



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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: 2019-0-121

September 10, 2019

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

Dear Mr. Krizsan:

RE: NE1/4 7-16-21-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 Vulcan County, Ryan Dyck - ORRSC, Livingstone Range School Division, AltaLink, ATCO Pipelines, AB Health Services - Calgary, AB Environment & Parks - K. Murphy, 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

2019-0-121

M.D. of Willow Creek No. 26 Country Residential subdivision of NE1/4 7-16-21-W4M

THAT the Country Residential subdivision of NE1/4 7-16-21-W4M (Certificate of Title No. 021 446 671), to subdivide a 10.95 acre parcel form a titled area comprising 160.0 acres 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 encroaching gazebo be removed or relocated or that an encroachment agreement is entered into with the adjacent property prior to finalization.
4. ATCO Gas requires a Utility Right-of-Way to be registered prior to final approval.

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 local Subdivision Authority is authorized to waive the maximum parcel size requirements to accommodate the proposed parcel to be created.

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 Willow Creek No. 26 waived the 10.0 acre maximum parcel size requirement in accordance with Section 654(2) of the Municipal Government Act in order to accommodate this proposal.
- (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 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

MOVER

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: August 20, 2019

Date of Receipt:

August 14, 2019

Date of Completeness:

August 16, 2019

TO: Landowner: William Johannes Gelden

Agent: William G Gelden

Surveyor: Sexsmith Surveys Ltd.

Referral Agencies: M.D. of Willow Creek No. 26, Ian Sundquist, Vulcan County, Ryan Dyck - ORRSC, Livingstone Range School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - Calgary, AB Environment & Parks - K. Murphy, AB Agriculture, Historical Resources Administrator, AER

Adjacent Landowners: Bruce K. Allonby, Charlene Greig, Coal Creek Cattle Co. Ltd., Hans Lievaart, Lievaart Westview Farms Ltd., Marvin J. Knoch, Winnifred M. Peckham

Planning Advisor: Mike Buria 

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 **September 9, 2019**. (Please quote our File No. **2019-0-121** in any correspondence with this office).

File No.: 2019-0-121

Legal Description: NE1/4 7-16-21-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: 021 446 671

Meeting Date: **September 18, 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 a 10.95 acre parcel from a titled area comprising 160.0 acres for country residential use. This application represents the first subdivision from the quarter section and would comply with the Municipal District's subdivision policies. A waiver of the 10.0 acre maximum parcel size requirement will be necessary to accommodate this proposal for a 10.95 acre 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. Waiver of the 10.0 acre parcel size maximum to accommodate this subdivision proposal.

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: \$1025.00	File No: 2019-0-121
APPLICATION SUBMISSION	
Date of Receipt: August 14, 2019	Received By: [Signature]
Date Deemed Complete: August 16, 2019	Accepted By: [Signature]

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: William J Gelden

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): William G Gelden

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 7 Township 16 Range 26 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 160 acres
- Total number of lots to be created: 1 Size of Lot(s): 10 acres
- Rural Address (if applicable): 265037A Twp Rd 162
- Certificate of Title No.(s): _____

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. _____
- 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 Residential Residence
- b. Proposed use of the land Residential Residence

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.) some trees, bushes, hedges
- 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.
main house, bunkhouse, pavilion, work shop, barn, graneries
- 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 water well
- b. Proposed source of potable water water well

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type septic Year Installed ~1980
- b. Proposed sewage disposal: Type septic

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Will Gelden 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: Aug 2, 2019

9. RIGHT OF ENTRY

I, Bill Gelden 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)

Aug 2, 2019



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0021 795 480 4;26;16;7;NE 021 446 671

LEGAL DESCRIPTION
MERIDIAN 4 RANGE 26 TOWNSHIP 16
SECTION 7
QUARTER NORTH EAST
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

REFERENCE NUMBER: 971 130 281

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
021 446 671	18/12/2002	AFFIDAVIT OF SURVIVING JOINT TENANT		

OWNERS

WILLIAM JOHANNES GELDEN

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
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NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF JUNE,
2019 AT 11:13 A.M.

