

Agenda
Municipal District of Pincher Creek No. 9
Special Subdivision Authority Meeting
April 2, 2019
4:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of February 5, 2019

3. Closed Meeting Session

4. Unfinished Business

5. Subdivision Applications

- a. Subdivision Application No. 2019-0-001
Huyvonto Farm Ltd.
NW 20-6-29 W4M

- b. Subdivision Application No. 2019-0-033
Reed Farming Ltd.
Lot 1, Block 1, Plan 1010054; N ½ 5-6-27 W4M

6. New Business

7. Next Regular Meeting May 7, 2019; 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, February 5, 2019 6:00 pm
MD of Pincher Creek No. 9 Administration Building**

IN ATTENDANCE

Members: Councillors Quentin Stevick, Rick Lemire, Terry Yagos and Bev Everts

Absent: Reeve Brian Hammond

Staff: Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott, and Executive Assistant Tara Cryderman

COMMENCEMENT

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

1. ADOPTION OF AGENDA

Councillor Terry Yagos 19/001

Moved that the Subdivision Authority Agenda for February 5, 2019, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Bev Everts 19/002

Moved that the November 6, 2018 Subdivision Authority Minutes, be approved as presented.

Carried

3. CLOSED MEETING SESSION

Councillor Terry Yagos 19/003

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

Carried

Councillor Terry Yagos 19/004

Moved that the Subdivision Authority open the meeting to the public, the time being 6:40 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2018-0-170
Kenneth McRae and Barbara McRae
N ½ 20-6-1 W5M

Councillor Terry Yagos

19/005

Moved that the Agricultural subdivision of N ½ 20-6-1-W5M (Certificate of Title No. 181 247 162, 181 247 162 +1), to create a 78.46 acre (31.75 ha) parcel and a 95.98 acre (38.84 ha) parcel from a 2 titles of 145 acres (58.7 ha) and 33 acres (13.4 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the *Municipal Government Act*, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That Certificate of Title 181247162 be consolidated with the adjacent portion of the NE 20 6-1 W5M that lies south of the Castle River in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority is satisfied that with the consolidation, the proposed subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's land use bylaw.
4. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(b) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)

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- (d) TELUS Communications Inc. does not have any objections to the above noted circulation.
- (e) Easements are required for this development. FortisAlberta will contact the developer to initiate the process of securing an easement for the proposed subdivision. FortisAlberta is requesting that the county defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement agreement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with 's approval of this subdivision.
FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-9473) to make application. Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.
- (f) ATCO Gas has no existing Utility Right of Way on the subject property, or the existing Utility Right of Way is not sufficient for subdivision servicing.
- The landowner(s) is required to contact the ATCO Gas land agent listed below to execute a Utility Right of Way to the satisfaction of ATCO Gas.
 - Once the Utility Right of Way has been registered at the Alberta Land Titles Office we will notify the municipality of the same.
Interim Land Agent: Tyson Bosch
Phone: 403-330-8886
- (g) ATCO Pipelines has no objection.
- (h) Alberta Health Services – Mike Swystun, Executive Officer/Public Health Inspector:
“Alberta Health Services appreciates the opportunity to provide comments on the above noted subdivision application. From the information provided, Alberta Health Services does not object to the proposed subdivision.”
- (i) Alberta Environment & Parks – Cory Wojtowicz:
“AEP Lands Division has reviewed the following application. Please apply “Stepping Back from the Water Guidelines to this application.”
- (j) Alberta Environment & Parks – Operations Infrastructure Branch:
“Thank you for the opportunity to review this referral. AEP Operations Branch (OIB) does not have an interest in the land at this location and therefore, have no comments or concerns with this proposal.”

Carried

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- b. Subdivision Application No. 2018-0-185
Sheran Carter
NE 16 & S ½ 21-6-30 W4M

Councillor Bev Everts

19/006

Moved that the Urban Fringe subdivision of NE 16 & S ½ 21-6-30-W4M (Certificate of Title No. 051 218 526 +1, 961 082 940 +8, 051 039 289 +1, 73A171A, 051 218 526, 051 039 304 +1), to create a 26.69 acre (10.80 ha) and a 46.44 acre (18.80 ha) parcel with legal road access from four existing titles containing approximately 73.5 acres (29.7 ha) in total for country residential/agricultural use; BE APPROVED subject to the following:

RESERVE:

Municipal Reserve is not applicable to proposed Lot 2 Block 2 pursuant to Section 663(b) of the MGA, as the parcel is greater than 40 acres and is to be used for agricultural purposes.

The payment of the applicable 10% Municipal Reserve on the 26.69 acre lot at \$2,500/acre is approximately \$6,672.50 with the actual amount (minus the Environment Reserve Easement acreage) to be determined at the final stage for Municipal Reserve purposes. That, pursuant to Section 664 of the Municipal Government Act and the planning policies of the MD of Pincher Creek, a 20m environmental reserve easement described by a metes and bounds description be provided along the left bank of Pincher Creek for Environmental Reserve purposes prior to final approval.

And that the deferred reserve caveat (741026167) registered against the Title 051218526 and 051218526+1 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.
3. That those portions of Certificate of Titles 051218526, 051218526+1, 051039304+1 and 051039289+1 be consolidated to create Lot 1 and 2 Block 2 according to BOA tentative plan 18-14287T dated November 23, 2018 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the applicant submit to the Subdivision Authority a copy of a sketch from an Alberta Land Surveyor that certifies the location and dimensions of the water well and the exact dimensions of the lot to be subdivided.

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REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority is satisfied that with the consolidation, the proposed subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's land use bylaw.
4. The subdivision authority, in considering the written submission from William Thorpe, finds that the concerns are focused on private landowner to landowner agreements for access and are therefore outside the parameters of the subdivision requirements and policies pertaining to the proposal.
5. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.

