

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
October 6, 2020
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of September 1, 2020

3. Closed Meeting Session

4. Unfinished Business

5. Subdivision Application

- a. Subdivision Application No. 2020-0-113
Ryan Douglas McClelland and Jessica Rose McClelland
SE1/4 16-6-2 W5M

6. New Business

7. Next Regular Meeting November 3, 2020; 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, September 1, 2020; 6:00 pm
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors' Terry Yagos, Bev Everts, Quentin Stevick,

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

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Absent: Councillor Rick Lemire

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Terry Yagos 20/025

Moved that the Subdivision Authority Agenda for September 1, 2020, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Quentin Stevick 20/026

Moved that the July 7, 2020 Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Reeve Brian Hammond 20/027

Moved that the Subdivision Authority close the meeting to the public, under the authority of the
Municipal Government Act Section 197(2.1), the time being 6:01 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 1, 2020

Councillor Terry Yagos

20/028

Moved that the Subdivision Authority open the meeting to the public, the time being 6:27 pm.

Carried

4. UNFINISHED BUSINESS

None

5. SUBDIVISION APPLICATIONS

a. Subdivision Application No. 2020-0-089

Lorna Maureen McRae
SW1/4 10-6-2-W5M

Councillor Terry Yagos

20/029

Moved that the Public Utility subdivision of SW1/4 10-6-2-W5M (Certificate of Title No. 131 154 672), to create a 0.52 acre (0.21 ha) Public Utility Lot (PUL) from a title of 138.74 acres (56.14 ha) for public utility use; be approved subject to the following:

RESERVE:

1. That, the 10% reserve requirement, pursuant to Sections 669(2) and (3) of the Municipal Government Act, on the 0.52 acres be deferred by caveat 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 the extension of 5th Street as depicted on the Tentative Plan (Halma Thompson file H05020TN) be registered as road with this plan.

Carried

b. Subdivision Application No. 2020-0-090

Lorna Maureen McRae
Lot 1, Block 20, Plan 201 _____ within SW1/4 10-6-2-W5M

Councillor Bev Everts

20/030

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 1, 2020

Moved that the Public Utility subdivision of Lot 1, Block 20, Plan 201 ____ within SW1/4 10-6-2-W5M (Certificate of Title No. 131 154 672), to create a 0.11 acre (0.046 ha) Public Utility Lot (PUL) from a title of 138.74 acres (56.14 ha) for public utility use; be approved subject to the following:

RESERVE:

1. That, the 10% reserve requirement, pursuant to Sections 669(2) and (3) of the Municipal Government Act, on the 0.52 acres be deferred by caveat 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.

Carried

- c. Subdivision Application No. 2020-0-093**
Douglas McClelland and Lorna McClelland
SE1/4 11-6-2-W5M

Councillor Bev Everts

20/031

Moved that the Country Residential subdivision of SE1/4 11-6-2-W5M (Certificate of Title No. 901 091 386), to create a 6.01 acre (2.43 ha) parcel from a previously un-subdivided quarter section of 160 acres (64.7 ha) for country residential use; be approved subject to the following:

CONDITIONS:

- a. 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.
- b. 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.

Carried

- d. Subdivision Application No. 2020-0-096**
Earl Higginbotham
SW1/4 10-7-29-W4M

Councillor Quentin Stevick

20/032

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 1, 2020

Moved that a Country Residential subdivision of SW1/4 10-7-29-W4M (Certificate of Title No. 131 096 510), to create a 9.52 acre (3.85 ha) parcel from a title of 127.11 acres (51.44 ha) for country residential use; be approved subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 9.52 acres at the market value of \$3,000 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.

Carried

- e. Subdivision Application No. 2020-0-099**
847155 Alberta Ltd.
S1/2 29-9-2-W5M

Councillor Terry Yagos

20/033

Moved that the Country Residential subdivision of S1/2 29-9-2-W5 (Certificate of Title No. 021 054 908), to create a 7.54 acre (3.052 ha) parcel from a previously un-subdivided quarter section of 160 acres (64.7 ha) for country residential; 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.

Carried

- f. Subdivision Application No. 2020-0-101**
Brent McRae and Patricia McRae
NW1/4 36-5-30-W4M

Councillor Quentin Stevick

20-034

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 1, 2020

Moved that the Country Residential subdivision of NW1/4 36-5-30-W4M (Certificate of Title No. 891 089 686), to create a 9.40 acre (3.81 ha) parcel from a previously un-subdivided quarter section of 157.45 acres (63.72ha) 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.

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, October 6, 2020; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos 20/035

Moved that the meeting adjourn, the time being 6:35 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2020-0-113

September 30, 2020

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

Dear Mr. MacCulloch,

RE: SE1/4 16-6-2-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 Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, ATCO Pipelines, AB Health Services - South Zone, AB Environment & Parks - J. Wu, 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

2020-0-113

M.D. of Pincher Creek No. 9 Public Utility subdivision of SE1/4 16-6-2-W5M

THAT the Public Utility subdivision of SE1/4 16-6-2-W5M (Certificate of Title No. 061 325 228 +1), to create a 14.71 acre (5.95 ha) parcel from a title of 146.58 acres (59.3 ha) for public utility 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 14.71 acres at the market value of \$3,000 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 the applicant provide copies of approval documents provided by Alberta Environment and Parks to the subdivision authority prior to finalization.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. That in accordance with Municipal Development Plan Part III A. a waiver of the agricultural subdivision policies was deemed appropriate and granted.
4. The subdivision authority, in considering the written submission from Dr. Dennis Springhetti, Allen and Betty McClelland, Brent and Gloria Barbero, Steve & Rhonda Oczkowski, Veronica Oczkowski, Carter Oczkowski and Kim & Sylvia Barbero, finds that the concerns are focused on the existing development approvals, and approvals relevant to Alberta Environment and Parks, and are therefore outside the parameters of the subdivision policies pertaining to the proposal.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 14.71 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 14.71 acre (5.95 ha) being subdivided at \$3,000 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$4,413 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) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 771 122 173.

