

## DRAFT RESOLUTION

Our File: 2019-0-116

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: SW1/4 17-16-28-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 Town of Nanton, Livingstone Range School Division, AltaLink, EQUUS REA Ltd., ATCO Pipelines, AB Health Services - Calgary, AB Environment & Parks - K. Murphy, AB Environment & Parks - M. Taje, AB Environment Operations Infrastructure Branch (OIB), 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

2019-0-116

**M.D. of Willow Creek No. 26 Vacant Country Residential** subdivision of SW1/4 17-16-28-W4M

THAT the Vacant Country Residential subdivision of SW1/4 17-16-28-W4M (Certificate of Title No. 161 193 142), to subdivide a 5.0 acre parcel from a titled are comprising 158.66 acres for vacant 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. ATCO Gas requires a Utility Right-of-Way to be registered 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) 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) ORRSC – Gavin Scott, Senior Planner for the Town of Nanton”  
“No Concerns”
- (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](mailto: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

- (h) Alberta Transportation – John Thomas, Development/Planning Technologist:

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

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

To that end, the proposal is to create an undeveloped single residential parcel of land from an unsubdivided quarter section and it is to be located at least 300 metres from the right-of-way of a highway. As such, this application is in accordance with Section 14(c) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

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

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

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

The subject property is within the noted control lines and, as such, any additional development would require a permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and stipulated as condition of approval such that an adequate buffer would be maintained alongside the highway and any other highway related issues could be appropriately addressed. The applicant could contact the department through the undersigned, at Lethbridge 403-381-5426, in this regard.

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

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.

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MOVER

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CHAIRMAN

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DATE

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** August 20, 2019

**Date of Receipt:**

August 6, 2019

**Date of Completeness:**

August 12, 2019

**TO: Landowner:** Robert G Lowe

**Agent or Surveyor:**

**Referral Agencies:** M.D. of Willow Creek No. 26, Ian Sundquist, Town of Nanton, Gavin Scott - ORRSC, 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), AB Agriculture, AB Transportation, Historical Resources Administrator, AER

**Adjacent Landowners:** Donald F. Lowe, Douglas L. Lockton, Elizabeth M. Lowe, G. Paul & Janice M. Trenholme, Mark & Ashli Wright, Neil E. Wilson, Rita M. Klessens, Robert G. Lowe, Southbow Farming Ltd., Town of Nanton

**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 **September 9, 2019**. (Please quote our File No. 2019-0-116 in any correspondence with this office).

**File No.:** 2019-0-116

**Legal Description:** SW1/4 17-16-28-W4M

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

**Land Designation:** Vacant Country Residential - VCR  
(Zoning)

**Existing Use:** Agricultural

**Proposed Use:** Country Residential

**# of Lots Created:** 1

**Certificate of Title:** 161 193 142

**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 5.0 acre parcel from a titled are comprising 158.66 acres for vacant country residential use. This site was recently redesignated by municipal council to accommodate this subdivision proposal.

A recommendation for approval is warranted because of compliance with the municipality's subdivision policies, 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.

**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>\$1005.00</u>	File No: <u>2019-0-116.</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>August 6, 2019</u>	Accepted By: <u>[Signature]</u>
Date Deemed Complete: <u>August 12, 2019</u>	Accepted By: <u>[Signature]</u>

### 1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Robert G Lowe

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 SW ¼ Section 17 Township 16 Range 28 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: \_\_\_\_\_ hectares 160 acres
- Total number of lots to be created: 1 Size of Lot(s): 5 acres
- Rural Address (if applicable): \_\_\_\_\_
- Certificate of Title No.(s): 161 193 142

### 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. 533
- 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 Farm land
- b. Proposed use of the land Rural dwelling

#### 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.)  
row crops
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) \_\_\_\_\_
- d. Is this a vacant parcel (void of any buildings or structures)? Yes ☒ No ☐  
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.  
\_\_\_\_\_
- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes ☐ No ☒
- f. Are there any active oil or gas wells or pipelines on the land? Yes ☐ No ☒
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes ☐ No ☒

#### 6. WATER SERVICES

Describe:

- a. Existing source of potable water None
- b. Proposed source of potable water Well

#### 7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type None Year Installed N/A
- b. Proposed sewage disposal: Type Septic tank & field

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

- I, Robert G. Lowe hereby certify that
- ☒ I am the registered owner ☐ I am authorized to act on behalf of the registered owner

complete and is, to the best of my knowledge, a true statement of the above.

