

**Agenda**  
**Municipal District of Pincher Creek No. 9**  
**Subdivision Authority Meeting**  
**November 3, 2020**  
**6:00 pm**

**1. Adoption of Agenda**

**2. Adoption of Minutes**

- a. Minutes of October 6, 2020

**3. Closed Meeting Session**

**4. Unfinished Business**

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

**5. Subdivision Application**

- a. Subdivision Application No. 2020-0-107  
Jerret Robert Marsh and Kathryn Rose Sinnott  
Frank Robert Marsh and Jacqueline Janine Marsh  
Lot 1, Block 1, Plan 0111088 & a portion of the NW1/4 12-6-1 W5M
- b. Subdivision Application No. 2020-0-110  
1817323 Alberta Ltd.  
Lot 3, Block 1, Plan 1313435 within N1/2 22-5-1 W5M
- c. Subdivision Application No. 2020-0-121  
Audrey J Westrop  
SW1/4 31-6-29 W4M

**6. New Business**

**7. Next Regular Meeting** December 1, 2020 6:00 pm

**8. Adjournment**

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

**IN ATTENDANCE**

Members: Reeve Brian Hammond, Councillors' Terry Yagos, Bev Everts, Rick Lemire,

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

Planning  
Advisors: ORRSC, Senior Planner Gavin Scott

Absent: CAO Troy MacCulloch, Councillor Quentin Stevick

**COMMENCEMENT**

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

**1. ADOPTION OF AGENDA**

Councillor Terry Yagos 20/036

Moved that the Subdivision Authority Agenda for October 6, 2020, be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Councillor Bev Everts 20/037

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

Carried

**3. CLOSED MEETING SESSION**

Councillor Terry Yagos 20/038

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 6:03 pm.

Carried

MINUTES  
SUBDIVISION AUTHORITY  
Municipal District of Pincher Creek No. 9  
October 6, 2020

Councillor Rick Lemire 20/039

Moved that the Subdivision Authority open the meeting to the public, the time being 6:30 pm.

Carried

**4. UNFINISHED BUSINESS**

None

**5. SUBDIVISION APPLICATIONS**

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

Councillor Rick Lemire 20/040

Moved that Subdivision Application No. 2020-0-113 be tabled for November 3<sup>rd</sup> meeting pending further information and consultation with the project engineer.

Carried

**6. NEW BUSINESS**

Nil

- 7. NEXT MEETING** – Tuesday, November 3, 2020; 6:00 pm.

**8. ADJOURNMENT**

Councillor Terry Yagos 20/041

Moved that the meeting adjourn, the time being 6:31 pm.

Carried

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Brian Hammond, Chair  
Subdivision Authority

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Roland Milligan, Secretary  
Subdivision Authority

# 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 affects 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."

Email from October 7, 2020:

"Good afternoon Reeve Hammond,

We received notification from the Oldman 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 subdivided was adjacent to the parcel we own (SW1/4 16 06 02 W5). The sewage lagoon is in fact less than 500 meters from our east property line. How is it possible for a project as extensive as this one to reach this stage of development without notifying, involving, consulting, or informing the closest neighbor, the one most likely to suffer any adverse affects of having a sewage lagoon right next door? We do not live on the parcel of land, however, this development has insured 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.

No one that we have spoken to or received emails from could explain why we were not involved, or invited to attend meeting or provided with information on this project. Surely a major development within 500 meters from our property line would have triggered a check list of people to notify, yet we were not.

Could you please bring this up at your next council meeting and perhaps get an explanation for us?

Thank you for your attention to this 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](mailto: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.”

(q) TC Energy – Kayla McCarthy:

“Thank you for sending B&A Planning Group notice of this project on September 14, 2020. B&A is the land use planning consultant for TC Energy (TC) in Western Canada. On behalf of TC, we work with municipalities and stakeholders regarding land use and development surrounding their pipeline infrastructure to ensure that it occurs in a safe and successful manner.

As per the requirements of the Canada Energy Regulator (CER), additional development in proximity to TC’s pipelines with potential new residents, employees, structures, ground disturbance, and crossings could warrant pipeline remediation. Consultation between TC and the applicant prior to development assists both parties in determining the best course of action to proceed with potential remediation and development. This is to help prevent pipeline damage, unwarranted crossings, and identify development within proximity to the pipeline that may trigger a pipeline Class upgrade.

#### Description of Proposed Development

We understand that 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, and access to the lot will be granted from an approach to the north, off of a developed municipal road allowance.

Please refer to Attachment 01 Approximate Location of TC Infrastructure for maps that show the proposal in relation to the approximate location of TC’s infrastructure.

#### Assessment of Proposed Development

As demonstrated in Attachment 01 Approximate Location of TC Infrastructure, the application is within proximity of a TC Energy pipeline, which transects the remainder of the subject quarter section. As the application documents demonstrate, the proposed PUL parcel and future development of the waste

water treatment site are greater than 30m from the pipeline and therefore there should be no concerns with the proposed application. In the event that development extends closer to the pipeline, we have outlined several recommendations below to ensure safe development in proximity of TC Infrastructure.

#### Recommendations

TC has expressed no concerns with this project at this time. However, given the proximity to the TC pipeline and facility we have included some recommendations below that should be adhered to for all future development:

1. In order to identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place. Locate requests can be made online at [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com) or by calling your local One-Call Centre. Locate requests generally take 72 hours to be completed.
2. No work may take place within TC's pipeline right-of-way without a TC representative on site.
3. All permanent or temporary crossings of pipelines require written consent from TC Energy. Written consent may be obtained online through TC's Canadian Third Party Crossing Application Portal at [writtenconsent.tcenergy.com](http://writtenconsent.tcenergy.com) or by calling 1-877-872-5177.
  - o If the proponent plans to cross the pipeline in the future and applies through the online application portal noted above, please advise them to send the application # ("D#") associated with that application to [tcenergy@bapg.ca](mailto:tcenergy@bapg.ca) for our records.
4. Ground disturbance is any work, operation or activity that results in an addition to or reduction of the earth cover on the ground, including but not limited to excavating, digging, ditching, plowing, stripping topsoil etc. Any ground disturbance within 30m of the pipeline, known as the "prescribed area" requires written consent from TC Energy. Written consent may be obtained online at [writtenconsent.tcenergy.com](http://writtenconsent.tcenergy.com) or by calling 1-877-872-5177.
5. Permanent structures shall not be installed anywhere on the ROW. TC Energy's preference is that permanent structures should be placed at least seven (7) metres from the edge of the ROW and twelve (12) metres from the edge of the pipeline.
6. Temporary structures shall not be installed anywhere on the ROW. TC Energy's preference is that temporary structures should be placed at least three (3) metres from the edge of the ROW and eight (8) metres from the edge of the pipeline.
7. As per the requirements of the Canada Energy Regulator (CER), TC Energy is required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed regarding any additional development within the Pipeline Assessment Area indicated in Attachment 01 *Approximate Location of TC Infrastructure*.

Requirements and guidelines for development on or near TC Energy's pipelines and infrastructure are included within Attachment 02 *Development Within Proximity to TC Energy Infrastructure* and Attachment 03 *Work Safely Booklet*, and we recommend that they be reviewed in full.

#### Conclusion

Please continue to keep us informed about this project and any future policy, land use, subdivision, and development activities in proximity to TC's pipelines and facilities. Referrals and any question regarding land use planning and development around pipelines should be sent to [tcenergy@bapg.ca](mailto:tcenergy@bapg.ca). Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Attachments (See Attachments)

Attachment 01 *Approximate Location of TC Infrastructure*

Attachment 02 *Development Within Proximity to TC Infrastructure*

Attachment 03 *Work Safely Booklet*"

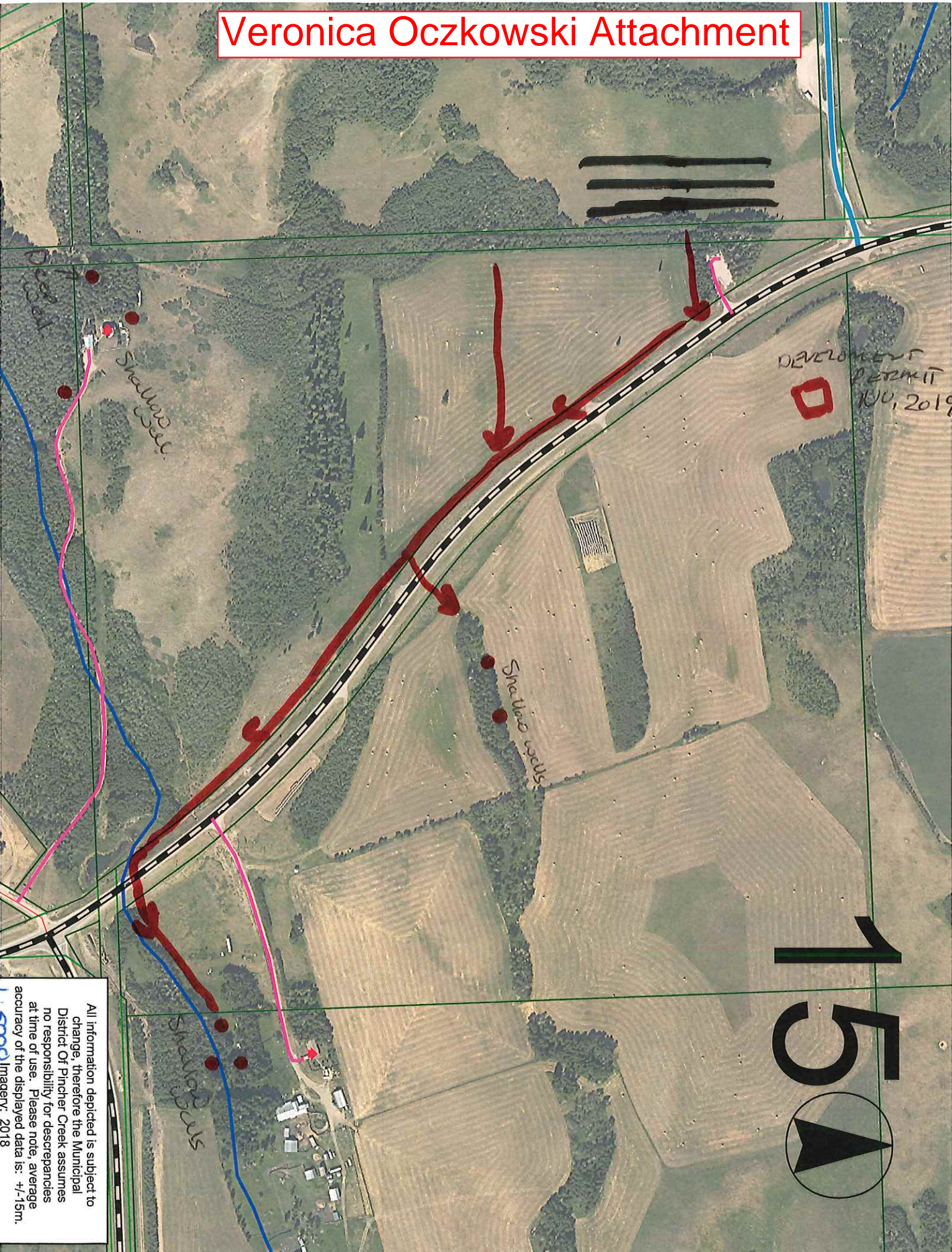
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CHAIRMAN

