



*OLDMAN RIVER REGIONAL SERVICES COMMISSION*

3105 - 16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344  
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## DRAFT RESOLUTION

Our File: 2020-0-071

June 29, 2020

Derrick Krizsan  
Chief Administrative Officer  
M.D. of Willow Creek No. 26  
Box 550  
Claresholm, Alberta  
T0L 0T0

Dear Mr. Krizsan:

**RE: NE1/4 18-9-26-W4M / M.D. of Willow Creek No. 26**

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, EQUUS REA Ltd., AB Health Services - South Zone, AB Environment & Parks - J. Wu, 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.

Mike Burla  
Senior Planner

MB/jm  
Attachment

# RESOLUTION

2020-0-071

**M.D. of Willow Creek No. 26 Industrial** subdivision of NE1/4 18-9-26-W4M

THAT the Industrial subdivision of NE1/4 18-9-26-W4M (Certificate of Title No. 111 002 290), to subdivide an existing 137.55 acre parcel to create an approximate 55.57 acre parcel; 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 55.57 acres at the market value per acre with the actual acreage and amount to be paid to MD of Willow Creek No. 26 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 Willow Creek No. 26.
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 Willow Creek No. 26 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the utility right of way requested by ATCO Gas is established prior to finalization.

## 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.

## INFORMATIVE:

- (a) The 10% reserve requirement shall be provided as money in place of land on the 55.57 acre parcel being created by this subdivision proposal.
- (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) TELUS Communications Inc. has no objections to the above noted circulation.
- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta. FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services. Please contact FortisAlberta land services at [landserv@fortisalberta.com](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions.
- (f) ATCO Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to [hp.circulations@atco.com](mailto:hp.circulations@atco.com).



- (g) 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.

Land Agent: Ellen Struthers

Phone No.: (587) 581-6567

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

"Reference your file to create a parcel for industrial use 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 gain indirect access to the provincial highway network solely by way of the local road system. Given this, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the industrial 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 highway right-of-way or within 300 metres beyond the limit of a controlled highway or within 800 metres from the center point of an intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is not within the noted control lines and 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 industrial parcel could proceed under the direction, control, and management of the municipal district. The applicant could contact the undersigned, at Lethbridge 403-382-4052, 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."

(i) Lethbridge Northern Irrigation District – Alan Harrold, General Manager:

"The above noted Application for Subdivision has been reviewed by the Lethbridge Northern Irrigation District (LNID) and is approved subject to the following conditions:

1. There is currently an *Alternate Parcel Agreement* for 50.0 irrigations acres on this parcel of land. However, should irrigation water be required for the proposed subdivision (Gravel Pit) a *Water Conveyance Agreement- Type 3* will be required, based on the proposed usage. To access the LNID water licence for this Agreement a one-time capital contribution will be payable at the time of signing of the Agreement. The current water licence access fee rate is \$1,900.00/acre-foot of water and is subject to change annually. The current annual rate is \$450.00, for the first three (3) acre-feet plus \$27.00/acre-foot over three (3) acre-feet, plus GST.
2. Should the residual parcel require irrigation water, the landowner must first obtain an Agreement from the LNID for such use. As the delivery is on the Lateral A I pipeline, a landowner construction contribution of \$3,150 including GST is required for this parcel at the same time.
3. Any easements required by the subdivided parcel for access to water from the District's works must be in place for the supply of water from the Lateral A I Pipeline, if required.
4. All permanent structures such as buildings with footings, pilings or foundations, septic tanks/ fields, corrals, and silage pits, etc. must meet the minimum setback distance of 15 metres (50 feet) from the outside boundary of all LNID pipeline Right-of-Ways and or interests within this parcel.
5. Any alteration to District works required as a result of this subdivision is subject to District approval and payment by the applicant of all applicable costs.

Thank you for the opportunity to comment. If you require more information or would like to set up an appointment to discuss the conditions above, please contact Janet Beck, Land Agent, at the Lethbridge Northern Irrigation District Office, 403-327-3302."

