

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
May 7, 2019
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of April 2, 2019

3. Closed Meeting Session

4. Unfinished Business

5. Subdivision Applications

- a. Subdivision Application No. 2019-0-045
Carol and Donald Haavardsrud
NE 36-4-30 W4M

- b. Subdivision Application No. 2019-0-054
Ronald Sekella
Block P, Plan 9210672 within W ½ 34-7-30 W4M

6. New Business

7. Next Regular Meeting June 4, 2019; 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, April 2, 2019 4:00 pm
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts
Councillor Terry Yagos, as entered into the minutes

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor
Gavin Scott, Assistant Planner Hailey Winder and Executive Assistant Tara
Cryderman

COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 4:00 pm.

1. ADOPTION OF AGENDA

Councillor Quentin Stevick 19/010

Moved that the Special Subdivision Authority Agenda for April 2, 2019, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Terry Yagos entered the meeting, the time being 4:04 pm.

Councillor Bev Everts 19/011

Moved that the February 5, 2019, Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Rick Lemire 19/012

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 4:05 pm.

Carried

Councillor Terry Yagos 19/013

Moved that the Subdivision Authority open the meeting to the public, the time being 4:26 pm.

Carried

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4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2019-0-001
Huyvonto Farm Ltd.
NW 20-6-29 W4M

Councillor Terry Yagos

19/014

Moved that the Country Residential subdivision of NW 20-6-29-W4M (Certificate of Title No. 071 073 488), to create a 15.30 acre (6.19 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

That the environmental reserve requirement, pursuant to Sections 661 and 664 of the *Municipal Government Act*, be provided as a 10m environmental reserve easement along the banks of Indian Farm Creek within the proposed subdivision with the actual acreage to be dedicated being determined at the final stage, for Environmental 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. That an easement for legal access to the farm residence north of the proposed parcel be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to the Subdivision Authority.

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. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.
4. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.

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5. That the municipality, in having taken into account the Provincial document *Stepping Back from the Water*, the comments from Alberta Environment and Parks, and the *Environmental Reference Manual for the Review of Subdivisions in Alberta*, has determined that a buffer from the natural water body's banks by the mechanism of environmental reserve easement provides the best means of environmental protection for the water course known as Indian Farm Creek.

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) The Subdivision Approval Authority of the MD of Pincher Creek No.9 waived the 10 acre maximum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act.
- (e) MD of Pincher Creek No. 9 – David Cox, Chief Pincher Creek Emergency Services: “No issues with this development.”
- (f) TELUS Communications Inc. has no objection to the above circulation.
- (g) FortisAlberta – Beth Hergert:
“**Easements are required** for this development. FortisAlberta will contact the developer to initiate the process of securing an easement for the proposed subdivision. FortisAlberta is requesting that the Oldman River Regional Services Commission 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 Oldman River Regional Services Commission once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with Oldman River Regional Services Commission’s 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.”
- (h) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.
- (i) Alberta Environment & Parks – Edward R. Evenson, Public Lands Approvals Branch: “The Department of Environment and Parks Public Lands Division has concerns with subdivision 2019-0-001 as the proposed subdivision includes a portion of Indian Farm Creeks bed and shore this area must be removed from the proposed subdivision. The department requires an Environmental Reserve in the form of land adjacent to Indian farm creek, in accordance with section 664 of the municipal government act a

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Environmental Reserve of 10 meters is required. There Department has no additional concerns with the proposed subdivision 2019-0-001.”

- (j) Alberta Environment & Parks – Sid Parseyan, Senior Waterbody/Boundary Research Analyst, Water Boundaries Unit:

“Thank you for your email and the information. Please note that the bed and shore of Indian Farm Creek is owned by the Crown under Section 3 of the *Public Lands Act*. Therefore, the bed and shore of the aforementioned creek should not be part of the affected areas by the proposed subdivision plan.

Please do not hesitate to contact us if any additional clarification is required and/or you have any questions or comments on this matter.”

Councillor Quentin Stevick requested a recorded vote.

Councillor Quentin Stevick – Opposed
Councillor Rick Lemire – In Favour
Reeve Brian Hammond – In Favour
Councillor Bev Everts – In Favour
Councillor Terry Yagos – In Favour
Motion Carried

- b. Subdivision Application No. 2019-0-033
Reed Farming Ltd.
Lot 1, Block 1, Plan 1010054; N ½ 5-6-27 W4M

Councillor Bev Everts

19/015

Moved that the Country Residential subdivision of Lot 1, Block 1, Plan 1010054 within N ½ 5-6-27-W4M (Certificate of Title No. 191 010 465), to to create a 7.44 acre (3.01 ha) parcel from a reconfigured quarter section of 158.64 acres (64.2 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 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.

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3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.11.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Pincher Creek Emergency Services – David Cox, Chief:
“No issues with this development.”
- (e) TELUS Communications Inc. has no objection to the above circulation.
- (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) ATCO Gas has no objection to the proposed as it does not fall within our franchise are.
- (h) ATCO Pipelines – Isabel Solis-Jarek, Sr. Administrative Coordinator, Operations Engineering:

“The Engineering Department of ATCO Pipelines (a division of ATCO Gas and Pipelines Ltd.) has reviewed the above named plan and has no objections subject to the following conditions:

1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Pipelines before commencing any work.
 - Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Pipelines’ requirements as set forth in the company’s conditional approval letter.
 - Contact ATCO Pipelines’ Land Department at 1-888-420-3464 for more information.
3. Parking and/or storage is not permitted on ATCO Pipelines’ pipeline(s) and/or right(s)-of-way.
4. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Pipelines for further review.

If you have any questions or concerns, please contact the undersigned at 780.420.3896 or email Isabel.Solis@atco.com.” (See Attachment)

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- (i) Alberta Health Services – Mike Swystun, Executive Officer/Public Health Inspector:
“In response to your February 28, 2019 request for comment on the above noted subdivision, Alberta Health Service (AHS) has reviewed the information provided and wish to provide the following comments:

- AHS does not foresee a Public Health Nuisance 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 call me at 403-627-1230.”