Therefore, ATCO Gas has no objection to the proposed subdivision.

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

“Reference your file to create a parcel for public utility use 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 adjacent 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, currently and as proposed, the parcel to be created and the remnant land gain indirect access to the highway 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 public utility parcel 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).

The applicant would also be advised that any development within the highway right-of-way or within 300 metres beyond the limit of a controlled highway or within 800 metres from the center point of an 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 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 Alberta Transportation through the undersigned, at Lethbridge 403/382-4052, in this regard.

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

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

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

- (g) Canada Post has no comment.

(h) Comments from Brent and Gloria Barbero:

"I have received a copy of the application for subdivision 2020-0-113 on SE 16 6 2 W5M.

I am concerned that the subdivision has been applied for by the Municipal District to install the Beaver Mines sewer at this time when Alberta Environment has not yet approved the site. There are a number of local landowners who have letters of concern in front of Alberta Environment and Parks and they have yet to decide, so how can a subdivision be made before their approval?

The municipal District of Pincher Creek has not had any public meeting in regard to this location or the exact logistics of the planned installation. In fact, there has been no consultation between the MD and any of the adjacent landowners in regard to this facility and how it may affect land values, water quality or quality of life. We have not been presented with any information on this facility will be run, monitored or its layout.

If the facility is not approved by Alberta Environment does the subdivision remain for the landowner to do as they see fit or will the subdivision be removed from the land title?

I will reiterate that the MD has not provided any information or consultation with adjacent landowners or public meetings in regard to the chosen site. They have pushed forward with the quickest, cheapest alternative for the sewer facility. Until proper consultation is provided, I believe the application should not be approved."

(i) Comments from Dr. Dennis Springhetti:

"Please accept this letter of concern as my formal objection to ORRSC SUBDIVISION APPLICATION FILE NO.2020-0-113. I have owned the 9 acre parcel of land on SE 16-6-2-W5M for the last 14 years and have built a residence there with a large shop. My family has enjoyed the property whenever we can as we live in Calgary. As I have entered retirement, I spend time there every other week. I am currently going through a divorce and have decided to sell out of my Calgary holdings and make this property my primary residence. I plan to add to the east of my existing house on the property to make it a bungalow.

I have only recently been made aware of this application to AEP via conversation (July 16, 2020) with one of my neighbours, and I am at complete loss as to the M.D. of Pincher Creek No.9's inadequate Public Consultation process with affected property owners.

My residence is within **300 m** of the proposed sewage treatment ponds and associated facility and I have multiple concerns regarding the absence of consultation, and the construction and operation of the proposed sewage treatment facility. My concerns are related to groundwater protection, surface water protection, wildlife habitat protection, inconsistent land use in the area, property values and overall aesthetics.

Specifically, my concerns are as follows:

1. **Groundwater contamination** - The water well supplying drinking water to my residence is 110' and I have concerns regarding fecal coliform and nutrient loading associated with the proposed facility. The risk to groundwater quality and potential for impact to my water quality has not been adequately considered in this application.

The HDPE liner construction for the sewage treatment ponds suggested in the application has no leak detection system associated with it. Although QA/QC will be completed during construction, HDPE liners are susceptible to failure due to pinholes, tears, burrowing animals, operational/maintenance intervention, etc. A leak will be undetected and lead to groundwater impact.

Native clay material is not available based on geotechnical evaluations of the site, (section 2.5.6 of application) to construct a compacted clay liner (CCL), suggesting that porosity of native material will support contaminant migration.

The proposed location is also immediately adjacent to the TransCanada Pipeline ROW. Any leakage through the liner of the treatment ponds or impacts from the effluent disposal process has potential to reach the ROW. Pipeline ROW disturbances are known pathways for contaminant transport due to the installation disturbance.

2. **Surface water contamination** - given lack of surface runoff control around the facility, potential for sewage pond overflow during precipitation events is a concern and risk to my drinking water, soil/vegetation. The potential overflow impact to Screwdriver Creek and Castle River have not been adequately considered.
3. **Inadequate public consultation** - The M.D. of Pincher Creek did not undertake adequate consultation with adjacent and affected landowners. As the closest adjacent landowner to the proposed facility (within 300 m), the M.D.'s failure to contact me through consultation was inadequate and suggests a complete lack of transparency. Although the M.D. held a public open house on September 14, 2019, it focused on an alternate site for the proposed facility; a similar open house was not held for this site.

Due to failure by the M.D. of Pincher Creek to undertake adequate public consultation, and my knowledge of the project at the currently proposed site being communicated via a neighbour on July 6, 2020, I have not had adequate time to consult hydrogeological and engineering expertise to appropriately identify all the potential impacts associated with the proposed facility at this location.

4. **Olfactory impact** - My residence is located within 300 m of the process and ongoing sewage aeration odours will affect my daily quality of life for the next 30 years. Although predominant wind direction is southwest in the area, given its close proximity to my residence, odours will be a significant impact.
5. **Noise impact** - aeration blowers and water pumps will run 24/7 and result in constant noise where I sit to enjoy my dream view of the Livingston Range from my balcony. Ongoing traffic associated with Tanker and Vacuum Trucks, dredging equipment for solids management, maintenance crews and Operations personnel will also generate significant noise and be a direct impact on my quality of life.
6. **Visual impact** - this site will require industrial lighting at night which will be directly visible from my residence affecting my view of the stars that I enjoy so much.
7. **Property value and lawful use** - Having a municipal sewage treatment facility immediately adjacent to my country/ residential home will certainly reduce my property value. My future ability to sell this property with raw sewage being pumped into my backyard will become extremely challenging and is a crucial part of my final stage of retirement. In addition, my ability to expand the existing residence to the east as planned will be impacted by the fact that such expansion will then fall within the 300 metre prohibited buffer zone; this will unduly limit my lawful use of my property. I have already received approval from TransCanada Pipeline to do just that.
8. **Cumulative human health concerns** - the cumulative effect to human health with a municipal sewage treatment plant treating and disposing effluent 300 meters from a residence over the long term is not clearly understood and should not be a risk that myself, my children and grandchildren will be subjected to.