\_\_\_\_\_  
MOVER

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE



## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** June 15, 2020

**Date of Receipt:**

May 22, 2020

**Date of Completeness:**

May 26, 2020

**TO: Landowner:** Hutterian Brethren Church of Whitelake  
**Agent:** Stacey Russell - Wood Environment & Infrastructure Solutions  
**Surveyor:** Sara Spence, A.L.S.

**Referral Agencies:** M.D. of Willow Creek No. 26, Ian Sundquist, Livingstone Range School Division, AltaLink, EQUUS REA Ltd., FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - South Zone, Lethbridge Northern Irrigation District (LNID), AB Environment & Parks - J. Wu, AB Transportation, Historical Resources Administrator, AER

**Adjacent Landowners:** Brady Hester, Double E Ranch Ltd., Gordon & Margaret Scott, Gordon & Sandy Hester, Gunter & Alsa Kotke, Larson Custom Feeders Ltd., Robert & Jennifer Lee, Theodore & Wendy Larson

**Planning Advisor:** Mike Burla



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 Willow Creek No. 26. 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 **July 6, 2020**. (Please quote our File No. **2020-0-071** in any correspondence with this office).

**File No.:** 2020-0-071  
**Legal Description:** NE1/4 18-9-26-W4M  
**Municipality:** M.D. of Willow Creek No. 26  
**Land Designation:** Rural Industrial - RI  
(Zoning)  
**Existing Use:** Agricultural  
**Proposed Use:** Industrial  
**# of Lots Created:** 1  
**Certificate of Title:** 111 002 290

**Meeting Date:** **July 8, 2020** *Note that meeting dates are subject to change. It is advisable to contact the M.D. of Willow Creek No. 26 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.*

*If you wish to make a presentation at the subdivision authority meeting, please notify the M.D. of Willow Creek No. 26 Municipal Administrator at your earliest convenience.*

#### **Planner's Preliminary Comments:**

This proposal would subdivide an existing 137.55 acre parcel to create an approximate 55.57 acre parcel for a proposed gravel pit. This land has been recently redesignated to Rural Industrial to accommodate this proposed subdivision.

At the development stage, the developer has been requested to maintain a 250 meter setback on the proposed easterly boundary to provide a buffer from the neighbouring dwelling unit located in the northeast portion of this quarter section.

As this area has been re-designated, a planning recommendation for approval is warranted subject to standard planning conditions. Municipal Reserve is applicable as the quarter section has been previously subdivided and payable on the 55.57 acres. The provision of an easement for access purposes is also required to provide legal access to the proposed subdivision and residual parcel.

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

1. Payment of any outstanding property taxes to the M.D. of Willow Creek No. 26.
2. Provision of a development agreement with the M.D. of Willow Creek No. 26.
3. Pertinent comments and information provided by adjacent landowners and by referral agencies.
4. Provision of money in place of land for Municipal Reserve purposes on the proposed 55.57 acre site.
5. Provision of an easement to provide access to the proposed subdivision and residual parcel.

#### **RESERVE:**

Municipal Reserve is applicable and will be taken in cash on 55.57 acres.

**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>\$1040.00</u>	File No: <u>2020-0-071</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>May 22, 2020</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>May 26, 2020</u>	Accepted By: <u>[Signature]</u>

### 1. CONTACT INFORMATION

**Name of Registered Owner of Land to be Subdivided:** Hutterian Brethren Church of Whitelake

Mailing Address: \_\_\_\_\_ City/Town: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email ☒ Mail ☐

**Name of Agent (Person Authorized to act on behalf of Registered Owner):** Stacey Russell (Wood E&I - consultant)

Mailing Address: \_\_\_\_\_ City/Town: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email ☒ Mail ☐

**Name of Surveyor:** Sara Spence (Wood Geomatics Limited)

Mailing Address: \_\_\_\_\_ City/Town: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_ Preferred Method of Correspondence: Email ☒ Mail ☐