- (j) Alberta Transportation – Leah Olsen, Development/Planning Technologist:
“Reference your file to create a country residential parcel at the above noted location. The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

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

To that end, the parcel to be created and remnant land will be well removed from Highway 507 with indirect access to the highway being gained solely by way of the local road system. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the country residential parcel as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is not within the noted control lines. Given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance, a permit from Alberta Transportation will not be required, and development of the country residential parcel could proceed under the direction, control, and management of the municipal district. The applicant could contact the undersigned, at Lethbridge 403-381-5426, in this regard.

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

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

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and

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Development Appeal Board provided that no other provincial agency is involved in the application.”

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, May 7, 2019; 6:00 pm.

8. ADJOURNMENT

Councillor Quentin Stevick

19/016

Moved that the meeting adjourn, the time being 4:28 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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: 2019-0-045

April 30, 2019

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

Dear Mr. MacCulloch,

RE: NE1/4 36-4-30-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, AB Environment & Parks - K. Murphy, AB Environment Operations Infrastructure Branch (OIB), Area Wildlife Biologist - M. Didkowsky, AB Agriculture and AER.

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

Please contact this office if you require any further information.

A handwritten signature in black ink, appearing to read 'G Scott', is written over a light blue horizontal line.

Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2019-0-045

M.D. of Pincher Creek No. 9 Agricultural subdivision of NE1/4 36-4-30-W4M

THAT the Agricultural subdivision of NE1/4 36-4-30-W4M (Certificate of Title No. 091 206 999 +5), to create a 75.25 acre (30.45 ha) parcel (Lot 1) and a 5.87 acre (2.14 ha) parcel (Lot 2) from a previously unsubdivided quarter section of 154.39 acres (62.48 ha) for agricultural use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided on Lot 2 as money in place of land on the 5.87 acres at the market value of \$2,500 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. That a new road right of way be presented as part of the surveyors submittals prior to finalization.
4. That a road closure resolution be prepared, with the resolution being approved and adopted by the MD of Pincher Creek prior to finalization.
5. That the portion of closed Road Plan 71EZ be consolidated with the adjacent portion of proposed Lot 2 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 both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.15.
4. 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 subdivision for proposed Lot 1 complies with Section 663(a)(b) of the Municipal Government Act, Reserve is not required.

- (b) The payment of the applicable 10% Municipal Reserve on the 5.87 acres of proposed Lot 2 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 5.87 acre (2.14 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$1,467.50 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (c) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (d) 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.)
- (e) Pincher Creek Emergency Services Commission – David Cox, Chief:
I have no issues with this development.”
- (f) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

We wish to advise that we have no facilities in the proposed subdivision, however, please notify Alberta 1st Call at 1-800-242-3447 to arrange for “field locating” should excavations be required within the described area.

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

- (g) Alberta Health Services – Mike Swystun, Executive Officer:
“In response to your March 22, 2019 request for comment on the above noted subdivision, we have reviewed the information and do not object to this subdivision.
If you require any further information, please call me at 403-627-1230.”

- (h) Alberta Transportation – John Thomas, Development/Planning Technologist:
“Reference your file to create a country residential lot and an agricultural lot at the above noted location.
The proposal is contrary to Section 14 and, resultantly by default, subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017(“the regulation”).

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

To that end, the lots to be created and the remnant land will be well removed from Highway 6 with indirect access to the highway being gained solely by way of the local road system. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the lot as proposed would have any appreciable impact on the highway.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

Notwithstanding the foregoing, the applicant would be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the center point of the intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines; however, given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance, a permit from Alberta Transportation will not be required, and development of the lots could proceed under the direction, control, and management of the Municipal District of Pincher Creek No. 9 subdivision and development land use authority. The applicant could contact the undersigned, at Lethbridge 403-381-5426, in this regard.

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

- (i) Alberta Transportation – Cory Wojtowicz, Regional Supervisor – Lands Program:

“Please apply the following condition for Alberta Environment and Parks “Lands Program”

Please apply the “Stepping Back from the Water Principals and Guidelines” to any new development near the un-named creek, water source, or water body.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: March 22, 2019

Date of Receipt:

March 13, 2019

Date of Completeness:

March 13, 2019

TO: Landowner: Carol Lynn Haavardsrud and Donal Haavardsrud

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

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Altagas Utilities Inc., AB Health Services - Lethbridge, AB Environment & Parks - C. Wojtowicz, AB Environment & Parks - K. Murphy, AB Environment Operations Infrastructure Branch (OIB), Area Wildlife Biologist - M. Didkowsky, AB Agriculture, AB Transportation, AER

Adjacent Landowners: Jeffery and Lavonne Blosser, Dennis and Donalee Smith, Janet Casey, John and Audrey McRae, Stewart and Kelly Anne McRae, Winchester Cattle Co. Ltd., Melvin Nychka, Keith and Myrna Brady

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 **April 10, 2019**. (Please quote our File No. **2019-0-045** in any correspondence with this office).

File No.: 2019-0-045

Legal Description: NE1/4 36-4-30-W4M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 2

Certificate of Title: 091 206 999 +5

Meeting Date: May 7, 2019

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 75.25 acre (30.45 ha) parcel (Lot 1) and a 5.87 acre (2.14 ha) parcel (Lot 2) from a previously unsubdivided quarter section of 154.39 acres (62.48 ha) for agricultural use.

The proposal is to accommodate the separation of two cut-off parcels. Access to the lots is presently granted from existing approaches off Road Plan 5477EZ, which is a developed municipal road allowance. The processing of this subdivision requires that a road right of way dedication be provided as the constructed road was not congruent with Road Plan 71EZ. As a result of this process a road closure for a portion of Road Plan 71EZ will also be processed and that portion consolidated with proposed Lot 2.

This quarter section contains a seasonal creek and wetlands. As the subdivision is for agricultural purposes and the road development is well established neither are affected by the separation of titles. If development is proposed, the landowner or applicant shall comply with all provincial policy and regulations regarding waterbodies.