ORDER NUMBER: 37441050

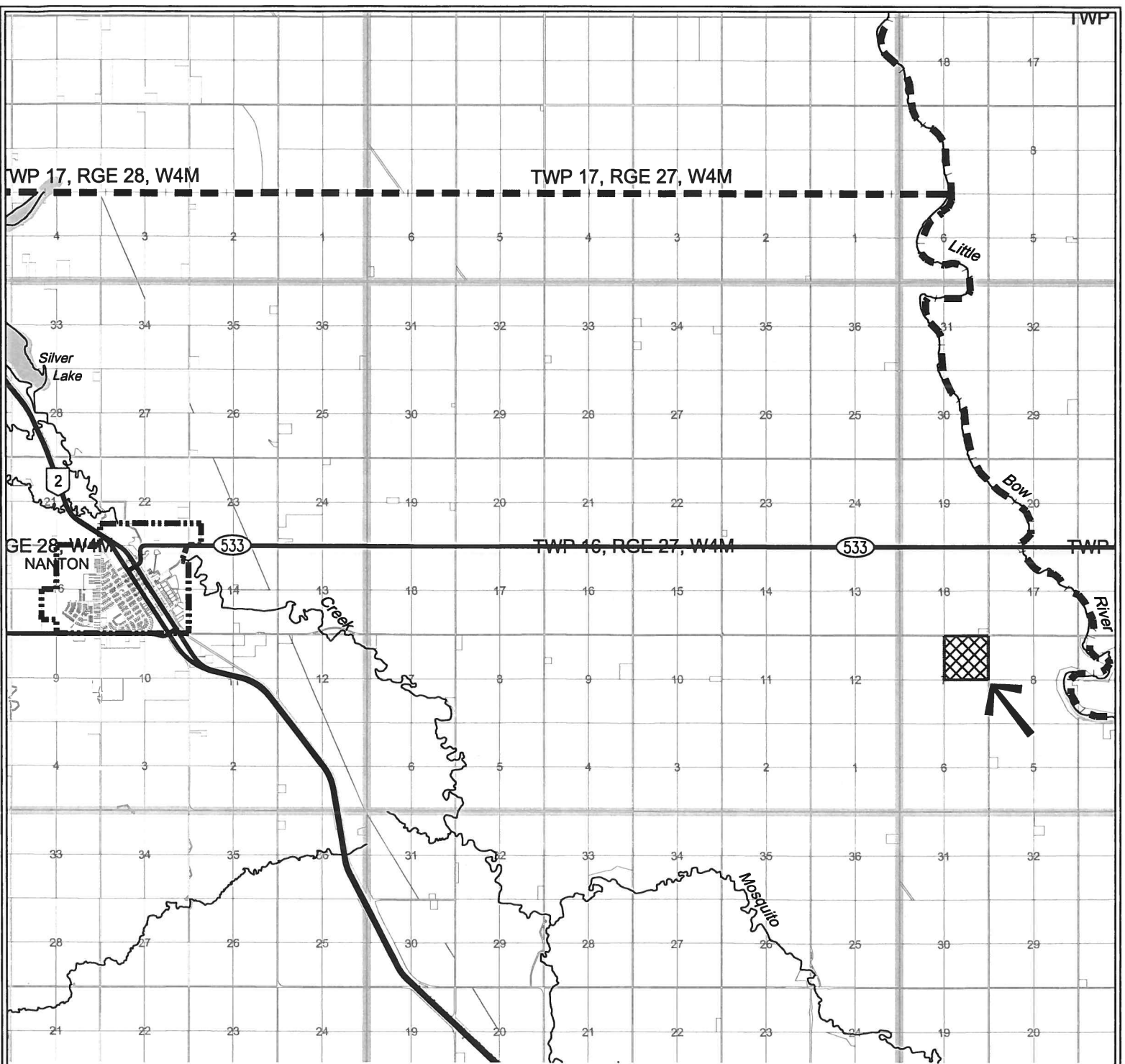
CUSTOMER FILE NUMBER: 19-275



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 7, TWP 16, RGE 26, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

