

**Agenda**  
**Municipal District of Pincher Creek No. 9**  
**Subdivision Authority**  
**April 3, 2018**  
**6:00 pm**

- 1. Adoption of Agenda**
- 2. Minutes**
  - a. Minutes of February 6, 2018
- 3. In Camera**
- 4. Unfinished Business**
- 5. Subdivision Applications**
  - a. Subdivision Application No. 2018-0-036  
Shane Novlesky, Karen Clymer & Charles Clymer, and Hutterian Brethren Church of Pincher Creek  
NW 34-6-1 W5M
- 6. New Business**
- 7. Next Regular Meeting**     May 1, 2018; 6:00 pm
- 8. Adjournment**





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

Pho (403) 329-1344  
Toll-Free: 1-844-279-8760  
E-mail: subdivision@orrsc.com  
Website: www.orrsc.com

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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## DRAFT RESOLUTION

Our File: 2018-0-036

March 28, 2018

Roland Milligan  
Interim Chief Administrative Officer  
Municipal District of Pincher Creek No. 9  
Box 279  
Pincher Creek Alberta T0K 1W0

Dear Mr. Milligan:

**RE: NW1/4 34-6-1-W5M / M.D. of Pincher Creek No. 9**

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 School Division, Holy Spirit RC School Division, AltaLink, AB Agriculture, AB Environment & Parks – K. Murphy, AER, Area Wildlife Biologist and South Lundbrek Water Co-op.

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.**

you require any further information.

Gavin Scott  
Senior Planner

GS/jm  
Attachment



(d) Pincher Creek Emergency Services Commission – David Cox, Chief:

“No issues with this development.”

(e) Please accept this letter advising TELUS Communications Inc. has **no objections** to the current land owner proceeding with this application.

If TELUS requires to place future facilities on private lands to service future customers, we will require a URW at that time.

It is the land owner’s responsibility to ensure they contact Alberta One-Call to ensure no facilities will be disrupted. If at any time TELUS facilities are disrupted, it will be at the sole cost of the land owner.

(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 (310-94 73) 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) Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 971 295 672. Therefore, ATCO Gas has no objection to the proposed subdivision.

(i) Alberta Health Services – Wade Goin, Executive Officer:

“Based on a review of this file and a site visit to the property, this department has the following comments:

- The existing home is approximately 850 m from the nearest windmill. Information regarding the windmill was not provided. All setback distances and noise objectives should be in compliance with relevant legislation and requirements of the AUC (Alberta Utilities Commission).

- All other pertinent bylaws, regulations and standards should be complied with.

Should you have any questions regarding this report, please do not hesitate to contact me at 403-562-5030.”

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CHAIRMAN

DATE

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

Phone: (403) 329-1344  
Toll-Free: 1-844-279-8760  
E-mail: [subdivision@orrsc.com](mailto:subdivision@orrsc.com)  
Website: [www.orrsc.com](http://www.orrsc.com)

**OLDMAN RIVER REGIONAL SERVICES COMMISSION**

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**NOTICE OF APPLICATION FOR SUBDIVISION OF LAND**

**DATE:** March 6, 2018

**Date of Receipt:**

February 26, 2018

**Date of Completeness:**

February 26, 2018

**TO: Landowners:** Shane Novlesky, Karen Clymer and Charles Clymer  
The Hutterian Brethren of Pincher Creek as a Church

**Agent or Surveyor:** Brown Okamura & Associates Ltd.

**Referral Agencies:** M.D. of Pincher Creek No. 9, Bev Everts, Livingstone School Division, Holy Spirit RC School Division, TELUS, FortisAlberta, AltaLink, ATCO Gas, ATCO Pipelines, AB Health Services, AB Agriculture, AB Environment & Parks - K. Murphy, AER, Area Wildlife Biologist, South Lundbrek Water Co-op

**Adjacent Landowners:** Brian Yagos, Diana Calder, Johnny and Tammie Giesbrecht, Riverside Ranch (Zoratti) Ltd., Robert David Thomas and Viola Dunlap, Zoratti Properties Ltd.

**Planning Advisor:** Gavin Scott

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 Pincher Creek No. 9. 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 **March 26, 2018**. (Please quote our File No. **2018-0-036** in any correspondence with this office).