Date: Aug. 5/2019

#### 9. RIGHT OF ENTRY

- I, Robert Lowe 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

There are no abandoned oil/gas wells on SW-17-16-28-W4

Page 2 of 2

Sign

Robert G. Lowe  
Date: Aug. 5/2019



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0021 609 078

4;28;16;17;SW

161 193 142

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 28 TOWNSHIP 16

SECTION 17

QUARTER SOUTH WEST

CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS

EXCEPTING THE ROAD WIDENING ON PLAN 3851JK

CONTAINING .543 OF A HECTARE (1.34 ACRES) MORE OR LESS

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: 161 007 878 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
161 193 142	17/08/2016	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

ROBERT GORDON LOWE

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
731 002 989		UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "20 FT. STRIP"

( CONTINUED )



TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 30 DAY OF JULY,  
2019 AT 06:44 P.M.

ORDER NUMBER: 37723891

CUSTOMER FILE NUMBER:

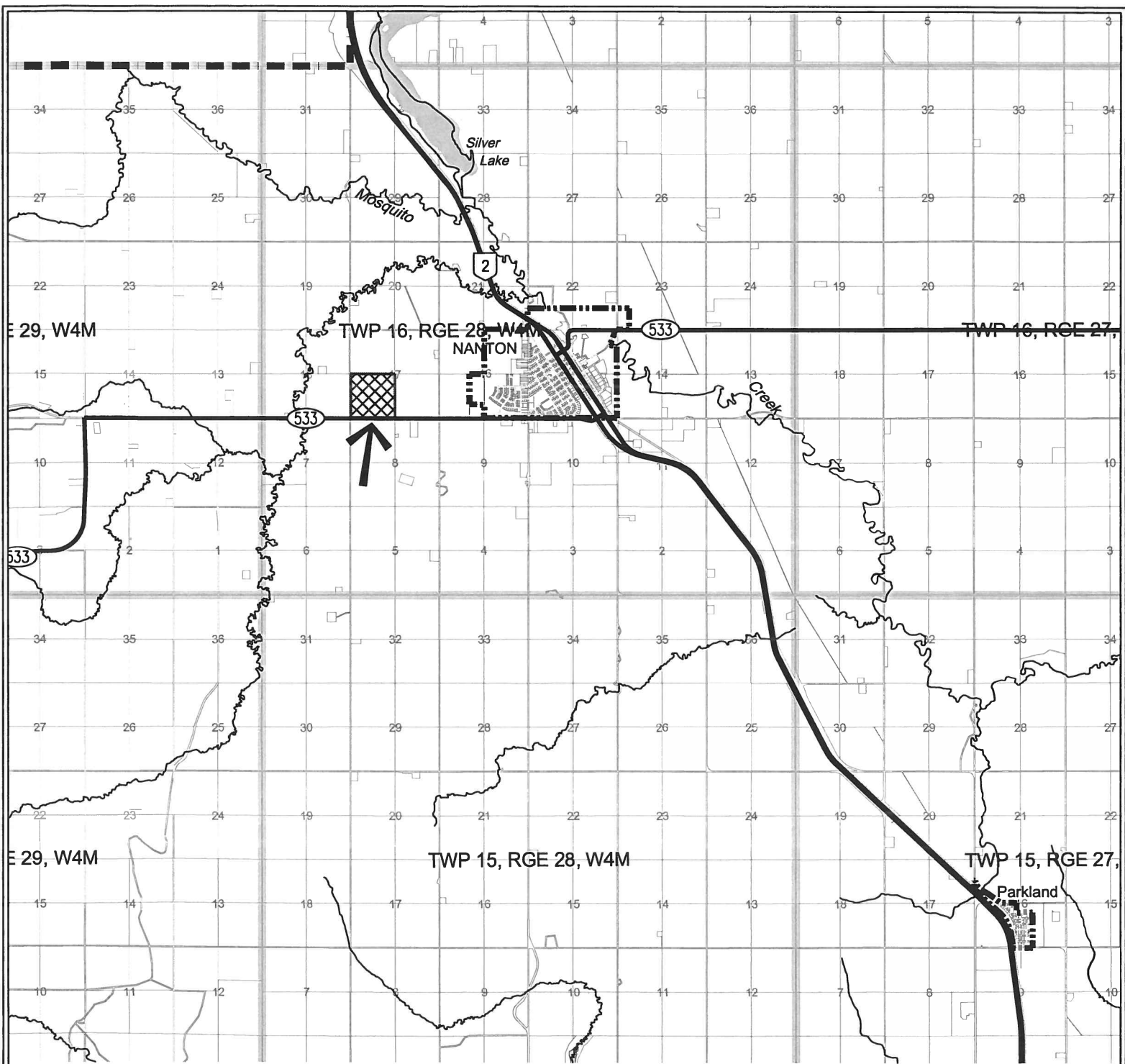


\*END OF CERTIFICATE\*

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# SUBDIVISION LOCATION SKETCH

