

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
MD of Pincher Creek Council Chambers
September 5th 2023
5:30 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of June 6, 2023

3. Closed Meeting Session

4. Unfinished Business

None

5. Subdivision Application

- a. Subdivision Application No. 2023-0-078
Lynne Rhodes
NE 33-4-28 W4
- b. Subdivision Application No. 2023-0-087
Zoratti Ranches
SW 15-6-1 W5
- c. Subdivision Application No. 2023-0-094
Nature Conservancy of Canada
E 17-4-29 W4
- d. Subdivision Application No. 2023-0-104
David McNeill & Linda Farley
Lot 24, Block 14, Plan 8810351 within W 10-6-2 W5

6. New Business

7. Next Regular Meeting October 3, 2023 6:00 pm

8. Adjournment

Meeting Minutes of the Subdivision Authority
Tuesday, June 6, 2023
6:00 pm
MD of Pincher Creek Council Chambers

IN ATTENDANCE

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

Staff: Chief Administrative Officer Roland Milligan, Development Officer Laura McKinnon

Planning
Advisors: ORRSC, Senior Planner Gavin Scott

Absent: Councillor Dave Cox

COMMENCEMENT

Chairman Rick Lemire called the meeting to order, the time being 6:00 pm.

1. ADOPTION OF AGENDA

Councillor John MacGarva 23/015

Moved that the Subdivision Authority Agenda for June 6, 2023, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Tony Bruder 23/016

Moved that the February 7, 2023, Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Harold Hollingshead 23/017

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

Carried

Councillor John MacGarva 23/018

Moved that the Subdivision Authority open the meeting to the public, the time being 6:17 pm.

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 6, 2023

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a.** Subdivision Application No. 2023-0-047
Spearpoint Cattle Company Ltd
NW 21-3-29 W4

Councillor Tony Bruder

23/019

THAT the Country Residential subdivision of NW 21-3-29 W4 (Certificate of Title No. 881 227 327 A) to create a 7.45 acre (3.01 ha) parcel from a previously subdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and with waiver complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.
4. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Section 19 of the Matters Relating to Subdivision and Development Regulation to accommodate the proposal.

6. NEW BUSINESS

Nil

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 6, 2023

7. **NEXT MEETING** – Tuesday, October 3rd, 2023; 6:00 pm.

8. **ADJOURNMENT**

Councillor Harold Hollingshead 23/020

Moved that the meeting adjourn, the time being 6:18 pm.

Carried

Rick Lemire, Reeve
Subdivision Authority

Laura McKinnon, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2023-0-078

August 29, 2023

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

Dear Mr. Milligan,

RE: NE1/4 33-4-28-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AER and Canada Post.

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

2023-0-078

M.D. of Pincher Creek No. 9 Country Residential subdivision of NE1/4 33-4-28-W4M

THAT the Country Residential subdivision of NE1/4 33-4-28-W4M (Certificate of Title No. 041 347 775), to create a 2.16 acre (0.875 ha) parcel from a previously unsubdivided quarter section of 157.88 acres (63.89 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That, the proposed lot be increased in size to meet the required minimum lot size of 1.2 ha(3.0 acres).

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 9 of the Matters Related to Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.

INFORMATIVE:

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

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

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

(f) Chief Mountain Gas Co-op Ltd. – Delbert G. Beazer, Chief Executive Officer:

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

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

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

(g) Alberta Transportation – Evan Neilsen, Development/Planning Technologist:

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 505

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors does not grant approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 are met, therefore no variance is required.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
2. 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 7(6)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 1, 2023

Date of Receipt:

May 31, 2023

Date of Completeness:

July 28, 2023

TO: Landowners: Lynne Marie Rhodes, Lorna Justine Pasolli, Deborah Jean Thomas

Agent or Surveyor: Zachary J. Prosper, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Chief Mountain Gas Co-op Ltd., AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AB Transportation, AER, Canada Post

Adjacent Landowners: Brent & Laura Mcglynn, Carol, James, Keith & Kevin Fitzpatrick, Hengerer Farms Ltd, Kent & Sheila Goodreau

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 Matters Relating to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **August 21, 2023**. (Please quote our File No. 2023-0-078 in any correspondence with this office).

File No.: 2023-0-078

Legal Description: NE1/4 33-4-28-W4M

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

Land Designation: Agriculture – A
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 041 347 775

Meeting Date: September 5, 2023

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 2.16 acre (0.875 ha) parcel from a previously unsubdivided quarter section of 157.88 acres (63.89 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, and one out-building. 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. The applicant will be installing a cistern to provide water for this subdivision.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies, or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That a waiver of the Land Use Bylaw 3 acre minimum lot size requirement be granted by the Subdivision Approval Authority of the MD of Pincher Creek. Or, that the proposed parcel be increased in size to 3 acres (1.21 ha).

RESERVE:

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

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$1100.00</u>	File No: <u>2023-0-078</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>May 31, 2023</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>July 28, 2023</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Lynne Rhodes, Lorna Justine Pasolli & Deborah Jean Thomas
 Mailing Address: Box 86 (C/O Lynne Rhodes on behalf of all owners) City/Town: Champion
 Postal Code: TOL 0R0 Telephone: _____ Cell: 4 [REDACTED]
 Email: [REDACTED] Preferred Method of Correspondence: Email Mail

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

Name of Surveyor: Zachary J. Prosper, ALS brown okamura & associates ltd.
 Mailing Address: 2830 - 12 Avenue North City/Town: Lethbridge
 Postal Code: T1H 5J9 Telephone: 403-329-4688 ext 132 Cell: _____
 Email: zach@bokamura.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- a. All/part of the NE ¼ Section 33 Township 4 Range 28 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)
- b. Being all/part of: Lot/Unit _____ Block _____ Plan _____
- c. Total area of existing parcel of land (to be subdivided) is: 63.89 hectares 157.88 acres
- d. Total number of lots to be created: 1 Size of Lot(s): 0.875 hectares (2.16 Acres) more or less
- e. Rural Address (if applicable): _____
- f. Certificate of Title No.(s): 041 347 775

3. LOCATION OF LAND TO BE SUBDIVIDED

- a. The land is located in the municipality of Municipal District of Pincher Creek No. 9
- b. Is the land situated immediately adjacent to the municipal boundary? Yes No
 If "yes", the adjoining municipality is _____
- c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
 If "yes" the highway is No. _____
- d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes No
 If "yes", state its name _____
- e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown Yes No

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

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

If 'yes', please describe: _____

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

If 'yes', please describe: _____

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land farmland and acreage
- b. Proposed use of the land subdivide acreage from remainder of land

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.) mixed
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) unknown
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No

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

- 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 acreage fed by spring on 1/4 and gravity fed
- b. Describe proposed source of potable water Cistern

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type septic holding tank Year Installed _____
- b. Describe proposed sewage disposal: Type septic holding tank

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Lynne Rhodes, _____ 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: Lynne Rhodes _____ Date: May 29/2013 _____

9. RIGHT OF ENTRY

I, Lynne Rhodes _____ 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.

Lynne Rhodes _____
Signature of Registered Owner(s)

boa File 23-16002

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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 630 876 4;28;4;33;NE 041 347 775

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 28 TOWNSHIP 4
SECTION 33
QUARTER NORTH EAST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT FIRSTLY: THE ROADWAY ON PLAN 8264HE
CONTAINING 0.405 HECTARES (1 ACRE)
SECONDLY: THE ROADWAY ON PLAN 1326LK,
CONTAINING 0.405 HECTARES (1 ACRE)
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 011 006 161

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

041 347 775 14/09/2004 TRANSFER OF LAND \$142,000 SEE INSTRUMENT

OWNERS

LYNNE MARIE RHODES
OF P.O.BOX 86
CHAMPION
ALBERTA T0L 0R0
AS TO AN UNDIVIDED 1/3 INTEREST

LORNA JUSTINE PASOLLI
OF P.O.BOX 126
CHAMPION
ALBERTA T0L 0R0
AS TO AN UNDIVIDED 1/3 INTEREST

DEBORAH JEAN THOMAS
OF #6, 26123 TOWNSHIP ROAD 511
SPRUCE GROVE
ALBERTA T7Y 1B9

(CONTINUED)

AS TO AN UNDIVIDED 1/3 INTEREST

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
761 062 857	19/05/1976	UTILITY RIGHT OF WAY GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD. BOX 38 CARDSTON ALBERTA T0K0K0 "DATA UPDATED BY: 951109054" (DATA UPDATED BY: CHANGE OF NAME 021073421)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 25 DAY OF MAY, 2023 AT 11:35 A.M.

ORDER NUMBER: 47331481

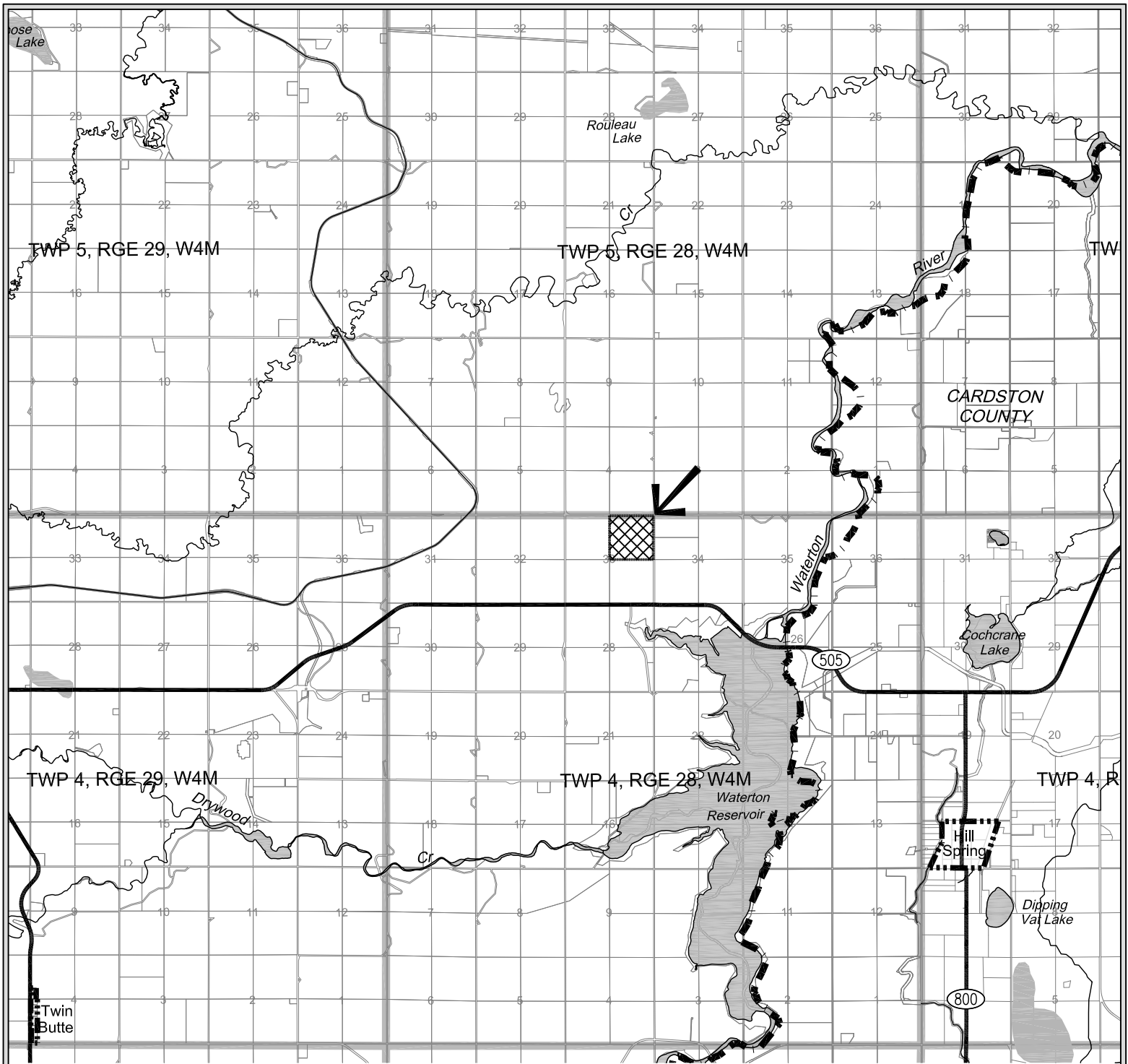
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

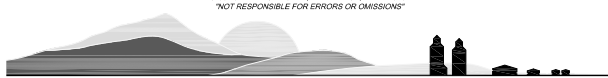
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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



SUBDIVISION LOCATION SKETCH
NE 1/4 SEC 33, TWP 4, RGE 28, W 4 M
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9
DATE: JULY 28, 2023
FILE No: 2023-0-078

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LEATHERHEAD, AB T1H 5E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

July 28, 2023 N:\Subdivision\2023\2023-0-078.dwg



SW4
5-28-4

SE4 5-28-4

SW3
5-28-4

8264HE

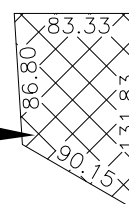
NW33 4-28-4

REMAINDER OF
TITLE IN
NE33 4-28-4
63.07±ha
(155.84±ac)

502.00

NW34 4-28-4

LOT 1
BLOCK 1
0.875±ha
(2.16±ac)



1326LK

SW33
4-28-4

SE33 4-28-4

SW34
4-28-4

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 23-16002TA

NE 1/4 SEC 33, TWP 4, RGE 28, W 4 M

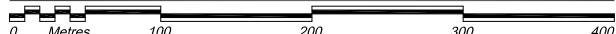
MUNICIPALITY: M.D. OF PINCHER CREEK NO. 9

