

Municipal District of Pincher Creek No. 9
Subdivision Authority
March 4, 2014
6:00 pm
A G E N D A

- 1. Adoption of Agenda**
- 2. Adoption of Minutes of Regular Meeting December 3, 2013 Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
 - a) Subdivision No. 2013-0-143
John Knoeck
Discussion on Environmental Reserve Easement
- 5. Subdivision Applications**
 - a) SW 25-5-1 W5M
Pincher Creek Ranches / Edward and Susan Ollenberg
Subdivision Application No. 2014-0-003 Pkg 2
 - b) SE 13-6-2 W5M
Blaine and Connie Gross
Subdivision Application No. 2014-0-007 Pkg 3
- 6. New Business**
- 7. Next Regular Meeting April 1, 2014; 6:00 pm**
- 8. Adjournment**

**Regular Meeting Minutes of the Subdivision Authority
Tuesday, December 3, 2013; 6:00 pm
M.D. of Pincher Creek No. 9 Council Chambers**

IN ATTENDANCE

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

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

COMMENCEMENT

Reeve Brian Hammond called the meeting to order at 6:14 pm.

1. ADOPTION OF AGENDA

Councillor Garry Marchuk 13/041

Moved that the December 3, 2013 Subdivision Authority Agenda be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Garry Marchuk 13/042

Moved that the November 5, 2013 Subdivision Authority Minutes be approved as presented.

Carried

3. IN CAMERA

Councillor Grant McNab 13/043

Moved that the Subdivision Authority and staff move into In-Camera, the time being 6:15 pm.

Carried

Councillor Garry Marchuk 13/044

Moved that the Subdivision Authority and staff move out of In-Camera, the time being 6:29 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
December 3, 2013

4. OLD BUSINESS

There was no old business to discuss.

5. SUBDIVISION APPLICATION

**a) Subdivision Application No. 2013-0-165
W ½ 22-6-2 W5M
Olga Petrone**

Councillor Garry Marchuk

13/045

Moved that the Agriculture subdivision of W ½ 22-6-2 W5M (Certificate of Title No. 991 287 783+1) to create a 166.15 acre (67.24 ha) parcel and a 140.82 acre (56.99 ha) from a title of 306.97 acres (124.23 ha) for agricultural use be approved, subject to the following:

CONDITION(S):

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the MD 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 MD of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the northerly 222ft of the SW 22-6-2 W5M be consolidated with the adjacent quarter section to the north NW 22-6-2 W5M in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

Carried

6. NEXT MEETING – Tuesday, January 7, 2014; 6:00 pm.

7. ADJOURNMENT

Councillor Garry Marchuk

13/046

Moved that the meeting adjourn, the time being 6:33 p.m.

Carried

Brian Hammond, Chair
Subdivision Authority

Wendy Kay, Secretary
Subdivision Authority



DRAFT RESOLUTION

Our File: 2014-0-003

February 24, 2014

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 25-5-1-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision & Development Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Agriculture, and AB Environment.

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

2014-0-003

M.D. of Pincher Creek No. 9 Agricultural/Residential subdivision of SW1/4 25-5-1-W5M

THAT the Agricultural/Residential subdivision of SW1/4 25-5-1-W5M (Certificate of Title No. 941 113 637, 101 330 633), to create a 24.27 acre (9.82 ha) parcel and a 92.18 acre (37.31ha) parcel from two titles consisting of 116.46 acres (47.13 ha) for residential and agricultural use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the portions of existing titles as described in BOA Tentative Plan (File: 13-11917) be consolidated as described in said plan in a manner such that the resulting Certificate of Titles could not be subdivided without the approval of the Subdivision Authority.

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 complies with both the Municipal Development Plan and Land Use Bylaw.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(b)(d) 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, Alberta Transportation, Alberta Sustainable Resource Development, and the Department of Fisheries and Oceans.)
- (d) MD of Pincher Creek Emergency Services has no issues with this subdivision.
- (e) MD of Pincher Creek Public Works has no concerns.
- (f) TELUS Communications has no objection to the proposed subdivision. Provisioning of telephone service will be considered upon application for same.
- (g) FortisAlberta Inc. has no objection/no easement required.

FortisAlberta Inc. is the Distribution Wire Service Provider for this area. The Developer must arrange installation of electrical services for this subdivision with FortisAlberta. Please contact FortisAlberta Inc. @ 310-WIRE (310-9473) to make application for your electrical services.

Please direct any additional questions or concerns to landserv@fortisalberta.com

- (h) Alta Gas Utilities Inc. 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. 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) ATCO Gas has no objections to the proposed subdivision.
- (j) ATCO Pipelines has no objection.
- (k) Alberta Health Services advises that based on a review of this file and a site visit to the property, this department has no objection to the subdivision provided:
- All other pertinent bylaws, regulations and standards are complied with
 - A nuisance according to the Public Health Act is note Created on 2/21/2014 3:59:00 PM
- Both existing homes appear to be within a flood plain. Please note for future development that housing construction in areas prone to flooding is not recommended.
- (l) Brian Allen of AB Environment & Sustainable Resource Development advises that they have no concerns with the application since no work or alteration is proposed within the bed and shore of the creek.
- (m) Alberta Energy Regulator (AER) comments are *attached*.