Thank you for your consideration of this letter of concern. I am confident there are a multitude of alternate locations that would suit this project that do not gravely impact so many residences. I am also hopeful the MD utilizes the public consultation process in the manner in which it is intended/regulated and satisfies their due diligence. I look forward to hearing in regards to this matter.”

(j) Comments from Allan and Betty McClelland:

Email from September 25, 2020:

"I hope all work on the 15\$ Million Beaver Mines Waste Water Lagoon project will cease until the concerns of the adjacent land owners (less than 500 meters) are adequately and thoroughly addressed. I have not heard from Stacy.

There are significant technical, environmental and social risks to the current proposed location. The fact that the project has got this far without consultation with the nearest neighbours is absolutely unacceptable."

Email from October 2, 2020:

"We received advisement from the Oldman River Regional Services Commission on September 18 of this year that an application for subdivision of land had been approved. Upon further examination of the document, it was determined that the land being subdivided was adjacent to the parcel that we own. The sewage lagoon is in fact less than 500 meters from my east property line. How is it possible that a project as extensive as this one has reached this stage of development without notifying the closest neighbor, the one who is most likely to suffer any adverse effects of having a sewage lagoon as their neighbor. We do not live on the parcel of land, however this development has insured that we will never live on the land. It is unlikely that anyone else that we may sell it to will choose to live on it either.

We have tried to reach various people directly involved in the development. Aaron Benson seems to think he has done due diligence by having a public meeting with the residents of Beaver Mines. I would think it would be an easy sell to Beaver Mines residents to have their sewage taken miles away from where they live. Further investigation on our part reveals a facebook page with local officials receiving a grant from the government for this project accompanied with the remarks that Castle Mountain Resort will now be able to expand.

No one that we spoke with could explain why we were not involved, consulted, invited to attend meetings or provided with information on this project. Surely the MD has a greater regard for their landowners that what we have experienced. There were multiple ways that we could have been notified but none were used. We would ask that you bring this matter up with council and place it on the agenda as it is unclear to whom our letter should be addressed. We would appreciate any comments as well as an acknowledgement of receipt of this email.

Thank you for your attention to our concern."

(k) 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.

(l) Comments from Steve & Rhonda Oczkowski:

"Drainage from proposed site of the Beaver Mines Wastewater System located at SE 16-006-02-WSM will directly impact our drinking and cattle watering system SW & SE -15-006-02-WSM. The Beaver Mines Wastewater System will also affect our development application no. 2019-04. Due to steepness of the topography of the proposed site, we are greatly concerned that contaminated run-off will impact our water wells. We have 7 shallow wells and 1 deep well as indicated on the attached google map. Our development permit no. 2019-04 sits approximately 200 meters directly downwind of the lagoon site. We feel the M.D. of Pincher Creek No. 9 had more appropriate sites available for consideration that would not directly impact residents and their water supplies.

The M.D. of Pincher Creek No. 9 did not do their due diligence in informing owners directly adjacent to the proposed site of the waste water treatment site with a formal letter of notice of application. There was absolutely no consultation with adjacent land owners on this proposed wastewater site. We feel there are more appropriate sites for this waste water site than what has been selected. The M.D. has yet to fulfill their contract agreements with the install of the water system in Beaver Mines.”

(m) Comments from Carter Oczkowski:

“Drainage from proposed site of the Beaver Mines Wastewater System located at SE 16-006-02-WSM will directly impact our drinking and cattle watering system SW & SE -15-006-02-WSM. The Beaver Mines Wastewater System will also affect our development application no. 2019-04. Due to steepness of the topography of the proposed site, we are greatly concerned that contaminated run-off will impact our water wells. We have 7 shallow wells and 1 deep well as indicated on the attached google map. Our development permit no. 2019-04 sits approximately 200 meters directly downwind of the lagoon site. We feel the M.D. of Pincher Creek No. 9 had more appropriate sites available for consideration that would not directly impact residents and their water supplies.

The M.D. of Pincher Creek No. 9 did not do their due diligence in informing owners directly adjacent to the proposed site of the waste water treatment site with a formal letter of notice of application. There was absolutely no consultation with adjacent land owners on this proposed wastewater site. We feel there are more appropriate sites for this waste water site than what has been selected. The M.D. has yet to fulfill their contract agreements with the install of the water system in Beaver Mines.”

(n) Comments from Veronica Oczkowski:

“Drainage from proposed site of the Beaver Mines Wastewater System located at SE 16-006-02-WSM will directly impact our drinking and cattle watering system SW & SE -15-006-02-WSM. The Beaver Mines Wastewater System will also affect our development application no. 2019-04. Due to steepness of the topography of the proposed site, we are greatly concerned that contaminated run-off will impact our water wells. We have 7 shallow wells and 1 deep well as indicated on the attached google map. Our development permit no. 2019-04 sits approximately 200 meters directly downwind of the lagoon site. We feel the M.D. of Pincher Creek No. 9 had more appropriate sites available for consideration that would not directly impact residents and their water supplies.