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 and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (c) The requirement for Municipal Reserve on proposed Lot 1 Block 2 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 26.69 acre (10.8 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is \$6,672.50.
- (d) 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 a buffer from the natural water body's banks by the mechanism of environmental reserve easement provides the best means of environmental protection for the water course known as Pincher Creek.
- (e) Municipal District of Pincher Creek No. 9 – Stu Weber, Public Works Superintendent: “My main concerns with this is just that the access to the property is built properly. In the drawing it looks like there is a small extension on the road allowance for access to the new parcel. We need to verify that if this is going to be an extension to the road that it is built to spec as per policy 317. Otherwise we will need an acknowledgment in writing that the MD will only maintain the pre-existing road, not the extension.”
- (f) Municipal District of Pincher Creek No. 9 – David Cox, Chief of Pincher Creek Emergency Services:
“I have no issues with this development.”
- (g) TELUS Communications Inc. has no objections to the above noted circulation.
- (h) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (i) Alberta Transportation – John Thomas, Development/Planning Technologist:
“Reference your file to create two (2) boundary adjusted urban fringe lots at the above noted location.

The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, (“the regulation”).

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

To that end, the lots to be created will be well removed from Highway 507 with indirect access to the highway being solely by way of the local road system. Moreover and whereas we had previously recommended to another party enquiring on behalf of the landowner that the current geometric design at the local road intersection of Highway 507 and Township Road 63A was inadequate to accommodate the traffic of a multiple parcel country residential development, this is merely a minor boundary adjustment that will incorporate the lot to be created with an existing urban fringe residential lot.

Given this, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the boundary adjusted urban fringe residential lot as proposed will have any appreciable impact on the highway.

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

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

The subject property is within the noted control lines; however, given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance, a permit from Alberta Transportation will not be required, and development of the subject property could proceed under the direction, control, and management of the Municipal District of Pincher Creek No. 9 subdivision and development land use authority. The applicant could contact the undersigned, at Lethbridge 403-381-5426, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise

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attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

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

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

(j) Alberta Environment & Parks – Susanne Lampier, Land Management Coordinator:
“Thank you for the opportunity to comment on this subdivision referral. Operations Infrastructure Branch does not have any concerns with the proposal.”

(k) Alberta Environment & Parks – Ricardo Barbosa, Waterbody/Boundary Research Analyst:

“Thank you for the notification. Please be advised that the Crown owns the bed and shore of Pincher Creek by exception from the land titles. As such, any portion of its bed and shore located within the subdivided area should be excluded from private ownership.”

(l) Alberta Environment & Parks – Caylee Knowles, Forest Officer – Land Management:
“Please follow recommendations in the “Stepping back from the water” guide and appendices for any new developments near waterbodies.”

(m) Adjacent Landowner – William Thrope:

“Mr. Scott, As a follow up to my phone conversation with you, Sherran Carter and David Amantea of Okumura and Brown I wish to register my concerns regarding the subdivision with respect to protecting my access by easement across the NE of 16. I discussed with David Amantea that the drawings as shown are not accurate with respect to including the well and related electric and waterlines to the well intended to be included in Lot 1 Block 2. He advises that corrections will be made later in the spring. I am happy to assist with ground proving the locations as I know it if that helps. It certainly suggests cutting off the lower portion of the proposed Lot 2 Block 2 at the north boundary of NE 16 for simplicity but as long as my access easement across the lower portion of the peninsula on the traditional vehicle trail is protected my concerns will be addressed.”

Carried

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- c. Subdivision Application No. 2018-0-198
Huyvonto Farm Ltd.
NE 13-6-30 W4M

Councillor Terry Yagos

19/007

Moved that the Agricultural subdivision of NE 13-6-30-W4M (Certificate of Title No. 071 073 488 +1, 071 073 488 +2), to create two 79.77 acre (32.28 ha) parcels from two titles of 80 acres (32.4 ha) for agricultural use; BE APPROVED subject to the following:

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(b) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) M.D. of Pincher Creek No. 9 – David Cox, Chief of Pincher Creek Emergency Services: “I have no issues with this development.”
- (e) TELUS Communications Inc. has no objections to the above circulation.
- (f) Alberta Transportation – John Thomas, Development/Planning Technologist: “Reference your file to create two (2) boundary adjusted agricultural lots at the above noted location.

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

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To that end, the proposal is to continue using the parcels to be created for agricultural purposes. As such, this application is in accordance with Section 14(a) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“the regulation”).

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

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

The subject property is within the noted control lines; however, given that development setbacks will be maintained by default and all access to the highway is indirect by way of the municipal district’s local road system, in this instance, a permit from the department will not be required, and development of the subject property could proceed under the direction, control, and management of the Municipal District of Pincher Creek No.9 subdivision and development land use authority. The applicant could contact the undersigned, at Lethbridge 403-381-5426, in this regard.

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

Carried

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- d. Subdivision Application No. 2018-0-199
Huyvonto Farm Ltd.
SE 13-6-30 W4M

Councillor Bev Everts

19/008

Moved that the Agricultural subdivision of SE 13-6-30-W4M (Certificate of Title No. 071 073 488 +5, 071 073 488 +3), to create a 79.81 acre (32.30 ha) parcel and a 75.81 acre (30.68 ha) parcel from two titles of 80 acres (32.4 ha) and 76.5 acres (30.96ha) for agricultural use; BE APPROVED subject to the following:

RESERVE:

That the Municipal Reserve deferred by caveat for 2.99 acres be paid and that the deferred reserve caveat (951107338) registered against the Title 071073488+5 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 proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.21.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(b) of the Municipal Government Act, Reserve is not required on the two agricultural parcels.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The requirement for Municipal Reserve on Lot 1 Plan 9511152 must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 2.99 acre (1.21 ha) being subdivided at \$2,500 /acre. Using the formula from Policy 422, the amount owing to satisfy the Municipal Reserve is \$747.50.

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- (e) M.D. of Pincher Creek No. 9 – David Cox, Chief of Pincher Creek Emergency Services: “I have no issues with this development.”
- (f) TELUS Communications Inc. has no objections to the above circulation.
- (g) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

- (h) Alberta Transportation – John Thomas, Development/Planning Technologist: “Reference your file to create two (2) boundary adjusted agricultural lots at the above noted location.