CHAIRMAN

DATE



Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

File No. 2008

**SETBACK REFERRAL REPLY FOR NON-REQUIRED PROPOSED
SUBDIVISION/DEVELOPMENT APPLICATION REFERRALS**

The Alberta Regulation 43/2002, Municipal Government Act, Subdivision and Development Regulation requires subdivision and development authorities to send a copy of each subdivision and development application that results in a permanent additional overnight accommodation or public facility, as defined by the Alberta Energy Regulator (AER), to the AER if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AER and the subdivision authority.

You are receiving this letter because the subdivision or development application referral (setback referral) you submitted does not meet the criteria for submitting a setback referral to the AER for one or more of the following reasons:

- The subdivision or development application does not include a permanent dwelling, business or public facility; and/or
- There are no sour gas facilities located within proximity to the proposed location as defined by the AER's land use description criteria.

Please refer to *AER Bulletin 2013-03 Mandated Subdivision and Development Application Referrals, Setback Relaxations, Land Development Information Package, and Abandoned Well Information* for clarification on the AER's setback referral process, how to determine whether a setback referral to the AER is required and how to prepare and submit a setback referral. Additional information is also provided for other AER setback related processes and how to obtain further information on oil and gas facilities. This document can be found on the AER website at www.aer.ca.

Questions about this reply may be directed to the EPA help line at (403) 297-2625 or setbackreferrals@er.ca.

Enclosure

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: January 23, 2014

Date of Receipt: January 10, 2014

TO: Landowner: Pincher Creek Ranches Co. Ltd./Edward & Susan Ollenberg

Agent or Surveyor: Thomas C. Penner

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Services, AB Agriculture, AB Sustainable Resources M. Taje, AB Environment, AER

Adjacent Landowners: Gregory Kirkman, Norma Rutledge, Janice & Jack Otis, Richard Seward, Dean & Tamara Kennedy, Reners Farms Ltd., Steve & Cheryl Maunsell, Troy & Karen Marsh, Kristin Buhrmann & Robert Grier

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 **February 11, 2014**. (Please quote our File No. **2014-0-003** in any correspondence with this office).

File No.: 2014-0-003

Legal Description: SW1/4 25-5-1-W5M

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

Land Designation: Agriculture - A
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural/Residential

of Lots Created: 1 (Boundary Line Adjustment)

Certificate of Title: 941 113 637, 101 330 633

Meeting Date: March 4, 2014

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 24.27 acre (9.82 ha) parcel and a 92.18 acre (37.31ha) parcel from two titles consisting of 116.46 acres (47.13 ha) for residential and agricultural use.

The proposal is to accommodate the realignment subdivision of two titles separated by Pincher Creek. The subdivision of the parcel west of the Pincher Creek water course created a title description that was overlapping with the title description of the parcel on the east side of Pincher Creek. As a result of the discrepancy in title descriptions, a residence was built in an area where the two titles overlapped. The owner of the residence seeks to clarify the situation.

Both parcels contain a residence serviced by a septic system and domestic well. The easterly property contain a number of out buildings and cattle pens. Access to both lots is presently granted from existing approaches off a developed municipal road allowance. The existing residences are 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 the portions of existing titles as described in BOA Tentative Plan be consolidated as described in said plan in a manner such that the resulting Certificate of Titles could not be subdivided without the approval of the Subdivision Authority.

RESERVE:

- Municipal Reserve is not applicable pursuant to Section 663(b) of the MGA, as the easterly parcel is greater than 40 acres and is to be used for agricultural purposes.
- Municipal Reserve is not applicable for the westerly 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 at a public meeting.



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY		
Zoning (as classified under the Land Use Bylaw):		
Fee Submitted: <u>975.00</u>	File No: <u>2014-0-003</u>	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: <u>Jan 10/14</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: Pincher Creek Ranches Co. Ltd. / Edward M. Ollenberg & Susan Ollenberg
 Mailing Address: Box 1449 Pincher Creek AB / Box 1525 Pincher Creek AB Postal Code: T0K 1W0
 Telephone: 403 627 4434 Gill Engen Cell: 403 627-2666 Ed Ollenberg Fax: _____
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 25 Township 5 Range 1 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)
 b. Being all/part of: Lot/Unit _____ Block _____ Plan _____
 c. Total area of existing parcel of land (to be subdivided) is: 47.13 hectares 16.46 acres
 d. Total number of lots to be created: 2 Size of Lot(s): 24.27 acres & 92.18 acres
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 941 113 637 & 101 330 633

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

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

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

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land AGRICULTURE

b. Proposed use of the land AGRICULTURE, BOUNDARY ADJUSTMENT DUE TO CHANGE IN NATURAL BOUNDARY (PINCHER CREEK)

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.)
TREES, CREEK, BRUSH
- 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.
TWO HOUSES, VARIOUS OUT BUILDINGS
- 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 SAME

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal SEPTIC FIELD
- b. Proposed sewage disposal SAME

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I THOMAS C. PENNER, ALS (BOA File No. 13-11917) 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.

