

**Agenda**  
**Municipal District of Pincher Creek No. 9**  
**Subdivision Authority Meeting**  
**June 4, 2019**  
**6:00 pm**

**1. Adoption of Agenda**

**2. Adoption of Minutes**

- a. Minutes of May 7, 2019

**3. Closed Meeting Session**

**4. Unfinished Business**

**5. Subdivision Applications**

- a. Subdivision Application No. 2019-0-069  
Leslie L Sinnott  
NE1/4 20-7-1 W5M
  
- b. Subdivision Application No. 2019-0-079  
Randy Clifford Donahue and Virginia Colleen Donahue  
SW1/4 14-9-2 W5M

**6. New Business**

**7. Next Regular Meeting July 2, 2019; 6:00 pm**

**8. Adjournment**

**Meeting Minutes of the Subdivision Authority  
Tuesday, May 7, 2019 6:00 pm  
MD of Pincher Creek No. 9 Administration Building**

**IN ATTENDANCE**

Members: Reeve Brian Hammond, Councillors Quentin Stevick, Rick Lemire, Bev Everts and Terry Yagos

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, Assistant Planner Hailey Winder, Executive Assistant Tara Cryderman, and Accounting Clerk Joyce Mackenzie-Grieve

**COMMENCEMENT**

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

**1. ADOPTION OF AGENDA**

Councillor Quentin Stevick 19/017

Moved that the Subdivision Authority Agenda for May 7, 2019, be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Councillor Terry Yagos 19/018

Moved that the April 2, 2019, Subdivision Authority Minutes, be approved as presented.

Carried

**3. CLOSED MEETING SESSION**

Councillor Rick Lemire 19/019

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

Councillor Terry Yagos 19/020

Moved that the Subdivision Authority open the meeting to the public, the time being 6:16 pm.

Carried

**4. UNFINISHED BUSINESS**

Nil

## 5. SUBDIVISION APPLICATIONS

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

Councillor Quentin Stevick

19/021

Moved that the Agricultural subdivision of NE 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.

MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
May 7, 2019

**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).

**MINUTES**  
**SUBDIVISION AUTHORITY**  
**Municipal District of Pincher Creek No. 9**  
**May 7, 2019**

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.”

Carried

MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
May 7, 2019

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

Councillor Terry Yagos

19/022

Moved that the Grouped Country Residential subdivision of Block P, Plan 9210672 within W ½ 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.

MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
May 7, 2019

- (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

**MINUTES**  
**SUBDIVISION AUTHORITY**  
**Municipal District of Pincher Creek No. 9**  
**May 7, 2019**

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.

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.



MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
May 7, 2019

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

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

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

- (i) 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.”

Carried

**MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
May 7, 2019**

**6. NEW BUSINESS**

Nil

**7. NEXT MEETING** – Tuesday, June 4, 2019; 6:00 pm.

**8. ADJOURNMENT**

Councillor Quentin Stevick

19/023

Moved that the meeting adjourn, the time being 6:17 pm.

Carried

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Brian Hammond, Chair  
Subdivision Authority

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Roland Milligan, Secretary  
Subdivision Authority

DRAFT



3105 - 16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

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

## DRAFT RESOLUTION

Our File: 2019-0-069

May 27, 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 20-7-1-W5M / M.D. of Pincher Creek No. 9**

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, ATCO Pipelines, Altagas Utilities Inc., AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, AER, CPR, Plains Midstream Canada, Alberta Ethane Development Company Ltd. and Lexin Resources.

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

2019-0-069

**M.D. of Pincher Creek No. 9**

**Agricultural** subdivision of NE1/4 20-7-1-W5M

THAT the Agricultural subdivision of NE1/4 20-7-1 W5M (Certificate of Title No. 941 053 439 +1), to create one 18.25 acre (7.38 ha) parcel from a title of 139.68 acres (56.53 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 as money in place of land on the 18.25 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 complies with the M.D. of Pincher Creek subdivision policy R.15.

## INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 18.25 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 18.25 acre (7.38 ha) being subdivided at \$2,500 per acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is approximately \$4,563.50 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 – David Cox, Chief:  
“I have 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) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above as it is outside of our franchise area.
- (i) Alberta Health Services – Wade Goin, Executive Officer/Public Health Inspector:

“In response to your May 1, 2019 request for comment on the above noted subdivision, we have reviewed the information and wish to provide the following comments:

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

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

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

“Reference your file to create a parcel for agricultural use at the above noted location.

By virtue of Section 14(a) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”), the parcel to be created will be less than the 16 hectares size requirement to qualify as an agricultural parcel.

Given that determination, 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 network.

To that end, this is a logical separation of the subject property due to the severance by the Highway 3 right-of-way (Road Plan 5467JK) of which the proposal is to continue using the remnant land for agricultural purposes. Moreover, currently and as proposed the parcel to be created and remnant land will gain indirect access to the provincial highway system 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 agricultural 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).

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

Section 16 of the regulation only states that the requirements of Sections 14 and 15 may be varied. Although the waiver of these sections have been granted for this application, it has been granted under site specific circumstance (indirect access by the local road system and the remnant lands will remain to be agricultural land use) and it should not be construed that this variance would set precedent or be granted as a matter of course.

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 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 benefit of a permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues 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."