Alberta Transportation’s primary objective is to allow subdivision and development of 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 continue using the lots to be created for agricultural purposes. As such, this application is in accordance with Section 14(a) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002 (“the regulation”).

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

Notwithstanding that currently the application complies with said Section 15(3), the applicant is advised that no direct access to the highway will be allowed as a result of this application.

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

The subject property is within the noted control lines and, as such, any additional development would require the benefit of a permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated 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. Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

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Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted. Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.”

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, March 5, 2019; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

19/009

Moved that the meeting adjourn, the time being 6:44 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Sheldon Steinke, Interim Secretary
Subdivision Authority



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

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2019-0-001

March 22, 2019

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

Dear Mr. Culloch,

RE: NW1/4 20-6-29-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, AB Environment Operations Infrastructure Branch (OIB), Area Wildlife Biologist - M. Didkowsky, AB Agriculture, Historical Resources Administrator and AER.

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

Please contact this office if you require any further information.

Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2019-0-001

M.D. of Pincher Creek No. 9 Country Residential subdivision of NW1/4 20-6-29-W4M

THAT the Country Residential subdivision of NW1/4 20-6-29-W4M (Certificate of Title No. 071 073 488), to create a 15.30 acre (6.19 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

That, the environmental reserve requirement, pursuant to Sections 661 and 664 of the Municipal Government Act, be provided as a 10m environmental reserve easement along the banks of Indian Farm Creek within the proposed subdivision with the actual acreage to be dedicated being determined at the final stage, for Environmental Reserve purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Pincher Creek No. 9.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the final plan against the title(s) being created.
3. That an easement for legal access to the farm residence north of the proposed parcel be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. That a waiver of the maximum lot size of 10 acres within the Agriculture – A district of the M.D. of Pincher Creek Land Use Bylaw, pursuant to Municipal Government Act section 654(2) was deemed appropriate and granted.
4. The proposed subdivision with waiver complies with the M.D. of Pincher Creek subdivision policy R.11.
5. That the municipality in having taken into account the Provincial document *Stepping Back from the Water*, the comments from Alberta Environment and Parks, and the *Environmental Reference Manual for the Review of Subdivisions in Alberta* has determined that a buffer from the natural water body's banks by the mechanism of environmental reserve easement provides the best means of environmental protection for the water course known as Indian Farm Creek.

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 Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) The Subdivision Approval Authority of the MD of Pincher Creek No.9 waived the 10 acre maximum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act.
- (e) MD of Pincher Creek No. 9 – David Cox, Chief Pincher Creek Emergency Services:

“No issues with this development.”

- (f) TELUS Communications Inc. has no objection to the above circulation.
- (g) FortisAlberta – Beth Hergert:

“**Easements are required** for this development. FortisAlberta will contact the developer to initiate the process of securing an easement for the proposed subdivision. FortisAlberta is requesting that the Oldman River Regional Services Commission defer its subdivision approval until such time as this easement process is complete and the developer has entered into an appropriate easement agreement with FortisAlberta and the easement has been properly registered with Land Titles (Alberta). FortisAlberta will notify Oldman River Regional Services Commission once these steps have been completed and confirm to you that FortisAlberta no longer has any concerns with Oldman River Regional Services Commission’s approval of this subdivision.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-9473) to make application.

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

- (h) AltaGas Utilities Inc. has no objection to the proposed subdivision described in the file mentioned above.
- (i) Alberta Environment & Parks – Edward R. Evenson, Public Lands Approvals Branch:

“The Department of Environment and Parks Public Lands Division has concerns with subdivision 2019-0-001 as the proposed subdivision includes a portion of Indian Farm Creeks bed and shore this area must be removed from the proposed subdivision. The department requires an Environmental Reserve in the form of land adjacent to Indian farm creek, in accordance with section 664 of the municipal government act a Environmental Reserve of 10 meters is required. There Department has no additional concerns with the proposed subdivision 2019-0-001.”

- (j) Alberta Environment & Parks – Sid Parseyan, Senior Waterbody/Boundary Research Analyst, Water Boundaries Unit:

“Thank you for your email and the information. Please note that the bed and shore of Indian Farm Creek is owned by the Crown under Section 3 of the *Public Lands Act*. Therefore, the bed and shore of the aforementioned creek should not be part of the affected areas by the proposed subdivision plan.

Please do not hesitate to contact us if any additional clarification is required and/or you have any questions or comments on this matter.”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: February 19, 2019

Date of Receipt: December 18, 2018

Date of Completeness: February 7, 2019

TO: Landowner: Huyvonto Farm Ltd.

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

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, Altagas Utilities Inc., AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, AB Environment & Parks - E. Evenson, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, Historical Resources Administrator, AER

Adjacent Landowners: Lloyd Sproule, Francis and Colleen Cyr, Carole Ferguson, Stanley and Susan Kaupp

Planning Advisor: Gavin Scott 

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the M.D. of Pincher Creek No. 9. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **March 11, 2019**. (Please quote our File No. **2019-0-001** in any correspondence with this office).

File No.: 2019-0-001

Legal Description: NW1/4 20-6-29-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: 071 073 488

Meeting Date: April 2, 2019

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 15.30 acre (6.19 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing farmyard, which presently contains a dwelling, garage, barn, two quonsets and a number of other out-buildings. The existing residence is serviced by a septic system and Pincher Creek Water Co-op. Access to the lot is presently granted from an existing approach to the north, off of a developed municipal road allowance. A secondary farm residence also takes its access from the common driveway. This residence should be granted an access easement to ensure legal and physical access.

The proposed parcel captures a portion of Indian Farm Creek. The applicant should be aware that the Crown may claim its right to the creek's bed and shore.

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 a waiver of the Land Use Bylaw 10 acre maximum parcel size requirement be granted by the Subdivision Approval Authority of the MD of Pincher Creek. Or that the proposed parcel be reduced in size to accommodate existing buildings, structures and improvements.
7. That an easement for legal access to the farm residence outside of the proposed parcel be provided before final approval of the subdivision with a copy of the signed easement agreement being submitted to the Subdivision Authority.
8. That, any conditions of Alberta Culture and Tourism, Historic Resources, shall be met prior to finalization.

