

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority
July 7, 2015
6:00 pm

- 1. Adoption of Agenda**
- 2. Adoption of Minutes of Regular Meeting June 2, 2015 Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
 - a) NW 24-5-30 W4M
Robin and Kimberly Lewis
Subdivision Application No. 2015-0-090 Pkg 2
 - b) SW 28-4-29 W4M
Colin Wagenaar and Patricia Wagenaar
Subdivision Application No. 2015-0-106 Pkg 3
- 6. New Business**
- 7. Next Regular Meeting September 1, 2015; 6:00 pm**
- 8. Adjournment**

**Meeting Minutes of the Subdivision Authority
Tuesday, June 2, 2015 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

Members: Reeve Brian Hammond, Councillors Fred Schoening, Grant McNab, Terry Yagos, and Garry Marchuk

Staff: Chief Administrative Officer Wendy Kay, Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, and Executive Assistant Tara Cryderman

COMMENCEMENT

Reeve Brian Hammond called the meeting to order at 6:00 pm.

1. ADOPTION OF AGENDA

Councillor Terry Yagos 15/021

Moved that the June 2, 2015 Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Fred Schoening 15/022

Moved that the May 5, 2015, Subdivision Authority Minutes be approved as presented.

Carried

3. IN CAMERA

Councillor Terry Yagos 15/023

Moved that the Subdivision Authority and staff move In-Camera, the time being 6:01 pm.

Carried

Councillor Terry Yagos 15/024

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:04 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
June 2, 2015

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATION

- a) Subdivision Application No. 2015-0-075**
Lots 2&3, Block 1, Plan 9511008; NW 12-7-3 W5M
Peter Davidson and Paul & Brenda Davison

Councillor Garry Marchuk

15/025

Moved that the Residential subdivision of Lots 2&3, Block 1, Plan 9511008 within NW 12-7-3 W5M (Certificate of Title No. 951 134 752, 951 117 081) to subdivide a 15m strip off the west side of Lot 2 and consolidate it to Lot 3; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the westerly 15m of Lot 2 be consolidated with Lot 3, Block 1, Plan 9511008 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

6. NEW BUSINESS

- 7. NEXT MEETING** – Tuesday, July 7, 2015; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

15/026

Moved that the meeting adjourn, the time being 6:05 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority



OLDMAN RIVER REGIONAL SERVICES COMMISSION

Package #2
3100 - 10TH AVENUE NORTH
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-877-329-1387
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2015-0-090

June 24, 2015

Wendy Kay
Chief Administrative Officer
M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek AB T0K 1W0

Dear Ms. Kay:

RE: NW1/4 24-5-30-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision & Development Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Agriculture, AESRD – K. Murphy, AER, and Shell Canada.

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
Planner

GS/gk
Attachment

RESOLUTION

2015-0-090

M.D. of Pincher Creek No. 9 Country Residential subdivision of NW1/4 24-5-30-W4M

THAT the Country Residential subdivision of NW1/4 24-5-30-W4M (Certificate of Title No. 141 181 962), to create a 5.0 acre (2.02 ha) parcel from a previously unsubdivided quarter section of 157.7 acres (63.8 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

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

REASONS:

1. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
2. The proposed subdivision is consistent with the South Saskatchewan Regional Plan.
3. The proposed subdivision complies with the Municipal Development Plan and Land Use Bylaw.
4. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.11.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(a) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The MD of Pincher Creek Director of Operations submitted the following comments:
 - There are road approaches to both portions of the subdivision.
 - The west segment of TR 5-4 transits through the parcel including leaving a portion of the ¼ orphaned from the remaining land. The orphaned piece and the existing road alignment should be purchased from the owner to get the road on a road plan again.

I have no other comments or concerns with the subdivision.

- (e) The MD of Pincher Creek Emergency Services Chief has no issues with this development.
- (f) TELUS Communications has no objection to the proposed subdivision. Provisioning of telephone service for the proposed subdivision will be considered upon application of same.
- (g) FortisAlberta has 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.

- (h) AltaGas Utilities has no objection to the proposed subdivision. Please notify Alberta 1st Call at 1-800-242-3447 to arrange for "field locating" should excavations be required within the described area.

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) Alberta Health Services does not object to this subdivision at this time.

- (j) Alberta Transportation submitted the following:

"Reference your file to create a country residential/farmstead lot at the above noted location.

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

To that end, the proposal is to create a single parcel of land from an unsubdivided quarter section to accommodate an existing residence and related improvements. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 ("the regulation").

As this application complies with said Section 14(b) and access to the proposed parcel of land and the remnant title is to be by a means other than a highway, Section 15(3) of the regulation applies.

Notwithstanding that Section 15(3) applies, the applicant would be advised that no direct access to the highway will be allowed as a result of this application.

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway (6) or within 800 metres from the centre point of the intersection of the highway (6) and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and as such any development would require the benefit of the said permit. To ensure that any future highway expansion plans are not unduly compromised minimum setbacks would be identified and invoked as a condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403/381-5426, in this regard.

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

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

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation (AT) agrees to waive the referral distance for this particular subdivision application. As far as AT 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: June 4, 2015

Date of Receipt: 5/19/2015

TO: Landowner: Robin & Kimberly Lewis

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

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, Holy Spirit RC School Division, TELUS, FortisAlberta, AltaLink, Alta-Gas, AB Health Services, AB Agriculture, AB Transportation, AESRD - K. Murphy, AER, Shell Canada

Adjacent Landowners: Shell Canada, PICA Springs Ranch Ltd., Catherine Freeman, Trinity Evangelical Lutheran Church, Michael & Claire Bonertz, Ross & Heather Bonertz, Fredrick & Deirdre Schoening

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. In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email, fax or mail no later than **June 23, 2015**. (Please quote our File No. **2015-0-090** in any correspondence with this office).

File No.: 2015-0-090

Legal Description: NW1/4 24-5-30-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: 141 181 962

Meeting Date: July 7, 2015

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 5.0 acre (2.02 ha) parcel from a previously unsubdivided quarter section of 157.7 acres (63.8 ha) for country residential use.

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

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

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

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 at a public meeting.



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: <u>925.00</u>	File No: <u>2015-0-090</u>	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: <u>May 19/15</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Agent (Person Authorized to act on behalf of Registered Owner): THOMAS C. PENNER, ALS
 Mailing Address: brown okamura & associates ltd. BOX 655 LETHBRIDGE AB Postal Code: T1J 3Z4
 Telephone: 403 329-4688 x 29 Cell: _____ Fax: 403 320-9144
 Email: thomas@bokamura.com

Name of Registered Owner of Land to be Subdivided: ROBIN KENNETH LEWIS AND KIMBERLY ANN LEWIS
 Mailing Address: BOX 2379 PINCHER CREEK AB Postal Code: TOK 1W0
 Telephone: 403-627-4853 Cell: _____ Fax: _____
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. ~~All~~ part of the NW ¼ Section 24 Township 5 Range 30 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)
 b. Being all/part of: Lot/Unit _____ Block _____ Plan _____
 c. Total area of existing parcel of land (to be subdivided) is: 63.8 hectares 157.7 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 2.05 ha (5.1 ac)
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 141 181 962

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

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

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

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land 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) flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
n/a
- 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 sketch
- e. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (½ mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of water well
- b. Proposed source of water well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal Septic tank and field
- b. Proposed sewage disposal Septic tank and field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File No. 15-12739) 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.