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 surveyors 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 new road right of way be presented as part of the surveyors submittals prior to finalization.
8. That a road closure resolution be prepared, with the resolution being approved and adopted by the MD of Pincher Creek prior to finalization.
9. That the portion of closed Road Plan 71EZ be consolidated with the adjacent portion of proposed Lot 2 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 for proposed Lot 1 pursuant to Section 663(a & b) of the MGA, as it is the first parcel from the quarter section and is greater than 40 acres.
- The payment of the applicable 10% Municipal Reserve on the 5.87 acres of proposed Lot 2 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 5.87 acre (2.14 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$1,467.50 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: <u>\$1350.00</u>	File No: <u>2019-0-045</u>	
APPLICATION SUBMISSION		
Date of Receipt: <u>mar. 13/19</u>	Date Deemed Complete: <u>mar. 13/19</u>	Accepted By: <u>(JLB)</u>

JLB

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Carol Lynn Haavarsrud and Donald Haavardsrud
 Mailing Address: [REDACTED] Postal Code: [REDACTED]
 Telephone: _____ Cell: _____ Fax: _____
 Email: [REDACTED]

Name of Agent (Person Authorized to act on behalf of Registered Owner): Thomas C. Penner, ALS
 Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4
 Telephone: 403-329-4688 ex. 28 Cell: _____ Fax: 403-320-9144
 Email: thomas@bokamura.com

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NE ¼ Section 36 Township 4 Range 30 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)
 b. Being all/part of: Lot/Unit _____ Block _____ Plan _____
 c. Total area of existing parcel of land (to be subdivided) is: 62.5 hectares 154.39 acres
 d. Total number of lots to be created: 2 Size of Lot(s): 2.14 ha (5.30 ac) & 30.45 ha (75.25 ac)
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 091 206 999 +5

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 0.8 kilometres (½ mile) of the right-of-way of a highway? Yes No
 If "yes" the highway is No. 6

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 Creek

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land agriculture

b. Proposed use of the land agriculture

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.)
Creek, Trees
- 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

Describe:

- a. Existing source of potable water N/A
- b. Proposed source of potable water N/A

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type N/A Year Installed _____
- b. Proposed sewage disposal: Type N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File: 17-13790) 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: Mar 14/19.

9. RIGHT OF ENTRY

I _____ hereby authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection 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

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.)
Creek, Trees
- 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

- Describe:
- a. Existing source of potable water N/A
 - b. Proposed source of potable water N/A

7. SEWER SERVICES

- Describe:
- a. Existing sewage disposal: Type N/A Year Installed _____
 - b. Proposed sewage disposal: Type N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

THOMAS C. PENNER, ALS (BOA File: 17-13790) hereby certify that
 I am the registered owner I am authorized to act on behalf of the registered 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: Mar 14/19

9. RIGHT OF ENTRY

CAROL HAAVARDSRUD
DONALD HAAVARDSRUD hereby authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection 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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 476 692 4;30;4;36;NE 091 206 999 +5

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 30 TOWNSHIP 4
SECTION 36
QUARTER NORTH EAST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT
PLAN NUMBER HECTARES ACRES
ROADWAY 71EZ 1.721 4.25
ROADWAY 5477EZ 0.551 1.36
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 941 039 357 +5

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
091 206 999	20/07/2009	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

CAROL LYNN HAAVARDSRUD

AND

DONALD HAAVARDSRUD

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
091 206 999 +5

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

781 002 712 09/01/1978 UTILITY RIGHT OF WAY
GRANTEE - FORTISALBERTA INC.
320 - 17 AVENUE S.W.
CALGARY
ALBERTA T2S2Y1
(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT
OF WAY 001290445)
(DATA UPDATED BY: CHANGE OF NAME 051007739)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 11 DAY OF MARCH,
2019 AT 09:01 A.M.

ORDER NUMBER: 36837970

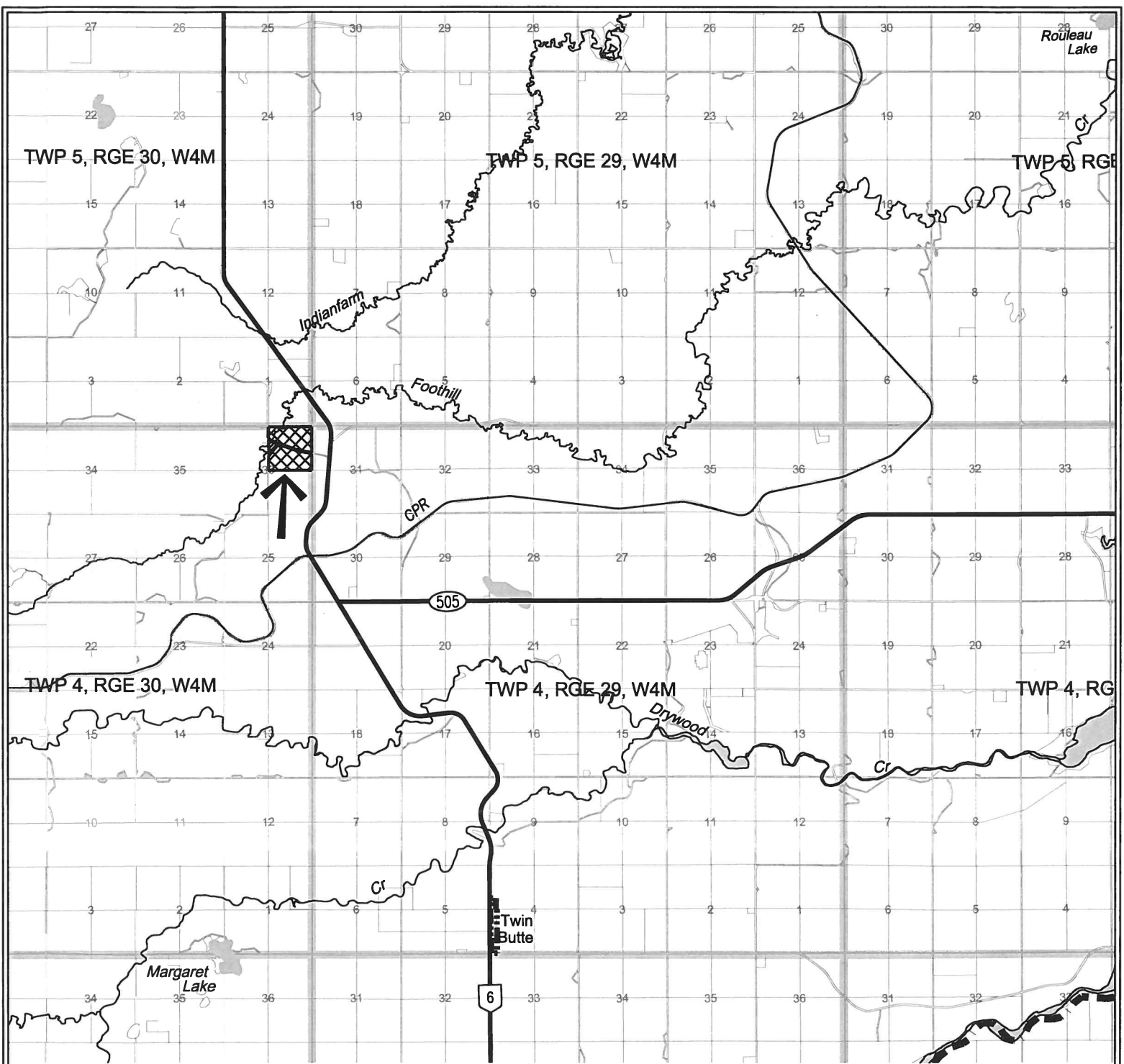
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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