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DATE

# Veronica Oczkowski Attachment



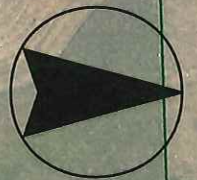
DEVELOPMENT PERMIT NO. 2019-04

Shallow wells

Shallow wells

Shallow wells

150

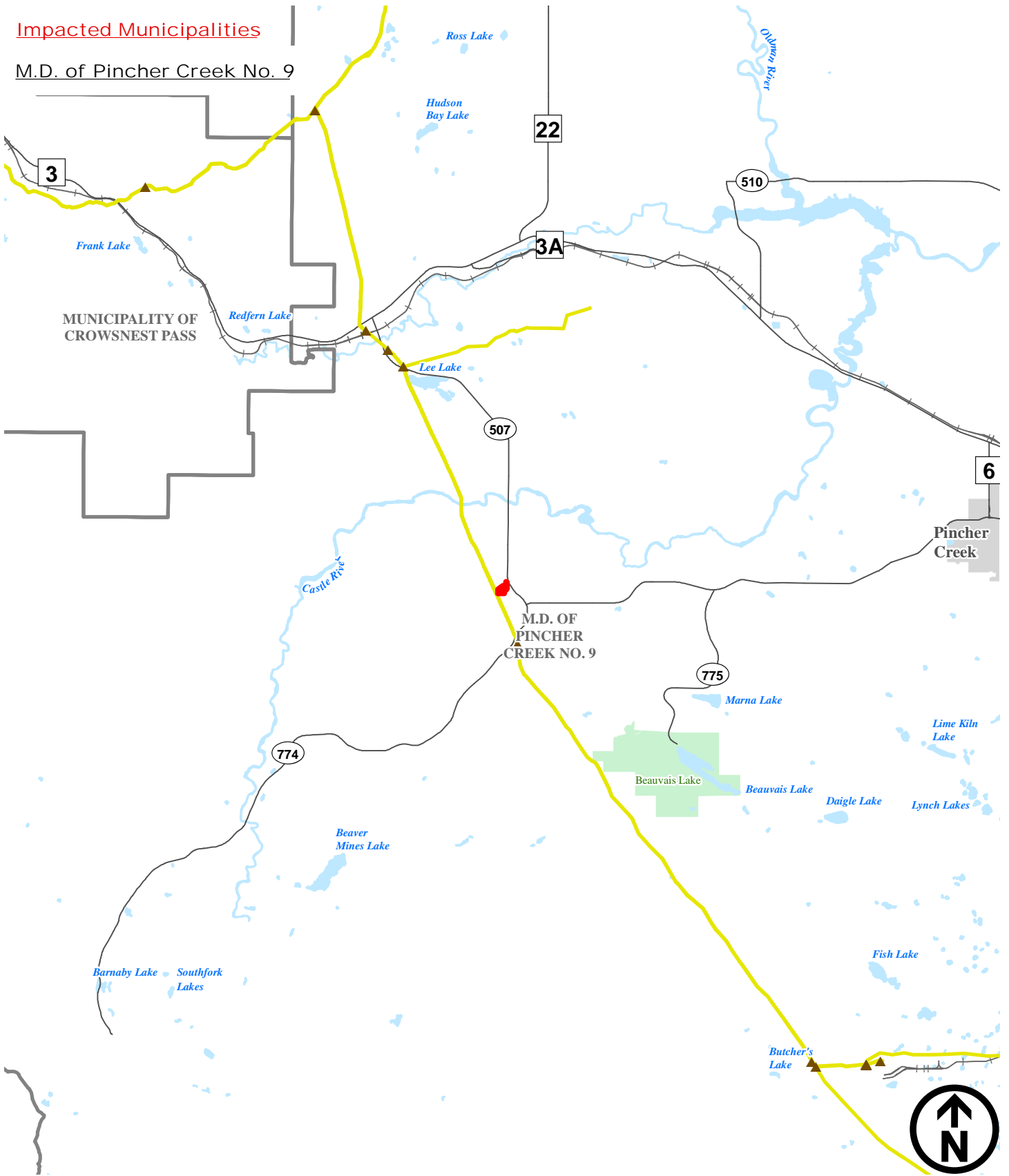


Application # 001-464304

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

**Impacted Municipalities**

M.D. of Pincher Creek No. 9



Map File: R01743AB\_Context

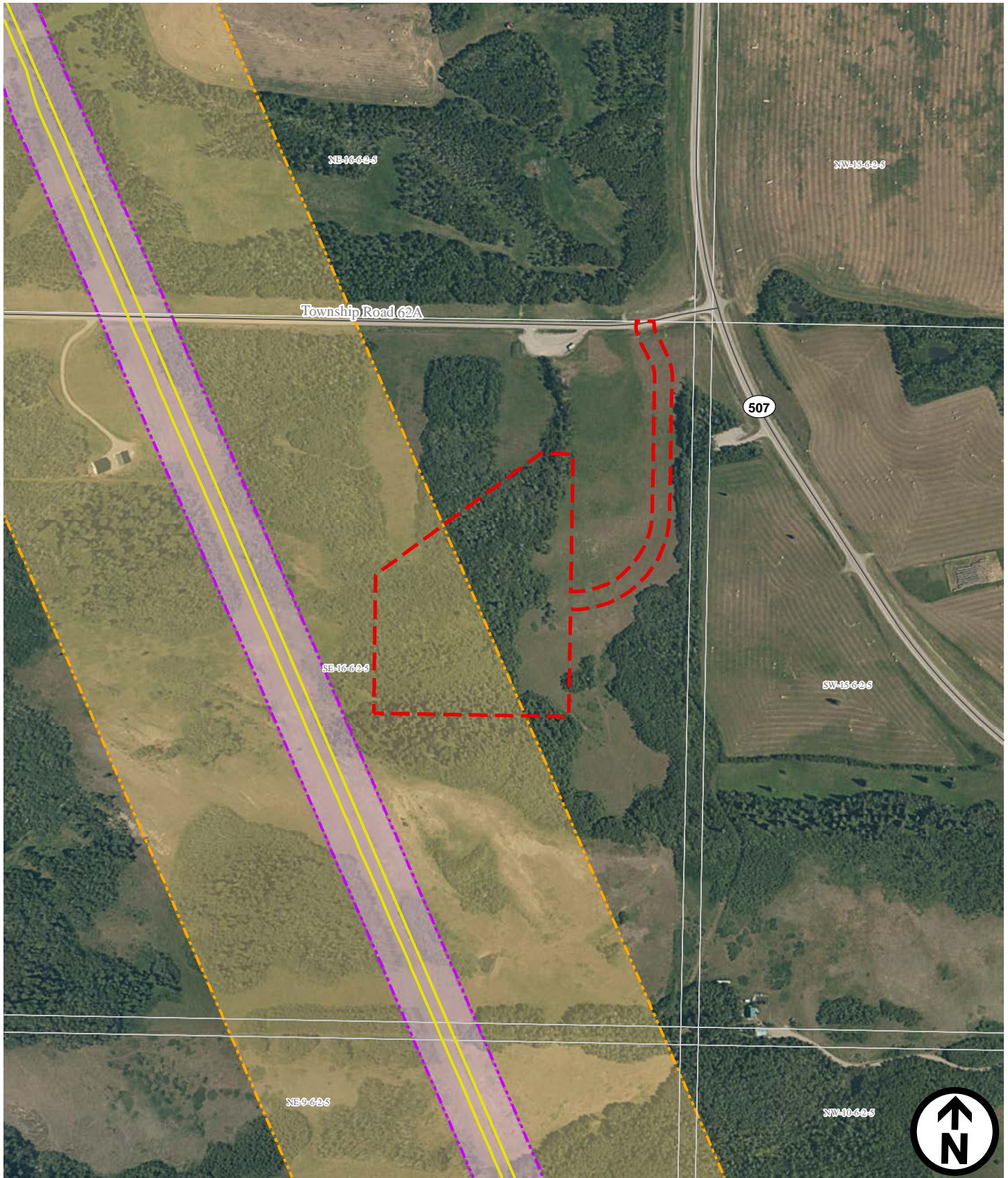
Sep 14, 2020 - 15:37 PM W:\1969 Land Services Western Canada\Referrals and Responses\1700-1799\R01743ABM.D.ofPincherCreekNo.9\_Subd1\_Map\R01743AB\_Context.mxd



**Legend**

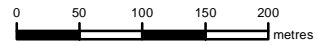
- Subject Site
- TC Energy Facility
- TC Energy Pipeline
- Railway
- Major Road
- Rural Municipality
- Urban Municipality
- Park
- Waterbody

**Context Map**  
 Plan of Subdivision  
 M.D. of Pincher Creek No. 9  
 Referral #: **R01743AB**  
 TC Region: **Rocky Mountain**  
 September 2020



Map File: R01743AB\_Concept

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1:6,000



**Legend**

- Subject Site
- Prescribed Area (30m)
- TC Energy Pipeline
- Pipeline Assessment Area (220m)
- Road
- Quarter Section



**TC Energy Infrastructure**  
**Plan of Subdivision**

M.D. of Pincher Creek No. 9

Referral #: **R01743AB**

*Map and data for informational and planning purposes only*  
*Conceptual alignment only. Aerial Source: ESRI*

September 2020

## Attachment 02\_ Development within proximity to TC Pipelines

### TC infrastructure rights-of-way and setbacks:

A **right-of-way** is a surveyed area of a certain width and an agreement which grants legal rights of access to operate and maintain a facility.

- TC's buried infrastructure is commonly situated within a **right-of-way** which grants legal rights of access to operate and maintain the facility in an effective and expeditious manner. Structures and appurtenances constructed within or adjacent to the right-of-way may impede company access and timely response for maintenance obligations and operational inspections. In this regard ***development within the right-of-way is discouraged***.
- In some circumstances TC may be required to mobilize equipment and conduct excavations which encompass the entire right-of-way width. Resultantly, **structures abutting the right-of-way** may be directly impacted by such activities. The integrity of these structures may be affected due to proximity to open excavations and alternately may cause safety concerns for employees working within the excavation.

A **setback** is the minimum distance required between a property line and a structure as dictated by a regulator and/or municipality.

- Many **municipalities have by-laws** prescribing distances at which permanent and temporary structures may be situated in relation to the edge of utility corridors. Where municipal setbacks are in place, TC will request adherence to these set-backs under most circumstances.
- Right-of-way widths may be inconsistent, as is the positioning of the pipeline within the right-of-way, however *applicants should be aware of municipal setback requirements and incorporate them in their planning*.
- Generally, permanent structures (structures with permanent footings, pilings or poured concrete foundations or basements) placed at a distance of 7 metres outside of the right-of-way and 12 metres from the edge of the pipeline will not typically be adversely impacted by routine operation maintenance and construction. Any ground disturbance **within 30 metres** of the centerline of the pipe, construction of a facility across, on, along or under a pipeline (including the right-of-way), or vehicle or mobile equipment crossing the pipeline right-of-way may not occur without TC's **written consent**. For detailed guidelines about applying for written consent from TC, visit [writtenconsent.transcanada.com](http://writtenconsent.transcanada.com) or call 1.877.872.5177. A copy of the guidelines can also be provided upon request.

In general, please be aware that *no work may take place within TC's pipeline right-of-way, or within a TC designated exclusion area, without a TC representative on site*. If you are planning to undertake construction within proximity to TC infrastructure, please remember the following:

- Any paralleling workspaces have a preferred separation distance of 7 metres minimum from TC infrastructure;
- The instructions and directions of the TC's representative must be strictly adhered to;
- Hand excavation of the pipeline prior to mechanical excavation within 5 metres is necessary in all circumstances; and
- Check with the local municipality to determine if there are any additional set-backs required from pipeline right-of-way.

If any **excavation or digging** within 30 metres from the centreline of the pipeline or any **temporary or permanent crossings** are required, the landowner must apply for written consent through the online application process.

A **crossing** includes any of the following activities:

- Constructing or installing a facility across, on, along or under a TC pipeline Right-Of-Way;
- Conducting ground disturbance (excavation or digging) on or within the prescribed area (30 meters from the centreline the pipeline); and
- Driving a vehicle, mobile equipment or machinery across a TC pipeline right of-way outside the travelled portion of a highway or public road.

Any proposed crossings will require crossing agreements that must be applied for through TC's online third party crossing tool: *Canadian Third Party Crossings Application Portal*. Click here to access the tool online: <https://pi-iaqforms.tcenergy.com/Runtime/Form/Welcome.Form/>.

**Please note that:**

- Crossings must occur as close as possible to 90 degrees.
- Crossings must not occur at a bend in the pipeline.
- Paralleling roads must be located outside of TC's ROW.
- TC highly recommends that **roads** be a minimum of **7m from the edge of the pipeline**, and if abutting the ROW only be limited to one side of the ROW (any exceptions to this may require additional pipeline modifications or protective measures to be completed and reimbursed to TC; this is determined at the detailed design and assessment stage).
- A **road** must be constructed so that the travelled surface is no less than 1.5 metres above the top of the pipeline.
- The bottom of the ditches adjacent to **roads** should not be less than 1.4 metres above the top of the pipeline.



- Minimum cover for **railway crossings** (below base of rail) is 3.05 metres for uncased pipe.

If you are installing or constructing **utilities in proximity to TC pipelines or infrastructure**, please remember that:

- TC will retain the upper position in the crossing area;
- The Minimum separation between buried facilities must be:
  - For open cut excavations – 300mm (600mm during installation)
  - For horizontal directional drills (HDD) – 1000mm
- The utility depth must be maintained for the entire width of the pipeline right-of-way;
- The utility must have no bends within the pipeline right-of-way;
- The utility must have no joints, splices or other connections within the pipeline right-of-way;
- Utility crossings must not be placed within seven (7) metres of a pipeline bend.

For more detailed requirements on development in proximity to TC pipelines and facilities please click on the following Link: <https://www.tcenergy.com/sustainability/safety/safe-digging/canada/landowners-and-neighbours/>.

#### **Recommended Resources:**

- 1) TC's **Work Safely booklet** containing guidelines for development near their pipelines and facilities (enclosed).
  - This booklet outlines what TC does, its pipelines, regulatory requirements, and safety requirements for working around its facilities, crossing requirements, and requirements for development on or near TC's pipeline ROWs. Important contact information is also provided.
- 2) Canadian Standards Association's (CSA) **Z663-18 Standard**: "*Land use planning in the vicinity of pipeline systems.*" Available for purchase (\$200) at <https://store.csagroup.org/>.
  - This Standard aims to address the challenges facing land use planning near pipelines in Canada; outlining key elements that, when consistently applied, will enhance safe and informed development.
- 3) CSA's **Z662-19 Standard**: "*Oil and gas pipeline systems.*" Available for purchase (\$798) at <https://store.csagroup.org/>.
  - This technical Standard details the safe design, construction, and maintenance of pipeline systems across the Canada. Z662 is referenced in provincial, territorial, and federal legislation.

# Work safely.

## Development near our pipelines and facilities

These guidelines are intended to provide useful and timely safety information. TC Energy endeavors to ensure the information is as current and accurate as possible.

[TCEnergy.com](https://www.tchenery.com)



## About us

For over 65 years, TC Energy has proudly delivered the energy millions of North Americans rely on to power their lives and fuel industry.

Guided by our values of safety, responsibility, collaboration and integrity, our more than 7,000+ employees are deeply rooted in their communities and ensure that we develop and operate our facilities safely, reliably and with minimal impact on the environment. We are committed to listening to our neighbours and working with all our stakeholders to develop better project plans and create long-term opportunities and economic benefits in the communities where we operate across Canada, the U.S. and Mexico.

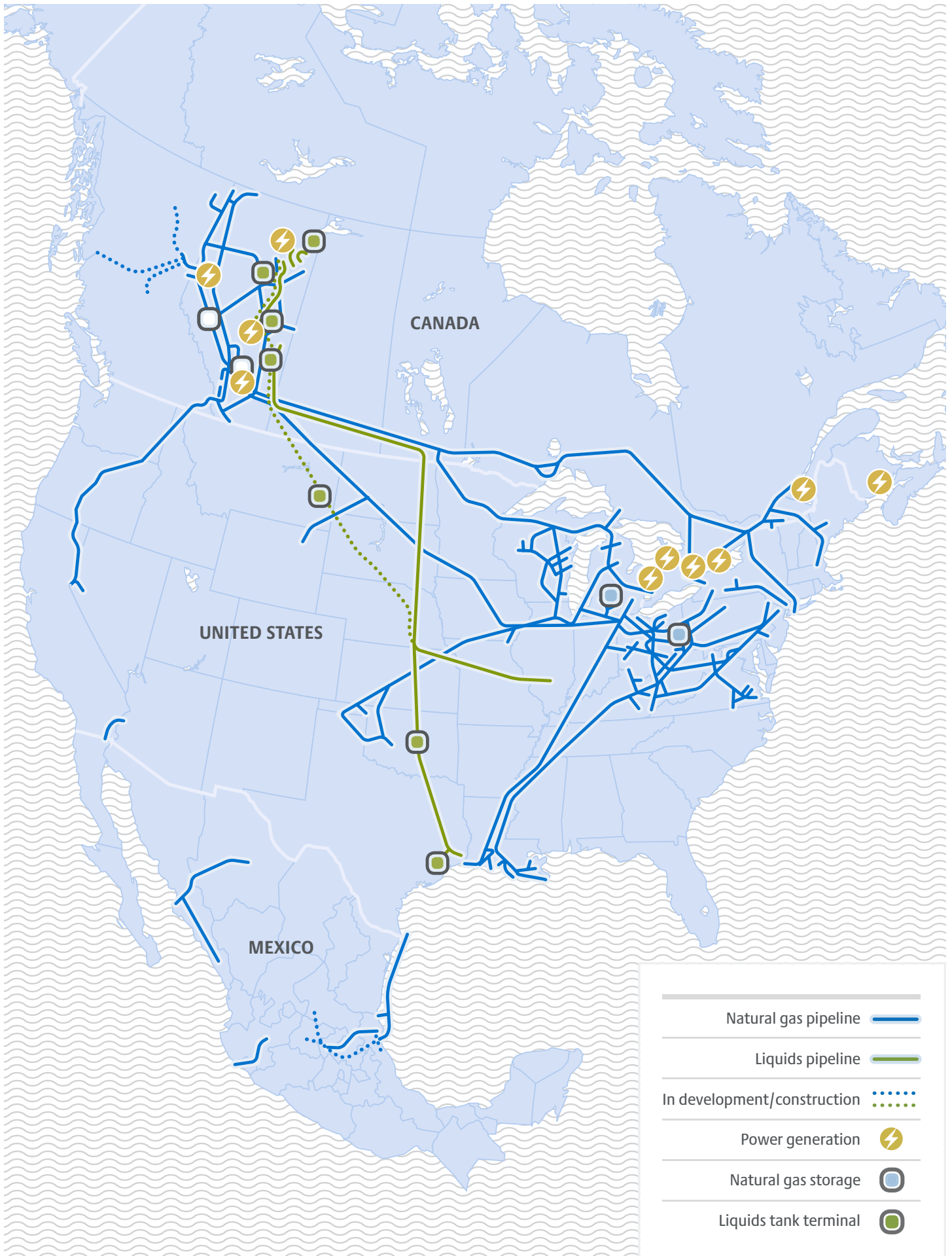
In May 2019, we changed our name from TransCanada to TC Energy to better reflect the scope of our operations and to reinforce our position as a leading North American energy infrastructure company. Whether our stakeholders know us as TC Energy in English, TC Énergie in French, or TC Energía in Spanish, our neighbours, partners and investors can continue to count on us to follow through on our commitments and live up to our values in everything we do.

## Our pipelines

Pipelines are the safest and most efficient method to transport natural gas and oil to market. Natural gas is odourless, colourless and will dissipate quickly when released because it is lighter than air. However, the gas is flammable and can be explosive if ignited. Crude oil is a liquid mixture of naturally occurring petroleum hydrocarbons and can possess a rotten egg, gasoline, tar or “skunk-like” odour. Crude oil vapours are volatile, and can be flammable and explosive.

Typically, TC Energy does not own the land where our pipelines are located, but instead acquires the right prior to construction to install and operate the pipeline and related facilities within a pipeline right-of-way through an easement or right-of-way agreement with the landowner. The terms of the right-of-way agreements vary but generally provide TC Energy with the right to access, construct, operate, maintain and abandon the pipeline within the right-of-way.