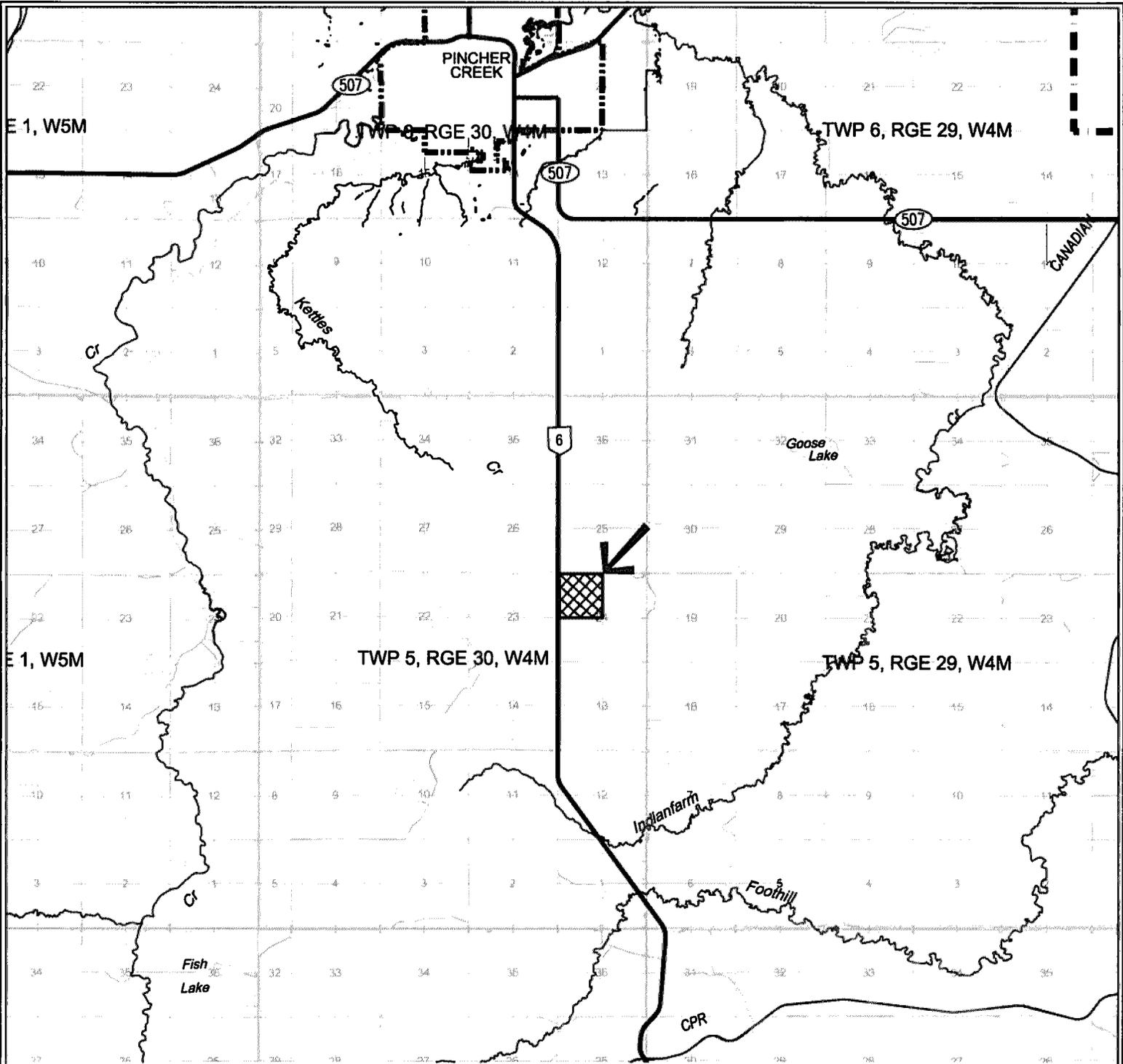
Signed:  Date: May 19/15

9. RIGHT OF ENTRY

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

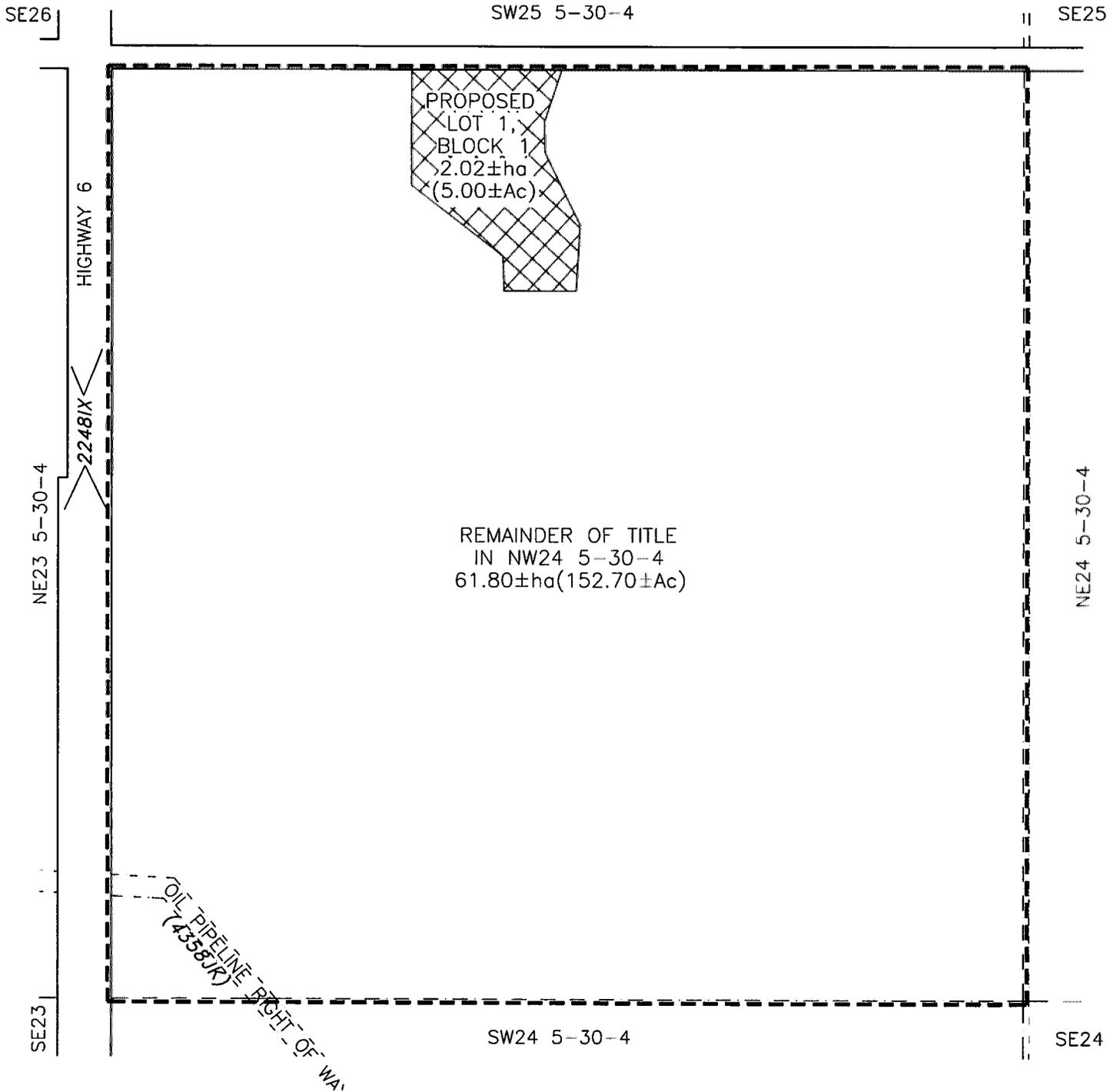
This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
NW 1/4 SEC 24, TWP 5, RGE 30, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: MAY 21, 2015
FILE No: 2015-0-090