DATE: JULY 28, 2023

FILE No: 2023-0-078



OLDMAN RIVER REGIONAL SERVICES COMMISSION





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 23-16002TA

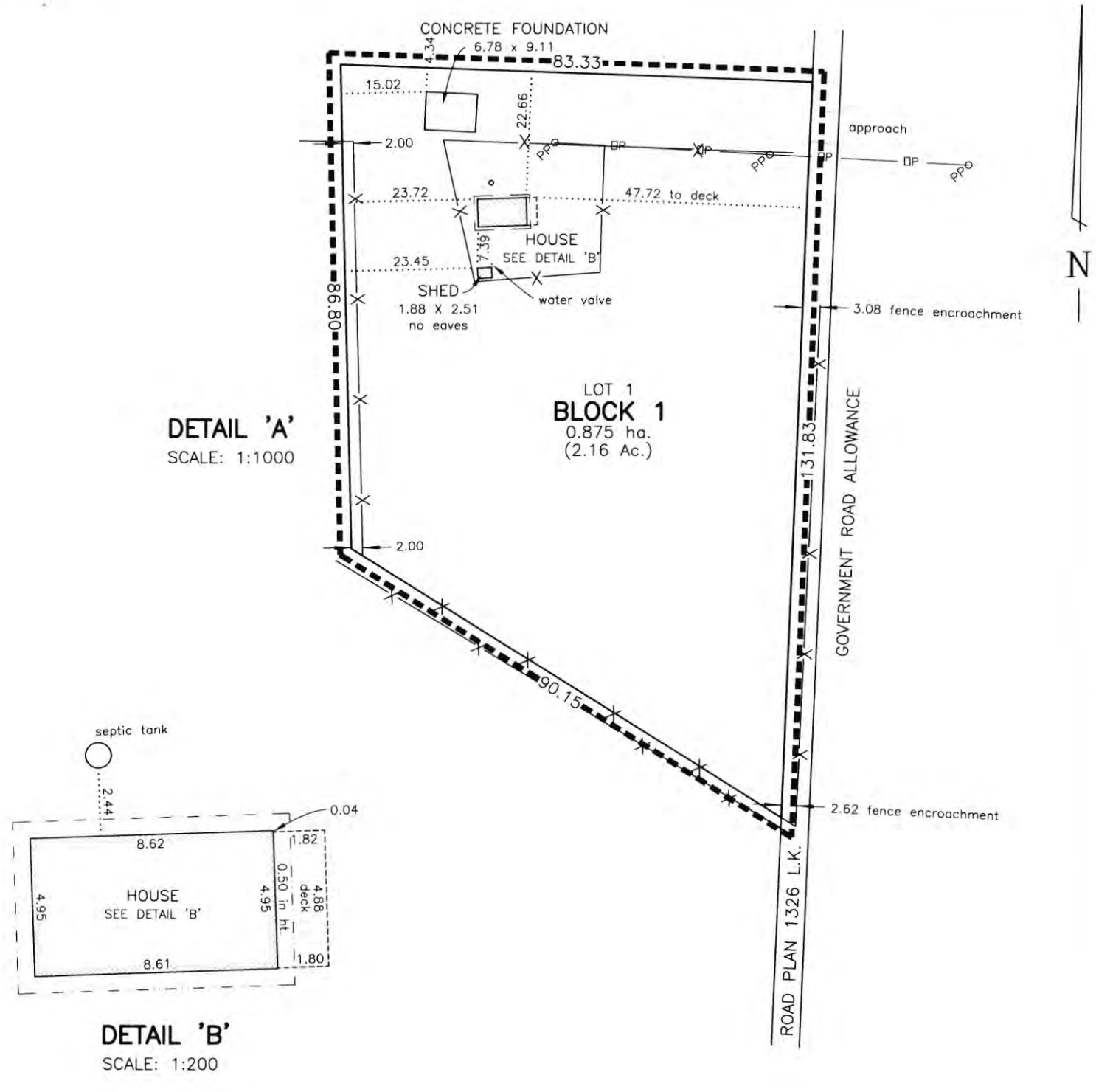
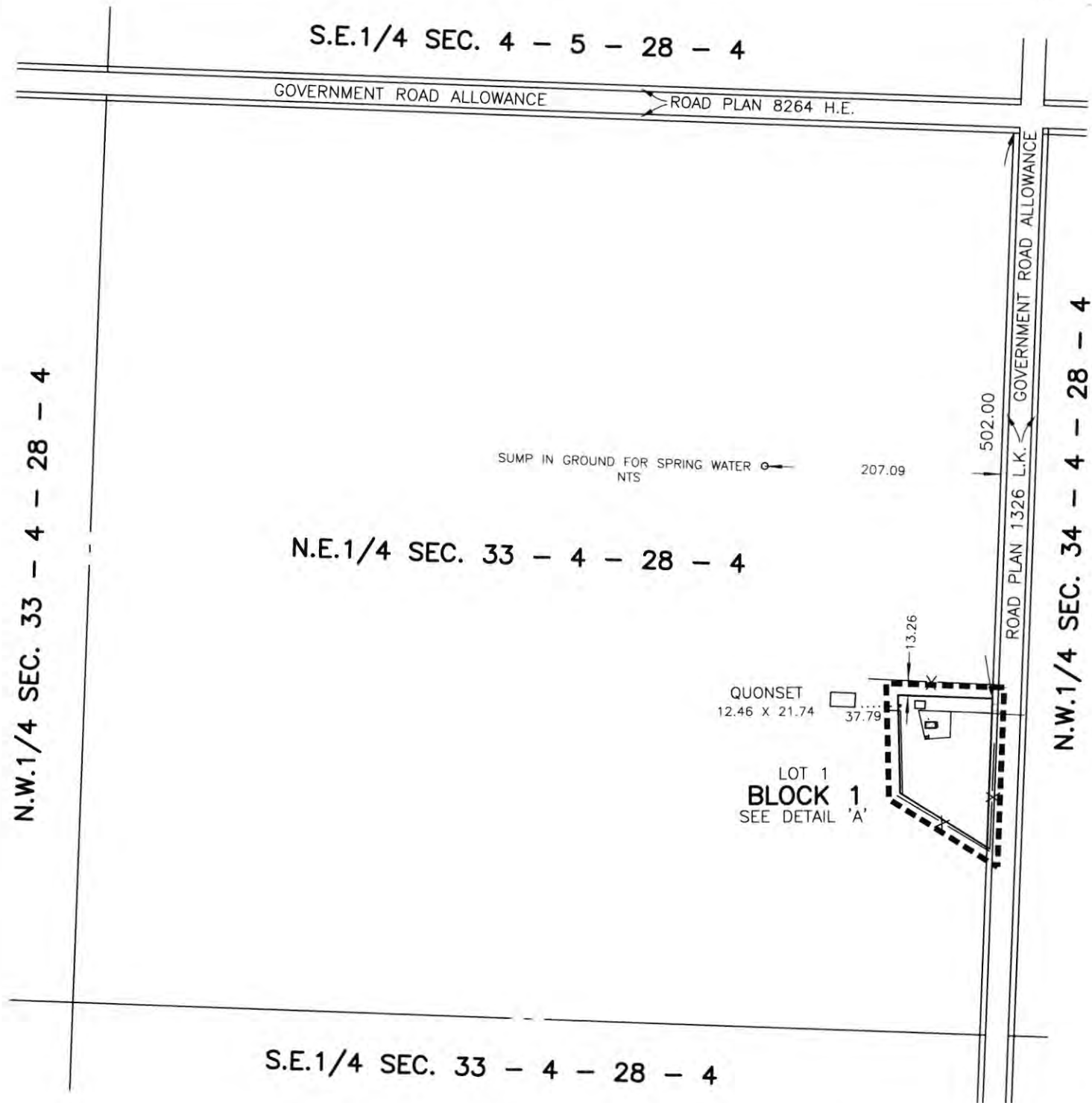
NE 1/4 SEC 33, TWP 4, RGE 28, W 4 M

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

DATE: JULY 28, 2023

FILE No: 2023-0-078





NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus **-----** and contains approximately 0.875 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

LYNNE RHODES

TENTATIVE PLAN SHOWING SUBDIVISION of part of N.E.1/4 SEC. 33, TWP. 4, RGE. 28, W.4 M.

M.D. of Pincher Creek No. 9



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

APPROVED Z.J. Prosper, A.L.S.	DRAWN MJ	DATE MAY 25/23
	CHECKED ZJP	JOB 23-16002
	SCALE 1:5000	DRAWING 23-16002TA

DRAFT RESOLUTION

Our File: 2023-0-087

August 29, 2023

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

Dear Mr. Milligan,

RE: SW1/4 15-6-1-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, AB Health Services - South Zone, Alberta Forestry and Parks s - C. Knowles, AB Environment & Protected Areas - J. Cayford, AB Water Boundaries, AER and Canada Post.

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

2023-0-087

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 15-6-1-W5M

THAT the Country Residential subdivision of SW1/4 15-6-1-W5M (Certificate of Title No. 151 311 422), to create a 13.58 acre (5.49 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the *Matters Related to Subdivision and Development Regulation*.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.
4. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Section 19 of the *Matters Relating to Subdivision and Development Regulation* to accommodate the proposal.
5. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Telus Communications Inc has no objection.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta. FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services. Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.

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

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 507, 775

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 are met, therefore no variance is required. While no variance is required, the department expects the municipality will mitigate the impacts from this proposal to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 648(2)(c.2) of the Municipal Government Act.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act

2. Transportation and Economic Corridors accepts no responsibility for the noise impacts or other impacts of highway traffic upon any development or occupants thereof. The subdivision design should include adequate physical features to ensure that the proposed use of land is compatible with the adjacent provincial highway system. Some of these features might, for example, include landscaping and/or berming, to provide noise attenuation and visual screening from the highway. Implementation of these features is the responsibility of the owner/municipality.

3. The existing access may remain on a temporary basis. All direct highway accesses are to be considered temporary. No compensation shall be payable to the landowner, or their assigns or successors when Alberta Transportation removes or relocates the access or if highway access is removed and access provided via a municipal road or service road.

4. The subject land is within the permit area of a highway as outlined in the Highways Development and Protection Regulation. Proposed development on the subject will require the benefit of a Roadside Development Permit from Alberta Transportation.

Please contact Transportation and Economic Corridors through the RPATH Portal if you have any questions, or additional information.”

(g) Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

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

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

(h) Alberta Agriculture and Irrigation, Water Infrastructure and Operations Branch has reviewed the lands in question and has no comments concerns to add.

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 28, 2023

Date of Receipt:

June 15, 2023

Date of Completeness:


June 15, 2023

TO: Landowner: Bryan Robert Zoratti and Lana Lee Zoratti

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

Referral Agencies: M.D. of Pincher Creek No. 9, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Apex Utilities Inc., AB Health Services - South Zone, Alberta Forestry and Parks s - C. Knowles, AB Environment & Protected Areas - J. Cayford, AB Water Boundaries, AB Agriculture and Irrigation – Water Infrastructure and Operations Branch, AB Transportation, AER, Canada Post

Adjacent Landowners: Zoratti Ranches Ltd, Darcy Fisher, Stanley Fisher

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 Matters Relating to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **July 17, 2023**. (Please quote our File No. **2023-0-087** in any correspondence with this office.)

File No.: 2023-0-087

Legal Description: SW1/4 15-6-1-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

Certificate of Title: 151 311 422

Meeting Date: September 5, 2023

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 13.58 acre (5.49 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, pond, and number of other out-buildings. Access to the lot is presently granted from an existing approach to the north, off of highway 507. 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 surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies, or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That a waiver of the Land Use Bylaw 10 acre maximum parcel size requirement be granted by the Subdivision Approval Authority of the MD of Pincher Creek. Or, that the proposed parcel be reduced in size sufficient to accommodate existing buildings, structures and improvements.

RESERVE:

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

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$100.00</u>	File No: <u>2023-0-087</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>June 15, 2023</u>	Received By: <u>JM</u>
Date Deemed Complete: <u>June 15, 2023</u>	Accepted By: <u>JM</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: BRYAN ROBERT ZORATTI AND LANA LEE ZORATTI
 Mailing Address: BOX 2487 City/Town: PINCHER CREEK
 Postal Code: TOK 1W0 Telephone: [REDACTED] Cell: _____
 Email: [REDACTED] Preferred Method of Correspondence: Email Mail

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

Name of Surveyor: 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 15 Township 56 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: 64.4 hectares 159.1 acres
- d. Total number of lots to be created: 1 Size of Lot(s): 5.49 HECTARES (13.58 ACRES) MORE OR LESS
- e. Rural Address (if applicable): _____
- f. Certificate of Title No.(s): 151 311 422

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. 507
- d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes No
 If "yes", state its name _____
- e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown Yes No

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

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

If 'yes', please describe: _____

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

If 'yes', please describe: _____

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land RURAL RESIDENTIAL
- b. Proposed use of the land RURAL RESIDENTIAL

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.) TREE STANDS, DUGOUT/POND
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) UNKNOWN
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved. SEE TENTATIVE PLAN
- 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/DUGOUT
- b. Describe proposed source of potable water SAME

7. SEWER SERVICES

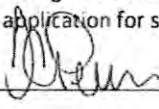
- a. Describe existing sewage disposal: Type SEPTIC TANK/SOAK PIT Year Installed 1969-70
- b. Describe proposed sewage disposal: Type SAME

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Thomas C. Penner, ALS hereby certify that

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

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

Signed:  Date: June 15, 2023

9. RIGHT OF ENTRY

I, Bryan Zeratti, Lana Zeratti 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

  June 16/23
Signature of Registered Owner(s)

boa file 23-16012

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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0020 744 554 5;1;6;15;SW 151 311 422

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 6
SECTION 15
THE SOUTH WEST QUARTER WHICH LIES TO THE SOUTH OF THE ROADWAY
ON PLAN 3190JK
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THE ROADWAY ON PLAN 8737HW CONTAINING 0.348 HECTARE
(0.86 ACRE) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 031 036 607

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

151 311 422 30/11/2015 TRANSFER OF LAND \$850,000 NOMINAL

OWNERS

BRYAN ROBERT ZORATTI

AND

LANA LEE ZORATTI

BOTH OF:

PO BOX 2487

PINCHER CREEK

ALBERTA T0K 1W0

AS JOINT TENANTS

REGISTRATION

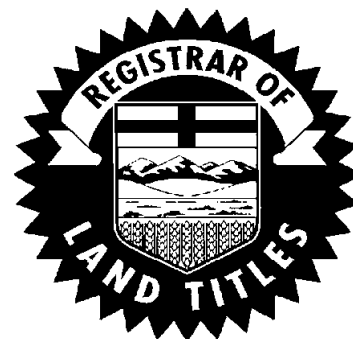
NUMBER	DATE (D/M/Y)	PARTICULARS
861 070 813	29/04/1986	WATER RESOURCES ACT CERTIFICATE "OVER PORTION NE 1/4 21-6-1-W5TH"
861 126 848	05/08/1986	EASEMENT "EXTENDED BY"

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 1 DAY OF MAY, 2023 AT 02:03 P.M.