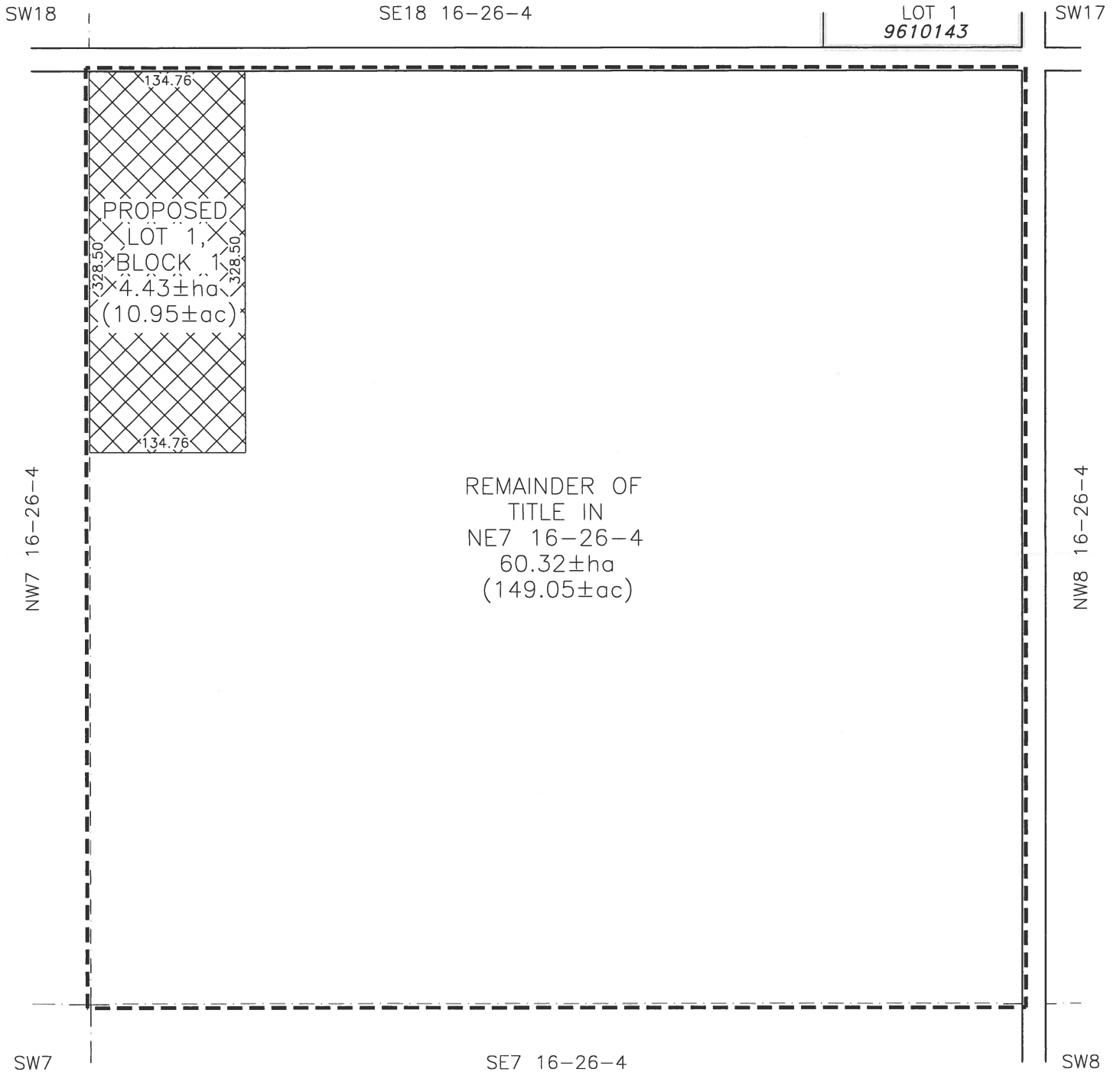
DATE: AUGUST 16, 2019

FILE No: 2019-0-121

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5B3
NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