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** May 1, 2019

**Date of Receipt:**

April 24, 2019

**Date of Completeness:**

April 25, 2019

**TO: Landowner:** Leslie L Sinnott

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

**Referral Agencies:** M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, Altagas Utilities Inc., AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, AB Transportation, AER, CPR, Plains Midstream Canada, Alberta Ethane Development Company Ltd., Lexin Resources

**Adjacent Landowners:** 960191 Alberta Inc., Canadian Pacific Ltd., Darren Taylor Harvesting Inc., Glen and Vicki Smyth, James Smyth, Janet Sauerwein, Lance and Julie Patten, Lexin Resources Ltd., Max and Brenda Muselius, Smyth F and S Farm

**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 **May 21, 2019**. (Please quote our File No. **2019-0-069** in any correspondence with this office).

**File No.:** 2019-0-069

**Legal Description:** NE1/4 20-7-1-W5M

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

**Land Designation:** Agriculture - A  
(Zoning)

**Existing Use:** Agricultural

**Proposed Use:** Agricultural

**# of Lots Created:** 1

**Certificate of Title:** 941 053 439 +1

**Meeting Date:** June 4, 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 18.25 acre (7.38 ha) parcel from a title containing 139.68 acres (56.53 ha) for Agricultural use.

The proposal is to subdivide a portion of the existing quarter section that has been fragmented from the remainder of the parcel by Highway 3. Access to the lot is presently granted from a developed municipal road allowance.

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.

**RESERVE:**

- The payment of the applicable 10% Municipal Reserve on the 18.25 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

**PROCESSING NOTES:** No further comment pending a site inspection.

**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.**





FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1025.00	File No: 2019-0-069
APPLICATION SUBMISSION	
Date of Receipt: April 24, 2019	Accepted By: <i>[Signature]</i>
Date Deemed Complete: April 25, 2019	Accepted By: <i>[Signature]</i>

**APPLICATION FOR SUBDIVISION  
RURAL MUNICIPALITY**

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: Leslie L Sinnott

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): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email  Mail

Name of Surveyor: BROWN OKAMURA

Mailing Address: 2830 - 12 AVE NORTH L Postal Code: T1H 5J9

Telephone: 329 4688 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

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

**2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED**

a. All/part of the N.E ¼ Section 20 Township 7 Range 1 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: \_\_\_\_\_ hectares 139.68 acres

d. Total number of lots to be created: 1 Size of Lot(s): 19.34 acres M/L

e. Rural Address (if applicable): \_\_\_\_\_

f. Certificate of Title No.(s): 941 053 439 + 1

**3. LOCATION OF LAND TO BE SUBDIVIDED**

a. The land is located in the municipality of M.D Pincher Creek No 9

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

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

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

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

**4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED**

Describe:

- a. Existing use of the land FARM LAND
- b. Proposed use of the land FARM 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.)  
Currently farmed various crops
- 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.
- 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 None
- b. Proposed source of potable water None

**7. SEWER SERVICES**

Describe:

- a. Existing sewage disposal: Type None Year Installed \_\_\_\_\_
- b. Proposed sewage disposal: Type None

**8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF**

I leslie Sinnott 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: April 24 / 2019

**9. RIGHT OF ENTRY**

I, leslie Sinnott 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
0021 222 963	5;1;7;20;NW
0021 222 971	5;1;7;20;NE

TITLE NUMBER
941 053 439 +1

LEGAL DESCRIPTION

FIRST

MERIDIAN 5 RANGE 1 TOWNSHIP 7  
SECTION 20

QUARTER NORTH WEST

CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES
MAIN HIGHWAY	5467 JK	0.490	1.21

EXCEPTING THEREOUT ALL MINES AND MINERALS

SECOND

FIRSTLY

MERIDIAN 5 RANGE 1 TOWNSHIP 7  
SECTION 20

QUARTER NORTH EAST

CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

A) PLAN	NUMBER	HECTARES	ACRES
RAILWAY R/W	RY 31	2.22	5.49
MAIN HIGHWAY	5467 JK	4.69	11.59

B) ALL THAT PORTION OF THE NORTH EAST QUARTER OF SAID SECTION  
THAT LIES NORTH OF PLAN RAILWAY RIGHT OF WAY RY 31  
CONTAINING 1.31 HECTARES (3.24 ACRES) MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

SECONDLY

MERIDIAN 5 RANGE 1 TOWNSHIP 7  
SECTION 20

THAT PORTION OF THE NORTH EAST QUARTER

WHICH LIES WITHIN THE SOUTH WESTERLY

50 FEET THROUGHOUT PLAN RY 31

CONTAINING 0.656 HECTARE (1.62 ACRES) MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 891 073 090

( CONTINUED )

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
941 053 439	02/03/1994	TRANSFER OF LAND		SEE INSTRUMENT

## OWNERS

LESLIE L SINNOTT

## ENCUMBRANCES, LIENS &amp; INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
1540HX .	20/06/1955	UTILITY RIGHT OF WAY GRANTEE - TELUS COMMUNICATIONS INC. BOX 1552, TAXATION DEPARTMENT EDMONTON ALBERTA T5J2N7 AS TO PORTION OR PLAN:18P (DATA UPDATED BY: 951022504 ) (DATA UPDATED BY: CHANGE OF NAME 971078569)
8670JM .	12/05/1966	UTILITY RIGHT OF WAY GRANTEE - PLAINS MIDSTREAM CANADA ULC. AS TO PORTION OR PLAN:4550JK (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 031208004) (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 081083103)
791 135 886	21/08/1979	UTILITY RIGHT OF WAY GRANTEE - ALBERTA ETHANE DEVELOPMENT COMPANY LTD. "TAKES PRIORITY OF CAVEAT 781190866 ON 24/11/78" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 041294508)
801 154 079	26/09/1980	UTILITY RIGHT OF WAY GRANTEE - ALBERTA GOVERNMENT TELEPHONES. "PORTION DESCRIBED IN INSTRUMENT"
881 010 465	21/01/1988	UTILITY RIGHT OF WAY GRANTEE - ALTAGAS SERVICES INC. AFFECTED LAND: 5;1;7;20;NE AS TO PORTION OR PLAN:8710520 "TAKES PRIORITY OF CAVEAT 871013817 REGISTERED ON