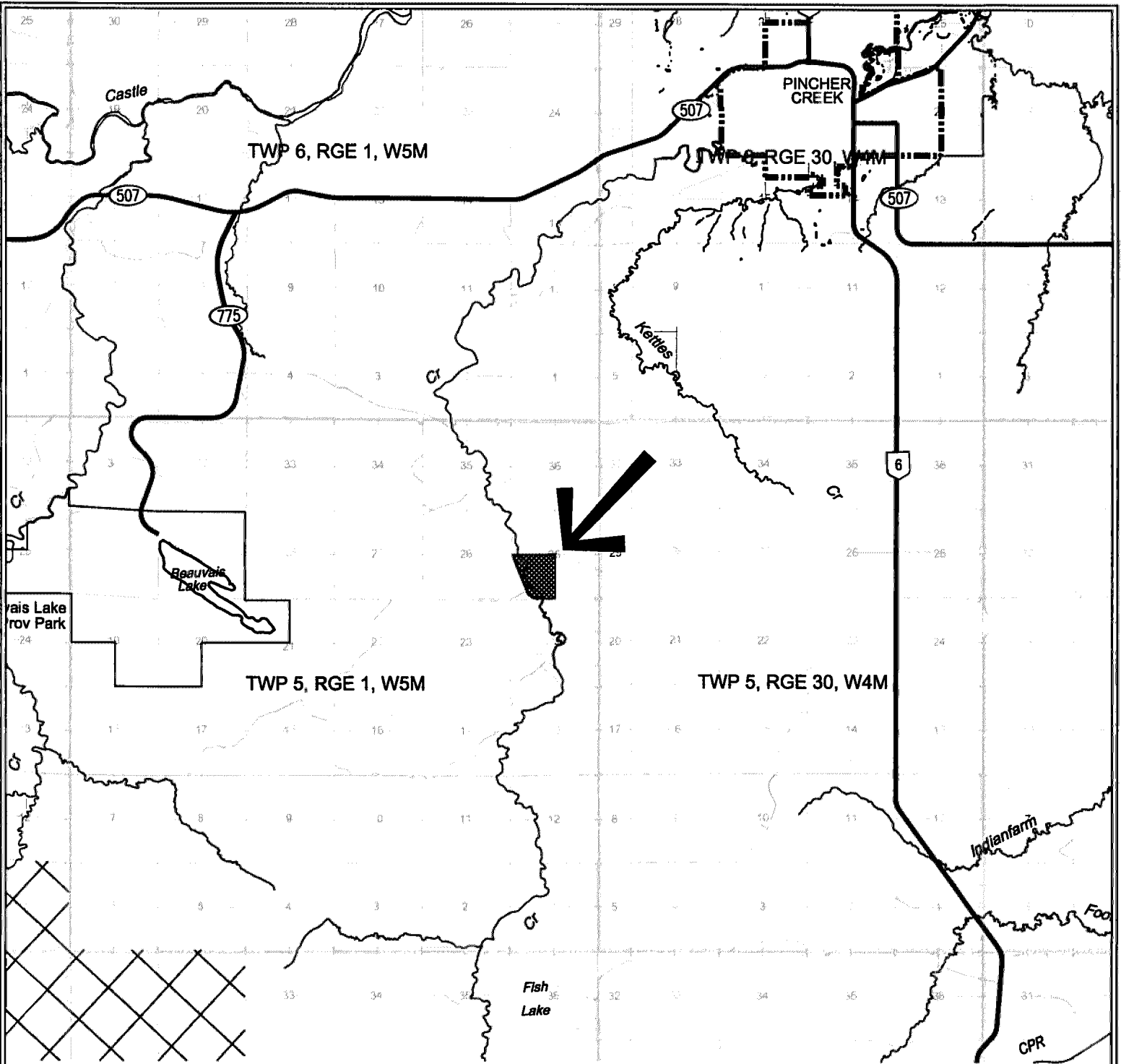
Signed:  Date: Oct 23/13

9. RIGHT OF ENTRY

I EDWARD M. OLLENBERG Susan K. Ollenberg 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. Susan K. Ollenberg

Signature of Registered Owner



SUBDIVISION LOCATION SKETCH
SW 1/4 SEC 25, TWP 5, RGE 1, W 5 M
MUNICIPALITY: M. D. OF PINCHER CREEK NO. 9
DATE: JANUARY 14, 2014
FILE No: 2014-0-003