August 16, 2019 N:\Subdivision\2019\2019-0-121.dwg



SUBDIVISION SKETCH

See tentative plan of subdivision by SexSmith Surveys Ltd. file no. 19-275

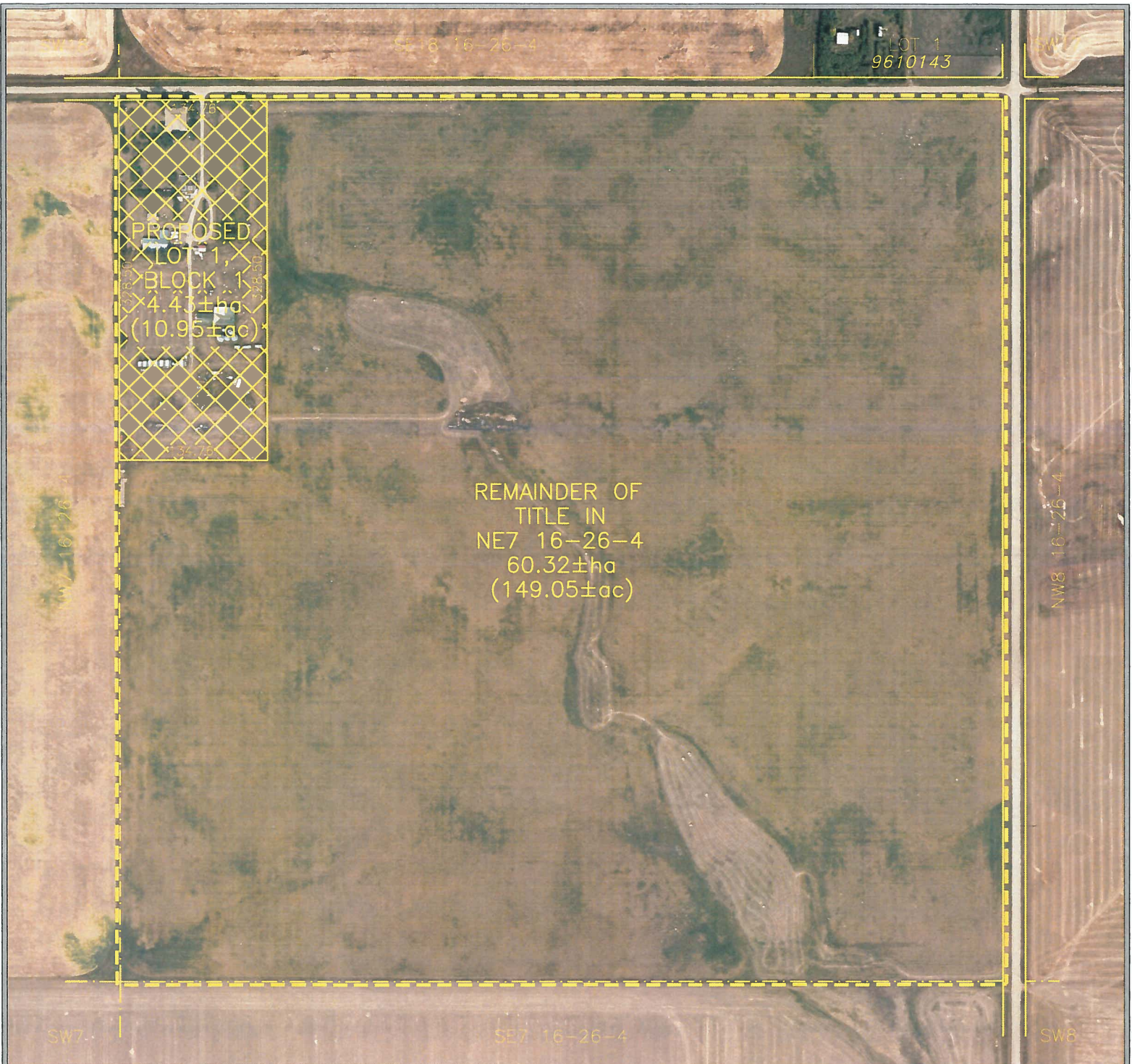
NE 1/4 SEC 7, TWP 16, RGE 26, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: AUGUST 16, 2019