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 7300 50A AVENUE NORTH, LEWISTOWN, AB T1N 2S7
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12739T

NW 1/4 SEC 24, TWP 5, RGE 30, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MAY 27, 2015

FILE No: 2015-0-090





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12739T

NW 1/4 SEC 24, TWP 5, RGE 30, W 4 M

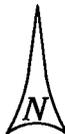
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: MAY 27, 2015

FILE No: 2015-0-090



0 Metres 100 200 300 400
 May 27, 2015 N:\Subdivision\2015\2015-0-090.dwg



AERIAL PHOTO DATE: 2012



3105 - 1 Package #3
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-877-329-1387
Fax: (403) 327-6847
E-mail: subdivision@orrrsc.com
Website: www.orrrsc.com

DRAFT RESOLUTION

Our File: 2015-0-106

June 24, 2015

Wendy Kay
Chief Administrative Officer
M.D. of Pincher Creek No. 9
P.O. Box 279
Pincher Creek AB T0K 1W0

Dear Ms. Kay:

RE: SW1/4 28-4-29-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 & Development Authority should note that comments have not been received from the Livingstone Range School Division, TELUS, AltaLink, Alta-Gas, AB Agriculture, AESRD – K. Murphy, and AER.

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

Please contact this office if you require any further information.

Gavin Scott
Planner

GS/gk
Attachment

RESOLUTION

2015-0-106

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 28-4-29-W4M

THAT the Country Residential subdivision of SW1/4 28-4-29-W4M (Certificate of Title No. 101 224 720), to create a 10.0 acre (4.05 ha) parcel from a previously unsubdivided quarter section of 159.63 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 a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant/owner install a septic tank and field or other suitable private sewage disposal treatment system to replace the existing system that cannot meet the required 50 ft. (15 m) setback from the water course in accordance with Private Sewage Disposal Systems Regulation and as provided by the Alberta Private Sewage Systems Standard of Practice 2009.
4. That the proposed lot line against Marr Lake be moved 10m away from the surveyed bank (see BOA tentative plan drawing 15-12734T) of the water body. And that in the adjustment the loss of acreage be made up elsewhere, so that the final survey registers a 10 acre lot.
5. That an easement for legal access across that 10m portion of SW28 4-29 W4M described in condition 4 to the benefit of proposed Lot 1 Block 1 shall be provided before final approval of the subdivision. A copy of the signed easement agreement is required by the Subdivision Authority.
6. That, as requested by Alberta Transportation, a 30m wide service road right of way be registered on title by caveat for the 10 acre country residence prior to finalization of the application.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan.
2. That the municipality in having taken into account the Provincial document *Stepping Back from the Water* and the *Environmental Reference Manual for the Review of Subdivisions in Alberta* has determined that be setback from the natural water body's banks by the mechanism of lot boundary setback provides the best means of environmental protection for the water course known as Marr Lake.
3. With the relocation of the existing septic system, the Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
4. The proposed subdivision complies with the M.D. of Pincher Creek Municipal Development Plan subdivision policy R.11.
5. The proposed subdivision with waiver complies with the Municipal Development Plan and Land Use Bylaw.
6. That a waiver of the minimum setback requirements 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 Sustainable Resource Development, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) In accordance with Section 654(2) of the Municipal Government Act, the Subdivision Authority of the MD of Pincher Creek granted a waiver of the land use bylaw required 7.5m setback distance from the shed south of the water well as depicted on BOA tentative plan drawing 15-12734T.
- (e) The MD of Pincher Creek Public Works Superintendent has no concerns.
- (f) The MD of Pincher Creek Director of Operations has no issue with the subdivision. All remaining segments of the ½ section still have legal access.
- (g) FortisAlberta has reviewed the plan and determined that no easement is required by FortisAlberta.
- (h) Alberta Health Services does not object to this subdivision at this time.
- (i) Cory Wojtowicz of Alberta Environment and Sustainable Resource Development has no issues with the subdivision but would like to ask that you add that from the Lands Division of Environment and Parks, we would like to see the Land Owner follow the "Stepping Back from the Water Management Practices", from the Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region.
- (j) Alberta Transportation submitted the following:

"Reference your file to create a country residential/farmstead parcel at the above noted location.

The proposal is to create a single parcel of land from an unsubdivided quarter section to accommodate an existing residence and related improvements. As such, this application is in accordance with Section 14(b) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 ("the regulation").

Moreover, as proposed the parcels to be created and the remnant land will have no alternative but direct access to Highway 505. Given this and the fact that by definition Highway 505 is a controlled highway the proposal does not satisfy the requirement of road access as stated in Section 9 of the regulation.

Moreover, by virtue of the fact that the parcels to be created and the remnant land do have direct physical access to Highway 505 this application is subject to the requirements of Section 15(2) of the regulation.

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

To that end, as the existing direct access is considered to be temporary in nature and as no additional direct access to the highway will be allowed as result of this application, strictly from Alberta Transportation's point of view, provided that an access management strategy/alternative that would be in accordance with the department's current access management guidelines and/or as required by the regulation were to be provided and implemented the proposal could be accommodated.

Therefore, in this instance and as per the requirements of Section 15(2), a condition of subdivision approval would be subject to the applicant providing a 30 metre by 33 metre service road right-of-way perpendicular to and across the highway frontage of the parcel to be created. To circumvent any adjacent lands being placed in an encroachment situation the final linen should reflect the service road right-of-way by plan of survey. The proposed service road is shown and highlighted on the attached subdivision sketch.

Notwithstanding the foregoing, the applicant is further advised that no additional direct access to the highway will be allowed as a result of this application and that the existing direct access could remain on a temporary basis only.

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway (505) or within 800 metres from the centre point of the intersection of the highway (505) and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines and as such any development would require the benefit of a permit from our department. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403/381-5426, in this regard.