( CONTINUED )

-----  
 ENCUMBRANCES, LIENS & INTERESTS

PAGE 3

# 941 053 439 +1

REGISTRATION

NUMBER      DATE (D/M/Y)      PARTICULARS

-----

28/01/1987"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
 OF WAY 001132490)

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
 OF WAY 001338941)

011 338 111      14/11/2001 CAVEAT

RE : SURFACE LEASE UNDER 20 ACRES  
 CAVEATOR - LEXIN RESOURCES LTD.  
 PO BOX 6808, STATION D  
 CALGARY

ALBERTA T2P2E7

AGENT - PARY WEILER

AFFECTED LAND:                      5;1;7;20;NW

(DATA UPDATED BY: TRANSFER OF CAVEAT  
 061313317)

(DATA UPDATED BY: TRANSFER OF CAVEAT  
 071566143)

(DATA UPDATED BY: TRANSFER OF CAVEAT  
 081068176)

(DATA UPDATED BY: CHANGE OF NAME 141168845)

(DATA UPDATED BY: CHANGE OF NAME 161104161)

041 354 216      17/09/2004 CAVEAT

RE : SURFACE LEASE UNDER 20 ACRES  
 CAVEATOR - LEXIN RESOURCES LTD.  
 PO BOX 6808, STATION D  
 CALGARY

ALBERTA T2P2E7

AFFECTED LAND:                      5;1;7;20;NE

(DATA UPDATED BY: TRANSFER OF CAVEAT  
 071566142)

(DATA UPDATED BY: TRANSFER OF CAVEAT  
 081145139)

(DATA UPDATED BY: CHANGE OF NAME 141196258)

(DATA UPDATED BY: CHANGE OF NAME 161105751)

061 051 603      02/02/2006 UTILITY RIGHT OF WAY

GRANTEE - LEXIN RESOURCES LTD.  
 PO BOX 6808, STATION D  
 CALGARY

ALBERTA T2P2E7

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
 OF WAY 081132964)

(DATA UPDATED BY: CHANGE OF NAME 141166053)

(DATA UPDATED BY: CHANGE OF NAME 161088671)

131 183 295      30/07/2013 CAVEAT

RE : UTILITY RIGHT OF WAY

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 4  
# 941 053 439 +1

REGISTRATION  
NUMBER          DATE (D/M/Y)          PARTICULARS

-----

CAVEATOR - THE MUNICIPAL DISTRICT OF PINCHER CREEK  
NO. 9.  
BOX 279, PINCHER CREEK  
ALBERTA T0K1W0  
AGENT - EDWARDS LAND SERVICES LTD.

161 202 751    27/08/2016 CAVEAT  
RE : UTILITY RIGHT OF WAY  
CAVEATOR - ATCO GAS AND PIPELINES LTD.  
909 ELEVENTH AVE SW  
CALGARY  
ALBERTA T2R1L8  
AFFECTED LAND:                    5;1;7;20;NW

TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 24 DAY OF APRIL,  
2019 AT 07:51 A.M.

ORDER NUMBER:    37095652

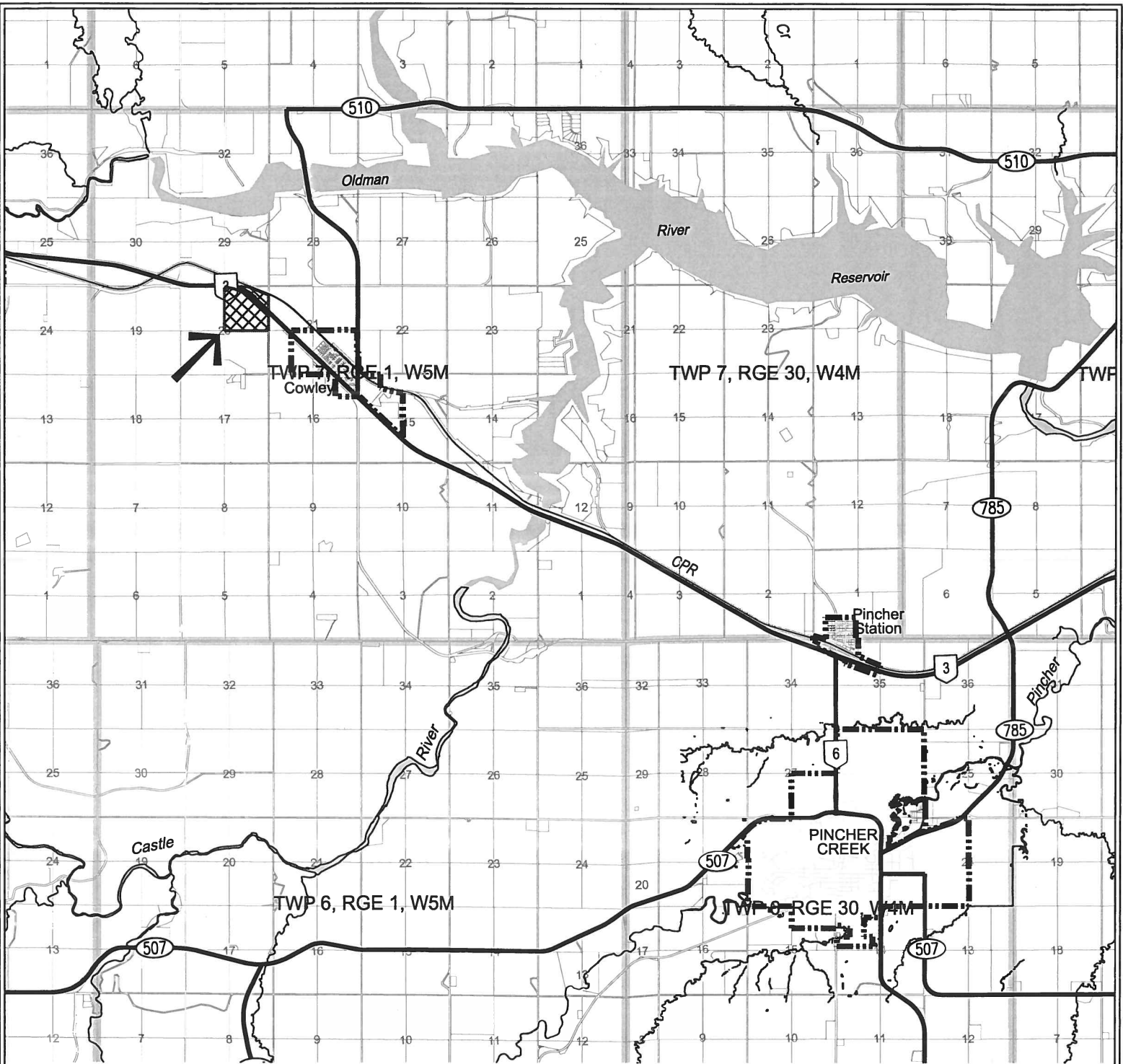
CUSTOMER FILE NUMBER:



\*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 20, TWP 7, RGE 1, W 5 M**

**MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

**DATE: APRIL 25, 2019**

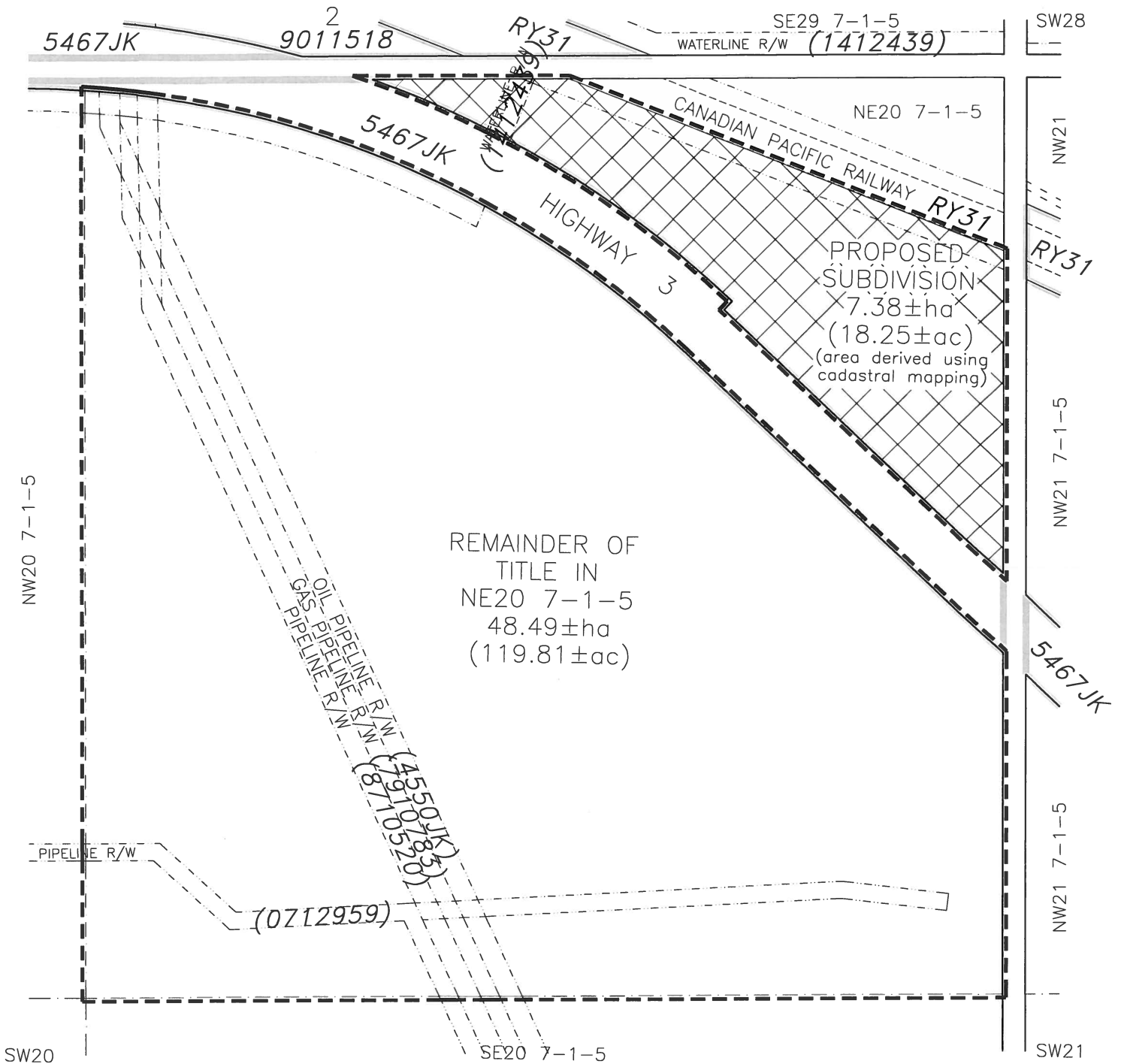
**FILE No: 2019-0-069**

MAP PREPARED BY  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 1102 8TH AVENUE NORTH, LETHBRIDGE, AB T1H 5E2  
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