The width of the right-of-way is based on the size and type of the pipeline and related facilities. By contrast, TC Energy does typically own the land where both compressor stations, which re-pressurize gas along the pipeline to ensure the gas flows continuously at a desired flow rate, and pump stations, which pump oil through the pipeline from one point to the next, are located. The lands required for meter stations, which measure product volume, are either leased directly from landowners or owned by TC Energy.



## Regulatory requirements

TC Energy's pipeline design, construction and maintenance programs meet or exceed industry and government standards. In Canada, our operations are regulated by provincial and federal authorities including the Canada Energy Regulator (CER). Legislation and regulations set out the requirements governing activities in proximity and on pipeline rights-of-way, including vehicle and equipment crossings, construction of facilities on or near a right-of-way, and other activities that could cause ground disturbances, which might impact the pipeline. Such legislation and regulations aim to ensure the safety and protection of the public, our employees, the environment as well as our pipeline facilities and other property.

## Safety

At TC Energy, we seek to anticipate and minimize hazards of every description. From design and construction to operation and maintenance, safety is an integral part of everything we do. TC Energy regularly communicates pipeline safety information to stakeholders through our public awareness program.

Our safety practices include monitoring changes in land use near our pipeline facilities. This can involve meetings with landowners, municipal decision makers, administrative staff and land use planners.

TC Energy also has an extensive pipeline maintenance program that ensures our pipeline facilities are regularly monitored, inspected and repaired in order to meet or exceed best industry practices and regulatory requirements. Our entire pipeline transmission system is monitored from our control centres 24 hours a day, 7 days a week. In addition, TC Energy carries out the following activities as part of our pipeline maintenance program:

**Aerial patrols** – TC Energy carries out aerial patrols of the pipeline route to identify hazards from outside sources, including unauthorized construction and ground disturbances near the pipeline. Sensitive detection equipment may be used during these patrols to identify gas leaks.

**In-line pipeline inspections** – TC Energy conducts in-line pipeline inspections using tools that travel through the pipeline collecting data and looking for locations where corrosion, metal loss or dents may have occurred.

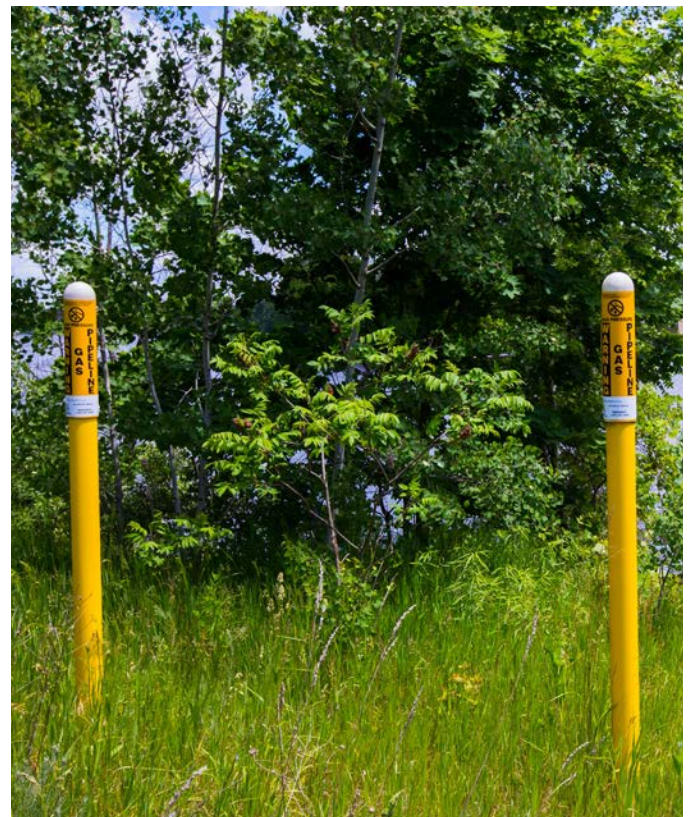
**Hydrostatic testing** – TC Energy uses hydrostatic testing, typically at the completion of pipeline construction, but to verify the safety of existing pipelines. Sections of the pipeline are filled with water and the pressure is increased beyond normal operating pressure to test pipeline strength and identify any pipeline leaks.

**Cathodic protection** – TC Energy uses cathodic protection, which involves applying a low-voltage electrical current to the metal pipe to protect the pipeline against corrosion. The cathodic protection system is monitored regularly to ensure proper protection against pipeline corrosion.

**Pipeline signage** – TC Energy installs pipeline signs at all road, rail, and waterbody crossings and at other strategic points along the pipeline route to identify the approximate location of our pipelines. Pipeline signs contain important information such as:

- The owner of the pipeline
- The product shipped in the pipeline
- Emergency contact numbers

**BE AWARE:** Pipeline signs will not designate the exact location, depth or number of pipelines in the area. Contact your local one-call centre and TC Energy will send a representative to the proposed excavation site to mark the pipeline.



## Approvals for working around

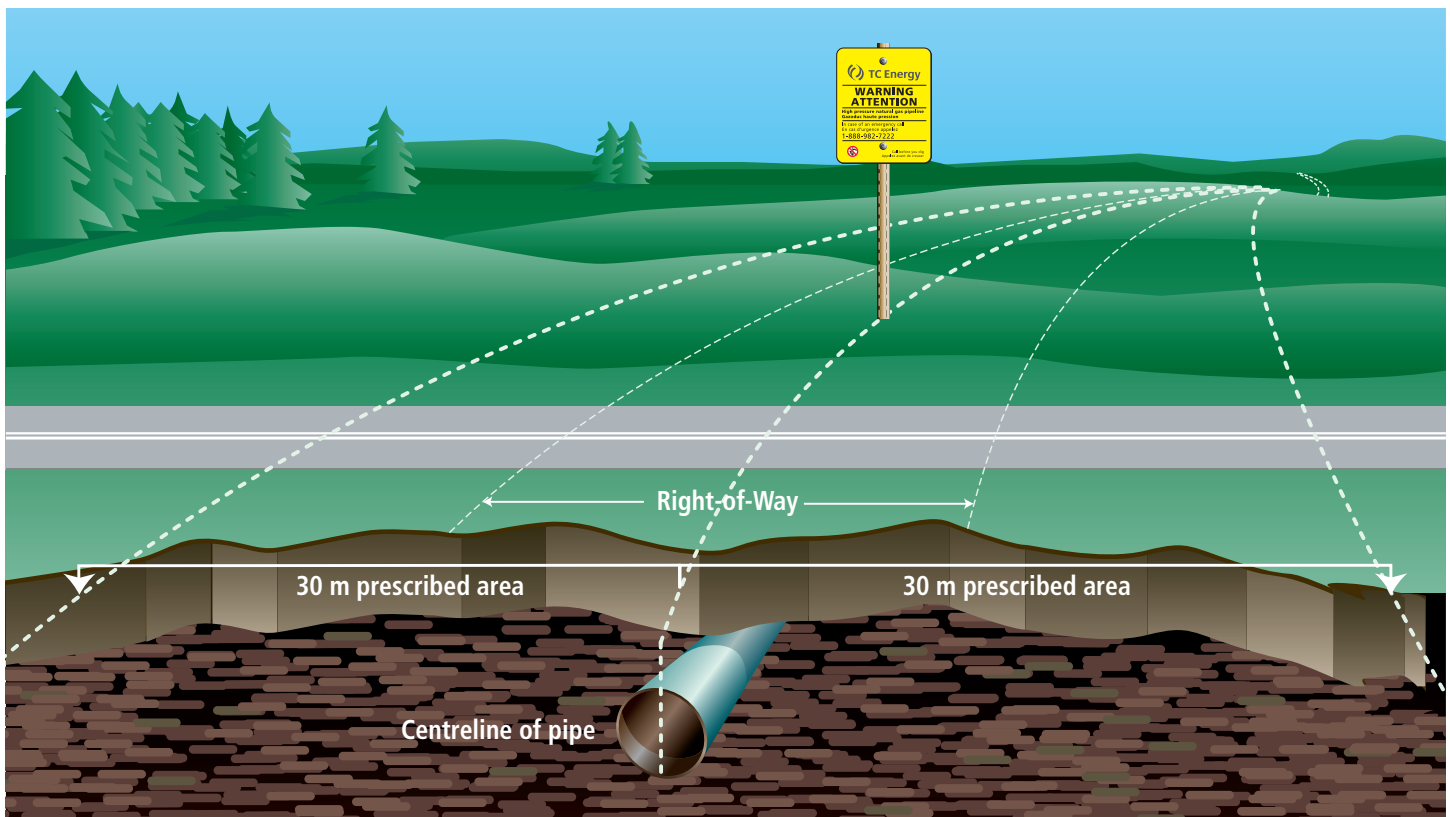
### TC Energy's facilities

To ensure our pipelines and facilities operate safely, written consent from TC Energy must be obtained in Canada before any of the following:

- Constructing or installing a facility across, on, along or under a TC Energy pipeline right-of-way
- Conducting ground disturbance (excavation or digging) on or within the prescribed area (30 metres or 100 feet from the centreline of the pipeline)
- Driving a vehicle, mobile equipment or machinery across a TC Energy pipeline right-of-way outside the travelled portion of a highway or public road
- Using any explosives within 300 metres or 1,000 feet of TC Energy's pipeline right-of-way
- Use of the prescribed area for storage purposes

### The following are examples of ground disturbances:

- Digging
- Excavation
- Trenching
- Tunneling
- Boring/drilling/pushing
- Augering
- Topsoil stripping
- Land leveling/grading
- Plowing to install underground infrastructure
- Tree or shrub planting
- Cleaning and stump removal
- Subsoiling
- Blasting/using explosives
- Quarrying
- Grinding and milling of asphalt/concrete
- Seismic exploration
- Driving fence posts, bar, rods, pins, anchors or pilings
- In-ground swimming pools



## Locate request

Any person planning to construct a facility across, on, along or under a pipeline (including the right-of-way), conduct a ground disturbance activity within 30 metres of the centreline of a pipe, or operate a vehicle or mobile equipment across a right-of-way, must request a locate service.

Locate requests can be made online ([www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com)), via mobile apps (Saskatchewan and Quebec) or via phone (see the back of this booklet for more details). The locate request must be made at least three working days in advance of the ground disturbance, construction activity, or vehicle or mobile equipment crossing.

The One-Call Centre will notify TC Energy to send a representative to mark the facilities with flags, paint or other markings in order to help you avoid damaging them. The TC Energy representative will explain the significance of the markings and provide you with a copy of the locate report. The service is free and could prevent accidents, injuries or deaths.

## Written consent

After you apply for written consent, TC Energy will assess the planned work to ensure it does not pose a risk of damage to the pipeline and to ensure that access to the pipeline for maintenance or emergency purposes is not impeded.

Obstacles on a right-of-way, such as sheds, trailers, boats, garbage and vegetation can interfere with TC Energy's pipeline maintenance program (detailed in safety section above). In some cases, TC Energy may require additional time to assess the situation prior to providing consent.

### In review, prior to commencing any activities in proximity to the pipeline, you must:

- Make a locate request
- Obtain TC Energy's written consent (apply online at [writtenconsent.transcanada.com](http://writtenconsent.transcanada.com) or call 1-877-872-5177). Often written consent for minor activities can be obtained directly from regional TC Energy representative through a locate request.
- Obtain TC Energy's safety practices to be followed while working in the vicinity of its pipes or prescribed area and information that clearly explains the significance of the locate markings.

## Mobile equipment and vehicle crossings

The operation of a vehicle or mobile equipment across a TC Energy right-of-way requires TC Energy's written consent, except in the following circumstances:

- Vehicle or mobile equipment is operating within the travelled portion of a highway or public road across the right-of-way
- Vehicle and mobile equipment is being used to perform an agricultural activity and the following conditions are being met:
  1. The loaded axle weight and tire pressures of the vehicle is being operated within the manufacturer's approved limits and operating guidelines; and
  2. The point of crossing has not been identified by TC Energy as a location where a crossing could impair the pipeline's safety or security

## Agricultural activities

Agricultural activity involves the work of producing crops and raising livestock and includes tillage, plowing, disking, harrowing, and pasturing but does not include the construction of new buildings or the placement of footings, foundations, pilings or posts.

The following agricultural activities do not require written consent from TC Energy:

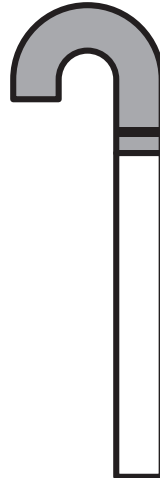
- Cultivation activities (e.g. tillage, plowing, disking and harrowing) to a depth of less than 45 centimetres, as these activities are exempt from the applicable statutory definitions of a ground disturbance (See the Approvals for Working Around TC Energy's Facilities section).
- Agricultural vehicle and mobile equipment crossings as described in the mobile equipment and vehicle crossings section above.



Warning sign



Warning sign



Vent marker



Aerial marker

## Development on or near the pipeline right-of-way

It is important for municipal authorities, developers and landowners to consult with TC Energy early in the planning stage of a development project on or near a right-of-way to ensure that TC Energy's pipelines and facilities are appropriately incorporated into the plan and that any new development near our facilities meets regulatory and TC Energy requirements.

Contact TC Energy before developing within 750 metres of TC Energy compressor stations and pump stations so that we can analyze potential impacts and recommend measures to protect adjacent lands from industrial impacts.

TC Energy requires significant advance notice for any development which increases the population density within approximately 200 metres of a pipeline. Population growth means potential changes to the operating requirements of the pipeline, and could result in a revision to operating pressure, a pipeline replacement, and/or other mitigation actions as necessary. Failure to consult with TC Energy in advance may result in significant delays and costs to the development. during these patrols to identify gas leaks.

Municipalities often prescribe minimum setback distances to restrict the building of a structure within a prescribed distance from a curb, property line, right-of-way or structure. These setbacks can help to minimize the risk of damage to buried infrastructure. As municipal setback requirements vary, contact the local authority and TC Energy to determine the requirements in your area.

**Any ground disturbance within 30 metres of the centerline of the pipe, construction of a facility across, on, along or under a pipeline (including the right-of-way), or vehicle or mobile equipment crossing the pipeline right-of-way may not occur without TC Energy's written consent.**

For detailed guidelines about applying for written consent from TC Energy, visit [writtenconsent.transcanada.com](http://writtenconsent.transcanada.com) or call **1-877-872-5177**. A copy of the guidelines can also be provided upon request.

The following must be taken into consideration when planning a development project.

**Subdivisions** – Contact TC Energy early in the design process so that we can comment on the proposed subdivision plans. TC Energy's practice is that our right-of-way be used as a passive green space or as part of a linear park system. Permanent structures on the right-of-way are not permissible.

**Roads and Utilities** – Contact TC Energy when designing roads and utilities. Roads may be permitted to cross and/or run parallel to the right-of-way, but no portion of a road allowance can be located on the right-of-way (apart from approved road crossings). TC Energy will also review the location of utilities, which are often proposed to be installed within road allowances.

**Blasting** – Contact TC Energy before conducting any blasting activities within 300 metres of the pipeline right-of-way so TC Energy can review your plans for potential impacts to its facilities. Blasting activities related to prospecting for mines and minerals within 40 metres of a federally regulated pipeline right-of-way require permission from the CER.

**Landscaping** – Contact TC Energy for written consent before landscaping. Projects such as pedestrian pathways and the planting of trees and shrubs may be permitted as long as they do not impede TCEnergy's access along its right-of-way for operational or maintenance activities. Our written consent will specify the permitted landscaping requirements.



