

MINUTES OF THE REGULAR COUNCIL DEVELOPMENT AND PLANNING MEETING HELD IN THE COUNCIL CHAMBERS OF THE RURAL MUNICIPALITY OF TACHÉ IN LORETTE, MANITOBA ON FEBRUARY 12TH, 2009 AT 7:00 P.M.

MEMBERS PRESENT: Mayor Danylchuk, Councillors Menard, Deschambault, Tardiff, McLennan & Rivard.

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

INVOCATION/OPENING: Mayor Danylchuk called the meeting to order and offered the Invocation at 7:00 p.m.

ADOPTION OF AGENDA
166-2009 **Deschambault – Menard:** Resolved that this Meeting’s Agenda be adopted as amended.

Carried.

ABSENCE OF COUNCIL MEMBER
167-2009 **Deschambault – Tardiff:** Resolved that Councillors Trudeau and Koop be excused from participating in the scheduled Public Hearings at this Regular Development & Planning Meeting.

Carried.

PUBLIC WORKS – REQUESTS
168-2009 **Deschambault–McLennan:** Resolved that the following Public Works be authorized:

Ward 4: Open Culverts as required

Carried.

MANITOBA HYDRO (LIGHTING DESIGN PLANS)-MACARA LANE
169-2009 **Menard – McLennan:** Resolved that Council accept and approve the Lighting Design Plan submitted by Manitoba Hydro for Macara Lane.

Carried.

DISCHARGE OF CAVEATS (DEVELOPMENT AGREEMENT)-ST. MICHAEL’S CRESCENT & FERLAND BAY DEVELOPMENT; PLAN NOS. 12584 & 13364
170-2009 **Tardiff – Deschambault:** Whereas upon research conducted by Administration various caveats have been registered against numerous properties legally described under the above mentioned Plan Nos. 12584 & 13364 respecting a Development Agreement entered into between the Developer and The R.M. of Tache, and;
Whereas it has been discovered that a Clearance Certificate was issued to the Developer from The R.M. of Tache in 1979 addressing full compliance of the Developer;

February 12, 2009.

-2-

Resolved that Council authorize the Municipal Solicitor to prepare the necessary documents removing the various caveats registered against the properties affected in the St. Michael's Crescent/Ferland Bay Development; inclusive of Plan Nos. 12584 & 13364.

Carried.

REVISION – SUBDIVISION APPLICATION FILE NO. 4194-2008-4631 (PT. RL 76); LOUIS MONDOR

171-2009

McLennan – Menard: Resolved that Council have no concerns and **APPROVE** the revision/alteration to Subdivision Application File No. 4194-2008-4631 as presented by the Community Planning Services Branch.

Carried.

ROAD NAME SUGGESTION (SUBDIVISION FILE NO. 4194-2008-4739); TYLER MARTIN (PT. RL 11)

172-2009

McLennan – Tardiff: Whereas the following Road Name Suggestions were submitted respecting a Multi Lot Residential Subdivision:

Peace Cove
Harmony Drive
Hidden Valley Way;

Resolved that Council approve Harmony Drive as the name suggested for facilitating a Multi Lot Subdivision currently being processed under File No. 4194-2008-4739.

Carried.

NOTICE OF PUBLIC HEARING – BY-LAW NO. 09-03; R.M. OF SPRINGFIELD ZONING BY-LAW AMENDMENT (SP LOT 2, PLAN 18115 IN PT. NE ¼ OF SECTION 23-12-5E)

173-2009

Deschambault–McLennan: Resolved that Council have no concerns with By-law No. 09-03; being an amendment to the R.M. of Springfield By-law No. 85-26, as amended.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4809 (LOT4, PLAN 17028 IN PT. SE¼ OF SECTION 23-9-7E); DENISE DUNLOP (OWNER) & JEANNINE VANDALL (APPLICANT)

174-2009

McLennan – Tardiff: Resolved that the Public Hearing on Subdivision File No. 4194-2008-4809 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2008-4809

175-2009

At 7:30 p.m., the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision Application under File No. 4194-2008-4809 for the purpose of subdividing a parcel of land currently measuring 60 acres into 3 separate holdings.