SUBDIVISION LOCATION SKETCH

NE 1/4 SEC 36, TWP 4, RGE 30, W 4 M

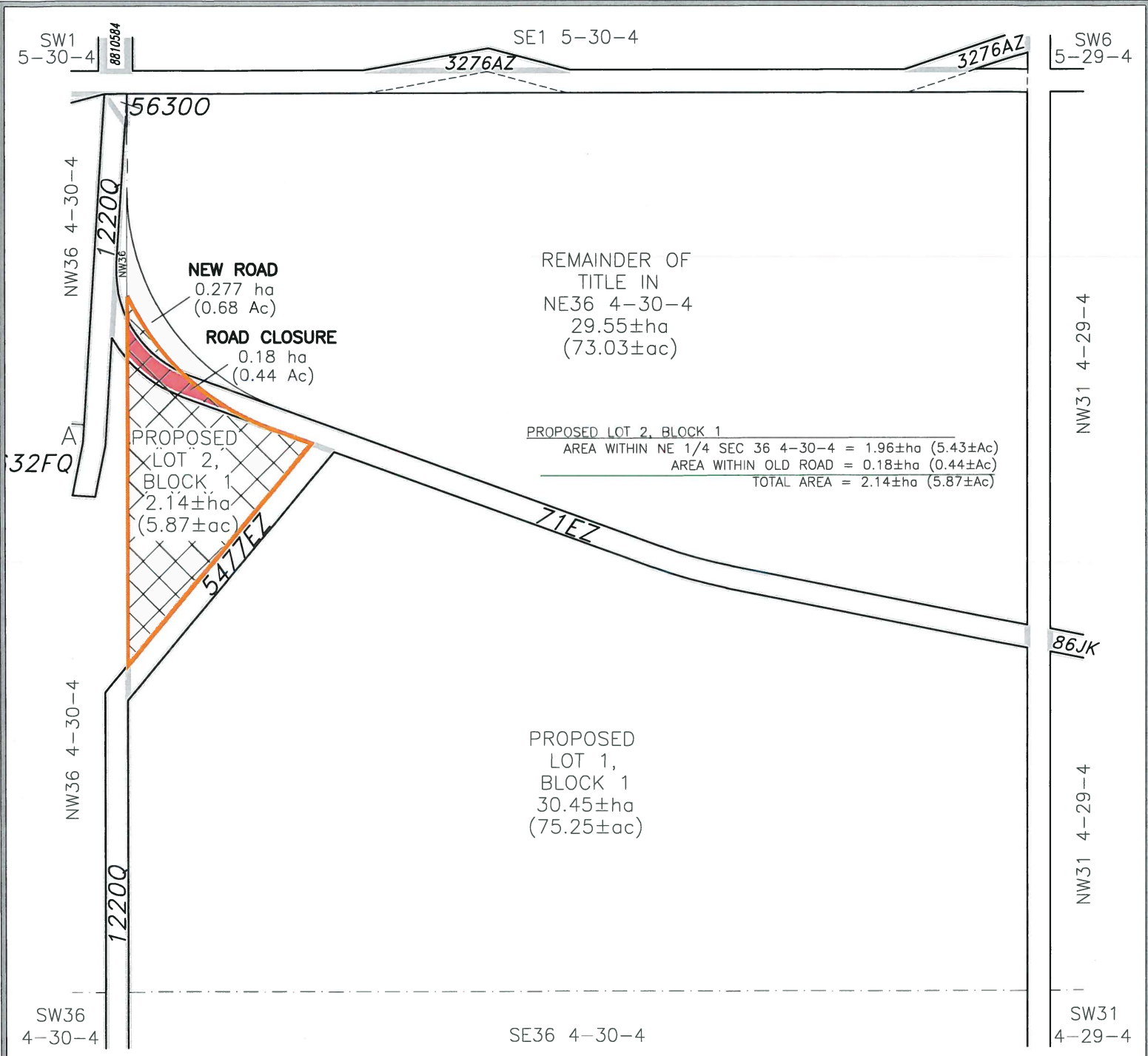
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 14, 2019

FILE No: 2019-0-045

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





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 17-13790T

NE 1/4 SEC 36, TWP 4, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 14, 2019