### 2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- All/part of the NE ¼ Section 18 Township 009 Range 26 West of 4 Meridian (e.g. SE¼ 36-1-36-W4M)
- Being all/part of: Lot/Unit \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_
- Total area of existing parcel of land (to be subdivided) is: 55.61 hectares 137.55 acres
- Total number of lots to be created: 1 Size of Lot(s): approx 55.57 acres
- Rural Address (if applicable): N/A
- Certificate of Title No.(s): 111 002 290

### 3. LOCATION OF LAND TO BE SUBDIVIDED

- The land is located in the municipality of Willow Creek
- Is the land situated immediately adjacent to the municipal boundary? Yes ☐ No ☒  
If "yes", the adjoining municipality is \_\_\_\_\_
- 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. 785 and 2 (please see AT File RSDP030131 memo attached)
- 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 \_\_\_\_\_
- 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 North half cultivated, south half pasture
- b. Proposed use of the land North half clay borrow source, south half to remain the same

#### 5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) Flat and Rolling
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)  
North half cultivated land, cultivated vegetation. South half pasture to remain the same
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes ☒ No ☐  
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.
- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? See attached drawing for location of "CFO" Yes ☒ No ☐
- f. Are there any active oil or gas wells or pipelines on the land? Yes ☐ No ☒
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes ☐ No ☒

#### 6. WATER SERVICES

- a. Describe existing source of potable water None
- b. Describe proposed source of potable water None

#### 7. SEWER SERVICES

- a. Describe existing sewage disposal: Type None Year Installed \_\_\_\_\_
- b. Describe proposed sewage disposal: Type None

#### 8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Hutterian Brethren Church of Whitelake (Toby Walters) Joe Walter for hereby certify that

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

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

Signed: \_\_\_\_\_ Date: May 20, 2020

#### 9. RIGHT OF ENTRY

I, Hutterian Brethren Church of Whitelake (Toby Walters) Joe Walter for do ☒ / do not ☐ (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Signature of registered owner(s)





LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0021 806 161	4;26;9;18;NE	111 002 290

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 26 TOWNSHIP 9  
SECTION 18  
QUARTER NORTH EAST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

FIRST:

THAT PORTION WHICH LIES EAST OF THE EAST LIMIT OF THE  
RAILWAY RY8 CONTAINING 5.67 HECTARES (14 ACRES) MORE OR LESS

SECONDLY:

PLAN	NUMBER	HECTARES	ACRES MORE OR LESS
RAILWAY	RY8	1.96	4.84
ROADWAY	1148Q	1.46	3.61

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

REFERENCE NUMBER: 741 047 289

REGISTERED OWNER(S)			
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	CONSIDERATION
111 002 290	05/01/2011	TRANSFER OF LAND	SEE INSTRUMENT

OWNERS

HUTTERIAN BRETHREN CHURCH OF WHITELAKE.

PAGE 2  
# 111 002 290

151	043	122	11/02/2015	UTILITY RIGHT OF WAY
				GRANTEE - LETHBRIDGE NORTHERN IRRIGATION DISTRICT.
171	130	147	15/06/2017	-----