## Important contact information

### Canadian One-Call centres

British Columbia . . . . . 1-800-474-6886  
Alberta . . . . . 1-800-242-3447  
Saskatchewan. . . . . 1-866-828-4888  
Manitoba . . . . . 1-800-940-3447  
Ontario . . . . . 1-800-400-2255  
Quebec . . . . . 1-800-663-9228  
[www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com)

### Mobile phone apps

Saskatchewan. . . . . Sask1st Call  
Quebec . . . . . Info-Excavation  
Emergency . . . . . 1-888-982-7222

### General inquiries

Phone . . . . . 1-855-458-6715  
Email . . . . . [public\\_awareness@tcenergy.com](mailto:public_awareness@tcenergy.com)

### Landowner inquiries

Phone . . . . . 1-866-372-1601  
Email . . . . . [cdn\\_landowner\\_help@tcenergy.com](mailto:cdn_landowner_help@tcenergy.com)

### Applying for written consent

Online. . . . . [writtenconsent.transcanada.com](http://writtenconsent.transcanada.com)  
Phone . . . . . 1-877-872-5177

### Crossings inquiries

Email . . . . . [crossings@tcenergy.com](mailto:crossings@tcenergy.com)  
Quebec email. . . . . [quebec\\_crossings@tcenergy.com](mailto:quebec_crossings@tcenergy.com)

The majority of TC Energy's pipelines are regulated by the Canada Energy Regulator in Canada, with some pipelines regulated provincially. For more information on CER-regulated pipelines, visit [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).



## DRAFT RESOLUTION

Our File: 2020-0-107

October 19, 2020

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

Dear Mr. MacCulloch,

**RE: Lot 1, Block 1, Plan 0111088 & a portion of the NW1/4 12-6-1-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 Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, Altagas Utilities Inc., AB Environment & Parks - J. Wu, AB Water Boundaries, AB Environment Operations Infrastructure Branch (OIB) 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

2020-0-107

**M.D. of Pincher Creek No. 9 Country Residential** subdivision of Lot 1, Block 1, Plan 0111088 & a portion of the NW1/4 12-6-1-W5M

THAT the Country Residential subdivision of Lot 1, Block 1, Plan 0111088 & a portion of the NW1/4 12-6-1-W5M (Certificate of Title No. 101 080 261, 101 080 291), to create a 4.58 acre (1.85 ha) parcel from two titles of 2.97 acres (1.2 ha) and 82.76 acres (33.49 ha) respectively, 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 1.61 acres at the market value of \$3,000 per acre with the actual acreage and amount to be paid to the M.D. 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 portions of Certificate of Title 101080291 be consolidated with the Lot 1 Block 1 Plan 0111088 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That a 10m linear width be subdivided and included in the final plan of survey containing the offsite domestic well and its service line.

## 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.21.

## INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 1.61 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 1.61 acre (0.65 ha) being subdivided at \$3,000 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$483 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 mentioned circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (f) Alberta Health Services does not object to this subdivision.
- (g) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

"Reference your file to create a boundary adjusted parcel for country residential 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 network.

To that end, this is merely a boundary adjustment of which currently and as proposed the proposed parcel to be created and remnant land will gain indirect access to the provincial highway system solely by way of the local street system. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the boundary adjusted country residential parcel as proposed would have any appreciable impact on the highway.

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

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 not within the noted control lines and 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 boundary adjusted country residential parcel could proceed under the direction, control and management of the municipal district. The applicant could contact 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.”

(h) Alberta Environment and Parks – Cory Wojtowicz, Supervisor – Lands Program:

“Alberta Environment and Parks (Lands Division) would like to add the following condition to Subdivision application referral 2020-0-107, Please apply “Stepping Back from the Water Practices and Guidelines – A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta’s Steepled Region”. Thank you and should you have any further question in this regard, please do not hesitate to call.”

(i) Canada Post has no comment.

(j) Comments from Jerett Marsh & Kathryn Sinnott:

“In regards to the proposed property realignment at NW 12-06-01-WS, Jerett Marsh and Kathryn Sinnott.

At the end of August 2020 we had a new shop built to the north of our residence, during the planning of this new shop we became aware of the possibility of having the property lines adjusted. After speaking to the neighboring landowners Frank and Jackie Marsh we began the process of surveying the land and applying to the Municipal District of Pincher Creek.

Our intent for this additional land would be to allow for adequate turn around space by the shop as well as to create room for future farm animals, we have two small Children and as such would love to see them involved in a 4-H club in the future.

Please contact us for any further information you may require, we look forward to your decision.”

---

CHAIRMAN

---

DATE

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** September 21, 2020

**Date of Receipt:**

August 26, 2020

**Date of Completeness:**

September 14, 2020

**TO: Landowners:** Jerret Robert Marsh and Kathryn Rose Sinnott  
Frank Robert Marsh and Jacqueline Janine Marsh

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

**Referral Agencies:** M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Altagas Utilities Inc., AB Health Services - South Zone, AB Environment & Parks - C. Wojtowicz, AB Environment & Parks - J. Wu, AB Water Boundaries, AB Environment Operations Infrastructure Branch (OIB), AB Transportation, AER, Canada Post

**Adjacent Landowners:** Carolyn Anne Johnson, Cory Lunn & Jalayne Noble, Edmond & Elizabeth Cracau, Elizabeth Williams, Francis Bitango, Hendrik & Adriana Hoekstra, Kurt Johnson, Lee Fernquist, Lynn Dennis

**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 13, 2020**. (Please quote our File No. **2020-0-107** in any correspondence with this office).

**File No.:** 2020-0-107

**Legal Description:** Lot 1, Block 1, Plan 0111088 and a portion of the NW1/4 12-6-1-W5M

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

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

**Existing Use:** Agricultural

**Proposed Use:** Country Residential

**# of Lots Created:** 1 (Boundary Line Adjustment)

**Certificate of Title:** 101 080 261, 101 080 291

**Meeting Date:** November 3, 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 4.58 acre (1.85 ha) parcel from two titles of 1.61 acres (0.65 ha) and 82.76 acres (33.49 ha) respectively, for country residential use.

The proposal is to accommodate a property realignment of an existing country residence, which presently contains a dwelling, and number of other out-buildings. Access to the lot is presently granted from an existing approach to the east, off of a developed municipal road allowance. The existing residence is serviced by a septic system and off-site domestic well.

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 the portions of Certificate of Title 101080291 be consolidated with the Lot 1 Block 1 Plan 0111088 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
8. That the offsite domestic well and service line be subdivided and included in the subdivision with enough land to provide access for servicing.

**RESERVE:**

- The payment of the applicable 10% Municipal Reserve on the 1.61 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: 3020 C-107
APPLICATION SUBMISSION	
Date of Receipt: August 26, 2020	Received By: <i>[Signature]</i>
Date Deemed Complete: Sept 14, 2020	Accepted By: <i>[Signature]</i>

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: Jerrett Robert Marsh & Kathryn Ros Sinnott, Box 2766  
 Mailing Address: Frank Robert Marsh & Jacqueline Jeanine Marsh City/Town: Pincher Creek  
 Postal Code: TOK 1W0  
 Email: jerettmarsh@hotmail.com Preferred Method of Correspondence: Email  Mail

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

Name of Surveyor: David J. Amantea, ALS, P.Eng brown okamura & associates ltd.  
 Mailing Address: 2830 - 12 Avenue North City/Town: Lethbridge  
 Postal Code: T1H 5J9 Telephone: 403-329-4688 ext. 129 Cell: \_\_\_\_\_  
 Email: david@bokamura.com Preferred Method of Correspondence: Email  Mail

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

- a. All/part of the NW ¼ Section 12 Township 6 Range 1 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)
- b. Being all/part of: Lot/Unit 1 Block 1 Plan 0111088
- c. Total area of existing parcel of land (to be subdivided) is: 1.855 hectares 4.58 acres
- d. Total number of lots to be created: 1 Size of Lot(s): \_\_\_\_\_
- e. Rural Address (if applicable): \_\_\_\_\_
- f. Certificate of Title No.(s): 101 080 261 & 101 080 291

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

- a. The land is located in the municipality of M.D. of Pincher Creek
- b. Is the land situated immediately adjacent to the municipal boundary? Yes  No   
 If "yes", the adjoining municipality is \_\_\_\_\_
- c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes  No   
 If "yes" the highway is No. \_\_\_\_\_
- d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes  No   
 If "yes", state its name Pincher 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 Farm Yard

b. Proposed use of the land Adjusting Property Boundary

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

a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Rolling

b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)  
Grass

c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Unknown

d. Is this a vacant parcel (void of any buildings or structures)? Yes  No

If "No", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.  
None

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 Well

b. Describe proposed source of potable water Same

**7. SEWER SERVICES**

a. Describe existing sewage disposal. Type Sep. & Field Year Installed 1985

b. Describe proposed sewage disposal. Type Same

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

David J. Amantea, ALS, P.Eng (boa file: 20-14935) hereby certify that

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

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

Signed [Signature]

Date: AUG 24/2020

**9. RIGHT OF ENTRY**

I, SECRET MARSH do  do not (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Signature of Registered Owner(s)

Personal information collected on this form is collected in accordance with Section 653 of the Alberta Municipal Government Act and Section 13 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 collected, contact the Data Access and Privacy Services Centre or FOIP Coordinator at 403-291-1344.



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0028 819 952            5;1;6;12;NW                      101 080 291

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 6  
SECTION 12

THAT PORTION OF THE NORTH WEST QUARTER WHICH LIES TO THE NORTH AND  
WEST OF THE TRAIL AS SHOWN ON A SKETCH DATED 3 MAY 1897, AND TO  
THE SOUTH EAST OF THE CREEK ON THE TOWNSHIP PLAN DATED 5 MARCH 1896,  
CONTAINING 34.7 HECTARES (85.75 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
ROADWAY	7911171	0.008	0.02	
DESCRIPTIVE	0111088	1.20	2.97	


EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 021 293 938

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

101 080 291    19/03/2010    TRANSFER OF LAND    

OWNERS

FRANK ROBERT MARSH

AND

JACQUELINE JEANINE MARSH  

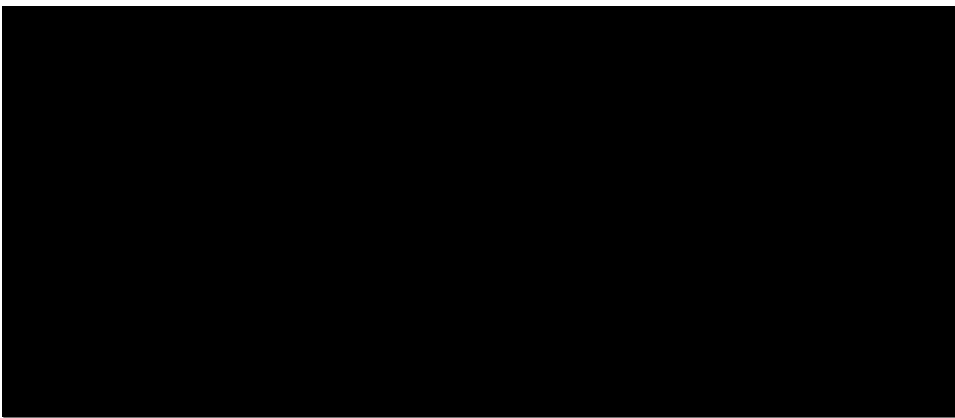

( CONTINUED )

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 101 080 291

REGISTRATION  
NUMBER DATE (D/M/Y) PARTICULARS



781 127 435 11/08/1978 UTILITY RIGHT OF WAY  
GRANTEE - FORTISALBERTA INC.  
320 - 17 AVENUE S.W.  
CALGARY  
ALBERTA T2S2Y1  
"L.S.D. 13"  
(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 001293756)  
(DATA UPDATED BY: CHANGE OF NAME 051007836)

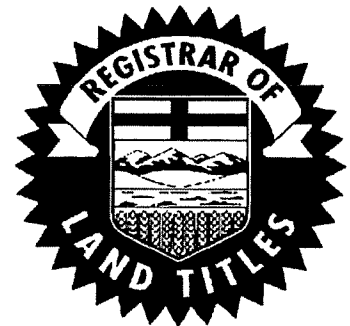
791 069 063 07/05/1979 EASEMENT  
"E. 250 FT. OF W. 700 FT. OF NW 1/4 S. OF CREEK,  
SUBJECT TO, IN FAVOUR OF SW 1/4 LYING NW OF TRAIL"

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 29 DAY OF JUNE,  
2020 AT 11:12 A.M.

ORDER NUMBER: 39606108

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0028 819 969            0111088;1;1                      101 080 261

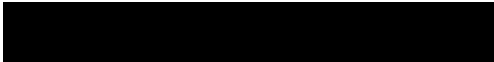
LEGAL DESCRIPTION

DESCRIPTIVE PLAN 0111088  
BLOCK 1  
LOT 1  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 1.2 HECTARES (2.97 ACRES) MORE OR LESS

ATS REFERENCE: 5;1;6;12;NW  
ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 011 108 715

-----  
REGISTERED OWNER(S)  
REGISTRATION    DATE (DMY)    DOCUMENT TYPE    VALUE    CONSIDERATION  
-----  
101 080 261    19/03/2010    TRANSFER OF LAND    

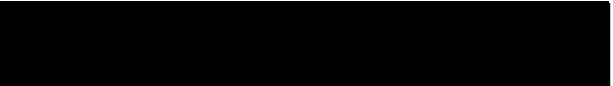
OWNERS

JERETT ROBERT MARSH

AND

KATHRYN ROSE SINNOTT  


-----  
ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION  
NUMBER    DATE (D/M/Y)    PARTICULARS  
-----  
781 101 687    

( CONTINUED )

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 101 080 261

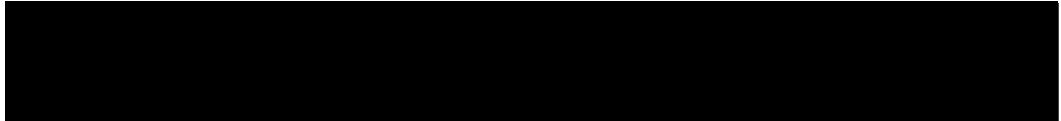
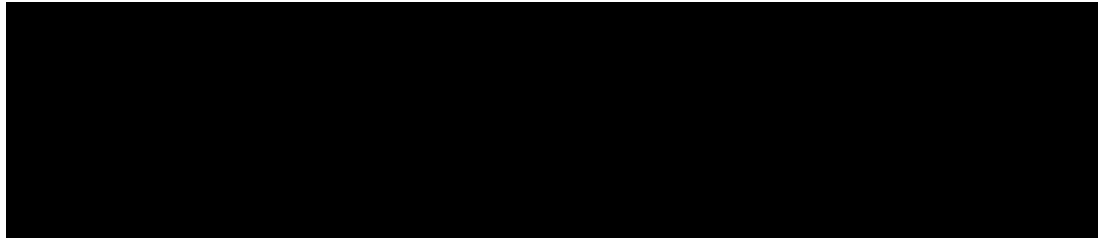
REGISTRATION  
NUMBER DATE (D/M/Y) PARTICULARS



781 127 435 11/08/1978 UTILITY RIGHT OF WAY  
GRANTEE - FORTISALBERTA INC.  
320 - 17 AVENUE S.W.  
CALGARY  
ALBERTA T2S2Y1  
"L.S.D. 13"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 001293756)

(DATA UPDATED BY: CHANGE OF NAME 051007836)



