

MINUTES OF THE REGULAR COUNCIL, DEVELOPMENT AND PLANNING MEETING HELD IN THE COUNCIL CHAMBERS OF THE RURAL MUNICIPALITY OF TACHÉ IN LORETTE, MANITOBA ON APRIL 12TH, 2012 AT 7:00 P.M.

MEMBERS PRESENT: Deputy Mayor Menard, Councillors Trudeau, Koop, Deschambault, Stein, Heather & Rivard.

IN ATTENDANCE: Daniel Poersch,
Chief Administrative Officer,
Janice Desmarais,
Development Officer/Recording Secretary.

**INVOCATION/
OPENING:** Councillor Deschambault called the meeting to order and offered the Invocation at 7:00 p.m.

ADOPTION OF AGENDA

369-2012 Trudeau – Deschambault: Resolved that this Meeting's Agenda be adopted as amended.

Carried.

ABSENCE OF COUNCIL MEMBER

370-2012 Trudeau – Rivard: Resolved that Mayor Danylchuk be excused from participating in tonight's scheduled Public Hearings.

Carried.

**DELEGATION – VICTOR PANKRAZ (LOT 1, PLAN 50408);
ACCESSORY BUILDING**

371-2012 At 7:20 p.m. Victor Pankraz; Owner of Lot 1, Plan 50408 attended the Delegation Chair requesting Council's consideration and approval to construct an Accessory Building for the purpose of storing Building Materials and personal equipment for the construction of a future Single Family Dwelling.

LOT 1, PLAN 50408 (ACCESSORY BUILDING)

372-2012 Heather – Deschambault: Resolved that Council acknowledge the Owners request to construct an Accessory Building measuring 12 ft. x 16 ft. on Lot 1, Plan 50408 for the purpose of storing building material for a future Single Family Dwelling, and;

Be It Further Resolved that the Owner comply with all of the yard distance requirements upon placement of the Accessory Building, and;

Be It Further Resolved that all of the necessary Building Permits be obtained from the Municipal Building Inspector prior to the construction of the Structure.

Carried.

BY-LAW NO. 8-2012 – ROAD CLOSING (PT. JEANSON ROAD)

373-2012 Deschambault – Heather: Resolved that By-law No. 8-2012 being a Road Closing By-law be introduced and given 1st Reading.

Carried.

CCLCC REPORT

374-2012 Councillor Heather & Deschambault reported to Council the various matters that arose from the April CCLCC Meeting. Councillors Heather & Deschambault reminded Council of the upcoming Annual General Meeting recommending Council Members attend.

WEED DISTRICT

375-2012 Councillor Menard reported to Council with the various issues discussed at the Weed District's Meeting.

MANITOBA CONSERVATION – WATER RIGHTS LICENSING

376-2012 Councillors Trudeau & Rivard reported to Council with information received at the Municipal Officials Seminar respecting changes to the Water Rights Licensing process with Manitoba Conservation.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #12-12 (PT. NW¼ OF SECTION 21-9-7E)-DARREN & BEVERLY BAKER

377-2012 Trudeau – Stein: Resolved that the Public Hearing on Variation Order Application No. VO #12-12 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #12-12

378-2012 At 7:30 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #12-12 to complete a condition of a Subdivision Application currently being processed by The Community & Regional Planning Branch under File No. 4194-2011-5273.

No formal representation was made at the Public Hearing.

No other correspondence or communication was received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #12-12

379-2012 Deschambault – Stein: Resolved that the Public Hearing on Variation Order Application No. VO #12-12 be closed.

Carried.

COUNCIL DISPOSITION – VARIATION ORDER APPLICATION NO. VO #12-12 (PT. NW¼ OF SECTION 21-9-7E)-DARREN & BEVERLY BAKER

380-2012 Rivard – Trudeau: Resolved that Variation Order Application No. VO #12-12 be **APPROVED** as applied for.

Carried.

CORRESPONDENCE & COMMUNICATION

381-2012	<u>Writer</u>	<u>Subject</u>	<u>Disposition</u>
	Manitoba Capital Region	April 26, 2012 Invitation	info.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5426 (PT. SECTION 16-8-5E); ALVIN & KATHERINE PLETT Trudeau – Stein: Resolved that the Public Hearing on Subdivision File No. 4194-2011-5426 be opened.

382-2012

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2011-5426

383-2012

At 7:40 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2011-5426 realign the boundaries between 2 titles currently registered under same ownership.

Alvin Plett; Owner and Applicant attended the Delegation Chair in support of the Application.

The following Provincial Department comments were received:

Community & Regional Planning Branch:

No concerns.

Energy, Innovation & Mines:

No concerns.

Manitoba Agriculture, Food & Rural Initiatives:

No concerns.

Manitoba Conservation:

Require a Site plan/sketch identifying the setback distances from all existing and proposed boundaries to all onsite wastewater management systems. Comments respecting existing ejector system and require written clarification respecting Livestock Manure Storage Facilities, Manure Composting Facilities and confined livestock areas holding more than 10 Animal Units.

