

R.M. OF EAST ST. PAUL  
ZONING BY-LAW 2009-04  
ZONING BY-LAW AMENDMENT NO. 2024-05  
SUBDIVISION APPLICATION S24-3045  
**COMBINED PUBLIC HEARING**

We are  
Listening.

**Public  
Hearing**

**Tuesday,**

**May 28<sup>th</sup> 2024**

**5:30 PM**

**Council Chambers  
3021 Birds Hill Rd.  
East St. Paul, MB**

**Phone:**

**(204) 669-8880**

**1-800-876-5831**

**Fax:**

**(204) 669-8882**

**E-Mail:**

**[info@rrpd.ca](mailto:info@rrpd.ca)**

**Website:**

**[redriverplanning.com](http://redriverplanning.com)**



As per *The Planning Act*, any person can make representation on the matter at the meeting.

**What is Zoning By-law Amendment No. 2024-05 and Subdivision S24-3045 about?**

The intent of this amendment is to rezone the subject properties from “RR-5” Rural Residential Zone (5-acre minimum lot area) to “RR-2” Rural Residential Zone (2-acre minimum lot area) in order to facilitate a future rural residential development. The associated subdivision S24-3045 will create thirteen (13) new lots ranging from 2 acres to 2.5 acres.



**3609 and 3689 Birds Hill Road (Roll Nos. 74900 and 74955)**

**For those that wish to attend virtually please contact the RM of East St. Paul office at (204) 668-8112 by 4:00 pm on May 28<sup>th</sup>, 2024.**

**For more information, please contact the Red River Planning District.**

Red River Planning District

2978 Birds Hill Rd. East St. Paul, MB

Mon-Fri\*

8:30am-4:15pm

*\*excludes all statutory holidays*

*Note: Property owners are responsible for notifying “tenants”*

# Zoning By-law Amendment BL 2024-05

Date prepared May 8, 2024

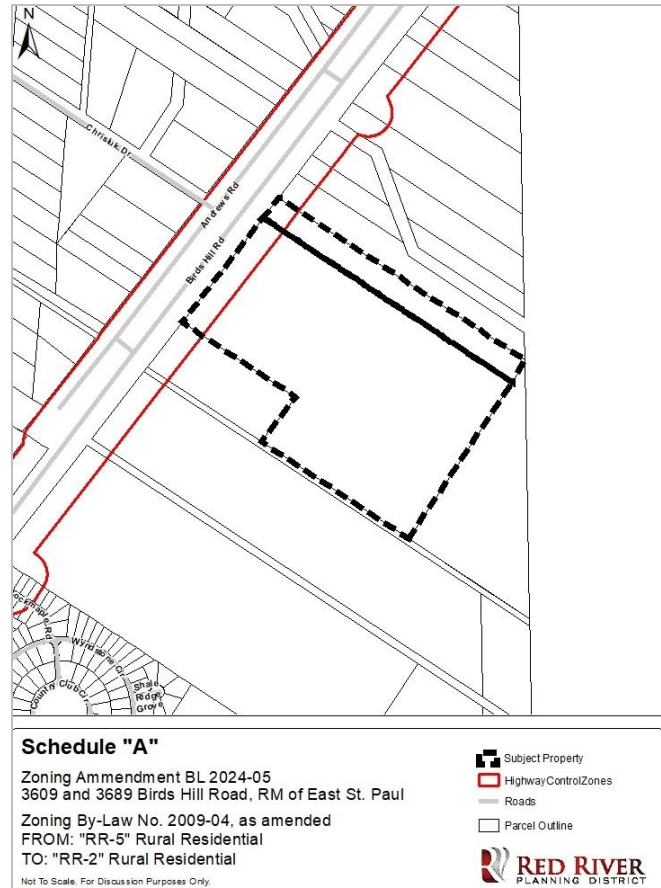
**Address** 3609 and 3689 Birds Hill Road

**Legal Description** LOT 2 PLAN 67235 WLTO IN OTM LOTS 80 TO 83 PARISH OF ST PAUL (CT 3179538/1)

ALL THAT PORTION OF THE SLY 137.3 FEET PERP OF THE NLY 300 FEET PERP OF BLOCK 1 PLAN 4046 WLTO EXC, FIRSTLU: PUBLIC ROAD AND PUBLIC WORK, PLAN 5830 WLTO AND SECONDLY: WATER CONTROL WORKS, PLAN 7435 WLTO. IN OTM LOTS 80 TO 83 PARISH OF ST. PAUL (CT 1553089/1)

**Roll Numbers** 74900 and 74955

**Report Prepared By:** Santan Singh , RPP, MCIP



## EXECUTIVE SUMMARY:

This Zoning By-law amendment concerns two parcels of land: one spanning 32.55 acres under title CT 3179538/1 (3609 Birds Hill Road) and another comprising 5 acres under title CT 1553089/1 (3689 Birds Hill Road). The parcel under CT 3179538/1 is presently vacant, while the one under CT 1553089/1 features a single-family dwelling and a shed. The applicant proposes to rezone these properties from the "RR-5" Rural Residential Zone to the "RR -2" Rural Residential Zone to accommodate single-family rural residential lots with a minimum size of 2 acres area.

Please note that an associated subdivision application (S24-3045) is also in progress, proposing the creation of 15 lots (13 new lots) ranging from 2 acres to 2.74 acres. This subdivision is part of the combined Public Hearing alongside the Rezoning application. Since the proposed lots do not

adhere to the current 5-acre acreage requirement of the "RR-5" zone, the applicant is proposing to rezone the subject properties to meet the desired 2-acre minimum.

This Zoning By-Law amendment generally meets the provisions of the "Rural Residential" designation policies, under the current Development Plan 272/19. The Red River Planning District Office recommends Council give **Second Reading** to By-law No. 2024-05. If there are sufficient objections, Council may not give Third Reading to the By-law. A report outlining policy compliance, comments received, analysis, options and recommendations for the Council's consideration follow this summary.

## 1. ISSUE:

To amend the R.M. of East St. Paul Zoning By-law No. 2009-4 by rezoning the subject properties located at 3609 and 3689 Birds Hill Road from "RR-5" Rural Residential Zone to "RR-2" Rural Residential Zone in order to facilitate future rural residential development.

## 2. BACKGROUND:

### 2.1 Application Timeline

The proposed zoning by-law amendment application was given First Reading by Council at their meeting on March 26<sup>th</sup> 2024, and subsequently circulated to government agencies and neighbouring municipalities, as required by *The Planning Act*. A public hearing has been advertised and scheduled for May 28<sup>th</sup> 2024.

RRPD notes that the subjected property is currently zoned "RR-5" Rural Residential Zone that requires a minimum lot size of 5 acres and a minimum site width of 150 feet. The applicant is proposing 13 additional lots (2 existing) via subdivision application S24-2945 that is part of a combined hearing with this rezoning application. The subject property would need to be rezoned to "RR-2" zone to accommodate the proposed lot sizes.

### 2.2 Subject Property and Surrounding Area

The subject properties comprise 32.55 acres under title CT 3179538/1 (3609 Birds Hill Road) and 5 acres under title CT 1553089/1 (3689 Birds Hill Road). The area surrounding the proposed rezoning is as follows:

To the North: Properties zoned "RR-5" Rural Residential

To the South: Properties zoned "RR-5" Rural Residential

To the East: Properties zoned "RR-5" Rural Residential

To the West: Properties zoned "RR-2" & "RR-1" Rural Residential

### 2.3 Proposed Zone

As previously noted, the applicant is proposing to rezone the subject property to "RR-2" *Rural Residential zone*. The table below summarizes the general development standards for the proposed zone according to the RM of ESP Zoning By-law 2009-04.

"RR-2" Rural Residential Zone								
Bulk Regulations (Main Use)						Site Requirements		
Front Yard	Side Yard	Side Yard Corner	Rear Yard	Height Max.	Max. Site Coverage	Min. Dwelling Unit Area	Site Area	Site Width
40 ft.	10ft.	15 ft.	25 ft.	35 ft.; 2 storeys	10%	1000 sq. ft.	2 acres	150 ft.

**3. ANALYSIS:**

The Planning Act (Section 68) outlines that zoning by-laws, and their amendments, are to be "generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality". Therefore, the RRPD's current Development Plan (Red River Planning District Development Plan By-law No. 272/19) is reviewed to determine if the proposed zoning by-law amendment application is consistent with the policy direction found in the document. It should be noted that not all of the policies in the Development Plan are relevant to the subject lands at the zoning by-law amendment application stage.

**3.1 The Red River Planning District Development Plan (By-Law No. 272/19)**

The land proposed for rezoning is currently designated as Rural Residential (RR) within the Red River Planning District's Development Plan By-Law 272/19. Rural Residential designation allows for the establishment of rural non-farm residential properties where residents are able to enjoy a rural lifestyle. Rural residential properties consist of small acreage lots, and are typically expected to be serviced with their own on-site wastewater and drinking water systems, until municipal piped services become available in the future.

As already noted, not all of the policies in the Development Plan are relevant to the subject lands at the zoning by-law amendment application stage. The following analysis is only related to Development Plan topics identified to be applicable at the rezoning stage. Topics have been organized thematically for easy reference.