TOTAL INSTRUMENTS: 005

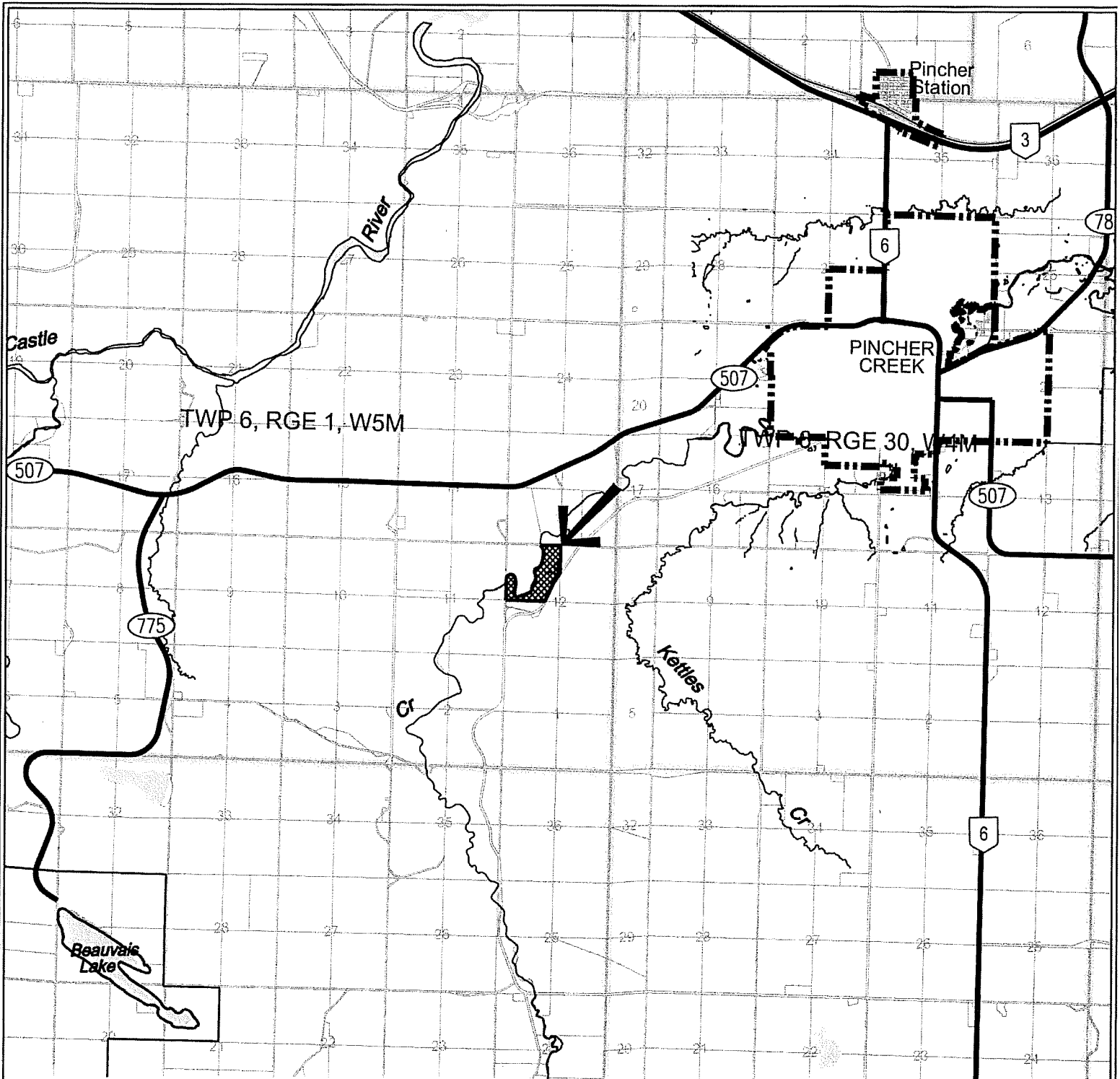
THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 29 DAY OF JUNE,  
2020 AT 11:12 A.M.

ORDER NUMBER: 39606108

CUSTOMER FILE NUMBER:

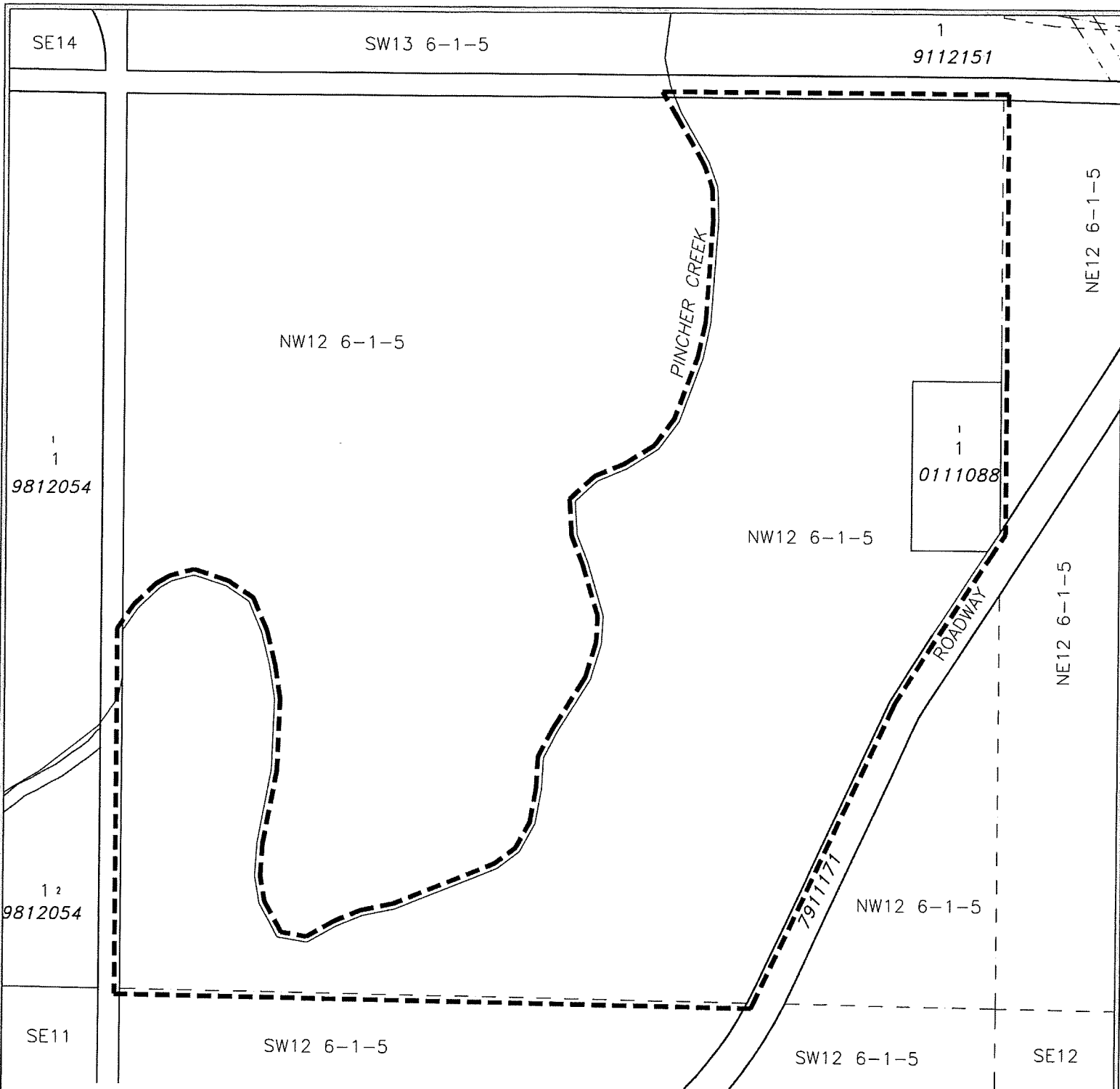


\*END OF CERTIFICATE\*



**SUBDIVISION LOCATION SKETCH**  
**LOT 1; BLOCK 1; PLAN 0111088**  
**& PORTION OF NW 1/4 SEC 12, TWP 6, RGE 1, W 5 M**  
**MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9**  
**DATE: SEPTEMBER 15, 2020**  
**FILE No: 2020-0-107**

MAP PREPARED BY:  
 CLEMMY RIVER REGIONAL SERVICES COMMISSION  
 2000 90th AVENUE NORTH, LETHBRIDGE, AB T1V 0W0  
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



**SUBDIVISION SKETCH - EXISTING**

LOT 1; BLOCK 1; PLAN 0111088

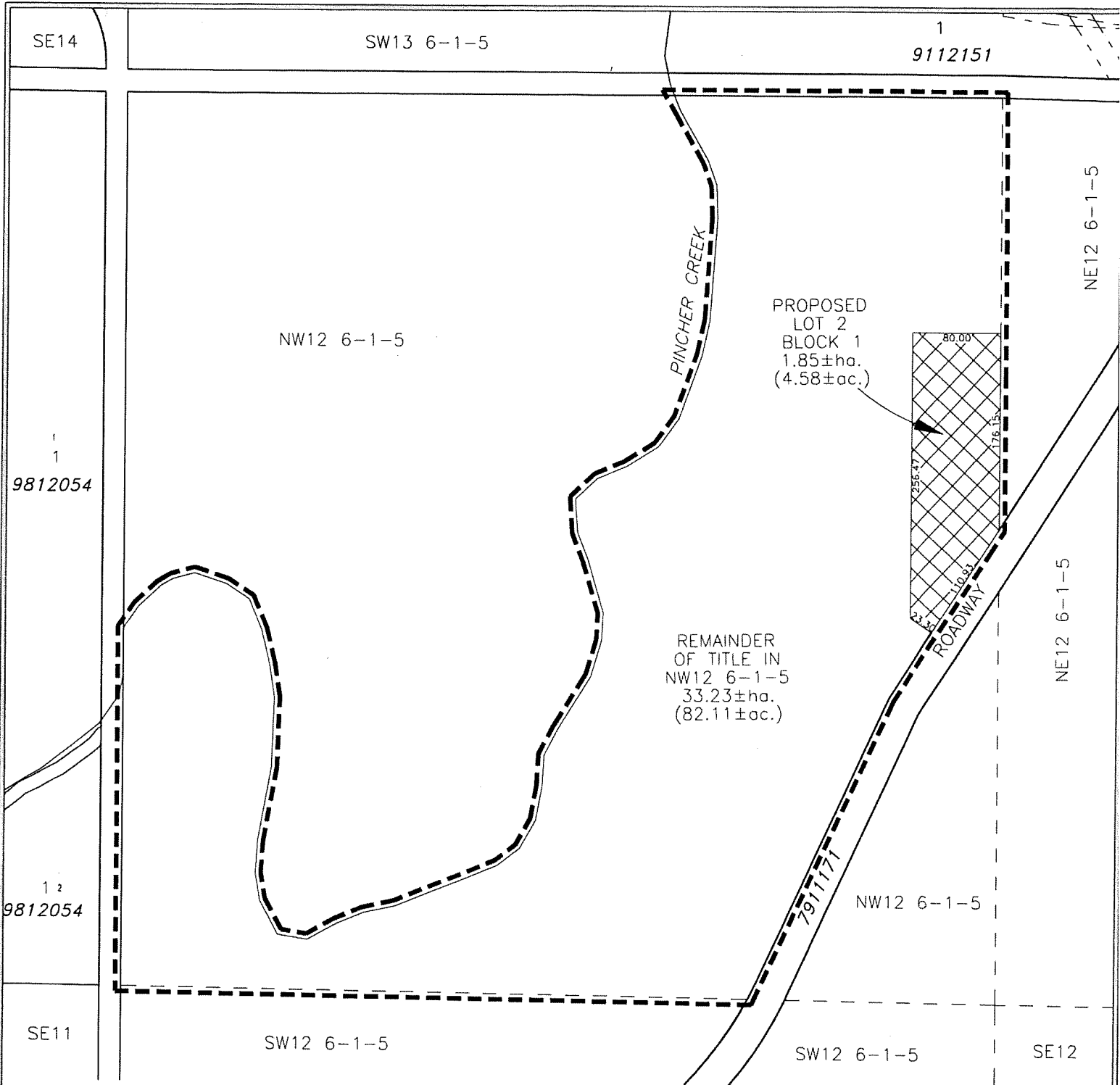
& PORTION OF NW 1/4 SEC 12, TWP 6, RGE 1, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 15, 2020

FILE No: 2020-0-107





**SUBDIVISION SKETCH - PROPOSED**

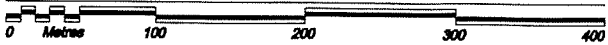
LOT 1; BLOCK 1; PLAN 0111088

& PORTION OF NW 1/4 SEC 12, TWP 6, RGE 1, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 15, 2020

FILE No: 2020-0-107







**SUBDIVISION SKETCH - PROPOSED**

LOT 1; BLOCK 1; PLAN 0111088

& PORTION OF NW 1/4 SEC 12, TWP 6, RGE 1, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

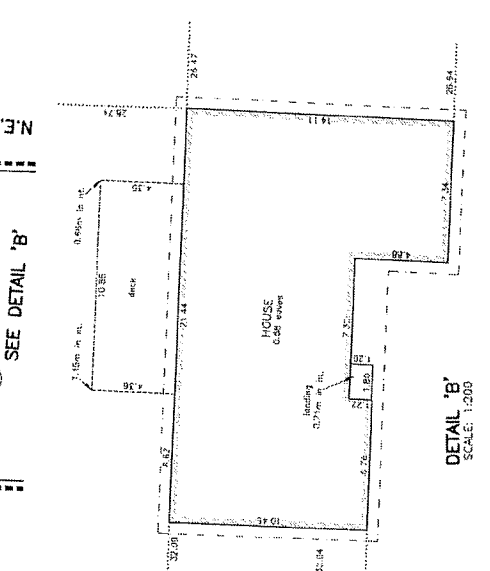
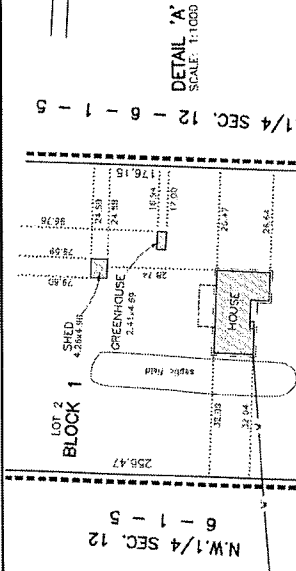
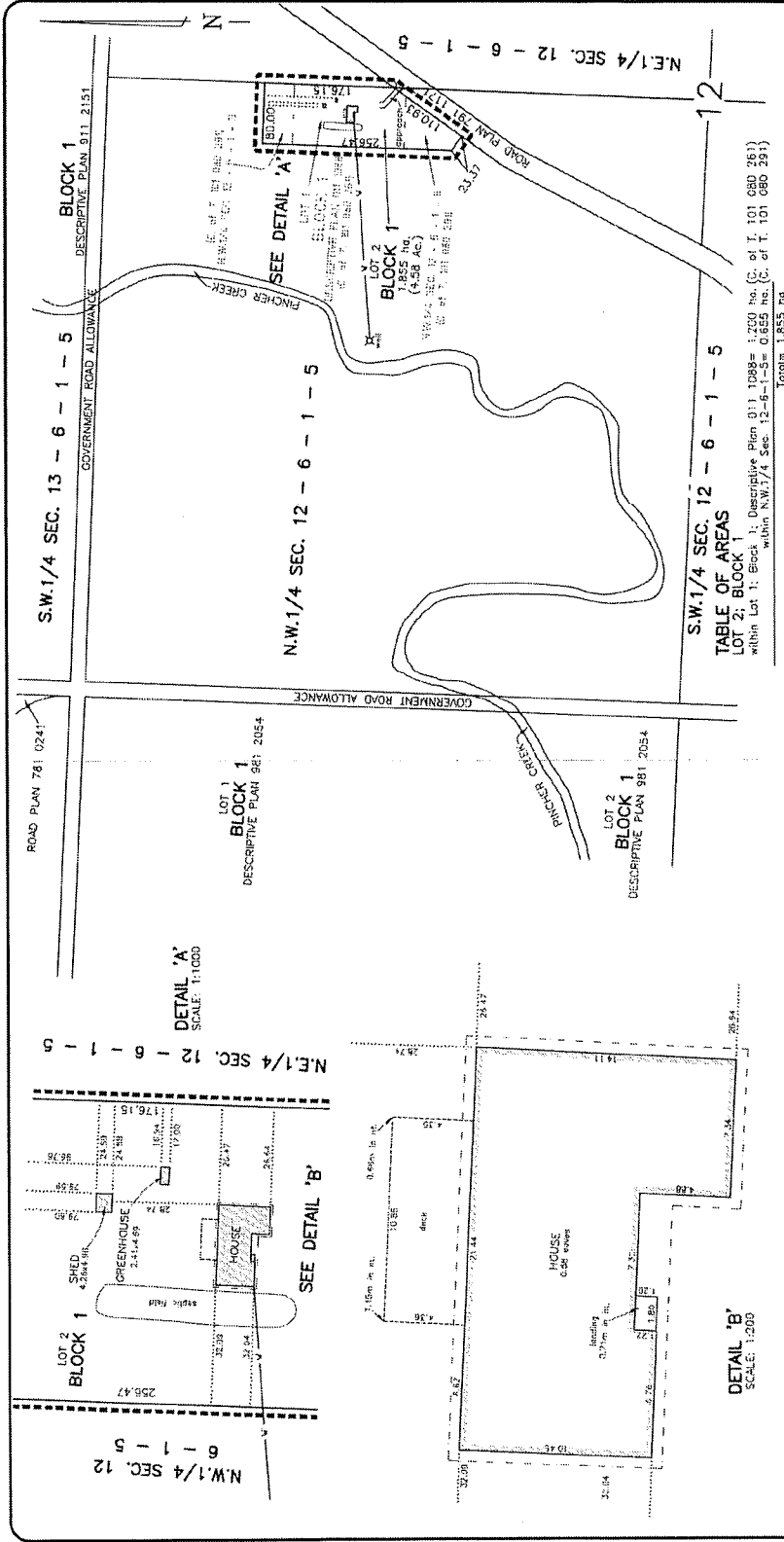
DATE: SEPTEMBER 15, 2020

FILE No: 2020-0-107



0 Metres 100 200 300 400  
 September 16, 2020 N:\Subdivision\2020\2020-0-107.dwg





NO.	REVISION	DATE	BY
	Improvements shown were surveyed on August 6th, 2020 NOTE: 1 portion is approved is outlined thus ----- and contains approximately 1.855 Ha. Distances are in metres and decimal parts thereof.		
	Distances and areas are approximate and are subject to change upon final survey.		

