

MINUTES OF THE REGULAR COUNCIL, DEVELOPMENT AND PLANNING MEETING HELD IN THE COUNCIL CHAMBERS OF THE RURAL MUNICIPALITY OF TACHÉ IN LORETTE, MANITOBA ON SEPTEMBER 15TH, 2011 AT 7:00 P.M.

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

IN ATTENDANCE: Daniel Poersch,
Chief Administrative Officer,
Jeanette Laramee,
Assistant CAO.

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

ADOPTION OF AGENDA

817-2011 Trudeau – Rivard: Resolved that this Meeting's Agenda be adopted as amended.

Carried.

EXCUSE OF COUNCIL MEMBER

818-2011 Deschambault – Menard: Resolved that Councillor Stein be excused from participating in tonight's scheduled Public Hearings.

Carried.

DEVELOPMENT PLAN AMENDMENT BY-LAW NO. 5-2010 (LOT 1, PLAN 36528 IN PT. RL 90)-3RD READING

819-2011 Trudeau – Koop: Resolved that By-law No. 5-2010 being an Amendment to The R.M. of Taché Development Plan By-law No. 1762 as amended hereto redesignating land generally described as Lot 1, Plan 36528 in pt. RL 90 from "Limited Agriculture Area" to "Rural Residential Area" be given 3rd and Final Reading.

For the Motion: Mayor Danylchuk, Councillors Trudeau, Koop, Menard, Deschambault & Rivard.

Against the Motion: Councillor Heather.

Abstained from the Vote: Nil

Motion Carried.

DEVELOPMENT PLAN AMENDMENT BY-LAW NO. 10-2011 (PT. RL 46 TO RL 50)-3RD READING

820-2011 Deschambault – Menard: Resolved that By-law No. 10-2011 being an Amendment to The R.M. of Taché Development Plan By-law No. 1762 as amended hereto redesignating lands as follows:

- A) Pt. RL 46/47, Plan 5597, Parish of Lorette;
Pt. RL 47, Plan 5597, Parish of Lorette;
Pt. Lot 6, Plan 33122 WLTO in pt. RL 48, Parish of Lorette;
Lot 1, Plan 50487 WLTO in pt. RL 48, Parish of Lorette; and
Pt. RL 49, Plan 5597, Parish of Lorette

September 15th, 2011.

from “Limited Agriculture Area” to “Residential Area”;

- B) Lots 1 & 2, Plan 23911WLTO in pt. RL 47, Parish of Lorette; and
Lots 1- 5 inclusive, Plan 33122 WLTO in pt. RL 48, Parish of Lorette

from “Rural Residential Area” to “Residential Area”;

- C) Pt. RL 46/47-Plan 5597, Parish of Lorette;
Pt. RL 47-Plan 5597, Parish of Lorette; and
Pt. Lot 6, Plan 33122 WLTO in pt. RL 48, Parish of Lorette

from “Limited Agriculture Area” to “Open Space & Recreational Area”

- D) Pt. Pcl A&B& D, Plan 10066 WLTO in Pt. RL 50, Parish of Lorette

from “Open Space & Recreational Area” to “Residential Area” be given 3rd and Final Reading.

For the Motion: Mayor Danylchuk, Councillors Trudeau, Koop, Menard, Deschambault & Rivard.

Against the Motion: Councillor Heather.

Abstained from the Vote: Nil

Motion Carried.

R.M. OF TACHE DEVELOPMENT PLAN AMENDMENT BY-LAW NO. 14-2010 (PT. NE ¼ OF SECTION 15-9-7E)-PROVINCIAL DECISION

821-2011

Koop – Trudeau: Resolved that Council acknowledge receipt of the decision from the Provincial Minister **REJECTING** Development Plan Amendment By-law No. 14-2010, and;
Be It Further Resolved that Council **NOT PROCEED** with Development Plan Amendment By-law No. 14-2010 as recommended by the Provincial Minister of Intergovernmental Affairs.

For the Motion: Mayor Danylchuk, Councillors Trudeau, Koop, Menard, Deschambault, Heather & Rivard.

Against the Motion: Nil

Abstained from the Vote: Nil

Motion Carried.