Rural Character

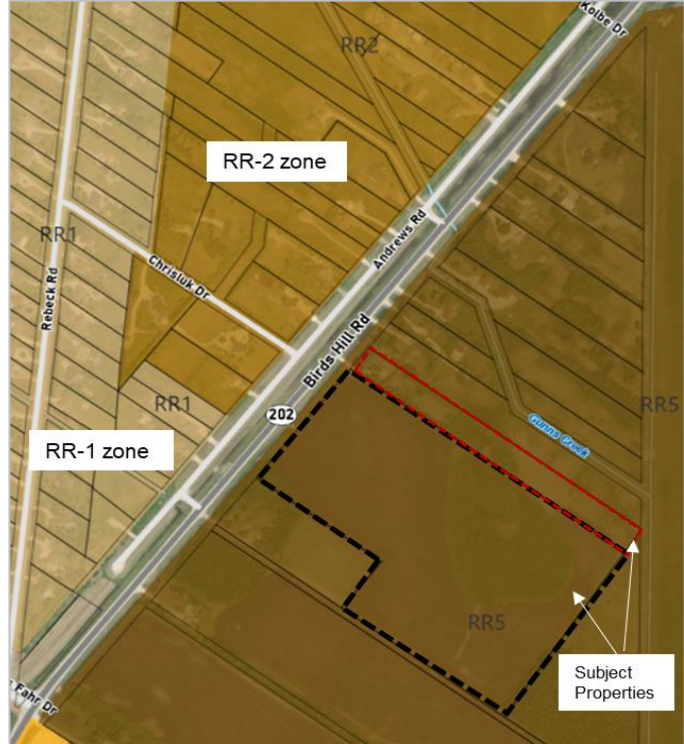
As mentioned earlier, the Rural Residential designation in the Development Plan permits non-farm residential properties, allowing residents to embrace a rural lifestyle. Policy 4.3.4 stipulates, "Rural residential lots should be of a size that reflects a rural character, and can accommodate on-site wastewater disposal."

The land under consideration is currently vacant, and the proposed subdivision plan includes the creation of 13 additional lots that will be serviced with septic fields and wells. Consequently, this proposal is in line with the objective of preserving rural character and facilitating on-site wastewater disposal as articulated in the policy.

## Compatible Land Uses

The objectives of the Rural Residential designation that align with the intent of the proposal are outlined below:

- 4.3.a: Encourages the provision of a rural lifestyle as an alternative to urban centers and settlement centers, particularly on lots not immediately planned to be serviced with municipal piped water and sewer services.
- 4.3.b: Aims to plan rural residential development in a manner that minimizes adverse effects on agriculture, general development areas, and settlement centers.
- 4.3.d: Aims to ensure that rural residential development takes place in an orderly and economical manner, allowing for the eventual connection to municipal piped services of these areas in the future when they become economically feasible.



Furthermore, policy 4.3.5.9 specifies, "The proposed development should be compatible with adjoining land uses." The Rural Residential Planning District (RRPD) observes that rural residential zoning surrounds the subject properties. Across Birds Hill Road, the properties are zoned "RR1" Rural Residential Infill Zone, permitting minimum 1-acre lots, while the majority are zoned "RR2" Rural Residential zone, allowing for minimum 2-acre lots. Considering the surrounding zoning, the proposed zone "RR-2" appears compatible with the surrounding rural residential zoning of the area

## Traffic:

RRPD notes that the provincial department of Manitoba Transportation and Infrastructure have requested a permit requirement as part of the associated subdivision S24-3045. The department has requested the owners to obtain a permit for the intensification of use/public road connection onto PR 202 and for the removal of the two existing accesses onto PR 202. Furthermore, as part of this permit, the access onto PR 202 for Lot 1 Plan 67325 will be relocated to the new public/internal road. Addressing the permit requirement from the provincial department will be a condition of approval for the associated subdivision application S24-3045.

## **4. PROVINCIAL AND MUNICIPAL COMMENTS**

This Zoning By-law amendment application has been circulated for comments as per *The Planning Act* to Provincial Departments and adjacent municipalities with instructions to forward any comments to the Red River Planning District prior to the public hearing. The application has been circulated in order to provide Provincial Departments an opportunity to ensure that the application conforms to provincial policies, and to provide adjacent municipalities an opportunity



to comment on any negative impacts that the application may have on their municipality. Our office has received comments from the following departments, which are summarized as follows in TABLE 1 – AGENCY REMARKS. Please note: complete copies of the comments are attached (SEE APPENDIX D).

COMMENTING AGENCY Provincial Agency / Municipality / Utility	REMARKS
<b>Manitoba Municipal Relations</b> (Community Planning Branch)	The intent of By-law 2024-05 is to rezone approximately 37.5 acres of land from “RR-5” Rural Residential Zone to “RR-2” Rural Residential Zone to accommodate a 15-lot rural residential subdivision (File No. S24-3045). The proposed rezoning is generally consistent with the Rural Residential designation pursuant to the Red River Planning District Development Plan By-law 272/19 and, as such, Community Planning has no concerns.
<b>Manitoba Transportation and Infrastructure</b> (Highway Design Branch)	Based on all available information, we do not object to this amendment. We refer to our subdivision comments dated April 8, 2024 and in particular to the requested subdivision condition: <ul style="list-style-type: none"> <li><i>The owners obtain a permit for the intensification of use/public road connection onto PR 202 and for the removal of the two existing accesses onto PR 202. Please be advised that as part of this permit, the access onto PR 202 for Lot 1 Plan 67325 will be relocated to the new public/internal road. For permit information, please contact Juanita Mowbray at 204-583-2433 or by email at <a href="mailto:accessmgmt@gov.mb.ca">accessmgmt@gov.mb.ca</a>. Permit information can also be found at <a href="https://forms.gov.mb.ca/highway-permits-application/index.html">https://forms.gov.mb.ca/highway-permits-application/index.html</a>.</i></li> </ul>
<b>Bell MTS</b>	No comments regarding By-Law 2024-05 - East St. Paul.
<b>Manitoba Agriculture and Resource Development</b>	The by-law proposes to re-zone a portion of land within the RM of St. Andrews from an "RR-5" Rural Residential zone to a "RR2" Rural Residential zone, to facilitate the future Rural residential development. The land proposed for re-zoning is currently designated as Rural Residential (RR) within the Red River Planning District's Development Plan By-Law 272/19. The re-zoning is consistent with the intended use and our department does not express concerns.
<b>Manitoba Environment, Climate and Parks</b> (Water Stewardship Division, Drainage and Water Rights Licensing Branch)	No comments received at the time of this report
<b>Manitoba Sport Culture &amp; Heritage</b> (Historical Resources Branch)	Implement a heritage resource protection plan (HRPP)

**Municipal and Northern Relations**

No issues or concerns

**RM of East St. Paul (Administration)**

**CAO:** I have reviewed the public hearing package and I have no concerns with the property being rezoned to: RR2 as the new lots will fit in with the surrounding area.

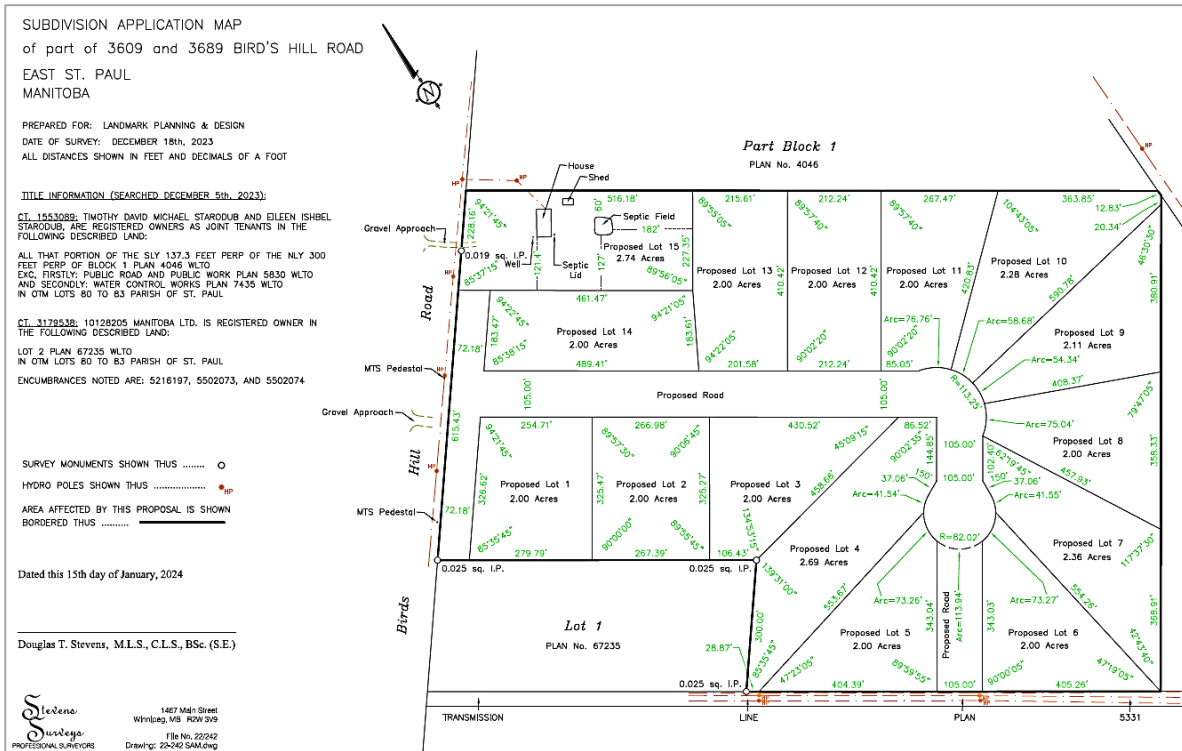
**Operations Manager:** Public Works has reviewed the information and has no comments.