SW 1/4 SEC 17, TWP 16, RGE 28, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

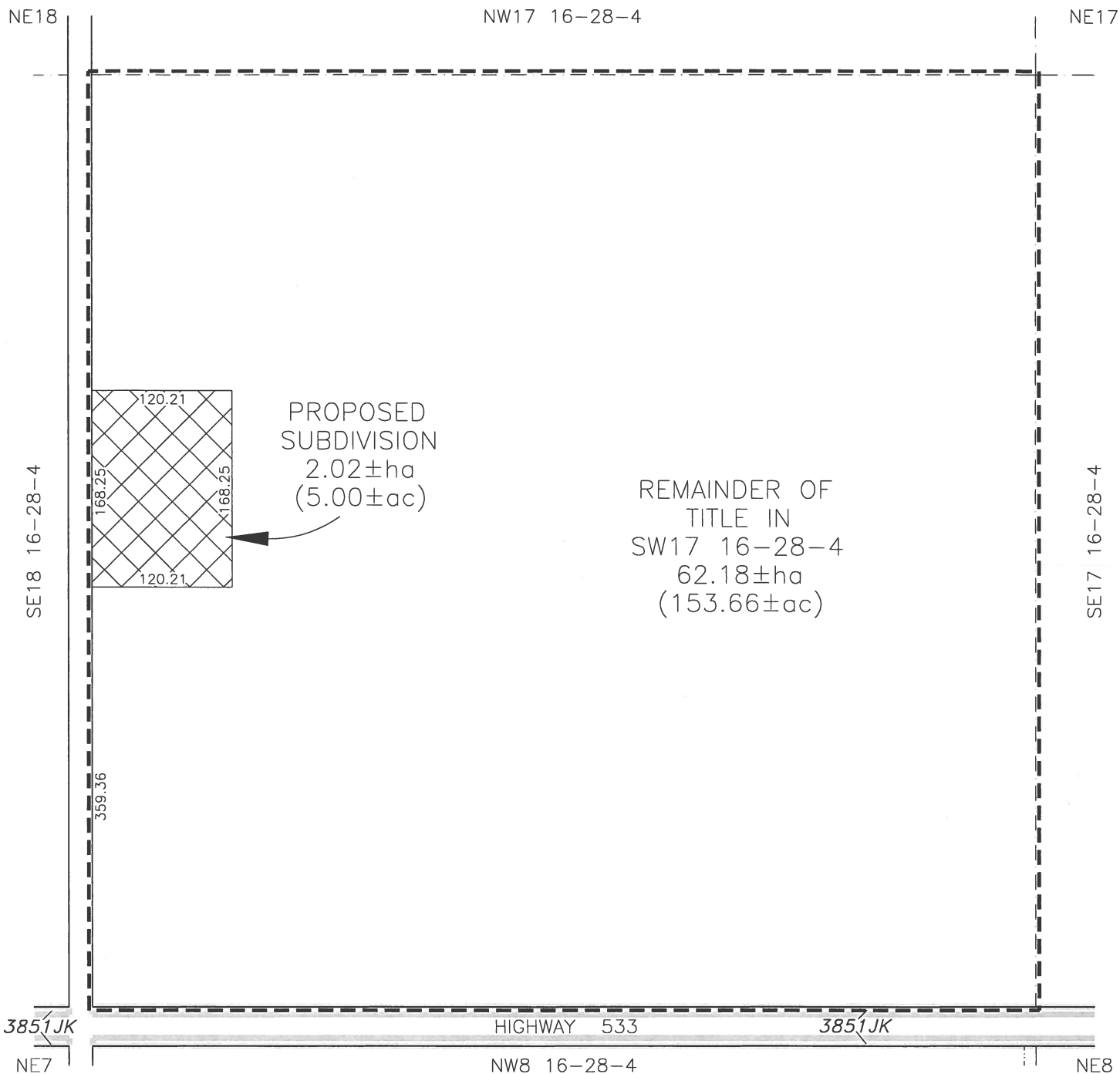
DATE: AUGUST 12, 2019

FILE No: 2019-0-116

MAP PREPARED BY:  
OLDMAN RIVER REGIONAL SERVICES COMMISSION  
3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 2B2  
NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



