

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 16TH, 2009 AT 7:00 P.M.

MEMBERS PRESENT: Mayor Danylchuk, Councillors Trudeau, Koop, 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

382-2009 **Trudeau – McLennan:** Resolved that this Meeting's Agenda be adopted as amended.

Carried.

REVISION – SUBDIVISION APPLICATION FILE NO. 4194-2008-4820 (LOTS 1 & 2, BLOCK 5, PLAN 14799 IN LUD LANDMARK); LEONARD & HETTIE PENNER

383-2009 **Koop – Trudeau:** Whereas a Revision to Subdivision Application File No. 4194-2008-4820 has been submitted altering the initial proposal of creating an additional lot from 2 separate parcels to realigning the boundaries between 2 parcels of land;
Resolved that Council have no concerns and **APPROVE** the revision/alteration to Subdivision Application File No. 4194-2008-4820 as presented by the Community Planning Services Branch, and;
Be It Further Resolved that no Dedication Fees are required to be paid for realigning boundary lines.

Carried.

BY-LAW NO. 13-2009; TAX SALE – DESIGNATED OFFICER (1ST READING)

384-2009 **Menard – Tardiff:** Resolved that By-law No. 13-2009 being a By-law appointing Designated Officers for the purpose of Tax Sale auctions & proceedings be introduced and read a 1st time.

Carried.

AMM – WEIGHT RESTRICTION ENFORCEMENT SERVICES (RESOLUTION)

385-2009 The Chief Administrative Officer informed Council of AMM's position lobbying the Province of Manitoba to enter into service provision agreements with interested Municipalities to provide weight restriction enforcement services on their Municipal Roadways.

Council was also informed that currently 2 Municipalities have entered into a Memorandum of Understanding with Justice authorizing their By-law Enforcement Officers to regulate/enforce weight restrictions on roadways.

REQUEST FOR INFO. – R.M. OF HANOVER (WEIGHT SCALE EQUIPMENT/COSTS)

386-2009

Trudeau – McLennan: Resolved that Council authorize information be obtained from the R.M. of Hanover with respect to Weight Restriction Enforcement and associated Equipment costs.

Carried.

DELEGATION – TYLER MARTIN (PT. RL 11); NEW DWELLING PROPOSAL

387-2009

At 7:20 p.m.; Tyler Martin, Owner and resident of Pt. RL 11 attended the Delegation Chair requesting Council's consideration to allow the construction of a New Single Family Dwelling on the above described land for residential purposes.

Council was informed that there is currently a Mobile Home on the property; however the Owner advised that upon completion of the New Dwelling the Mobile Home would be removed. His intent is to continue living in the Mobile Home while the new Dwelling is under construction.

DELEGATION – KEN PRAZNUIK (PT. NE ¼ OF SECTION 34-9-4E); RELOCATING 2ND DWELLING

388-2009

At 7:30 p.m.; Mr. Kenneth Praznuik attended the Delegation Chair requesting Council's consideration for approval to relocate an existing 2nd Dwelling (housing elderly mother) to another area of the property as well as Council's approval to construct a second Driveway Access that would facilitate the aforementioned Dwelling.

It was clarified with Mr. Praznuik that the Provincial Planning Act regulates the number of dwellings on a property as well as the ruling on existing legal non-conforming uses on properties.

COUNCIL DISPOSITION – NEW DWELLING PROPOSAL (PT. RL 11)

389-2009

Trudeau – Menard: Resolved that Council approve the Owners request subject to the following conditions:

- That an Agreement be entered into between the R.M. of Taché and Mr. Martin addressing the removal of the Mobile Home once the Owners occupy the Newly constructed Single Family Dwelling allowing a maximum period of 12 months;
- All necessary Permits be obtained from the Municipal Building Inspector prior to the construction of a New Single Family Dwelling, and;
- If applicable the Owner obtain permits required for the removal of the Mobile Home.

Carried.

NRT – MARCH FINANCIAL STATEMENT

390-2009

Trudeau – Koop: Resolved that Council acknowledge

and approve the March Financial Statement submitted by NRT.

Carried.

Councillor Trudeau submitted a notice of motion.

391-2009 **OPEN OF PUBLIC HEARING – ZONING AMENDMENT BY-LAW NO. 5-2009; DAVID TOOTH/LUCILLE WARKENTINE (LOT 2, PLAN 36878 IN LUD LANDMARK)**
Trudeau – Koop: Resolved that the Public Hearing on By-law No. 5-2009 be opened.