No Public representation was made at the Public Hearing.

February 12, 2009. 3-

The following Provincial Departments submitted their comments:

- | | |
|--|---|
| - Community Planning Office | Recommend Council <u>Not Approve.</u>
(Against Dev. Plan Policy) |
| - Conservation | Require a clear sketch showing setback distances from existing Sewage Ejector to Existing and proposed Property boundaries. Also require clarification respecting Live-stock Manure Facilities; if any. |
| - MAFFRI | Object |
| - Manitoba Infrastructure & Transportation | Require permits for Driveway Access- otherwise do not object. |
| - Water Stewardship | May require a Water Rights License- otherwise no concerns |
| - Culture Heritage & Tourism | No concerns |
| - Conservation Lands | No concerns |
| - Industry, Economic Development & Mines | No concerns |

No other communications nor correspondence was received.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4809

176-2009 **Tardiff – McLennan:** Resolved that the Public Hearing on Subdivision File No. 4194-2008-4809 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2008-4809 (LOT4, PLAN 17028 IN PT. SE¼ OF SECTION 23-9-7E); DENISE DUNLOP (OWNER) & JEANNINE VANDALL (APPLICANT)

177-2009 **Rivard – Menard:** Resolved that Council **APPROVE** Subdivision File No. 4194-2008-4793 subject to the following conditions:

- Variation Order Applications be obtained to vary the site area of Proposed Lots 1, 2 & 3;
- A Building Location Certificate be conducted by a Manitoba Land Surveyor for Proposed Lot 2 illustrating all buildings and/or structures as well as onsite wastewater management systems (Septic System) in relation to the proposed property lines;

- If warranted upon reviewing the Building Location Certificate the Owner/Applicant apply for the necessary Variation Order Applications;
- The Owner/Applicant obtain the necessary permits from Manitoba Infrastructure & Transportation respecting Driveway Access;
- Dedication fees in the amount of \$2,500.00 for the creation of 2 additional lots be paid to the Municipality (2 x\$1,250).

Carried.

CORRESPONDENCE & COMMUNICATIONS

178-2009	<u>Writer</u>	<u>Subject</u>	<u>Disposition</u>
	École Lagimodiere	Donation request	Res. No. 179-09
	SRRCD	Tourond Creek Watershed	Rec'd as info.
	MPSC	Recycling Report	Rec'd as info.
	Stephanie Walker	Donation request	Res. No. 184-09

ECOLE LAGIMODIERE – DONATION REQUEST
(ANNUAL PANCAKE BREAKFAST)

179-2009	<u>Deschambault- Rivard:</u>	Resolved that a \$50.00 donation towards the silent auction being held February 13 th , 2009 be authorized.
----------	------------------------------	--

Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #05-09 (LOT 7, BLOCK 1, PLAN
13523 IN LUD LORETTE) – ROBERT VAN OSCH

180-2009	<u>Tardiff – Deschambault:</u>	Resolved that the Public Hearing on Variation Order Application No. V.O. #05-09 be opened.
----------	--------------------------------	--

Carried.

DELEGATION – V.O. #05-09 (LOT 7, BLOCK 1, PLAN
13523)

181-2009	At 7:45 p.m. Council conducted the Public Hearing on Variation Order Application No. V.O. #05-09 to vary the South side yard distance for the purpose of constructing an addition to the existing Single Family Dwelling which would comprise of a Single Attached Garage, Entrance Way and an upper level of living quarters. Robert Van Osch; Owner and Applicant attended the Delegation Chair in support of the Application. The Local Urban District of Lorette Committee had no concerns and recommended Council approve the Application as applied for. No other correspondence nor communications was received.	
----------	--	--

CLOSE OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #05-09

182-2009	<u>Rivard – McLennan:</u>	Resolved that the Public Hearing on
----------	---------------------------	-------------------------------------

February 12, 2009.