R.M. OF TACHE DEVELOPMENT PLAN AMENDMENT BY-LAW NO. 4-2010 (LOTS A, B & D, PLAN 28859 IN PT. NW ¼ OF SECTION 14-9-4E)-PROVINCIAL DECISION

822-2011

Trudeau – Deschambault: Resolved that Council acknowledge receipt of the decision from the Provincial Minister **REJECTING** Development Plan Amendment By-law No. 4-2010, and;
Be It Further Resolved that Council **NOT PROCEED** with Development Plan Amendment By-law No. 4-2010 as recommended by the Provincial Minister of Intergovernmental Affairs.

September 15th, 2011.

For the Motion: Mayor Danylchuk, Councillors Trudeau, Koop, Menard, Deschambault, Heather & Rivard.

Against the Motion: Nil

Abstained from the Vote: Nil

Motion Carried.

SUBDIVISION FILE NO. 4194-2009-4985 (PT. NW ¼ OF SECTION 14-9-7E)-REVISION

823-2011

Rivard – Trudeau: Whereas a revision to Subdivision Application File No. 4194-2009-4985 has been received from Community & Regional Planning Branch revising the initial proposal from a Boundary Realignment and the creation of 2 additional lots to a Boundary Realignment between 2 parcels of land;

Resolved that Council **APPROVE** the revision as submitted, and;

Be It Further Resolved that Council waive the previously required Dedication Fees in the amount of \$3,500.00 as the revision creates no additional lots.

Carried.

DEVELOPMENT PLAN AMENDMENT APPLICATION (LOT 2, PLAN 38870 IN PT. SW ¼ OF SECTION)-RAY WARKENTIN

824-2011

Trudeau – Menard: Whereas a Development Plan Amendment Application has been submitted by Ray Warkentin to re-designate a portion of Lot 2, Plan 38870 from “**Agriculture Area**” to “**Rural Residential Area**”, and;

Whereas the Chief Administrative Officer reminded Council as to the comments sent from the Minister of Intergovernmental Affairs that no further Development Plan Amendments will be considered for Approval until such time The R.M. of Tache proceeds with their 5 year review of the Plan;

Resolved that Council acknowledge the comments from the Provincial Minister **NOT TO PROCEED** with the application as presented, and;

Be It Further Resolved that costs relating to the Application to date be re-imbursed to the Applicant.

Carried.

NOTICE OF PUBLIC HEARING – SUBDIVISION PROPOSAL (LOT 2, PLAN 37115 IN PT. SE ¼ OF SECTION 3-10-4 EPM); R.M. OF SPRINGFIELD

825-2011

Menard – Deschambault: Resolved that Council has no concerns with the Multi Lot Residential Subdivision Proposal in The R.M. of Springfield.

Carried.

DELEGATION – VLADIMIR & DAVID DONST (LOT 1, PLAN 50223 IN PT. RL 63/64)

826-2011

At 7:30 p.m.; Vladimir & David Donst attended the Delegation Chair requesting Council’s consideration to convert the old existing Single Family Dwelling into an Office for their home based furniture construction/showroom business.

September 15th, 2011.

REPORT – CENTRE OF CANADA MONUMENT COMMITTEE MEETING

827-2011 Councillor Deschambault gave a brief report regarding a meeting of the Centre of Canada Monument Committee attended by him September 14th, 2011.

REPORT – CAPITAL REGION

828-2011 Mayor Danylchuk provided all in attendance with a brief report regarding the meeting of the Capital Region held September 15th, 2011.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5302 (LOT 7, PLAN 16762 IN PT. SW ¼ OF SECTION 32-8-5E); CAROLINE MORRIS

829-2011 Trudeau – Deschambault: Resolved that the Public Hearing on Subdivision Application under File No. 4194-2011-5302 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2011-5302

830-2011 At 7:45 p.m.; the time specified in the Notice to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2011-5302 for the purpose of creating 1 additional residential lot.

Caroline Morris; Owner/Applicant attended the Delegation Chair in support of the Application.

Mr. Roland Lamontagne; Owner and Resident of 47045 MUN 25E attended the Delegation Chair addressing his concerns with ongoing drainage issues and discussed the impact this Subdivision Proposal may have. Also discussed was the Right-of-Way Access Agreement he has in place currently with the Applicant.

The following comments were received from the various Provincial Departments:

- | | |
|---|--|
| - Community Planning Services Branch: | Comment that the Application is in keeping with the Development Plan however; recommend that Pcl B/C form 1 title and a ROW Agreement with Lot 4, Plan 16762 be entered into. |
| - Manitoba Agriculture, Food & Rural Initiatives: | No concerns |
| - Manitoba Conservation: | Require the existing sewage ejector system either be decommissioned or the Applicant obtain a certificate of exemption to retain the ejector. Also require confirmation with respect to livestock facilities. Otherwise no concerns. |
| - Water Stewardship: | May require to obtain a water rights licence. |
| - Manitoba Infrastructure & Transportation: | No concerns. |
| - Mines Branch: | No concerns. |

September 15th, 2011.