FILE No: 2019-0-045





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 17-13790T

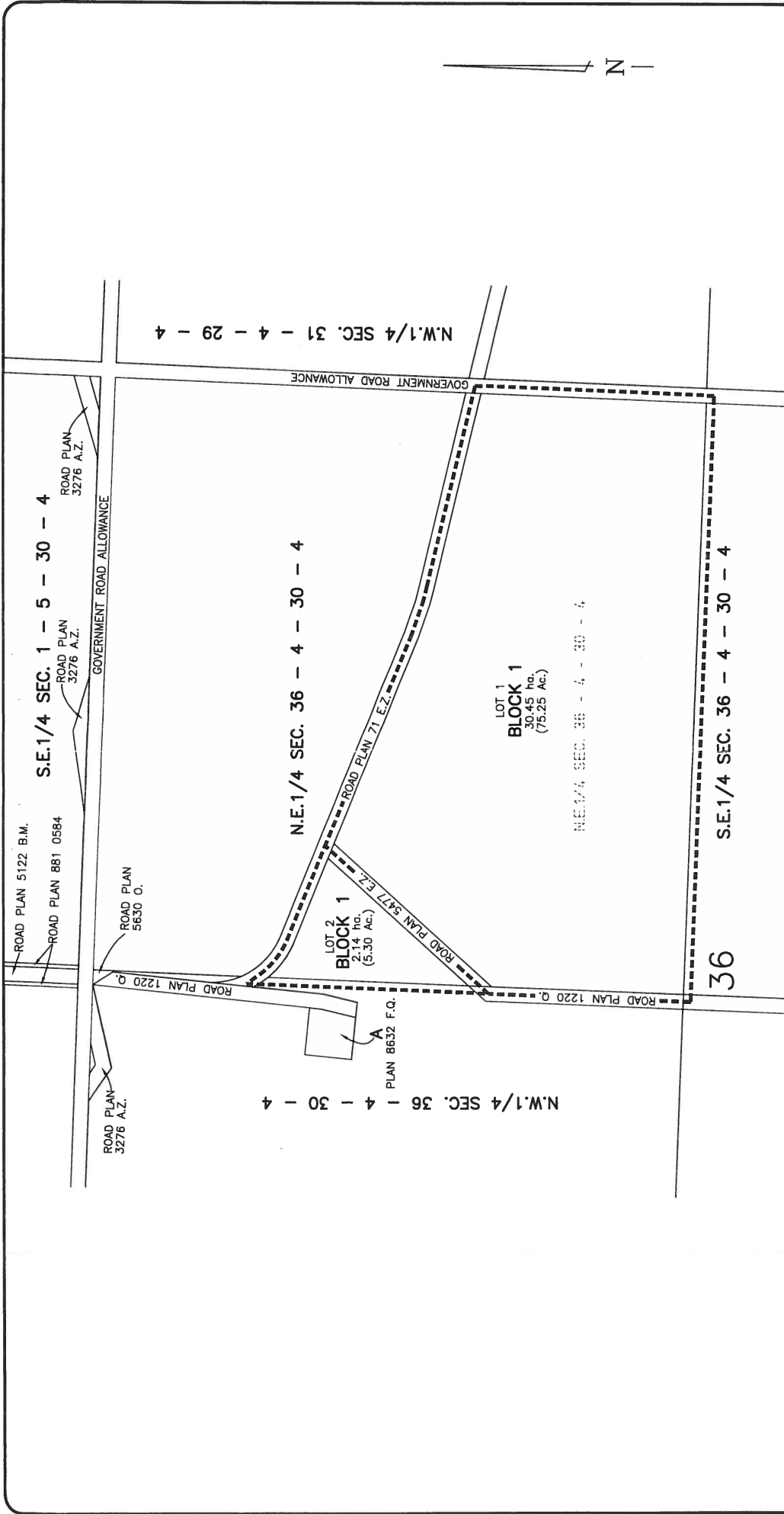
NE 1/4 SEC 36, TWP 4, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 14, 2019

FILE No: 2019-0-045





1 NO.	Revised Lot 2	Mar. 11/19	cjb
	REVISION	DATE	BY
<p>NOTE : Portion to be approved is outlined thus ----- and contains approximately 32.59 ha. Distances are in metres and decimal parts thereof.</p> <p>Distances and areas are approximate and are subject to change upon final survey.</p>			
<p>DON & CAROL HAAVARDSRUD</p> <p>TENTATIVE PLAN SHOWING SUBDIVISION of part of N.E.1/4 SEC. 36; TWP. 4; RGE. 30; W.4 M. MUNICIPAL DISTRICT OF PINCHER CREEK No. 9</p>		<p>bod brown okamura & associates ltd. Professional Surveyors 514 Stafford Drive, Lethbridge, Alberta</p> <p>APPROVED <i>T. C. Penner</i> T. C. Penner, A.L.S.</p>	
		DRAWN CJB	DATE JUN. 22/17
		CHECKED TCP	JOB 17-13790
		SCALE 1:5000	DRAWING 17-13790T



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: 2019-0-054

April 30, 2019

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

Dear Mr. MacCulloch,

RE: Block P, Plan 9210672 within W1/2 34-7-30-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, Chief Mountain Gas Co-op Ltd., AB Environment & Parks - K. Murphy, AB Environment Operations Infrastructure Branch (OIB), Area Wildlife Biologist - M. Didkowsky, AB Agriculture, Historical Resources Administrator and AER.

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

Please contact this office if you require any further information.

Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2019-0-054

M.D. of Pincher Creek No. 9 Grouped Country Residential subdivision of Block P, Plan 9210672 within W1/2 34-7-30-W4M

THAT the Grouped Country Residential subdivision of Block P, Plan 9210672 within W1/2 34-7-30-W4M (Certificate of Title No. 161 183 603), to create three 10.00 acre (4.05 ha) parcels and one 9.02 acre (3.65 ha) parcel from a title of 84.16 acres (34.06 ha) for grouped 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 39.02 acres at the market value of \$2,500 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.

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 is consistent with the Oldman River Reservoir Area Structure Plan and complies with the adopted Microfarms Concept Plan.
4. The requirement of a Historical Resources Act approval in relation to subdivision was received during the concept plan adoption phase as HRA 4835-18-0020-001.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 39.02 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 39.02 acre (15.79 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$9,755 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)

(d) Pincher Creek Emergency Services Commission – David Cox, Chief:

“It appears that the road will change from a private driveway to a public road providing an access to multiple residences.

From an emergency services point of view the road construction should be to a standard that will allow the weight of tandem truck and provide a turnaround at the end so the trucks can turn around.”

(e) TELUS Communications Inc. has no objection to the above circulation.

(f) FortisAlberta – Sharmila Goswami:

“Easements are required for this development. FortisAlberta will contact the developer to initiate the process of securing an easement for the proposed subdivision. 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 once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with 's 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.”

(g) Alberta Health Services – Mike Swystun, Executive Officer:

“In response to your March 21, 2019 request for comment on the above noted subdivision, we have reviewed the information and wish to provide the following comments:

- All septic fields must be sited a minimum of 15 metres for any groundwater well.
- All water wells should be sited on the owner's property to ensure access to the well for routine maintenance and potable water testing is unhindered by land access approval by neighbors.

If you require any further information, please call me at 403-627-1230.”

(h) Alberta Transportation – John Thomas, Development/Planning Technologist:

“Reference your file to create four (4) grouped country residential lots at the above noted location.

The proposal is contrary to Section 14 and, by default, subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 ("the regulation").