The M.D. of Pincher Creek No. 9 did not do their due diligence in informing owners directly adjacent to the proposed site of the waste water treatment site with a formal letter of notice of application. There was absolutely no consultation with adjacent land owners on this proposed wastewater site. We feel there are more appropriate sites for this waste water site than what has been selected. The M.D. has yet to fulfill their contract agreements with the install of the water system in Beaver Mines.

Inlc: Area map of water drainage, well and building site (See Attachment)”

(o) Alberta Health Services – Wade Goin, Executive Officer/Public Health Inspector:

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

- Alberta Health Services (AHS) does not currently have enough information to determine compliance with the Public Health Act and Regulations.
- There are several drinking water wells and residences in the vicinity. AHS recommends a phase 2 ESA analysis to determine impact to drinking water and any potential creation of nuisances.
- AHS recommends against making a decision until potential effects on local drinking water wells and residences is better understood.

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

(p) Comments from Kim & Sylvia Barbero:

“We are concerned with the proposed subdivision in the SE 16-6-2-W5 for the Beaver Mines Septic System. Our property is within 500 meters of the proposed project. We have lived here since 1989 and our water is from shallow aquifers, namely groundwater. We have drilled many wells and all of them have shown only the water above bedrock depth (+/- 100 feet) is suitable for human consumption, any greater depth, namely into bedrock results in hydrogen sulfide smelling and low volume flows. This plus the possibility of odors, there have been more south east winds in recent years, causes us great concern into our quality of life with the approval of this project.

We already are living in a sour gas field and receive odors from existing sour gas facilities around us. The direction of this project will close the circle and we will be subject to odors from all directions. We have not seen any and have not been informed of any plans in regard to monitoring operations or plans in regard to odors, overflows or other disruption to the operation of such a facility.

We have not seen any or been informed of the direction this facility will drain. Recent, yearly extreme moisture events and soil saturation cause concern.

We formally object to the location of this project.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: September 14, 2020

Date of Receipt: September 8, 2020

Date of Completeness: September 9, 2020

TO: Landowner: Ryan Douglas McClelland and Jessica Rose McClelland

Agent: MD of Pincher Creek No. 9 - Roland Milligan

Surveyor: Zachary J. Prosper, 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, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, AB Environment & Parks - J. Wu, AB Transportation, Historical Resources Administrator, AER, Canada Post, Nova Gas Transmission Ltd., Pieridae Alberta Production Ltd.

Adjacent Landowners: Allan, Elizabeth McClelland, Brent & Gloria Barbero, Dennis & Nevada Springhetti, Lara McClelland, Lewis & Sylvia Barbero, Ross McClelland, Steven & Veronica Oस्कowski, Steven, Rhonda, Carter Oस्कowski, Steven, Rhonda, Veronica Oस्कowski, Stuart McDowall

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 **October 5, 2020**. (Please quote our File No. **2020-0-113** in any correspondence with this office).

File No.: 2020-0-113

Legal Description: SE1/4 16-6-2-W5M

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

Land Designation: Agriculture – A
(Zoning)

Existing Use: Agircultural

Proposed Use: Public Utility

of Lots Created: 1

Certificate of Title: 061 325 228 +1

Meeting Date: October 6, 2020

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

Planner's Preliminary Comments:

The purpose of this application is to create a 14.71 acre (5.95 ha) parcel from a title of 146.58 acres (59.3 ha) for public utility use.

The proposal is to accommodate the location of a waste water treatment site. Access to the lot will be granted from an approach to the north, off of a developed municipal road allowance.

With waiver, 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 waiver of the Municipal Development Plan agricultural subdivision policies be granted by the Subdivision Approval Authority of the MD of Pincher Creek.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 14.71 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.



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1040.00	File No: 2020 0-113
APPLICATION SUBMISSION	
Date of Receipt: September 8, 2020	Received By: <i>[Signature]</i>
Accepted By: 9, 2020	Accepted By: <i>[Signature]</i>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Ryan Douglas McClelland and Jessica Rose McClelland

Mailing Address: [REDACTED]

Postal Code: [REDACTED]

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): M.D. Pincher Creek No. 9(Attn: Roland Milligan)

Mailing Address: Box 279 City/Town: Pincher Creek

Postal Code: T0K 1W0 Telephone: 406-627-3130 Cell: _____

Email: admindirdev@mdpincercreek.ab.ca Preferred Method of Correspondence: Email Mail

Name of Surveyor: Zachary J. Prosper, ALS brown okamura & associates ltd.

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

Postal Code: T1H 5J9 Telephone: 403-329-4688 ext. 132 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 16 Township 6 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: 59.319 hectares 146.58 acres

d. Total number of lots to be created: 1 Size of Lot(s): 5.95 hectares(14.71 acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 06 1 3 25 228 +1

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Municipal District of Pincher Creek No. 9

b. Is the land situated immediately adjacent to the municipal boundary? Yes No

If "yes", the adjoining municipality is _____

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

If "yes" the highway is No. 507

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 grazeland
- b. Proposed use of the land Waste Water Treatment Site

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.) grass and 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

- a. Describe existing source of potable water N/A
- b. Describe proposed source of potable water N/A

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type N/A Year Installed _____
- b. Describe proposed sewage disposal: Type N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Troy Max Curbach (boa file: 20-14948) 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: 02 Sept 2020

9. RIGHT OF ENTRY

I, Ryan Douglas McClelland and Jessica Rose McClelland 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)

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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0031 834 930 5;2;6;16;SE 061 325 228 +1

LEGAL DESCRIPTION

THE SOUTH EAST QUARTER OF SECTION SIXTEEN (16)
IN TOWNSHIP SIX (6)
RANGE TWO (2)
WEST OF THE FIFTH MERIDIAN AS SHOWN ON THE TOWNSHIP PLAN
APPROVED AT OTTAWA 21 MAY 1909 CONTAINING ONE HUNDRED AND FIFTY NINE
(159) ACRES MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
ROADWAY	1767BM		3.99	
DESCRIPTIVE	0612790	3.41	8.43	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 051 492 202