RESERVE:

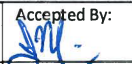

- Municipal Reserve is not applicable pursuant to Section 663(a) of the MGA, as it is the first parcel from the quarter section.

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$1025.00</u>	File No.: <u>2019-0-001</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>Dec 18, 2018</u>	Accepted By: 
Date Deemed Complete: <u>Feb 7 / 2019</u>	Accepted By: 

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Huyvonto Farm Ltd.

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): David J. Amantea, ALS, P.Eng.

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email Mail

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

Mailing Address: Box 655 Lethbridge AB Postal Code: T1J 3Z4

Telephone: 403-329-4688 Ex. 29 Cell: _____ Fax: _____

Email: d.amantea@bokamura.com Preferred Method of Correspondence: Email Mail

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NW ¼ Section 20 Township 6 Range 29 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

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

c. Total area of existing parcel of land (to be subdivided) is: 64.33 hectares 158.98 acres

d. Total number of lots to be created: 1 Size of Lot(s): 5.40 Ha / 13.34 Ac

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 071 073 488

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

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

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

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Farmland / Yard
- b. Proposed use of the land Yard Separated Out

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

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

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

e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes No

f. Are there any active oil or gas wells or pipelines on the land? Yes No

g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

- a. Existing source of potable water Pincher Creek Water Co-op
- b. Proposed source of potable water Pincher Creek Water Co-op

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type Septic Year Installed ?
- b. Proposed sewage disposal: Type No Change

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I David J. Amantea, ALS, P.Eng. (18-14377) hereby certify that

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

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

Signed: [Signature] Date: Dec 18/2018

9. RIGHT OF ENTRY

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

[Signature]
Signature of Registered Owner(s)



LAND TITLE CERTIFICATE

S			
LINC	SHORT LEGAL	TITLE NUMBER	
0020 609 061	4;29;6;20;NW	071 073 488	
0020 609 079	4;29;6;20;NE		

LEGAL DESCRIPTION

FIRST

MERIDIAN 4 RANGE 29 TOWNSHIP 6
SECTION 20
QUARTER NORTH WEST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
ROAD	8810643	0.414	1.02

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

SECOND

MERIDIAN 4 RANGE 29 TOWNSHIP 6
SECTION 20
QUARTER NORTH EAST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
ROAD	8810643	0.414	1.02

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

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 071 073 157

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

071 073 488 13/02/2007 TRANSFER OF LAND SEE INSTRUMENT

OWNERS

HUYVONTO FARM LTD.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4230KL .	20/08/1969	CAVEAT CAVEATOR - PLAINS WESTERN GAS & ELECTRIC CO LTD.
811 211 701	12/11/1981	CAVEAT CAVEATOR - ALBERTA GOVERNMENT TELEPHONES.
921 035 744	19/02/1992	UTILITY RIGHT OF WAY GRANTEE - PINCHER CREEK WATER CO-OPERATIVE LTD.

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
DECEMBER, 2018 AT 04:24 P.M.

ORDER NUMBER: 36435963

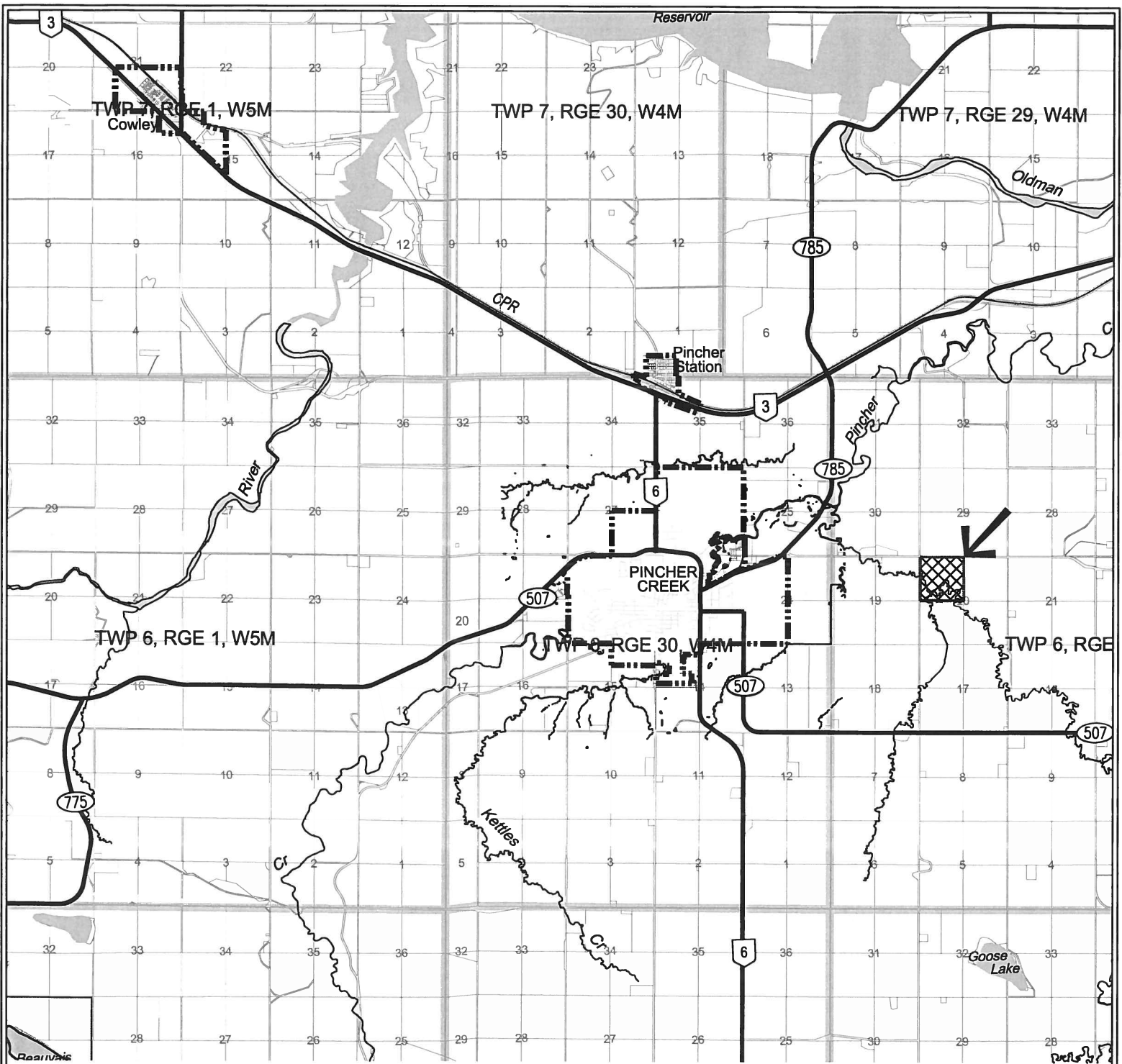
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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