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

To that end, currently and as proposed the lots to be created and the remnant land will gain indirect access to Highway 510 solely by way of the local road system (Range Road 302A). Moreover, given the rough terrain in the immediate vicinity would make any consideration for a paralleling service road redundant and/or impractical. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the grouped country residential lots as proposed would have any appreciable impact on the provincial highway network.

Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

Notwithstanding that the waiver of Section 15(2) has been granted, the applicant is advised that no direct access to Highway 510 will be allowed as result of this application.

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and, as such, any development would require the said permit. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated as a condition of approval such that an adequate buffer would be maintained alongside the highway, and any other highway related issues (including, but not limited to, the impact that the adjacent gravel pit may have on the residential properties) could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403-381-5426, in this regard.

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

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

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

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway or within 800 metres from the centre point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

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

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

(i) Alberta Environment & Parks – Michelle Armstrong, Land Management Specialist:

“With regard to the proposal the following comments are from – Public Lands – AEP:

- North end of proposed development area is adjacent to a wildlife enhancement area denoted under EZE 910389.
- The complete west side of proposed development is adjacent to crown lands and buffer from proposal should be done to ensure no encroachment to crown lands occur during or after construction.
- Should contact Parks Land Use Officer as the area is adjacent to Provincial Recreation Area.
- Proposal is adjacent to AB Transportation aggregate area held under DRS890106 and access needs to be maintained to this.
- Should ensure Operations Infrastructure Branch has no concerns with proposal due to location of proposal and proximity to reservoir.
- Historic resource values to the south end of property come up as a value of 4 – archaeological and within proposal area a value of 5 – archaeological - Historic Resource review should be completed prior to construction.
- Appears area of crown land is fenced in with proposed development area. Fence line should include only private lands.”

(j) Alberta Environment & Parks – Tamara Zembal, Regional Land Use Officer:

“I have a couple of questions with regards to the referral:

- The current lands appear to be cultivated, with a section of the cultivation that falls within the Oldman Dam Provincial Recreation Area. Do you know who currently cultivates the land and if it is the applicant or not? If you could direct me to the appropriate contact, that would be greatly appreciated.
- Could we get a 50m buffer from the edge of the park for no building development
- We have concerns about invasive species and agronomic species entering into the adjacent park during the establishment of the tame grass on the development. Adequate monitoring and control would be recommended to control and prevent infestations.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: March 29, 2019

Date of Receipt: March 21, 2019

Date of Completeness: March 21, 2019

TO: Landowner: Ronald Anthony Sekella

Agent: Peter Maloff

Surveyor: Gordon MacDonald, A.L.S. – Northcan Surveys Ltd.

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, AB Environment & Parks - M. Armstrong, AB Environment Operations Infrastructure Branch (OIB), Area Wildlife Biologist - M. Didkowsky, AB Agriculture, AB Transportation, Historical Resources Administrator, AER

Adjacent Landowners: Dale Jamieson and Barbara Boyer, Michael Baceda, Ronald Sekella, WC Ranching Ltd., Her Majesty the Queen

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 **April 17, 2019**. (Please quote our File No. 2019-0-054 in any correspondence with this office).

File No.: 2019-0-054

Legal Description: Block P, Plan 9210672 within W1/2 34-7-30-W4M

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

Land Designation: Grouped Country Residential - GCR
(Zoning)

Existing Use: Agricultural

Proposed Use: Grouped Country Residential

of Lots Created: 4

Certificate of Title: 161 183 603

Meeting Date: May 7, 2019

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 three 10.00 acre (4.05 ha) parcels and one 9.02 acre (3.65 ha) parcel from a title of 84.16 acres (34.06 ha) for grouped country residential use.

The proposal is to accommodate the subdivision of four grouped country residential lots per the adopted Micro Farms Concept Plan. The concept plan was adopted in support of the proposal and in keeping with the requirements of the Oldman River Reservoir Area Structure Plan. A copy of the Historical Resources Act approval in relation to the submitted concept plan was received as HRA 4835-18-0020-001.

Access to the lot is presently granted from a developed municipal road allowance to the east. The existing residence (on the remainder parcel) is serviced by a septic system and on-site domestic well. All new residences will be serviced by a septic system and on-site domestic well or cistern for water.

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 surveyors 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, any conditions of Alberta Culture and Tourism, Historic Resources, shall be met prior to finalization.

RESERVE:

The payment of the applicable 10% Municipal Reserve on the 39.02 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 39.02 acre (15.79 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$9,755 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw): <u>Grouped Country Residential</u>	
Fee Submitted: <u>\$2000</u>	File No: <u>2019-0-054</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>March 21, 2019</u>	Accepted By: _____
Date Deemed Complete: <u>March 21, 2019</u>	Accepted By: <u>JS</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Ronald Anthony Sekella

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email Mail

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

Mailing Address: Box 39, Bellevue, AB Postal Code: T0K 0C0

Telephone: 403-627-8200 Cell: 403-627-8200 Fax: 403-563-5631

Email: pmaloff@shaw.ca Preferred Method of Correspondence: Email Mail

Name of Surveyor: Gordon MacDonald

Mailing Address: Northcan Surveys Ltd. 200, 101 10th Street N.W. Calgary, Alberta Postal Code: T2N 1V4

Telephone: (403) 266-1046 Cell: 403-875-8406 Fax: (403) 266-5290

Email: gmacdonald@northcan.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the W1/2 ¼ Section 34 Township 7 Range 30 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

b. Being all/part of: Lot/Unit _____ Block P Plan 9210672

c. Total area of existing parcel of land (to be subdivided) is: 34.06 hectares 84.16 acres

d. Total number of lots to be created: 4 Size of Lot(s): 10 acres, 10, acres, 10 acres, 9.02 acres

e. Rural Address (if applicable): 7516 Range Road 30-2A

f. Certificate of Title No.(s): 161183603

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of MD of Pincher Creek # 9

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

c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. Secondary Highway 510

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

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Agricultural
- b. Proposed use of the land Grouped Country Residential

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Gentle rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
Cultivated land currently seeded back to tame grass
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
Recent construction of the owners primary residence as shown in the remainder of Block P Plan 9210672
- 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

Describe:

- a. Existing source of potable water The current primary residence has a potable water well
- b. Proposed source of potable water Each acreage owner will be responsible for their own water development, serviced by either a water well or cistern

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type Tank & field Year installed 2018
- b. Proposed sewage disposal: Type Tank & field as per submitted design

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Ronald Anthony Sekella 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: Ronald Sekella Date: MARCH 19, 2019

9. RIGHT OF ENTRY

I, Ronald Anthony Sekella 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.

