





SUBDIVISION SKETCH - PROPOSED

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16555TA

LOT 98, BLOCK 4, PLAN 0513736 & LOT 429, BLOCK 4, PLAN 2311671

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

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: OCTOBER 28, 2024

FILE: 2024-0-164





TABLE OF AREAS

PROPOSED LOT 428	
From LOT 98, BLOCK 4	= 0.053±ha(0.13±ac)
From LOT 429, BLOCK 4	= 0.007±ha(0.02±ac)
TOTAL	= 0.06±ha(0.15±ac)

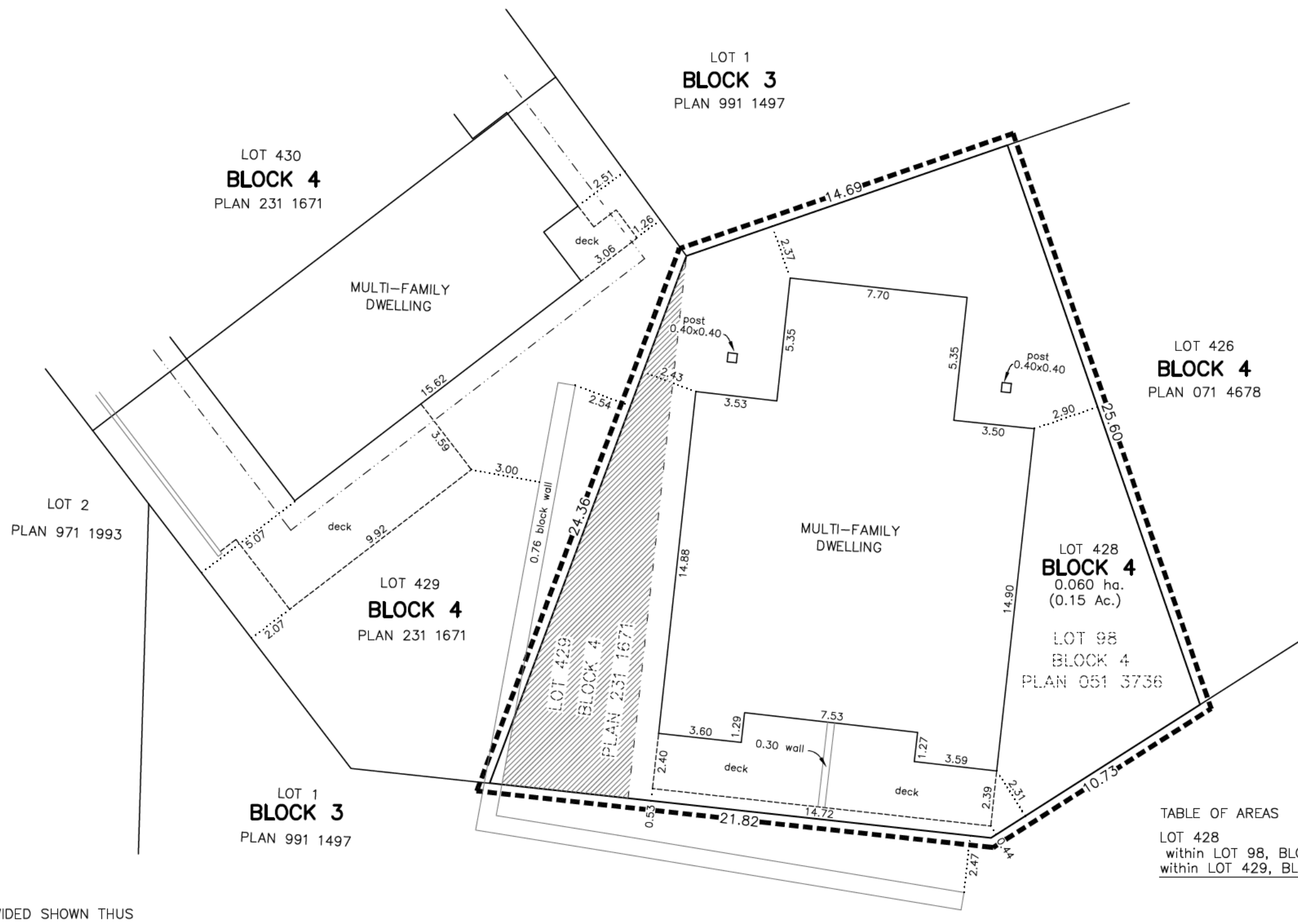
REMAINDER OF TITLE IN LOT 429
0.042±ha(0.10±ac)
(area derived using cadastral mapping)

AREA BEING CONSOLIDATED

SUBDIVISION SKETCH - PROPOSED

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 24-16555TA
 LOT 98, BLOCK 4, PLAN 0513736 & LOT 429, BLOCK 4, PLAN 2311671
 WITHIN SW 1/4 SEC 25, TWP 4, RGE 4, W 5 M
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: OCTOBER 28, 2024
 FILE: 2024-0-164





AREA TO BE SUBDIVIDED SHOWN THUS

TABLE OF AREAS

LOT 428	
within LOT 98, BLOCK 4, PLAN 051 3736	= 0.053 ha
within LOT 429, BLOCK 4, PLAN 231 1671	= 0.007 ha
TOTAL	= 0.060 ha

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus and contains approximately 0.060 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

MURPHY FIVE INVESTMENTS LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
of all of
LOT 98, BLOCK 4, PLAN 051 3736
and part of
LOT 429, BLOCK 4, PLAN 231 1671
all within
S.W.1/4 SEC. 25, TWP. 4, RGE. 4, W.5 M.
M.D. of Pincher Creek No. 9

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

APPROVED T.C. Penner, A.L.S.	DRAWN MJ	DATE OCT 17/24
	CHECKED TCP	JOB 24-16555
	SCALE 1:200	DRAWING 24-16555TA