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 7100 10th AVENUE NORTH, LETHBRIDGE, AB T1V 2E2
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



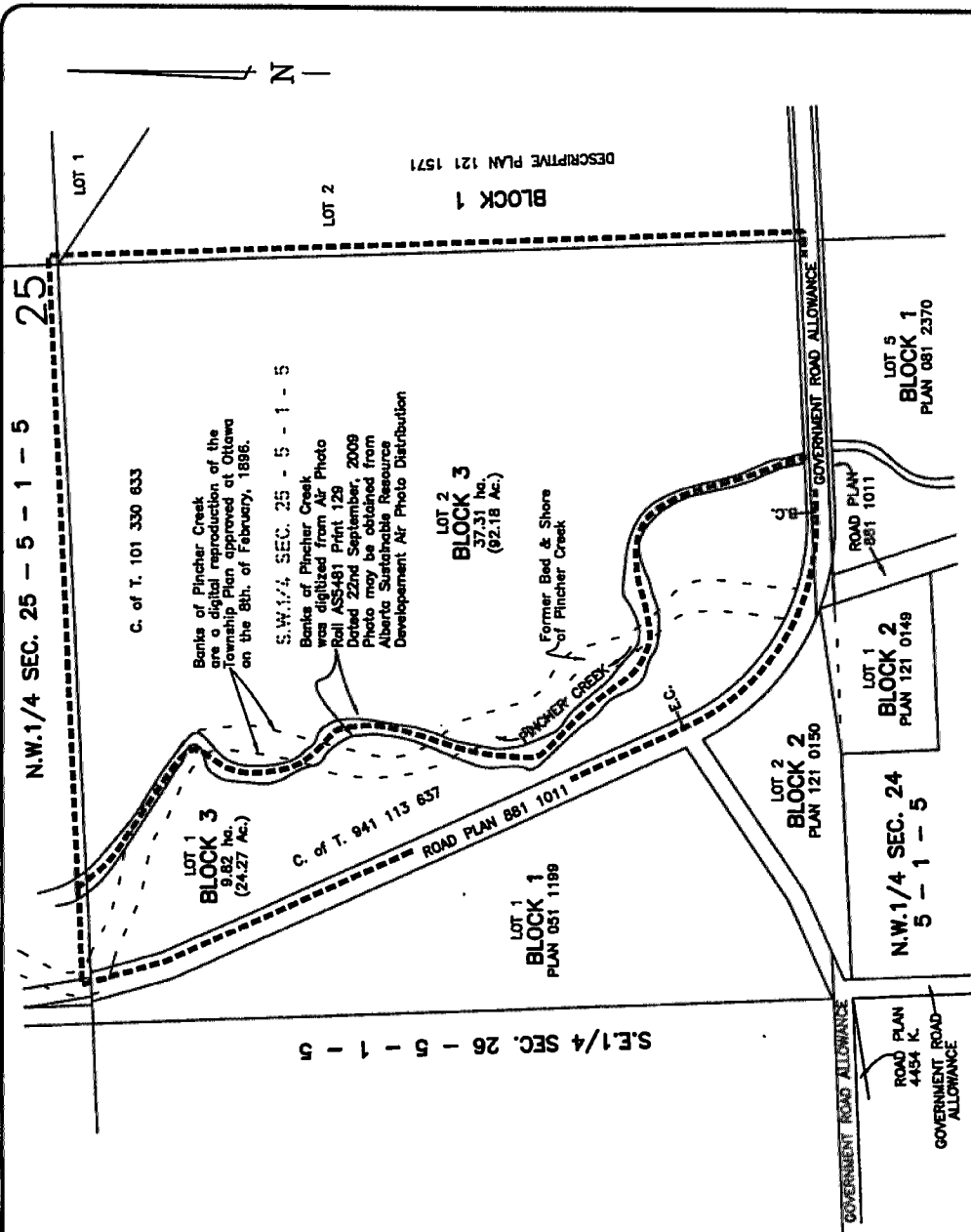


TABLE OF AREAS

LOT	Block	Area (ha)
LOT 1: BLOCK 3	within S.W. 1/4 Sec. 25-5-1-5	6.28
	within S.W. 1/4 Sec. 25-5-1-5	2.20
	within Former Bed & Shore of Pincher Creek	1.33
sub-total		9.82
LOT 2: BLOCK 3	within S.W. 1/4 Sec. 25-5-1-5	0.36
	within S.W. 1/4 Sec. 25-5-1-5	36.00
	within Former Bed & Shore of Pincher Creek	0.95
sub-total		37.31
Total		47.13

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus and contains approximately 47.13 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

PINCHER CREEK RANCHES CO. LTD.
 TENTATIVE PLAN SHOWING SUBDIVISION
 of part of
 S.W. 1/4 SEC. 25; TWP. 5; RGE. 1; W.5 M.
 MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

boa brown okamura & associates ltd.
 Professional Surveyors
 514 Stuffed Drive, Lethbridge, Alberta