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
061 325 228	11/08/2006	DESCRIPTIVE PLAN		

OWNERS

RYAN DOUGLAS MCCLELLAND

AND

JESSICA ROSE MCCLELLAND

BOTH OF:



ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

061 325 228 +1

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

7925HS . 10/02/1960 UTILITY RIGHT OF WAY
GRANTEE - THE ALBERTA GAS TRUNK LINE CO LTD.
AS TO PORTION OR PLAN:7475HY
"6.50 ACRES ON PLAN 3038IC"

771 122 173 06/09/1977 UTILITY RIGHT OF WAY
GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY
LIMITED.

021 150 905 03/05/2002 CAVEAT
RE : RIGHT OF WAY AGREEMENT
CAVEATOR - NOVA GAS TRANSMISSION LTD.
450-1 ST SW
PO BOX 1000, STN M
CALGARY
ALBERTA T2P4K5
AGENT - RICK FARMER

051 492 203 29/12/2005 MORTGAGE
MORTGAGEE - AGRICULTURE FINANCIAL SERVICES
CORPORATION.
4910 52 ST, BOX 5000 STN. MAIN
CAMROSE
ALBERTA T4V4E8
ORIGINAL PRINCIPAL AMOUNT: \$300,000

071 304 460 18/06/2007 CAVEAT
RE : LEASE INTEREST UNDER 20 ACRES
CAVEATOR - PIERIDAE ALBERTA PRODUCTION LTD.
ATTN: LAND DEPARTMENT
3100, 308-4 AVE SW
CALGARY
ALBERTA T2P0H7
(DATA UPDATED BY: TRANSFER OF CAVEAT
201025726)

201 033 352 18/02/2020 CAVEAT
RE : ACQUISITION OF LAND
CAVEATOR - THE MUNICIPAL DISTRICT OF PINCHER CREEK
NO. 9.
BOX 279, PINCHER CREEK
ALBERTA T0K1W0

TOTAL INSTRUMENTS: 006

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 1 DAY OF
SEPTEMBER, 2020 AT 09:06 A.M.

ORDER NUMBER: 40016709

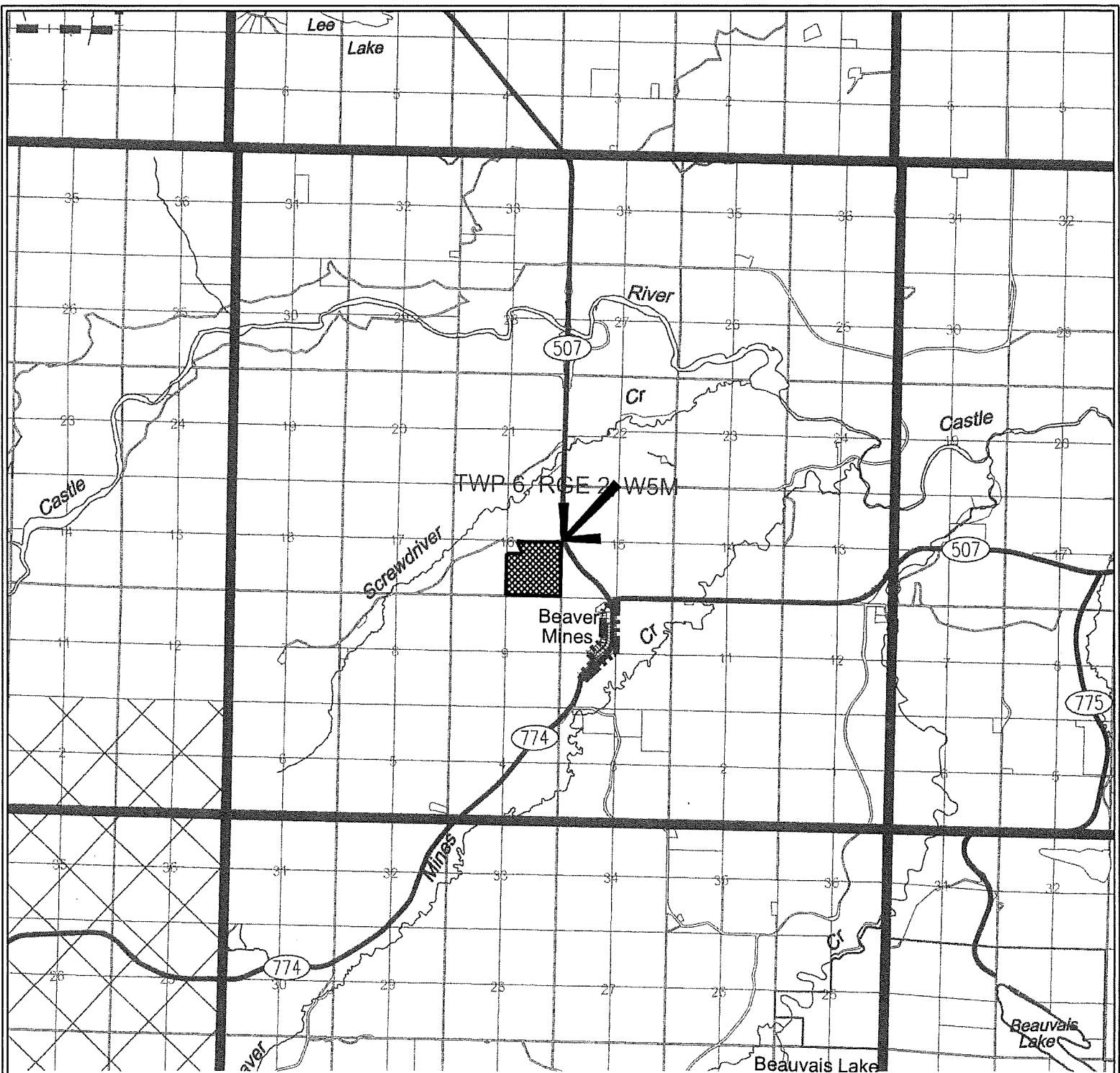
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