Carried.

392-2009 **DELEGATION – ZONING AMENDMENT BY-LAW NO. 5-2009 (DAVID TOOTH/LUCILLE WARKENTINE)**
At 7:45 p.m., the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Zoning Amendment By-law No. 5-2009 to amend the R.M. of Taché Zoning By-law No. 1828 as amended rezoning the area generally described as **Lot 2, Plan No. 36878 located within the Local Urban District of Landmark from “RS”; Residential Single Family Dwelling Zone to “CC”; Commercial Central Zone.**
David Tooth; Owner/Applicant attended the Delegation Chair in support of the Application.
The Local Urban District of Landmark Committee had no concerns and recommended Council approve.
Correspondence was received from the following entities:

Community Planning Services Branch	No concerns
MTS, Manitoba Hydro, Conservation	No concerns
R.M. of Hanover	No concerns
Manitoba Water Stewardship	No comments received

Murray Hiebert; Owner and Resident of 22 Penner Drive attended the Delegation Chair **OBJECTING** to the Application.
No other communication nor correspondence was received.

393-2009 **CLOSE OF PUBLIC HEARING – ZONING AMENDMENT BY-LAW NO. 5-2009**
Trudeau - Deschambault: Resolved that the Public Hearing on Zoning Amendment By-law No. 5-2009 be closed.
Carried.

Councillor Rivard left his seat at this time.

394-2009 **OPEN OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. C.U. #11-09 (DARRIN GAUTHIER/ OWNER/APPLICANT) – LS 11 IN PT. NW ¼ OF SECTION 18-9-8E**
Trudeau – Menard: Resolved that the Hearing on Conditional Use Application No. C.U. #11-09 be opened.
Carried.

DELEGATION – CONDITIONAL USE APPLICATION NO. C.U. #11-09

395-2009

At 8:05 p.m., the time specified in the Notice required to be circulated Council conducted the Public Hearing on Conditional Use Application No. C.U. #11-09 to permit the extraction of Gravel on LS 11 located in Pt. NW ¼ of Section 18-9-8E.

Darrin Gauthier; Owner & Applicant attended the Delegation Chair supporting the Application.

Ward Martin; Owner and Resident of 42078 P.R. #501 attended the Delegation Chair not objecting to the proposal just requesting clarification as to the area of extraction.

Gil Legal; Owner and Resident of 42089 P.R. #501 attended the Delegation Chair with various concerns and stated he OBJECTS to the Application if his concerns were not addressed.

There were no other communications nor correspondence received.

CLOSE OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. C.U. #11-09

396-2009

Trudeau – Koop: Resolved that Council close the Hearing on Conditional Use Application No. C.U. #11-09.

Carried.

OPEN OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. C.U. #12-09 (R.M. OF TACHE; OWNER & GAUTHIER SOILS; APPLICANT) – N½ OF LS 9, N½ OF E½ OF LS 10, E½ OF LS 15 & LS 16 IN PT. NE¼ OF SECTION 3-9-8E

397-2009

Trudeau – McLennan: Resolved that the Hearing on Conditional Use Application No. C.U. #12 -09 be opened.

Carried.

DELEGATION – CONDITIONAL USE APPLICATION NO. C.U. #12-09

398-2009

At 8:05 p.m., the time specified in the Notice required to be circulated Council conducted the Public Hearing on Conditional Use Application No. C.U. #12-09 to permit the extraction of Gravel on property legally described as N½ of LS 9, N½ of E½ of LS 10, E½ of LS 15 & LS 16 located in part NE¼ of Section 3-9-8E.

Darrin Gauthier of Gauthier Soils attended the Delegation Chair supporting the Application.

There were no other communications nor correspondence received.

CLOSE OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. C.U. #12-09

399-2009

Trudeau – McLennan : Resolved that Council close the Hearing on Conditional Use Application No. C.U. #12-09.

Carried.

Councillor Rivard returned to the Meeting at this time.

Councillor Tardiff left the Meeting at this time.

**OPEN OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #13-09 (LOT 2, PLAN 8534 IN LUD
LORETTE) – ALAN HARRIS/KALI GRAY; 524 RUE
COMINGES**

400-2009

Trudeau – Deschambault: Resolved that the Public Hearing on Variation Order Application No. V.O. #13-09 be opened.