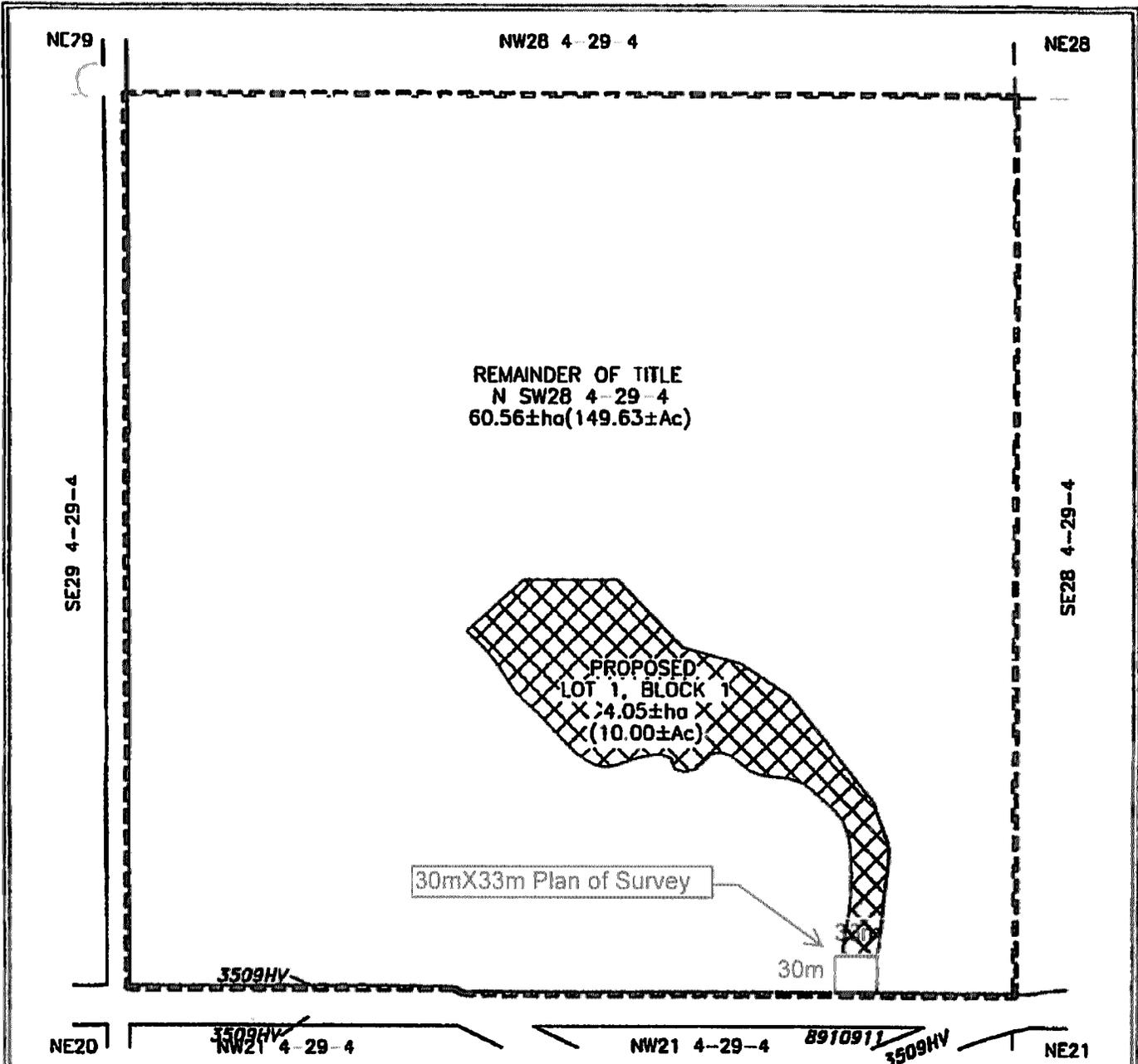
The department accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer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

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

(k) Comments from Matthew Bullock, agent for Patricia Wagenaar, are attached.

CHAIRMAN

DATE



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12734T

SW 1/4 SEC 28, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 16, 2015

FILE No: 2015-0-106



Matthew D. Bullock
E-mail: mdb@huckvale.ca
Assistant : Bev Lorenz
File: 11-3730

June 15, 2015

Via Delivery

Oldman River Regional Services Commission
3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

and

Municipal District of Pincher Creek
1037 Herron Avenue
Pincher Creek, Alberta T0K 1W0

Dear Sirs:

**Re: *Application for Subdivision of the NW ¼ 28-4-29-W4
Summarization of Application and Written Submissions***

Colin Wagenaar ("Colin") and Patricia Wagenaar ("Patricia") are applying for the subdivision of the SW ¼ of Section 28, Township 4, Range 29, West the 4th Meridian (hereinafter the "SW ¼ of S 28"). Colin and Patricia each presently hold an undivided ½ interest in the said quarter section.

As indicated in the enclosed Application for Subdivision form, I am the agent authorized to act on behalf of Patricia as one of the registered owners. Colin has signed the Application for Subdivision on his own behalf and is acting on his own behalf. Consequently, while Colin and Patricia are jointly applying for subdivision, I would kindly ask that you please forward all correspondence with respect to this matter to my attention, while also forwarding a copy to the attention of Colin.

The SW ¼ of S 28 presently contains approximately 159.6 acres, from which Colin and Patricia are applying to subdivide out a 10 acre parcel for the creation of a farmstead (hereinafter the "Proposed Subdivision"). The Proposed Subdivision or farmstead includes Patricia's present residence, a shop, a quonset, a barn, 2 animal shelters, 3 sheds and a root cellar. Access to the Proposed Subdivision would be by way of an existing private road leading from the public road to Patricia's residence and the other aforementioned accessory buildings.

As part of the existing developments found on the Proposed Subdivision, it is currently serviced by an existing well and septic tank.

In providing this letter, together with the enclosed Application for Subdivision, it is my intention to briefly address a few points which may assist in explaining the reasons underlying the requested boundaries of the Proposed Subdivision as shown in the Tentative Plan Showing Subdivision prepared by Brown Okamura & Associates Ltd. (hereinafter the "Tentative Plan"). In particular, it will be noted that the enclosed Tentative Plan contemplates the boundaries of the Proposed Subdivision extending to the bank of a natural body of water, Marr Lake, situated on the NW ¼ of S 28.

In this regard, it is acknowledged that subparagraph E. i. found on page 25 of the *Environmental Reference Manual for Review of Subdivisions in Alberta*, as referenced and reflected in the MD of Pincher Creek's Municipal Development Plan ("MDP"), states as follows:

Lots should be set back from the natural water body's banks by mechanisms including lot boundary setbacks or dedicating environmental reserve. Potential environmental hazards including wave and ice erosion, lengthy periods of flooding, and failure of escarpment banks. The proposed development may adversely impact the water body through destruction of shoreline wildlife habitat, spawning areas, etc. and contamination of sewage effluent.

However, the above noted statement is a policy recommendation and not a binding directive, and it must be balanced against other legal requirements, policy considerations and common sense reasons. In this respect, the Subdivision Authority is to exercise its discretion, and may, at times, deviate from the policy recommendations set out in the *Environmental Reference Manual for Review of Subdivisions in Alberta*. In this respect, paragraph 5 of Part III. R. (page 27) of the MDP, which states:

Subdivision Applications shall be reviewed taking into consideration Alberta Environment's *Environmental Reference Manual for the Review of Subdivisions in Alberta* and any applicable guidelines that are established in, or referred to, in this manual. The results of this review shall be considered by the municipality's Subdivision Authority prior to making a final decision on a subdivision application, but if a subdivision application proposed to subdivide a single residential lot in the Rural Area is in accordance with the policies of this plan, the municipality will not be inflexible in the application of the guidelines provided that the requirements of the *Subdivision and Development Regulation* are not compromised. [Emphasis Added].

As none of the requirements of the *Subdivision and Development Regulation* are compromised by the Proposed Subdivision, the applicants respectively submit that the overall of policy considerations, legal requirements and common sense reasons applicable to this Subdivision Application all suggest that the boundary of the Proposed Subdivision should extend all the way to the bank of Marr Lake. The said reasons include the following:

First, in examining the enclosed Tentative Plan, it will be noted that the Proposed Subdivision contains a 1.72 x 2.12 meter shed situated only 11.44 meters from the bank of Marr Lake. In order to ensure that the Proposed Subdivision complies with the setback requirements for the Agriculture District, as set out in the Land Use By law, the boundaries for the Proposed Subdivision should be situated at least 7 ½ to 8 meters from existing developments such as the aforementioned shed. Consequently, if the south eastern boundary of the Proposed Subdivision is drawn at least 8 meters from the south eastern corner of the aforementioned shed, no more than 3.44 meters would remain between the bank of Marr Lake and the south eastern border of the Proposed Subdivision. The applicants would suggest that it would make little sense to create a setback of only 3 meters or so between the boundaries of the Proposed Subdivision and the bank of Marr Lake, as the owner of the remainder of the SW ¼ S 28 would be unlikely to make any

meaningful use of this 3 meter wide strip of land and it would be preferable for this Subdivision Authority to avoid such unnecessary fragmentation of the land.