APPROVED	DRAWN	CJB	DATE	OCT. 22/13
<i>[Signature]</i>	CHECKED	TOP	JOB	13-11917
T. C. Penner, A.L.S.	SCALE		DRAWING	13-11917T
				1:5000

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



DRAFT RESOLUTION

Our File: 2014-0-007

February 24, 2014

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: SE1/4 13-6-2-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 & Development Authority should note that comments have not been received from the Livingstone Range School Division, TELUS, AltaLink, AB Agriculture, AB Environment, 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

2014-0-007

M.D. of Pincher Creek No. 9 Direct Control subdivision of SE1/4 13-6-2-W5M

THAT the Agricultural subdivision of SE1/4 13-6-2-W5M (Certificate of Title No. 131 232 832), to create a 5.51 acre (2.23 ha) parcel from a title of 125.43 acres (64.7 ha) for agricultural use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 5.51 acres at the market value of \$2,000 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

And that the deferred reserve caveat (781109543) registered against the Title 131232832 be discharged in its 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 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 complies with the Land Use Bylaw.

INFORMATIVE:

- (a) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (b) 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, Alberta Transportation, Alberta Sustainable Resource Development, and the Department of Fisheries and Oceans.)
- (c) The requirement for Municipal Reserve on Lot 1 Block 1 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 5.51 acre (2.23 ha) being subdivided at \$2,000 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is \$1,102.
- (d) The MD of Pincher Creek Chief of Emergency Services submitted the following:
 - (1) I have no issues with this development.

- (2) It looks like the south back slope of highway 507 in its present location (the old road extended further east on the east/west portion and came down the hill at a higher elevation). This ground is unstable so from a development point of view it should not have anything put on it unless an engineer can address the instability.
- (e) The MD of Pincher Creek Director of Operations advises that there is currently no approach onto the property. Access is across the portion of the SE 13-6-2-5 that lies to the SE of the proposed lot. The developer should be made responsible for the cost of an approach.
- (f) FortisAlberta Inc. has no objection/no easement required.

FortisAlberta Inc. is the Distribution Wire Service Provider for this area. The Developer must arrange installation of electrical services for this subdivision with FortisAlberta. Please contact FortisAlberta Inc. @ 310-WIRE (310-9473) to make application for your electrical services.

Please direct any additional questions or concerns to landserv@fortisalberta.com

- (g) ATCO Gas has no objections to the proposed subdivision.
- (h) ATCO Pipelines has no objection.
- (i) Alberta Health Services advises that from the information provided and an on-site inspection, Alberta Health Services does not object to this subdivision at this time.
- (j) Alberta Transportation submitted the following:

"Reference your file to create an agricultural parcel at the above noted location.

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

Given that determination, the proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 ("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 the future expansion of the provincial highway system.

To that end, this is a logical separation of the subject property due to the severance by the Highway 507 right-of-way. Currently and as proposed the parcel to be created will gain indirect access to the provincial highway system solely by way of the local road system (Township Road 62). As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the agricultural parcel as proposed would have any appreciable impact on the highway.

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

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

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

The applicant would also be advised that any development within the right-of-way or within 300 metres beyond the limit of the highway (507) or within 800 metres from the centre point of the intersection of the highway (507) 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.

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."

(k) Alberta Energy Regulator (AER) comments are ***attached***.

CHAIRMAN

DATE

File No. 2008

Setback Referral Reply for Nonrequired Proposed Subdivision/Development Application Referrals

The Alberta Energy Regulator (AER) has reviewed your subdivision or development application referral (setback referral) and it does not meet the criteria for submitting a setback referral for one or more of the following reasons:

- the subdivision or development application does not include a permanent dwelling, business or public facility and/or
- no sour gas facilities are located within proximity of the proposed location as defined by the AER's land use description criteria

Refer to the *AER Bulletin 2013-03 Mandated Subdivision and Development Application Referrals, Setback Relaxations, Land Development Information Package, and Abandoned Well Information* to

- clarify the AER's setback referral process,
- determine whether a setback referral to the AER is required,
- prepare and submit a setback referral, and
- obtain further information on oil and gas facilities and other AER setback-related processes.

Questions are to be directed to the EPA Helpline at EPAShelpline@acr.ca or 403-297-2625.

Sincerely,



Michelle van der Leer
Emergency Preparedness and Audit Section
Emergency Management Group

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: February 6, 2014

Date of Receipt: January 24, 2014

TO: Landowner: Blaine & Connie Gross

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

Referral Agencies: M.D. of Pincher Creek No. 9, Garry Marchuk, Livingstone Range School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Services, AB Agriculture, AB Transportation, AB Environment, AER, Shell Canada Limited

Adjacent Landowners: Riverside Ranch (Zoratti) Ltd., Shell Canada Energy, Allan & Judith Welke, Leslie Dolman, Tim Cossins, Tefco Inc., James Coy, Mountain Mill United Church, Mary Balfour, Kenneth Riddel & M. Beck-Shi-Riddel, Terri Simpson, Thomas & Patricia Toney, Kenneth & Jessie Gamache, Kirk & Missal Schroter

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 **February 25, 2014**. (Please quote our File No. 2014-0-007 in any correspondence with this office).