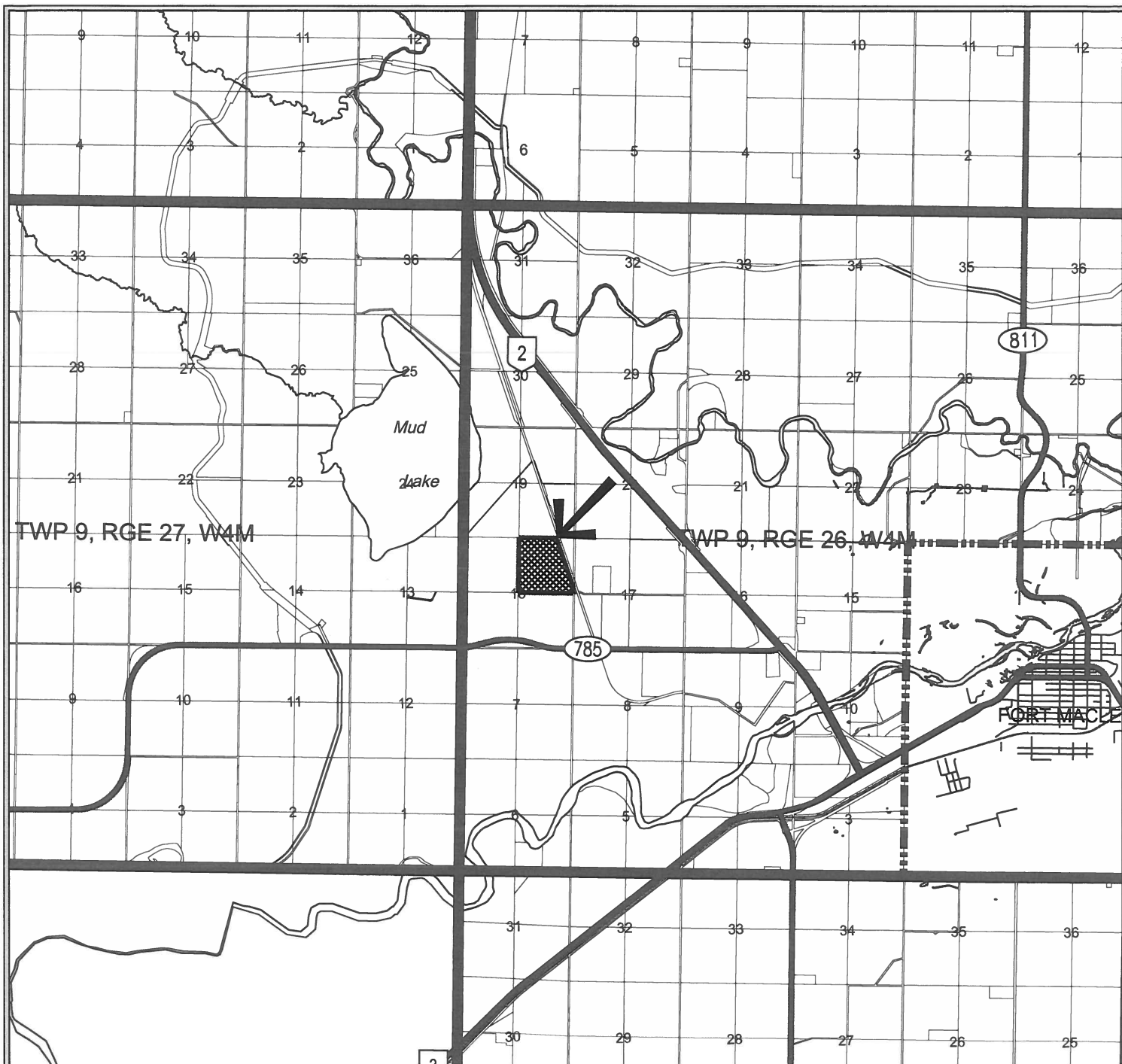
THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 19 DAY OF MAY,  
2020 AT 10:28 A.M.

CUSTOMER FILE NUMBER: BX10620.200



\*END OF CERTIFICATE\*

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  
 WITHIN NE 1/4 SEC 18, TWP 9, RGE 26, W 4 M  
 MUNICIPALITY: M.D. OF WILLOW CREEK  
 DATE: MARCH 29, 2020  
 FILE No: 2020-0-071