-5-

Variation Order Application No. V.O. #05-09 be closed.

Carried.

**COUNCIL DISPOSITION – VARIATION ORDER
APPLICATION NO. V.O. #05-09 (LOT 7, BLOCK 1, PLAN
13523 IN LUD LORETTE) – ROBERT VAN OSCH**

183-2009

Deschambault – Menard: Resolved that Council approve Variation Order Application No. V.O. #05-09 as applied for subject to the following conditions:

- Prior to construction the Owner/Applicant obtains the necessary Building Permits from the Building Inspector.

Carried.

STEPHANIE WALKER – DONATION REQUEST

184-2009

Tardiff – McLennan: Resolved that a \$50.00 donation to Stephanie Walker be awarded towards the Human Rights Program to be held in the United States.

Carried.

**OPEN OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #06-09 (PT. RL 88/89);
THEODORE & KAREN SCHREYER**

185-2009

McLennan – Menard: Resolved that the Public Hearing on Variation Order No. V.O. #06-09 be opened.

Carried.

**DELEGATION – VARIATION ORDER APPLICATION NO.
V.O. #06-09**

186-2009

At 8:00 p.m., the time specified in the Notice required to be circulated Council conducted the Public Hearing on Variation Order Application No. V.O. #06-09 to vary the site area and width of the Residual Portion of Subdivision Application currently being processed under File No. 4194-2008-4744 by The Community Planning Services Branch.

No Public representation was made at this Public Hearing.

No other correspondence nor communications were received.

**CLOSE OF PUBLIC HEARING – VARIATION ORDER NO.
V.O. #06-09**

187-2009

Tardiff – McLennan: Resolved that the Public Hearing on Variation Order Application No. V.O. #06-09 be closed.

Carried.

**COUNCIL DISPOSITION – VARIATION ORDER
APPLICATION NO. V.O. #06-09 (PT. RL 88/89);
THEODORE & KAREN SCHREYER**

188-2009

McLennan – Tardiff: Resolved that Council **APPROVE** Variation Order Application No. V.O. #06-09 as applied for.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4811 (LANCE & GRACE BARHAM) - IN PT. SE ¼ OF SECTION 34-9-7E

189-2009 **Tardiff – Deschambault:** Resolved that the Public Hearing on Subdivision File No. 4194-2008-4811 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2008-4811

190-2009 At 8:15 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision Application under File No. 4194-2008-4811 for the purpose of creating a Residential/Agricultural Lot.

Lance & Grace Barham; Owners & Applicants attended the Delegation Chair in support of their Application.

Cook’s Creek Conservation forwarded correspondence having concerns with access to the Residual Parcel across Cook’s Creek.

The following comments/recommendations were received from the following Provincial Departments:

Provincial Planning	Have no concerns but recommend Option 1 identifying the proposal would run with the designations of the land to allow for future development.
Agriculture	No concerns
Manitoba Conservation	No concerns
Water Stewardship	May require a Water Rights License; otherwise no concerns
Manitoba Hydro	No concerns
Mines Branch	No concerns
MTS Allstream	No concerns
Crown Lands Branch	No concerns
Shaw	No concerns

Paulette Barley; Resident of 53056 MUN 41E attended the Delegation Chair addressing concerns with respect to an existing encroachment of a Single Detached Garage onto her property.

Lance & Grace Barham re-attended the Delegation Chair to address with Council the concerns brought forth.

No other correspondence nor communications were received.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4811

191-2009 **Tardiff – McLennan:** Resolved that the Public Hearing be closed.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4812 (PT. RL 63/64)-VLADIMIR & HELENE DONST

192-2009 **McLennan – Menard:** Resolved that the Public Hearing on Subdivision File No. 4194-2008-4812 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2008-4812

193-2009 At 8:30 p.m., the time specified in the Notice required to be circulated Council conducted the Public Hearing on Subdivision File No. 4194-2008-4812 for the purpose of creating 1 additional residential lot.