Second, in examining the enclosed Tentative Plan, it will also be noted that while the precise southern boundary of the buried septic field, which runs south of the septic tank, is not easily measured or determined, it is believed that the septic field comes within a few meters of the bank of Marr Lake. In case future work is ever required on the septic field, it is submitted that it would be preferable to draw the Proposed Subdivision so as to ensure that the septic field servicing the Proposed Subdivision is wholly situated within the intended lot, and creating a setback between Marr Lake and the Proposed Subdivision risks removing part of the septic field from the Proposed Subdivision.

Third, it is submitted that it is also important for the Subdivision Authority to consider the policy reasons underlying the non-binding guideline that the Subdivision Authority create a setback between a proposed lot and a body of water. In this respect, the above quoted section of the *Environmental Reference Manual for Review of Subdivisions* and the Province's *Land Use Policies*, both suggests that the underlying reasons for the policy are to protect individuals from flooding and to protect the environmental integrity of the water bodies themselves from development.

In this respect, it is noted that Patricia has resided in the residence located on the Proposed Subdivision from 1969 to present. During this period of time, Patricia has never experienced problems with flooding from Marr Lake. Moreover, as the Proposed Subdivision relates to existing developments, rather than potential new developments, there is no reason to suppose that Marr Lake will be exposed to any new or unexpected hazards.

In this respect, it is noted that one of the reasons that Patricia desires to continue to live at her residence located on the proposed subdivision, even at 80 years of age, is her love of the lake, the reeds, the birds and the other wildlife that use the lake. Patricia is an ardent conservationist. In fact, in order to further assure this Subdivision Authority that she is committed to the protection of the environment, including Marr Lake, she would be happy to accept as a condition of approval the registration of a restrictive covenant against legal title to the Proposed Subdivision prohibiting the use of motorized watercraft or vehicles on the lake. It is suggested that such a restrictive covenant would do more in the long term to protect the habitat of Marr Lake than would a small setback.

As a further practical consideration, it is noted that making the natural boundary of Marr Lake one of the boundaries for the Proposed Subdivision would eliminate the need for the construction of a fence along the south eastern boundary of the Proposed Subdivision. This would be of economic benefit to the present and future owners of the Proposed Subdivision and of the balance of the SW ¼ of S 28. The elimination of the need for this additional fencing would also help maintain the aesthetic quality of the land by removing an additional and needless fence lines from the landscape.

For all of the above noted reasons, the applicants submit that the southern and eastern boundaries of the Proposed Subdivision should extend to the bank of Marr Lake. However, if this Subdivision Authority determines that some boundary should be put into place between the Proposed Subdivision and Marr Lake, that boundary may be put into place without the need for a further application, either by this Subdivision Authority imposing a setback requirement as a condition of subdivision or by the taking of land along the bank of Marr Lake in the form of an environmental reserve. If, however, the Subdivision Authority takes an environmental reserve in the form of land, the applicants respectfully request that it be done by way of an easement.

Additionally, the applicants submit that the Proposed Subdivision accords with Section 11 of Part III. R. of the MDP, in that it is between 3 acres 10 acres in size, while generally being as small as possible, but

large enough to contain related buildings, structures and improvements. In this respect, it is noted that the western boundary of the Proposed Subdivision is only 8 meters from the private road forming one of the current improvements, while the northern boundary is only 8 meters from a root cellar and the north east boundary is only 8 meters from an animal shelter.

For all of the above noted reasons, the applicants request that the Subdivision Authority approved their Application for Subdivision as requested.

All of which is submitted this 15 day of June, 2015.

Huckvale LLP

PER: 

MATTHEW D. BULLOCK

Presented
July 7/15



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Lethbridge, Alberta T1J 2C9
Lawyers & Mediators

Tel: 1.403.328.8856
Fax: 1.403.380.4050
www.huckvale.ca

Matthew D. Bullock
E-mail: mdb@huckvale.ca
Assistant : Alana Macfarlane
File: 11-3730

June 26, 2015

Oldman River Regional Services Commission
3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Municipal District of Pincher Creek
1037 Herron Avenue
Pincher Creek, Alberta T0K 1W0

Via Fax: 403-327-6847
Original to follow via Post

Via Fax: 403-627-5070
Original to follow via Post

To Whom It May Concern:

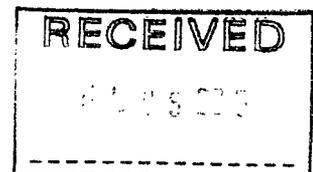
Re: Application for Subdivision of the NW ¼ 28-4-29 W4
Your File No.: 2015-0-106

I am writing on behalf of Patricia Wagenaar, as her legal counsel and agent in the matter of the above noted Application for Subdivision, in responding to and commenting on the Notice of Application for Subdivision of Land dated June 17, 2015. In particular, I wish to clarify and provide some further information with respect to the existing private sewage system lying within the boundaries of the proposed subdivision.

In this regard, in reviewing the Tentative Plan Showing Subdivision prepared by Brown Okamura & Associates Ltd. ("Brown Okamura"), it will be noted that the precise distance of the septic field from Marr Lake is not noted on the tentative plan. Consequently, in light of the potential concern arising by reason of the distance between the private sewage system and the bank of Marr Lake, I have made further inquiries of my client, Patricia Wagenaar, as to the details of this private sewage system. In this respect, I am advised by Patricia Wagenaar that the private sewage system is really not a septic field per se, but may actually best be described as a septic storage container which was constructed in 1910 out of cedar logs. The septic is thus stored in this container and is periodically emptied from time to time.

In light of the concerns expressed in the Notice of Application for Subdivision of Land, Patricia Wagenaar also personally measured the actual distance between the said septic container constructed out of cedar logs and the bank of Marr Lake and noted that she measures a distance of over 25 meters between the said septic storage container and the bank of Marr Lake.

Moreover, in considering how any potential concerns with an older septic system should be addressed, I looked into the matter of the Alberta Private Sewage System Standard of Practice 2009 and the application of the requirements set out therein to a pre-existing private sewage system. In so doing, I also placed a couple of telephone calls to a number of individuals with Municipal Affairs and was advised that



for those matters where Municipal Affairs has direct involvement they will usually not require the replacement of an older private septic system with a new septic system merely because it does not perfectly comply with today's code requirements. This is because the provisions of the Alberta Private Sewage System Standard of Practice 2009 are not made retroactive to pre-existing systems. I was advised, however, that it is not uncommon for Municipal Affairs to require testing and, if there are any actual environmental concerns, then Municipal Affairs will require actual replacement.

What I would propose is this. If the Subdivision Authority has any concerns with the existing private septic system, then it could require that a certified Sewage Installer prepare a report on the existing private septic system, addressing issues such as the distance from Marr Lake, the current function of the system and whether or not any effluent is leaking from the system or potentially making it to Marr Lake. I would also suggest that this could be done by way of a condition of subdivision approval, with it being an additional condition that any functional or environmental concerns identified in the certified Sewage Installer's report will need to be rectified before finalization of the subdivision.

Briefly stated, I am writing to request on behalf of Patricia Wagenaar that the Subdivision Authority first make any appropriate investigations into the matter of the private septic system before immediately requiring replacement of a system that may well be safely functional and environmentally sound.

Thank you for your attention to and consideration of this matter.

Sincerely,

Huckvale LLP



Matthew D. Bullock
MDB/am

Cc: Patricia Wagenaar via email
Cc: Ryan Penner via email

Gavin Scott

From: Dean Morin <dean.morin@gov.ab.ca>
Sent: Monday, July 6, 2015 12:30 PM
To: Gavin Scott
Subject: RE: Grandfathering septic tanks

Sorry for the delay in responding, but one of our staff of 3 for the province has been away on 3 weeks vacation so I am on double duty with covering off and it has been a busy couple weeks!