ORDER NUMBER: 47112818

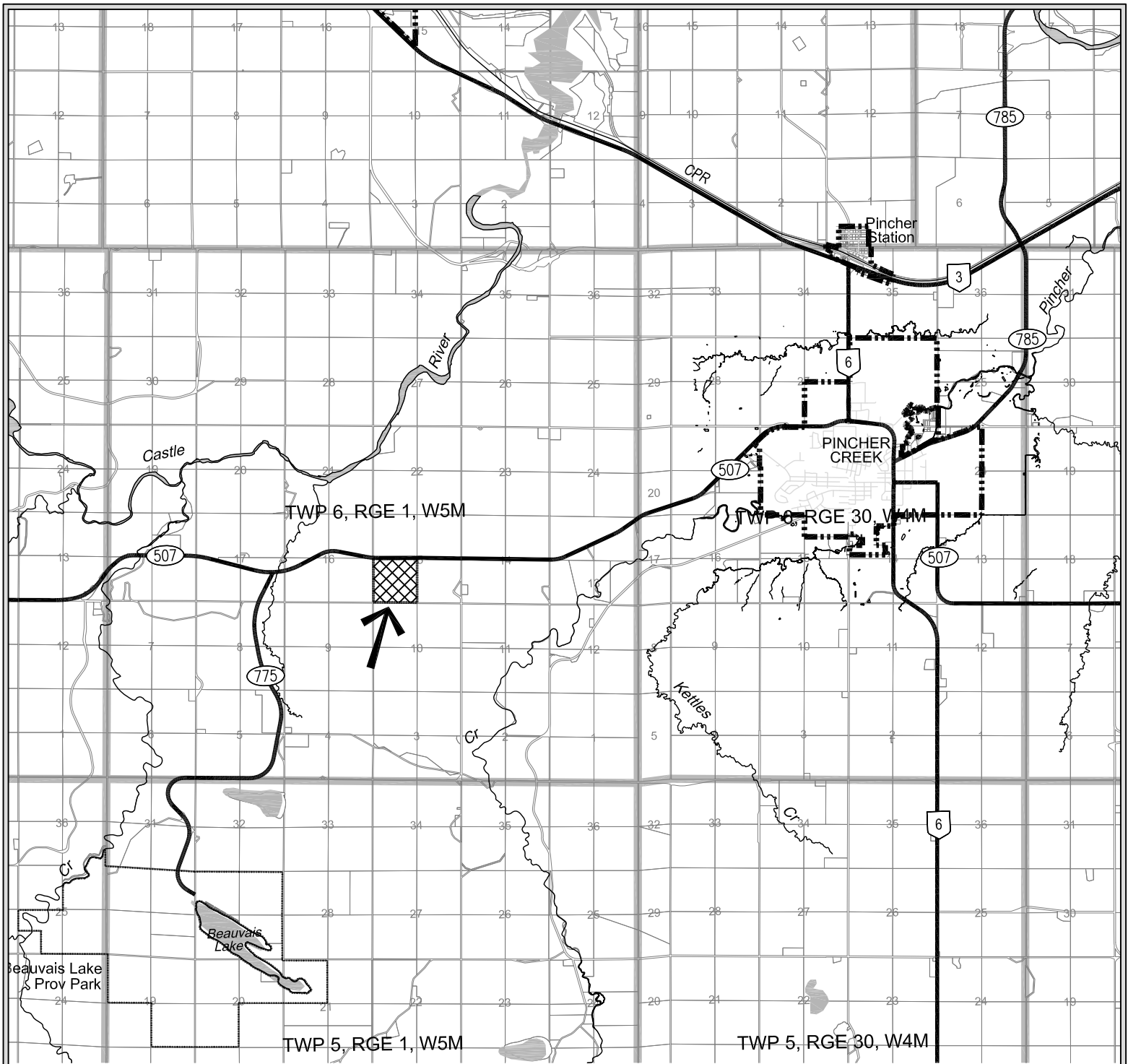
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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



SUBDIVISION LOCATION SKETCH

SW 1/4 SEC 15, TWP 6, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 21, 2023

FILE No: 2023-0-087

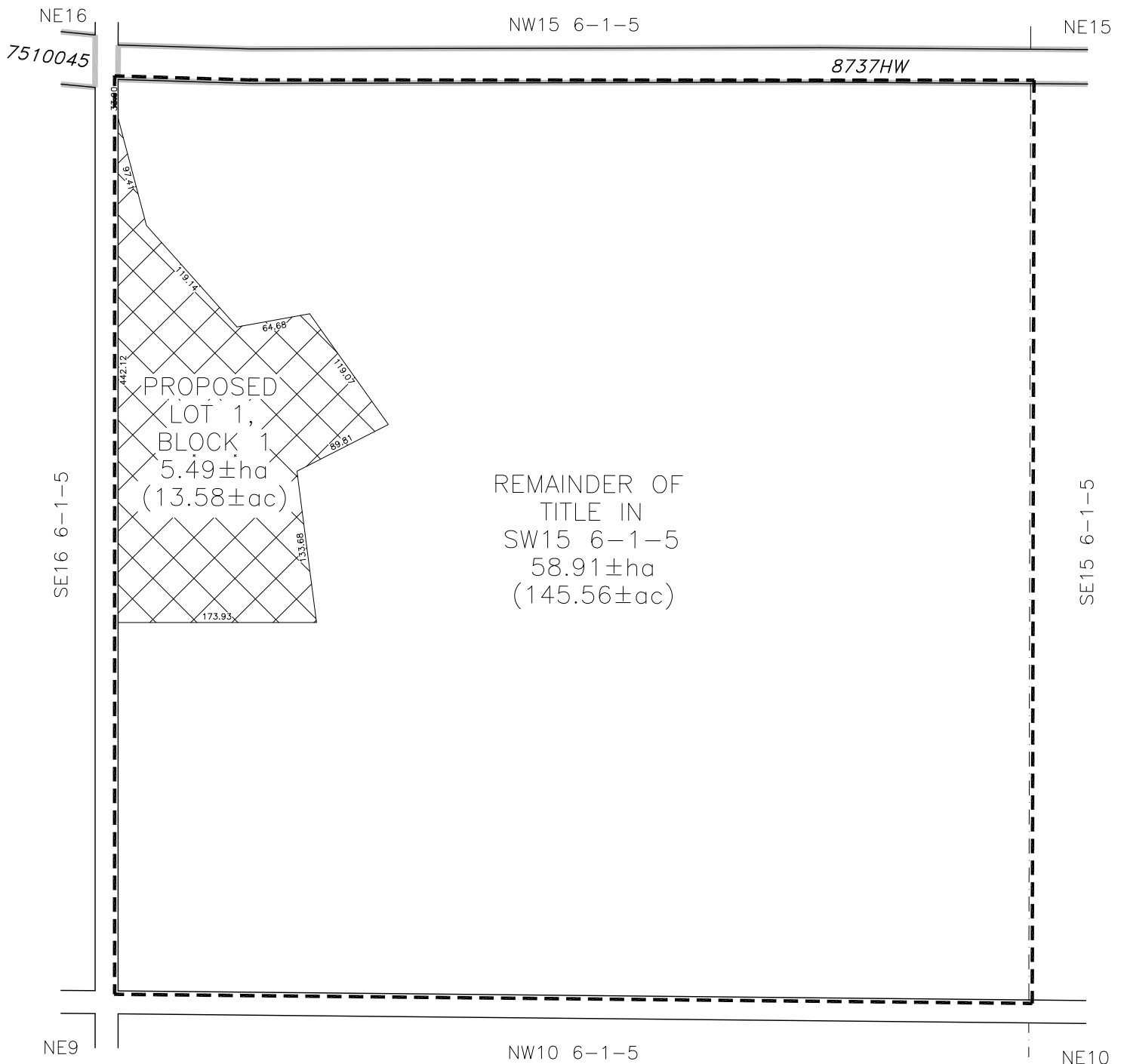
MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 3E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

June 21, 2023 N:\Subdivision\2023\2023-0-087.dwg





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 23-16012T

SW 1/4 SEC 15, TWP 6, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 21, 2023

FILE No: 2023-0-087





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 23-16012T

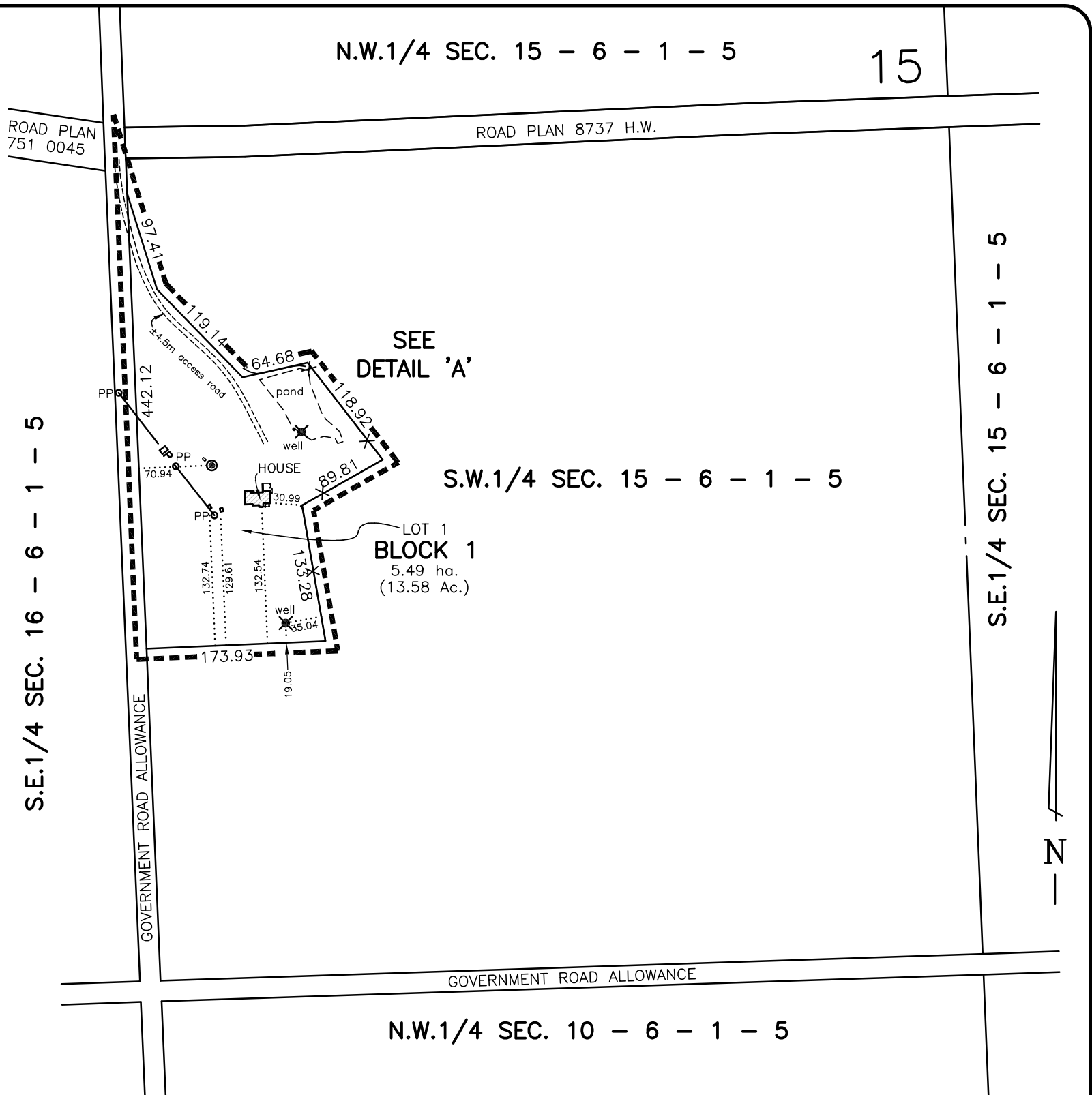
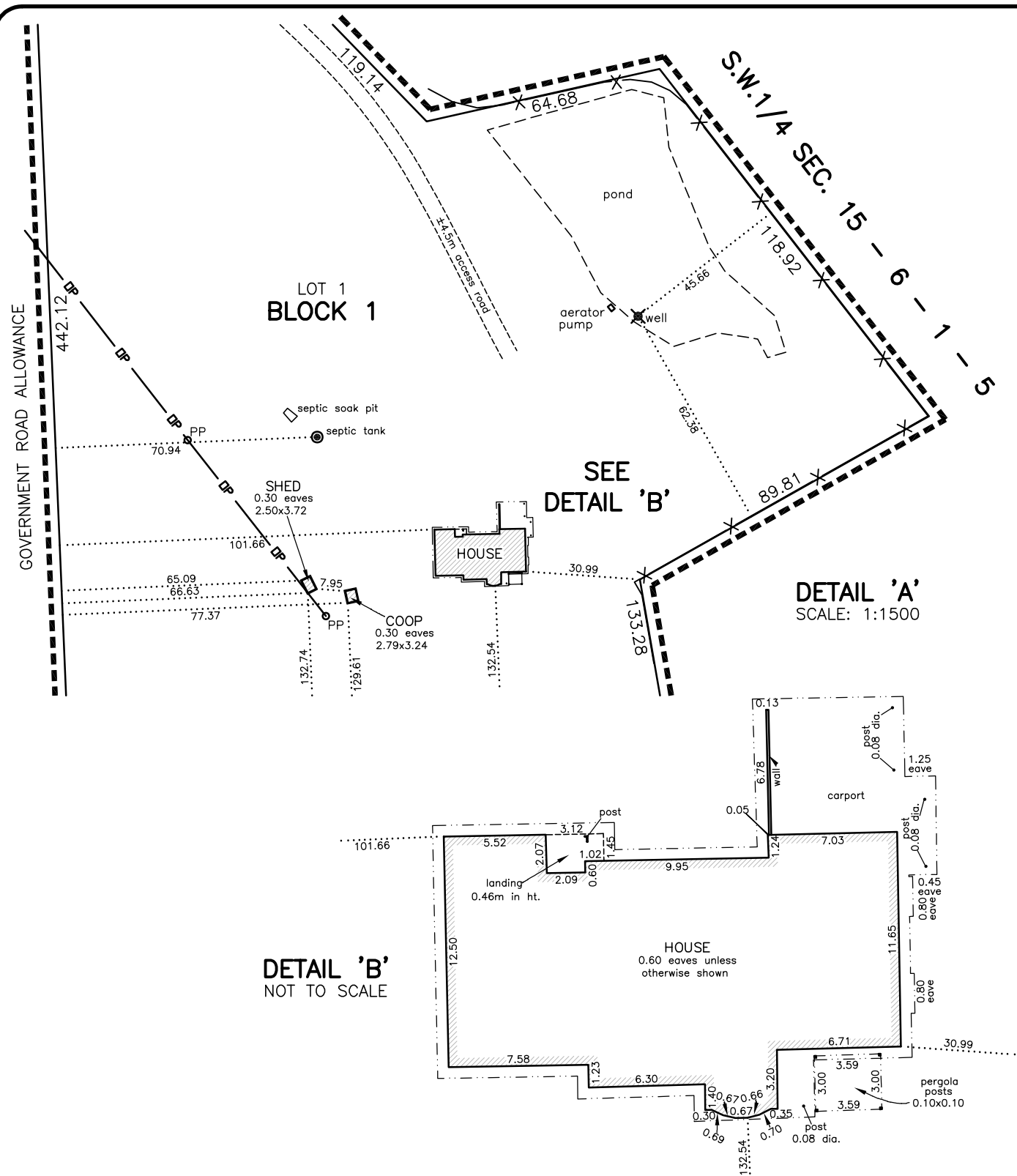
SW 1/4 SEC 15, TWP 6, RGE 1, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 21, 2023

FILE No: 2023-0-087





NO.	REVISION	DATE	BY
	Improvements shown were surveyed on May 2nd, 2023		
	NOTE : Portion to be approved is outlined thus -----		
	and contains approximately 5.49 ha.		
	Distances are in metres and decimal parts thereof.		
	Overhead line is shown thus ----- DP ----- DP -----		
	PP stands for utility pole.		
	Fence lines are shown thus ----- X ----- X -----		
	Distances and areas are approximate and are subject to change upon final survey.		

BRYAN & LANA ZORATTI

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.W.1/4 SEC. 15; TWP. 6; RGE. 1; W.5 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

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

APPROVED T. C. Penner, A.L.S.	DRAWN CJB	DATE JUNE 14/23
	CHECKED TCP	JOB 23-16012
	SCALE 1:5000	DRAWING 23-16012T

DRAFT RESOLUTION

Our File: 2023-0-094

August 29, 2023

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

Dear Mr. Milligan,

RE: E1/2 17-4-29-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 Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AER and Canada Post.

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

2023-0-094

M.D. of Pincher Creek No. 9 Country Residential subdivision of E1/2 17-4-29-W4M

THAT the Country Residential subdivision of E1/2 17-4-29-W4M (Certificate of Title No. 221 150 855 +3), to create a 10.40 acre (4.21 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) and a portion of the adjoining quarter section to the north for country residential use; BE APPROVED subject to the following:

RESERVE:

That the Deferred Reserve Caveats 3678LS and 3679LS be discharged in their entirety.

