

Agenda
Municipal District of Pincher Creek No. 9
Subdivision Authority Meeting
October 5, 2021
6:00 pm

1. Adoption of Agenda

2. Adoption of Minutes

- a. Minutes of September 7, 2021

3. Closed Meeting Session

4. Unfinished Business

- a. Subdivision Application No. 2021-0-141
Rea Tarnava
SW1/4 1-9-3-W5M

5. Subdivision Application

None

6. New Business

7. Next Regular Meeting November 2, 2021 6:00 pm

8. Adjournment

**Meeting Minutes of the Subdivision Authority
Tuesday, September 7, 2021; 6:00 pm
MD of Pincher Creek No. 9**

IN ATTENDANCE

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

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

Planning Advisors: ORRSC, Senior Planner Gavin Scott

Absent:

COMMENCEMENT

Reeve Brian Hammond called the meeting to order, the time being 5:59 pm.

1. ADOPTION OF AGENDA

Councillor Bev Everts 21/053

Moved that the Subdivision Authority Agenda for September 7, 2021, be approved as presented.

Carried

2. ADOPTION OF MINUTES

Councillor Bev Everts 21/054

Moved that the August 3, 2021, Subdivision Authority Minutes, be approved as amended.

Carried

3. CLOSED MEETING SESSION

Councillor Bev Everts 21/055

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 6:07 pm.

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 7, 2021

Councillor Rick Lemire

21/056

Moved that the Subdivision Authority open the meeting to the public, the time being 6:39 pm.

Carried

4. UNFINISHED BUSINESS

Nil

5. SUBDIVISION APPLICATIONS

- a. Subdivision Application No. 2021-0-141
Rea Tarnava
SW1/4 1-9-3-W5M

Councillor Bev Everts

21/057

Moved THAT the Country Residential subdivision of SW1/4 1-9-3-W5M (Certificate of Title No. 201 192 380), to create a 6.94 acre (2.81 ha) parcel from 143.16 acres (57.9 ha) for country residential use; BE TABLED for further review.

Carried

- b. Subdivision Application 2021-0-153
William David Gerald Yates & Susan Frances Yates
NE1/4 2-8-30-W4M

Councillor Quentin Stevick

21-058

Moved THAT the Country Residential subdivision of NE1/4 2-8-30-W4M (Certificate of Title No. 951 067 219), to create an 8.38 acre (3.39 ha) parcel from a previously unsubdivided quarter section of 160 acres (64.7 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

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

Carried

MINUTES
SUBDIVISION AUTHORITY
Municipal District of Pincher Creek No. 9
September 7, 2021

- c. Subdivision Application No. 2021-0-156
Lazy R Ranch Inc.
SW1/4 18-3-29-W4M

Councillor Terry Yagos

21-059

Moved THAT the Country Residential subdivision of SW1/4 18-3-29-W4M (Certificate of Title No. 001 225 108 +3), to create a 16.71 acre (6.76 ha) parcel from a previously unsubdivided quarter section of 161 acres (65.15 ha) for country residential use; BE APPROVED subject to the following:

CONDITIONS:

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

WAIVER:

- 1 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) is granted.

Carried

6. NEW BUSINESS

Nil

7. NEXT MEETING – Tuesday, October 5, 2021; 6:00 pm.

8. ADJOURNMENT

Councillor Terry Yagos

21/060

Moved that the meeting adjourn, the time being 6:42 pm.

Carried

Brian Hammond, Chair
Subdivision Authority

Roland Milligan, Secretary
Subdivision Authority

DRAFT RESOLUTION

Our File: 2021-0-141

September 28, 2021

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

Dear Mr. MacCulloch,

RE: SW1/4 1-9-3-W5M / M.D. of Pincher Creek No. 9

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

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, FortisAlberta, ATCO Pipelines, AB Environment & Parks - J. Cayford, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Historical Resources Administrator and AER.

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

Please contact this office if you require any further information.



Gavin Scott
Senior Planner

GS/jm
Attachment

RESOLUTION

2021-0-141

M.D. of Pincher Creek No. 9 Country Residential subdivision of SW1/4 1-9-3-W5M

THAT the Country Residential subdivision of SW1/4 1-9-3-W5M (Certificate of Title No. 201 192 380), to create a 6.94 acre (2.81 ha) parcel from a (previously unsubdivided quarter section/ or title) of 143.16 acres (57.9 ha) for country residential use; BE APPROVED subject to the following:

RESERVE:

The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 6.94 acres at the market value of \$3,200 per acre with the actual acreage and amount to be paid to the MD of Pincher Creek be determined at the final stage, for Municipal Reserve Purposes.

CONDITIONS:

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

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The proposed subdivision complies with the M.D. of Pincher Creek subdivision policy R.14.
4. The subdivision authority, in considering the written submission from Randall Warren, Brad Pisony, and Paula Foster finds that the concerns are focused on the existing and future development approvals, and are therefore outside the parameters of the subdivision policies pertaining to the proposal.

INFORMATIVE:

- (a) The payment of the applicable 10% Municipal Reserve on the 6.94 acres must be satisfied using Municipal District of Pincher Creek Policy 422. The MD assessor has provided a land value for the 6.94 acre (2.81 ha) being subdivided at \$3,200 per acre. Using the formula from Policy 422, the amount owing to satisfy Municipal Reserve is approximately \$2,220.80 with the actual amount to be determined at the finalization stage for Municipal Reserve purposes.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)

(d) Comments from the Rea Tarnava (Applicant):

"Please find attached, our application for subdivision within the County of Pincher Creek. We request a quick review of the documents for completeness, at which time an e-transfer payment will be sent (later today).

Additionally, please be advised that screw piles will be installed next week, and the RTM home will be delivered July 26th. The septic has been completed, services completed, and the site fully prepared. This subdivision is being requested as a homestead site for our son, which will be given to him once we build our new home on the remaining land of the SW quarter in 2023.