Manitoba Transportation:

Strongly recommend the proposal be amended to address legal access from the proposed lot to the shared driveway to PR #210; otherwise they require establishment of a Declaration of Right-Of-Way over the residual land to an existing driveway. Obtain a permit from Manitoba Infrastructure and Transportation.

Shaw Cable:

Do not service the property.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5426

384-2012 Trudeau – Deschambault: Resolved that the Public Hearing on Subdivision File No. 4194-2011-5426 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2011-5426 (PT. SECTION 16-8-5E); ALVIN & KATHERINE PLETT

385-2012 Trudeau – Heather: Resolved that Council **APPROVE** Subdivision Application No. 4194-2011-5426 subject to the following conditions:

- The Owners/Applicants enter into a Right of Way Agreement as recommended by Manitoba Infrastructure & Transportation;
- A Building Location Certificate be prepared by a Manitoba Land Surveyor and submitted to the Municipality; and
- If warranted by the Building Location Certificate all necessary variation order applications be obtained.

Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #13-12 (LOT 5, BLOCK 2, PLAN 16820 IN PT. NE¼ 17-8-5E); IVAN & CHERYL GIESBRECHT

386-2012 Trudeau – Koop: Resolved that the Public Hearing on Variation Order Application VO #13-12 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #13-12

387-2012 At 7:50 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #13-12 to vary the East side yard distance for the purpose of constructing an Accessory Building.
Ivan Giesbrecht; Owner and Applicant attended the Delegation Chair in support of the Application.
No other correspondence or communication was received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #13-12

388-2012 Trudeau – Stein: Resolved that the Public Hearing on Variation Order No. VO #13-12 be closed.

Carried.

COUNCIL DISPOSITION - VARIATION ORDER APPLICATION NO. VO #13-12 (LOT 5, BLOCK 2, PLAN 16820 IN PT. NE¼ 17-8-5E); IVAN & CHERYL GIESBRECHT

389-2012 Trudeau – Koop: Resolved that Council **APPROVE** Variation Order Application as applied for subject to the following conditions:

- The necessary building permits be obtained from the Municipal Building Inspector prior to construction.

Carried.

OPEN OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. CU #14-12 (LOT 13, PLAN 49985 IN PT. SE¼ 31-8-5E); ANDREW & JOSEE GOWRYLUK

390-2012 Trudeau – Deschambault: Resolved that the Public Hearing on Conditional Use Application No. CU #14-12 be opened.

Carried.

DELEGATION – CONDITIONAL USE APPLICATION NO. CU #14-12

391-2012 At 8:00 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Conditional Use Application No. CU #14-12 to allow for the placement of a brand new RTM.

Andrew & Josee Gowryluk; Owners and Applicants attended the Delegation Chair in support of the Application. No other correspondence or communication was received to date.

CLOSE OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. CU #14-12

392-2012 Deschambault – Heather: Resolved that the Public Hearing on Conditional Use Application No. CU #13-12 be closed.

Carried.

COUNCIL DISPOSITION - CONDITIONAL USE APPLICATION NO. CU #14-12 (LOT 13, PLAN 49985 IN PT. SE¼ 31-8-5E); ANDREW & JOSEE GOWRYLUK

393-2012 Trudeau – Deschambault: Resolved that Council **APPROVE** Conditional Use Application No. CU #14-12 subject to the following conditions:

- The necessary building permits be obtained from the Municipal Building Inspector prior to the placement of the RTM.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2012-5436 (ORIGINALLY LOT 1, PLAN 16762 IN PT. SW¼ OF SECTION 32-8-5E); DANIEL DORGE

394-2012 Trudeau – Stein: Resolved that the Public Hearing on Subdivision File No. 4194-2012-5436 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2012-5436

395-2012 At 8:10 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2012-5436 to create 1 additional residential lot.

Daniel Dorge; Owner and Applicant attended the Delegation Chair in support of the Application.

The following Provincial Department comments were received:

Community & Regional Planning Branch: No concerns.

Manitoba Conservation: No concerns.

Manitoba Agriculture, Food & Rural Initiatives: No concerns.

Manitoba Infrastructure &
Transportation: No concerns.

Energy, Innovation & Mines: No concerns.

Correspondence was received from Roland Lamontagne; Owner and Resident of 47045 MUN 25E also known as Gendron Road addressing concerns with the proposal's affect on the drainage in the area.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2012-5436

396-2012 Trudeau – Heather: Resolved that the Public Hearing on Subdivision File No. 4194-2012-5436 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2012-5436 (ORIGINALLY LOT 1, PLAN 16762 IN PT. SW¼ OF SECTION 32-8-5E); DANIEL DORGE

397-2012 Trudeau – Stein: Resolved that Council APPROVE Subdivision File No. 4194-2012-5436 subject to the following conditions:

- A Building Location Certificate prepared by a Manitoba Land Surveyor illustrating all buildings and/or structures and onsite wastewater management systems on the affected land in relation to the proposed property lines be submitted to the Municipality;
- If warranted by the Building Location Certificate the applicable Variation Order Application be applied for;
- A Variation Order Application be applied for to vary the site width of Proposed Lot 2, and;
- Dedication Fee in the amount of \$4,000.00 for the creation of 1 additional lot be paid to the Municipality.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2012-5442 (PT. NE¼ OF SECTION 15-9-7E); FELIX & IDA FELKER

398-2012 Trudeau – Deschambault: Resolved that the Public Hearing on Subdivision File No. 4194-2012-5442 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2012-5442

399-2012 At 8:20 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2012-5442 to separate the yard site from the acreage (Retired Farmer).

