

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting via Virtual Meeting
March 1, 2022
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of February 1, 2022

3. Closed Meeting Session

4. Unfinished Business

None

5. Subdivision Application

- a. Subdivision Application No. 2022-0-011
Ronald Bruce Conrad
SW ¼ 35-5-29-W4M

6. New Business

7. Next Regular Meeting April 5, 2022 6:00 pm

8. Adjournment

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

IN ATTENDANCE

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

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

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Absent: CAO Troy MacCulloch

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Harold Hollingshead 22/001

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

Carried

2. ADOPTION OF MINUTES

Councillor John MacGarva 22/002

Moved that the December 7, 2021, Subdivision Authority Minutes, be approved as amended.

Carried

3. CLOSED MEETING SESSION

Councillor Dave Cox 22/003

Moved that the Subdivision Authority close the meeting to the public, under the authority of the *Municipal Government Act* Section 197(2.1), the time being 6:02 pm.

Carried

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

Councillor Dave Cox

22/004

Moved that the Subdivision Authority open the meeting to the public, the time being 6:10 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2021-0-207
James Cecil Beer & Kenneth James Beer
NW1/4 34-5-30-W4M

Councillor Harold Hollingshead

22/005

Moved that the Country Residential subdivision of NW1/4 34-5-30-W4M (Certificate of Title No. 211 180 847), to create a 4-acre (1.62 ha) parcel from a previously subdivided title of 69.07 acres (27.95 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 4.00 acres at the market value of \$3,750 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into 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. Prior to finalization of the subdivision, a registered license of the water well within the NW34-5-30 W4M in accordance with the Water Act and Environmental Protection and Enhancement Act with a copy of the approvals submitted to the Subdivision Authority as well as the submittal of an easement right of way and agreement for the water line from its location south of the proposed property to Lot 1 Block 2.

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and with waiver complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. That in consideration of the prior lot configuration and in accordance with Municipal Development Plan Section 1, a waiver of subdivision policies under Section 18 was deemed appropriate and granted.

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, March 1, 2022; 6:00 pm.

8. ADJOURNMENT

Councillor John MacGarva 22/006

Moved that the meeting adjourn, the time being 6:11 pm.

Carried

Rick Lemire, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2022-0-011

February 17, 2022

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

Dear Mr. MacCulloch,

RE: SW1/4 35-5-29-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Health Services - South Zone, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, AER, CPR, LGX Oil & Gas Ltd., Plains Western Gas & Electric and Pincher Creek Water Co-operative Ltd.

After the Subdivision Approval Authority's consideration of the application, **please forward the signed resolution to the Oldman River Regional Services Commission at your earliest convenience in order for our staff to promptly notify the applicant of the decision.**

Please contact this office if you require any further information.



Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2022-0-011

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 35-5-29-W4M

THAT the Country Residential subdivision of SW1/4 35-5-29-W4M (Certificate of Title No. 981 248 858 +1), to create a 6.37-acre (2.58 ha) parcel from a previously unsubdivided quarter section of 157.73 acres (63.8 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.

INFORMATIVE:

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

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

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

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

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

- (g) Alberta Environment & Parks Public Lands Division has no concerns.
- (h) Canada Post has no comment.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: February 2, 2022

Date of Receipt: January 20, 2022

Date of Completeness: January 21, 2022

TO: Landowner: Ronald Bruce Conrad

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

Referral Agencies: M.D. of Pincher Creek No. 9, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Apex Utilities Inc., AB Health Services - South Zone, AB Environment & Parks - E. Evenson, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, AER, Canada Post, CPR, LGX Oil & Gas Ltd., Plains Western Gas & Electric, Pincher Creek Water Co-operative Ltd.

Adjacent Landowners: Bennink Farms Ltd., Carol Weisgerber, Cheryl Shimek, Curtis R & Nanette Turnbull, Curtis Rodney Turnbull, Robin Kenneth & Kimberly Ann Lewis, Russell D & Melissa L Friesen, Sharon Rose Vander Valk

Planning Advisor: Gavin Scott 

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

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **February 21, 2022**. (Please quote our File No. **2022-0-011** in any correspondence with this office).

File No.: 2022-0-011

Legal Description: SW1/4 35-5-29-W4M

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

Land Designation: Agriculture – A
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 981 248 858 +1

Meeting Date: March 1, 2022

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

Planner's Preliminary Comments:

The purpose of this application is to create a 6.37-acre (2.58 ha) parcel from a previously unsubdivided quarter section of 157.73 acres (63.8 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, garage, shop, and number of other out-buildings. Access to the lot is presently granted from an existing approach to the west, off of a developed municipal road allowance. The existing residence is serviced by a septic system and on-site domestic well plus water CO-OP.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies, or the municipality shall be established prior to finalization of the application.