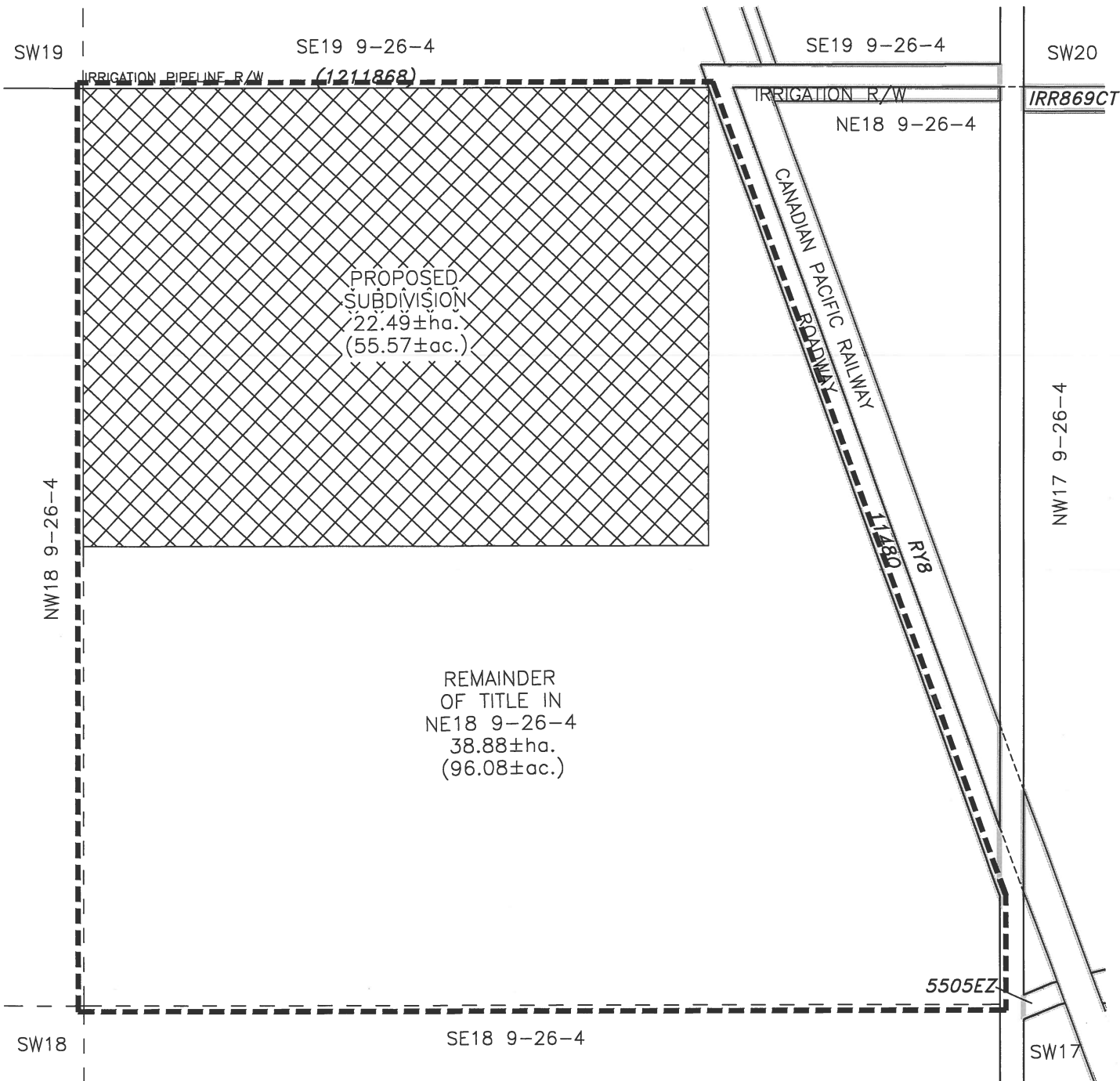
MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1Y 5B8  
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



