

DRAFT RESOLUTION

Our File: 2019-0-058

May 10, 2019

Cindy Vizzutti
Municipal Administrator
M.D. of Willow Creek No. 26
Box 550
Claresholm, Alberta
T0L 0T0

Dear Mrs. Vizzutti:

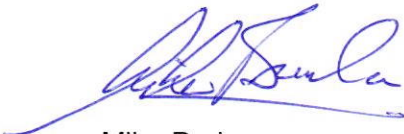
RE: NE1/4 35-16-29-W4M / M.D. of Willow Creek No. 26

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., ATCO Gas, AB Environment & Parks - K. Murphy, AB Environment & Parks - M. Taje, 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.



Mike Burla
Senior Planner

MB/jm
Attachment

RESOLUTION

2019-0-058

M.D. of Willow Creek No. 26 Country Residential subdivision of NE1/4 35-16-29-W4M

THAT the Country Residential subdivision of NE1/4 35-16-29-W4M (Certificate of Title No. 151 260 932), to subdivide an existing 158.83 acre parcel to create a new 10.0 acre title 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 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 applicant submit to the Subdivision Authority a copy of a sketch from an Alberta Land Surveyor that certifies the location and dimensions of the existing buildings and the exact dimensions of the lot to be subdivided.

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) 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) Foothills County – Julie McLean, Senior Planner:

“Thank you for the opportunity to provide comments on this application for subdivision of one 10.0 acre parcel from a previously un-subdivided quarter section within The M.D. of Willow Creek. Staff from Foothills County have reviewed the materials provided and we have no concerns with this application.

We wish to note that when reviewing the title for the subject property it came to our attention that there was an agreement for the acquisition of land that was registered on title by the Municipal District of Foothills for this parcel in 2004. The land described in the agreement was subsequently purchased and surveyed out from the property in 2005 so we will be submitting a request to Alberta Land Titles to discharge this instrument from the title as it is no longer required.

Once again we thank you for the opportunity to provide comment and we look forward to continuing to work collaboratively with our rural neighbours for the benefit of all of our residents in the future.

- (e) TELUS Communications Inc. has no objections to the above noted 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 Pipelines has no objection.
- (h) Alberta Health Services – Richard Steeves, Public Health Inspector:

“Thank you for inviting our comments on the above-referenced application. Alberta Health Services (AHS) understands that this subdivision application is for a country residential parcel with water provided by a private well. The method of sewage disposal was not mentioned in the information sent to us.

Based on the information provided, AHS recommends confirming the method of sewage disposal is in accordance with Alberta Municipal Affairs requirements.

If you have questions I can be contacted at the Claresholm Health Unit, (403) 625-8652 or richard.steeves@ahs.ca.”

- (i) Alberta Environment & Parks – Sid Parseyan, Senior Waterbody/Boundary Research Analyst:

“Thank you for your email and the information. Please be advised that within the attachment to your email, the channel of a tributary of Mosquito Creek has incorrectly been labelled as the main channel of Mosquito Creek. As you will notice from the attached map, this creek enters the NE ¼ Section 35-16-29-4 from the SE ¼ Section 2-17-29-4 and may be affected by the proposed subdivision. Under Section 3 of the *Public Lands Act*, the Crown in right of Alberta owns the bed and shore of Mosquito Creek and any portion of its bed and shore should not be included within the proposed subdivision.

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

MOVER

REEVE

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: April 12, 2019

Date of Receipt:

April 9, 2019

Date of Completeness:

April 10, 2019

TO: Landowner: Robert James Griesdale and Eileen Grace Griesdale

Agent or Surveyor:

Referral Agencies: M.D. of Willow Creek No. 26, Ian Sundquist, M.D. of Foothills, Livingstone Range School Division, AltaLink, EQUUS REA Ltd., FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - Calgary, AB Environment & Parks - K. Murphy, AB Environment & Parks - M. Taje, AB Environment Operations Infrastructure Branch (OIB), Area Wildlife Biologist - M. Didkowsky, AB Water Boundaries, AB Agriculture, Historical Resources Administrator, AER

Adjacent Landowners: Hutterian Brethren Church Of Cayley, Lana Bulger, Wendell & Maureen Strong, Douglas & Gillian Patterson, Cayley Colony Farming Co Ltd, John A. And Janet L. Wickens

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 **May 1, 2019**. (Please quote our File No. 2019-0-058 in any correspondence with this office).