<b>JERETT MARSH &amp; FRANK MARSH</b>		<b>brown okamura &amp; associates ltd.</b> <small>Professional Engineers        2830 - 116th Street North, Lethbridge, Alberta</small>	
TENTATIVE PLAN SHOWING SUBDIVISION of all of LOT 1; BLOCK 1; DESCRIPTIVE PLAN 011 1088(N.W.1/4 SEC. 12) N.W.1/4 SEC. 12 TWP. 6; RGE. 1; W.5 M. MUNICIPAL DISTRICT OF PINCHER CREEK No. 9		APPROVED	DATE: AUG. 13/20
		CHEKED/DIA	JOB 20-14935
		SCALE	DRAWING 20-14935T
			1:5000
			D. J. Armstrong, A.L.S.

## DRAFT RESOLUTION

Our File: 2020-0-110

October 19, 2020

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

Dear Mr. MacCulloch,

**RE: Lot 3, Block 1, Plan 1313435 within N1/2 22-5-1-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 Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, AB Environment & Parks - J. Wu, AER and Pieridae Alberta Production Ltd..

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

Please contact this office if you require any further information.



Gavin Scott  
Senior Planner

GS/jm  
Attachment

## RESOLUTION

2020-0-110

**M.D. of Pincher Creek No. 9 Country Residential** subdivision of Lot 3, Block 1, Plan 1313435 within N1/2 22-5-1-W5M

THAT the Country Residential subdivision of Lot 3, Block 1, Plan 1313435 within N1/2 22-5-1-W5M (Certificate of Title No. 141 265 469), to create a 9.67 acre (3.91 ha) parcel from a title of 149.35 acres (60.44 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 9.67 acres at the market value of \$3,000 per acre with the actual acreage and amount to be paid to the M.D. 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.14.

### INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 9.67 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 9.67 acre (3.91 ha) being subdivided at \$3,000 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$2,901 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) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

Please notify Alberta 1st Call at 1-800-242-3447 to arrange for "field locating" should excavations be required within the described area.

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

- (f) Alberta Health Services does not object to the application at this time.
- (g) Canada Post has no comment.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** September 25, 2020

**Date of Receipt:** September 23, 2020

**Date of Completeness:** September 23, 2020

**TO: Landowner:** 1817323 Alberta Ltd.

**Agent or 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, Altagas Utilities Inc., AB Health Services - South Zone, AB Environment & Parks - J. Wu, AER, Canada Post, Pieridae Alberta Production Ltd.

**Adjacent Landowners:** A&L Robbins Ranching Ltd., Alvin & Lorraine Robbins, Archie Craig, Edward Ollenberg, Jeffrey Dejax, Lenore Robertson, Reners Land Inc., Thomas Liscombe

**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 14, 2020**. (Please quote our File No. **2020-0-110** in any correspondence with this office).

**File No.:** 2020-0-110

**Legal Description:** Lot 3, Block 1, Plan 1313435 within N1/2 22-5-1-W5M

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

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

**Existing Use:** Agricultural

**Proposed Use:** Country Residential

**# of Lots Created:** 1

**Certificate of Title:** 141 265 469

**Meeting Date:** November 3, 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 9.67 acre (3.91 ha) parcel from a title of 149.35 acres (60.44 ha) for country residential use.

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

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.

**RESERVE:**

- The payment of the applicable 10% Municipal Reserve on the 9.67 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: 2020-0-110
APPLICATION SUBMISSION	
Date of Receipt: September 23, 2020	Accepted By: <i>[Signature]</i>
Date Deemed Complete: September 23, 2020	Accepted By: <i>[Signature]</i>

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: 1817323 Alberta Ltd. (Mara & Rachael Nelson)  
 Mailing Address: [Redacted]  
 Telephone: [Redacted]  
 Email: [Redacted] 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: BOA  
 Mailing Address: 2830 12th Ave N, Lethbridge Postal Code: \_\_\_\_\_  
 Telephone: 329-4688 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: zach@bokamura.com Preferred Method of Correspondence: Email  Mail

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

- a. All/part of the 22 ¼ Section NE Township 5 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: 60.44 hectares 149135 acres
- d. Total number of lots to be created: 1 Size of Lot(s): 9.67ac (3.91)
- e. Rural Address (if applicable): 1207 Township Road 5-4
- f. Certificate of Title No.(s): 141 265 469

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

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



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

Describe:

- a. Existing use of the land Residential (Personal residence & Horse pasture)
- b. Proposed use of the land Residential (Personal residence & Horse pasture)

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

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)  
Grass and Dugout Pond. A couple aspen trees.
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) clay base.
- 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.  
One House, One Shed.
- 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 Well Water
- b. Proposed source of potable water Well Water

**7. SEWER SERVICES**

Describe:

- a. Existing sewage disposal: Type Septic System Year Installed 2015
- b. Proposed sewage disposal: Type Septic System

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

I Mark Nelson 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: September 2, 2020

**9. RIGHT OF ENTRY**

I, Mark Nelson do  / do not  (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

[Signature]  
Signature of Registered Owner(s)



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0035 984 731            1313435;1;3                      141 265 469

LEGAL DESCRIPTION

DESCRIPTIVE PLAN 1313435  
BLOCK 1  
LOT 3  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 60.44 HECTARES (149.35 ACRES) MORE OR LESS

ATS REFERENCE: 5;1;5;22;N  
ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 131 329 206

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

141 265 469    01/10/2014    TRANSFER OF LAND    [REDACTED]

OWNERS

1817323 ALBERTA LTD.  
[REDACTED]

-----  
ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION  
NUMBER          DATE (D/M/Y)          PARTICULARS  
-----  
3336CU          31/10/1922          EASEMENT  
   "SUBJECT TO, IN FAVOUR OF THE SE OF 27"  
   " AFFECTS PART OF THIS TITLE "  
  
3349CU          02/11/1922          EASEMENT  
   "S.E. 1/4 27, 5, 1, W5TH, SUBJECT TO"  
   " AFFECTS PART OF THIS TITLE "

( CONTINUED )

-----  
 ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
 # 141 265 469

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
881 128 269	26/07/1988	CAVEAT RE : EASEMENT CAVEATOR - PIERIDAE ALBERTA PRODUCTION LTD. ATTN: LAND DEPARTMENT 3100, 308-4 AVE SW CALGARY ALBERTA T2P0H7 " AFFECTS PART OF THIS TITLE "  (DATA UPDATED BY: TRANSFER OF CAVEAT 201025964)
931 156 097	05/07/1993	UTILITY RIGHT OF WAY GRANTEE - CENTRA GAS ALBERTA INC. " AFFECTS PART OF THIS TITLE "
111 060 739	15/03/2011	EASEMENT OVER THE NORTH WEST QUARTER SECTION 23 AND NORTH EAST QUARTER SECTION 22 BOTH IN TOWNSHIP 5 RANGE 1 WEST OF THE FIFTH MERIDIAN FOR BENEFIT OF THE SOUTH WEST QUARTER SECTION 23 TOWNSHIP 5 RANGE 1 WEST OF THE FIFTH MERIDIAN AS TO RIGHT OF WAY PLANS 9911368 & 8912012 SEE INSTRUMENT
131 280 195	30/10/2013	UTILITY RIGHT OF WAY GRANTEE - PIERIDAE ALBERTA PRODUCTION LTD. ATTN: LAND DEPARTMENT 3100, 308-4 AVE SW CALGARY ALBERTA T2P0H7 UTILITY RIGHT OF WAY TO SHELL CANADA LIMITED - TAKES PRIORITY OF CAVEAT 981137961 REGISTERED ON MAY 14, 1998 " AFFECTS PART OF THIS TITLE "  (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 201038095)
141 016 752	17/01/2014	DISCHARGE OF UTILITY RIGHT OF WAY 131280195 PARTIAL EXCEPT PLAN/PORTION: 9911368



-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 3  
# 141 265 469

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
[REDACTED]		
[REDACTED]		
[REDACTED]		
[REDACTED]		
[REDACTED]		

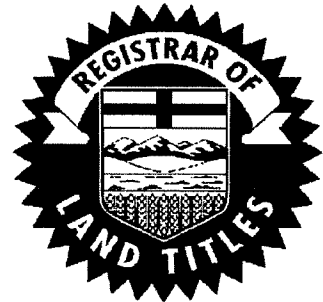
TOTAL INSTRUMENTS: 012

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 2 DAY OF  
SEPTEMBER, 2020 AT 03:07 P.M.

ORDER NUMBER: 40031766

CUSTOMER FILE NUMBER:

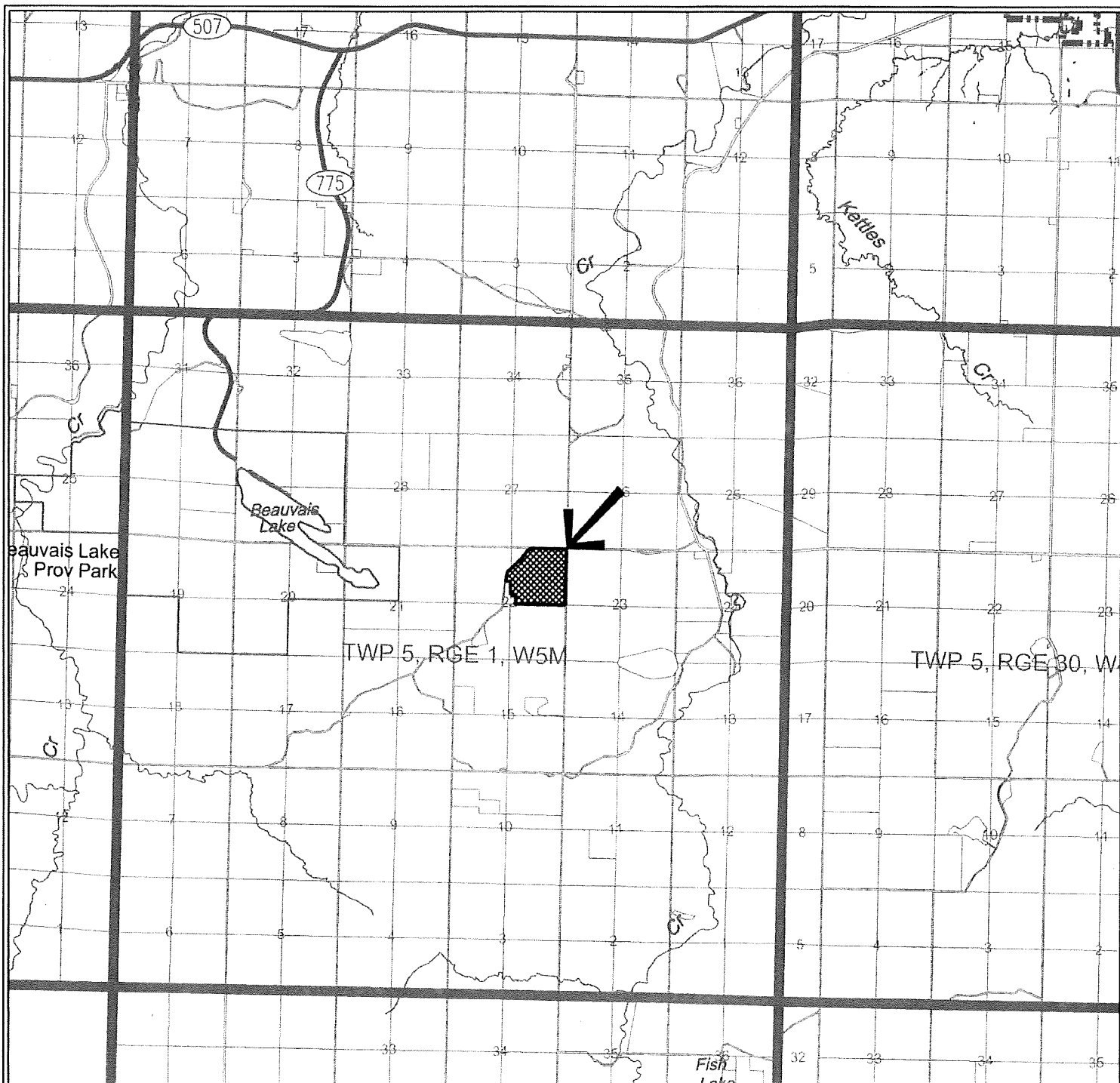
\*END OF CERTIFICATE\*



( 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.