**Planning:** The rezoning is consistent with the adjacent area. The lots across Birds Hill Rd. are zoned: RR1 & RR2.

**Fire Department:** The fire department has no concerns providing an adequate water supply, Hydrants are available as part of the development.

**4.1 Subdivision Application S24-3045**

As previously stated the applicant is proposing to rezone of the subject lands from the current "RR-5" to "RR-2" for future single-family residential development. As reflected on the SAM, the



applicant is proposing 15 lots in total ranging from 2 acres to 2.74 acres. All the proposed lots Subdivision Application Map

meet the acreage requirements of the RR-2 zone. Lots 4-10 will require site width variances due to their pie shaped configuration.

RRPD notes that both rezoning and subdivision will be considered together during the combined public hearing. It is essential to highlight that rezoning must precede subdivision application. Additionally, the subdivision application will be subject to various conditions requested by different provincial departments and agencies. Notably, the proposed rezoning will be among the conditions required for the subdivision application, given that the proposed lot size of 2 acres is not permitted in the current “RR-5” zone.

#### 4. RECOMMENDATION:

As already noted in the report, *The Planning Act* (Section 68) outlines that zoning by-laws are to be “*generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality*”. Based on the information provided in the application and the information noted within this report, the RRPD concludes that the proposed zoning by-law amendment application appears to be consistent with key portions of the Development Plan. Therefore, at this time, the RRPD recommends that this application **be approved.**

Please note that if Council does decide to give the application Second Reading, if there are sufficient objections Council may not give Third Reading to the by-law until the required time frame has allowed for second objections to be confirmed, or until such time as an appeal hearing has denied the objection(s). As per Section 73.1(3) of *The Planning Act*, sufficient objections are either 25 eligible persons, or, 50% of the total number of owners of properties located within 100 metres of the affected property in order to be considered sufficient to trigger an Appeal Hearing (a person authorized in writing may make an objection on behalf of an owner within the 100m).

*cc: Municipal Relations-Community Planning*

#### **Attachments:**

- Appendix A** - RRPD Location Maps
- Appendix B** - By-law 2024-05
- Appendix C** - information from the applicant
- Appendix D** - Agency Comments



# APPENDIX A (RRPD Location Maps)



Letter 8.5 x 11

Date: February 2024

## Schedule "A"

Zoning Ammendment BL 2024-05  
3609 and 3689 Birds Hill Road, RM of East St. Paul

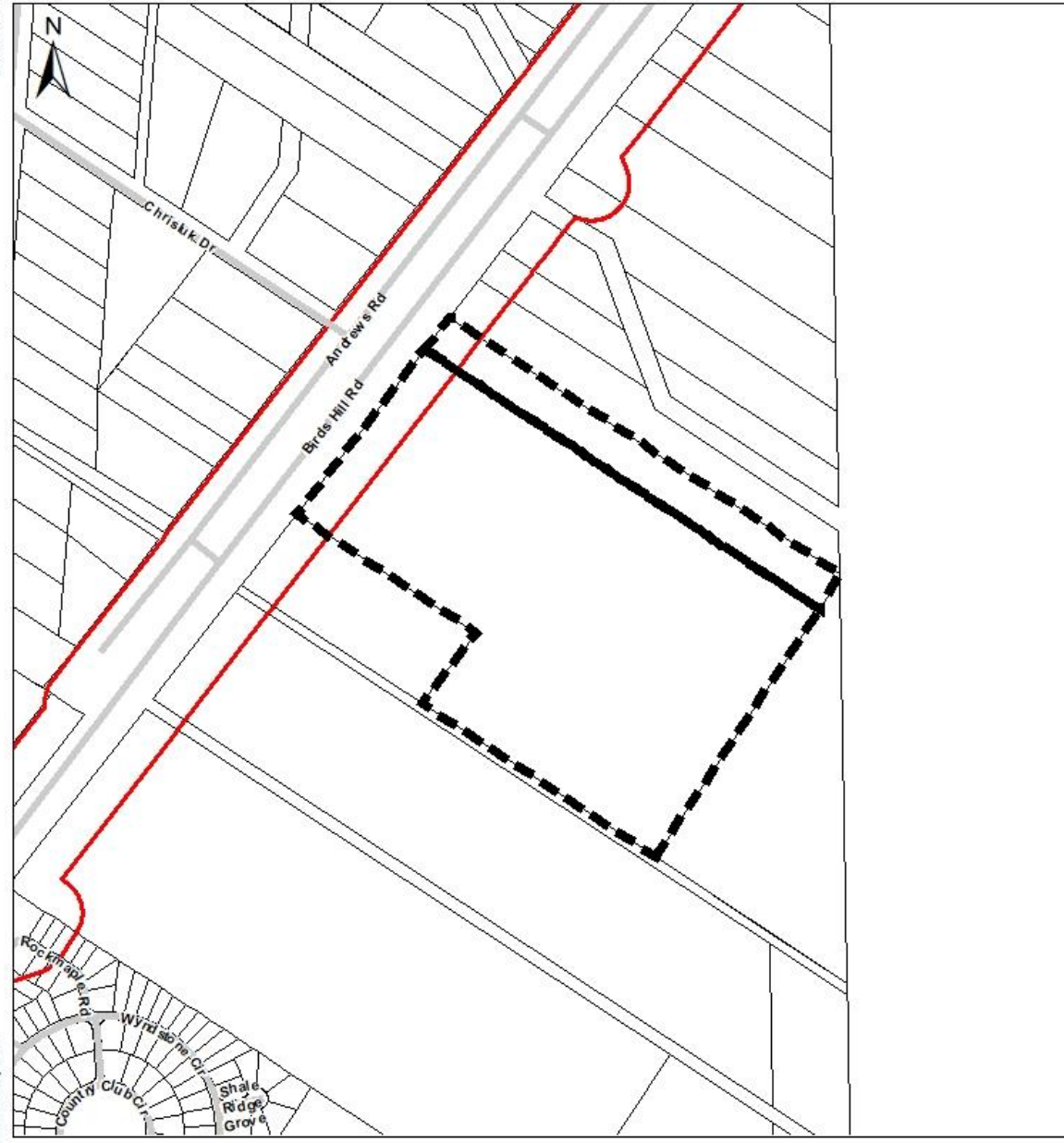
Zoning By-Law No. 2009-04, as amended  
FROM: "RR-5" Rural Residential  
TO: "RR-2" Rural Residential

Not To Scale. For Discussion Purposes Only.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



Letter 8.5 x 11



Date: February 2024

### Schedule "A"

Zoning Ammendment BL 2024-05  
3609 and 3689 Birds Hill Road, RM of East St. Paul

Zoning By-Law No. 2009-04, as amended  
FROM: "RR-5" Rural Residential  
TO: "RR-2" Rural Residential

Not To Scale. For Discussion Purposes Only.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline







**Schedule "A"**

Zoning Ammdment BL 2024-05  
 3609 and 3689 Birds Hill Road, RM of East St. Paul

Zoning By-Law No. 2009-04, as amended  
 FROM: "RR-5" Rural Residential  
 TO: "RR-2" Rural Residential

Not To Scale. For Discussion Purposes Only.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



APPENDIX B  
(Zoning By-law Amendment No. 2024-05)

**RM OF EAST ST. PAUL**  
**BY-LAW NO. 2024-05**

BEING A BY-LAW OF THE RM OF EAST ST. PAUL TO AMEND  
THE RM OF EAST ST PAUL ZONING BY-LAW NO. 2009-04, AS  
AMENDED.

WHEREAS Section 80(1) of *The Planning Act*, and amendments thereto (the Act”) provides that, a Zoning By-Law may be amended;

AND WHEREAS it is deemed necessary and expedient to amend the RURAL MUNICIPALITY OF EAST ST PAUL ZONING BY LAW 2009-04;

NOW THEREFORE, the Council of the RM of East St. Paul, in a meeting duly assembled, enacts as follows:

- i) That the Zoning Map attached to and being part of the RM of East St. Paul Zoning By-law 2009-04, is amended by rezoning:

**LOT 2 PLAN 67235 WLTO  
IN OTM LOTS 80 TO 83 PARISH OF ST PAUL**

**CT 3179538/1**

**AND**

**ALL THAT PORTION OF THE SLY 137.3 FEET PERP OF THE NLY 300 FEET PERP OF  
BLOC 1 PLAN 4046 WLTO EXC, FIRSTLY: PUBLIC ROAD AND PUBLIC WORK, PLAN 5830  
WLTO AND SECONDLY: WATER CONTROL WORKS, PLAN 7435 WLTO. IN OTM LOTS 80  
TO 83 PARISH OF ST. PAUL**

**CT 1553089/1**

**From: “RR5” Rural Residential Zone**

**To: “RR2” Rural Residential Zone**

as illustrated in Schedule ‘A’

**DONE AND PASSED** in Council assembled in the Council Chambers of the RM of East St. Paul, in the Province of Manitoba, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2024.