File No.: 2014-0-007

Legal Description: SE1/4 13-6-2-W5M

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

Land Designation: Direct Control - DC
(Zoning)

Existing Use: Agricultural

Proposed Use: Agricultural

of Lots Created: 1

Certificate of Title: 131 232 832

Meeting Date: March 4, 2014

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 5.51 acre (2.23 ha) parcel from a title of 125.43 acres (64.7 ha) for agricultural use.

The proposal is to accommodate the subdivision of a cutoff remnant of land, which presently contains no development. Access to the lot is presently granted through the title in the southeast corner from an existing approach to the south, off of a developed municipal road allowance.

The property was redesignated from Agriculture – A to Direct Control – DC under bylaw 1241-13. The designation removed all development rights except extensive agriculture because the land has no buildable area and is prone to sloughing.

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. Consideration of adjacent landowners and referral agencies comments.
4. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
5. That any conditions of Alberta Transportation shall be established prior to finalization of the application.
6. That an easement for legal access across Title 031321179 to the benefit of Title proposed Lot 1 Block 1 shall be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to the Subdivision Authority.

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 5.51 acres at a valuation of \$2,000 per acre with the actual amount to be determined at the final stage for Municipal Reserve purposes.
- That the deferred reserve caveat (781109543) registered against the Title 131232832 be discharged in its entirety.

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: <u>925.00</u>	File No: <u>2014-0-007</u>	
APPLICATION SUBMISSION		
Date of Receipt:	Date Deemed Complete: <u>Jan 24/14</u>	Accepted By: <u>[Signature]</u>

**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

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 28 Cell: _____ Fax: 403 320-9144
 Email: thomas@bokamura.com

Name of Registered Owner of Land to be Subdivided: BLAIN M. GROSS AND CONNIE M. GROSS
 Mailing Address: 4505 - 51 AVENUE, TABER AB Postal Code: T1G 2H6
 Telephone: 403-223-0082 Cell: 403-331-7312 Fax: _____
 Email: _____

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SE ¼ Section 13 Township 6 Range 2 West of 5 Meridian (e.g. SE¼ 36-1-36-W4M)
 b. Being all/part of: Lot/Unit _____ Block _____ Plan _____
 c. Total area of existing parcel of land (to be subdivided) is: _____ hectares _____ acres
 d. Total number of lots to be created: 1 Size of Lot(s): 2.23 HA (5.5 ACRES)
 e. Rural Address (if applicable): _____
 f. Certificate of Title No.(s): 131 232 832

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. 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? Yes No

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land AGRICULTURE

b. Proposed use of the land AGRICULTURE WITH SITE FOR HOLIDAY TRAILER

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.)
TREES
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) UNKNOWN
- d. Is this a vacant parcel (void of any buildings or structures)? Yes No
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
- e. Is there a Confined Feeding Operation on the land or within 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 N/A
- b. Proposed source of water N/A

7. SEWER SERVICES

Describe:


- a. Existing sewage disposal N/A
- b. Proposed sewage disposal N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Thomas C. Penner, ALS (BOA File No. 13-11966) 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.