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



**SUBDIVISION LOCATION SKETCH**

**LOT 3; BLOCK 1; PLAN 1313435**

**WITHIN NE 1/4 SEC 22, TWP 5, RGE 1, W 5 M**

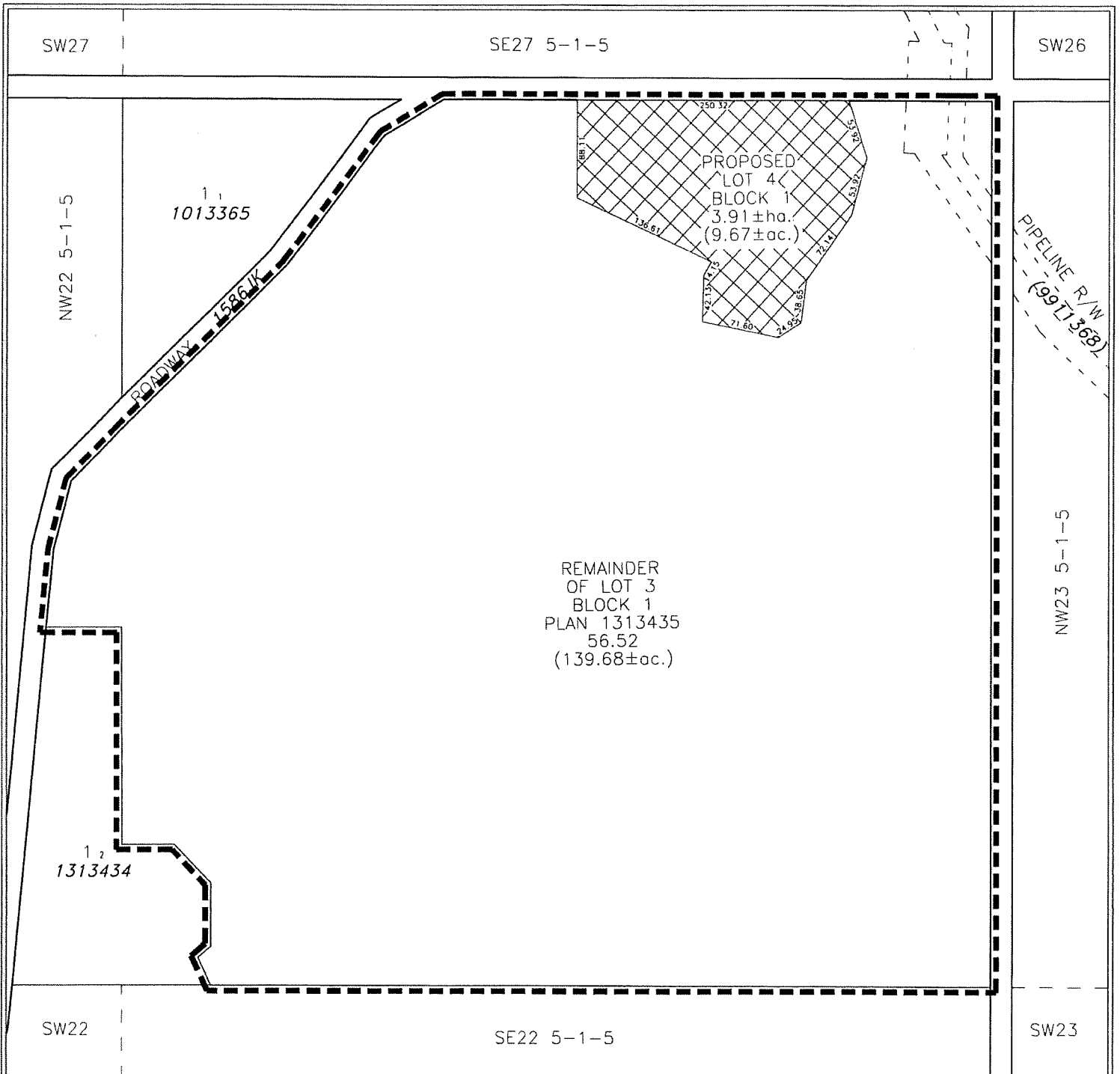
**MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9**

**DATE: SEPTEMBER 23, 2020**

**FILE No: 2020-0-110**

MAP PREPARED BY:  
OLDMAN RIVER REGIONAL SERVICES COMMISSION  
FOR INFORMATIONAL PURPOSES ONLY. CITY ENGINEER AND TOWNSHIP  
NOT RESPONSIBLE FOR ERRORS OR OMISSIONS





**SUBDIVISION SKETCH**  
**LOT 3; BLOCK 1; PLAN 1313435**  
**WITHIN NE 1/4 SEC 22, TWP 5, RGE 1, W 5 M**  
**MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9**  
**DATE: SEPTEMBER 23, 2020**  
**FILE No: 2020-0-110**



OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

September 23, 2020 N:\Subdivision\2020\2020-0-110.dwg





**SUBDIVISION SKETCH**  
**LOT 3; BLOCK 1; PLAN 1313435**  
**WITHIN NE 1/4 SEC 22, TWP 5, RGE 1, W 5 M**  
**MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9**  
**DATE: SEPTEMBER 23, 2020**  
**FILE No: 2020-0-110**



0 100 200 300 400  
 Metres  
 September 23, 2020 N:\Subdivision\2020\2020-0-110.dwg

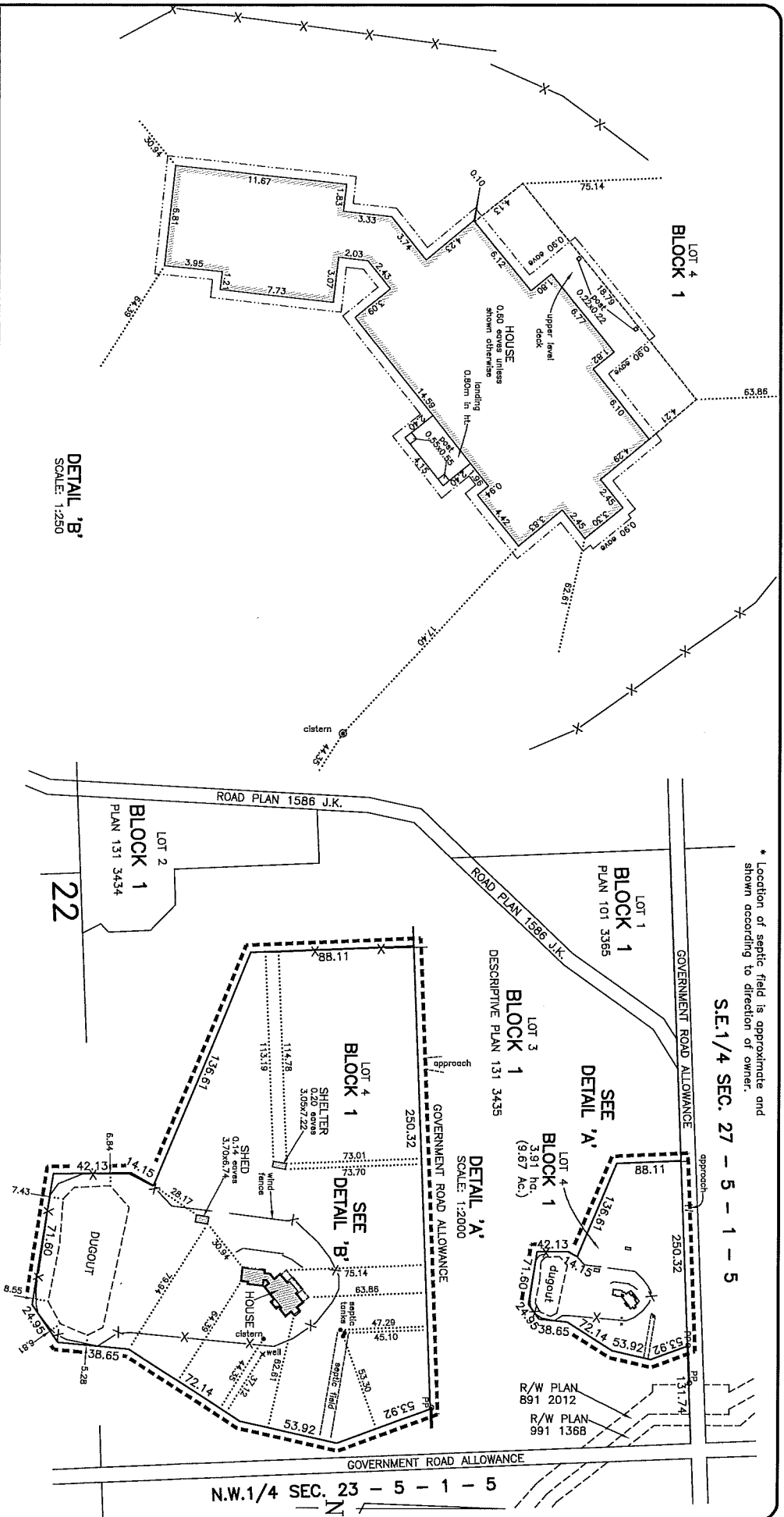


**AERIAL PHOTO DATE: 2015**



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

S.E.1/4 SEC. 27 - 5 - 1 - 5



DETAIL 'B'  
SCALE: 1:250

DETAIL 'A'  
SCALE: 1:2000

NO.	1	Revised Lot size	Sept. 22/20	clb
		REVISION	DATE	BY

Improvements shown were surveyed on September 8th, 2020  
NOTE : Portion to be approved is outlined thus -----  
and contains approximately 3.91 ha.  
Distances are in metres and decimal parts thereof.  
Overhead line is shown thus \_\_\_\_\_ PP \_\_\_\_\_ PP  
PP stands for utility pole.  
Distances and areas are approximate and are  
subject to change upon final survey.

1817323 AB LTD.  
TENTATIVE PLAN SHOWING SUBDIVISION  
of part of  
LOT 3; BLOCK 1; DESCRIPTIVE PLAN 131 3435  
all within  
N.E.1/4 SEC. 22; TWP. 5, RGE. 1, W.5 M.  
MUNICIPAL DISTRICT OF FINCHER CREEK No. 9

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

APPROVED	DATE	SEPT. 17/20	
DRAWN	CJB	DATE	
CHECKED	ZJP	JOB	20-15015
SCALE	1:5000	DRAWING	20-15015T

Z. J. Prosper A.L.S.

## DRAFT RESOLUTION

Our File: 2020-0-121

October 19, 2020

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 31-6-29-W4M / M.D. of Pincher Creek No. 9**

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, AB Environment & Parks - E. Evenson, AB Environment & Parks - J. Wu, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, 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

2020-0-121

## **M.D. of Pincher Creek No. 9** Agricultural subdivision of SW1/4 31-6-29-W4M

THAT the Agricultural subdivision of SW1/4 31-6-29-W4M (Certificate of Title No. 191 175 331 +11, 191 175 331 +15), to create a 79.91 acre (32.34 ha) lot and a 72.10 acre (29.18 ha) lot (in two parts) from a two titles of 80.66 acres (32.64 ha) and 70.0 acres (28.33 ha) for agricultural 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.
3. That the portions of Certificate of Title 191175331+11 (as described in BOA tentative plan 20-14999T) be consolidated with the adjacent portion of Certificate of Title 191175331+15 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.21.

### **INFORMATIVE:**

- (a) Since the proposed subdivision complies with Section 663(b) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create a boundary adjustment agricultural parcel at the above noted location.

This is merely a boundary adjustment of which the proposal is to continue using the parcel to be created and remnant land for agricultural purposes. As such, this application is in accordance with Section 14(a) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

Notwithstanding the foregoing, resultant of the fact that the parcels to be created do have direct access to Highway 785 this application is subject to the requirements of Section 15(2) of 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 future expansion of the provincial highway system.

To that end, the proposal is in accordance with said Section 14(a) and the parcel to be created and remnant land will remain to be an agricultural tract with no additional highway frontages being created. Moreover, by virtue of Alberta Transportation's current access management guidelines use of the existing direct highway accesses for limited agricultural use is an acceptable access management strategy. Given this, strictly from Alberta Transportation's point of view, we do not anticipate that creation of the boundary adjusted agricultural parcel as proposed would have any appreciable impact on the highway.

Notwithstanding the foregoing, 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 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."

- (f) **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 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](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions

- (g) Canada Post has no comment.
- (h) Alberta Health Services does not object at this time.

---

CHAIRMAN

---

DATE

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** September 28, 2020

**Date of Receipt:** September 18, 2020

**Date of Completeness:** September 18, 2020

**TO: Landowner:** Audrey J Westrop

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

**Referral Agencies:** M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, AB Health Services - South Zone, AB Environment & Parks - E. Evenson, AB Environment & Parks - J. Wu, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, AB Transportation, Historical Resources Administrator, AER, Canada Post

**Adjacent Landowners:** Elizabeth Carlson, Lloyd Sproule, Malcolm Holtman

**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 19, 2020**. (Please quote our File No. **2020-0-121** in any correspondence with this office).

**File No.:** 2020-0-121

**Legal Description:** SW1/4 31-6-29-W4M

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

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

**Existing Use:** Agricultural

**Proposed Use:** Agricultural

**# of Lots Created:** 1 (Boundary Line Adjustment)

**Certificate of Title:** 191 175 331 +11, 191 175 331 +15

**Meeting Date:** November 3, 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 79.91 acre (32.34 ha) lot and a 72.10 acre (29.18 ha) lot (in two parts) from a two titles of 80.66 acres (32.64 ha) and 70.0 acres (28.33 ha) for agricultural use.

The proposal is to accommodate a property realignment subdivision of two titles on Pincher Creek. Access to the lot is presently granted from two existing approaches to the west off Highway 785.

The proposed lots are partially bisected by Pincher Creek a tributary of the Oldman River.

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 the portions of Certificate of Title 191175331+11 (as described in BOA tentative plan 20-14999T) be consolidated with the adjacent portion of Certificate of Title 191175331+15 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

**RESERVE:**

- Municipal Reserve is not applicable pursuant to Section 663(b) of the MGA, as both parcels are greater than 40 acres and is to be used for agricultural 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: \$1040.00	File No: 2020-0-121
APPLICATION SUBMISSION	
Date of Receipt: September 18, 2020	Received By: [Signature]
Date Deemed Complete: September 18, 2020	Accepted By: [Signature]

**APPLICATION FOR SUBDIVISION  
RURAL MUNICIPALITY**

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: AUDREY J WESTROP

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

Mailing Address: \_\_\_\_\_ City/Town: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

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

Name of Surveyor: Thomas C. Penner, ALS brown okamura & associates ltd.

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

Postal Code: T1H 5J9 Telephone: 403-329-4688 ext. 128 Cell: \_\_\_\_\_

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

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

a. All/part of the SW ¼ Section 31 Township 6 Range 29 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 60.9 hectares 150.7 acres

d. Total number of lots to be created: 2 Size of Lot(s): 79.91 ac and 72.10 ac.

e. Rural Address (if applicable): n/a

f. Certificate of Title No.(s): 191175331+15 and 191175331+11

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

a. The land is located in the municipality of MD OF PINCHER CREEK

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

c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes  No   
If "yes" the highway is No. 3 / 785

d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes  No   
If "yes", state its name PINCHER 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 AG
- b. Proposed use of the land AG - BOUNDARY ADJUSTMENT

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

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) MIXED
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) CREEK, TREE STANDS, CROP
- 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 Thomas C. Penner, ALS (boa file: 20-14999) 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: Sept 16/20

**9. RIGHT OF ENTRY**

I, THOMAS PENNER ON BEHALF OF ANDREY WESTROP do  / do not  (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

[Signature]  
Signature of Registered Owner(s)



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0024 272 651            4;29;6;31;SW                      191 175 331 +15

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 6  
SECTION 31  
THAT PORTION OF THE SOUTH WEST QUARTER  
WHICH LIES TO THE WEST OF SAID PINCHER CREEK AS SHOWN ON THE  
TOWNSHIP PLAN DATED 13 OCTOBER 1887  
CONTAINING 33.6 HECTARES (83 ACRES) MORE OR LESS  
EXCEPTING THEREOUT  
PLAN            NUMBER            HECTARES            ACRES    MORE OR LESS  
ROAD            9310132            0.948            2.34  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 931 017 451 +17

---

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
191 175 331	28/08/2019	AFFIDAVIT OF SURVIVING JOINT TENANT		

OWNERS

AUDREY J WESTROP  


---

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION	DATE (D/M/Y)	PARTICULARS
6322IF	25/10/1961	PUBLIC UTILITIES BOARD ORDER IN FAVOUR OF - ALTALINK MANAGEMENT LTD.

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 191 175 331 +15

REGISTRATION

NUMBER      DATE (D/M/Y)      PARTICULARS

-----

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

AFFECTED PLAN:                      464HR

"#25761, 2.48 ACRES"

(DATA UPDATED BY: TRANSFER OF PUBLIC

UTILITIES BOARD ORDER 031095689)

(DATA UPDATED BY: CHANGE OF ADDRESS 091125024)

3339JD .      19/11/1964 UTILITY RIGHT OF WAY

GRANTEE - ALTALINK MANAGEMENT LTD.

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

"2.57 ACRES"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT

OF WAY 021189416)

(DATA UPDATED BY: CHANGE OF ADDRESS 091107619)

593KP .      27/10/1969 CAVEAT

CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.

901 008 256      09/01/1990 CAVEAT

RE : SEE CAVEAT

CAVEATOR - ALTALINK MANAGEMENT LTD.

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

(DATA UPDATED BY: TRANSFER OF CAVEAT

021174432)

(DATA UPDATED BY: CHANGE OF ADDRESS 091060410)

901 026 389      27/01/1990 CAVEAT

RE : SEE CAVEAT

CAVEATOR - ALTALINK MANAGEMENT LTD.