Felix Felker Jr.; Son to the Owner & Applicant attended the Delegation Chair in support of the Application. The following Provincial Department comments were received:

Community & Regional
Planning Branch: Comment that the Application is in keeping with the Development Plan; however recommend Council

acknowledge MAFRI's concerns.

Manitoba Conservation:

No concerns. Address policy for Ejector Systems and also require written clarification whether or not livestock manure storage facilities, manure operating sites and confined livestock areas holding more than 10 A.U. are presently on site.

Manitoba Agriculture, Food & Rural Initiatives:

Address concerns with the soil quality and whether or not the Owner/Applicant qualifies as a retired farmer.

Manitoba Infrastructure & Transportation:

No concerns. Note that a new permit is required for any new, modified or relocated/ removed access onto PR 501.

Energy, Innovation & Mines:

No concerns.

Shaw Cable:

Does not service the property.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2012-5442

400-2012

Trudeau – Stein: Resolved that the Public Hearing on Subdivision File No. 4194-2012-5442 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2012-5442 (PT. NE¼ OF SECTION 15-9-7E); FELIX & IDA FELKER

401-2012

Rivard – Deschambault: Resolved that Council **APPROVE** Subdivision File No. 4194-2012-5442 subject to the following conditions:

- A Building Location Certificate prepared by a Manitoba Land Surveyor illustrating all buildings and/or structures and onsite wastewater management systems on the affected land in relation to the proposed property lines be submitted to the Municipality;
- If warranted by the Building Location Certificate the applicable Variation Order Application be applied for; and;
- Dedication Fee in the amount of \$2,750.00 for the creation of 1 additional lot be paid to the Municipality.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2012-5449 (IN PT. RL 21, PLAN 4196); ROBERT & ANITA HUDSON

402-2012

Trudeau – Deschambault: Resolved that the Public Hearing on

Subdivision File No. 4194-2012-5449 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2012-5449

403-2012

At 8:30 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2012-5449 to create 1 additional residential lot.

Robert Hudson; Owner and Applicant attended the Delegation Chair in support of the Application.

The following Provincial Department comments were received:

Community & Regional Planning Branch:

Comment that the Application is in keeping with the Development Plan; however recommend Council acknowledge Manitoba Water Stewardship comments.

Manitoba Conservation:

No concerns.

Manitoba Water Stewardship:

Note that the property flooded in 1997. Recommend elevations be restricted to 786 feet (finish grade). May require a water rights license. The riparian areas shall be protected from development.

Shaw Cable:

Does not service this property.

Alain Le Dressay; Resident of 24188 River Road addressed safety concerns respecting congestion of lots and driveway accesses in relation to the proposal and formally **OBJECTS** to the Application.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2012-5449

404-2012

Deschambault – Trudeau: Resolved that the Public Hearing on Subdivision File No. 4194-2012-5449 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2012-5449 (IN PT. RL 21, PLAN 4196); ROBERT & ANITA HUDSON

405-2012

Deschambault – Stein: Resolved that Council **APPROVE** Subdivision File No. 4194-2012-5449 subject to the following conditions:

- A Building Location Certificate prepared by a Manitoba Land Surveyor illustrating all buildings and/or structures and onsite wastewater management systems on the affected land in relation to the proposed property lines be submitted to the Municipality;
- If warranted by the Building Location Certificate the applicable Variation Order Application be applied for;
- Driveway Permit authorize for the placement of access at the Easterly boundary of the proposed Lot only; and

- Dedication Fee in the amount of \$4,000.00 for the creation of 1 additional lot be paid to the Municipality.

Carried.

**DELEGATION – RICHARD & MICHELLE COURCELLES
(LOT 2, PLAN 48702)**

406-2012

Richard & Michelle Courcelles, Owners of the property legally described as Lot 2, Plan 48702 attended the Delegation Chair requesting Council’s consideration allowing for the construction of a two storey Accessory Building measuring approximately 30’ x 40’ for the purpose of storing building materials and tools on the main level for a future home as well as provide residency to the Owners on the 2nd floor of this facility.

ACCESSORY BUILDING – LOT 2, PLAN 48702

407-2012

Rivard – Trudeau: Resolved that Council approve the request to construct an accessory building with temporary residency prior to the construction of a single family dwelling; and

Be It Further Resolved that prior to the issuance of a building permit for the accessory building/temporary residence that a variation order application be applied for to vary the height to a maximum of approximately 24 feet from the 15 feet requirement in “AL”; Agriculture Limited Zone.

Carried.

ADJOURNMENT

408-2012

Trudeau – Heather: Resolved that the meeting be adjourned the hour being 9:00 p.m.

Carried.

**David Menard,
Deputy Mayor.**

**Daniel Poersch,
Chief Administrative Officer.**