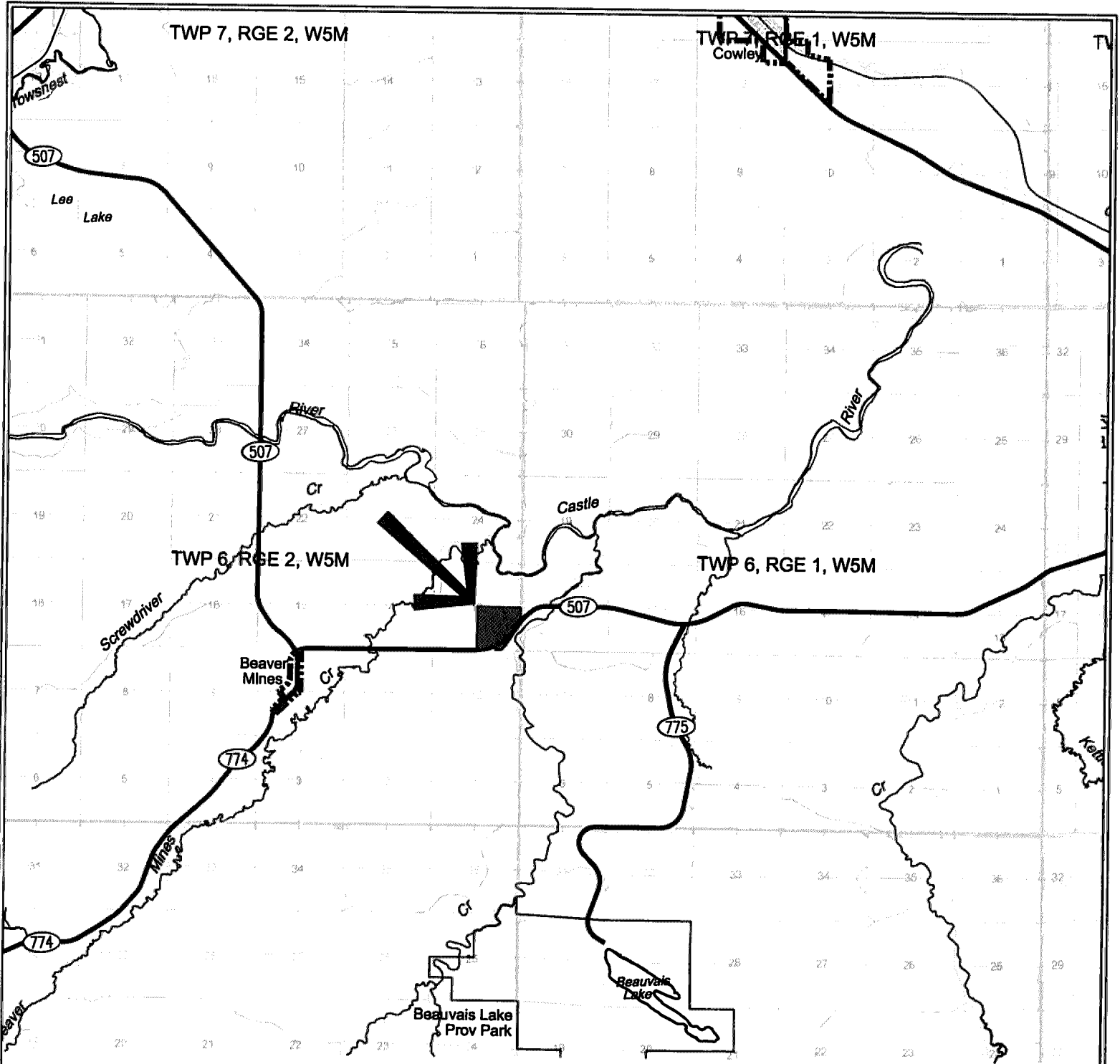
Signed:  Date: Sept 24/13

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
SE 1/4 SEC 13, TWP 6, RGE 2, W 5 M
MUNICIPALITY: M. D. OF PINCHER CREEK
DATE: JANUARY 27, 2014
FILE No: 2014-0-007

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 2002 8th AVENUE NORTH, STEPHENSBURG, AB T4N 0S8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



NW13
6-2-5

NE13 6-2-5

NW18
6-1-5

SW13 6-2-5

ACCESS R/W (081483)

REMAINDER OF TITLE IN
SE13 6-2-5
(TITLE NO. 131 232 832)
48.53±ha (119.92±Ac)
(derived using cadastral mapping)

SW18 6-1-5

SW18 6-1-5

HIGHWAY 507

MILL CREEK

SE13 6-2-5

9812422

PROPOSED LOT 1, BLOCK 1
2.23±ha (5.51±Ac)

3190JK

ROADWAY

NW12
6-2-5

NE12 6-2-5

NE12 6-2-5

11
8110749

NE12

NW7

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 13-11966T.

SE 1/4 SEC 13, TWP 6, RGE 2, W 5 M

MUNICIPALITY: M. D. OF PINCHER CREEK

DATE: JANUARY 27, 2014

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N.E.1/4 SEC. 13 - 6 - 2 - 5

13

S.W.1/4 SEC. 13 - 6 - 2 - 5

S.E.1/4 SEC. 13 - 6 - 2 - 5

S.E.1/4 SEC. 13
6 - 2 - 5

N.E.1/4 SEC. 12
6 - 2 - 5

ROAD PLAN 2121 N.

ROAD PLAN 3190 J.K.

ROAD PLAN 7927 H.T.

LOT 1
N.E.1/4 SEC. 12
6 - 2 - 5
ROAD PLAN
851 0589

LOT 1
N.E.1/4 SEC. 12
6 - 2 - 5
ROAD PLAN
811 0749

N.E.1/4 SEC. 12
6 - 2 - 5



ROAD PLAN 3190 J.K.

S.W.1/4 SEC. 18 - 6 - 1 - 5

GOVERNMENT ROAD ALLOWANCE

EXTRA ROAD 'D'

LOT 1
EXTRA ROAD 'C'

BLOCK 1
2.23 ha.
(5.5 Ac.)

EXTRA ROAD 'B'

EXTRA ROAD 'A'

ROAD PLAN 3190 J.K.

ROAD PLAN 3190 J.K.

S.E.1/4 SEC. 13
6 - 2 - 5

MILL CREEK

GOVERNMENT ROAD ALLOWANCE

ROAD PLAN 2121 N.

