

DRAFT RESOLUTION

Our File: 2020-0-069

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: S1/2 5-17-28-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 Livingstone Range School Division, AltaLink, EQUUS REA Ltd., ATCO Pipelines, AB Health Services - Calgary, AB Environment & Parks - G. Smith, AB Environment & Parks - J. Wu, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries 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

2020-0-069

M.D. of Willow Creek No. 26 Industrial subdivision of S1/2 5-17-28-W4M

THAT the Industrial subdivision of S1/2 5-17-28-W4M (Certificate of Title No. 181 088 967), to subdivide an existing 126.00 acre parcel to create two smaller titled areas of 54.28 and 71.72 acres respectively; 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 54.28 acres at the market value per acre with the actual acreage and amount to be paid to MD of Willow 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 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 Historical Resources Act approval prior to finalization of this subdivision.

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 54.28 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) MD of Foothills – Julie McLean, Senior Planner:

"Thank you for the opportunity to provide comments on this application for subdivision of one 54.28 acre Rural Industry parcel from 126 acre parcel in S½ 5-17-28 W4M within The M.D. of Willow Creek. Staff from Foothills County have reviewed the materials provided and we have no concerns with this application.

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 landowners in the future."

- (e) TELUS Communications Inc. has no objections to the above mentioned 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 Transmission high pressure pipelines has no objections. Questions or concerns can be forwarded to hp.circulations@atco.com.
- (h) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“Reference your file to create a parcel for industrial use at the above noted location.

Alberta Transportation's primary objective is to allow subdivision and development of adjacent 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, currently and as proposed, the parcel to be created and remnant land will gain indirect access to the provincial highway system solely by way of the local road system. Considering the types and additional volumes of traffic that may be generated by the proposed development combined with the existing local road traffic volumes in correlation with the background traffic, strictly from Alberta Transportation's point of view, this application has insufficient information to properly assess the 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).

Notwithstanding the foregoing, 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 center point of the intersection of the highway and another highway would require the benefit of 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 development would require the benefit of a permit from Alberta Transportation. To ensure that any future highway expansion plans are not unduly compromised, minimum setbacks would be identified and invoked 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 Alberta Transportation through 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) Historical Resources – Barry Newton:

"We have review the captioned subdivision application and determined that the property in question has an HRV value of 5a. Consequently:

The applicant must obtain *Historical Resources Act* approval prior to proceeding with any land surface disturbance associated with subdivision development by submitting a Historic Resources Application through Alberta Culture, Multiculturalism and Status of Women's Online Permitting and Clearance (OPaC) system – www.opac.alberta.ca.

The applicant should review the Land Use Procedures Bulletin: Subdivision Development Historical Resources Act Compliance (<https://open.alberta.ca/publications/subdivision-historical-resources-act-compliance>) prior to OPaC submission (attached)."

(j) Canada Post has no comments at this time.

MOVER

CHAIRMAN

DATE

Subdivision *Historical Resources Act* Compliance

PURPOSE: To identify the circumstances under which proposed subdivisions require *Historical Resources Act* approval and to provide guidelines for the submission of applications to obtain approval.

SCOPE: Subdivision applicants, developers, municipalities, and other planning authorities in Alberta.

BACKGROUND: In accordance with Section 5(5) of the [Subdivision and Development Regulation](#), applications for subdivision of areas containing or likely to contain historic resources must be referred to Alberta Culture and Tourism. This applies equally to private and public lands.

PROCEDURES - ROUTINE:

Subdivision

The subdivision authority and/or the owner/developer must consult Alberta Culture and Tourism's *Listing of Historic Resources*¹ to determine if the lands that are subject to subdivision have been flagged as having a **Historic Resource Value (HRV)**.

1. **If the subject lands do not overlap areas identified in the *Listing of Historic Resources*, *Historical Resources Act* approval is not required, although the provisions of Section 31 of the *Historical Resources Act* still apply.²**

¹ Alberta Culture and Tourism's *Listing of Historic Resources* is a publically available list of lands that contain, or are likely to contain, significant historic resources. Updated twice yearly, the *Listing* is an information resource for residential, commercial, and industrial developers and can guide the regulatory approval process. The *Listing* and Instructions for Use are available at: <https://www.alberta.ca/listing-historic-resources.aspx>.