RESERVE:

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

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1040.00	File No: 2022-0-011
APPLICATION SUBMISSION	
Date of Receipt: January 20, 2022	Received By: [Signature]
Date Deemed Complete: Jan 21, 2022	Accepted By: [Signature]

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Ronald Bruce Conrad

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

Postal Code: [Redacted] Telephone: [Redacted] 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: David J. Amantea, ALS, P.Eng. brown okamura & associates ltd.

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

Postal Code: T1H 5J9 Telephone: 403-329-4688 ext 129 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 35 Township 5 Range 29 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 63.783 hectares 157.61 acres

d. Total number of lots to be created: 1 Size of Lot(s): 2.58 (6.37 Acres)

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

f. Certificate of Title No.(s): 981 248 858+1

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

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

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

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

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

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

If 'yes', please describe: _____

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

If 'yes', please describe: _____

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Yard Site
- b. Proposed use of the land No Change

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

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

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

See Sketch

- 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 Yes. Well
- b. Describe proposed source of potable water No change

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type Septic Filed Year Installed ?
- b. Describe proposed sewage disposal: Type No Change

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, David J. Amantea, ALS, P.Eng. 21-15545 hereby certify that

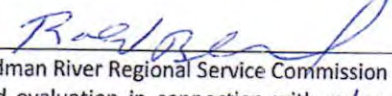
I am the registered owner I am authorized to act on behalf of the register owner

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: JAN 19 / 2022

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 of Registered Owner(s)

JAN 19 / 2022

Personal information collected on this form is collected in accordance with Section 653 of the Alberta Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy Act. Please note that such information may be made public. If you have any questions about the information being collected, contact the Oldman River Regional Services Commission FOIP Coordinator at 403-329-1344.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0027 588 897 4;29;5;35;NW 981 248 858 +1
0027 587 551 4;29;5;35;SW

LEGAL DESCRIPTION

FIRST
MERIDIAN 4 RANGE 29 TOWNSHIP 5
SECTION 35
QUARTER NORTH WEST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
ROAD	5932HC	0.405	1.00	
RAILWAY	3554HH	3.04	7.52	
EXTRA R/W	3554HH	0.494	1.22	
SUBDIVISION	9812261	0.856	2.12	

EXCEPTING THEREOUT ALL MINES AND MINERALS

SECOND
MERIDIAN 4 RANGE 29 TOWNSHIP 5
SECTION 35
QUARTER SOUTH WEST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
ROAD	558BM	0.911	2.25	
RAILWAY	3554HH	0.006	0.016	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 981 246 212 +1

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

981 248 858 18/08/1998 SUBDIVISION PLAN

(CONTINUED)

OWNERS

RONALD BRUCE CONRAD (FARMER)
OF BOX 961
PINCHER CREEK
ALBERTA

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
30LL	15/03/1972	CAVEAT CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.
831 164 250	07/09/1983	CAVEAT RE : LEASE CAVEATOR - CROWFOOT 9 RANCHES LTD. TURCOTT & COMPANY P.O. BOX 250 PINCHER CREEK ALBERTA
911 262 503	20/11/1991	UTILITY RIGHT OF WAY GRANTEE - PINCHER CREEK WATER CO-OPERATIVE LTD.
031 285 843	25/08/2003	CAVEAT RE : SURFACE LEASE UNDER 20 ACRES CAVEATOR - LGX OIL + GAS INC. 4210,525-8TH AVE SW CALGARY ALBERTA T2P1G1 AGENT - DALE MENNIS AFFECTED LAND: 4;29;5;35;SW (DATA UPDATED BY: TRANSFER OF CAVEAT 101019575) (DATA UPDATED BY: CHANGE OF NAME 111134647) (DATA UPDATED BY: CHANGE OF ADDRESS 121012870) (DATA UPDATED BY: TRANSFER OF CAVEAT 151227973) (DATA UPDATED BY: TRANSFER OF CAVEAT 161042881)

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 22 DAY OF
DECEMBER, 2021 AT 09:57 A.M.