Ronald Sekella
Signature of Registered Owner(s)



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0028 405 984 9210672;P 161 183 603

LEGAL DESCRIPTION

PLAN 9210672
BLOCK P
CONTAINING 35.76 HECTARES (88.36 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
SUBDIVISION	0011354	1.70	4.20	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;30;7;34;W
ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 001 143 662 +1

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

161 183 603 08/08/2016 TRANSFER OF LAND

OWNERS

RONALD ANTHONY SEKELLA

ENCUMBRANCES, LIENS & INTERESTS
REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

761 081 508 28/06/1976 CAVEAT
CAVEATOR - CHIEF MOUNTAIN GAS CO-OP LTD.
BOX 38
CARDSTON
ALBERTA TOKOKO

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

161 183 603

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

(DATA UPDATED BY: CHANGE OF NAME 021072638)

991 041 007 11/02/1999 UTILITY RIGHT OF WAY
GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD.
BOX 38
CARDSTON
ALBERTA TOKOKO

(DATA UPDATED BY: CHANGE OF NAME 021075009)

191 002 682 04/01/2019 CAVEAT
RE : AGREEMENT CHARGING LAND
CAVEATOR - CHIEF MOUNTAIN GAS CO-OP LTD.
BOX 38, 190 - 1ST STREET EAST
CARDSTON
ALBERTA TOKOKO
AGENT - SEAL.

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 18 DAY OF MARCH,
2019 AT 08:31 P.M.

ORDER NUMBER: 36886215

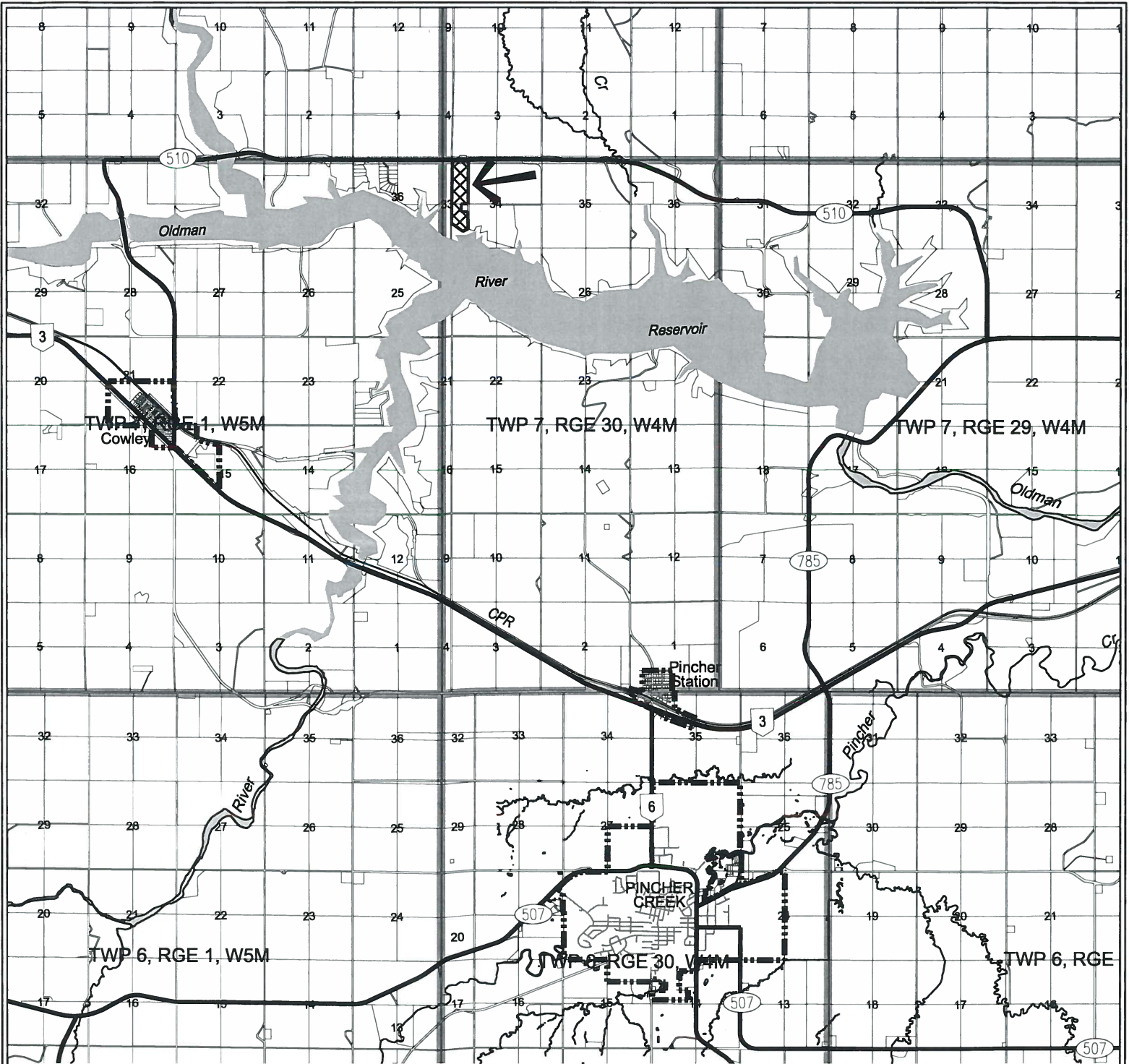
CUSTOMER FILE NUMBER: 507



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
BLOCK P, PLAN 9210672 WITHIN
W 1/2 SEC 34, TWP 7, RGE 30, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: MARCH 25, 2019
FILE No: 2019-0-054

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 11th AVENUE NORTH, LETHBRIDGE AB T1H 5E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



March 25, 2019 N:\Subdivision\2019\2019-0-054.dwg

LSD1-4
8-30-4

SW3 8-30-4

SE3 8-30-4

9110977

9110977

PROPOSED
LOT 1, BLOCK 1
4.05±ha(10.00±ac)

PROPOSED
LOT 2, BLOCK 1
4.05±ha(10.00±ac)

PROPOSED
LOT 3, BLOCK 1
4.05±ha(10.00±ac)