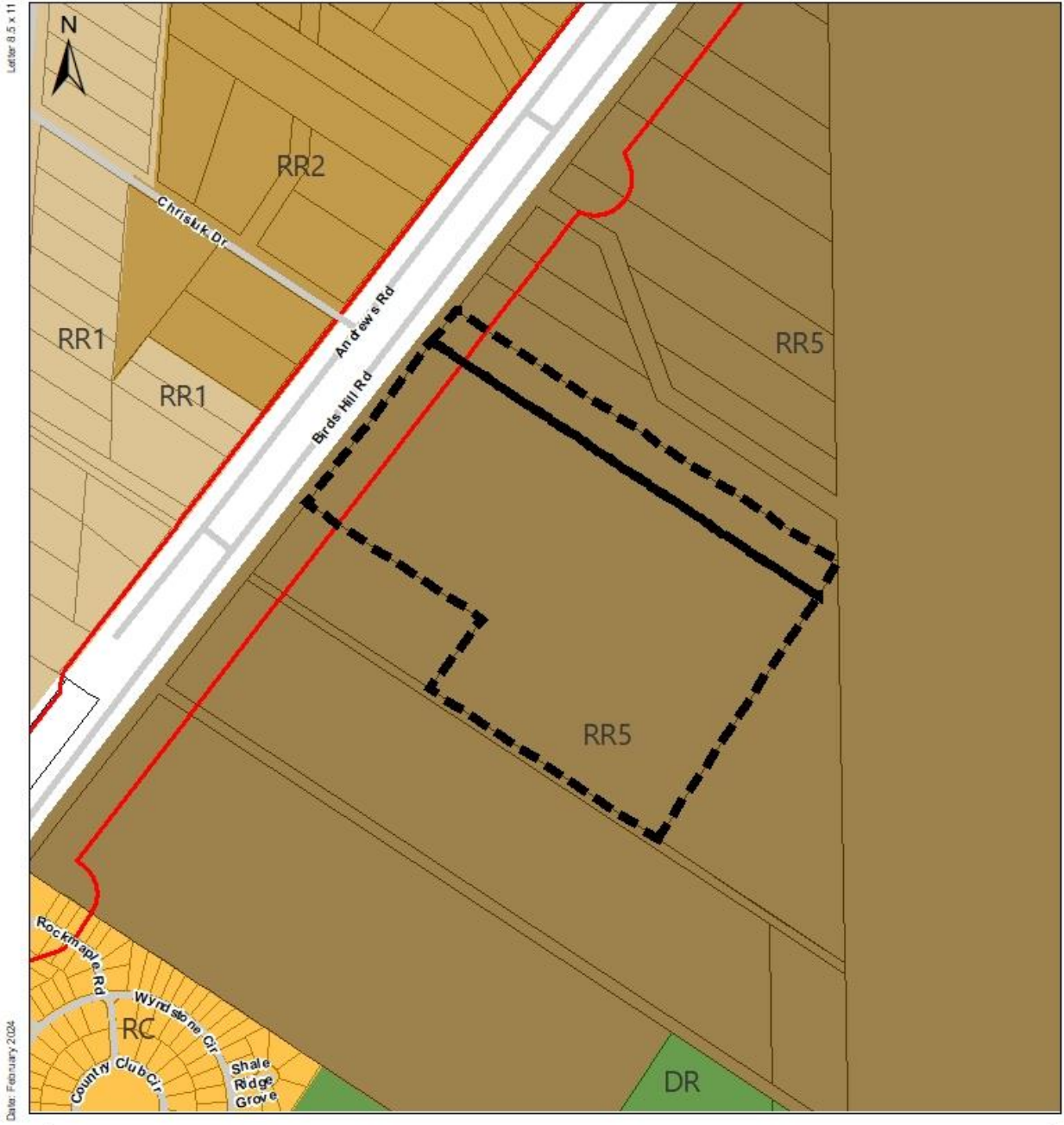
**THE RM OF EAST ST. PAUL**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CAO






GIVEN First Reading this \_\_\_\_ day of \_\_\_\_\_, A.D., 2024.  
GIVEN Second Reading this \_\_\_\_ day of \_\_\_\_\_, A.D., 2024.  
GIVEN Third Reading this \_\_\_\_ day of \_\_\_\_\_, A.D., 2024.

**SCHEDULE 'A'**  
(Location Map)



Letter 8.5 x 11

Date: February 2024

<p><b>Schedule "A"</b></p> <p>Zoning Ammendment BL 2024-05 3609 and 3689 Birds Hill Road, RM of East St. Paul</p> <p>Zoning By-Law No. 2009-04, as amended FROM: "RR-5" Rural Residential TO: "RR-2" Rural Residential</p> <p><small>Not To Scale. For Discussion Purposes Only.</small></p>	<ul style="list-style-type: none"> <li> Subject Property</li> <li> Highway Control Zones</li> <li> Roads</li> <li> Parcel Outline</li> </ul>
	



# Subdivision Application Map

SUBDIVISION APPLICATION MAP  
of part of 3609 and 3689 BIRD'S HILL ROAD  
EAST ST. PAUL  
MANITOBA

PREPARED FOR: LANDMARK PLANNING & DESIGN  
DATE OF SURVEY: DECEMBER 18th, 2023  
ALL DISTANCES SHOWN IN FEET AND DECIMALS OF A FOOT

**TITLE INFORMATION (SEARCHED DECEMBER 5th, 2023):**

CT 1553089: TIMOTHY DAVID MICHAEL STARODUB AND EILEEN ISHBEL STARODUB, ARE REGISTERED OWNERS AS JOINT TENANTS IN THE FOLLOWING DESCRIBED LAND:

ALL THAT PORTION OF THE SLY 137.3 FEET PERP OF THE NLY 300 FEET PERP OF BLOCK 1 PLAN 4046 WLTO EXC. FIRSTLY: PUBLIC ROAD AND PUBLIC WORK PLAN 5830 WLTO AND SECONDLY: WATER CONTROL WORKS PLAN 7435 WLTO IN QTM LOTS 80 TO 83 PARISH OF ST. PAUL

CT 3129538: 10128205 MANITOBA LTD. IS REGISTERED OWNER IN THE FOLLOWING DESCRIBED LAND:

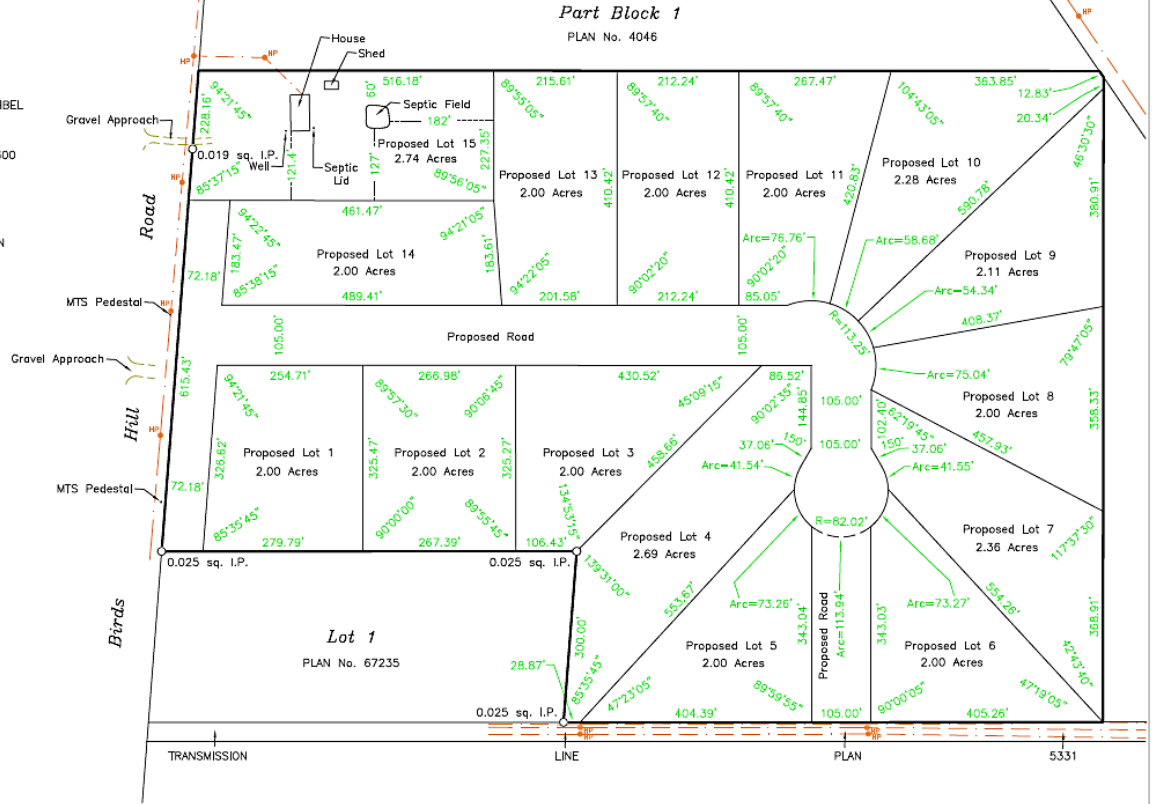
LOT 2 PLAN 67235 WLTO IN QTM LOTS 80 TO 83 PARISH OF ST. PAUL  
ENCUMBRANCES NOTED ARE: 5216197, 5502073, AND 5502074

SURVEY MONUMENTS SHOWN THUS ..... O  
HYDRO POLES SHOWN THUS ..... HP  
AREA AFFECTED BY THIS PROPOSAL IS SHOWN BORDERED THUS .....