SUBDIVISION LOCATION SKETCH

NW 1/4 SEC 20, TWP 6, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: FEBRUARY 7, 2019

FILE No: 2019-0-001

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5E9
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION

February 07, 2019 N:\Subdivision\2019\2019-0-001.dwg

SE30

SW29 6-29-4

SE29

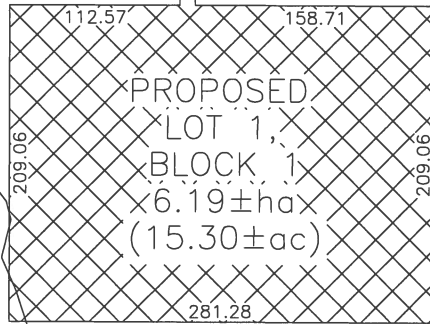
ROADWAY 8810643

575.76

10.00

315.34
315.34

REMAINDER OF
TITLE IN
NW20 6-29-4
58.15±ha
(143.68±ac)



INDIAN FARM CREEK

NE19 6-29-4

NE20 6-29-4

FIBRE OPTICS R/W (9211955) FIBRE OPTICS R/W (0310182)

SE19

SW20 6-29-4

SE20

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 18-14377TB

NW 1/4 SEC 20, TWP 6, RGE 29, W 4 M

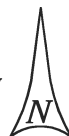
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: FEBRUARY 7, 2019

FILE No: 2019-0-001



0 100 200 300 400 Metres





SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 18-14377TB

NW 1/4 SEC 20, TWP 6, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

DATE: FEBRUARY 7, 2019

FILE No: 2019-0-001





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

Phone: (403) 329-1344
Toll-Free: 1-844-279-8760
E-mail: subdivision@orrsc.com
Website: www.orrsc.com

DRAFT RESOLUTION

Our File: 2019-0-033

March 22, 2019

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

Dear Mr. Culloch,

RE: Lot 1, Block 1, Plan 1010054 within N1/2 5-6-27-W4M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, Chief Mountain Gas Co-op Ltd., AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, AER and Chevron 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
Senior Planner

GS/jm
Attachment

RESOLUTION

2019-0-033

M.D. of Pincher Creek No. 9 Country Residential subdivision of Lot 1, Block 1, Plan 1010054 within N1/2 5-6-27-W4M

THAT the Country Residential subdivision of Lot 1, Block 1, Plan 1010054 within N1/2 5-6-27-W4M (Certificate of Title No. 191 010 465), to to create a 7.44 acre (3.01 ha) parcel from a reconfigured quarter section of 158.64 acres (64.2 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 proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.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 Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Pincher Creek Emergency Services – David Cox, Chief:
“No issues with this development.”
- (e) TELUS Communications Inc. has no objection to the above circulation.
- (f) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

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

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

(g) ATCO Gas has no objection to the proposed as it does not fall within our franchise are.

(i) ATCO Pipelines – Isabel Solis-Jarek, Sr. Administrative Coordinator, Operations Engineering:

“The Engineering Department of ATCO Pipelines (a division of ATCO Gas and Pipelines Ltd.) has reviewed the above named plan and has no objections subject to the following conditions:

1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Pipelines before commencing any work.
 - Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Pipelines’ requirements as set forth in the company’s conditional approval letter.
 - Contact ATCO Pipelines’ Land Department at 1-888-420-3464 for more information.
3. Parking and/or storage is not permitted on ATCO Pipelines’ pipeline(s) and/or right(s)-of-way.
4. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Pipelines for further review.

If you have any questions or concerns, please contact the undersigned at 780.420.3896 or email Isabel.Solis@atco.com.” (See Attachment)

(j) Alberta Health Services – Mike Swystun, Executive Officer/Public Health Inspector:

“In response to your February 28, 2019 request for comment on the above noted subdivision, Alberta Health Service (AHS) has reviewed the information provided and wish to provide the following comments:

- AHS does not foresee a Public Health Nuisance being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws and standards.

If you require any further information, please call me at 403-627-1230.”

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

“Reference your file to create a country residential parcel at the above noted location.

The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of 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, the parcel to be created and remnant land will be well removed from Highway 507 with indirect access to the highway being gained solely by way of the local road system. As such, strictly from Alberta Transportation’s point of view, we do not anticipate that the creation of the country residential parcel as proposed would have any appreciable impact on the highway.

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

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

The subject property is not within the noted control lines. Given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local road system, in this instance, a permit from Alberta Transportation will not be required, and development of the country residential parcel could proceed under the direction, control, and management of the municipal district. The applicant could contact the undersigned, at Lethbridge 403-381-5426, in this regard.

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

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

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

CHAIRMAN

DATE

ATCO Pipelines high pressure pipeline in red.



NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: February 28, 2019

Date of Receipt:

February 22, 2019

Date of Completeness:

February 22, 2019

TO: Landowner: Reed Farming Ltd.
Agent: Travis and Samantha Reed
Surveyor: Thomas C. Penner, A.L.S.