Helene Donst; Owner and Applicant along with Thomas Donst; Translator attended the Delegation Chair in support of the Application.

The following comments/recommendations were received from the following Provincial Departments:

Provincial Planning	No concerns
Manitoba Conservation	No concerns
Agriculture	No concerns
Manitoba Infrastructure & Transportation	Recommend relocation of the Driveway Crossing to share access between the 2 properties. Require a Permit.
Water Stewardship	May require a Water Rights License; otherwise no concerns
Culture Heritage and Tourism	No concerns
Conservation – Lands	No concerns
Industry, Economic Development & Mines	No concerns

No other correspondence nor communications was received.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4812

194-2009 **Deschambault – Menard:** Resolved that the Public Hearing on Subdivision File #4194-2008-4812 be closed.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4820 (LEONARD & HETTIE PENNER; OWNERS & APPLICANTS) – LOTS 1 &2, BLOCK 5, PLAN 14799 IN LUD LANDMARK

195-2009 **Tardiff – McLennan:** Resolved that the Public Hearing on Subdivision File No. 4194-2008-4820 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2008-4820

196-2009 At 8:45 p.m.; Council conducted the Public Hearing on Subdivision File No. 4194-2008-4820 for the purpose of a boundary realignment and to create an additional residential lot from 2 separate parcels of land under same ownership.

Leonard & Hettie Penner attended the Delegation Chair in support of the Application.

The LUD of Landmark Committee had no concerns and recommended Council to approve.

The following Provincial Department submitted their comments/ recommendations:

Community Planning Services Branch	No concerns
Water Stewardship	Water Rights License may be required; otherwise no concerns
Manitoba Agriculture, Food & Rural Initiatives	No concerns
Manitoba Infrastructure & Transportation	Require Driveway Access Approval onto PR #206 for the 2 additional lots
Culture Heritage & Tourism	No concerns
Manitoba Conservation	No concerns
Conservation – Lands	No concerns
Industry, Economic Development & Mines	No concerns

No other correspondence or communications was received.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2008-4820

197-2009 **Tardiff – Deschambault:** Resolved that the Public Hearing on File No. 4194-2007-4820 be closed.

Carried.

OPEN OF PUBLIC HEARING –LIVESTOCK CONDITIONAL USE APPLICATION NO. C.U. # 07-09 AND VARIATION ORDER APPLICATION NO. V.O. # 08-09 (PLEROSE HOLSTEINS; STEVEN PLETT) – PT. SW ¼ OF SECTION 22-8-5E

198-2009

Menard - McLennan: Resolved that the Public Hearing on the expansion of an Intensive Livestock Operation Conditional Use Application No. C.U. #07-09 and Variation Order Application No. V.O. #08-09 be opened.

Carried.

DELEGATION – CONDITIONAL USE APPLICATION NO. C.U. #07-09 AND VARIATION ORDER APPLICATION NO. V.O. #08-09

199-2009

At 9:00 p.m., the time specified in the Notice required to be circulated Council conducted the Public Hearing on the Intensive Livestock Operation Conditional Use Application No. C.U. #07-09 for the expansion of a Dairy Operation and Variation Order Application No. V.O. #08-09 to vary the Livestock-Residential Distance Separation located on Pt. SW ¼ of Section 22-8-5E.

Steven Plett; Owner of Plerose Holsteins attended the Delegation Chair in support of the Application.

Roger Gingerich; Owner of Lot 3, Plan 30642 and Lot 7, Plan 45257 submitted correspondence Objecting to the Application.

Matthew Plett; Owner and Resident of 45011 PR #210 attended the Delegation Chair in support of the Application.

No other correspondence nor communications were received.