N.E.1/4 SEC. 12
6 - 2 - 5

BLAINE GROSS

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
S.E.1/4 SEC. 13; TWP. 6; RGE. 2; W.5 M.

MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

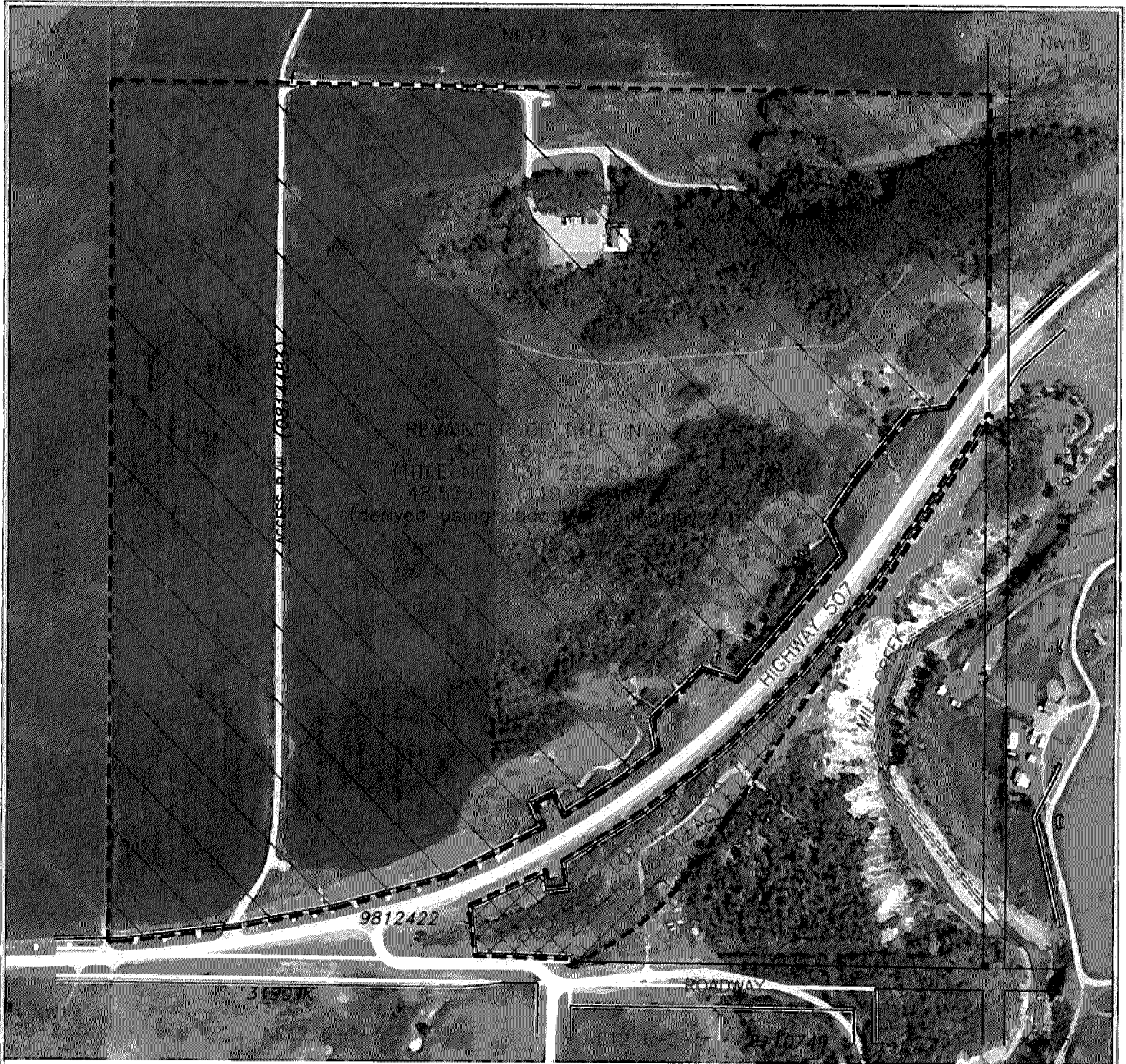


brown okamura & associates ltd.
Professional Surveyors
514 Stuffed Drive, Lethbridge, Alberta

APPROVED	DRAWN	CUB	DATE	SEPT. 23/13
	CHECKED	TCP	JOB	13-11966
T. C. Penner, A.L.S.	SCALE	DRAWING		13-11966T
				1:5000

NO.	REVISION	DATE	BY

NOTE : Portion to be approved is outlined thus -----
and contains approximately 2.23 ha.
Distances are in metres and decimal parts thereof.
Distances and areas are approximate and are
subject to change upon final survey.



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 13-11966T.

SE 1/4 SEC 13, TWP 6, RGE 2, W 5 M

MUNICIPALITY: M. D. OF PINCHER CREEK

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AERIAL PHOTO DATE: 2012