Dated this 15th day of January, 2024

Douglas T. Stevens, M.L.S., C.L.S., BSc. (S.E.)

**Stevens**  
**Surveys**  
PROFESSIONAL SURVEYORS  
1467 Main Street  
Winnipeg, MB R2W 3V9  
File No. 22/242  
Drawing: 22-242 SAM.dwg



APPENDIX C  
(SAM, Letter of Intent, any other information from the applicant)

SUBDIVISION APPLICATION MAP  
of part of 3609 and 3689 BIRD'S HILL ROAD  
EAST ST. PAUL  
MANITOBA

PREPARED FOR: LANDMARK PLANNING & DESIGN  
DATE OF SURVEY: DECEMBER 18th, 2023  
ALL DISTANCES SHOWN IN FEET AND DECIMALS OF A FOOT

TITLE INFORMATION (SEARCHED DECEMBER 5th, 2023):

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LOT 2 PLAN 67235 WLTO  
IN OTM LOTS 80 TO 83 PARISH OF ST. PAUL

ENCUMBRANCES NOTED ARE: 5216197, 5502073, AND 5502074

- SURVEY MONUMENTS SHOWN THUS ..... ○
- HYDRO POLES SHOWN THUS ..... ● HP
- AREA AFFECTED BY THIS PROPOSAL IS SHOWN BORDERED THUS ..... ————

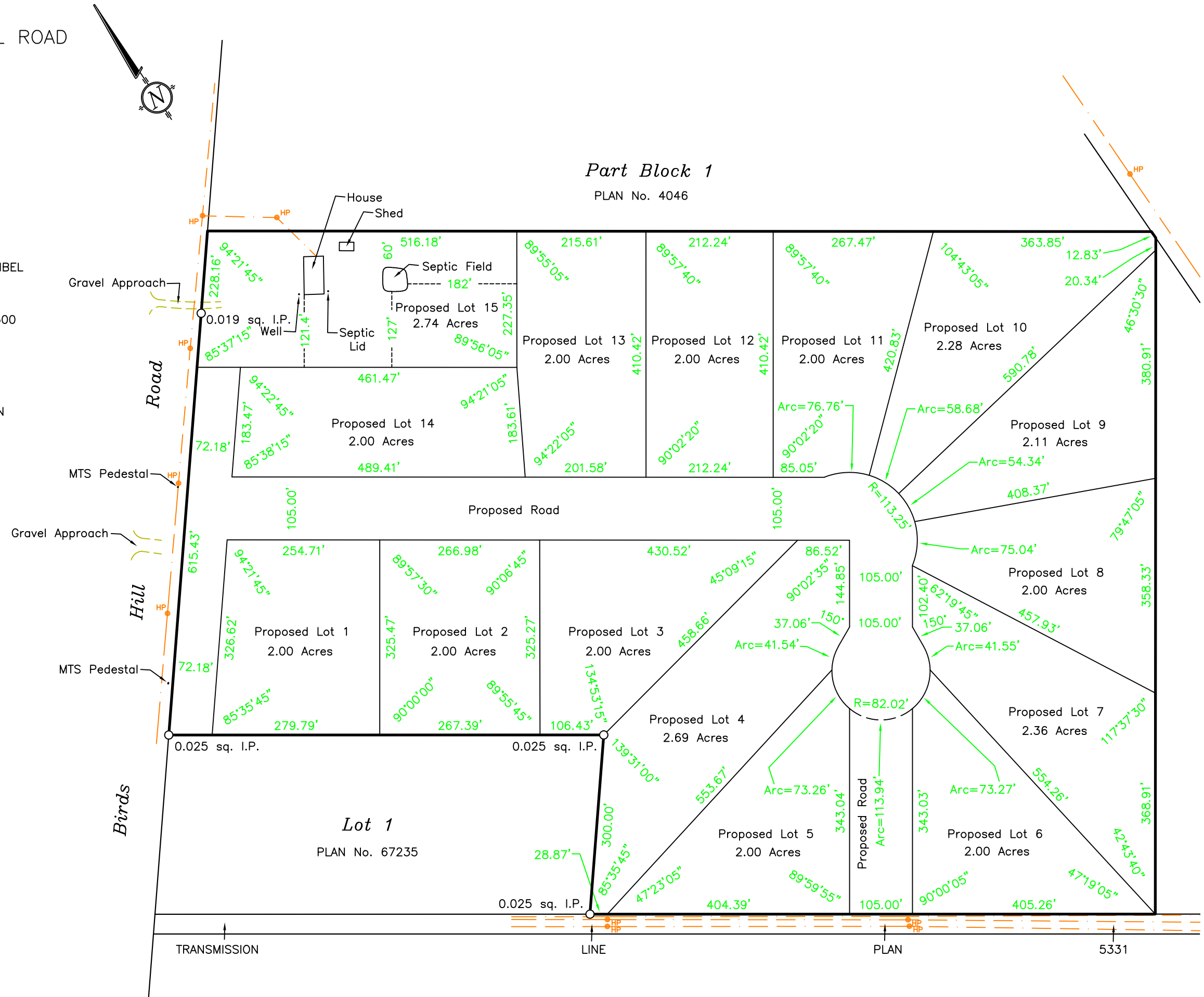
Dated this 15th day of January, 2024

Douglas T. Stevens, M.L.S., C.L.S., BSc. (S.E.)



1467 Main Street  
Winnipeg, MB R2W 3V9  
File No. 22/242  
Drawing: 22-242 SAM.dwg

*Part Block 1*  
PLAN No. 4046





January 24<sup>th</sup>, 2024

Red River Planning District  
2978 Birds Hill Road  
East St. Paul, MB R2E 1J5

Attention: Mr. Santan Singh, Community Planner

**RE: Subdivision and Rezoning Application - 3609 and 3689 Birds Hill Road**

LOT 2 PLAN 67235 WLTO IN OTM LOTS 80 TO 83 PARISH OF ST PAUL  
Held under: CT No. 3179538/1

ALL THAT PORTION OF THE SLY 137.3 FEET PERP OF THE NLY 300 FEET  
PERP OF BLOCK 1 PLAN 4046 WLTO EXC, FIRSTLY: PUBLIC ROAD AND  
PUBLIC WORK, PLAN 5830 WLTO AND SECONDLY: WATER CONTROL  
WORKS, PLAN 7435 WLTO. IN OTM LOTS 80 TO 83 PARISH OF ST. PAUL  
Held under CT No. 1553089/1

Dear Mr. Singh,

Landmark Planning & Design Inc. is pleased to submit this subdivision and rezoning application for two properties located in the RM of East St. Paul on behalf of 10128205 Manitoba Ltd. and Tim and Eileen Starodub (see Letters of Authorization attached). The subject properties are located at 3609 Birds Hill Road and 3689 Birds Hill Road and encompass 32.55 and 5 acres respectively for a total of 37.55 acres. This proposed applications are explained in further detail below.

## Proposed Subdivision

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The proposed subdivision contains a total of 15 lots (13 new lots). The proposed lots are of a similar size, configuration and character to other existing rural residential development within the adjacent areas of East St. Paul.

- All proposed lots meet a minimum area of 2-acres, and range in size from 2 to 2.5-acres.
- Proposed Lot 15 contains an existing dwelling and yard. This lot has been configured to allow the existing septic field to be retained.
- Access to the proposed subdivision will be via one new consolidated access location to Birds Hill Road. Both existing points of access will be removed as part of the subdivision approval process.
- The proposed subdivision will create a new roadway that will run parallel to Birds Hill Road that will provide access to Birds Hill Road for both the existing dwelling at 3689 Birds Hill Road and the proposed lots along a new internal roadway that will terminate in a cul-de-sac.

- The subdivision design includes a future ROW connection to lands to the south so as to not preclude future development of that property, should it develop in the future.
- The proposed subdivision will be privately serviced with septic fields and wells.

## Proposed Rezoning

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- The subject property is currently zoned *Rural Residential Zone - RR5* in the *RM of East St. Paul Zoning By-law No 2009-04*.
- A rezoning to the *Rural Residential Zone - RR2* is proposed related to this subdivision application. Single-family dwellings on 2-acre lots are permitted within the *RR2* zoning district.
- Existing single-family development opposite the subject property on Andrews Road, Chrisluk Drive and Rebeck Road is zoned *Rural Residential - RR2* and *Rural Infill Residential - RR1*, and as such the proposed rezoning is consistent with recent development patterns in the area.