On this basis we request that subdivision be granted for this homestead. Please see attached documentation of proof of purchase with Nelson Homes (sale agreement).

Thank you for your kind assistance."

(e) Telus Communications Inc has no objection.

(f) Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 781 035 372.

Therefore, ATCO Gas has no objection to the proposed subdivision.

(g) Alberta Health Services – Wade Goin, Executive Officer/Public Health Inspector:

"In response to the request for comment on the above noted subdivision, we have reviewed the information and wish to provide the following comments:

- Alberta Health Services does not object to this subdivision provided all other pertinent bylaws, regulations and standards are complied with.

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

(h) Alberta Environment & Parks – Michael Taje, Public Land Management Specialist:

"I have 2 comments with regards to this request

1. the proposed subdivision of 6.94 +ac, is associated with Cow Creek. The Bed and shore is considered Crown Claimable and by definition is Public Land as identified as per Section 3(1) of the Public Lands Act. There will no activity within Cow Creek unless this is Public Lands Authorization or approval
2. It is recommended that development is set back from Cow Creek as per Stepping back from the Water: a beneficial management practices guide for new development near water bodies in Alberta's settled region (2012)
3. As for the remainder 136.22(+/-) there will be no permitted access from Public Land located at NW36 8 3 W5M

If you have any questions please call me."

(i) Canada Post has no comment.

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

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision and for the easement by contacting FortisAlberta at 310-WIRE (310-9473) to make application. Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions

(j) Comments from Randall Warren:

"To Whom it may concern;

As an adjacent landowner I have several concerns and observations about the proposed subdivision; and in addition, about the MD of Pincher Creek No.9's current bylaws regarding these types of subdivision. I will state my various observations and concerns in bullet points below.

- 1) There is no requirement for the property owner to actually live in the residence for a period of time. In this context they are simply flipping a portion of their land for profit without ever having to use this home as a personal residence. There should be a minimum hold time (e.g. 2 years) to avoid the flipping quickly for profit strategy.
- 2) 2 subdivisions already exist on this 1/4 section and this will make 3. There is already an electrical meter base adjacent to the one used for the proposed subdivision so that means there will be an additional residence or facility not part of the proposed development that will be developed at a later date. This will mean there will ultimately be 4 developments on this single 1/4 section. Why is this allowed when the overwhelming land use in the area is agricultural?
- 3) At the present time there are (including this proposal) 5 residences within a 1/2 mile. This is supposed to be rural living and from everywhere on my land I can see this residential development. Are there no restrictions on how many residences can be developed in a limited area. With the new meter base adjacent to this proposal there will be 6 residences within the 1/2 mile. It is starting to look like a hamlet or village and no longer feels rural.
- 4) Of significant concern is the development itself. There is very little setback from the municipal road and there was no attempt to make this residence fit in the landscape either environmentally (no trees or shelter belt) or architecturally. The development is unsightly and likely unsafe due to the meteorological conditions that occur in this area (i.e.. high winds) and the debris can blow away and cause damage or waste blown onto other lands adjacent. The house itself has asphalt shingles. With no protection (i.e.. trees) around the residence shingles are likely to blow off and become someone else's problem (all other residences in the area have metal roofs). Being an RTM structure it is unlikely to have been designed structurally robust for high wind areas e.g. using such fasteners as hurricane ties. In many cases these types of homes are stapled together and are easily torn apart by wind and abandoned whereas they become unsightly.
- 5) There are rumours that the next proposed development adjacent to this one is a "Party Barn" (see meter base comment in point 2) where the owners can have a glorified camp ground which can lead to significantly increased traffic, dust and even potentially increased crime as the area becomes more well known by people who don't live there. Note: dead body found in July on North Burmis Road.

In closing, if this subdivision is approved and it appears likely it will be, then the strategy seems to be building a house with all the attendant facilities such as access road, well, power and septic pretty much guarantees an approval from the municipality. Considering this I guess I can start building houses on my property one at a time with a view to a 5-7 acre subdivision and basically develop my entire holding into these small lots for profit so I can buy a larger ranch somewhere else that isn't turning into a small community?

Please confirm receipt of this email so that I know it will be reviewed at the September meeting,"

(k) Comments from Brad Pisony:

"To whom it may concern,

This email is with regards to file # 2021 – 0-141 and the application for subdivision of SW ¼ 1-9-3-W5M owned by Rea Tarnava.

First and foremost I would just like to say that I do not understand or agree with the Municipalities method and approach to creating subdivisions off of quarter sections in the first place.

It basically seems that the process is designed for the wealthy whereby if a Calgarian comes along and not only has the + ½ million dollars needed to buy an agricultural quarter, but can immediately dump another several hundred thousand dollars and plunk a house on one of it's corners and immediately

produce huge income by the sale of a subdivision...(generally purchased by another wealthy Calgarian for weekend getaway use). Then immediately turn around and build more structures on the rest of the quarter.

I guess the bottom line for the ORRSC is for the generation of increased tax base for the MD with no regards for the agricultural and environmental capacity of this pristine intermontane wilderness area. I fear the North Burmis Valley, the Chapal Rock Valley and the Willow Valley will look like another Bragg Creek and Millarville in 6 to 10 years. I say this because I personally know of several dozen quarter sections that will inevitably be up for sale on an individual basis, likely within the next two years from now. Local residents likely have no idea of what is about to become of the land holdings of two of the largest Ranching land holders in this area.

I understand that I am wasting my time writing about that however, and will keep my focus on only the environmental aspects of the creation of this subdivision application and the several others that will inevitably occur in this area.

My first Environmental point:

You likely do not realise this, but the corridor on the Tarnava quarter is the primary access to one of Southern Alberta's Largest Moose breeding ground habitats. I have basically lived here all my life and can attest to witnessing several dozen bull moose vying for a dozen or more cows.