**OLDMAN RIVER REGIONAL SERVICES COMMISSION**

April 25, 2019 N:\Subdivision\2019\2019-0-069.dwg



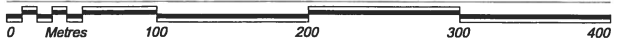
**SUBDIVISION SKETCH**

**NE 1/4 SEC 20, TWP 7, RGE 1, W 5 M**

**MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**

**DATE: APRIL 25, 2019**

**FILE No: 2019-0-069**







**SUBDIVISION SKETCH**  
**NE 1/4 SEC 20, TWP 7, RGE 1, W 5 M**  
**MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**DATE: APRIL 25, 2019**  
**FILE No: 2019-0-069**



OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

April 25, 2019 N:\Subdivision\2019\2019-0-069.dwg



**AERIAL PHOTO DATE: 2015**



3105 - 16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

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

## DRAFT RESOLUTION

Our File: 2019-0-079

May 27, 2019

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 14-9-2-W5M / M.D. of Pincher Creek No. 9**

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

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

2019-0-079

**M.D. of Pincher Creek No. 9**

**Recreational** subdivision of SW1/4 14-9-2-W5M

THAT the Recreational subdivision of SW1/4 14-9-2-W5M (Certificate of Title No. 001 037 885 +1), to create a 25.10 acre (10.16 ha) parcel for Rural Recreational use, from a title containing 100.41 acres (40.64 ha); 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 25.10 acres at the market value of \$3,000 per acre with the actual acreage (less the environmental reserve acreage as described below) and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve purposes.

And furthermore, 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 Todd 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 benefit of NW1/4 14-9-2 W5M from 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 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 Todd Creek.

## INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 25.10 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 25.10 acre (10.16 ha) being subdivided at \$3,000 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$7,530 with the actual amount less the

acreage for environmental reserve to be determined at the finalization stage for Municipal Reserve purposes.

- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. has no objection to the above circulation.
- (e) Chief Mountain Gas Co-op Ltd. – Delbert G. Beazer, Chief Executive Officer:

“Please note, we have no objections to the proposed subdivisions, as long as our Utility-Right-Way remains on title. Also, that any relocating of lines requested by the owner because of this subdivision will be at the owners cost. All contracts for gas service will be supplied as needed and at owners cost. If this subdivision splits a gas contract that serves two homes a new contract will have to be purchased by the owner.

Being that the application is in a remote area, natural gas service may be unavailable. Developer should discuss gas needs and plans for implementation before lots are sold. We would rather deal with the developer than individual lot owners for capital expense and planning.

As a condition of subdivision, we request that a Service Agreement be signed by the Applicant prior to subdivision finalization.”

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

“The property is adjacent to the Todd Creek, any development near the creek should follow the Step Back from the Water Guidelines. Note that any development within the bed and shore will require a Public Land Act Permit, or Disposition, as the Bed and Shore is Public Land as per the Public Lands Act

These Comments are only based on the Public Lands Act point of view.”

- (g) Alberta Environment & Parks – Sid Parseyan, Senior Waterbody/Boundary Research Analyst:

“Thank you for your email and the submitted document. Please be advised that under Section 3 of the *Public Lands Act*, the Crown in right of Alberta owns the bed and shore of Todd Creek which flows through the SW ¼ Section 14-9-2-5.

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

- (h) Adjacent Landowner – Jessie Hurlburt:

“I have no comments regarding the proposed subdivision.”

---

CHAIRMAN

---

DATE

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** May 15, 2019

**Date of Receipt:** May 13, 2019

**Date of Completeness:** May 14, 2019

**TO: Landowner:** Randy Clifford Donahue and Virginia Colleen Donahue

**Agent or Surveyor:**

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

**Adjacent Landowners:** Antelope Butte Ranch, Jessie Tyrell Hurlburt, W.C. Ranching Ltd.

**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 **June 3, 2019**. (Please quote our File No. **2019-0-079** in any correspondence with this office).

**File No.:** 2019-0-079

**Legal Description:** SW1/4 14-9-2-W5M

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

**Land Designation:** Agriculture - A; Rural Recreational 1 – RR-1  
(Zoning)

**Existing Use:** Agricultural and Recreational

**Proposed Use:** Agricultural and Recreational

**# of Lots Created:** 1

**Certificate of Title:** 001 037 885 +1

**Meeting Date:** June 4, 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 25.10 acre (10.16 ha) parcel for Rural Recreational use, from a title containing 100.41 acres (40.64 ha). The residual 75.31 acres (30.48 ha) will continue to be used as Agricultural.

The proposal is to accommodate the subdivision of an existing dwelling and campground (Sierra West Cabins) from parcel zoned Rural Recreational (RR-1). An onsite well and septic tank will provide water and sewer servicing for the proposed subdivision. The boundary of the proposed subdivision lies to the west of Todd Creek. Access to the lot is presently granted from a developed private driveway midway down the proposed parcel off Highway 22.

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 Environment and Parks shall be established prior to finalization of the application.
8. That any conditions of Alberta Culture and Tourism, and Historic Resources, shall be met prior to finalization of the application.
9. That an easement for legal access to the benefit of NW1/4 14-9-2 W5M from 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.