² It is important to note that, even if *Historical Resources Act* approval is not required prior to the initiation of land surface disturbance activities, or if *Historical Resources Act* approval has been granted, Section 31 of the *Act* requires that anyone who discovers a historic resource, such as an archaeological, palaeontological, historic structures or Aboriginal Traditional Use site, during the course of development activities must cease work and notify Alberta Culture and Tourism immediately for further direction on the most appropriate action. Details about who to contact can be found in [Standard Requirements under the *Historical Resources Act*: Reporting the Discovery of Historic Resources](#).

2. **If the subject lands wholly or partially overlap areas identified as having an HRV of 1, 2, 3, or 4 in the *Listing of Historic Resources*, *Historical Resources Act* approval is required.** A Historic Resources (HR) Application must be submitted to Alberta Culture and Tourism via the Online Permitting and Clearance (OPaC) system.³ Development activities, including any land disturbance, may not proceed until *Historical Resources Act* approval has been obtained in writing.⁴
3. **If the subject lands wholly or partially overlap areas identified as having an HRV of 5 (and no other value) in the *Listing of Historic Resources*, *Historical Resources Act* approval must be obtained through the submission of an HR Application, with the following exceptions:**
 - First parcel out
 - 80-acre split
 - Lot line/boundary adjustment
 - Parcel consolidation

Subdivisions for these four purposes do not require *Historical Resources Act* approval if situated in lands assigned an HRV of 5 only. Subdivision of HRV 5 lands for all other purposes do require *Historical Resources Act* approval, and development, including any land disturbance, may not proceed until this approval has been obtained in writing.

Lands that contain, or are likely to contain, significant historic resources may require the conduct of a Historic Resources Impact Assessment (HRIA) prior to development. If required, this direction will be communicated in Alberta Culture and Tourism's response to the HR application. An HRIA must be conducted by a qualified heritage consultant on behalf of the developer, at the developer's expense. Results of the HRIA must be reported to Alberta Culture and Tourism and subsequent *Historical Resources Act* approval must be granted before development proceeds.

Where a proposed subdivision includes lands that overlap areas with HRVs on the Listing, a Subdivision Authority may choose to submit the details for review in an HR Application prior to subdivision approval or condition *Historical Resource Act* approval as part of their subdivision approval. In these instances, no development activities are to commence until *Historical Resources Act* approval has been granted.

³ Information regarding Historic Resources Applications and the OPaC system can be found at: <https://www.alberta.ca/online-permitting-clearance.aspx>.

⁴ Where *Historical Resources Act* approval is required, the Historic Resources Application must include all lands in the subdivision area, not just those identified as having an HRV.

Area Structure and Redevelopment Plans

Alberta Culture and Tourism recommends that municipalities and/or developers submit for review through the OPaC system, all Area Structure Plans, Area Redevelopment Plans, and other long-term planning documents. The outcome of this review will provide the applicant with information about historic resource concerns in the planning areas and may offer guidance for developing strategies to address these concerns.

PROCEDURES – NON-ROUTINE:

Notwithstanding the instruction provided above, if Alberta Culture and Tourism is made aware of historic resource concerns associated with lands not included in the *Listing of Historic Resources*, direction may be given to submit an HR application. This direction is made under Section 37(2) of the [Historical Resources Act](#) and can be applied to any type of project.

For further information please contact:

[Head, Regulatory Approvals & Information Management](#)
Historic Resources Management Branch
Alberta Culture and Tourism

Approved by: Darryl Bereziuk, Director, Archaeological Survey

Date: January 22, 2019



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@orrrsc.com
Website: www.orrrsc.com

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: June 2, 2020

Date of Receipt:

May 15, 2020

Date of Completeness:

May 19, 2020

TO: Landowner: Tricycle Lane SAB Ltd.

Agent or Surveyor: BURNCO Rock Products Ltd.