ORDER NUMBER: 43354968

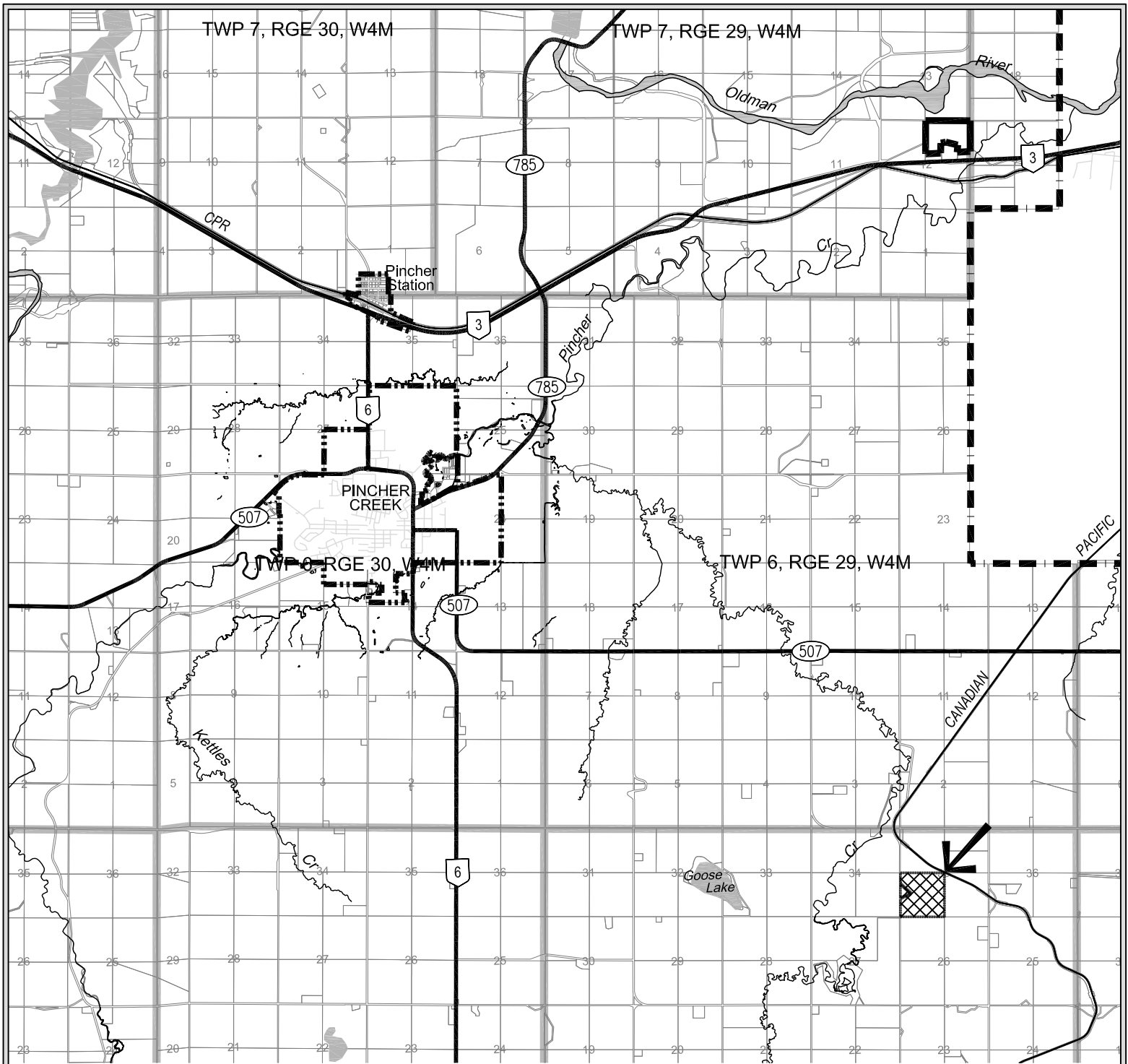
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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



SUBDIVISION LOCATION SKETCH

SW 1/4 SEC 35, TWP 5, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JANUARY 24, 2022

FILE No: 2022-0-011

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



NE34
5-29-4

NW35 5-29-4

NW35 NE35
5-29-4
C P R 3554HH

159.94
PROPOSED
LOT 1,
BLOCK 1
2.58±ha
(6.37±ac)
161.19
159.94

SE34 5-29-4

REMAINDER OF
TITLE IN
SW35 5-29-4
61.25±ha
(151.36±ac)
(in 2 parts)