FILE No: 2019-0-121





SUBDIVISION SKETCH

See tentative plan of subdivision by SexSmith Surveys Ltd. file no. 19-275

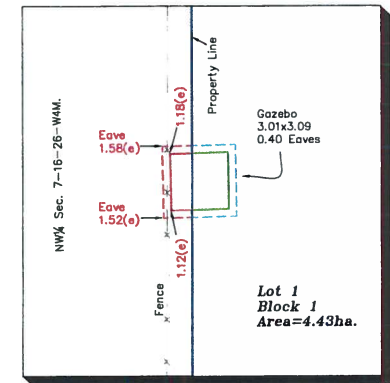
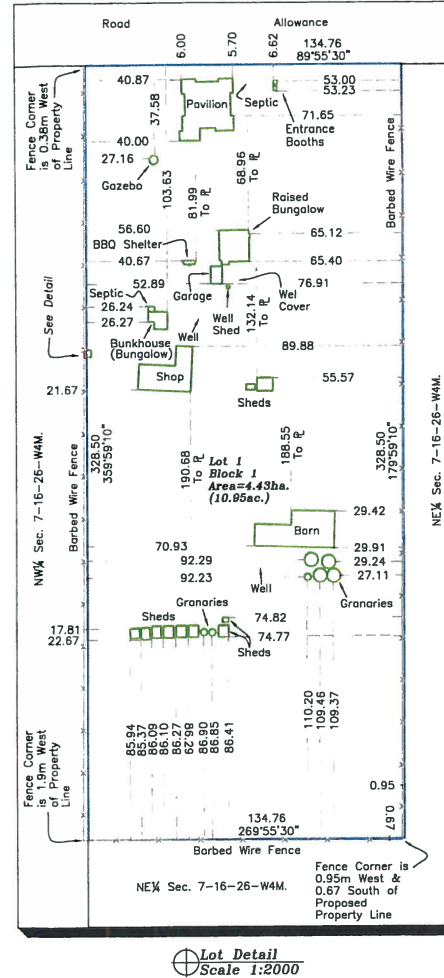
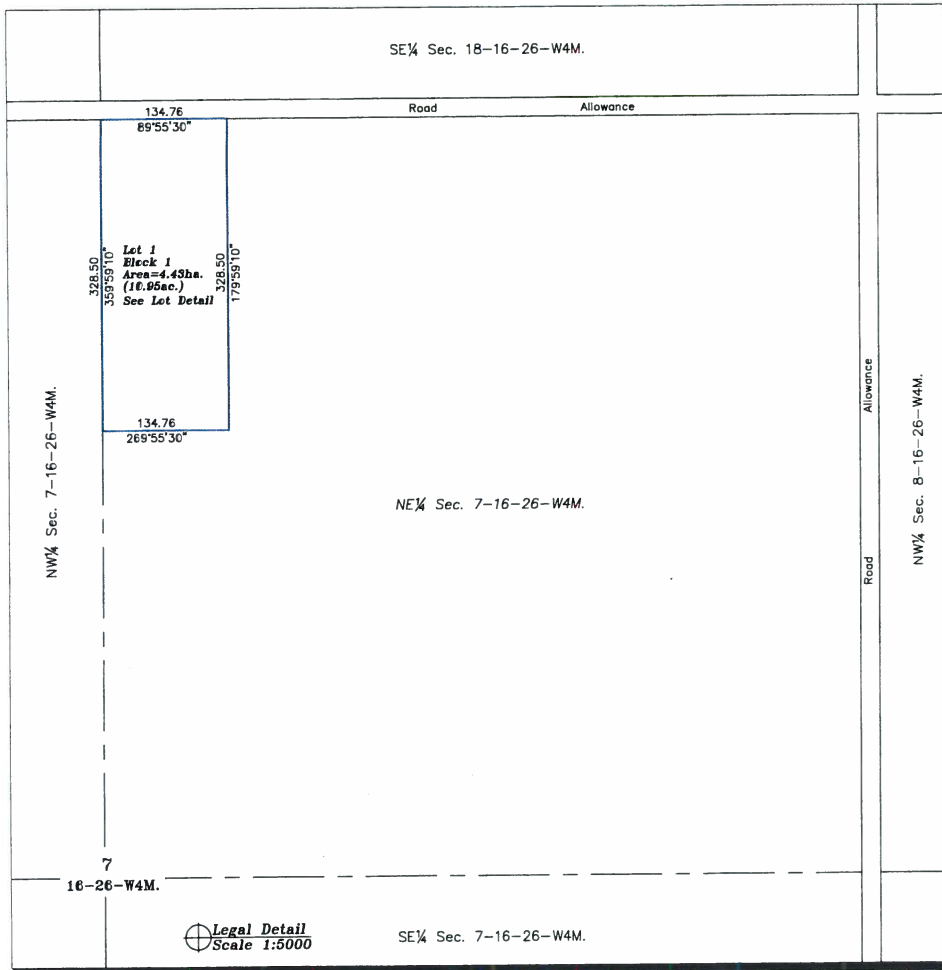
NE 1/4 SEC 7, TWP 16, RGE 26, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: AUGUST 16, 2019

FILE No: 2019-0-121





Detail Scale 1:250



M.D. Willow Creek No. 26 - Tentative Plan
Showing
Proposed Subdivision
of A Portion of
NE ¼ Sec. 7-16-26-W4M.



SexSmith Surveys Ltd.
Box 5122, High River, Alberta, T1V 1M3
www.sexsmithsurveys.com
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SexSmith Surveys Ltd.
19 July, 2019
Scale : As Noted
File 19-275