No other communication or correspondence was received to date.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5302

831-2011 Trudeau – Heather: Resolved that the Public Hearing on Subdivision File No. 4194-2011-5302 be closed.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5292 (PT. SECTIONS 2-9-5E & 11-9-5E); GLEN & HEATHER HIEBERT

832-2011 Trudeau – Heather: Resolved that the Public Hearing on Subdivision Application No. 4194-2011-5292 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2011-5292

833-2011 At 8:00 p.m.; the time specified in the Notice to be circulated; Council conducted the Public Hearing on Subdivision Application File No. 4194-2011-5292 for the purpose of creating 1 additional residential lot.

Eric Morrow; the Applicant attended the Delegation Chair in support of the Application.

The following comments were received from the various Provincial Departments:

- Community Planning Services Branch: No concerns.
- Water Stewardship: May require a Water Rights License. Otherwise no concerns.
- Manitoba Conservation: Require that the proposal conforms to the requirements for wastewater management systems.
- Manitoba Infrastructure & Transportation: No concerns.
- Shaw Cable and Innovation: No concerns.

In addition to the aforementioned comments a revision on the Application was received from Community Regional & Planning Branch on September 14th, 2011 reconfiguring the lot sizes.

No other correspondence or communication was received to date.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5292

834-2011 Trudeau – Heather: Resolved that the Public Hearing on Subdivision File No. 4194-2011-5292 be closed.

Carried.

September 15th, 2011.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2011-5292 (PT. SECTIONS 2-9-5E & 11-9-5E); GLEN & HEATHER HIEBERT

835-2011 Heather – Trudeau: Resolved that Council **APPROVE** Subdivision Application File No. 4194-2011-5292 as revised in the September 8th, 2011 correspondence subject to the following conditions:

- That a Building Location Certificate be prepared by a Manitoba Land Surveyor illustrating all buildings and/or structures and onsite wastewater management systems in relation to the newly proposed property lines and submitted to the Municipality;
- If warranted by the Building Location Certificate the Owners/Applicants obtain all of the necessary Variation Order Applications, and;
- Dedication Fees in the amount of \$3,500.00 be paid to the Municipality for the creation of 1 additional residential lot.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5312 (PT. SW ¼ OF SECTION 35-9-4E); BARRY GRANTHAM

836-2011 Trudeau – Heather: Resolved that the Public Hearing on Subdivision File No. 4194-2011-5312 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2011-5312

837-2011 At 8:10 p.m.; the time specified in the Notice to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2011-5312 to separate a parcel of land into two separate titles.

Mr. Barry Grantham; Owner and Applicant attended the Delegation Chair in support of the Application.

The following comments were received from the various Provincial Departments:

Community & Regional Planning Branch: Comment that the Application is not in keeping with the R.M. of Tache Development Plan Policies referenced under Section A.5.5.iii) & iv) and recommend Council NOT APPROVE. **OBJECT.**

Manitoba Water Stewardship: May require a Water Rights License

Manitoba Agriculture, Food & Rural Initiatives: Comment that the Application does not comply with The R.M. of Tache Development Policies. **OBJECT.**

Manitoba Infrastructure & Transportation: No concerns.

Shaw Cable: No concerns.

Mines Branch: No concerns.

Hydro: No concerns.

MTS Allstream No concerns.

No other correspondence or communication was received to date.

September 15th, 2011.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2011-5312

838-2011 Menard – Trudeau: Resolved that the Public Hearing on Subdivision Application File No. 4194-2011-5312 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2011-5312 (PT. SW ¼ OF SECTION 35-9-4E); BARRY GRANTHAM

839-2011 Heather – Deschambault: Resolved that Council APPROVE Subdivision Application File No. 4194-2011-5312 subject to the following conditions:

- Dedication Fees in the amount of \$3,500.00 be paid to the Municipality for the creation of 1 additional title/lot.

Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #37-11 (PT. SW ¼ OF SECTION 11-8-4E)-JOHN NEUFELD; 3658831 MANITOBA LTD.