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy 18.16.
4. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Section 19 of the *Matters Relating to Subdivision and Development Regulation* to accommodate the proposal.
5. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.

INFORMATIVE:

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

- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (f) Historical Resources – Barry Newton, Land Use Planner:

“We have reviewed the captioned subdivision application and determined that in this instance formal *Historical Resources Act* approval is not necessary, and submission of a Historic Resources application is not required.”

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

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 6

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 are met, therefore no variance is required. While no variance is required, the department expects the municipality will mitigate the impacts from this proposal to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 648(2)(c.2) of the Municipal Government Act.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway to the and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

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 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors 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

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.”

- (h) Apex Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.

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

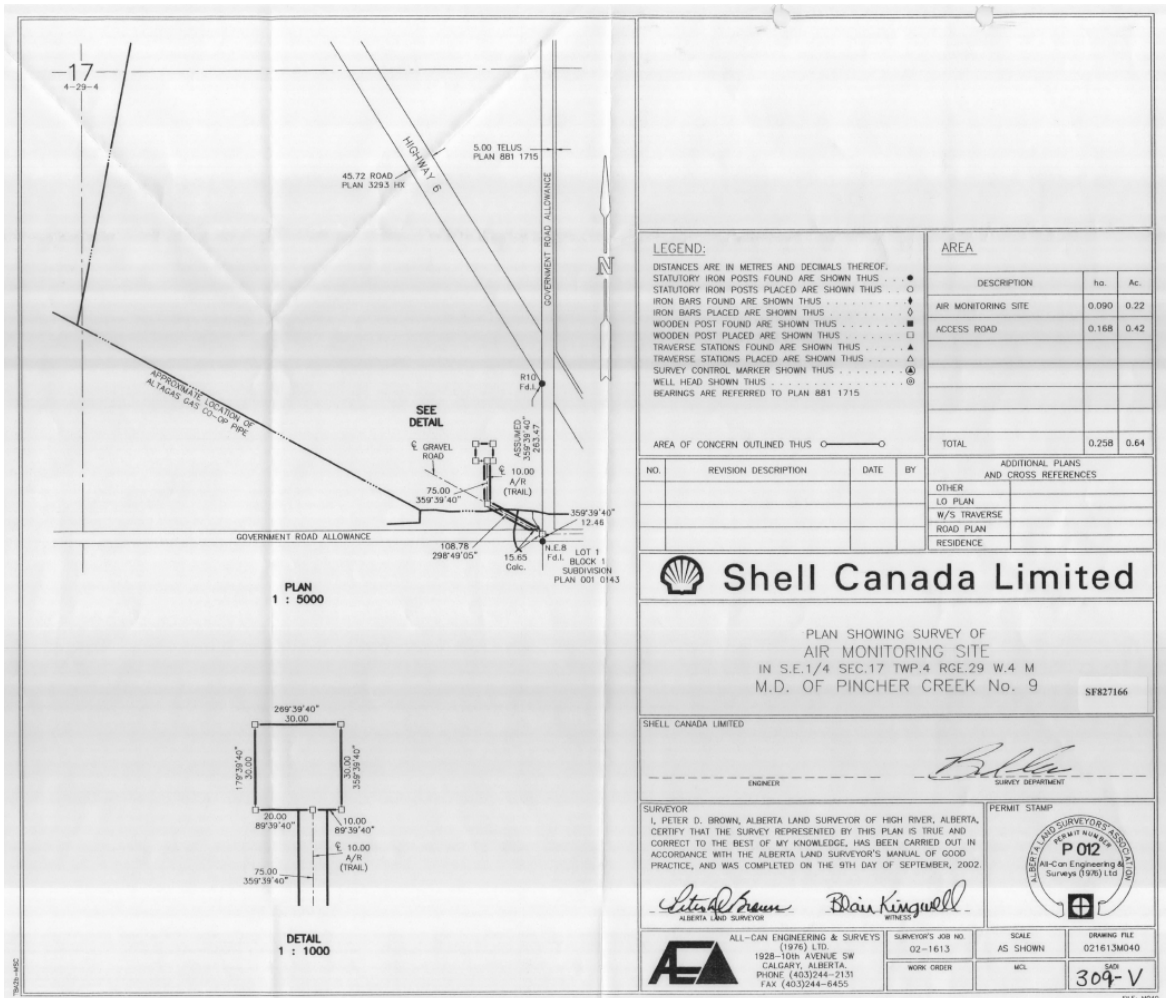
We wish to advise that any relocation of existing facilities will be at the expense of the developer and payment of contributions required for new gas facilities will be the responsibility of the developer.

(i) Comments from Pieridae Energy - Nicky Stegmeier, Senior Surface Land Coordinator:

"Further to the Notice of Application for Subdivision of land dated July 18, 2023, PIERIDAE ALBERTA PRODUCTION LTD., wishes to advise you that we have a current surface lease that engulfs this application.

Pieridae has a Lease that is within the proposed subdivision (survey attached) for the purpose of an Air Monitoring Site. We ask that we are included in all documentation moving forward in the application as soon as the landowner and titles have been updated. There should be additional documentation provided so we can update our records.

Should you have any questions or concerns, please contact the undersigned via email nicky.stegmeier@pieridaeenergy.com."



CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: July 18, 2023

Date of Receipt:

June 29, 2023

Date of Completeness:


June 29, 2023

TO: Landowner: The Nature Conservancy of Canada La Societe Canadienne Pour
La Conservation De La Nature

Agent or Surveyor: Michael A. Thompson, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Holy Spirit RC School Division,
Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Apex Utilities Inc.,
AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AB
Transportation, Historical Resources Administrator, AER, Canada Post, Pieridae Alberta
Production Ltd.

Adjacent Landowners: Deley Ranches Ltd, Jodi & Traci Delay, John & Lander Marr,
Susan Maud McDonald, Susan McDonald, Ty Bowersock

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 Matters Relating to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **August 8, 2023**. (Please quote our File No. **2023-0-094** in any correspondence with this office).

File No.: 2023-0-094

Legal Description: E1/2 17-4-29-W4M

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

Land Designation: Agriculture – A
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 221 150 855 +3

Meeting Date: September 5, 2023

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 10.40 acre (4.21 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) and a portion of the adjoining quarter section to the north for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, barn, shop, 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 domestic well located in the adjoining quarter section to the north.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies, or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That a waiver of the Land Use Bylaw 10 acre maximum parcel size requirement be granted by the Subdivision Approval Authority of the MD of Pincher Creek. Or, that the proposed parcel be reduced in size sufficient to accommodate existing buildings, structures and improvements.
8. That, any conditions of Alberta Arts, Culture and Status of Women, Historic Resources, shall be met prior to finalization.

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(a) of the MGA, as it is the first parcel from the quarter section.
- That the Deferred Reserve Caveats 3678LS and 3679LS be discharged in their entirety.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$1450.00</u>	File No: <u>2023-0-094</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>June 29, 2023</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>June 29, 2023</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Nature Conservancy of Canada

Mailing Address: Box 93014 Stampede Station P.O. City/Town: Calgary

Postal Code: T2G 0X6 Telephone: [REDACTED] Cell: _____

Email: [REDACTED] Preferred Method of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): Halma Thompson Land Surveys Ltd.

Mailing Address: 200 - 410 Stafford Drive S City/Town: Lethbridge

Postal Code: T1J 2L2 Telephone: 403-381-1320 Cell: _____

Email: mthompson@htlandsurveys.ca Preferred Method of Correspondence: Email Mail

Name of Surveyor: Halma Thompson Land Surveys Ltd.

Mailing Address: 200 - 410 Stafford Drive S City/Town: Lethbridge

Postal Code: T1J 2L2 Telephone: 403-381-1320 Cell: _____

Email: mthompson@htlandsurveys.ca Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the E ¼ Section 17 Township 4 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: 4.21 hectares 10.40 acres

d. Total number of lots to be created: 1 Size of Lot(s): See Plan

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 221 150 855 +3

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. 5

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

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

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

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

If 'yes', please describe: _____

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

If 'yes', please describe: _____

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Rural Residential
- b. Proposed use of the land Rural Residential

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Rolling Hills
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) Developed yard
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) sandy clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
All buildings to remain
- 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 Well (Same)

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type Septic Field x 2 Year Installed Unknown
- b. Describe proposed sewage disposal: Type Septic Field x 2 (same)

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Michael Thompson

hereby certify that

I am the registered owner

I am authorized to act on behalf of the register owner

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

Signed: _____



Date: _____

June 29, 2023

9. RIGHT OF ENTRY

I, Michael Thompson, on behalf of Owner

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 33(c) of the Freedom of Information and Protection of Privacy Act. Please note that such information may be made public. If you have any questions about the information being collected, contact the Oldman River Regional Services Commission FOIP Coordinator at 403-329-1344.



LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0021 639 273	4;29;4;17;NE	221 150 855 +1
0021 639 299	4;29;4;17;NW	
0021 639 307	4;29;4;17;OT	
0021 639 281	4;29;4;17;SE	

LEGAL DESCRIPTION

FIRST

MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 17

THAT PORTION OF THE NORTH EAST QUARTER LYING TO THE SOUTH AND EAST OF THE DRYWOOD RIVER ON PLAN 2256EE CONTAINING 63.1 HECTARES (156.1 ACRES) MORE OR LESS EXCEPTING:

(A)

THAT PORTION OF THE SAID QUARTER SECTION WHICH LIES TO THE SOUTH OF THE SAID NO. 6 HIGHWAY AND TO THE NORTH WEST OF THE SAID ACCESS ROAD CONTAINING 1.62 HECTARES (4 ACRES) MORE OR LESS

(B)

PLAN	NUMBER	HECTARES (MORE OR LESS)	ACRES
NO. 6 HIGHWAY	3293HX	3.05	7.55
ACCESS ROAD	3293HX	0.522	1.29

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

SECOND

MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 17

THAT PORTION OF THE NORTH WEST QUARTER WHICH LIES TO THE SOUTH AND EAST OF THE DRYWOOD RIVER AND TO THE NORTH OF THE NO. 6 HIGHWAY CONTAINING 9.32 HECTARES (20.575 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME

THIRD

THE ROAD ALLOWANCE ADJOINING THE SOUTH BOUNDARY OF THE SOUTH EAST QUARTER OF SECTION 17 TOWNSHIP 4 RANGE 29 WEST OF THE FOURTH MERIDIAN

(CONTINUED)

CONTAINING 1.61 HECTARES (3.985 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

FOURTH
MERIDIAN 4 RANGE 29 TOWNSHIP 4
SECTION 17
QUARTER SOUTH EAST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING:

PLAN	NUMBER	HECTARES (MORE OR LESS)	ACRES
NO. 6 HIGHWAY	3293HX	2.70	6.68

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: 201 166 306

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
221 150 855	20/07/2022	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

THE NATURE CONSERVANCY OF CANADA LA SOCIETE CANADIENNE POUR LA CONSERVATION
DE LA NATURE.
OF P.O. BOX 93014 STAMPEDE STATION P.O.
CALGARY
ALBERTA T2G 0X6

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	NUMBER	DATE (D/M/Y)	PARTICULARS
	3678LS	05/03/1973	CAVEAT CAVEATOR - THE OLDMAN RIVER REGIONAL PLANNING COMMISSION. DEFERRED RESERVE CAVEAT
	3679LS	05/03/1973	CAVEAT CAVEATOR - THE OLDMAN RIVER REGIONAL PLANNING COMMISSION. DEFERRED RESERVE CAVEAT
	811 050 772	23/03/1981	CAVEAT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3

221 150 855 +1

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CAVEATOR - ICG UTILITIES (PLAINS-WESTERN) LTD.

821 190 846 08/11/1982 UTILITY RIGHT OF WAY
GRANTEE - ICG UTILITIES (PLAINS-WESTERN) LTD.
AFFECTED LAND: 4;29;4;17;SE

991 193 204 08/07/1999 UTILITY RIGHT OF WAY
GRANTEE - ALTAGAS UTILITIES INC.
AFFECTED LAND: 4;29;4;17;NE
4;29;4;17;SE

031 328 554 24/09/2003 CAVEAT
RE : PIPELINE AGREEMENT
CAVEATOR - PIERIDAE ALBERTA PRODUCTION LTD.
ATTN: LAND DEPARTMENT
3100, 308-4 AVE SW
CALGARY
ALBERTA T2P0H7
AFFECTED LAND: 4;29;4;17;SE
(DATA UPDATED BY: TRANSFER OF CAVEAT
201033192)

081 376 977 06/10/2008 CAVEAT
RE : EASEMENT
AFFECTED LAND: 4;29;4;17;NE

081 376 978 06/10/2008 CAVEAT
RE : EASEMENT
AFFECTED LAND: 4;29;4;17;NE

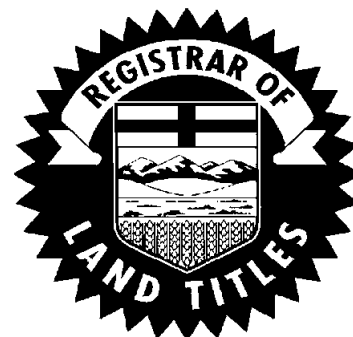
091 378 589 15/12/2009 EASEMENT
AFFECTED LAND: 4;29;4;17;NE
OVER AND FOR BENEFIT OF: SEE INSTRUMENT
AS TO PLAN: SEE INSTRUMENT

TOTAL INSTRUMENTS: 009

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 26 DAY OF JUNE,
2023 AT 07:21 A.M.