## Public Consultation

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Letters notifying neighbours of the proposed subdivision and rezoning were delivered to immediately adjacent properties on several occasions between April 2022 and September 2023 inviting them to discuss details of the application with a representative from Landmark Planning & Design.

## Compliance with Development Plan

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The subject property is designated *Rural Residential* within the *Red River Planning District Development Plan By-law No. 272/19*. The proposed subdivision generally complies with the objectives and policies of this land use designation, including:

- 2.1.1 Sustainable land use and development shall be promoted.
- 3.2.1 All new development should have legal access to a public all-weather road of sufficient standard and capacity, unless the proponent makes an agreement with the Municipal Council to upgrade an existing road or develop new road access to a standard agreed upon by said Council.
- 4.3.a To provide a rural lifestyle as an alternative to urban centres and settlement centres on lots that are not immediately planned to be serviced with municipal piped water and sewer services.
- 4.3.b To plan rural residential development in a manner that minimizes adverse effects on agriculture, general development areas, and settlement centres.
- 4.3.d To ensure that rural residential development takes place in an orderly and economical manner, and allows for the eventual connection to municipal pipes services of these areas in the future when they become economically feasible.



4.3.4 Rural residential lots should be of a size that reflects a rural character, and can accommodate on-site wastewater disposal.

4.3.5.2 The proposed development is not wasteful of land.

4.3.5.9 The proposed development is compatible with adjoining land uses.

## Compliance with Zoning By-law

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As mentioned above, it is proposed that the subject property be rezoned from the *RR5 Zoning District* to the *RR2 Zoning District* to accommodate the proposed subdivision.

- All proposed lots meet the minimum site area requirements of the *RM of East St. Paul Zoning By-law*.
- Proposed Lots 4, 5, 6, 7, 8, 9 and 10 will require site width variances due to their pie-shaped configuration. These lots are 198ft. at their midpoint to meet the *Onsite Wastewater Management Regulation MR 83/2003* to allow for septic fields to be installed.

## Summary

---

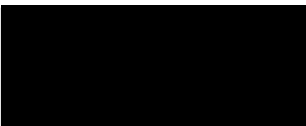
In summary, the subject site is suitable for the subdivision and its intended use. The proposed subdivision complies with the *Red River Planning District Development Plan By-law No. 272/19* and the *RM of East St. Paul Zoning By-law No. 2009-04* and is of a similar character to existing single-family development.

As part of the application submission requirements, please find the following enclosed:

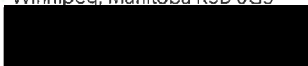
- Completed Subdivision Application Form
- Completed Rezoning Application Form
- Subdivision Application Map
- Current Status of Titles
- Letters of Authorization

If you have any questions or require additional information, please do not hesitate to contact the undersigned at 204-453-8008. We thank you for your consideration in this matter, and we look forward to working with representatives from the Red River Planning District and the RM of East St. Paul on this application.

Yours truly,



Andrei Friesen, Planner, RPP, MCIP, LEED AP  
**LANDMARK PLANNING & DESIGN INC.**



APPENDIX D  
(Agency Comments)

## Santan Singh

---

**From:** Sveinson, Larissa <Larissa.Sveinson@gov.mb.ca>  
**Sent:** May 3, 2024 10:54 AM  
**To:** Santan Singh  
**Cc:** +SEL1081 - Selkirk CRP  
**Subject:** RM of East St. Paul ZBA 2024-05

You don't often get email from [larissa.sveinson@gov.mb.ca](mailto:larissa.sveinson@gov.mb.ca). [Learn why this is important](#)

Good Morning,

I have reviewed R.M. of East St. Paul Zoning Amendment By-law 2024-05 on behalf of Manitoba Municipal and Northern Relations. The intent of By-law 2024-05 is to rezone approximately 37.5 acres of land from "RR-5" Rural Residential Zone to "RR-2" Rural Residential Zone to accommodate a 15-lot rural residential subdivision (File No. S24-3045). The proposed rezoning is generally consistent with the Rural Residential designation pursuant to the Red River Planning District Development Plan By-law 272/19 and, as such, Community Planning has no concerns.

Thank you,

**Larissa Sveinson**, MCIP, RPP, CMMA  
Regional Manager, Community Planning Branch  
Manitoba Municipal and Northern Relations  
[larissa.sveinson@gov.mb.ca](mailto:larissa.sveinson@gov.mb.ca) / Cel: 204-904-7617

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---

**From:** Santan Singh <[santan@rrpd.ca](mailto:santan@rrpd.ca)>  
**Sent:** Thursday, April 4, 2024 8:58 AM  
**To:** +WPG139 - Provincial Planning Services <[provincialplanning@gov.mb.ca](mailto:provincialplanning@gov.mb.ca)>; Kaletzke, Greg <[Greg.Kaletzke@gov.mb.ca](mailto:Greg.Kaletzke@gov.mb.ca)>; Coleman, Roberta <[Roberta.Coleman@gov.mb.ca](mailto:Roberta.Coleman@gov.mb.ca)>; +WPG969 - Roadside Development <[RoadsideDevelopment@gov.mb.ca](mailto:RoadsideDevelopment@gov.mb.ca)>; +WPG569 - Conservation\_Circulars <[ConCirculars@gov.mb.ca](mailto:ConCirculars@gov.mb.ca)>; Erb, Michelle <[Michelle.Erb@gov.mb.ca](mailto:Michelle.Erb@gov.mb.ca)>; +THO407 - Northern Affairs Branch <[NAB.General@gov.mb.ca](mailto:NAB.General@gov.mb.ca)>; +WPG574 - HRB Archaeology <[HRB.archaeology@gov.mb.ca](mailto:HRB.archaeology@gov.mb.ca)>; Roberts, Dan <[Dan.Roberts@gov.mb.ca](mailto:Dan.Roberts@gov.mb.ca)>; +WPG1166 - MIT Water Review <[MITWaterReview@gov.mb.ca](mailto:MITWaterReview@gov.mb.ca)>; Mraz, Peter <[Peter.Mraz@gov.mb.ca](mailto:Peter.Mraz@gov.mb.ca)>; PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; Gas ([subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)) <[subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)>; 'neteng.control@bellmts.ca' <[neteng.control@bellmts.ca](mailto:neteng.control@bellmts.ca)>; +SEL1081 - Selkirk CRP <[SelkirkCRP@gov.mb.ca](mailto:SelkirkCRP@gov.mb.ca)>; +WPG1195 - Mines BR <[mines\\_br@gov.mb.ca](mailto:mines_br@gov.mb.ca)>; Kneeshaw, Tyler <[Tyler.Kneeshaw@gov.mb.ca](mailto:Tyler.Kneeshaw@gov.mb.ca)>; SHYMKO, Paul <[paul.shymko@canadapost.postescanada.ca](mailto:paul.shymko@canadapost.postescanada.ca)>; [staai@mymts.net](mailto:staai@mymts.net); PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; +WPG569 - EnvCEWinnipeg <[EnvCEWinnipeg@gov.mb.ca](mailto:EnvCEWinnipeg@gov.mb.ca)>  
**Cc:** [info@sipd.ca](mailto:info@sipd.ca); Cara Nichols <[planning@eaststpaul.com](mailto:planning@eaststpaul.com)>; Rosser, R.M. <[info@rmofrosser.com](mailto:info@rmofrosser.com)>; Pam Elias <[edo@weststpaul.com](mailto:edo@weststpaul.com)>; St. Clements, R.M. <[info@rmofstclements.com](mailto:info@rmofstclements.com)>; [info@dunnottar.ca](mailto:info@dunnottar.ca); Deputy CAO <[dcao@rmofstandrews.com](mailto:dcao@rmofstandrews.com)>; Luanne Martin <[luanne@rrpd.ca](mailto:luanne@rrpd.ca)>  
**Subject:** RM of ESP By-law Amendment 2024-05

Good Morning,

On March 26th, 2024, the RM of St. East St Paul Council granted First Reading to Zoning By-law Amendment No. 2024-05. With this amendment, the applicant proposes to re-zone a portion of land within the RM of St. Andrews from an "RR-5" Rural Residential zone to a "RR2" Rural Residential zone, aiming to facilitate the future Rural

residential development. Attached to this email, you will find a copy of the First Reading Report, the Zoning By-law Amendment By-law, as well as information submitted by the applicant.

A Public Hearing with the RM Council is tentatively scheduled for May 28th, 2024, at 5:30 pm. If you have any comments regarding this Zoning By-law Amendment, please respond to me with a copy to [selkirkCRP@gov.mb.ca](mailto:selkirkCRP@gov.mb.ca) by May 6<sup>th</sup> 2024. Failure to respond by this date will be interpreted as your office having no concerns regarding this application. Please distribute this information to anyone in your office who may have comments regarding this file.

If you require any additional information, please feel free to contact me. Thank you.