Bottom line with regards to this statement, I believe that it is imperative that an extensive biological moose impact assessment be conducted specifically in the Cow Creek Drainage.

My second Environmental point:

Rea Tarnava will inevitably attempt to create another subdivision on the eastern ridge of her northern quarter. As long as Myself and the two adjacent landowners continue to refuse her easement access onto the east side of the ridge, she will be forced to construct an extensive and unsightly rock cut through the ridge and then make a switchback to maintain grade on the road. Such a construction will have an environmental impact and will, with many neighbors in agreement, demand such an environmental assessment prior to any road construction across that ridge.

My third Environmental point:

Who will be held liable for cleanup when the structure she has placed on this subdivision rips apart in the Hyper Gust Season from November to March.

I have personally seen four structures within a quarter mile radius of her application completely destroyed in hyper-gusts exceeding 200 kmph. Debris will spread several hundred meters and will enter the creek.

These are my concerns. Sincerely, Brad Pisony"

(l) Comments from Paula Foster:

"To whom it may concern:

I am writing this letter in response to the notice of application for subdivision of land in which I did not actually receive in the post.

I have referred to a neighbour's letter to respond.

I would also like to mention that there were at least two errors in the letter in regards to names improperly spelled and the letter stated that there would be a public meeting in which I was informed by Gavin Scott that this is not true. This has created concern and confusion by adjacent landowners, if this letter is a legal document and the landowners comments are to be taken seriously why the errors and refusal to a public meeting?

I will outline my opposition to the subdivision(s) below.

I moved to my property a year ago and am appalled at the developments that are happening directly across from me in this rural location. Moving to this location was a dream come true and everyday I felt

privileged and delighted with the peace and quiet it provided along with a lot of space for my two-year-old Border Collie to run. The hub of activity has drawn my dog across the road numerous times, thus I now have to tie him up and take him to a neighbour when I work which has added 15 minutes to an already half hour drive.

I am a Registered Nurse and part of the reason I moved is because living in Coleman with the houses all crammed together made the noise very difficult to sleep doing shift work, not to mention a lack of privacy. Since the development, the increase in noise and traffic has been very disruptive, and to be frank disrespectful; incessant rifle shooting, contractors building and side-by-side ATVs driving all over the property has made my dream of rural living a nightmare. The noise and activity is actually much worse than living in my uninsulated house in Coleman, not to mention the dust going in my face with the increase in traffic.

I moved to this beautiful unique intermontane rural area so that I would no longer have the issues that come with living in a suburban area. It feels like I am back in the heart of Lethbridge, the only thing missing are the sirens. Six acreages within a half a mile does not seem like a rural area.

I am concerned about the integrity of the trailer-park-looking house on screw piles holding up to the incredible winds we have here. After every wind storm I walk my own property picking up debris from the wind and have learned of the power of the wind in this area as I myself was injured in the wind while running. I suspect the architecture was not designed for the high winds, not to mention the stark contrast the aesthetics of the house has brought to this beautiful valley. I am concerned not only of the safety of myself in such close proximity, but for whomever purchases this unsightly property due to the wind and shingled roof. I have been told by numerous people in the area that some roofs have actually blown right off nearby homes.

The subdivision is very concerning to the wildlife here. Although I do not hunt, I have greatly enjoyed learning about the vast and abundant wildlife through photographing and scoping them. I see an abundance of wildlife every morning on North Burmis on my travels to work. I rise early for work and have enjoyed watching from my living room window the moose crossing the road into my property at early sunrise from where the house is now located. Hunters in the area have informed me that this area is a prime moose habitat. I have not seen any moose cross the road on North Burmis or on Chapel Rock since the development of the subdivision. Myself and others are very concerned about the impact these subdivisions will have on the moose habitat.

In addition to the moose habitat, the biggest beaver dam I have ever seen is on the Tarnava property which I suspect will be destroyed due to the subdivisions.

I frequently walked up the hill to gaze at its beauty, only for it to be tarnished.

The well that was installed on the Tarnava property is of concern. I suspect this will be an issue as neighbours have reported to me every few years the road floods. Water from my property floods into the drainage area. It plugs off and flows over the road and I fear it will inundate the well that was built there.

I have issues with subdivision(s) for personal gain and profit and the bylaws that are supporting this are quite honestly nonsensical and unethical in so many ways.

The "proposal" and application it would seem have already been approved, hence all the work that is already in place, thus writing this letter, seems a moot point.

I am saddened to learn that there will be an additional two more buildings again, directly across from me, one in which is rumoured to be a "party-barn."

Obviously, I do not need to outline again why I would be in opposition to this.

I am also concerned about the invasive weeds that may have come in with the subdivision as I am battling them on my own property.

I worked as a contractor for MATL as a weed inspector and wonder if a weed inspection was done?

I am an amateur herbalist and am very familiar with the flowers, fauna and the traditional medicinal native plants in the area. This valley is rich in native plants. I am concerned about this with further subdivisions carving up the land.

I have one final point and that is my concern regarding the numerous, rich untouched archaeological sites in this valley. I have worked for both reserves nearby and for an archaeological company doing assessments, digging, screening, photographing, documenting and identifying the traditional medical plants that First Nations peoples have used, as I have a degree in Native American Studies. Is the cultural significance and possible destruction of sacred sites and traditional native plants of First Nations a consideration with subdivisions like these? Working with different stakeholders in my career, I know all too well this is not a consideration, unless mandated.

I realize my comments are inconsequential as mentioned because the building and infrastructure is already in place, however, I want my comments on record as being in opposition to this and further subdivision(s) on North Burmis, Chapel Rock Road and Willow Valley Road.

Please indicate receipt of this letter.

Sincerely, Maatsooki Ottsiitapitism Niitsitapipaapism (Paula Reedyk, RN, BA)"

(m) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to hp.circulations@atco.com.

(n) Comments from Rea Tarnava-Burgevitz & Warren Burgevitz (Applicant):

"In response to your letter of September 8, 2021 (delivered by email), we wish to provide the following comments.