CLOSE OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. C.U. #07-09 AND VARIATION ORDER APPLICATION NO. V.O. #08-09

200-2009

Deschambault – Menard: Resolved that the Public Hearing on Intensive Livestock Conditional Use Application No. C.U. #07-09 and Variation Order Application No. V.O. #08-09 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2008-4811 (LANCE & GRACE BARHAM) - IN PT. SE ¼ OF SECTION 34-9-7E

201-2009

Tardiff – Deschambault: Resolved that Council **APPROVE** Subdivision Application under File No. 4194-2008-4811 as recommended by Community Planning Services Branch under Option1 subject to the following conditions:

- The appropriate Variation Order Applications be applied for the two parcels;
- Access to the Residual Portion be restricted to an area not interfering with Cook's Creek;
- The encroaching Structure identified on the Residual Portion be removed at the Owners/Applicants expense;
- The material from the Structure along with associated concrete be disposed of at the Lorette Solid Waste Management Facility;

- The private well located within the Structure be decommissioned by Manitoba Conservation or by a Professional Engineer;
- The derelict vehicles be removed from the Property;
- Once the encroaching Building is removed, a Building Location Certificate be conducted by a Manitoba Land Surveyor to identify all other structures/buildings on the Residual Portion addressing yard distances to the new created lots lines;
- A Conceptual Plan be submitted to the Municipality identifying how the area for the Proposed Lot could be developed in the future;
- A Development Agreement be entered into addressing the placement and location of the proposed dwelling on the Proposed Lot so that it does not interfere with the future development of the area; and
- Dedication Fees in the amount of \$1,250.00 for the creation of 1 additional lot be paid to the Municipality.

Carried.

202-2009

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2008-4812 (PT. RL 63/64)-VLADIMIR & HELENE DONST McLennan – Tardiff: Resolved that Council **APPROVE** Subdivision File No. 4194-2008-4812 subject to the following conditions:

- The Owners/Applicants revise the proposal increasing the size of Proposed Lot 1 by altering the proposed Lot Line further East maintaining the side yard distance at a minimum of 25 feet from the existing structures;
- The necessary Variation Order Application be applied for to vary the site widths on Proposed Lots 1 & 2 as well as site area for Proposed Lot 2;
- The Owners/Applicants submit Building Location Certificates for proposed Lots 1 & 2 identifying location of all structures & buildings in relation to the new proposed property lines; and
- Dedication Fees in the amount of \$2,500.00 for the creation of an additional residential lot be paid to the Municipality.

Carried.

203-2009

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2008-4820 (LEONARD & HETTIE PENNER; OWNERS & APPLICANTS) – LOTS 1 & 2, BLOCK 5, PLAN 14799 IN LUD LANDMARK McLennan–Deschambault: Resolved that Council **APPROVE** Subdivision File No. 4194-2007-4458 subject to the following conditions:

- The Owners/Applicants obtain all necessary permits from Highways Department as per their recommendation for joint access of Proposed Lots 2 & 3;
- A Building Location Certificate conducted by a Certified Manitoba Land Surveyor be submitted to the Municipality addressing all structures and buildings on Proposed Lot 1 in relation to the new Lot Lines;
- If warranted the necessary Variation Order Applications be applied for;
- The shed addressed in the Rear Yard on Proposed Lot 2 be removed; and

- Dedication Fees in the amount of \$3,000.00 be paid to the Municipality for the creation of 1 additional lot.

Carried.

**COUNCIL DISPOSITION – INTENSIVE LIVESTOCK
CONDITIONAL USE APPLICATION NO. C.U. # 07-09 AND
VARIATION ORDER APPLICATION NO. V.O. # 08-09
(PLEROSE HOLSTEINS; STEVEN PLETT) – PT. SW ¼ OF
SECTION 22-8-5E**

204-2009

Deschambault–McLennan: Resolved that Council **APPROVE** Conditional Use Application No. C.U. #07-09 & Variation Order Application No. V.O. #08-09 as applied for.

Carried.

ADJOURNMENT

205-2009

Deschambault–McLennan: Resolved that the Meeting be adjourned the hour being 9:45 p.m.

Carried.

William Danylchuk,
Mayor.

Daniel Poersch,
Chief Administrative Officer.