Referral Agencies: M.D. of Willow Creek No. 26, Ian Sundquist, MD of Foothills, Livingstone Range School Division, AltaLink, EQUUS REA Ltd., FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - Calgary, AB Environment & Parks - G. Smith, AB Environment & Parks - J. Wu, AB Environment Operations Infrastructure Branch (OIB), AB Water Boundaries, AB Transportation, Historical Resources Administrator, AER, Canada Post

Adjacent Landowners: Alberta Municipal Affairs Municipal Services Branch, Everette Culp, Lizabeth Coulson, M.D. Of Foothills No. 31, Murray & Deborah Loree, Tim Dwyer & Elaine Mahan, Wayne Fehr

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 **June 22, 2020**. (Please quote our File No. **2020-0-069** in any correspondence with this office).

File No.: 2020-0-069

Legal Description: S1/2 5-17-28-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: 181 088 967

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 126.00 acre parcel to create two smaller titled areas of 54.28 and 71.72 acres respectively. The proposed 54.28 acre parcel has been recently re-designated to "Rural Industrial – RI" to accommodate this proposal. The 54.28 acres will be used a gravel quarry by Burnco to supply rock products in the immediate area.

As this proposal complies with the M.D.'s subdivision policies, a recommendation for approval is warranted subject to standard planning conditions and provision of a Municipal Reserve payment.

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 on the 54.28 acre parcel being created by this subdivision.

RESERVE:

Municipal Reserve is applicable and will be taken in cash on 54.78 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>2020-0-069</u>
APPLICATION SUBMISSION	
Date of Receipt: <u>May 15, 2020</u>	Received By: <u>[Signature]</u>
Date Deemed Complete: <u>May 19, 2020</u>	Accepted By: <u>[Signature]</u>

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Tricycle Lane SAB Ltd.

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): BURNCO Rock Products Ltd.

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

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

Name of Surveyor: TBD

Mailing Address: _____ City/Town: _____

Postal Code: _____ Telephone: _____ Cell: _____

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

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

a. All/part of the S/2 ¼ Section 05 Township 17 Range 28 West of 4 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: 50.99 hectares 126 acres

d. Total number of lots to be created: 2 Size of Lot(s): 54.28 acres & 71.72 acres

e. Rural Address (if applicable): _____

f. Certificate of Title No.(s): 181 088 967

3. LOCATION OF LAND TO BE SUBDIVIDED

a. The land is located in the municipality of Willow 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. HWY 2

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 Silver Lake

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 Rural General – Cultivated Farm Land

b. Proposed use of the land Rural Industrial – Gravel pit

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) See Attached Report

b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
See Attached Report

c. Describe the kind of soil on the land (sandy, loam, clay, etc.) See Attached Report

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

a. Describe existing source of potable water N/A

b. Describe proposed source of potable water N/A

7. SEWER SERVICES

a. Describe existing sewage disposal: Type N/A Year Installed N/A

b. Describe proposed sewage disposal: Type N/A

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I Travis Coates 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 29, 2020

9. RIGHT OF ENTRY

I, Scott Burns 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 Gov

Signature of registered owner(s)



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0017 632 969	4;28;17;5;SW,SE	181 088 967

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 28 TOWNSHIP 17
SECTION 5

THE WEST HALF OF THE SOUTH EAST QUARTER AND THE EASTERLY
825 FEET OF THE SOUTH WEST QUARTER CONTAINING 52.6 HECTARES
(130 ACRES) MORE OR LESS

EXCEPTING OUT OF THE SOUTH WEST QUARTER

PLAN	NUMBER	HECTARES	ACRES MORE OR LESS
GRAVEL PIT SITE	786LK	1.62	4.00

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

REFERENCE NUMBER: 173R240

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
181 088 967	02/05/2018	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

TRICYCLE LANE SAB LTD.

(DATA UPDATED BY: CHANGE OF ADDRESS 181262279)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
4348LO	27/09/1972	CAVEAT CAVEATOR - THE OLDMAN RIVER REGIONAL PLANNING COMMISSION.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
181 088 967

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

DEFERRED RESERVE CAVEAT

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 APRIL,
2020 AT 03:38 P.M.