Firstly, we wish to thank the committee and ORRSC staff for processing our application, and acknowledging that we have met County, Municipal, and Provincial regulations regarding the requested subdivision.

Section 'F' of this letter notes that an easement is required for the electrical service. We have been in contact with Fortis and our surveyor, and the easement will be in place as soon as possible.

Next, we would like to address the concerns of the three neighbours who submitted letters. We feel that many of the comments were made because these residents love where they live and do not want to see changes take place however, this is not realistic given that others who purchase land, also have the right to build a home.

Warren and I both come from an agricultural background. My family were farmers and ranchers for 7 generations (that we can trace back) and Warren's family had ranched in Canada for 3 generations. We had been looking to purchase land in the Livingston Range area for 10 years now, and were thrilled when Faith Dean's land became available for sale last year. Warren has worked in the agriculture business for over 30 years, and grew up on a large cattle ranch (5 sections) near Medicine Hat. He has serviced the ranchers in Southern Alberta for much of his career in the feed and animal health industries, and even had a positive working relationship with the brother of one of these three people from whom you received letters.

We have worked our entire lives to be able to purchase a ranch in the area and continue the tradition of farming and ranching in both our families. We are not wealthy people who bought to cut up and sell off pieces as has been suggested in the letters opposing our application. Two of these people, we have never met, and the other we met once for about an hour.

We are hopeful that we will be able to build a home for ourselves on the SW quarter once our current residence in Rockyview County sells. The NW quarter will be used for cattle once the fence on the west side is built (most of it missing or in a state of disrepair). There are 61 head on the SW quarter, belonging to Reid Snodgrass who presently rents the acreage. (Please see attached letter of character reference from Mr. Snodgrass.)

We are not young folks, being 3 years away from retirement age therefore I can assure the County that we will not be hosting a 'party barn' (comment by Randal Warren). If we do construct a barn structure, it would be for agriculture purposes only.

Section G (2) makes note of two other subdivisions from the quarter, and this assertion is incorrect. Prior to any construction, we inquired and were assured that this is a first subdivision from the SW quarter by contacting both the MD and the ORSCC representative.

Section G (4) references setback of the home from the street. We are within the MD of Pincher Creek's recommended setbacks, and in fact moved the house closer to the road to preserve the integrity of the creek as recommended by Roland Milligan. We worked very closely with the county representatives to meet all County and Provincial requirements. This home is not a mobile home, but rather a ready to move home, that was constructed under the Alberta Building Code in the same manner as site-built homes. I am an architect with 25 years tenure, and I observed the construction of this house, and it exceeds Provincial building code, and structural requirements. Additionally, a wind fence will be constructed to divert the prevailing winds.

We will not comment on any of the other remarks from Mr. Randall Warren, as they are not relevant to our right to subdivide under the laws of the Province of Alberta, nor the MD of Pincher Creek.

Section (H), a letter from Brad Pisony, accuses us of wanting to cut a road through the ridge and subdivide again. To provide background, we are in a land locked situation with the Bollman property and the county suggested we contact the adjacent landowners to request an easement to put in a gravel access road. Originally, we were planning to put a gravel pad for two trailers (one for us, and one for the renter). We would be happy to provide documentation of these correspondences. We received an approved road allowance from Tom Gross and only needed to pivot on Pisony's land. We contacted Mr. Pisony in January of 2021, inquiring about this road allowance of 12' x 12' to pivot onto our property. He met us on site, and used veiled threats about us having to replace the fence, unless we allowed him to put a cattle pen on the NW quarter. I have two witnesses. After several unfounded and irrational accusations, Mr. Pisony indicated that he would allow us to place the pivot on his land for a payment to him of \$35,000.00 in the form of a registered caveat against the NW quarter of which our lawyer advised us to decline. It was also Mr. Pisony's idea to put our trailer pad and house off of N. Burmis Road instead of Chapel Rock Road. We shared with Mr. Pisony a number of possibilities we were considering at the time, but have subsequently changed our minds about most of these ideas discussed with him. The NW quarter, where Mr. Pisony talks about the moose crossing, is a wet marshland and not suitable for construction. The same is true of the bowl or ridge for obvious reasons of the steep grade. A road through that ridge would ruin our land and would never be a consideration. Mr. Pisony's claims are imaginative conjecture, and without substantiation. We are willing to satisfy the County, by entering into whatever agreement will ensure to County authorities that we will never put a road across that ridge.

Section (I) Paula Foster/Reedyk comments: To address the foreign substance accusation, we have never nor would we ever, haul soil in from outside of the property. To construct the pad behind the trees for our trailer, you can see where the contractor took native soil to build up the area. Range management is of top priority, and has been dealt with professionally.

Additionally, Ms. Foster/Reedyk, contacted Rea in January by phone giving a false name, even though her name came up on caller ID. She made several demanding inquiries, and when Rea refused to provide any further information, she became hostile, cussed at her, and hung up the phone, all of which she failed to mention in her letter to the ORSCC.

With regards to the comment about the side by side, we would like to note that we do not own a side by side (gator). Our renter uses his side by side, which he has brought out only 3 times; twice for range management of 295 acres, and once when we were working on the NW quarter fence to haul wire and posts up the bowl to the top. We ourselves, have only been out eight times over the summer, for two days at a time, to help Reid manage the cows, work on the house, and work on the fence. We have not been noisy. We do own a rifle, and our son is a biathlete, therefore he will be practising on our land, which is within our right. He practised four times this summer and only during the daylight hours, in

compliance with Provincial gun safety rules. We are not hunters and will NEVER allow others onto our land to hunt (which I am also prepared to put in an affidavit).