August 12, 2019 N:\Subdivision\2019\2019-0-116.dwg



## SUBDIVISION SKETCH

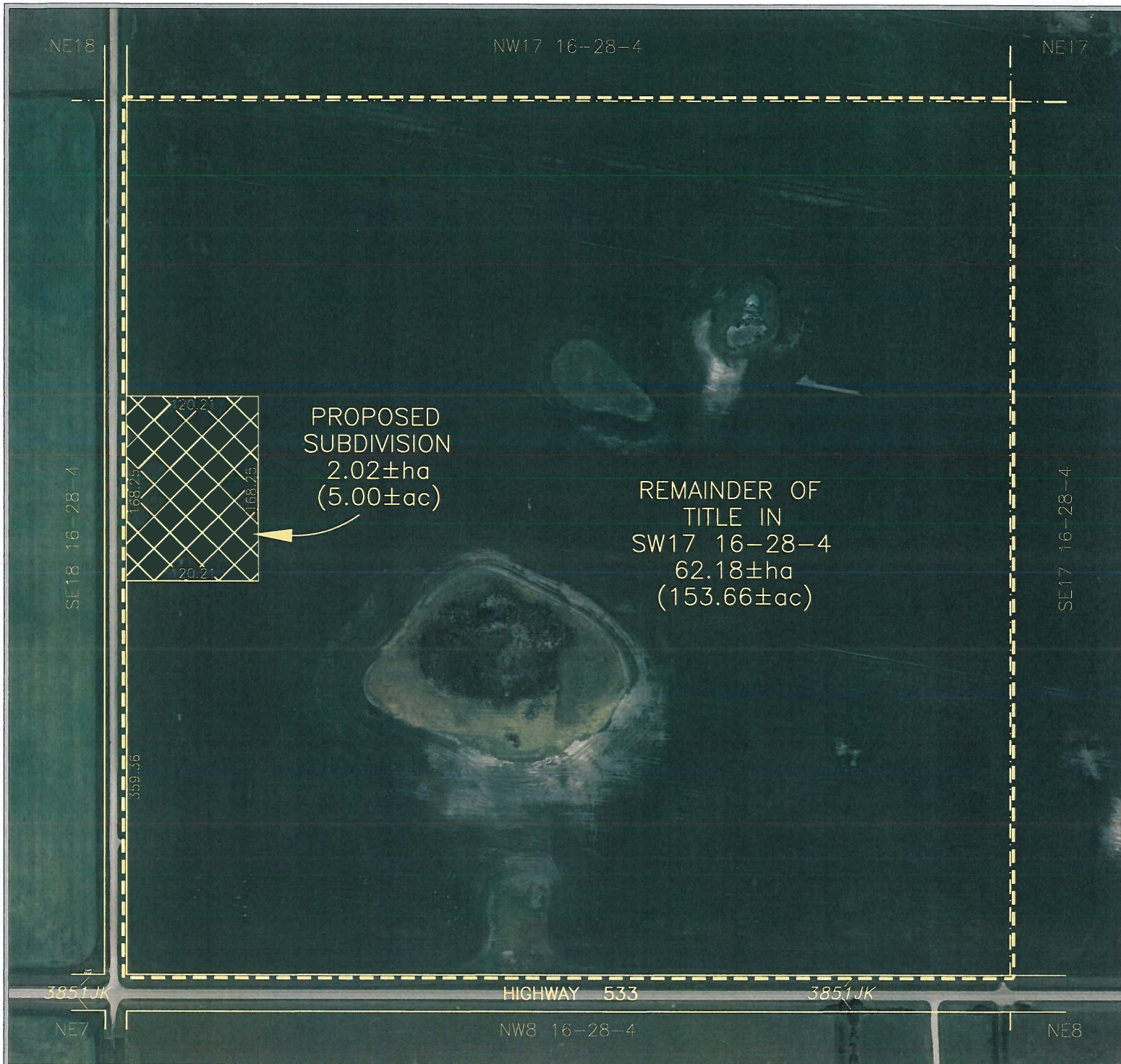
SW 1/4 SEC 17, TWP 16, RGE 28, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: AUGUST 12, 2019

FILE No: 2019-0-116





## SUBDIVISION SKETCH

SW 1/4 SEC 17, TWP 16, RGE 28, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: AUGUST 12, 2019

FILE No: 2019-0-116