SE35 5-29-4

1211331
1
2
1211332

NW26 5-29-4

NE26
5-29-4

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 21-15545T

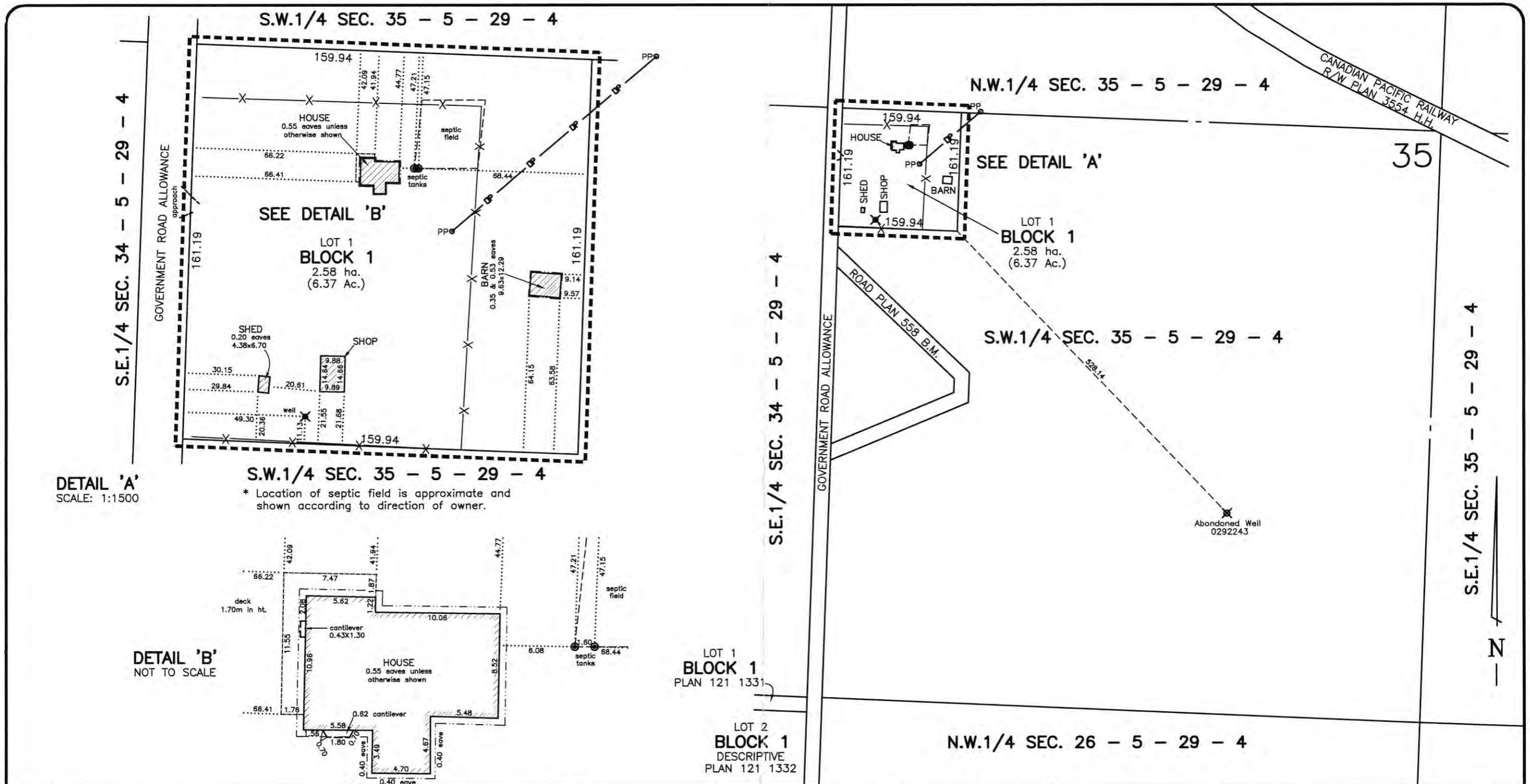
SW 1/4 SEC 35, TWP 5, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JANUARY 24, 2022

FILE No: 2022-0-011





DETAIL 'A'
SCALE: 1:1500

DETAIL 'B'
NOT TO SCALE

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

NO.	REVISION	DATE	BY
	Improvements shown were surveyed on January 10th, 2022		
	NOTE : Portion to be approved is outlined thus and contains approximately 2.58 ha.		
	Distances are in metres and decimal parts thereof.		
	Overhead line is shown thus		
	PP stands for utility pole.		
	Fence lines are shown thus		
	Distances and areas are approximate and are subject to change upon final survey.		

RONALD CONRAD

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.W.1/4 SEC. 35; TWP. 5; RGE. 29; W.4 M.
(5515 RGE RD 29-2)

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

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

APPROVED	DRAWN CJB	DATE JAN. 14/22
	CHECKED DJA	JOB 21-15545
	SCALE	DRAWING
D. J. Amantea, A.L.S.	1:5000	21-15545T