Initially, the idea of subdividing came up when friends of ours wanted to buy an acreage out of our SW quarter. In going through the process, but not after significant site work, we found that we were unable to come to a suitable solution and so we decided to buy a small RTM that we could use on the site until we were able to move after our son completes school. Because of covid, Warren lost his job and has now been out of work for 6 months. We took out a bank loan to buy the house, so we may now be forced to make a decision to either sell the house, or the quarter. In light of how upset these neighbours are to have one little house built, it perhaps may be best that we put all up for sale and let a new buyer come in to deal with them, as it has left us feeling completely disheartened. We are deeply saddened by these individuals who would judge us so harshly and jump to conclusions without ever getting to know us.

Although we have politely tried to address some of the concerns of our neighbours in this correspondence by providing additional information, the fact remains that we have met or exceeded all the requirements set out by the MD, the ORSCC, and the Province of Alberta in regard to this subdivision. Thus, we respectfully request, that the committee approve the subdivision on the basis that we have fulfilled our legal obligations and requirements.

Thank you for your time, and consideration.”

(o) Comments from Reid and Jessica Snodgrass:

“This letter is regarding file 2021-0-141 and the land owned by Rea Tarnava.

We are fourth generation cattle ranchers with owned and leased land in the M.D. of Foothills, Willow Creek and the M.D. of Pincher Creek. We currently operate a 250 cow/calf pair ranch with our home farm being south of High River, AB.

In the Spring of 2021, we met with Rea to discuss leasing her land off Chapel Rock Road for cow/calf pair grazing purposes. With the help of Rea and her husband, we were able to get the fences repaired and in the early Summer, move cow/calf pairs to this location. We have an agreement with the landowner to lease this land for at least five years, if not more for the sole purpose of grazing cattle.

We are using grazing practices that have minimal effect on the riparian area along the creek and are cognizant of how many pairs the property can hold without over grazing the land.

We, as well as the landowner, are using good land stewardship practices to utilize the property. These people are not trying to destroy the land, however, they are trying to recuperate some money out of a small portion of it due to job loss, while still allowing the rest to be used for agricultural purposes.

It is our knowledge that she is not wanting to subdivide any ground off the northwest quarter. What we know of them, they are family-oriented people that are using the land for their recreational use to enjoy the property as it is and have no intention of disturbing it or the surrounding area.

We are not opposed to the subdivision as it only occupies a very small portion of the property where the land does not have value for agricultural use, and it is outside of the riparian area along Cow Creek so will not cause any disturbances to the creek.”

(p) Comments from Robin Burwash - Coldwell Banker Mountain Central:

“My name is Robin Burwash, and I am a Licenced Realtor in the Province of Alberta. It has come to my attention, that there has been character defamation to a client of mine, Rea Tarnava.

Rea came to me years ago wanting to invest in rural land, mainly to enjoy with her family. She had also hoped to make a modest income to help cover her investment, through agriculture, and maybe as a day retreat, for clients she is helping, as a Practitioner, Subtle Energy Scientist, and owner of a Holistic Clinic. What could be a better place for all these things, than the 293 acres that she purchased at the corner of Chapel Rock Road and North Burmis Road.

I have spent a fair bit of time with Rea through her search for the perfect property and since then watching her enjoy the land and start to build her dreams. As a reference to her character, I have always

found Rea to be a very caring person, a lover of nature and all that it has to offer in the Pincher Creek Area. She will be a asset to the community and a good neighbor to those fortunate enough to be neighbors with.”

(q) Comments from Elizabeth Conley - Hurricane Plumbing & Heating:

“Regarding the request for subdivision for Rea Tarnava, I would like to take this opportunity to submit a character reference on her behalf.

I first met Rea when she requested work be done by Hurricane Plumbing. Since then, I have had the pleasure of getting to know her better through several lengthy phone calls regarding the work being done, often leading to great conversation on more personal topics.

As both a businesswoman and a ranch owner in the MD of Pincher Creek, I may have a little different perspective on this subject. I understand the frustration of “out of towners” coming to the area, driving up the price of agricultural land in order to “diversify their investment portfolios”. While we do live in a free country, and we are allowed to purchase whatever and wherever we want, I don’t believe at all that this the purpose that Rea and her family have for her land and the subdivided parcel. Personally, I would be pleased to have a neighbor like Rea as I feel that she would be someone who would be there to help a neighbor with a genuine care that seems to be missing in this day and age, for most. I believe that they would be good stewards of the land and considerate to their neighbors.

My experience dealing with Rea has been positive in all areas, from great communication to prompt payment of their invoices. Clearly, she is a person of good moral character whom I am blessed to have met!”

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 17, 2021

Date of Receipt: July 12, 2021

Date of Completeness: August 12, 2021

TO: Landowner: Rea Tarnava

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

Referral Agencies: M.D. of Pincher Creek No. 9, Bev Everts, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, AB Environment & Parks - J. Cayford, AB Environment & Parks - M. Taje, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Berwyn Pisony, Bradley Pisony, Brady Douglas, Carolyn Lastuska, Clarence & Barba Giesbrecht, Dirk Bollman-Schulte, Paula Reedyk, Randall Warren & Randal Glaholt, Robert & Allison Oxoby, Roger & Cathy Pisony, Thomas & Pamela Gross

Planning Advisor: Gavin Scott *GS*

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 **September 6, 2021**. (Please quote our File No. 2021-0-141 in any correspondence with this office).

File No.: 2021-0-141

Legal Description: SW1/4 1-9-3-W5M

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

Land Designation: Agriculture – A
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 201 192 380

Meeting Date: September 7, 2021

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 6.94 acre (2.81 ha) parcel from a (previously unsubdivided quarter section/ or title) of 143.16 acres (57.9 ha) for country residential use.

The proposal is to accommodate the subdivision of an existing residence, which presently contains a dwelling. Access to the lot is presently granted from an existing approach to the west, off of a developed municipal road allowance. The existing residence is serviced by a septic system and off-site domestic well (400' south of the driveway). The water well has been registered with Alberta Environment to service both the proposed and existing parcels.