840-2011 Trudeau – Koop: Resolved that the Public Hearing on Variation Order Application No. VO #37-11 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. V.O. #37-11

841-2011 At 8:20 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #37-11 for the purpose of expanding an existing Livestock Operation (Broiler Operation).
John Neufeld of 3658831 Manitoba Ltd.; Owner, attended the Delegation Chair in support of the Application.
The following persons attended the delegation chair to speak to the application:

Danny Antonyshyn
resident of 43014 Heritage Lane inquired if the odor will increase as a result of the expansion and would the applicants consider re-locating the manure stock pile further to the east.

Jake Siemens
resident of 43027 Heritage Lane concerned that the operation is tripling, requested that the operation’s separation distance be maintained.

Josephine Osiowy
resident of 43007 Heritage Lane concerned with the odors and future property valuations.

Andrey Sapozhnikov
resident of 43035 Heritage Lane OBJECTS to the application.

No other correspondence or communication was received on the Application.

September 15th, 2011.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. V.O. #37-11

842-2011 Deschambault – Trudeau: Resolved that the Public Hearing on Variation Order Application No. V.O. #37-11 be closed.

Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #36-11 (LOT 1, BLOCK 1, PLAN 40639 IN PT. NE ¼ OF SECTION 31-9-8E); TREVOR & MELANIE MEIER

843-2011 Trudeau – Menard: Resolved that the Public Hearing on Variation Order Application No. VO #36-11 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #36-11

844-2011 At 8:30 p.m.; the time specified in the Notice to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #36-11 to vary the height of a proposed Accessory Building measuring approximately 40’ x 60’ for the purpose of storing equipment and building materials for a future single family dwelling as well as providing temporary residency for the Owners during the construction of the Single Family Dwelling.

Trevor Meier; Owner & 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 #36-11

845-2011 Trudeau – Heather: Resolved that The Public Hearing on Variation Order Application No. VO #36-11 be closed.

Carried.

COUNCIL DISPOSITION – VLADIMIR, HELENE & DAVID DONST (LOT 1, PLAN 50223 IN PT. RL 63/64)

846-2011 Heather – Rivard: Resolved that the request of the applicants to renovate their prior residence to allow for a furniture construction and showroom business is **DENIED**.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2011-5302 (LOT 7, PLAN 16762 IN PT. SW ¼ OF SECTION 32-8-5E); CAROLINE MORRIS

847-2011 Trudeau – Menard: Resolved that Council **APPROVE** Subdivision Application File No. 4194-2011-5302 subject to the following conditions:

- That Parcel B & C form 1 title;
- A Right-of-Way Agreement be entered into between the Owners of Lot 4, Plan 16762 and Proposed Pcls B & C allowing access to Lot 4, Plan 16762;
- A Variation Order Application be obtained to vary the minimum site width requirement on Pcl C;
- A Building Location Certificate prepared by a Manitoba Land Surveyor for Parcel “A” illustrating all buildings and/or structures and onsite wastewater management systems on the affected land in relation to the newly proposed property lines be submitted to the Municipality;

September 15th, 2011.

- If warranted by the Building Location Certificate the appropriate Variation Order Applications be applied for, and;
- Dedication Fees in the amount of \$3,500.00 be paid to the Municipality for the creation of 1 additional lot.

Carried.

COUNCIL DISPOSITION - VARIATION ORDER APPLICATION NO. VO #37-11 (PT. SW ¼ OF SECTION 11-8-4E)-JOHN NEUFELD OF 3658831 MANITOBA LTD.

848-2011 **Trudeau – Heather:** Resolved that Council **APPROVE** Variation Order Application No. VO #37-11 subject to the following conditions:

- That the appropriate Permits be obtained from the Municipal Building Inspector prior to the construction of the Livestock Facility (Barn).

Carried.

COUNCIL DISPOSITION – VARIATION ORDER APPLICATION NO. VO #36-11 (LOT 1, BLOCK 1, PLAN 40639 IN PT. NE ¼ OF SECTION 31-9-8E); TREVOR & MELANIE MEIER

849-2011 **Rivard – Trudeau:** Resolved that Council **APPROVE** the Application as applied for subject to the following conditions:

- All Building Permits be obtained from the Municipal Building Inspector prior to the construction of the Accessory Building.

Carried.

ADJOURNMENT

850-2011 **Trudeau – Heather:** Resolved that the meeting be adjourned the hour being 9:30 p.m.

Carried.

**William Danylchuk,
Mayor.**

**Daniel Poersch,
Chief Administrative Officer.**