**RESERVE:**

- The payment of the applicable 10% Municipal Reserve on the 25.10 acres with the actual amount to be determined at the final stage for Municipal Reserve Purposes.
- And furthermore that, an environmental reserve easement requirement, pursuant to Sections 661 and 664 of the Municipal Government Act, be considered along both banks of Todd Creek with the actual acreage to be dedicated being determined at the final stage.

**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>51025.00</u>	File No: <u>2019-0-079</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>May 13, 2019</u>	Accepted By: <u>[Signature]</u>
Date Deemed Complete: <u>May 14, 2019</u>	Accepted By: <u>[Signature]</u>

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: RANDY + VIRGINIA DONAHUE

Mailing Address: \_\_\_\_\_ Postal Code: TOK 1H0

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email  Mail

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

Mailing Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email  Mail

Name of Surveyor: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email  Mail

**2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED**

a. All/part of the SW ¼ Section 14 Township 9 Range 2 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: \_\_\_\_\_ hectares 102 acres

d. Total number of lots to be created: 2 Size of Lot(s): 1-30 acre (approx) + 1-70 acre

e. Rural Address (if applicable): 9218 Hwy 22

f. Certificate of Title No.(s): 001037855 + 1

**3. LOCATION OF LAND TO BE SUBDIVIDED**

a. The land is located in the municipality of PINCHER CREEK MD #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. HWY 22

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 Todd Creek

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 Approx 75 acres Agricultural 25 acres rural recreation
- b. Proposed use of the land to remain the same

**5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED**

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Mostly flat slight hills
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) 75 acres tame pasture 25 acres creek bottom + tame grass
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) top soil then 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.  
log residence 24x24 half loft and 10x24 barn
- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Other side of Hwy 22 Antelope Butter Yes  No
- f. Are there any active oil or gas wells or pipelines on the land? Feedlot 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 dug well
- b. Proposed source of potable water same

**7. SEWER SERVICES**

Describe:

- a. Existing sewage disposal: Type Septic tank & field Year Installed 1999
- b. Proposed sewage disposal: Type same

**8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF**

I RANDY & VIRGINIA DONAHUE 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: Randy Donahue Ginny Donahue Date: May 5/2019

**9. RIGHT OF ENTRY**

I, Randy Donahue do  I 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.

Randy Donahue Signature of Registered Owner(s) Ginny Donahue





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0013 833 769            5;2;9;14;SW                      001 037 885 +1

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION 14  
IN TOWNSHIP 9  
RANGE 2  
WEST OF THE 5 MERIDIAN WHICH LIES TO THE NORTH WEST  
OF THE ROADWAY AND EAST OF THE ROAD WIDENING BOTH  
ON PLAN 5379 HV CONTAINING 41.3 HECTARES (102.06  
ACRES) MORE OR LESS  
EXCEPTING THEREOUT THE ROADWAY ON PLAN 7810518  
CONTAINING 0.668 OF A HECTARE (1.65 ACRES)  
MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 901 064 079 A .

-----  
REGISTERED OWNER(S)  
REGISTRATION      DATE (DMY)      DOCUMENT TYPE      VALUE      CONSIDERATION  
-----  
001 037 885      09/02/2000      TRANSFER OF LAND           SEE INSTRUMENT

OWNERS

RANDY CLIFFORD DONAHUE

AND

VIRGINIA COLLEEN DONAHUE

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 001 037 885 +1

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
761 072 716	08/06/1976	CAVEAT CAVEATOR - THE OLDMAN RIVER REGIONAL PLANNING COMMISSION. DEFERRED RESERVE CAVEAT
901 064 080	09/03/1990	RELEASE OF DOWER RIGHTS BY - DOREEN ANN DONAHUE
951 279 033	06/12/1995	CAVEAT RE : EASEMENT CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA AS REPRESENTED BY MINISTER OF TRANSPORTATION AND UTILITIES C/O DIRECTOR, PROPERTY SERVICES ALBERTA TRANSPORTATION AND UTILITIES TWIN ATRIA BLDG, MAIN FLR 4999-98 AVE EDMONTON ALBERTA T6B2X3 AGENT - D GARY BROWNLEE
081 174 349	13/05/2008	MORTGAGE MORTGAGEE - FARM CREDIT CANADA. SUITE #1200, 10250-101 ST EDMONTON ALBERTA T5J3P4

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 6 DAY OF MAY,  
2019 AT 04:28 P.M.

ORDER NUMBER: 37177393

CUSTOMER FILE NUMBER:

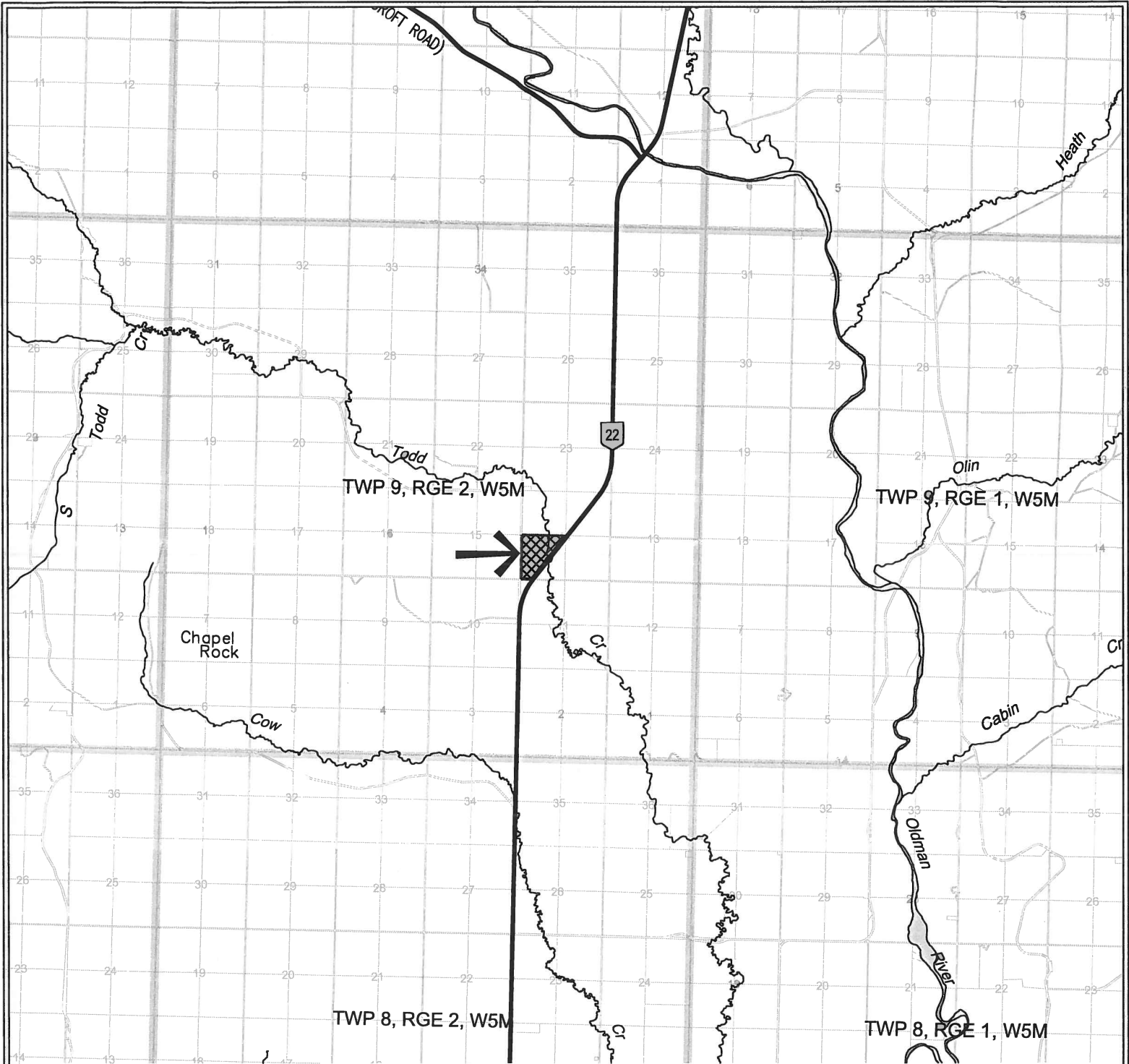


\*END OF CERTIFICATE\*

( CONTINUED )

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.

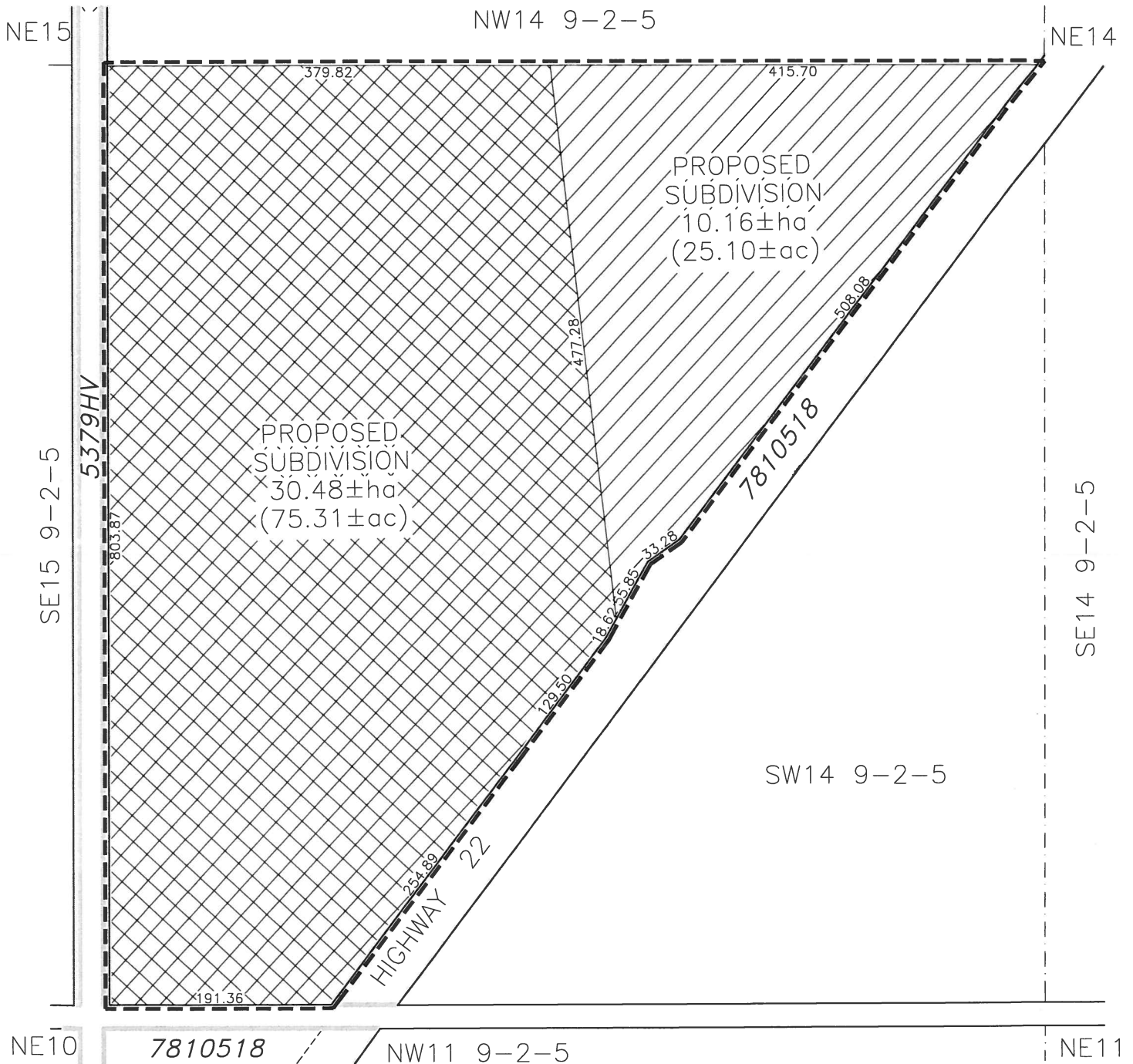
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**SUBDIVISION LOCATION SKETCH**  
**PORTION OF SW 1/4 SEC 14, TWP 9, RGE 2, W 5 M**  
**MUNICIPALITY: M.D. PINCHER CREEK NO. 9**  
**DATE: MAY 14, 2019**  
**FILE No: 2019-0-079**