ORDER NUMBER: 47616490

CUSTOMER FILE NUMBER: H22322

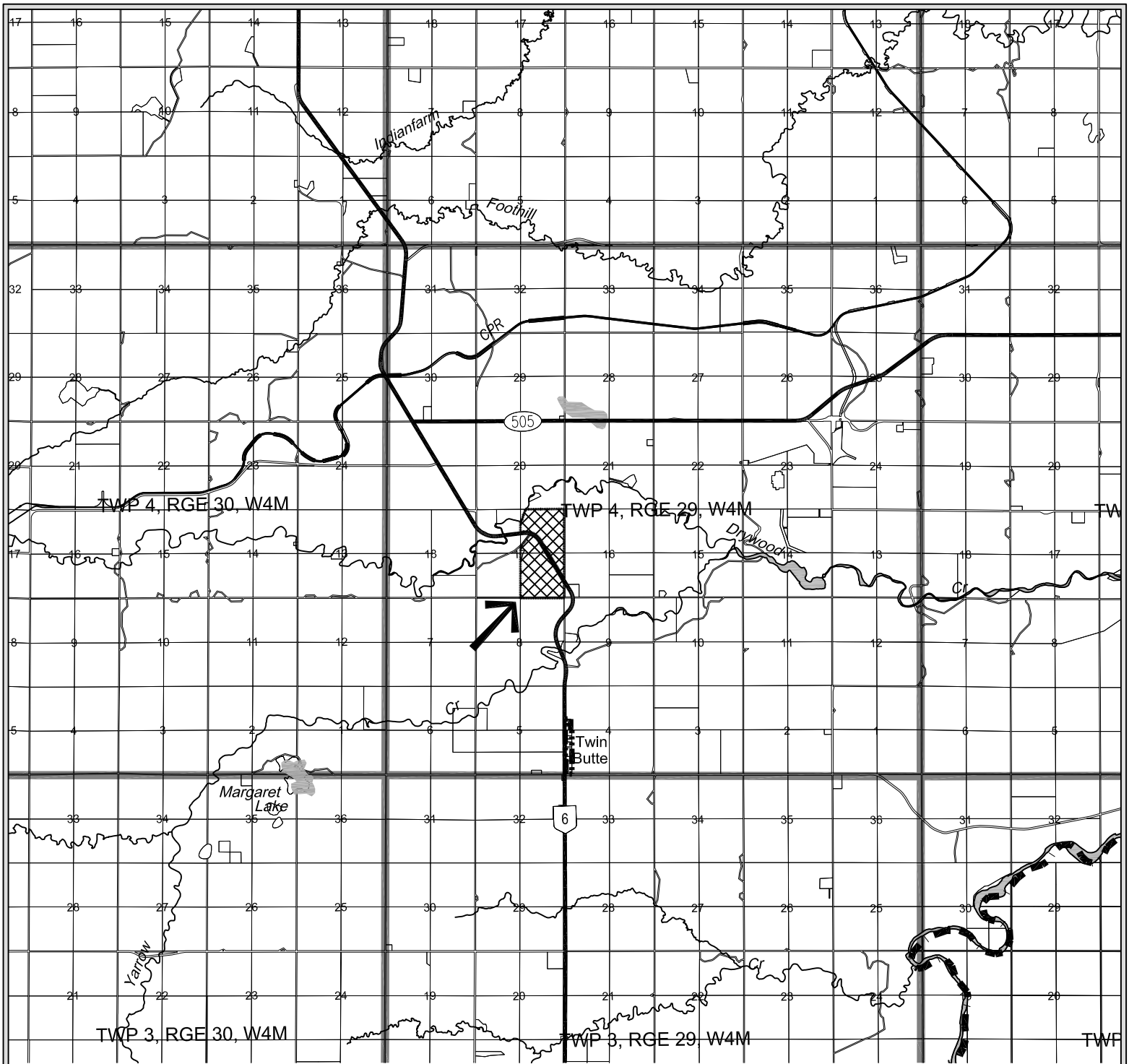


END OF CERTIFICATE

(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

E 1/2 SEC 17, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 30, 2023

FILE No: 2023-0-094

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



OLDMAN RIVER REGIONAL SERVICES COMMISSION

June 30, 2023 N:\Subdivision\2023\2023-0-094.dwg



SW20
4-29-4

SE20 4-29-4

SW21
4-29-4

NW17 4-29-4

REMAINDER OF
TITLE IN
NE17 4-29-4
57.65±ha
(142.45±ac)
(in 2 parts)

NW17 4-29-4

NE17

NW17

REMAINDER OF
TITLE IN
NE17 4-29-4

REMAINDER OF
TITLE IN
SE17 4-29-4

TABLE OF AREAS
PROPOSED LOT 1, BLOCK 2

From SE17 4-29-4	= 3.88±ha(9.59±ac)
From NE17 4-29-4	= 0.33±ha(0.81±ac)
TOTAL	= 4.21±ha(10.40±ac)

SW17 4-29-4

REMAINDER OF
TITLE IN
SE17 4-29-4
58.17±ha
(143.73±ac)
(in 2 parts)

PROPOSED
LOT 1,
BLOCK 2
4.21±ha
(10.40±ac)

Proposed 20.12m
mutual access easement

NW8
4-29-4

NE8 4-29-4

0010143

SUBDIVISION SKETCH

See tentative plan of subdivision by Michael A. Thompson ALS file no. H22322

E 1/2 SEC 17, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

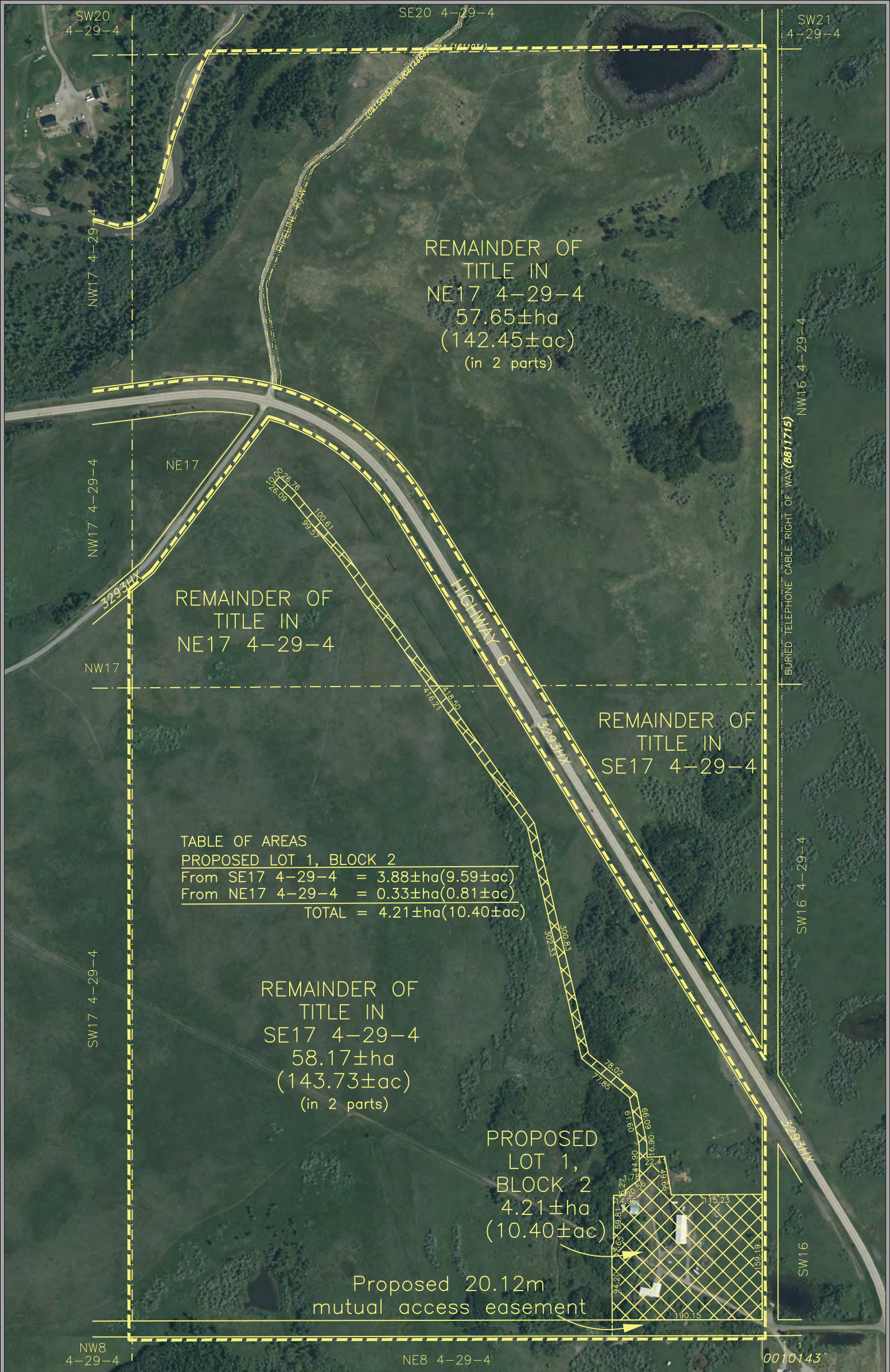
DATE: JUNE 30, 2023

FILE No: 2023-0-094



0 Metres 100 200 300 400
June 30, 2023 N:\Subdivision\2023\2023-0-094.dwg





REMAINDER OF
TITLE IN
NE17 4-29-4
57.65±ha
(142.45±ac)
(in 2 parts)

REMAINDER OF
TITLE IN
NE17 4-29-4

REMAINDER OF
TITLE IN
SE17 4-29-4

TABLE OF AREAS
PROPOSED LOT 1, BLOCK 2

From SE17 4-29-4	= 3.88±ha(9.59±ac)
From NE17 4-29-4	= 0.33±ha(0.81±ac)
TOTAL	= 4.21±ha(10.40±ac)

REMAINDER OF
TITLE IN
SE17 4-29-4
58.17±ha
(143.73±ac)
(in 2 parts)

PROPOSED
LOT 1,
BLOCK 2
4.21±ha
(10.40±ac)

Proposed 20.12m
mutual access easement

SUBDIVISION SKETCH

See tentative plan of subdivision by Michael A. Thompson ALS file no. H22322
E 1/2 SEC 17, TWP 4, RGE 29, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: JUNE 30, 2023
FILE No: 2023-0-094

AERIAL PHOTO DATE: 2015

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

June 30, 2023 N:\Subdivision\2023\2023-0-094.dwg

CLIENT:
NATURE CONSERVANCY OF CANADA
P.O. BOX 30044, STAMPEDE STATION
CALGARY, AB
T2C 0Y0

DESCRIPTION OF PROPERTY:
CIVIC ADDRESS:
ATS DESCRIPTION: N 1/2 SEC 17, TWP 4, RGE 29, W 4th MER
C of T 221 950 850 -1
REGISTERED OWNERS: THE NATURE CONSERVANCY OF CANADA
LA SOCIÉTÉ CANADIENNE POUR LA CONSERVATION DE
LA NATURE

ABBREVIATIONS:

A	Control Angle of Curve	Ms	2 metre Standard Alberta Survey Marker Post
A	Albers	MR	Municipal Reserve
Ac	Access	N.E.C.W.	North East, South, West
ASCM	Alberta Survey Control Marker	NAD	North American Datum
A/R	Access Road	PPP	Private Post Positioning
C of T	Certificate of Title	PI	4 Pin
CM	Chain Measure	PP	4 Rod Pin
cs	Cornermark	PI	Pin
CSRS	Canadian Spatial Reference System	P.L.	Public Utility Lot
FCP	Fence Corner Post	R	Road
Fd	Found	RI	Road Bearing
H	Heaviness	R/W	Right of Way
I	Stipulated Iron Post	Re-est	Re-established
IS	Stipulated	R/W	Road
LSD	Legal Subdivision	R/R	Range
M	Mark	SEC	Section
M	Mound	TWP	Township
MCR	Mention	U	Utility Right-of-Way
M	Mark	UTM	Universal Transverse Mercator

LEGEND:

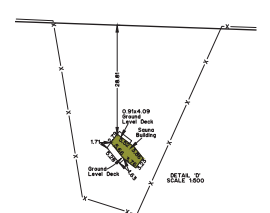
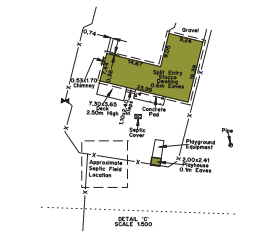
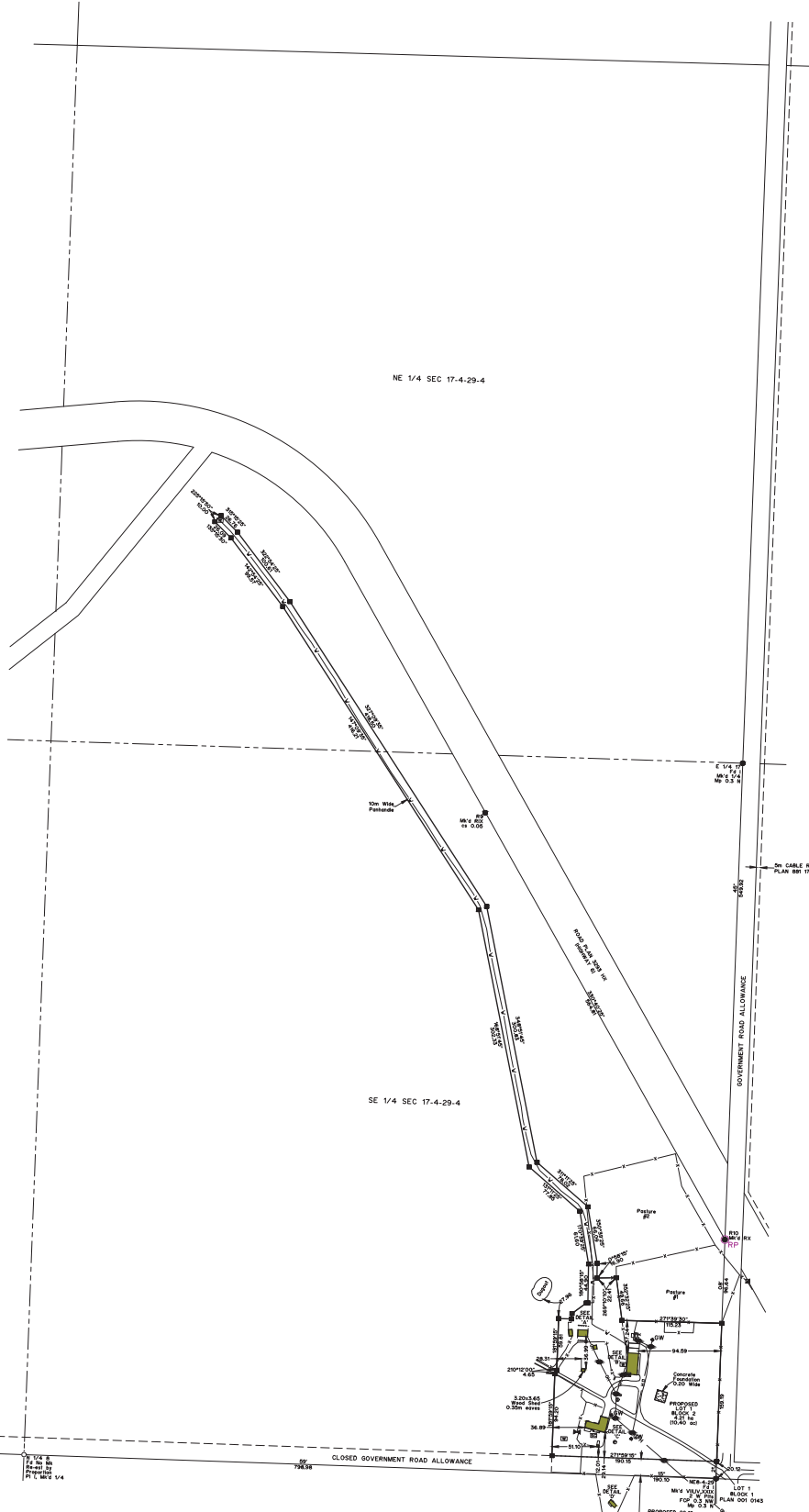
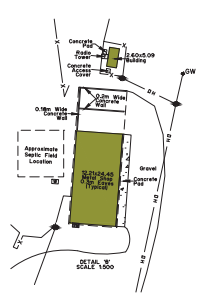
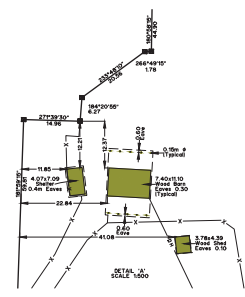
●	Alberta Survey Control Marker	— — —	Fence Line
●	Stipulated Iron post found	— — —	Overhead Power
●	Stipulated Iron post placed, marked P254	— — —	Water Line
□	Utility line	— — —	Water Line
⊙	Sign		
⊙	Water Valve		
⊙	Power Pole		
⊙	Guy Wire		
⊙	Water Well		

RD (Red) Unsubstantiated Point

Distances are ground and are in metres and decimals hereof, and are between survey monuments unless otherwise shown.
Bearings are given UNLESS NOTED, derived from GNSS observations, and are referred to the meridian through TWP West Longitude.
Latitude dealt with by this plan are based on _____ and section 4.21 ha

NOTES:

- The unsubstantiated point is a found stipulated iron post, UTM NAD83 (ORIGINAL) coordinate: 6484098.87 N, 2551031.91 E.
- The unsubstantiated coordinate was calculated using the published ATS Ver. 4.1 coordinate value for E 1/4 SEC 8-4-29-4.
- A combined factor of 0.99999 was used to scale ground distances to the projected plane.
- Field survey was completed between the dates of September 30, 2023 and May 10, 2023.
- Fence lines along property lines are within 0.2m of the property line unless noted otherwise.