Best regards,



**Santan Singh, MCP**  
**Community Planner**  
**Red River Planning District**

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

Direct: 204-661-7606

[www.redriverplanning.com](http://www.redriverplanning.com)

Planning and Development Services for the Municipalities of:

**Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul**

## Santan Singh

---

**From:** Bushi, Grace <Grace.Bushi@bellmts.ca>  
**Sent:** April 15, 2024 2:27 PM  
**To:** Santan Singh; PROPERTY ACQUISITION; SM-Subdivision Circulars  
**Subject:** RE: Week 15 Gateway FW: RM of ESP By-law Amendment 2024-05

You don't often get email from [grace.bushi@bellmts.ca](mailto:grace.bushi@bellmts.ca). [Learn why this is important](#)

No comments regarding RM of ESP By-law Amendment 2024-05.  
Thanks



### Grace Bushi, PMP

Access Provisioner (N&FS)  
191, Pioneer Avenue (G300A), Winnipeg R3C 3N8  
T: 204 958-1959 M: 204 918-8191  
Email: [Grace.Bushi@bellmts.ca](mailto:Grace.Bushi@bellmts.ca)  
[bellmts.ca](http://bellmts.ca)

---

**From:** NETENG CONTROL CENTRE <[neteng.control@bellmts.ca](mailto:neteng.control@bellmts.ca)>  
**Sent:** Tuesday, April 09, 2024 2:46 PM  
**To:** Bushi, Grace <[Grace.Bushi@bellmts.ca](mailto:Grace.Bushi@bellmts.ca)>  
**Cc:** PROPERTY ACQUISITION <[PROPERTYACQUISITION@bellmts.ca](mailto:PROPERTYACQUISITION@bellmts.ca)>  
**Subject:** Week 15 Gateway FW: RM of ESP By-law Amendment 2024-05

Hi Grace,

Please see email below and attached.

Thanks!



Anna Deloli  
NetEng Control  
[Anna.ladesma@bellmts.ca](mailto:Anna.ladesma@bellmts.ca)

---

**From:** Santan Singh <[santan@rrpd.ca](mailto:santan@rrpd.ca)>  
**Sent:** Thursday, April 04, 2024 8:58 AM  
**To:** [provincialplanning@gov.mb.ca](mailto:provincialplanning@gov.mb.ca); [greg.kaletzke@gov.mb.ca](mailto:greg.kaletzke@gov.mb.ca); [Roberta.Coleman@gov.mb.ca](mailto:Roberta.Coleman@gov.mb.ca); +WPG969 - Roadside Development <[RoadsideDevelopment@gov.mb.ca](mailto:RoadsideDevelopment@gov.mb.ca)>; [ConCirculars@gov.mb.ca](mailto:ConCirculars@gov.mb.ca); [michelle.erb@gov.mb.ca](mailto:michelle.erb@gov.mb.ca); [NAB.General@gov.mb.ca](mailto:NAB.General@gov.mb.ca); HRB ([HRB.archaeology@gov.mb.ca](mailto:HRB.archaeology@gov.mb.ca)) <[HRB.archaeology@gov.mb.ca](mailto:HRB.archaeology@gov.mb.ca)>; Dan Roberts <[dan.roberts@gov.mb.ca](mailto:dan.roberts@gov.mb.ca)>; Robert Beltont Brad Allum ([MITWaterReview@gov.mb.ca](mailto:MITWaterReview@gov.mb.ca)) <[MITWaterReview@gov.mb.ca](mailto:MITWaterReview@gov.mb.ca)>; [Peter.Mraz@gov.mb.ca](mailto:Peter.Mraz@gov.mb.ca); PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; Gas ([subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)) <[subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)>; NETENG CONTROL CENTRE <[neteng.control@bellmts.ca](mailto:neteng.control@bellmts.ca)>; Local Government <[selkirkcrp@gov.mb.ca](mailto:selkirkcrp@gov.mb.ca)>; [Mines\\_br@gov.mb.ca](mailto:Mines_br@gov.mb.ca); [tyler.kneeshaw@gov.mb.ca](mailto:tyler.kneeshaw@gov.mb.ca); SHYMKO, Paul <[paul.shymko@canadapost.postescanada.ca](mailto:paul.shymko@canadapost.postescanada.ca)>; [staai@mymts.net](mailto:staai@mymts.net); PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; [EnvCEWinnipeg@gov.mb.ca](mailto:EnvCEWinnipeg@gov.mb.ca)  
**Cc:** [info@sipd.ca](mailto:info@sipd.ca); Cara Nichols <[planning@eaststpaul.com](mailto:planning@eaststpaul.com)>; [info@rmofrosser.com](mailto:info@rmofrosser.com); Pam Elias

<[edo@weststpaul.com](mailto:edo@weststpaul.com)>; [info@rmofstclements.com](mailto:info@rmofstclements.com); [info@dunnottar.ca](mailto:info@dunnottar.ca); Deputy CAO  
<[dcao@rmofstandrews.com](mailto:dcao@rmofstandrews.com)>; Luanne Martin <[luanne@rrpd.ca](mailto:luanne@rrpd.ca)>

**Subject:** [EXT]RM of ESP By-law Amendment 2024-05

Good Morning,

On March 26th, 2024, the RM of St. East St Paul Council granted First Reading to Zoning By-law Amendment No. 2024-05. With this amendment, the applicant proposes to re-zone a portion of land within the RM of St. Andrews from an "RR-5" Rural Residential zone to a "RR2" Rural Residential zone, aiming to facilitate the future Rural residential development. Attached to this email, you will find a copy of the First Reading Report, the Zoning By-law Amendment By-law, as well as information submitted by the applicant.

A Public Hearing with the RM Council is tentatively scheduled for May 28th, 2024, at 5:30 pm. If you have any comments regarding this Zoning By-law Amendment, please respond to me with a copy to [selkirkCRP@gov.mb.ca](mailto:selkirkCRP@gov.mb.ca) by May 6<sup>th</sup> 2024. Failure to respond by this date will be interpreted as your office having no concerns regarding this application. Please distribute this information to anyone in your office who may have comments regarding this file.

If you require any additional information, please feel free to contact me. Thank you.

Best regards,



**Santan Singh, MCP**  
**Community Planner**  
**Red River Planning District**

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

Direct: 204-661-7606

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Planning and Development Services for the Municipalities of:

**Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul**

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*External Email: Please use caution when opening links and attachments / Courriel externe: Soyez prudent avec les liens et documents joints*





**Transportation and Infrastructure**

Engineering and Technical Services Division  
Highway Design Branch – Roadside Development Section  
1420-215 Garry Street, Winnipeg, Manitoba, Canada R3C 3P3  
T 204-430-7176 F 204-945-0593  
e-mail: [RoadsideDevelopment@gov.mb.ca](mailto:RoadsideDevelopment@gov.mb.ca)

May 3, 2024

PD 40.10 Ex

Santan Singh, Community Planner  
Red River Planning District  
806-A Manitoba Ave  
Selkirk, MB R1A 2H4  
[femi@rrpd.ca](mailto:femi@rrpd.ca)

Dear Santan:

**Re: RM of East St. Paul ZBL Amendment 2024-05  
OTM Lots 80-83 Parish of St. Paul  
Rezoning from “RR5” to “RR2”**

---

In response to your email dated April 4, 2024, we have reviewed the above noted Zoning By-Law Amendment. The intent is to re-zone the subject property from “RR5” Rural Residential Zone 5 to “RR2” Rural Residential Zone 2 in order to accommodate a 15 lot rural residential subdivision. This amendment is part of subdivision file S24-3045.

Based on all available information, we do not object to this amendment. We refer to our subdivision comments dated April 8, 2024 and in particular to the requested subdivision condition:

- *The owners obtain a permit for the intensification of use/public road connection onto PR 202 and for the removal of the two existing accesses onto PR 202. Please be advised that as part of this permit, the access onto PR 202 for Lot 1 Plan 67325 will be relocated to the new public/internal road. For permit information, please contact Juanita Mowbray at 204-583-2433 or by email at [accessmgmt@gov.mb.ca](mailto:accessmgmt@gov.mb.ca). Permit information can also be found at <https://forms.gov.mb.ca/highway-permits-application/index.html>.*

We continue to request the Municipality of East St. Paul to undertake an access management plan for PR 202. The municipality can collaborate with our office regarding this plan.

Please note the following statutory requirements affecting PR 202.

**Statutory Requirements:**

Under the Transportation Infrastructure Act, a permit is required from Manitoba Transportation and Infrastructure to construct, modify, relocate, remove or intensify the use of an access. A permit is also required from Manitoba Transportation and Infrastructure to construct, modify or relocate a structure or sign, or to change or intensify the use of an existing structure (including

the alteration of existing buildings) within **38.1m** (125ft) controlled area from the edge of the highway right-of-way.

In addition, a permit is required from the Manitoba Transportation and Infrastructure for any planting placed within **15 m** (50 ft) from the edge of the right-of-way of this highway.