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Holy Spirit RC School Division, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, Chief Mountain Gas Co-op Ltd., AB Health Services - Lethbridge, AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, AB Transportation, AER

Adjacent Landowners: William Metzler, RS Reed Farms Ltd, Roy and Diana Reed

Planning Advisor: Gavin Scott



The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the M.D. of Pincher Creek No. 9. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **March 19, 2019**. (Please quote our File No. **2019-0-033** in any correspondence with this office).

File No.: 2019-0-033

Legal Description: Lot 1, Block 1, Plan 1010054 within N1/2 5-6-27-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: 191 010 465

Meeting Date: April 2, 2019

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 7.44 acre (3.01 ha) parcel from a reconfigured quarter section of 158.64 acres (64.2 ha) for country residential use.

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

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

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

PROCESSING NOTES: No further comment pending a site inspection.

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



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$1025.00</u>	File No: <u>2019-0-033</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>February 22, 2019</u>	Accepted By: <u>[Signature]</u>
Date Deemed Complete: <u>February 22, 2019</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Reed Farming Ltd.

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Agent (Person Authorized to act on behalf of Registered Owner): Travis and Samantha Reed

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email Mail

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

Mailing Address: Box 655 Lethbridge AB Postal Code: T1J 3Z4

Telephone: 403-329-4688 Ex. 28 Cell: _____ Fax: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the NW ¼ Section 5 Township 6 Range 27 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)

b. Being all/part of: Lot/Unit 1 Block 1 Plan 1010054

c. Total area of existing parcel of land (to be subdivided) is: 64.2 hectares 158.64 acres

d. Total number of lots to be created: 1 Size of Lot(s): 3.01 ha (7.4 ac)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 191 010 465

3. LOCATION OF LAND TO BE SUBDIVIDED

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

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

c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes No
If "yes" the highway is No. 507

d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes No
If "yes", state its name containing 3.01 ha (7.4 ac) of water

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land 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) mixed

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.) 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 1.6 kilometres (1 mile) of the land being subdivided? Yes No

f. Are there any active oil or gas wells or pipelines on the land? Yes No

g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

Describe:

a. Existing source of potable water well

b. Proposed source of potable water well

7. SEWER SERVICES

Describe:

a. Existing sewage disposal: Type septic field Year Installed unknown

b. Proposed sewage disposal: Type septic field

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

1 Thomas C. Penner, ALS (boa file: 19-14430) hereby certify that

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

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

Signed: [Signature]

Date: Feb 15, 2019

9. RIGHT OF ENTRY

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

[Signature] Debbie Reed
Signature of Registered Owner(s)



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0034 185 042 1010054;1;1 191 010 465

LEGAL DESCRIPTION

PLAN 1010054

BLOCK 1

LOT 1

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 64.2 HECTARES (158.64 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;27;6;5;N

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 101 005 132

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
191 010 465	16/01/2019	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

REED FARMING LTD.

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
751 029 700	08/04/1975	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. AS TO PORTION OR PLAN:7510264
811 098 025	28/05/1981	UTILITY RIGHT OF WAY GRANTEE - CHIEF MOUNTAIN GAS CO-OP LTD. BOX 38

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
191 010 465

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

CARDSTON
ALBERTA T0K0K0
(DATA UPDATED BY: CHANGE OF NAME 021088516)

191 010 466 16/01/2019 MORTGAGE
MORTGAGEE - THE PINCHER CREEK CREDIT UNION,
LIMITED.
BOX 1660, PINCHER CREEK
ALBERTA T0K1W0
ORIGINAL PRINCIPAL AMOUNT:

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 15 DAY OF
FEBRUARY, 2019 AT 01:41 P.M.

ORDER NUMBER: 36722789

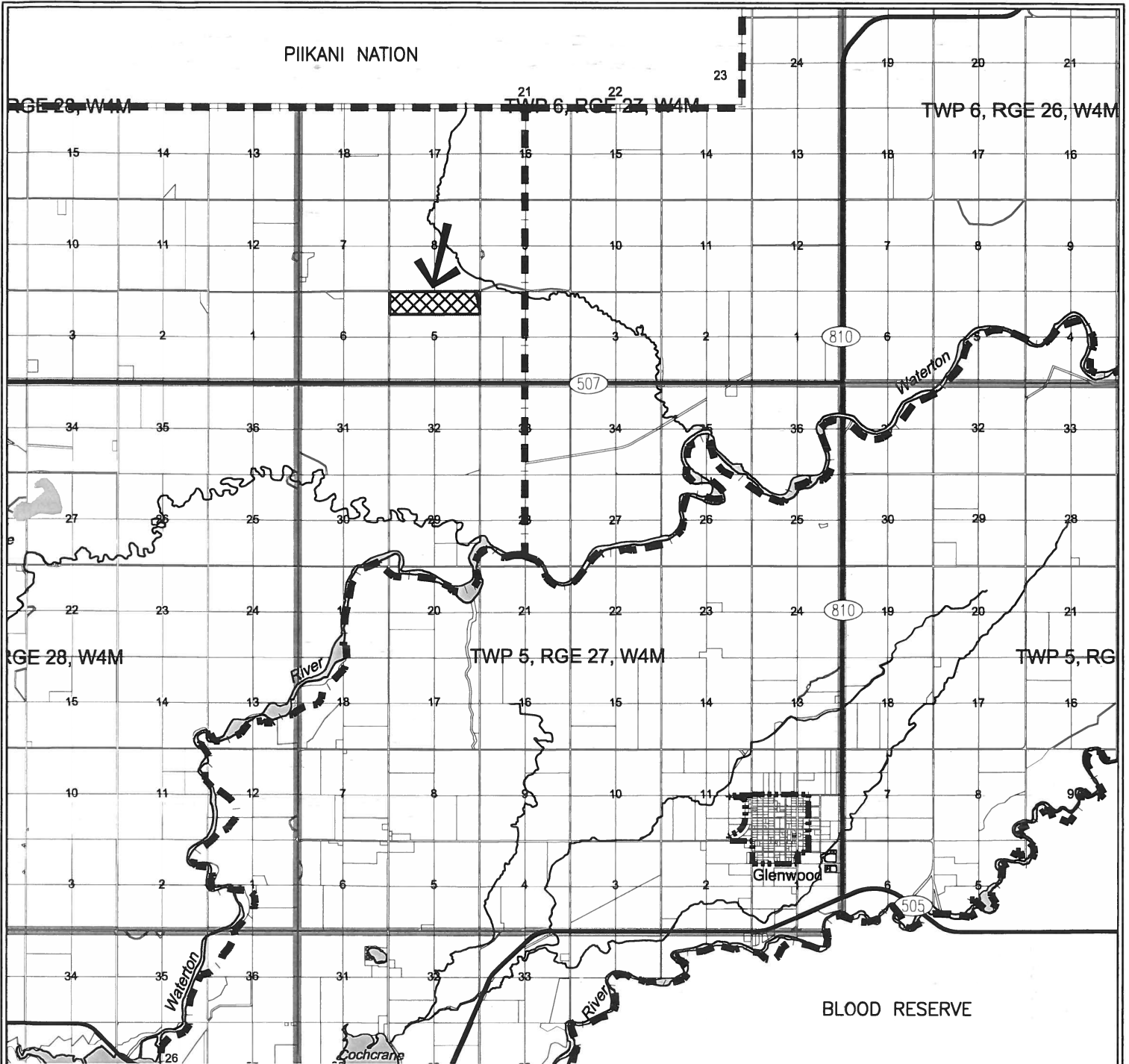
CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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