Carried.

DELEGATION – V.O. #13-09 (LOT 2 PLAN 8534)

401-2009

At 8:15 p.m. Council conducted the Public Hearing on Variation Order Application No. V.O. #13-09 to vary the East side yard distance for the purpose of relocating an existing Accessory Building (Detached Garage) remedying the current encroachment onto an adjacent East Property.

Kali Gray; 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.

Lynne Fiola; Owner and Resident of 19 Ross Avenue attended the Delegation Chair not objecting to the Application however wanting assurance that all encroachment issues are remedied.

Shawn Harris; Resident of 524 Cominges attended the Delegation Chair in support of the Application.

No other correspondence nor communications was received.

**CLOSE OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #13-09**

402-2009

Trudeau – Menard: Resolved that the Public Hearing on Variation Order Application No. V.O. #13-09 be closed.

Carried.

Councillor Tardiff returned to the Meeting at this time.

**OPEN OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #14-09 (LOT 13, PLAN 16929 IN
PT. NE¼ OF SECTION 2-9-4E); GERALD & LORRAINE
UNRAW**

403-2009

Trudeau – Deschambault: Resolved that the Public Hearing on Variation Order Application No. V.O. #14-09 be opened.

Carried.

**DELEGATION – VARIATION ORDER APPLICATION NO.
V.O. #14-09**

404-2009

At 8:30 p.m. the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. V.O. #14-09 to vary the site width of Proposed Lot 2 from the requirement of 200 feet to approximately 20 feet for the purpose of finalizing Subdivision Application under File No 4194-2008-4725 currently being processed by Community Planning Services Branch.

No representation was made at the Public Hearing.

April 16th, 2009.

-6-

No other communication nor
correspondence was received.

**CLOSE OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #14-09**

405-2009

Trudeau – Tardiff: Resolved that the Public Hearing on
Variation Order Application No. V.O. #14-09 be closed.

Carried.

**OPEN OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #15-09 (PT. SW¼ OF SECTION
22-9-6E); STANLEY & SHANNON GALBICHKA**

406-2009

Trudeau – Koop: Resolved that the Public Hearing on
Variation Order Application No. V.O. #15-09 be opened.

Carried.

**DELEGATION – VARIATION ORDER APPLICATION NO.
V.O. #15-09**

407-2009

At 8:40 p.m. the time specified in
the Notice required to be circulated; Council conducted the Public
Hearing on Variation Order Application No. V.O. #15-09 to vary
the site area and site width of the Residual Portion from the
requirement of 80 Acres – 600 feet to 76 Acres – 481 feet for the
purpose of finalizing Subdivision Application under File No 4194-
2008-4728 currently being processed by Community Planning
Services Branch.

No representation was made at the
Public Hearing.

No other communication nor
correspondence was received.

**CLOSE OF PUBLIC HEARING – VARIATION ORDER
APPLICATION NO. V.O. #15-09**

408-2009

Trudeau – Tardiff: Resolved that the Public Hearing on
Variation Order Application No. V.O. #15-09 be closed.

Carried.

**COUNCIL DISPOSITION – VARIATION ORDER
APPLICATION NO. V.O. #15-09 (PT. SW¼ OF SECTION
22-9-6E); STANLEY & SHANNON GALBICHKA**

409-2009

McLennan – Menard: Resolved that Council **APPROVE**
Variation Order Application No. V.O. #15-09 as applied for.

Carried.

Councillor Rivard left the Meeting at this time.

**DISPOSITION – CONDITIONAL USE APPLICATION NO.
C.U. #11-09 (DARRIN GAUTHIER/OWNER & APPLICANT)
– LS 11 IN PT. NW ¼ OF SECTION 18-9-8E**

410-2009

Menard – Tardiff: Resolved that Conditional Use
Application C.U. #11-09 to permit extraction of gravel on LS 11
located in Pt. NW¼ of Section 18-9-8E be **APPROVED** subject to
the following conditions:

- Operating time between 7:00 a.m. to 7:00 p.m.;

- Engine Retarder Brakes not be applied within 1 mile before entering the site;
- A maximum speed limit of 10 kms/hr when entering the site;
- The Applicant make best efforts with Nelson River Construction to install a Gate with Lock at P.R. #501;
- Grade the Roadway on site every 2 weeks; and
- Dust abate the aforementioned roadway as required to keep the dust down.