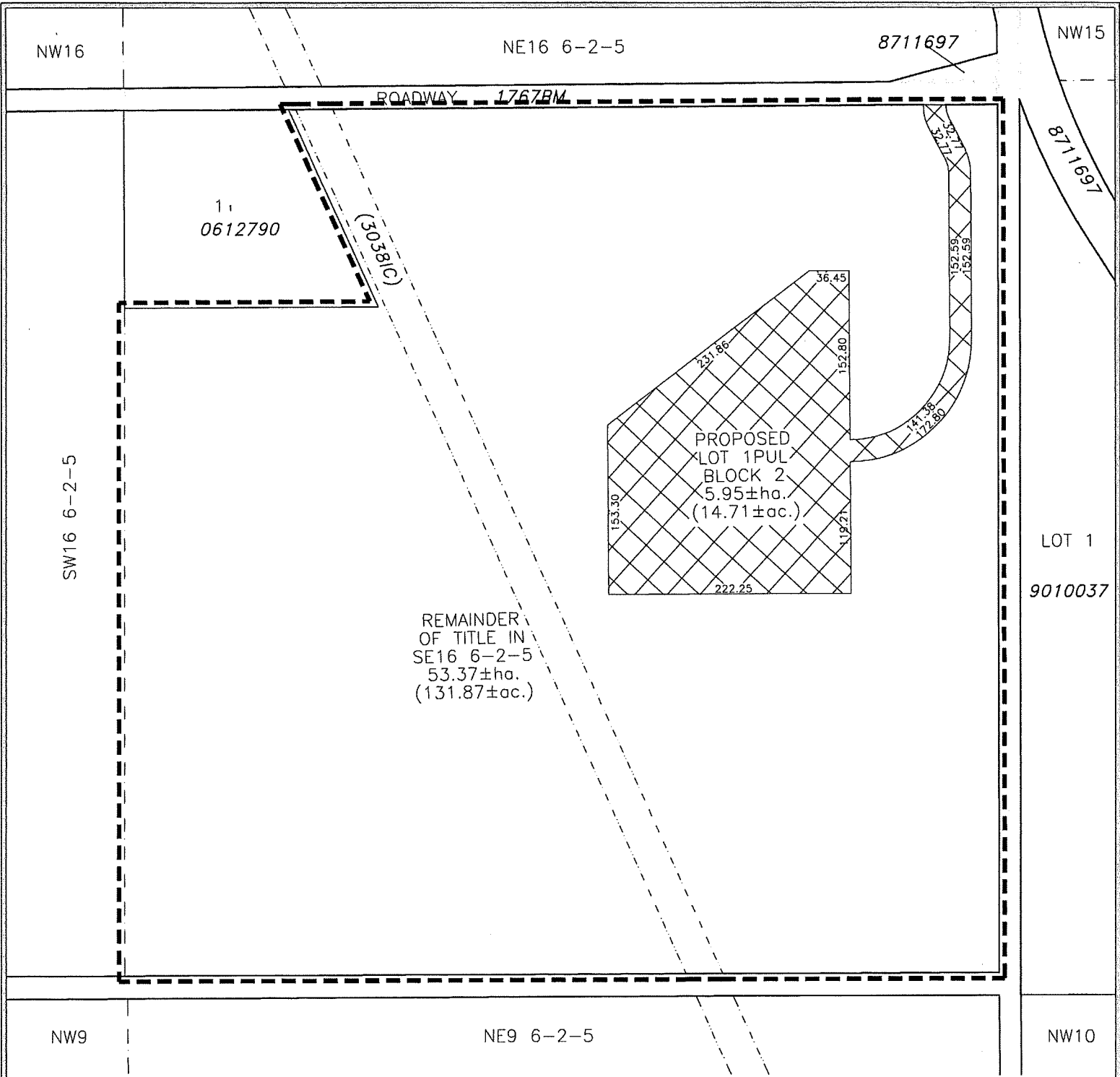
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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).