REMAINDER OF
TITLE IN
BLOCK P, PLAN 9210672
18.27±ha(45.15±ac)

Q
0011354

PROPOSED
LOT 1, BLOCK 2
3.65±ha(9.02±ac)

NW34 7-30-4

PARCEL K
8710572

NE34 7-30-4

PARCEL P
8910102

PARCEL O

PARCEL M

S33 7-30-4

ROADWAY 9210806

PCL N

SW34 7-30-4

SE34
7-30-4

NE27
7-30-4

NW27 7-30-4

N28
7-30-4
SUBDIVISION SKETCH

See tentative plan of subdivision by Northcan Surveys Ltd. file no. 1617447

BLOCK P, PLAN 9210672 WITHIN

W 1/2 SEC 34, TWP 7, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 25, 2019

FILE NO: 2019-0-054



0 100 200 300 400
March 25, 2019 N:\Subdivision\2019\2019-0-054.dwg





SUBDIVISION SKETCH

See tentative plan of subdivision by Northcan Surveys Ltd. file no. 1617447

BLOCK P, PLAN 9210672 WITHIN

W 1/2 SEC 34, TWP 7, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MARCH 25, 2019

FILE No: 2019.0.054

AERIAL PHOTO DATE: 2015



OLDMAN RIVER REGIONAL SERVICES COMMISSION

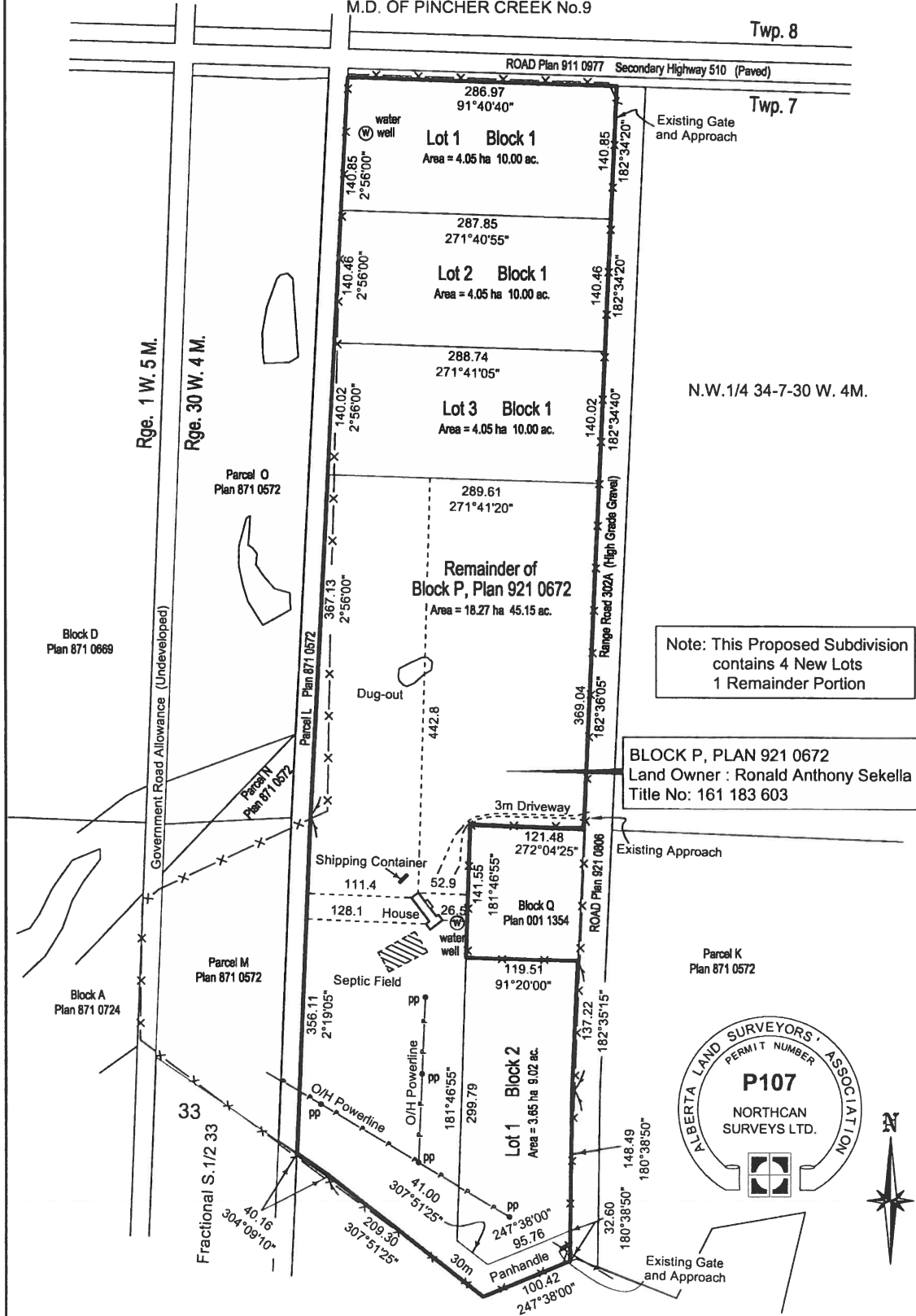


March 25, 2019 N:\Subdivision\2019\2019-0-054.dwg



TENTATIVE PLAN SHOWING PROPOSED SUBDIVISION OF PART OF BLOCK P PLAN 921 0672

WITHIN
W. 1/2 Sec. 34 Twp. 7 Rge. 30 W. 4 M.
M.D. OF PINCHER CREEK No.9



Note: This Proposed Subdivision contains 4 New Lots
1 Remainder Portion

BLOCK P, PLAN 921 0672
Land Owner : Ronald Anthony Sekella
Title No: 161 183 603



NORTHCAN SURVEYS LTD. 200, 101 - 10th STREET N.W. CALGARY, ALBERTA, T2N 1V4 Phone: (403) 266-1046 Fax: (403) 266-5290 Web: www.northcan.com 1-800-806-5790	LEGEND Survey monuments found: ● Survey monuments placed: ○ Portions referred to: — Distances are in metres.	Scale : 1 : 5000 Date : March 18th, 2019 Checked By: GRM Drawn By: GHZ	Revision Job No: <div style="font-size: 2em; font-weight: bold; text-align: center;">1617447</div>
			0