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

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

RESERVE:

- The payment of the applicable 10% Municipal Reserve on the 6.94 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

PROCESSING NOTES: No further comment pending a site inspection.

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<p>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.</p>



**APPLICATION FOR SUBDIVISION
RURAL MUNICIPALITY**

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1040 ⁰⁰	File No: 2021-0-141
APPLICATION SUBMISSION	
Date of Receipt: July 12, 2021	Received By: [Signature]
Date Deemed Complete: Aug 12, 2021	Accepted By: [Signature]

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Rea Elizabeth Tarnava

Mailing Address: [Redacted] City/Town: [Redacted]

Postal Code: [Redacted] Telephone: [Redacted] Cell: same

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

Name of Agent (Person Authorized to act on behalf of Registered Owner): None

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

Email: _____ Preferred Method of Correspondence: Email Mail

Name of Surveyor: David Amantea, A.L.S., C.I.S., P.Eng.

Mailing Address: 2830 – 12th Avenue North City/Town: Lethbridge

Postal Code: T1H 5J9 Telephone: (403) 329-4688x129 Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the SW ¼ Section 1 Township 9 Range 3 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 150 acres

d. Total number of lots to be created: one Size of Lot(s): 400' x 756' (nearly 7 acres)

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 201 192 380

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 Small seasonal branch of Cow Creek

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

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Agriculture (pasture)
- b. Proposed use of the land Homestead and Agriculture (pasture)

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Fairly flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
brush, aspens, native feskew
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) loam, clay, rocky
- 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.

New 1056 square foot RTM bungalow being delivered July 26. Grading, septic, electrical, water all completed.

- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes No
- f. Are there any active oil or gas wells or pipelines on the land? Yes No
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes No

6. WATER SERVICES

- a. Describe existing source of potable water well (water line completed to house)
- b. Describe proposed source of potable water _____

7. SEWER SERVICES

- a. Describe existing sewage disposal: Type septic (pressurized mound) Year Installed 2021 (new)
- b. Describe proposed sewage disposal: Type _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Rea Elizabeth Tarnava 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: July 11, 2021

9. RIGHT OF ENTRY

I, Rea Elizabeth Tarnava **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. Right is granted pursuant to Section 653(2) of the Municipal Government Act


Signature of Registered Owner(s)

**I would like the option of meeting the Commission or municipality on site when conducting site inspection please.

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



CERTIFIED COPY OF
CERTIFICATE OF TITLE

S

LINC SHORT LEGAL
0032 968 654 5;3;9;1;SW

TITLE NUMBER: 201 192 380
TRANSFER OF LAND
DATE: 22/10/2020

AT THE TIME OF THIS CERTIFICATION

REA TARNAVA



IS THE OWNER OF AN ESTATE IN FEE SIMPLE
OF AND IN

THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION 1
IN TOWNSHIP NINE (9)
RANGE THREE (3)
WEST OF THE FIFTH MERIDIAN WHICH LIES SOUTH OF
ROAD PLAN 8310216
CONTAINING 60.7 HECTARES (150 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

- A) THAT PORTION OF SAID SOUTH WEST QUARTER THAT LIES
SOUTH OF THE NORTH EAST LIMIT OF CANCELLED ROAD PLAN 2273EZ,
SOUTH OF THE NORTH LIMIT OF CANCELLED ROAD PLAN 6384BM
AND WEST OF ROAD PLAN 9410256
CONTAINING 1.20 HECTARES (2.97 ACRES) MORE OR LESS
- B) ROAD PLAN 9410256 CONTAINING 1.250 HECTARES
(3.09 ACRES) MORE OR LESS
- C) UNCANCELLED PORTION OF ROAD PLAN 6384BM LYING EAST OF
ROAD PLAN 9410256

EXCEPTING THEREOUT ALL MINES AND MINERALS

SUBJECT TO THE ENCUMBRANCES, LIENS AND INTERESTS NOTIFIED BY MEMORANDUM UNDER-
WRITTEN OR ENDORSED HEREON, OR WHICH MAY HEREAFTER BE MADE IN THE REGISTER.

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER

DATE (D/M/Y) PARTICULARS

781 035 372	09/03/1978	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
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TO: MEL, CHARLES