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





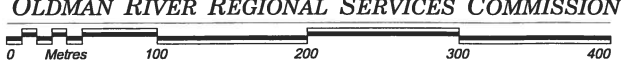
**SUBDIVISION SKETCH**

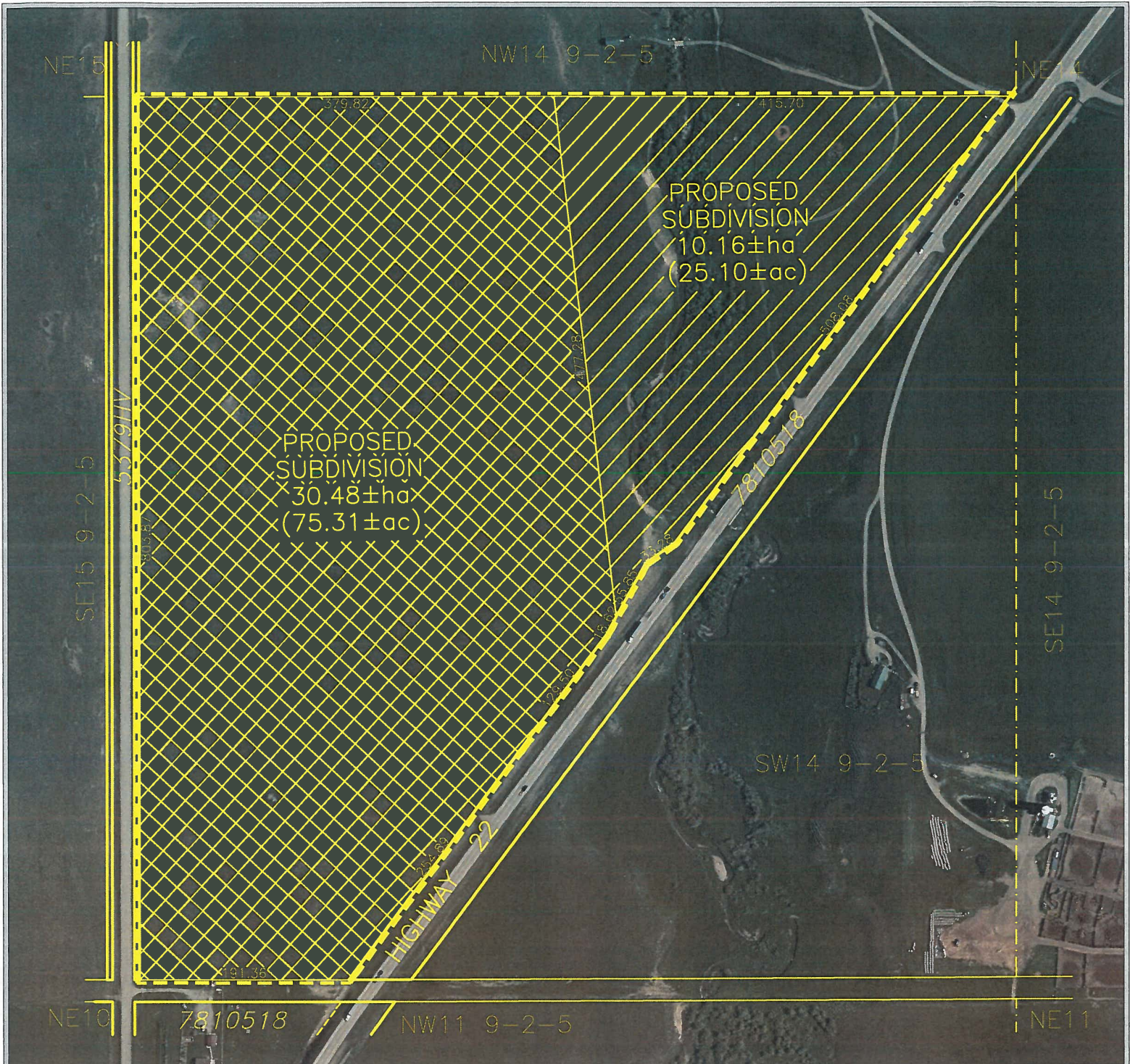
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