File No.: 2019-0-058

Legal Description: NE1/4 35-16-29-W4M

Municipality: M.D. of Willow Creek No. 26

Land Designation: Rural General - RG
(Zoning)

Existing Use: Agricultural

Proposed Use: Country Residential

of Lots Created: 1

Certificate of Title: 151 260 932

Meeting Date: **May 22, 2019** *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 158.83 acre parcel to create a new 10.0 acre title for country residential use. The applicant wishes to obtain a separate title for the existing farmstead consisting of a house, garage, shop and corrals. The parcel size has been established to contain 10.0 acre for the purpose of integrating the existing well into the titled area. The well is located in the southwesterly portion of the proposed 10.0 acre parcel.

As this is the first subdivision from the quarter section, a planning recommendation for approval is warranted subject to standard planning conditions.

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 surveyors sketch which verifies parcel size and location of improvements.

RESERVE:

Municipal Reserve is not applicable as this the first parcel from the ¼ section.

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



APPLICATION FOR SUBDIVISION RURAL MUNICIPALITY

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: <u>\$1025.00</u>	File No: <u>2019-0-058</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>April 9, 2019</u>	Received By:
Date Deemed Complete: <u>April 10, 2019</u>	Accepted By:

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Robert James Griesdale and Eileen Grace Griesdale

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): _____

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email ☐ Mail ☐

Name of Surveyor: _____

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email ☐ Mail ☐

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- All/part of the NE $\frac{1}{4}$ Section 35 Township 16 Range 29 West of 4 Meridian (e.g. SE $\frac{1}{4}$ 36-1-36-W4M)
- Being all/part of: Lot/Unit _____ Block _____ Plan _____
- Total area of existing parcel of land (to be subdivided) is: _____ hectares 158.83 acres
- Total number of lots to be created: 1 Size of Lot(s): 10 acres
- Rural Address (if applicable): 72261-722 Ave E.
- Certificate of Title No.(s): 151 260 932

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 Foothills
- 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. _____
- 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 Mosquito Creek
- 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 Farmstead and house
- b. Proposed use of the land Acreage residential

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) flat and steep fall off to creek
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.) grass, small trees and brush
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) mixed, minimal top soil, 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.
House, garage, shop and corrals
- 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 1989
- b. Proposed sewage disposal: Type existing system

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, Eileen Griesdale hereby certify that

- ☒ I am the registered owner ☐ I am authorized to act on behalf of the registered 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: April 1, 2019

9. RIGHT OF ENTRY

I, Eileen Griesdale ROBERT GRIESDALE 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
0031 310 353 4;29;16;35;NE

TITLE NUMBER
151 260 932

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 29 TOWNSHIP 16
SECTION 35
QUARTER NORTH EAST
CONTAINING 64.7 HECTARES(160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:
PLAN NUMBER HECTARES (ACRES) MORE OR LESS
ROAD 0513390 0.475 1.17
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

REFERENCE NUMBER: 051 374 150 +8

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

151 260 932	07/10/2015	TRANSFER OF LAND	\$700,000	\$700,000

OWNERS

EILEEN GRACE GRIESDALE

AND

ROBERT JAMES GRIESDALE

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
151 260 932

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

041 144 778 26/04/2004 CAVEAT
RE : ACQUISITION OF LAND
CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.
31.
BOX 5605
HIGH RIVER
ALBERTA T1V1M7

091 067 245 12/03/2009 UTILITY RIGHT OF WAY
GRANTEE - SOUTH ALTA RURAL ELECTRIFICATION
ASSOCIATION LIMITED.

151 260 933 07/10/2015

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 2 DAY OF APRIL,
2019 AT 10:34 A.M.