FROM: ALTA Production

08:27MST

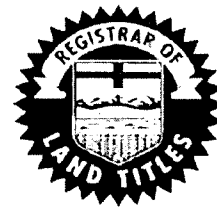
Page 3/2

PAGE 2

CERTIFICATE OF TITLE

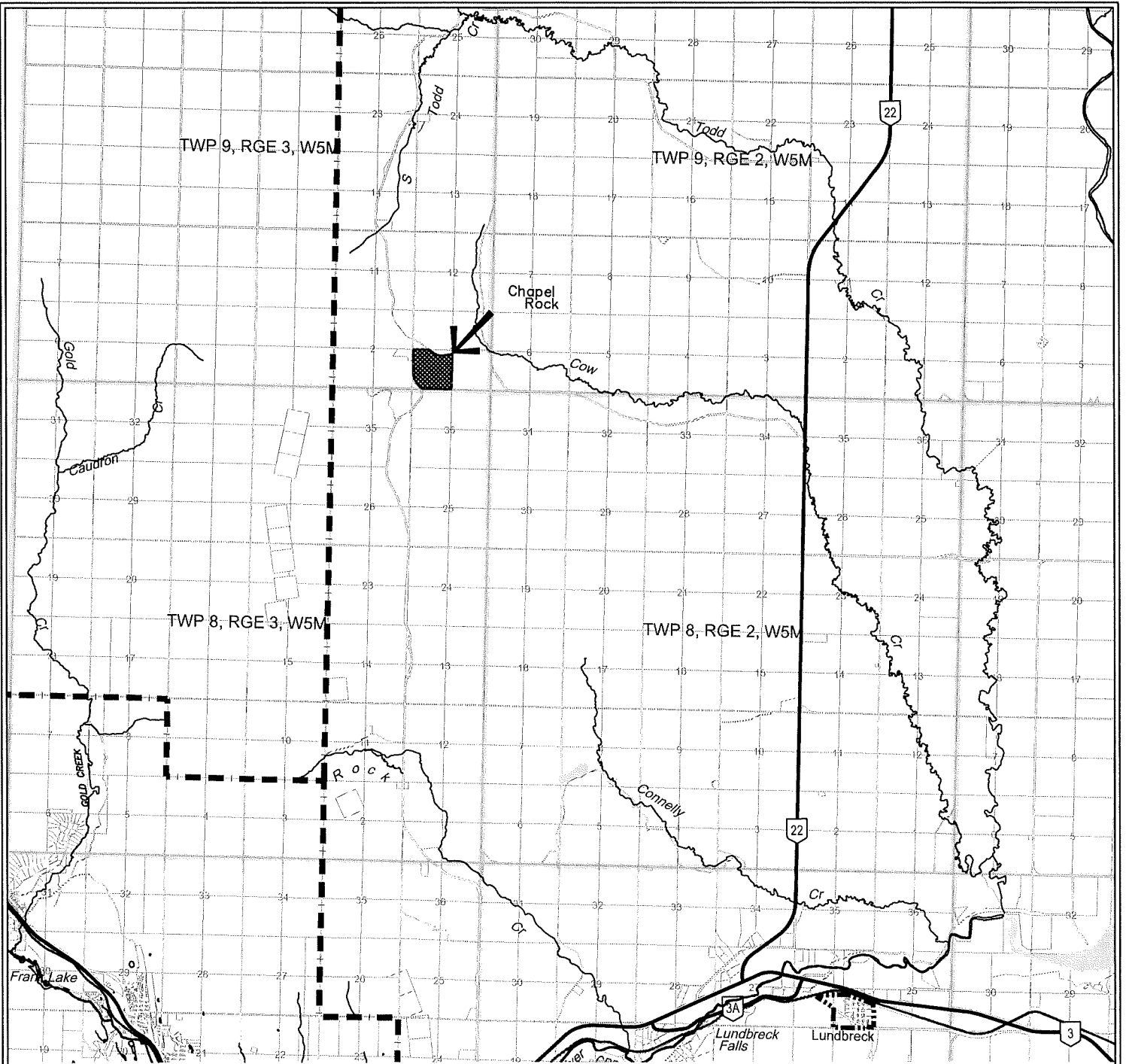
TITLE NUMBER: 201 192 380

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF
THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 22 DAY OF OCTOBER ,2020



SUPPLEMENTARY INFORMATION

[REDACTED]
MUNICIPALITY: MUNICIPAL DISTRICT OF FINCHER CREEK NO. 9
[REDACTED]

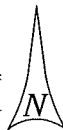


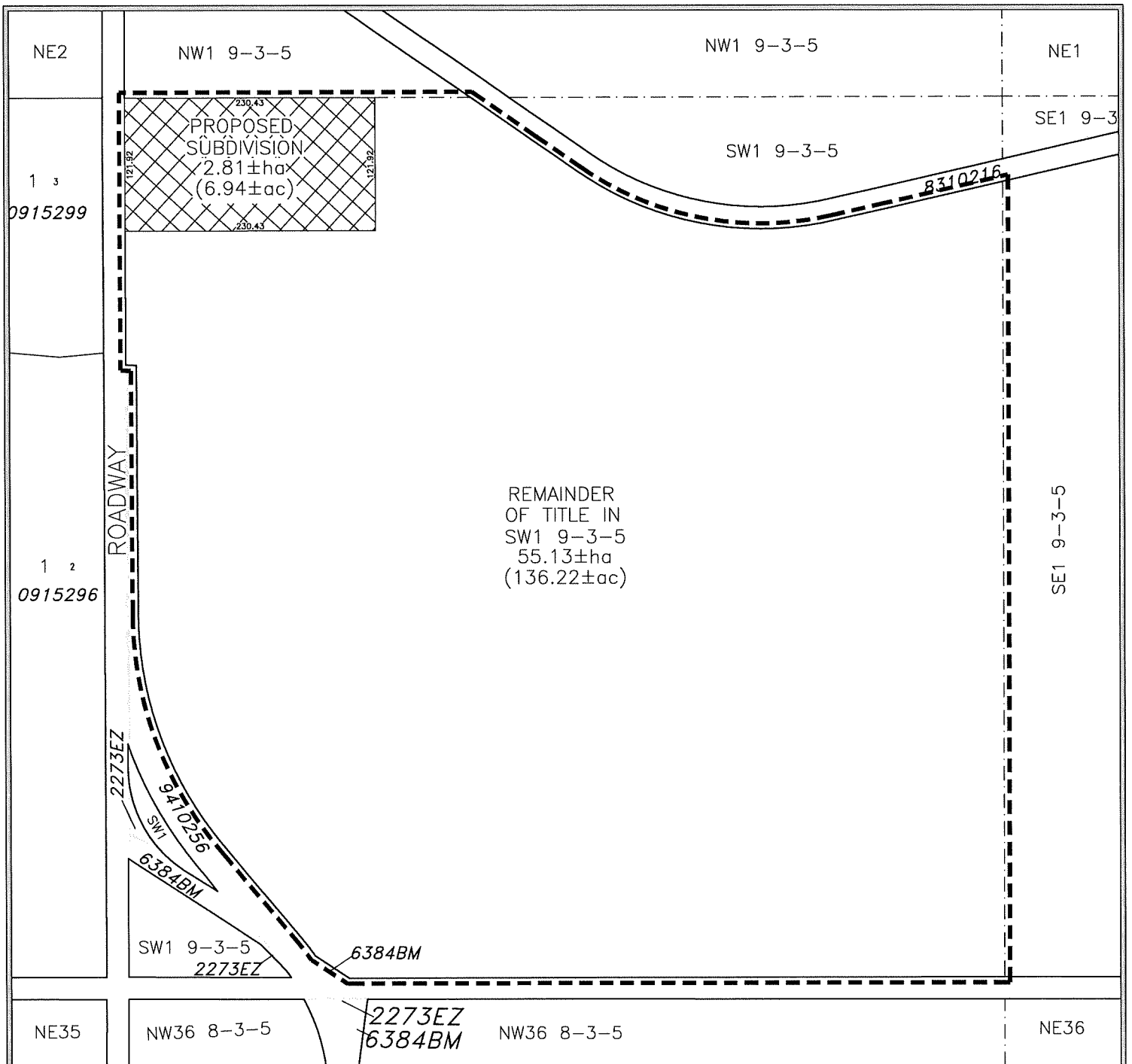
SUBDIVISION LOCATION SKETCH
WITHIN SW 1/4 SEC 1, TWP 9, RGE 3, W 5 M
MUNICIPALITY: M.D. OF PINCHER CREEK
DATE: AUGUST 12, 2021
FILE No: 2021-0-141