**File No.:** 2018-0-036

**Legal Description:** NW1/4 34-6-1-W5M

**Municipality:** M.D. of Pincher Creek No. 9

**Land Designation:** Agriculture - A  
(Zoning)

**Existing Use:** Agricultural

**Proposed Use:** Country Residen

**# of Lots Created:** 1

**Certificate of Title:** 131 284 190, 121S160

**Meeting Date:** April 3, 2018

*Note that meeting dates are subject to change. It is advisable to contact the M.D. of Pincher Creek No. 9 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.*

**Planner's Preliminary Comments:**

The purpose of this application is to create a 9.74 acre (3.94 ha) parcel from title of 73.11 acres (29.61 ha) for country residential use and consolidating the remainder with the adjoining 80 acre title.

The proposal is to accommodate a property realignment subdivision of an existing farmyard, which presently contains a dwelling, shop, and number of other out-buildings. Access to the lot is presently granted from an existing approach to the north, off of a developed municipal road allowance. The existing residence is serviced by a septic system and the South Lundbreck Water Co-op for household water use.

The existing dugout straddles an existing property line with Plan 0112861 Block 1 Lot 1 and the W1/2 of NW34 7-1 W5M. The property owners may wish to pursue an encroachment and/or use agreement to protect each other's interests.

This proposal complies with the subdivision criteria of the MD of Pincher Creek's Municipal Development Plan and Land Use Bylaw. The Subdivision Authority is hereby requested to consider the following when rendering a decision on this application:

1. Any outstanding property taxes shall be paid to the MD of Pincher Creek.
2. The applicant or owner or both enter into a Development Agreement with the MD.
3. Provision of a surveyors sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established prior to finalization of the application.
6. That the remainder of Certificate of Title 131284190 be consolidated with the adjacent 80 acre Certificate of Title 121S160 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.

**RESERVE:**

- The payment of the applicable 10% Municipal Reserve on the 9.74 acres with the actual amount to be determined at the final stage for Municipal Reserve purposes.

**PROCESSING NOTES:** No further comment pending a site inspection.

**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.**

|  |              |  |              |
|--|--------------|--|--------------|
| FOR OFFICE USE ONLY                              |              | FOR OFFICE USE ONLY                              |              |
| Zoning (as classified under the Land Use Bylaw): |              | Zoning (as classified under the Land Use Bylaw): |              |
| Fee Submitted:                                   | File No:     | Fee Submitted:                                   | File No:     |
| \$1025.00  | 2018-C-036   | \$1025.00  | 2018-C-036   |
| APPLICATION SUBMISSION                           |              | APPLICATION SUBMISSION                           |              |
| Date of Receipt:                                 | Accepted By: | Date of Receipt:                                 | Accepted By: |
| Feb. 26, 2018                                    |              | Feb. 26, 2018                                    |              |
| Date Deemed Complete:                            | Accepted By: | Date Deemed Complete:                            | Accepted By: |
| Feb 26, 2018                                     |              | Feb 26, 2018                                     | SL           |

**APPLICATION FOR SUBDIVISION  
RURAL MUNICIPALITY**

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: Shane Novlesky, Karen Clymer, Charles Clymer

Mailing Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: 4 \_\_\_\_\_ Fax: \_\_\_\_\_

Email: shane.novlesky@gmail.com 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: BROWN OKAMURA & ASSOCIATES LTD.

Mailing Address: P.O. Box 655 Lethbridge, AB. Postal Code: T1J 3Z4

Telephone: 403-329-4688 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

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

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

Being all/part of: Section 34, Range 06, Meridian 01, Twp 06, Rm 36-W4M

Lot/Unit \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

Total area of existing parcel of land (to be subdivided) is: \_\_\_\_\_ hectares 64 +/- acres

Total number of lots to be created: \_\_\_\_\_ Size of Lot(s): \_\_\_\_\_

Rural Address (if applicable): 1225 TWP RD 7-0

Certificate of Title No.(s): 131 284 190

**LOCATION OF LAND TO BE SUBDIVIDED**

The land is located in the municipality of Pincher 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. \_\_\_\_\_

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 \_\_\_\_\_

e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown  Yes  No





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0029 041 779            5;1;6;34;NW                      131 284 190

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 6  
SECTION 34  
THE WEST HALF OF THE NORTH WEST QUARTER  
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

| PLAN        | NUMBER  | HECTARES | (ACRES) | MORE OR LESS |
|-------------|---------|----------|---------|--------------|
| SUBDIVISION | 0112861 | 2.788    | 6.89    |              |

EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

REFERENCE NUMBER: 011 307 316 +1

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

131 284 190      05/11/201      FER OF 1

OWNERS

CHARLES CLYMER

AND

KAREN CLYMER

AND

SHANE NOVLESKY

BOTH OF:

( CONTINUED )

(DATA UPDATED BY: CHANGE OF ADDRESS 141246253)  
(DATA UPDI\_\_\_\_\_ BY: CHANGE OF ADDRESS 151238578)  
(DATA UPDATED BY: CHANGE OF ADDRESS 151238579)

-----  
ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

| NUMBER      | DATE (D/M/Y) | PARTICULARS  |
|-------------|--------------|--|
| 971 295 672 | 03/10/1997   | UTILITY RIGHT OF WAY<br>GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY<br>LIMITED.   |
| 971 334 369 | 07/11/1997   | UTILITY RIGHT OF WAY<br>GRANTEE - SOUTH LUNDBRECK WATER CO-OP LTD.   |
| 131 284 191 | 05/11/2013   | MORTGAGE<br>MORTGAGEE - THE PINCHER CREEK CREDIT UNION,<br>LIMITED.<br>BOX 1660, 750 KETTLES STREET, PINCHER CREEK<br>ALBERTA T0K1W0<br>ORIGINAL PRINCIPAL AMOUNT: |

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 26 DAY OF  
FEBRUARY, 2018 AT 09:10 A.M.

ORDER NUMBER: 34611599

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

-----  
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OF THE  
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).



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0020 772 240            5;1;6;34;NW                      121S160

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 1 TOWNSHIP 6  
SECTION 34  
THE EAST HALF OF THE NORTH WEST QUARTER  
CONTAINING 80 ACRES MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME  
AREA: 32.4 HECTARES (80 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

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| REGISTERED OWNER(S) |            |               |       |               |
|---------------------|------------|---------------|-------|---------------|
| REGISTRATION        | DATE (DMY) | DOCUMENT TYPE | VALUE | CONSIDERATION |
| 121S160             | 22/02/1961 |               |       | REF. 239IE    |

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OWNERS

THE HUTTERIAN BRETHREN OF PINCHER CREEK AS A CHURCH.  
OF PINCHER CREEK  
ALBERTA

---

ENCUMBRANCES, LIENS & INTERESTS

| REGISTRATION |              |   |
|--------------|--------------|---|
| NUMBER       | DATE (D/M/Y) | PARTICULARS   |
| 8770JM       | 17/05/1966   | UTILITY RIGHT OF WAY<br>GRANTEE - PLAINS MIDSTREAM CANADA ULC.<br>1400, 607 8 AVE SW<br>CALGARY<br>ALBERTA T2A0A7<br>AS TO PORTION OR PLAN:4524JK<br>"2.13 ACRES"<br>(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT<br>OF WAY 031208091) |

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PA 2  
# 121S160 .

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

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 081083189)

791 216 065 27/12/1979 UTILITY RIGHT OF WAY  
GRANTEE - ALBERTA ETHANE DEVELOPMENT COMPANY LTD.  
AS TO PORTION OR PLAN:7910825  
"TAKE THE PRIORITY OF C. 781021289, REG. 10 02  
1978"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 041368404)

861 093 987 10/06/1986 WATER RESOURCES ACT CERTIFICATE  
"OVER LSD 5 IN THE SW1/4 OF SEC. 35-6-1-W5M FOR  
BENEFIT OF EAST HALF OF NW1/4 OF SEC. 34, ALL OF  
NE1/4 OF SEC.34 AND ALL OF NW1/4 OF SEC.35 IN TWP.6  
RGE 1 W5M"

(DATA UPDATED BY: 021424368 )

881 028 294 23/02/1988 UTILITY RIGHT OF WAY  
GRANTEE - ALTAGAS SERVICES INC.  
AS TO PORTION OR PLAN:8710439  
"TAKE PRIORITY OF CAVEAT 871011532, REG. 23 01  
1987"

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 001132478)

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 001283130)

911 041 300 27/02/1991 UTILITY RIGHT OF WAY  
GRANTEE - SOUTH LUNDBRECK WATER CO-OP LTD.

131 202 408 15/08/2013 MORTGAGE  
MORTGAGEE - THE TORONTO DOMINION BANK.  
UNIT 156, 200-4TH AVE S  
LETHBRIDGE  
ALBERTA T1J4C9  
ORIGINAL PRINCIPAL AMOUNT:

141 152 063 18/06/2014 AMENDING AGREEMENT  
AFFECTS INSTRUMENT: 131202408

TOTAL INSTRU ITS: 007

( CONTINUED )

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 26 DAY OF  
FEBRUARY, 2018 AT 11:22 A.M.

ORDER NUMBER: 34614039

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).