ORDER NUMBER: 36972312

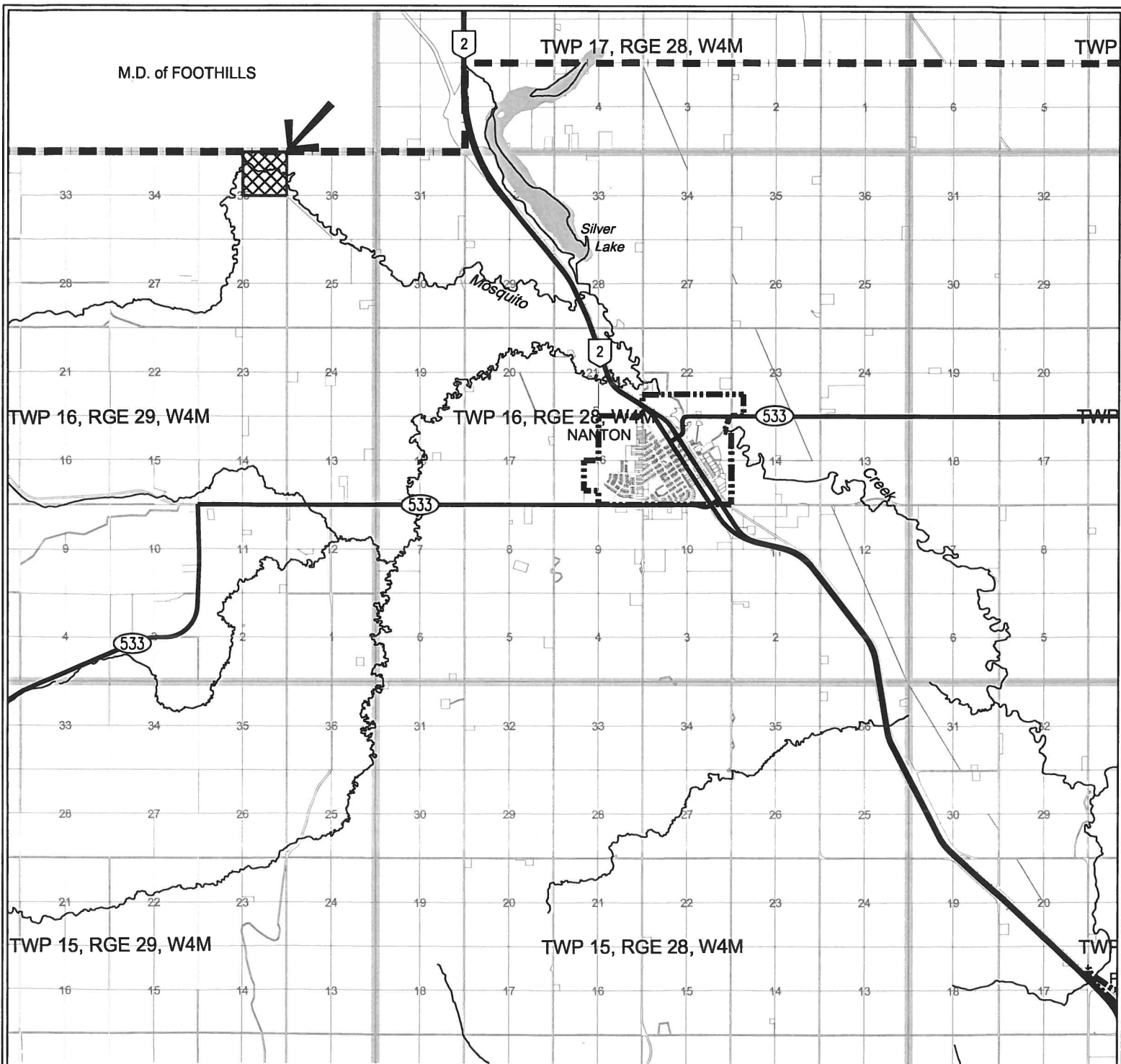
CUSTOMER FILE NUMBER:



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

NE 1/4 SEC 35, TWP 16, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

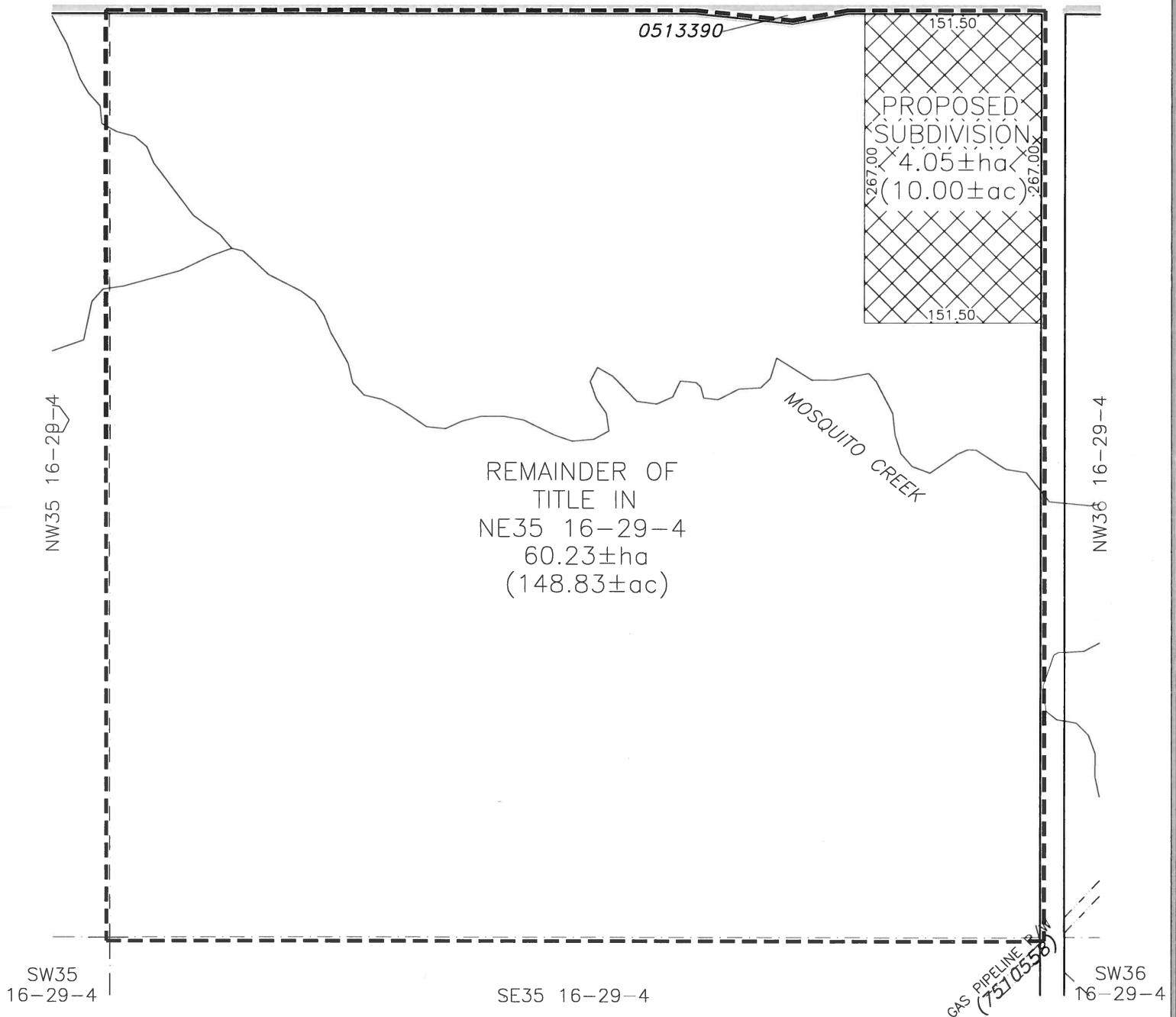
DATE: APRIL 10, 2019

FILE No: 2019-0-058

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5E8
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



April 11, 2019 N:\Subdivision\2019\2019-0-058.dwg



SUBDIVISION SKETCH

NE 1/4 SEC 35, TWP 16, RGE 29, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: APRIL 10, 2019

FILE No: 2019-0-058