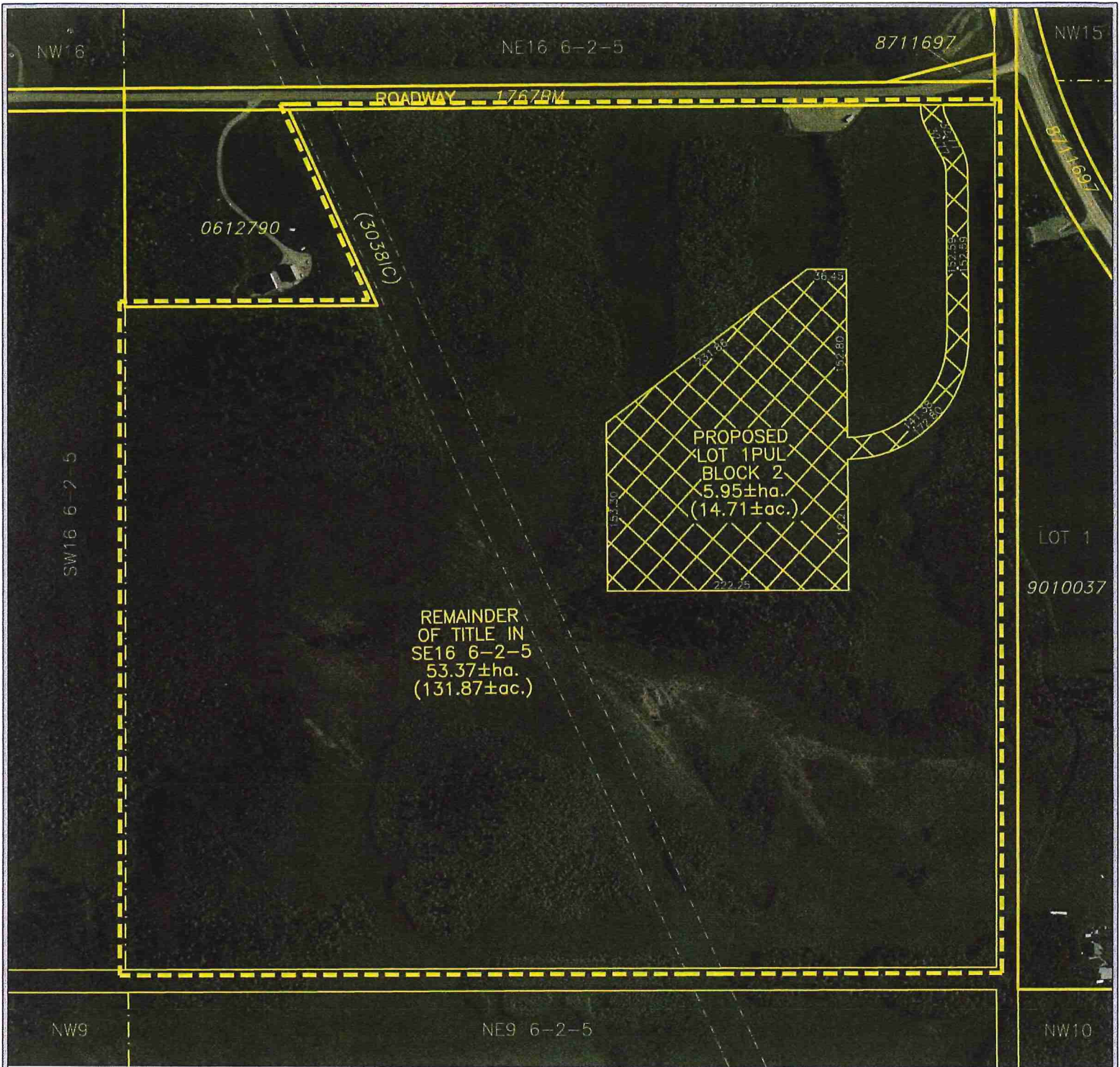
SUBDIVISION LOCATION SKETCH
 WITHIN SE 1/4 SEC 16, TWP 6, RGE 2, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: SEPTEMBER 9, 2020
 FILE No: 2020-0-113

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 FOR THE ALUMBALE NORTH, LETS SERVICE, AS THE
 NOT RESPONSIBLE FOR SERVICE OR CLARIFICATION



SUBDIVISION SKETCH
WITHIN SE 1/4 SEC 16, TWP 6, RGE 2, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: SEPTEMBER 9, 2020
FILE No: 2020-0-113





SUBDIVISION SKETCH

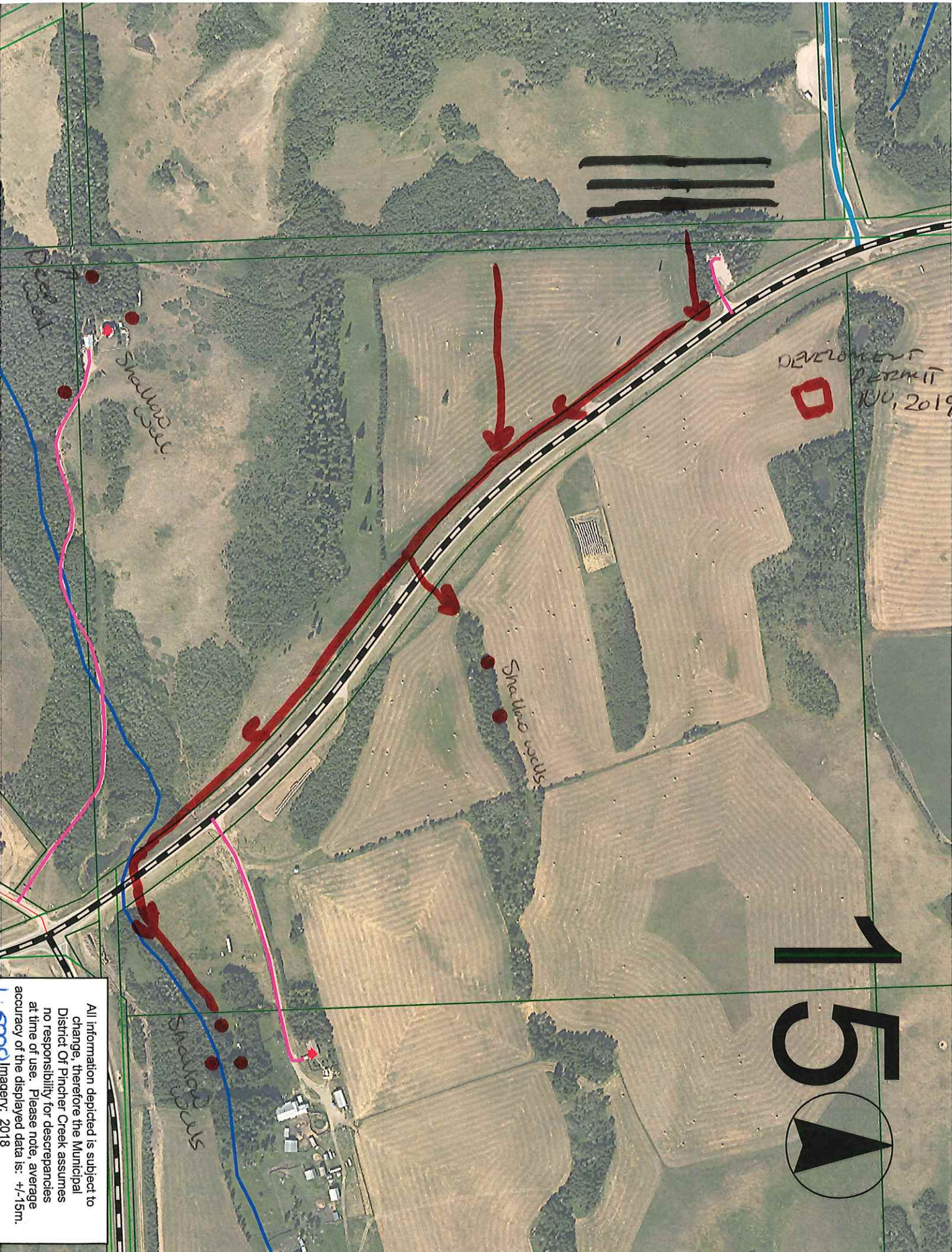
WITHIN SE 1/4 SEC 16, TWP 6, RGE 2, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
 DATE: SEPTEMBER 9, 2020
 FILE No: 2020-0-113