ORDER NUMBER: 39239992

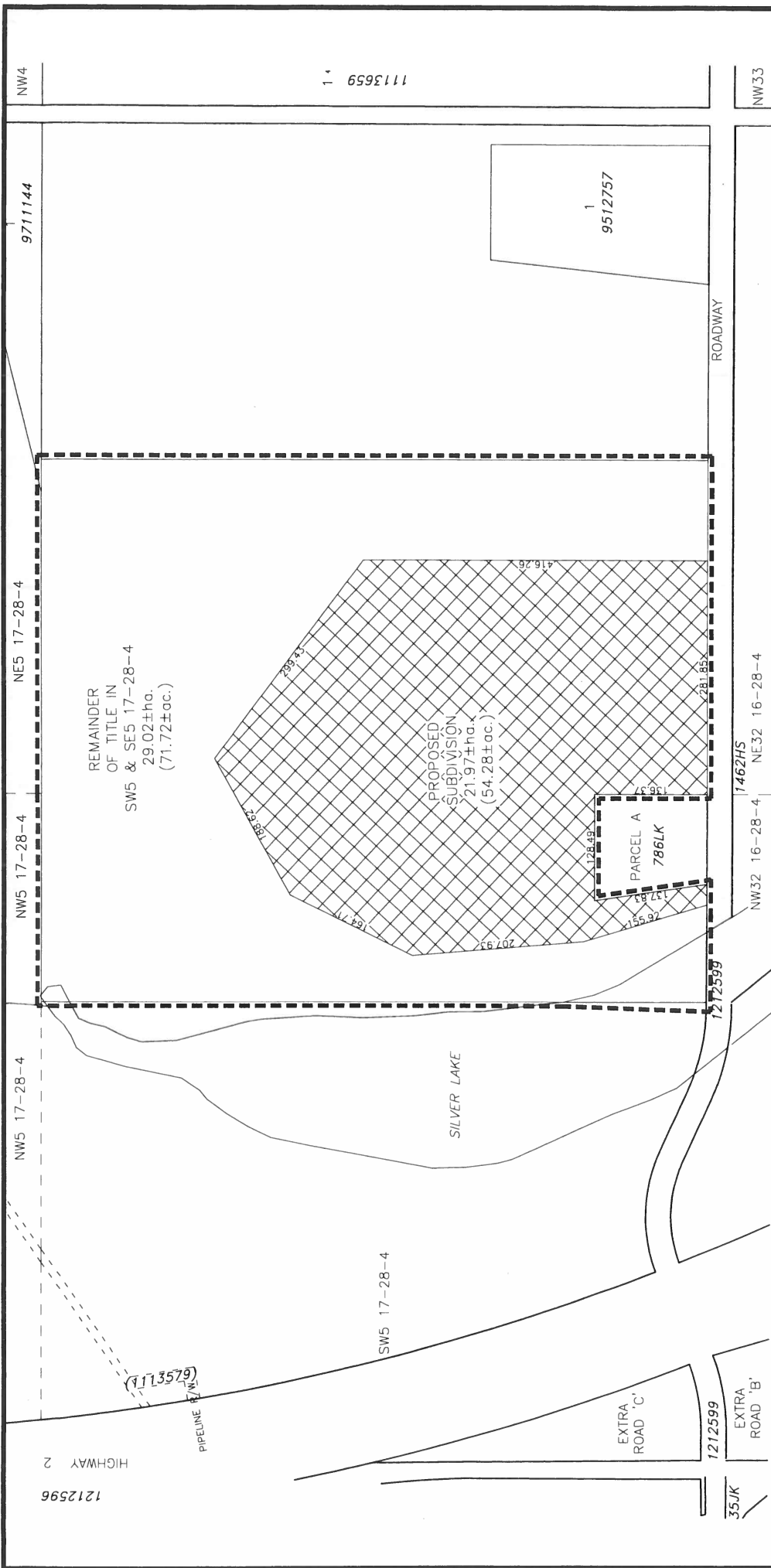
CUSTOMER FILE NUMBER:



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 SKETCH
WITHIN SE & SW 1/4 SEC 5, TWP 17, RGE 28, W 4 M
MUNICIPALITY: M.D. WILLOW CREEK NO. 26
DATE: MAY 21, 2020
FILE No: 2020-0-069