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3155 5th AVENUE NORTH LETHBRIDGE, AB T1Y 5E4
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



August 13, 2021 N:\Subdivision\2021\2021-0-141.dwg





SUBDIVISION SKETCH

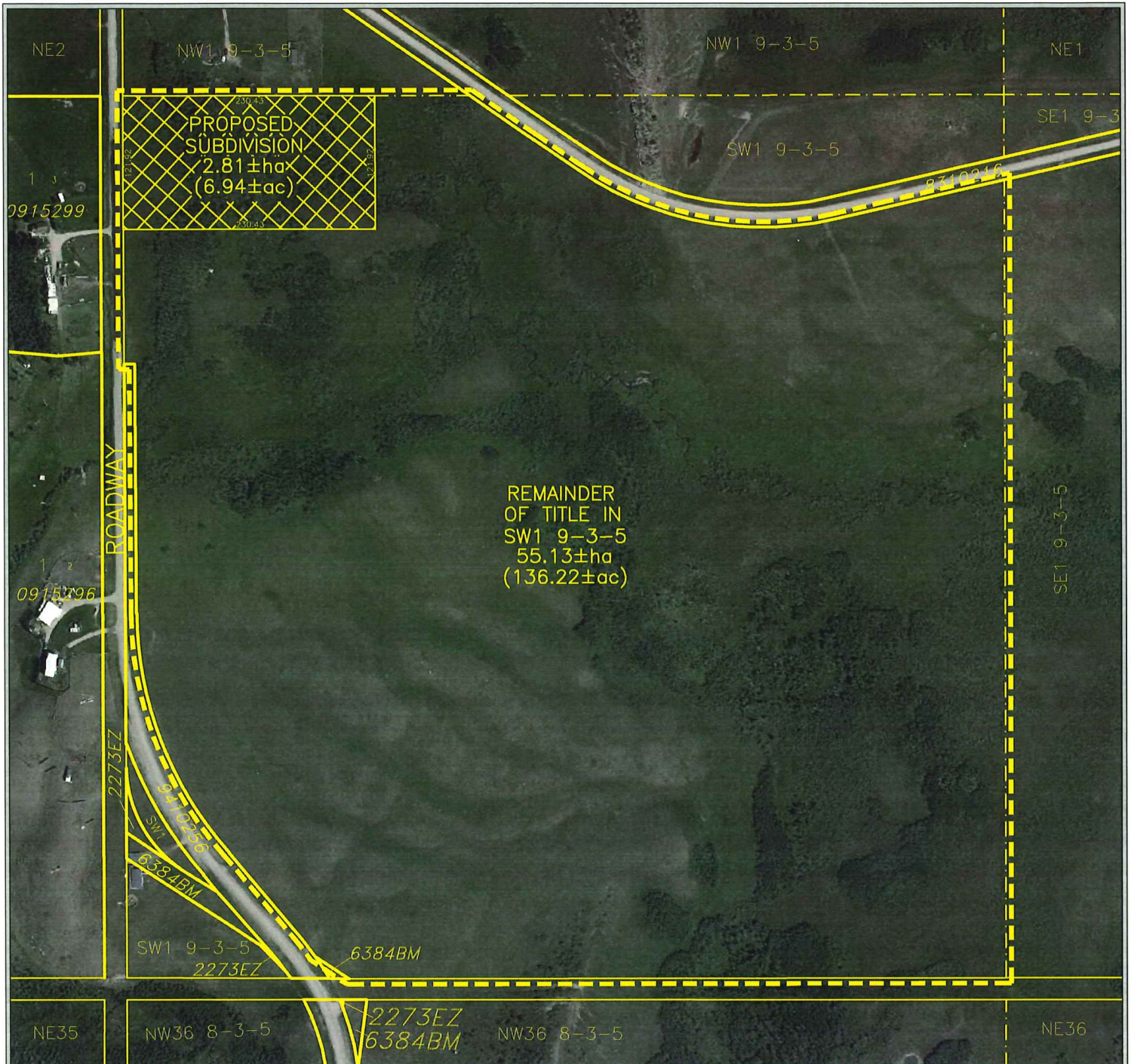
WITHIN SW 1/4 SEC 1, TWP 9, RGE 3, W 5 M

MUNICIPALITY: M.D. OF PINCHER CREEK

DATE: AUGUST 12, 2021

FILE No: 2021-0-141





SUBDIVISION SKETCH
 WITHIN SW 1/4 SEC 1, TWP 9, RGE 3, W 5 M
 MUNICIPALITY: M.D. OF PINCHER CREEK
 DATE: AUGUST 12, 2021
 FILE No: 2021-0-141



OLDMAN RIVER REGIONAL SERVICES COMMISSION
 August 13, 2021 N:\Subdivision\2021\2021-0-141.dwg

AERIAL PHOTO DATE: 2015