Carried.

Councillor Rivard returned to the Meeting at this time.

P.L.U.P. – SEMINAR

411-2009

Deschambault – Tardiff: Resolved that Mayor Danylchuk and Councillor Trudeau be authorized to attend the morning session of the upcoming PLUP Seminar scheduled for May 7th, 2009, and;
Be It Further Resolved that Mayor Danylchuk and Councillor Trudeau be remunerated accordingly.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2009-4833 (GILBERT & BEVERLY VERMETTE) – W¹/₂ OF SECTION 5-9-7E

412-2009

Trudeau – McLennan: Resolved that the Public Hearing on Subdivision File No. 4194-2009-4833 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2009-4833

413-2009

At 8:50 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision Application under File No. 4194-2009-4833 for the purpose of realigning boundaries of 2 separate parcels holding same ownership.

Gilbert Vermette; Owner & Applicant attended the Delegation Chair in support of the Application.

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

Provincial Planning	No Concerns
Mantioba Conservation	No Concerns
Agriculture	No Concerns
Water Stewardship	No comment to date
Culture Heritage & Tourism	No concerns
Conservation – Lands	No concerns
Agriculture	No concerns
Industry, Economic Development & Mines	No concerns

No other correspondence nor communications were received.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2009-4833

414-2009

Trudeau – Tardiff: Resolved that the Public Hearing on Subdivision File No. 4194-2009-4833 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2009-4833 (GILBERT & BEVERLY VERMETTE) – W½ OF SECTION 5-9-7E

415-2009

Trudeau – Rivard: Resolved that Council **APPROVE** Subdivision Application under File No. 4194-2009-4833 as applied for subject to the following conditions:

- A copy of a signed Right-of-Way Agreement to access the Residential Property be submitted to The R.M. of Tache as well as registered at Winnipeg Land Titles Office.

Carried.

Councillor Rivard left the Meeting at this time.

DISPOSITION – CONDITIONAL USE APPLICATION NO. C.U. #12-09 (R.M. OF TACHE; OWNER & GAUTHIER SOILS; APPLICANT) – N½ OF LS 9, N½ OF E½ OF LS 10, E½ OF LS 15 & LS 16 IN PT. NE¼ OF SECTION 3-9-8E

416-2009

Menard – Tardiff: Resolved that Conditional Use Application C.U. #12-09 to permit extraction of gravel on the N½ of LS 9, N½ of E½ of LS 10, E½ of LS 15 & LS 16 located in Pt. SE¼ of Section 3-9-8E be **APPROVED** subject to the following conditions:

- Operating time between 7:00 a.m. to 7:00 p.m., and;
- A Lease Agreement be executed between The R.M. of Taché and the Applicant.

Carried.

Councillor Rivard returned to the Meeting at this time.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2009-4825 (LOT 2, PLAN 32173 IN PT. NW¼ OF SECTION 11-8-4E); DARRELL & KATHY HIEBERT (OWNERS & APPLICANTS)

417-2009

Trudeau – Koop: Resolved that the Public Hearing on Subdivision File No. 4194-2009-4825 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2009-4825

418-2009

At 9:00 p.m., the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision Application under File No. 4194-2009-4825 for the purpose of subdividing a parcel of land currently measuring 4.44 Acres into 2 separate holdings.

Darrell Hiebert attended the
Delegation Chair in support of the Application.
The following Provincial Depart-
ments submitted their comments:

- | | |
|---|---|
| - Community Planning Office | No concerns |
| - Water Stewardship | Concerns with
overland flooding in
the general area.
Recommend elevation
of 1 metre above
ground level with a
4.6. metre radius from
the foundation of the
structure in all direc-
tions. May require a
Water Rights License. |
| - Culture Heritage & Tourism | No concerns |
| - Manitoba Conservation | No concerns |
| - Conservation – Lands | No concerns |
| - Transportation | No concerns |
| - Industry, Economic Development
& Mines | No concerns |

No other communications nor corres-
pondence was received.

**CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO.
4194-2009-4825**

419-2009 **Trudeau – Tardiff:** Resolved that the Public Hearing on
Subdivision File No. 4194-2009-4825 be closed.

Carried.