Application # 001-464304

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DEVELOPMENT PERMIT NO. 2019-04

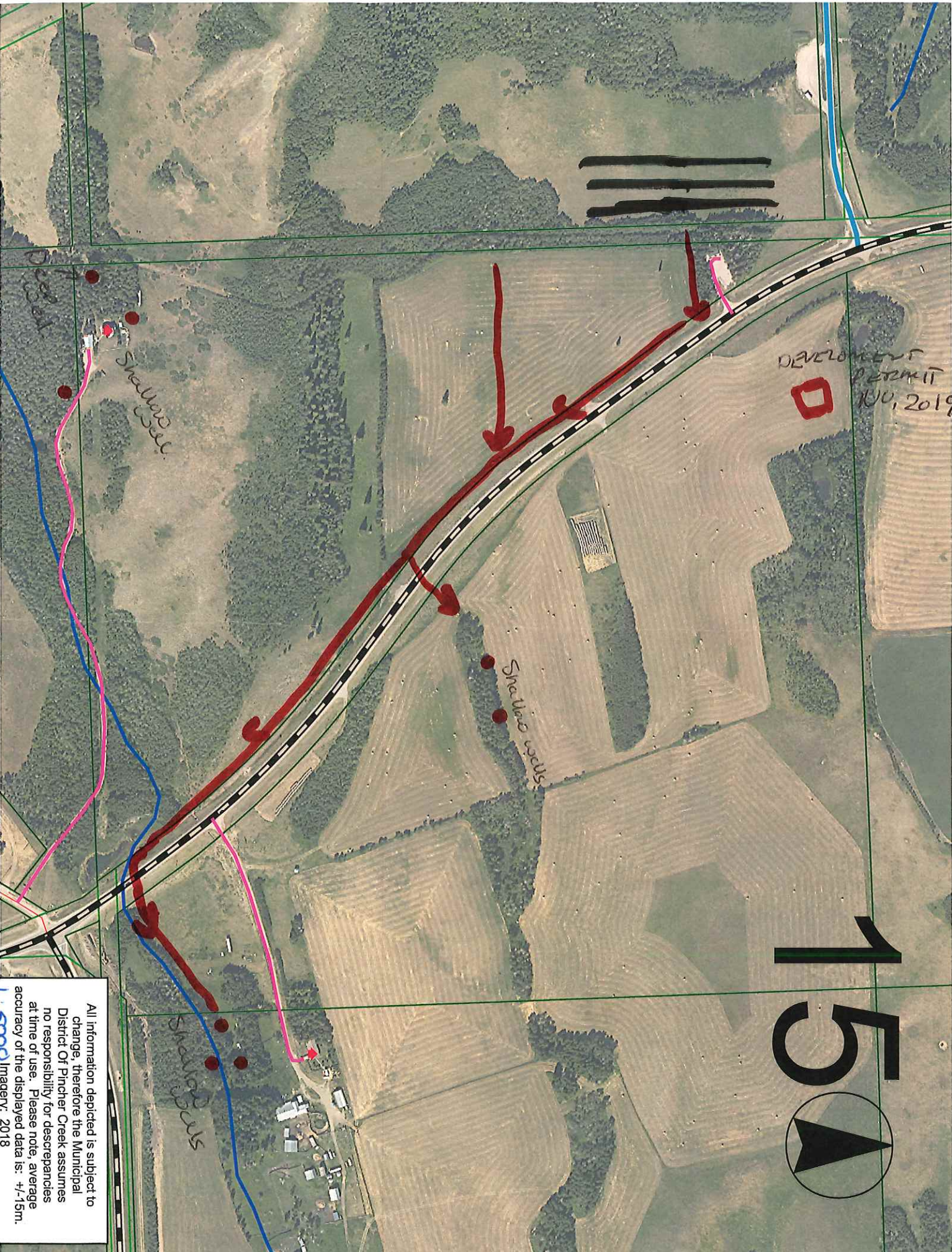


All information depicted is subject to change, therefore the Municipal District Of Pincher Creek assumes no responsibility for discrepancies at time of use. Please note, average accuracy of the displayed data is: +/-15m.
1:5000 Imagery: 2018

Application # 001-464304

151

DEVELOPMENT PERMIT NO. 2019-04



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1:5000 Imagery: 2018