THE EXISTENCE OR LOCATION OF ALL UTILITIES AS SHOWN ON OR OMITTED FROM THIS PLAN MAY BE BASED ON INFORMATION RECEIVED FROM THE RESPECTIVE AUTHORITIES AND ARE NOT GUARANTEED BY THE LAND SURVEYOR. NO RESPONSIBILITY IS IMPLIED OR ASSUMED BY THE LAND SURVEYOR AS TO THE LOCATION OF ANY UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXISTENCE AND LOCATION OF ALL SUCH UTILITIES AND MUST CONTACT THE VARIOUS UTILITY COMPANIES FOR MORE INFORMATION PRIOR TO COMMENCEMENT OF ANY OPERATIONS.

ISSUE	DATE	REVISION	CAD	CHK
O	2023-06-24	ORIGINAL SUBMISSION	D.L.	M.T.

NATURE CONSERVANCY OF CANADA

TENTATIVE PLAN
SHOWING PROPOSED SUBDIVISION OF
PART OF
E 1/2 SEC 17,
TWP 4, RGE 29, W 4th MER

AND ADJOINING CLOSED GOVERNMENT ROAD ALLOWANCE
MUNICIPAL DISTRICT OF PINCHER CREEK No. 9
ALBERTA

SUBJECT TO APPROVAL OF THE LOCAL APPROVING AUTHORITY

SCALE 1:2000

MICHAEL A. THOMPSON
ALBERTA LAND SURVEYOR

JOB H2352
DRAWING H2352T

DRAFT RESOLUTION

Our File: 2023-0-104

August 29, 2023

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

Dear Mr. Milligan,

RE: Lot 24, Block 14, Plan 8810351 within W1/2 10-6-2-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, ATCO Pipelines, AB Environment & Protected Areas - J. Cayford, AER and Canada Post.

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

2023-0-104

M.D. of Pincher Creek No. 9: Residential subdivision of Lot 24, Block 14, Plan 8810351 within W1/2 10-6-2-W5M

THAT the Residential subdivision of Lot 24, Block 14, Plan 8810351 within W1/2 10-6-2-W5M (Certificate of Title No. 991 113 228), create a 0.11 acre (0.046 ha) parcel from a title of 0.47 acres (0.19 ha) for hamlet residential use; BE REFUSED for the following reasons:

REASONS:

1. The proposed lot does not comply with the minimum lot size requirement of 5000sqft. for proposed serviced lots prescribed within the Hamlet Single-Detached Residential 1 – HR-1 land use district.
2. The proposed lot does not meet Municipal Development Plan subdivision policy 18.33 which states:

“ All rectangular lots and, so far as practical all other lots, shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd shaped lots having boundary lines that intersect at extreme angles shall be avoided.”
3. The Subdivision Authority is of the opinion that given the estate style design of the existing lots along 2nd Avenue and further given that the existing house is in the middle of the subject lot, the proposal is not in keeping with the neighborhood character. The 2019 Hamlet survey and the attached letters in opposition to this proposal show that the existing large open lots create a sense of neighborhood that everyone bought into along this street and the subdivision authority agrees with that position. A 38 foot frontage although not limited by the land use district creates a housing density not in keeping with area whose lots are over 100 feet wide.

INFORMATIVE:

(a) Additional Submissions from David McNeill & Linda Farley (Applicant):

Addendum:

“We are longtime residents of Beaver Mines, 37 years to be exact, and it is home for us. We helped create the Beaver Mines Community Association, both of us have served on its board, have contributed hours of volunteer work to various projects of the Association and the hamlet. We’ve also worked with other Pincher community organizations throughout those years (MD councillor, the Pincher Gymnastics Club, The Dolphins Swim Club, the Allied Arts Council (board member and president), the West Castle Ski Club (board member). We helped create and were on the board of the Syncline Castle Trails Association, the Bert Rigall Environmental Foundation, and have taught ESL to an immigrant family for a year. We continue to contribute to our community.

We built the house we live in now and raised a family of two children. But it is a big house, the children are long grown up and gone and we are getting older. We have wanted to downsize to a smaller house.

We have considered buying a house or a lot in the hamlet, but nothing suitably sized has become available and lot prices are beyond our means. We have looked in Pincher Creek and the Crowsnest Pass, but nothing appropriate is there either. We have considered the options in this area and we really want to continue living in the hamlet.

We realized that, with construction of the water, wastewater system almost complete, we could subdivide our own lot, carving out 5000 square feet plus and thereon build a new home that is smaller, up to date in building and conservation standards and easier to maintain.

It has been suggested we subdivide on the southwest side of the current house where there is more room to do so. The problems are several: there is a spring runoff diversion drainage ditch by the fence shared with the park, in the winter the winds blow hard with no protection up wind and they blow in a lot of snow that would be problematic. The daytime living space of the current house will be minimally affected by the new house and activities on the new subdivision, as it is placed on the northeast side of the house.

Thank you for taking this information into your considerations.”

Supplementary Letter:

“On July 21, 2023, we submitted an application for subdivision. The submission was deemed complete July 26, 2023. On August 31, senior planner Gavin Scott submitted his preliminary comments.

We take this opportunity to respond to those comments, and in the process clarify some assumptions.

- 1/ ACCESS to the proposed new lot would be directly off 2nd Avenue, not through the original lot.
- 2/ WATER/WASTE WATER TIE IN - if the subdivision is approved, the new lot will have its own water and waste water tie-ins to the municipal system.
- 3/ LOT SIZE - Our lot is 5003 square feet. Our proposal is guided by Land Use Bylaw 1289-18, under Hamlet Single Detached Residential, which says the minimum lot size in the hamlet, once water and waste water are installed, is 5000 square feet. We took that to mean everywhere in the hamlet, not just certain streets and avenues
- 4/ PRECEDENT - a subdivision of approximately 5000 square feet was permitted for that 1st Avenue last winter.

The MD would be best served by densifying its hamlets, and in so doing take pressure off fragmentation of agricultural land. This subdivision will increase the tax base of the MD while still keeping to the hamlet’s unique community feel. We intend a high quality, sustainable development - aligning with the vision of the MDP - designed by Savill Architecture.

This not a second home for us, and will allow us to continue living in the community. As we indicate in an addendum to the original submission we have a history of community involvement, the sort that makes the community strong.”

- (b) Telus Communications Inc has no objection.
- (c) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (d) In reference to the above request, please be advised of ATCO Gas’ response and notify the landowner of the following:
 - ATCO Gas has no objection
 - ATCO Gas has no need for a Utility Right of Way currentlyATCO Gas would also like to make the MD/County and Landowner/Developer aware of the following:
 - If conducting any ground disturbance on the subject property, the landowner/developer must ensure the location of all utilities by contacting Utility Safety Partners at 1-800-242-3447 or <https://utilityafety.ca/>
 - For any ground disturbance within 30m of an existing gas line please contact Crossings@atcogas.com to obtain permission (submit locate slip as back up)

- ATCO Gas requires a minimum of 6 months' notice to design and construct a new gas line, or alter an existing gas line. New Service installations, pipeline alterations, and Main extensions will be performed at the landowner/developers expense.
- If the landowner requires a single gas service please visit <https://gas.atco.com/en-ca/products-services-rates/new-services-changes/new-natural-gas-line.html>

Any further questions please email southlandadmin@atco.com.

(e) Historical Resources – Barry Newton, Land Use Planner:

"We have reviewed the captioned subdivision application and determined that in this instance formal *Historical Resources Act* approval is not necessary, and submission of a Historic Resources application is not required."

(f) 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:

- Historic problems with wastewater management and potable water are known in the Hamlet of Beaver Mines. AHS advises any new development should have provisions for potable water supply and safe wastewater management until connection to the municipal systems.

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

(g) Alberta Transportation – Evan Neilsen, Development/Planning Technologist:

"This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 774, 507

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

- The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act
- 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 7(6)(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) Comments from Bert Nyrose:

"While noting that it is stated "access to the lot is presently granted from an existing driveway", this does not indicate legal access from 2nd Ave is available for the proposed lot.

Also, while the minimum area is met under the LUB , it appears the layout is defined by side clearance requirements resulting in an odd shaped lot inconsistent with the hamlet layout.

This is not conducive to any future vision for development and could become precedent setting for other similar lots where splitting may be contemplated.

Given that it appears there are other more suitable options for the long term development of the hamlet with the introduction of water and sewer lines plus the possibility that additional lot splitting may result in overload to the design of the system, this proposed lot subdivision is unwarranted."

(i) Comments from Todd Jackson:

"My wife and I are adjacent owners to the northeast (at 505 2nd Ave, Beaver Mines). We are arguably the most affected by the proposed subdivision.

We are writing *in support* of the proposed subdivision.

While the new lot size and width are at the minimums outlined in the land use bylaw, they are still within the limits of the HR-1 designation. We believe the bylaw provides a level and transparent set of rules for all to follow. While our neighbours have cut it close, they have stuck to the bylaw. If there is an underlying vision for the future of the Hamlet which conflicts with the Land Use , I would be interested to read more on it.

As usual, I assume that items like setbacks, lot coverage etc. will be addressed as part of the Development Permit process.

Please feel free to contact me if you have any questions."

(j) Comments from Mary and Ken May:

"I am writing to you regarding file # 2023-0-104, a proposed new subdivision on 2nd Avenue in Beaver Mines. I believe that our MD bylaw states that any subdivision in our hamlet should be on a 5000 square foot piece of property. I think that this bylaw should be adhered to and that exceptions should not be allowed. As our hamlet grows with the addition of water and sewer services, we need to have very definite guidelines re the construction of any new homes.

I will await your decision on this application."

(k) Comments from Robert and Patricia Black:

"We are writing this letter to show our objection to the proposed subdivision in Beaver Mines. We are full time residents at 417-2nd ave. Beaver Mines.

We feel strongly that by allowing this subdivision to go through, that it sets a precedent for future additional applications. This would adversely affect the aesthetics and atmosphere of our community, which was developed with approximately half acre lots, providing a country acreage feel with plenty of privacy and green space between lots.

Allowing a house to be built on a small lot close to another dwelling changes the character of this community. Residents chose to purchase here because of the large lot size and rural character. We don't want to have homes built close together and if one is approved it will make it too possible for further applications to be approved.

We are not against expansion in the community but want it to remain in the same style of country acreage living.

We would appreciate acknowledgment that this letter was received."

(l) Comments from Bernard Bonertz:

"I am strongly opposed to this subdivision for the following reasons:

1...Just imagine if everyone does this, the neighborhood will eventually look like a hodge-podge slum. A very unsightly precedent will be set.

2...Some people will be inspired to lop off even smaller sections of their lots and will want to build "Tiny-Homes" to rent as Air B&Bs. What the heck, why not subdivide two or three little pieces from their main lot and have a little rental empire.

3...More homes jammed into the neighborhood will increase both traffic and noise, neither of which are desirable.

4...Ultimately everyone's property value will go down as more and more estate lots become mini trailer parks....

Bernard Bonertz...#410, 2nd Ave. Beaver Mines."

(m) Comments from Adjacent Landowner – Submitted Anonymously:

"We do not support the subdividing of the property as outlined in the attached document. My wife and I purchased property in Beaver Mines and built a home approximately 40 years ago. Our purchase price reflected the lot size and type in the 2nd Avenue area than those along 1st Avenue and we have been paying more taxes for the past 40 years for this environment. The lots surrounding us are not overly large and we do not relish the thought of doubling our neighbours. We fear that a precedent will be set by granting approval to this application and that more splits will occur impacting the placid nature of Beaver Mines.

Thank you for taking our comments and concerns into consideration. We do wish to remain anonymous."

(n) Comments from Michael Algra to the applicants:

"Hello David & Linda,

Thank you for this additional information and for providing the context behind your application. My wife Jodi and I only recently bought a home in Beaver Mines (301 1st Ave, timber home right on the corner of the 774/507 as you come into the community, it has a big ugly water tank outside of it:). We have only had the home for a year but have appreciated the strong community feel and have enjoyed getting to know folks like Phil & Isabel, Sue @ Stellas, Jo & Roland at the Mercantile, and Julia & Cody at the Stepping Stones cabins.

Didn't want to send a long message but did want to let you know that we are supportive of your application and believe that you are taking the best course of action given the circumstances. The hard work that has gone into installing the water / sewer makes these types of subdivisions possible and will add to the vibrancy of the community (with adequate spacing as required by the 5000 sqft limit). As long as the MD is ok with the clearance proximity of the homes next to each other I think it could work out.

I wish you all the best and thank you for the investment that you have made in the community through your volunteering,"

(o) Comments from Karla Guyn:

"Thank you for the opportunity to comment on the proposed subdivision for a 0.11 acre parcel from a title of 0.47 acres. I support the planner's preliminary comments that this proposal introduces design elements that are NOT in keeping with the long-term vision of the area. As proposed, this development is similar to infill housing seen in the densest communities of large cities. This does not represent the intent or feel of a rural residential community like Beaver Mines. The proponents point out that they are long term residents and appeal for special consideration on those grounds. While this may be so, planning bylaws and policies are in place to consider and protect the interests of ALL residents, and as such, personal circumstances should have no bearing on any decision made. Allowing this proposal to

proceed sets a precedent that will undermine the ability of the MD to control future residential density in the hamlet. Further, I am also concerned that allowing this density of housing increases fire risk between structures and may increase insurance costs to residents. In closing, I strongly oppose this development for the stated reasons and encourage the MD to carefully consider the future ramifications of approving this development given the points raised.”

(p) Comments from Lynn Calder and Mark Pinard:

“This letter is in response to ORRSC’s letter of August 1, 2023 regarding a proposed subdivision at 509-2nd Avenue, Beaver Mines (File No. 2023-0-104). We are adjacent landowners and have a few concerns with this proposal.

This is the first proposed subdivision in the newer part of the hamlet, which was designed with larger lots of at least 0.5 acres (20,000 square ft.). We agree with Gavin Scott’s preliminary comment that approving this 5000 square foot lot would “introduce design elements that are not necessarily conducive to the long term vision of the area”.

We are concerned that approval will lead to numerous small lots being created on 2nd Avenue. This would increase housing density and fundamentally alter the rural character of the community, property values and quality of life. For example, if 5000 square foot lots are approved on 2nd Avenue, we could triple the house density on our 0.75-acre property without having to tear down our house.

This application would only have a 38 ft. frontage. It seems to us that a 50 ft. frontage, which is the minimum for highway lots, should be the minimum for a 2nd Avenue subdivision approval as well.