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



SUBDIVISION LOCATION SKETCH
LOT 1, BLOCK 1, PLAN 1010054 WITHIN
N 1/2 SEC 5, TWP 6, RGE 27, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
DATE: FEBRUARY 25, 2019
FILE No: 2019-0-033

MAP PREPARED BY
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 16th AVENUE NORTH, LETHBRIDGE, AB T1H 5E8
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



OLDMAN RIVER REGIONAL SERVICES COMMISSION

February 25, 2019 N:\Subdivision\2019\2019-0-033.dwg

SE7
6-27-4

SWB 6-27-4

SE8 6-27-4

SW9
5555E
SW9

NE6 6-27-4

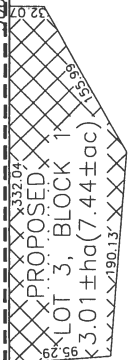
NW4 6-27-4

SE6
6-27-4

SW5 6-27-4

SE5 6-27-4

SW4
6-27-4



REMAINDER OF
TITLE IN
LOT 1, BLOCK 1
61.19 ± ha (151.20 ± ac)
(in 2 parts)

1 2
1010054

GAS LINE RIGHT OF WAY (75' 0264')

FIBRE OPTICS R/W (9211952)

SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 19-14430T
 LOT 1, BLOCK 1, PLAN 1010054 WITHIN N 1/2 SEC 5, TWP 6, RGE 27, W 4 M
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: FEBRUARY 25, 2019
 FILE No: 2019-0-033