To provide clarification on this matter, the letter is accurate in stating that we don't retroactively apply codes unless triggers occur that could result in the new code being applied. That being said, subdivision is one of those instances where the new code can be applied, in particular to setback distances to new property lines, etc. Whenever a municipality has an application for subdivision or development then there is a trigger to ensure that the system servicing the dwelling on site is in compliance and operating as initially designed. For example, if a new dwelling was brought onto a property to replace an existing dwelling and the new dwelling had 5 bedrooms versus the original having 3 bedrooms then the system is undersized to meet the volume demands. Additional work is required to expand the septic system to handle the new volume generation and this would be done under a new permit and thus would need to satisfy the new code requirements. This is an example where consideration is required when a municipality is reviewing a development application.

Also when subdivision applications are received the municipality has the requirement to assess if the existing system would meet compliance and is safe. In the case of this development, the system went in apparently in 1910 when there were no notable code requirements outlined. The cedar log storage container may have been best industry practice of the day or just something that was readily available....it is hard to know what would have been reasonable back then for managing wastewater?? However, now that subdivision has triggered a review, it is the municipality responsibility under Subdivision and Development Regulation to confirm that the system is an effective and safe means of managing wastewater for the development. It is part of the municipalities review to assess potential environmental and health impacts that could come from allowing this system to exist under the new subdivision. As the development is adjacent to waterbody then there is a higher level of assessment required due to protection of the surface waterbody, which has lead a number of municipalities to implement bylaws of zero discharge around lakes by means of holding tank being installed due to algae issues becoming very prevalent and impacting lake use. The cedar log storage container system would likely not be leak proof and meet the requirements of a holding tank of current day requirements. If the municipality were to require an assessment of the current system to determine there is no leaking from the cedar system in an effort to ensure protection of the waterbody, as the lawyer somewhat outlined in their letter, this would be within the rights of the municipality because of the subdivision application trigger. The municipality can request whatever assessments or conditions they feel are appropriate for them to address the safety consideration so there is no real hard and fast limitations when this process is triggered. It is the municipality that has to be 100% comfortable with accepting the system and thus can ask for what they need to do that.

So as you noted in your email, it is the Subdivision and Development Regulation Section 7(f) which looks at the adequacy of the sewage disposal system that allows the municipality the ability to require an assessment and upgrade of the system if warranted. The alternative is to drop the subdivision application and let the system continue as is if the municipality feels it is not creating an unsafe condition. These are my thoughts. Feel free to contact me if this is unclear or if you need any further guidance specific to this particular site. I have communicated some of the considerations with Alyce Wickert from the County of Newell so she may be able to provide more specifics if needed.

Take care and have a great week!

Dean Morin, M.Sc. GeoEnvironmental Engineer,
Private Sewage Field Inspector, Safety Services, Alberta Municipal Affairs
16th Floor, Commerce Place
10155-102 St, Edmonton T5J 4L4
Phone: (780) 644-5683 Fax: (780) 427-8686
Toll Free: 1(866) 421-6929
Email: dean.morin@gov.ab.ca

From: Gavin Scott [<mailto:gavinscott@orrs.com>]
Sent: Tuesday, June 30, 2015 11:25 AM
To: Dean Morin
Subject: Grandfathering septic tanks

Dean

The attached is a letter received during the subdivision process for a first parcel out of a quarter section (map attached). The letter from the lawyer implicates your department in having provided advise that an old 1910 cedar wood holding septic tank would not have to be replaced during the subdivision process.

It is my understanding, having read your response to the Headgates development in the County of Newell and its leaking septic systems that are leaching into Lake Newell, that the municipality has the right during subdivision or development processes to enforce the Private Sewage Systems Standard of Practice. The legal basis is set out in the Subdivision and Development Regulation Section 7(f) which looks at the adequacy of the sewage disposal system.

Any response you might have to the letter attached and his interpretation of your agencies position on the matter would be greatly appreciated.

Gavin Scott
Planner
ORRSC

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OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-877-329-1387
Fax: (403) 327-6847
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 17, 2015

Date of Receipt: June 16, 2015

TO: Landowner: Colin Wagenaar and Patricia Wagenaar

Agent or Surveyor: Matthew Bullock

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, Holy Spirit RC School Division, TELUS, FortisAlberta, AltaLink, Alta-Gas, AB Health Services, AB Agriculture, AB Transportation, AESRD - K. Murphy & C. Wojtowicz, AER

Adjacent Landowners: John & Valerie Marr, Clayton Peters, David Keely, Charles Fischer, Darryl & Valerie Carlson

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. In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email, fax or mail no later than **July 6, 2015**. (Please quote our File No. 2015-0-106 in any correspondence with this office).

File No.: 2015-0-106

Legal Description: SW1/4 28-4-29-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: 101 224 720

Meeting Date: July 7, 2015

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 10.0 acre (4.05 ha) parcel from a previously unsubdivided quarter section of 159.63 acres (64.7 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, shop, quonset, barn and number of other out-buildings. Access to the lot is presently granted from an existing approach to the south, off of Highway 505. The existing residence is serviced by a septic system and on-site domestic well.

The tentative plan of survey indicates that the private sewage system is adjacent to the proposed south parcel line and adjacent to the water body (Marr Lake). In accordance with Private Sewage Disposal Systems Regulation and as provided by the Alberta Private Sewage Systems Standard of Practice 2009, Section 8.2.2.1 Separation Distances:

- 1) *A treatment field, measured from any part of a weeping lateral trench, shall not be located within*
 - a. *15m (50ft.) from a water source,*
 - b. *15m (50ft.) from a water course, except as provided in Article 2.1.2.4,*
 - c. *1.5m (5ft.) from a property line,*
 - d. *10m (33ft) from a basement, cellar, or crawl space,*
 - e. *1m (3.25ft.) from a building that does not have a permanent foundation,*
 - f. *5m (17ft.) from a building that has a permanent foundation but does not have a basement, cellar or crawl space, and*
 - g. *5m (17ft.) from a septic tank or packaged sewage treatment plant.*

The existing private sewage system would not meet the legislative requirements for the distance from a water course.

The tentative plan of subdivision has established the bank of the wetland known as Marr Lake. As the Ministry responsible for the **Water Act** and implementing **Water for Life**, Alberta Environment and Sustainable Resource Development has a strong interest in maintaining the integrity of riparian areas. The **Stepping Back from the Water** handbook was designed to assist municipalities and landowners in Alberta's settled region to determine appropriate water body setbacks for development around wetlands.

In respect of the consideration to impose riparian setbacks around wetlands, the MD has referenced in its Municipal Development Plan Section R.6.:

Subdivision applications shall be reviewed taking into consideration **Alberta Environment's Environmental Reference Manual for the Review of Subdivisions in Alberta** and any applicable guidelines that are established in, or referred to, in this manual. The results of this review shall be considered by the municipality's Subdivision Authority prior to making a final decision on a subdivision application, but if a subdivision application proposes to subdivide a single residential lot in the Rural Area in accordance with the policies of this plan, the municipality will not be inflexible in the application of the guidelines provided that the requirements of the Subdivision and Development Regulation are not compromised.