**COUNCIL DISPOSITION – SUBDIVISION FILE NO.
4194-2009-4825 (LOT 2, PLAN 32173 IN PT. NW ¼ OF
SECTION 11-8-4E); DARRELL & KATHY HIEBERT**

420-2009 **Trudeau – Tardiff:** Resolved that Council **APPROVE**
Subdivision File No. 4194-2009-4825 subject to the following
conditions:

- A Variation Order Application be applied for varying the mini-
mum site width of Proposed Lots 1 & 2 from the requirement of 200
feet to approximately 180 feet and 20 feet;
- A Building Location Certificate conducted by a Manitoba Land
Surveyor be obtained by the Applicant for Proposed Lot 1 identify-
ing the location of all buildings and/or structures as well as the onsite
wastewater management system (septic field) in relation to the new
proposed property lines;
- If warranted by the Survey Certificate a Variation Order Application
be applied for varying the yard distance setbacks;
- The elevation of the property be established to remedy any flooding/
drainage concerns; and

- Dedication Fees in the amount of \$2,500.00 be paid to the Municipality for the creation of 1 additional Residential Lot.

Carried.

Councillor Tardiff left the Meeting at this time.

**COUNCIL DISPOSITION – VARIATION ORDER
APPLICATION NO. V.O. #13-09 (LOT 1, PLAN 8534 IN LUD
LORETTE) – ALAN HARRIS/KALI GRAY; 524 RUE
COMINGES**

421-2009

Trudeau – Deschambault: Resolved that Council **APPROVE** Variation Order Application No. V.O. #13-09; and

Be It Further Resolved that the Applicant be responsible for costs associated with verifying that the encroachment has been removed.

Carried.

Councillor Tardiff returned to the Meeting at this time.

**COUNCIL DISPOSITION – VARIATION ORDER
APPLICATION NO. V.O. #14-09 (LOT 13, PLAN 16929 IN
PT. NE¼ OF SECTION 2-9-4E); GERALD & LORRAINE
UNRAW**

422-2009

Deschambault – Trudeau: Resolved that Council **APPROVE** Variation Order Application No. V.O. #14-09 as applied for.

Carried.

**ROBERT & CLAIRE RIVARD – SUBDIVISION FILE NO.
4194-2008-4784**

423-2009

Koop – McLennan: Whereas approval of the Subdivision is conditional upon the Applicant entering into a Building Restriction Agreement;

Resolved that such Agreement stipulate that buildings and structures be allowed only in the first 800 feet south of the Municipal R.O.W or within the first 400 feet as measured from the rear property line of the Proposed Lot.

Carried.

**DEVELOPMENT PLAN AMENDMENT BY-LAW NO. 10-
2006 – STATUS**

424-2009

Rivard – Menard: Whereas By-law No. 10-2006 being a Development Plan Amendment was introduced and given 1st Reading on March 16th, 2006, and;

Whereas on May 11th, 2006 Council conducted the Public Hearing and Placing on hold the Development Plan Amendment;

Resolved that Council incorporate the re-designation of lands addressed in Bylaw No. 10-2006 in the upcoming overall review of The R.M. of Tache Development Plan.

Carried.

425-2009	CORRESPONDENCE & COMMUNICATIONS		
	<u>Writer</u>	<u>Subject</u>	<u>Disposition</u>
	Pullan Kammerloch Frohlinger; Lawyers	Development Agreement (Hanbidge)	Res. 426-2009
	PFRA	Tree Pickup	Rec'd as info.

426-2009	DEVELOPMENT AGREEMENT – 5596654 MANITOBA LTD. (JONATHAN HANBIDGE)		
	<u>Trudeau – Tardiff:</u>	Whereas Council was presented with correspondence received from Paul Kammerloch; Pullan Kammerloch Frohlinger and representative for Mr. Jonathan Hanbidge dated April 9 th , 2009 contesting Council's decision in Resolution No. 281-2009 passed on March 12 th , 2009 requesting the Applicant increase the height elevation of the proposed roadway in a Subdivision Application by an additional 2 meters; Resolved that Council maintain their position on the decision addressed in Resolution No. 281-2009.	

Carried.

427-2009	ADJOURNMENT	
	<u>Trudeau – Tardiff:</u>	Resolved that the Meeting be adjourned the hour being 9:50 p.m.

Carried.

<hr/> William Danylchuk, Mayor.	<hr/> Daniel Poersch, Chief Administrative Officer.
---	---