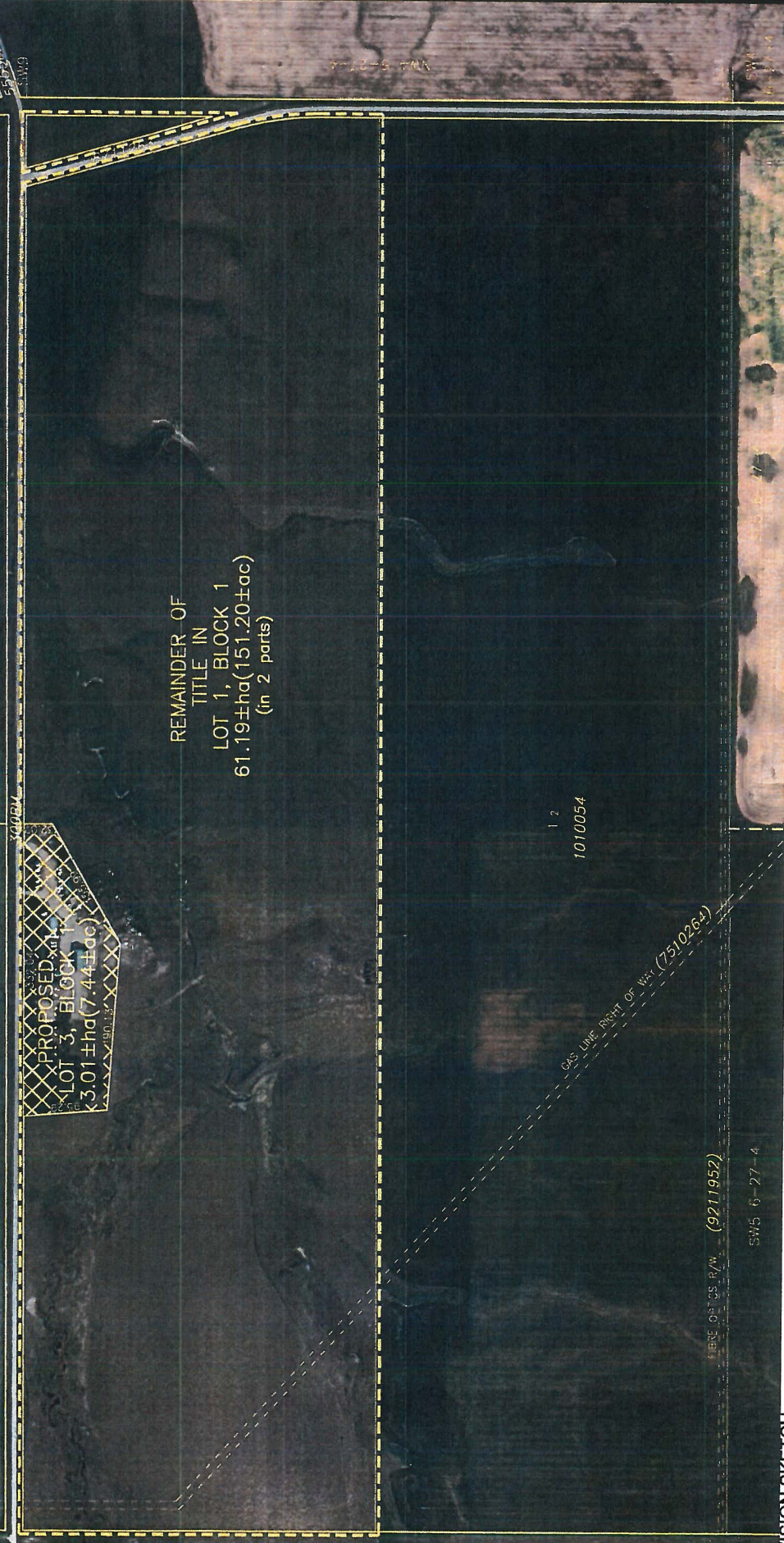


SE7
6-27-4

SW6 5-27-4

SFR 6-27-4

SW9



SUBDIVISION SKETCH

See tentative plan of subdivision by Brown Okamura & Associates Ltd. file no. 19-14430T
 LOT 1, BLOCK 1, PLAN 1010054 WITHIN N 1/2 SEC 5, TWP 6, RGE 27, W 4 M
 MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
 DATE: FEBRUARY 25, 2019
 FILE No: 2019-0-033

AERIAL PHOTO DATE: 2015



February 25, 2019 N:\Subdivision\2019\2019-0-033.dwg

S.W.1/4 SEC. 8 - 6 - 27 - 4

ROAD PLAN 300 B.M.

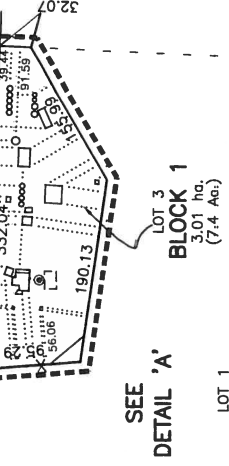
ROAD PLAN 1468 D.

GOVERNMENT ROAD ALLOWANCE

R/W PLAN 751 02&4

R/W PLAN 921 1992

S.W.1/4 SEC. 5 - 6 - 27 - 4

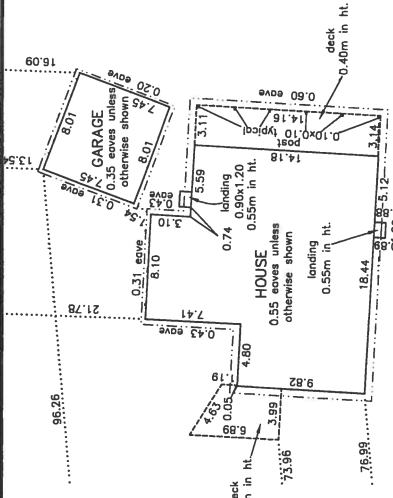


SEE
DETAIL 'A'

LOT 1
BLOCK 1
PLAN 101 0054

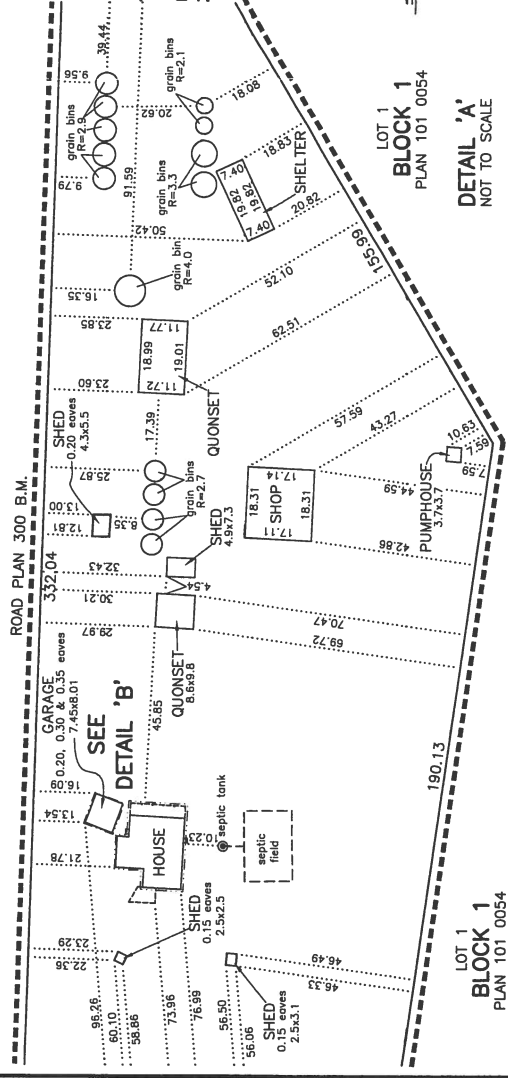
LOT 2
BLOCK 1
PLAN 101 0054

S.W.1/4 SEC. 5 - 6 - 27 - 4



DETAIL 'B'
NOT TO SCALE

* Location of septic field is approximate and surveyed as directed by Client.



LOT 1
BLOCK 1
PLAN 101 0054

DETAIL 'A'
NOT TO SCALE

LOT 1
BLOCK 1
PLAN 101 0054

TRAVIS & SAMANTHA REED

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
LOT 1; BLOCK 1; PLAN 101 0054
all within
N.W.1/4 SEC. 5; TWP. 6; RGE. 27; W.4 M.
MUNICIPAL DISTRICT OF PINCHER CREEK No. 9

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

APPROVED	DRAWN	CJB	DATE	FEB. 14/19
	CHECKED	TOP	JOB	19-14430
T. C. Penner, A.L.S.	SCALE		DRAWING	19-14430T
				1:5000

NO.	REVISION	DATE	BY

Improvements shown were surveyed on January 24th, 2019
NOTE : Portion to be approved is outlined thus and contains approximately 3.01 ha.
Distances are in metres and decimal parts thereof.

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