This application would create a non-rectangular lot with a wider front and narrower back, with a property line that has a bend in it. Approval would result in two oddly-shaped lots. Currently all lots in Beaver Mines are divided by a straight line.

In summary, we believe that this subdivision is too small, narrow and oddly-shaped, when compared to all the other lots on 2nd Avenue. How well a proposed subdivision blends in with the neighbouring properties should be an important consideration when deciding whether to approve.

Best regards,

Lynn Calder and Mark Pinard

Adjacent Landowners

510-2nd Avenue, Beaver Mines”

(q) Comments from the Beaver Mines Community Association:

“BMCA has reviewed subdivision application File No. 2023-0-104. We have the following concerns:

- 1) While the proposed subdivision appears to just meet the minimum lot requirement of 5000 ft² in the Land Use Bylaw, in order to fit it into the space available, it is not rectangular in size, which is quite unusual.
- 2) The two neighbouring houses would be only 1.5m from each property line and the frontage would only be 11.67m (38 ft.). This is more like you would expect to see in a city, not a hamlet like Beaver Mines. Again, while the bylaw may allow it, previous discussions with the MD regarding development on Hwy 774 have indicated that minimum 50 ft. frontages might be appropriate there, so we question why anything smaller would be allowed on 2nd Avenue. Unfortunately, the Land Use Bylaw doesn’t speak to frontages.
- 3) As noted by ORRSC, the proposal is not consistent with the 0.5+ acre lots on the rest of 2nd Avenue. In previous surveys carried out by the MD, most residents have expressed a preference for larger lots such as we have now.

In 2018, BMCA requested that the planned Beaver Mines Growth Study be carried out in consultation with the community before the MD was faced with a rash of applications for subdivision when water and sewer came in, so that such approvals wouldn’t be made ad hoc in the absence of a long-term vision for the hamlet (see our letters of August 17 and August 18, attached). Since this has still not

happened, we are concerned with the precedent that approval of this subdivision application might have on future development and maintaining the unique mountain hamlet character of the hamlet. We support ORRSC's comment that this proposal introduces "**design elements that are not necessarily conducive to the long term vision of the area**".

In summary, while we fully expect to see some subdivision as a result of water and sewer coming in, we believe there are sufficient issues with the proposed subdivision that it should be rejected or deferred until the Beaver Mines Growth Study is complete, so the MD can determine if such a proposal is in the interest of the community in the long run.

Best regards,

Rick Czarny,

President, Beaver Mines Community Association

Box 1896, Pincher Creek, AB T0K 1W0"

(r) Three letters previously sent by the Beaver Mines Community Association:

Beaver Mines Community Association
P.O. Box 1896
Pincher Creek, AB, T0K 1W0

- 2) We would like to have a separate section in the Land Use By-Law for Beaver Mines, rather than have all the hamlets lumped together, to allow for consideration of unique development requirements for Beaver Mines. Even if the requirements for Beaver Mines are not updated at this time, setting this up now will make future amendments simpler.
- 3) One of the most important and potentially controversial issues relates to the reduction in the minimum HR-1 residential minimum lot size from 1858 m²/ 20,000 ft² to 465 m²/5,000 ft² now that the hamlet will be serviced. While a number of landowners will want to subdivide their properties, many people believe that changing the minimum lot size could have a significant enough impact on the unique mountain hamlet character of the community that the MD should be cautious about implementing this change across the board prior to the completion of the Beaver Mines Growth Study, which will include formal consultation with the community. See our companion letter dated August 17, 2018 for suggestions as to how this gap might be addressed.
- 4) One other important and potentially controversial issue relates to zoning for commercial and other uses. We assume this would be addressed as part of the Beaver Mines Growth Study. We have no specific comments regarding what's in the current By-Law but will want to be consulted on any changes going forward.

We submit these comments for your information. We hope they are helpful. We may have additional comments once the next draft of the Land Use Bylaw is available for public review.

The Beaver Mines Community Association looks forward to the opportunity to work with the MD/ORRSC on the Municipal Development Plan and the scope of the Beaver Mines Growth Study and in helping to support consultation with landowners within and near the hamlet.

Thank you for your consideration.

Sincerely


Pete Falkenberg,
President, Beaver Mines Community Association

Beaver Mines Community Association
P.O. Box 1896
Pincher Creek, AB, T0K 1W0

M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek, Alberta
T0K 1W0

August 17, 2018

Subject: Response to MD's June 18, 2018 letter
Defer Beaver Mines Subdivision Until Growth Study Approved

Attention: MD Council, MD of Pincher Creek #9

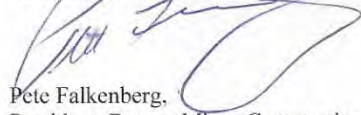
Thank you for your letter of June 18 and taking action to amend planning documents regarding the pending servicing of Beaver Mines. While ending the ability to register septic system subdivisions until servicing is completed and adding an urban fringe are good steps, they don't address our primary concern, which is to ensure that growth within the hamlet boundary gets off on the right foot - i.e. it is well-managed and aligned with our shared long-term vision.

Our main issue is the timing of the various land-use related reviews (Beaver Mines Growth Study, Municipal Development Plan and Land-Use By Law), and the fact that the Growth Study won't happen until after the other two documents are updated. One of the most important and potentially controversial issues relates to the reduction in the minimum HR-1 residential minimum lot size from 1858 m²/ 20,000 ft² to 465 m²/5,000 ft² now that the hamlet will be serviced. While a number of landowners will want to subdivide their properties, many people believe that changing the minimum lot size could have a significant enough impact on the unique mountain hamlet character of the community that the MD should be cautious about implementing this change across the board prior to the completion of the Beaver Mines Growth Study, which will include formal consultation with the community.

We request that the MD find a way to address this gap. Our preference would be to accelerate the Beaver Mines Growth Study, or at least the community consultation component, in time for input from that to be included in the next updates of the Land Use By-Law and Municipal Development Plan. If that is not practical, then a possible alternative could be to just keep applying the current (no-servicing) rules until the Beaver Mines Growth Study is complete (essentially what we were trying to accomplish by our letter of May 10, 2018). If need be, the MD could include a provision for discretionary approval of smaller lot sizes where circumstances warrant.

Thank you for your consideration.

Sincerely



Pete Falkenberg,
President, Beaver Mines Community Association

Beaver Mines Community Association
P.O. Box 1896
Pincher Creek, AB, T0K 1W0

M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek, Alberta
T0K 1W0

August 18, 2018

Subject: Preliminary Comments on Land-use By-Law 1140-08 from Beaver Mines
Community Association

Attention: MD Council, MD of Pincher Creek #9

At a meeting of the Beaver Mines Community Association with Bev Everts (Councillor for Division 3) and Reeve Quentin (Reeve) earlier this year, we were advised that Land-Use By Law 1140-08 is currently under review. It was suggested that if we have any comments, we should submit them now rather than wait for the formal public review process, so they might be considered in the next draft.

One of our challenges is the timing of the various land-use related reviews (Beaver Mines Growth Study, Municipal Development Plan and Land-Use By Law), and the fact that the Growth Study won't happen until after the other two documents are updated. As such, the next draft of the Land-Use Bylaw may not reflect our shared long-term vision for the hamlet. If the MD uses this to guide approvals, the growth of the hamlet may not get off on the right foot.

Nevertheless, some of the planning issues we have heard from the community so far include:

- 1) Notification
- 2) Retention of unique mountain hamlet character of community
- 3) Residential density (which primarily relates to lot size in the bylaw)
- 4) Different current HR-1 Residential lot sizes in older and newer parts of hamlet and implications for subdivision/amalgamation
- 5) Availability of more affordable housing options for office/Parks staff, seniors, etc.
- 6) Pace of growth
- 7) Future size of the hamlet
- 8) New commercial or other development (what and where)

Since most of these issues are not specifically addressed in the land use bylaw, we will limit our comments to those that do:

- 1) We feel that notification requirements should be amended to include anyone that might be directly affected, which could be the entire hamlet in some cases, depending on the development, rather than the current 30 m, which is effectively just the immediate neighbour (Section 17.1)

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 1, 2023

Date of Receipt:

July 21, 2023

Date of Completeness:


July 26, 2023

TO: Landowners: Linda Freebairn Farley, David Hooper McNeill

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

Referral Agencies: M.D. of Pincher Creek No. 9, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, AB Environment & Protected Areas - J. Cayford, AB Transportation, Historical Resources Administrator, AER, Canada Post, Beaver Mines Neighbourhood Association

Adjacent Landowners: Christina Comanescu, Editha Wallocha, Irena & Todd Jackson, Lynn Calder, Lynn Calder and Mark Pinard, Norbert Wallocha

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 Matters Relating to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **August 21, 2023**. (Please quote our File No. 2023-0-104 in any correspondence with this office).

File No.: 2023-0-104

Legal Description: Lot 24, Block 14, Plan 8810351 within W1/2 10-6-2-W5M

Municipality: M.D. of Pincher Creek No. 9 – Hamlet of Beaver Mines

Land Designation: Hamlet Single-detached Residential – HR-1
(Zoning)

Existing Use: Residential

Proposed Use: Residential

of Lots Created: 1

Certificate of Title: 991 113 228

Meeting Date: September 5, 2023

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 0.11 acre (0.046 ha) parcel from a title of 0.47 acres (0.19 ha) for hamlet residential use.

The proposal is to accommodate the subdivision of an existing hamlet residential lot, which presently contains a dwelling. Access to the lot is presently granted from an existing driveway off of 2nd Avenue in the Hamlet of Beaver Mines. The existing residence is serviced by a septic system and water well with cistern. The applicants are aware of the required transition to municipal water and sewer service when completed by the MD.

The subdivision pattern of this street is consistently designed with approximately 0.5 acre lots. Although this proposal meets the minimum intent of the Land Use district, it does introduce design elements that are not necessarily conducive to the long term vision of the area.

The Subdivision Authority is hereby requested to consider the following when rendering a decision on this application:

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

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(c) of the MGA, as the parcel is less than 2 acres in size.
- Municipal Reserve is not applicable pursuant to Section 663(d) of the MGA, as it has been previously satisfied.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1100.00	File No: 2023-0-104
APPLICATION SUBMISSION	
Date of Receipt: July 21, 2023	Received By:
Date of Completion: July 26, 2023	

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Linda Farley, David McNeill

Mailing Address: Box 98 City/Town: Pincher Creek

Postal Code: T0K 1W0 Telephone: [REDACTED] Cell: [REDACTED]

Email: [REDACTED] Preferred Method of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): n/a

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: David J. Antea, ALS, P.Eng. brown okamura & associates ltd.

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

Postal Code: T1H 5J9 Telephone: 403-329-6688 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 1/4 Section 10 Township 06 Range 02 West of 5 Meridian (e.g. S2N 36-1-36-WMT)

b. Being all/part of: Lot/Unit 024 Block 14 Plan 8810351

c. Total area of existing parcel of land (to be subdivided) is: _____ hectares 20647 sqft _____ acres

d. Total number of lots to be created: 2 Size of Lot(s): 15644 sqft; 5003 sq ft

e. Rural Address (if applicable): 509 2nd Avenue, hamlet of Beaver Mines

f. Certificate of Title No.(s): 991 113 228

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. 776

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

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

3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

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

if 'yes', please describe: _____

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

if 'yes', please describe: _____

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land undeveloped part of a developed parcel

- b. Proposed use of the land new house

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) slight incline down to the NE
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) brush, poplar trees, grass

- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) B⁺ topsoil over clay/rock

- 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 none

- b. Describe proposed source of potable water municipal once available, Fall 2023?

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type none Year installed _____

- b. Describe proposed sewage disposal: Type municipal once available, Fall 2023?

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

David J. Amantea, ALS, P. Eng

_____ hereby certify that

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

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

Signed: _____

Date: June 29, 2023

9. RIGHT OF ENTRY

Linda Farley or David McNeil

_____ 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(1) of the Municipal Government Act.

Linda F. Farley David McNeil

Signature of Registered Owner(s)

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



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0010 597 137 8810351;14;24 991 113 228

LEGAL DESCRIPTION
PLAN 8810351
BLOCK 14
LOT 24
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;2;6;10;W

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 891 095 761

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
991 113 228	28/04/1999	TRANSFER OF LAND	\$230,000	NOMINAL

OWNERS

LINDA FREEBAIRN FARLEY
OF BOX 98
PINCHER CREEK
ALBERTA T0K 1W0
AS TO AN UNDIVIDED 1/2 INTEREST

DAVID HOOPER MCNEILL
OF BOX 98
PINCHER CREEK
ALBERTA T0K 1W0
AS TO AN UNDIVIDED 1/2 INTEREST

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
771 130 527	21/09/1977	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

LIMITED.
"PORTION"

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 15 DAY OF MAY,
2023 AT 02:40 P.M.

ORDER NUMBER: 47243528

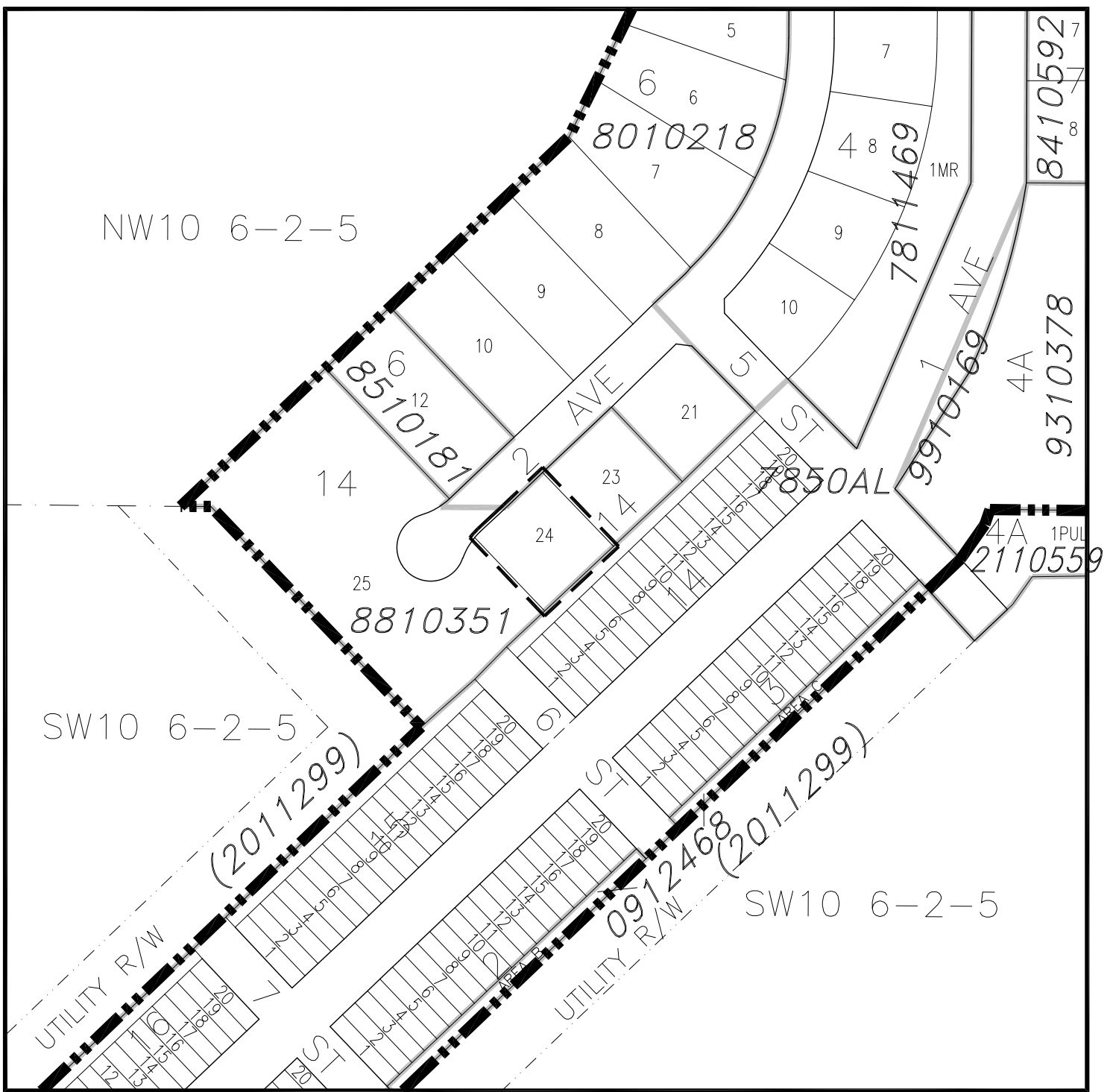
CUSTOMER FILE NUMBER:



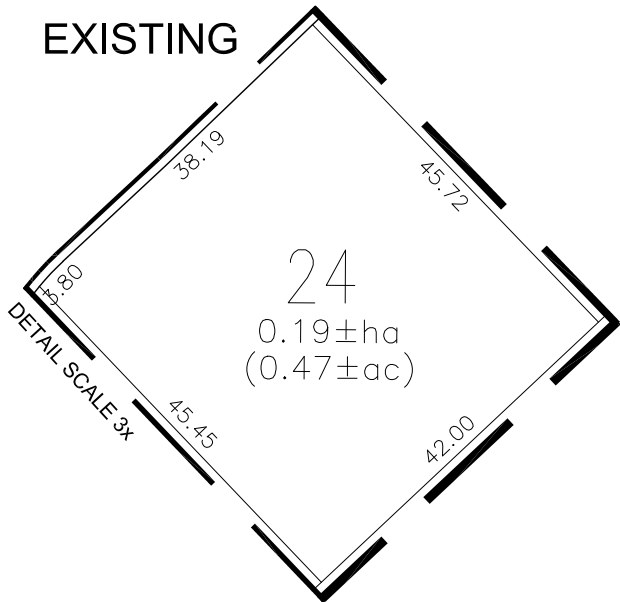
END OF CERTIFICATE

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.

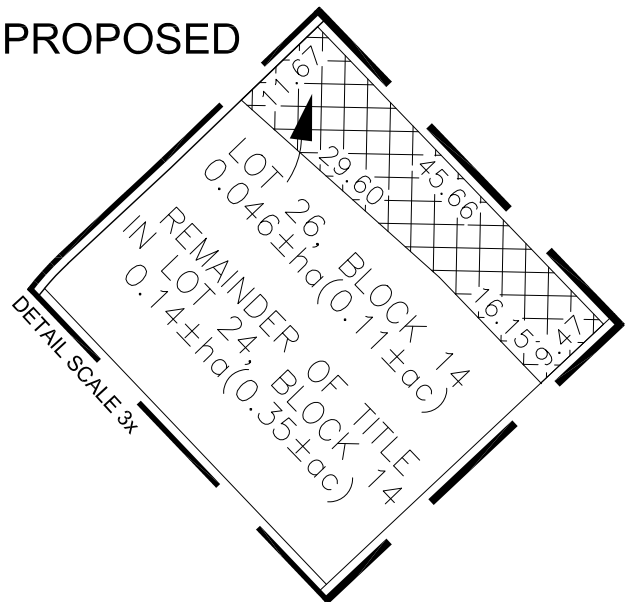
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



EXISTING



PROPOSED



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 23-16035T

LOT 24, BLOCK 14, PLAN 8810351 WITHIN

W 1/2 SEC 10, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
(HAMLET OF BEAVER MINES)

DATE: JULY 27, 2023

FILE: 2023-0-104

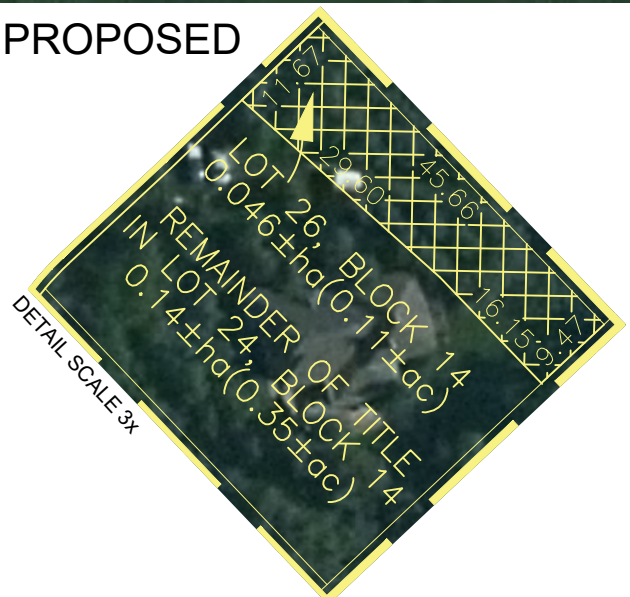




EXISTING



PROPOSED



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 23-16035T

LOT 24, BLOCK 14, PLAN 8810351 WITHIN

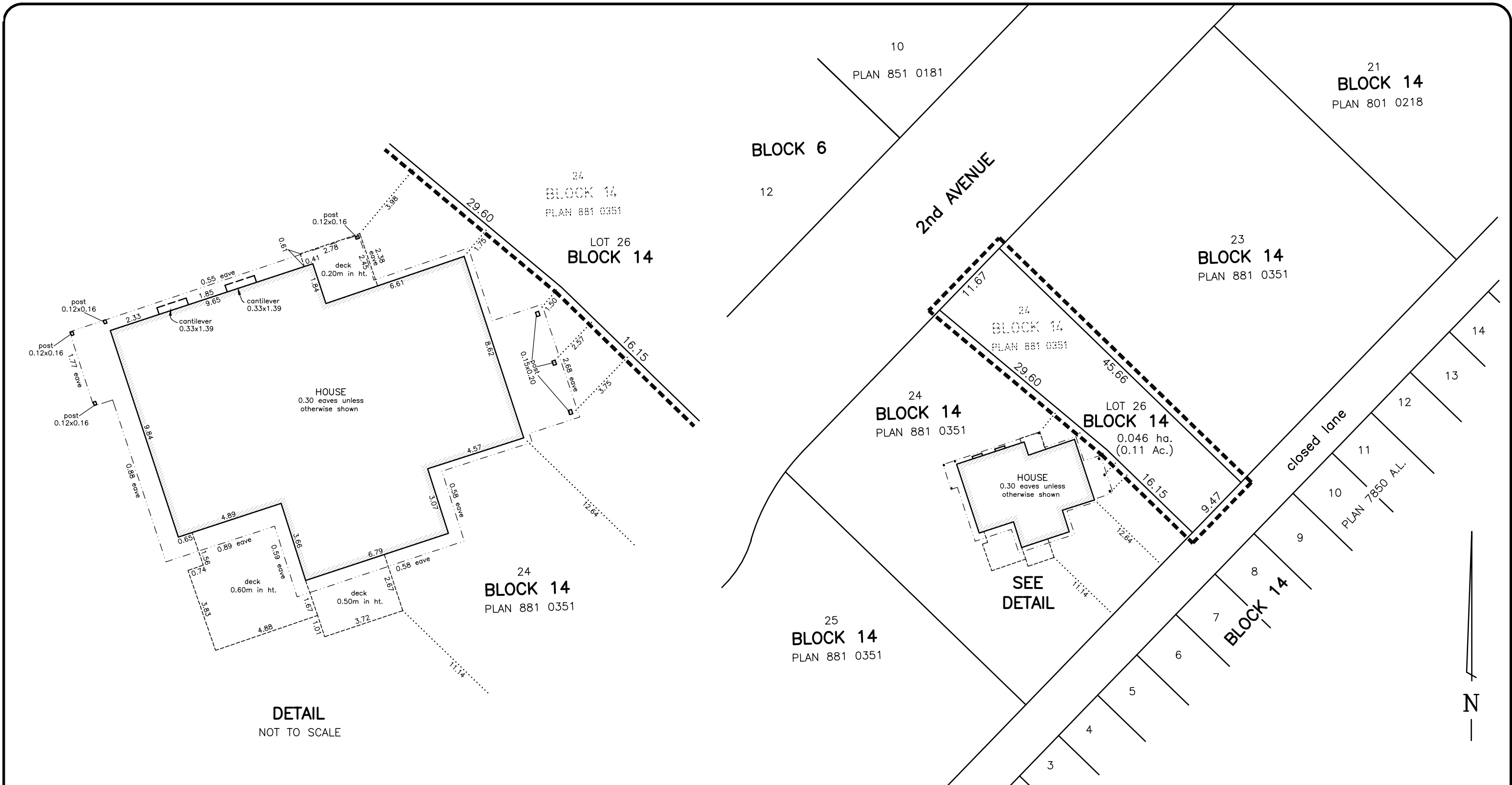
W 1/2 SEC 10, TWP 6, RGE 2, W 5 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

(HAMLET OF BEAVER MINES)

DATE: JULY 27, 2023

FILE: 2023-0-104




DETAIL
NOT TO SCALE

NO.	REVISION	DATE	BY
	Improvements shown were surveyed on June 14th, 2023		
	NOTE : Portion to be approved is outlined thus -----		
	and contains approximately 0.046 ha. (464.8 sq. meters or 5003 sq. feet)		
	Distances are in metres and decimal parts thereof.		
	Overhead line is shown thus ——— OP ——— OP ———		
	PP stands for utility pole.		
	Fence lines are shown thus ——— X ——— X ———		
	Distances and areas are approximate and are subject to change upon final survey.		

DAVID MCNEILL & LINDA FARLEY

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
LOT 24; BLOCK 14; PLAN 881 0351
all within
W.1/2 SEC. 10; TWP. 6; RGE. 2; W.5 M.

BEAVER MINES, MUNICIPAL DISTRICT OF PINCHER CREEK No. 9



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

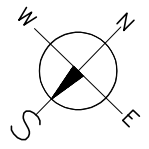
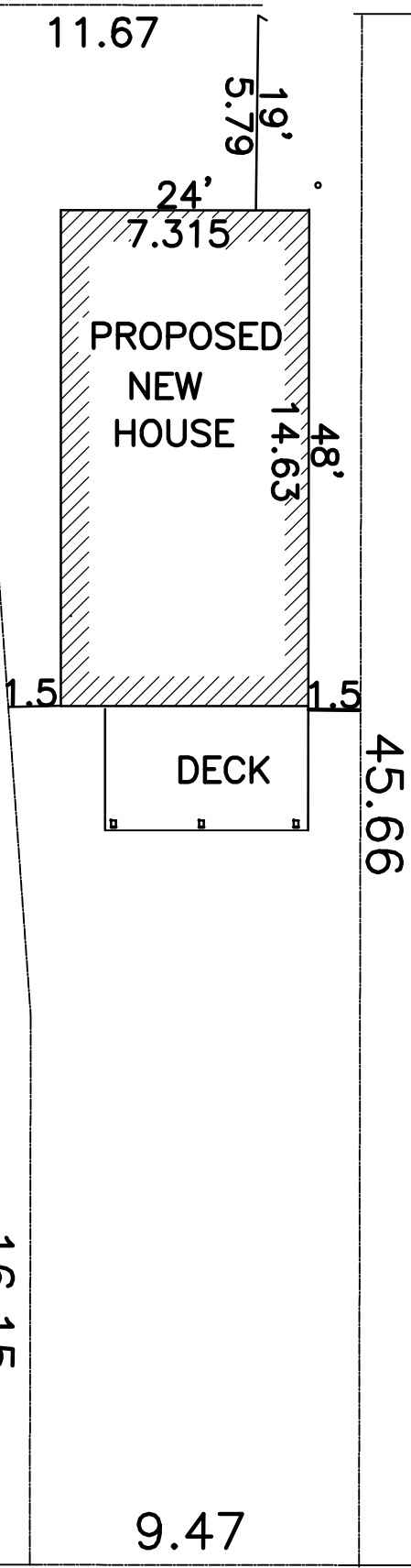
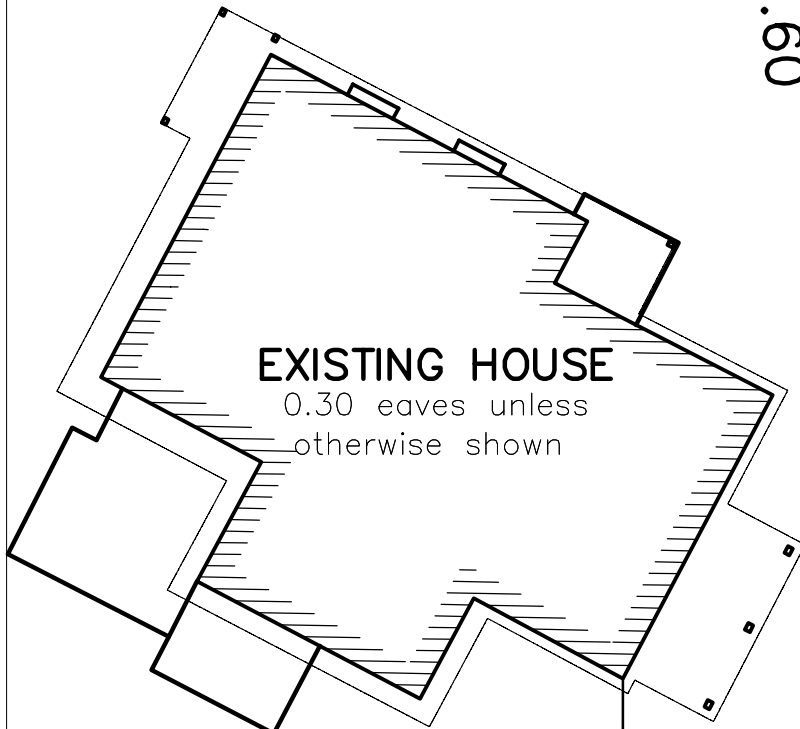
APPROVED

D. J. Amantea, A.L.S.

DRAWN	CJB	DATE	JUNE 21/23
CHECKED	DJA	JOB	23-16035
SCALE	1:500	DRAWING	23-16035T

2nd AVENUE BEAVER MINES AB.

24
BLOCK 14
PLAN 881 0351



38.07

SAVILL GROUP
ARCHITECTURE LTD.

CLIENT: - DAVID McNEILL & LINDE FARLEY:	DATE: JUNE, 2023	PROJ.# - 2024
PROJECT: - PROPOSED NEW HOUSE LOCATION, BEAVER MINES ALBERTA	DRAWN: SGA	CHECKED: JHS
DRAWING TITLE: - NTS	A-0	

104-5 St. 5., Lethbridge, AB - p: 381.8888 - john@savillarchitecture.com