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

(DATA UPDATED BY: TRANSFER OF CAVEAT

021181032)

(DATA UPDATED BY: CHANGE OF ADDRESS 091060411)

TOTAL INSTRUMENTS: 006

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 16 DAY OF  
SEPTEMBER, 2020 AT 05:46 P.M.

ORDER NUMBER: 40123767

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

---

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

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



LAND TITLE CERTIFICATE

S  
LINC                                  SHORT LEGAL                                  TITLE NUMBER  
0021 534 996                  4;29;6;31;SW                                  191 175 331 +11

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 6  
SECTION 31  
THAT PORTION OF THE SOUTH WEST QUARTER  
WHICH LIES TO THE EAST OF PINCHER CREEK  
AS SHOWN ON THE TOWNSHIP PLAN DATED 13 OCTOBER 1887  
CONTAINING 28.33 HECTARES (70 ACRES) MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 871 137 985 B .

---

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
191 175 331	28/08/2019	AFFIDAVIT OF SURVIVING JOINT TENANT		

---

OWNERS

AUDREY J WESTROP  


---

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
6322IF .	25/10/1961	PUBLIC UTILITIES BOARD ORDER IN FAVOUR OF - ALTALINK MANAGEMENT LTD. 2611 - 3 AVE SE CALGARY ALBERTA T2A7W7

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

REGISTRATION

# 191 175 331 +11

NUMBER      DATE (D/M/Y)      PARTICULARS

-----

AFFECTED PLAN:            464HR

"#25761, 2.48 ACRES"

(DATA UPDATED BY: TRANSFER OF PUBLIC  
UTILITIES BOARD ORDER 031095689)

(DATA UPDATED BY: CHANGE OF ADDRESS 091125024)

3339JD      .      19/11/1964 UTILITY RIGHT OF WAY

GRANTEE - ALTALINK MANAGEMENT LTD.

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

"2.57 ACRES"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 021189416)

(DATA UPDATED BY: CHANGE OF ADDRESS 091107619)

593KP      .      27/10/1969 CAVEAT

CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.

901 008 364      09/01/1990 CAVEAT

RE : SEE CAVEAT

CAVEATOR - ALTALINK MANAGEMENT LTD.

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

(DATA UPDATED BY: TRANSFER OF CAVEAT  
021174432)

(DATA UPDATED BY: CHANGE OF ADDRESS 091060410)

901 026 388      27/01/1990 CAVEAT

RE : SEE CAVEAT

CAVEATOR - ALTALINK MANAGEMENT LTD.

2611 - 3 AVE SE

CALGARY

ALBERTA T2A7W7

(DATA UPDATED BY: TRANSFER OF CAVEAT  
021181032)

(DATA UPDATED BY: CHANGE OF ADDRESS 091060410)

TOTAL INSTRUMENTS: 006

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TITLE REPRESENTED HEREIN THIS 16 DAY OF  
SEPTEMBER, 2020 AT 05:46 P.M.

ORDER NUMBER: 40123767

CUSTOMER FILE NUMBER:

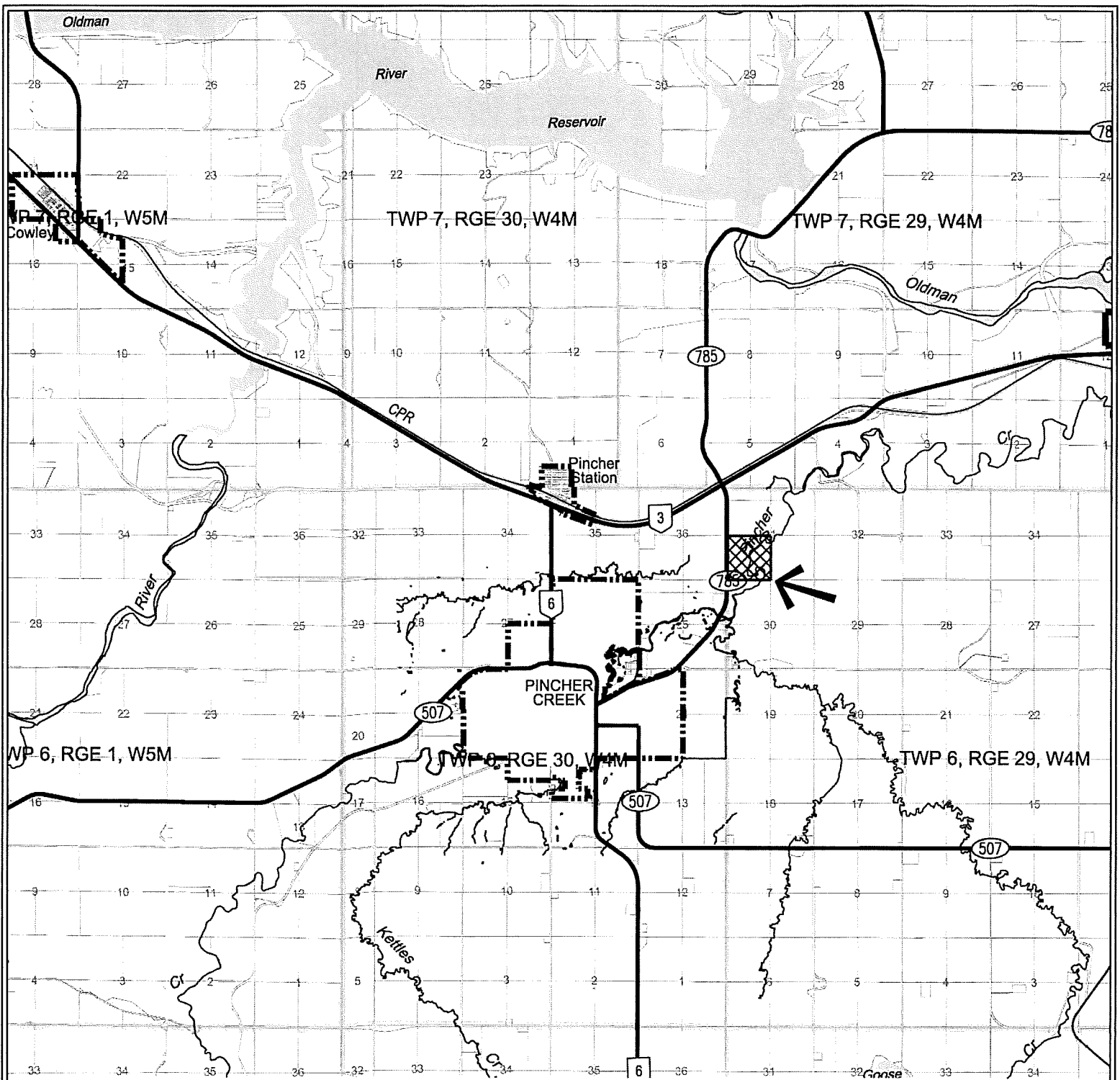


\*END OF CERTIFICATE\*

---

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



**SUBDIVISION LOCATION SKETCH**

**SW 1/4 SEC 31, TWP 6, RGE 29, W 4 M**

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

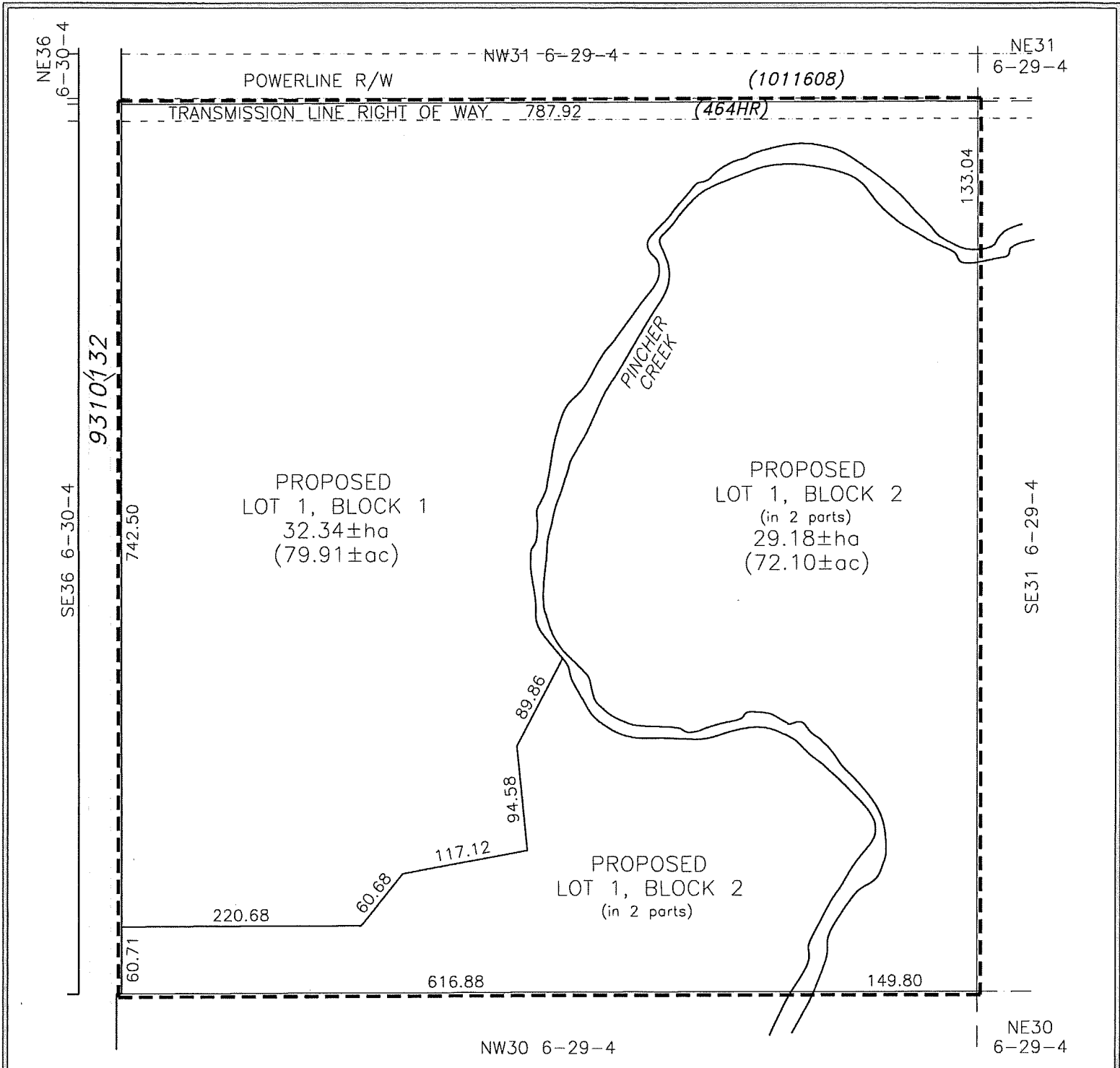
**DATE: SEPTEMBER 21, 2020**

**FILE No: 2020-0-121**

MAP PREPARED BY  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 199 AVENUE MONTREAL LEATHERDOLLE AB T1M 2E8  
 \*NOT RESPONSIBLE FOR ERRORS OR OMISSIONS\*







**SUBDIVISION SKETCH**

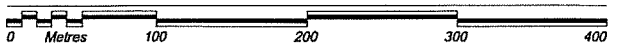
See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-14999T

SW 1/4 SEC 31, TWP 6, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 21, 2020

FILE No: 2020-0-121





## SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 20-14999T

SW 1/4 SEC 31, TWP 6, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: SEPTEMBER 21, 2020

FILE No: 2020-0-121

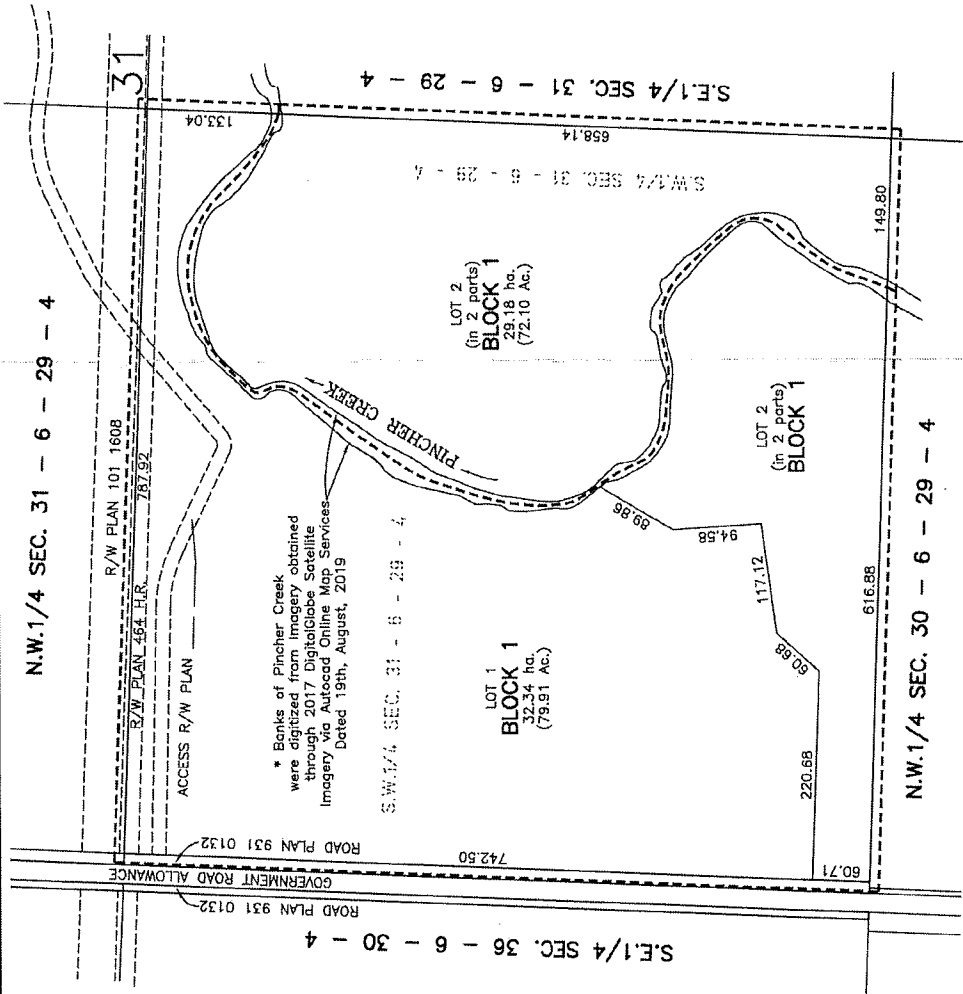


OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

September 21, 2020 N:\Subdivision\2020\2020-0-121.dwa






\* Banks of Pincher Creek were digitized from imagery obtained through 2017 DigitalGlobe Satellite Imagery via Autocad Online Map Services Dated 19th, August, 2019

S.W.1/4 SEC. 31 - 6 - 29 - 4

LOT 1  
BLOCK 1  
(in 2 parts)  
32.34 ha.  
(79.91 AC.)

LOT 2  
BLOCK 1  
(in 2 parts)  
29.16 ha.  
(72.10 AC.)

LOT 2  
BLOCK 1  
(in 2 parts)



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

APPROVED	DATE	AUG. 21/20
	CJB	
	TCP	JOB 20-14999
	SCALE	DRAWING 20-14999T
T. C. Penner, A.L.S.		1:5000

**AUDREY WESTROP**

TENTATIVE PLAN SHOWING SUBDIVISION  
of part of  
S.W.1/4 SEC. 31; TWP. 6; RGE. 29; W.4 M.  
MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

Revised Lots	Sept.17/20	cjb	DATE	BY
NO.				

NOTE : Portion to be approved is outlined thus ----- and contains approximately 61.52 ha. Distances are in metres and decimal parts thereof.

Distances and areas are approximate and are subject to change upon final survey.