OLDMAN RIVER REGIONAL SERVICES COMMISSION

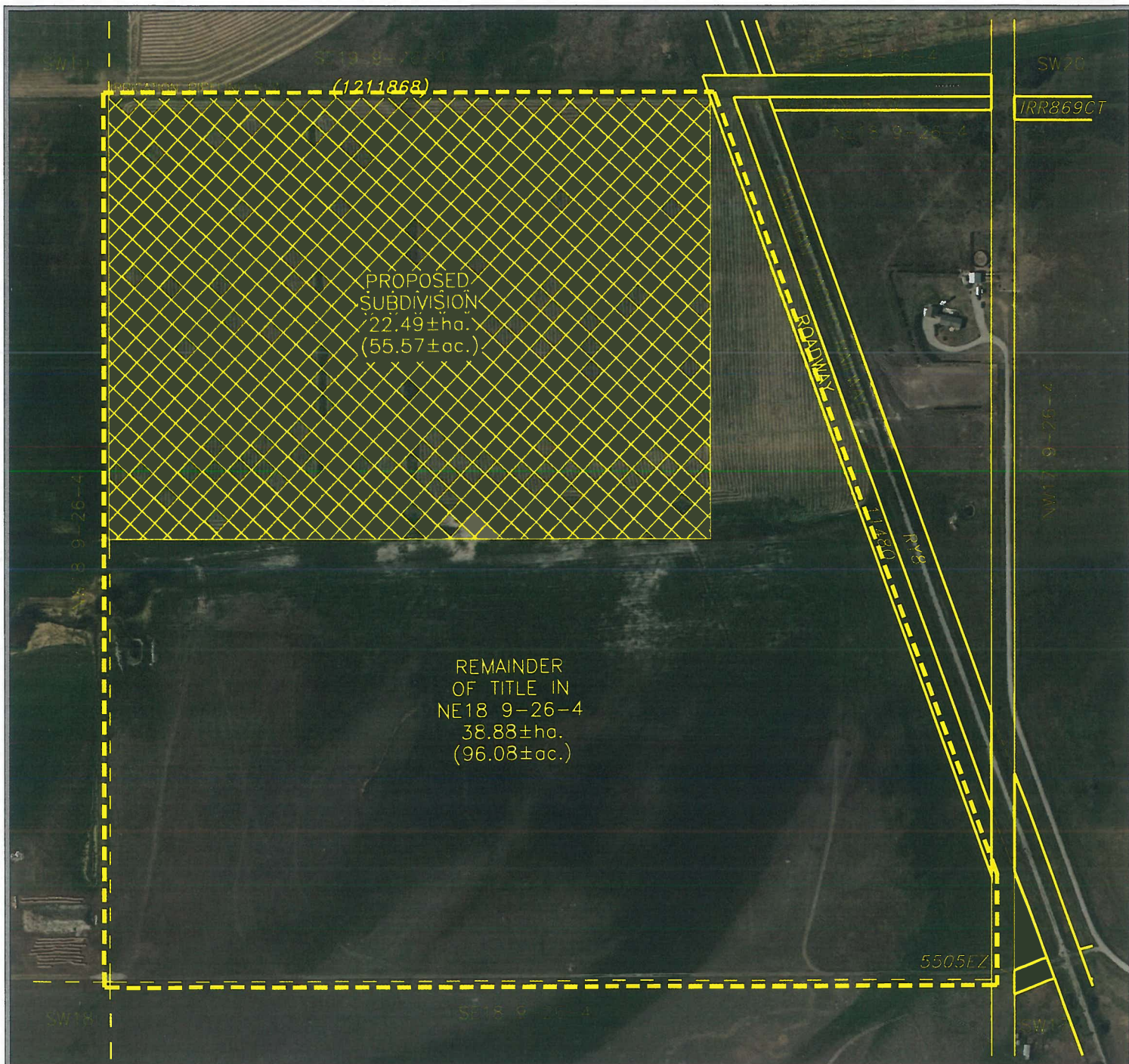
June 09, 2020 N:\Subdivision\2020\2020-0-071.dwg





SUBDIVISION SKETCH  
 WITHIN NE 1/4 SEC 18, TWP 9, RGE 26, W 4 M  
 MUNICIPALITY: M.D. OF WILLOW CREEK  
 DATE: MARCH 29, 2020  
 FILE No: 2020-0-071





## SUBDIVISION SKETCH

WITHIN NE 1/4 SEC 18, TWP 9, RGE 26, W 4 M

MUNICIPALITY: M.D. OF WILLOW CREEK

DATE: MARCH 29, 2020

FILE No: 2020-0-071