The **Environmental Reference Manual for the Review of Subdivisions in Alberta** provides in Chapter 4 - Environmental Features (Hazards, Constraints and Environmental Protection) the following:

E. Proposed Subdivision Within 100 Metres of an Environmental Feature

i. Proposed Subdivision Within 100 Metres of the Bed and Shore of a Natural Water Body (lake, slough, etc.) Lots should be setback from the natural water body's banks by mechanisms including lot boundary setbacks or dedicating environmental reserve. Potential environmental hazards include wave and ice erosion, lengthy periods of flooding, and failure of escarpment banks. The proposed development may adversely impact the water body through destruction of shoreline wildlife habitat, spawning areas, etc. and contamination by sewage effluent.

In light of the documents cited above, there is a need to address riparian setback in this case.

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

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyors sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
7. That the applicant install a septic tank and field or other suitable private sewage disposal treatment system to meet the setback from the water course as per the Alberta Private Sewage Systems Standard of Practice 2009.
8. Consideration of a riparian buffer by either physically moving the proposed lot line on away from the surveyed bank of Marr Lake or by establishing environmental reserve as a buffer. The width of either option to be determined by the Subdivision Authority in consultation with Alberta Environment or by a person or persons qualified to make these assessments. This may involve a report certified by a professional biologist, engineer, geologist or geophysicist, as defined in the appropriate legislation governing these professions.

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 at a public meeting.



FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: 925.00	File No: 2015-0-106	
APPLICATION SUBMISSION		
Date of Receipt: June 16/15	Date Deemed Complete: June 16/15	Accepted By: <i>[Signature]</i>

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Colin Wagenaar & Patricia Wagenaar
 Mailing Address: # 72 Heritage Lake Blvd Dewinton Postal Code: T0L0X0
 Telephone: _____ Cell: 403-701-5277 Fax: _____
 Email: CCEW@LIVE.COM

Name of Agent (Person Authorized to act on behalf of Registered Owner): Matthew Bullock acting on behalf of Patricia Wagenaar
 Mailing Address: 410-6 St. S. Lethbridge, AB Postal Code: T1J 2C9
 Telephone: (403) 328-8856 Cell: (403) 331-4606 Fax: (403) 380 4050
 Email: mdb@huckvale.ca

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 28 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: _____ hectares 10159.6 acres
 d. Total number of lots to be created: 1 Size of Lot(s): 10 acres
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 101 224 720

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

c. Is the land situated within 0.8 kilometres (½ mile) of the right-of-way of a highway? Yes No
 If "yes" the highway is No. 505

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 Marc Lake

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land Farm (Agricultural operation)
 b. Proposed use of the land Acresage (Farmstead)

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
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) Loam
- 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.
Full set of buildings Quonset, (Shop) Garage, open shed Hay Barn, Residence, Animal shelter, sheds
- e. Is there a Confined Feeding Operation on the land or within 0.8 kilometres (½ mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of potable water Water well Existing
- b. Proposed source of potable water _____

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal Septic tank Existing
- b. Proposed sewage disposal _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Colin Wagenaar & Matthew Bullock for Patricia Wagenaar 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: _____

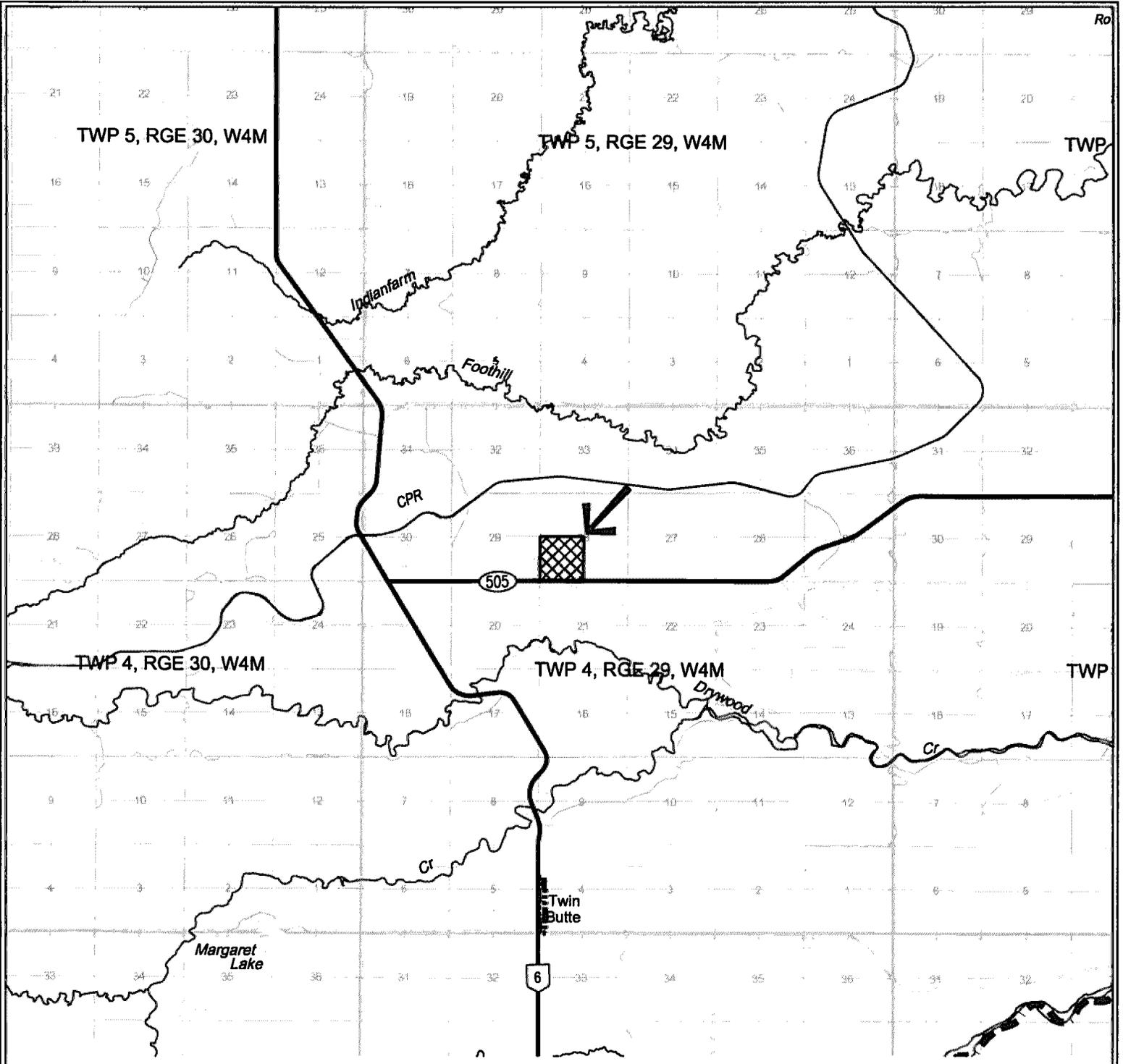
Date: Feb 26, 2015 & May 13, 2015

9. RIGHT OF ENTRY

I Colin Wagenaar & Matthew Bullock for Patricia Wagenaar hereby authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection in connection with my application for subdivision.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
SW 1/4 SEC 28, TWP 4, RGE 29, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: JUNE 16, 2015
FILE No: 2015-0-106

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3100 58th AVENUE NORTH, LETHBRIDGE, AB T1V 2E5
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS

NE29

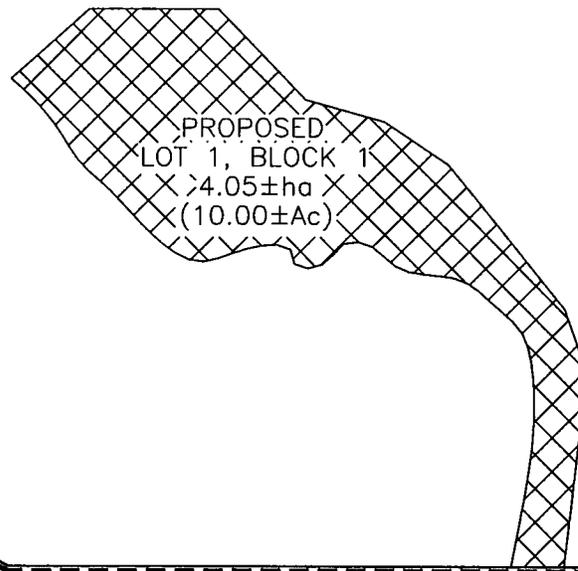
NW28 4-29-4

NE28

SE29 4-29-4

SE28 4-29-4

REMAINDER OF TITLE
IN SW28 4-29-4
60.56±ha(149.63±Ac)



NE20

3509HV
NW21 4-29-4

NW21 4-29-4

8910911

3509HV

NE21

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12734T

SW 1/4 SEC 28, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 16, 2015

FILE No: 2015-0-106



0 100 200 300 400
Metres
June 16, 2015 N:\Subdivision\2015\2015-0-106.dwg

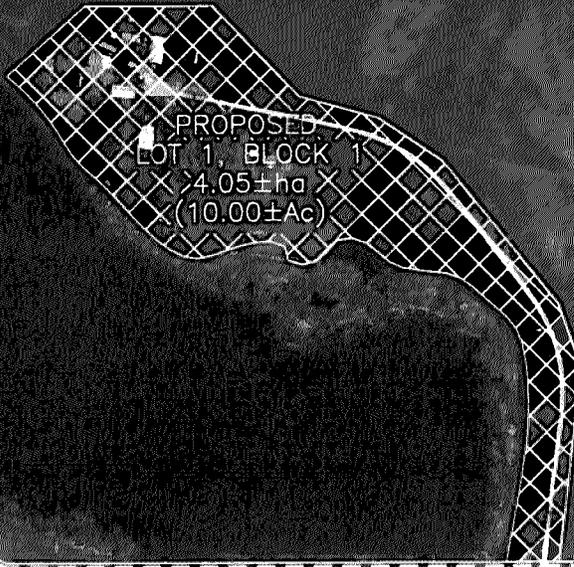


NE29

SW28 4-29-4

E28

REMAINDER OF TITLE
IN SW28 4-29-4
60.56±ha(149.63±Ac)



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

3509HV

3509HV

SW28 4-29-4

8910971

3509HV

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 15-12734T

SW 1/4 SEC 28, TWP 4, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: JUNE 16, 2015

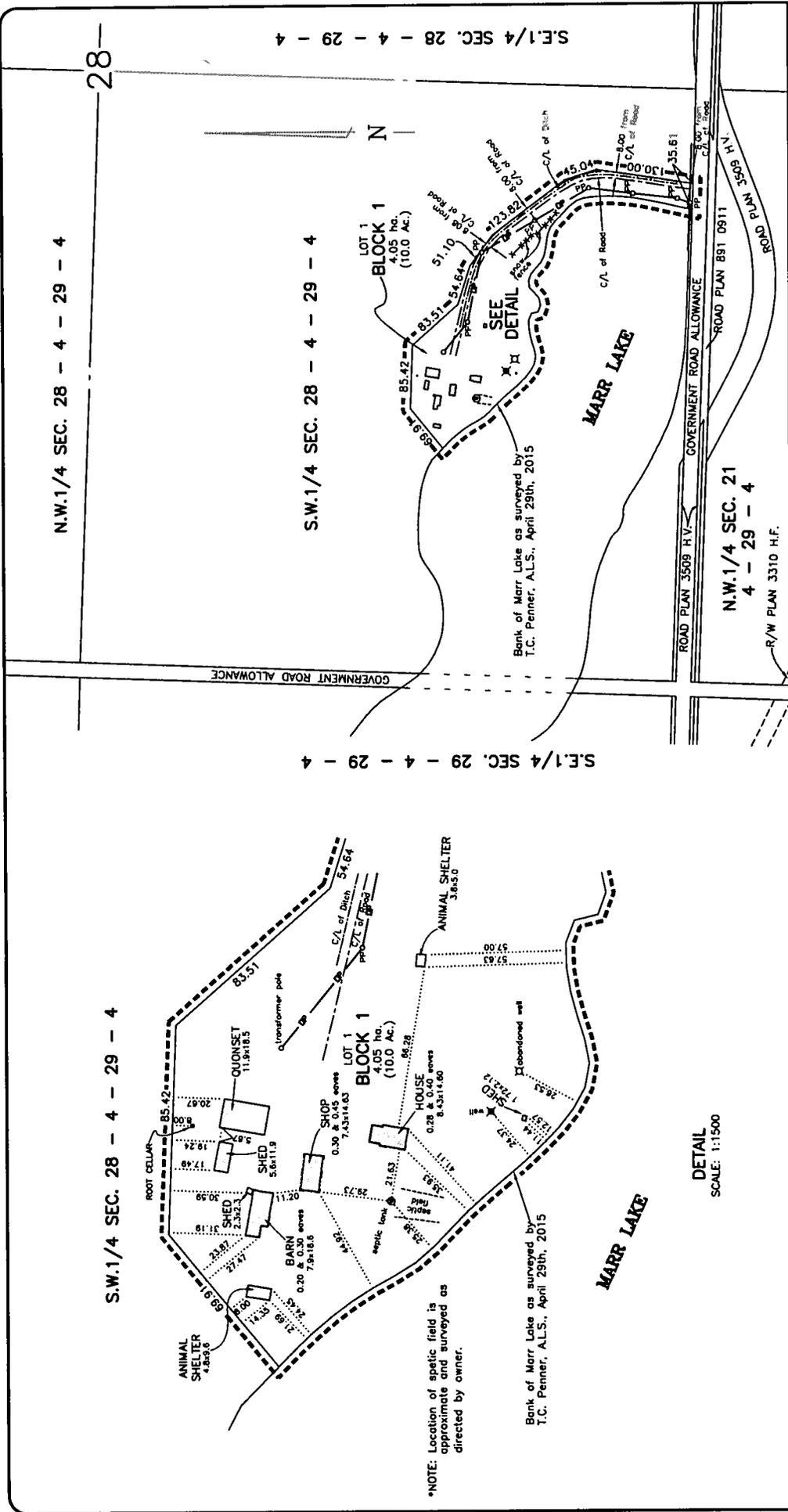
FILE No: 2015-0-106



0 100 200 300 400
Metres
June 16, 2015 N:\Subdivision\2015\2015-0-106.dwg



AERIAL PHOTO DATE: 2012



*NOTE: Location of spetic field is approximate and surveyed as directed by owner.

Bank of Marr Lake as surveyed by T.C. Penner, A.L.S., April 29th, 2015

DETAIL
SCALE: 1:1500

bood brown okamura & associates ltd.
Professional Surveyors
514 Stafford Drive, Lethbridge, Alberta

APPROVED	DRAWN	CJB	DATE	MAY 11/15
	CHECKED	TOP	JOB	15-12734
	SCALE		DRAWING	15-12734T

T. C. Penner, A.L.S. 1:5000

HUCKVALE LLP

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.W.1/4 SEC. 28; TWP. 4; RGE. 29; W.4 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

NO.	REVISION	DATE	BY
	Improvements shown were surveyed on April 29th, 2015		

NOTE : Portion to be approved is outlined thus -----
and contains approximately 4.05 ha.
Distances are in metres and decimal parts thereof
Distances and areas are approximate and are
subject to change upon final survey.