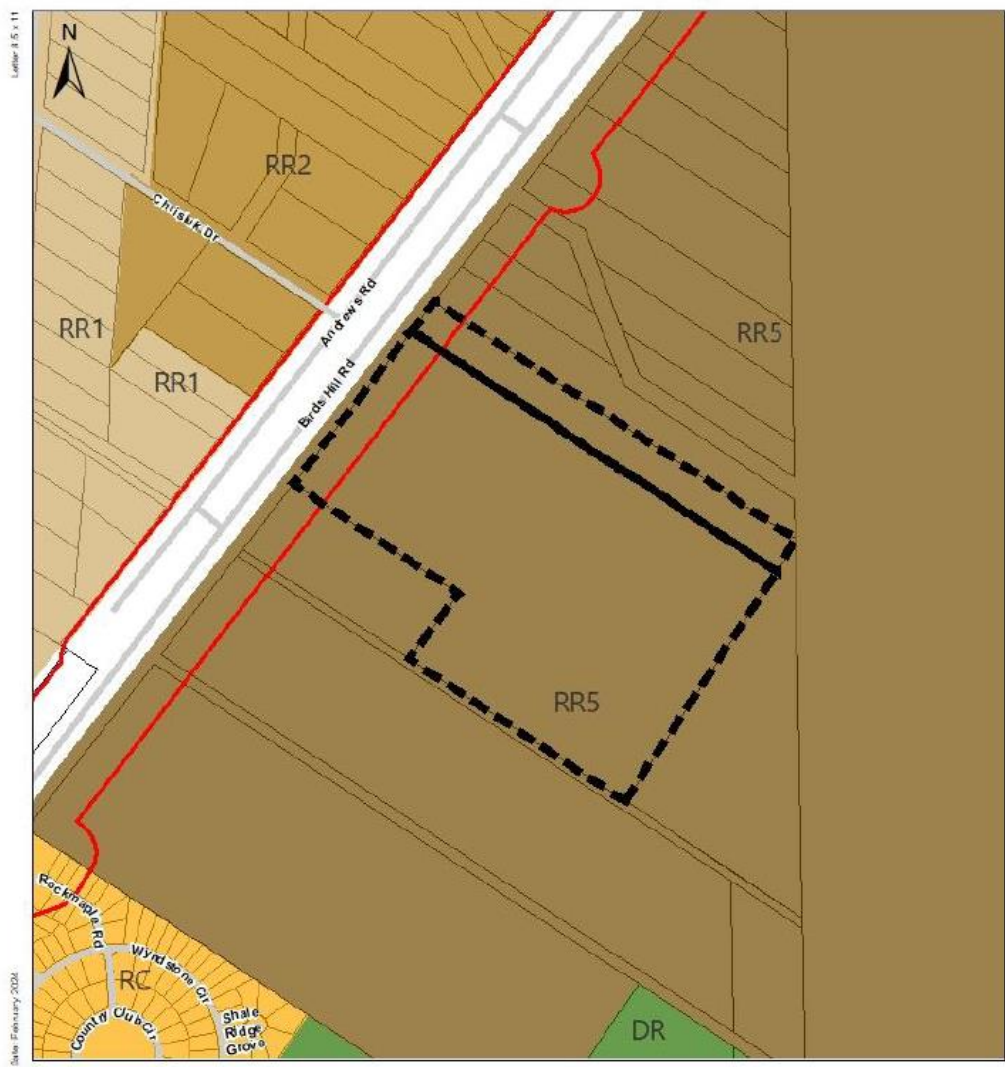
Please e-mail or call if you have any questions regarding our comments.

Thank You,

**Original signed and e-mailed May 3, 2024**

Jeff DiNella  
Senior Development Review Technologist

Copy: Capital Region  
Roberta Coleman, P. Eng.







Letter 8.5 x 11  
 Date: February 2024


**Schedule "A"**

Zoning Ammendment BL 2024-05  
 3609 and 3689 Birds Hill Road, RM of East St. Paul

Zoning By-Law No. 2009-04, as amended  
 FROM: "RR-5" Rural Residential  
 TO: "RR-2" Rural Residential

Not To Scale. For Discussion Purposes Only.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



## Santan Singh

---

**From:** Cook, Sheila <Sheila.Cook@gov.mb.ca>  
**Sent:** April 23, 2024 9:55 AM  
**To:** Santan Singh  
**Cc:** +SEL1081 - Selkirk CRP; +WPG139 - Provincial Planning Services; +WPG112 - AGRLandUse  
**Subject:** RE: RM of ESP By-law Amendment 2024-05

You don't often get email from sheila.cook@gov.mb.ca. [Learn why this is important](#)

Hi Santan,

I have reviewed Zoning By-law Amendment No. 2024-05 for the RM of East St. Paul on behalf of Manitoba Agriculture. The by-law proposes to re-zone a portion of land within the RM of St. Andrews from an "RR-5" Rural Residential zone to a "RR2" Rural Residential zone, to facilitate the future Rural residential development. The land proposed for re-zoning is currently designated as *Rural Residential (RR)* within the Red River Planning District's Development Plan By-Law 272/19. The re-zoning is consistent with the intended use and our department does not express concerns.

Regards,  
Sheila

**Sheila Cook, P.Ag.**  
Agricultural Planning Specialist  
[Sheila.Cook@gov.mb.ca](mailto:Sheila.Cook@gov.mb.ca)  
T: 204-365-0923

---

**From:** Erb, Michelle <Michelle.Erb@gov.mb.ca>  
**Sent:** Thursday, April 4, 2024 11:12 AM  
**To:** +WPG112 - AGRLandUse <AGRLandUse@gov.mb.ca>  
**Subject:** FW: RM of ESP By-law Amendment 2024-05

**Michelle Erb**  
Agricultural Planning Specialist  
Land Use and Ecosystem Resilience Branch  
[Michelle.Erb@gov.mb.ca](mailto:Michelle.Erb@gov.mb.ca)  
T: 204-794-1804

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---

**From:** Santan Singh <[santan@rrpd.ca](mailto:santan@rrpd.ca)>  
**Sent:** Thursday, April 4, 2024 8:58 AM  
**To:** +WPG139 - Provincial Planning Services <[provincialplanning@gov.mb.ca](mailto:provincialplanning@gov.mb.ca)>; Kaletzke, Greg <[Greg.Kaletzke@gov.mb.ca](mailto:Greg.Kaletzke@gov.mb.ca)>; Coleman, Roberta <[Roberta.Coleman@gov.mb.ca](mailto:Roberta.Coleman@gov.mb.ca)>; +WPG969 - Roadside Development <[RoadsideDevelopment@gov.mb.ca](mailto:RoadsideDevelopment@gov.mb.ca)>; +WPG569 - Conservation\_Circulars <[ConCirculars@gov.mb.ca](mailto:ConCirculars@gov.mb.ca)>; Erb, Michelle <[Michelle.Erb@gov.mb.ca](mailto:Michelle.Erb@gov.mb.ca)>; +THO407 - Northern Affairs Branch <[NAB.General@gov.mb.ca](mailto:NAB.General@gov.mb.ca)>; +WPG574 - HRB Archaeology <[HRB.archaeology@gov.mb.ca](mailto:HRB.archaeology@gov.mb.ca)>; Roberts, Dan <[Dan.Roberts@gov.mb.ca](mailto:Dan.Roberts@gov.mb.ca)>; +WPG1166 - MIT Water Review <[MITWaterReview@gov.mb.ca](mailto:MITWaterReview@gov.mb.ca)>; Mraz, Peter <[Peter.Mraz@gov.mb.ca](mailto:Peter.Mraz@gov.mb.ca)>; PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; Gas (<[subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)> <[subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)>); 'neteng.control@bellmts.ca' <[neteng.control@bellmts.ca](mailto:neteng.control@bellmts.ca)>; +SEL1081 - Selkirk CRP <[SelkirkCRP@gov.mb.ca](mailto:SelkirkCRP@gov.mb.ca)>;

+WPG1195 - Mines BR <[br@gov.mb.ca](mailto:br@gov.mb.ca)>; Kneeshaw, Tyler <[Tyler.Kneeshaw@gov.mb.ca](mailto:Tyler.Kneeshaw@gov.mb.ca)>; SHYMKO, Paul <[paul.shymko@canadapost.postescanada.ca](mailto:paul.shymko@canadapost.postescanada.ca)>; [staii@mymts.net](mailto:staii@mymts.net); PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; +WPG569 - EnvCEWinnipeg <[EnvCEWinnipeg@gov.mb.ca](mailto:EnvCEWinnipeg@gov.mb.ca)>  
Cc: [info@sipd.ca](mailto:info@sipd.ca); Cara Nichols <[planning@eaststpaul.com](mailto:planning@eaststpaul.com)>; Rosser, R.M. <[info@rmofrosser.com](mailto:info@rmofrosser.com)>; Pam Elias <[edo@weststpaul.com](mailto:edo@weststpaul.com)>; St. Clements, R.M. <[info@rmofstclements.com](mailto:info@rmofstclements.com)>; [info@dunnottar.ca](mailto:info@dunnottar.ca); Deputy CAO <[dcao@rmofstandrews.com](mailto:dcao@rmofstandrews.com)>; Luanne Martin <[luanne@rrpd.ca](mailto:luanne@rrpd.ca)>  
**Subject:** RM of ESP By-law Amendment 2024-05

Good Morning,

On March 26th, 2024, the RM of St. East St Paul Council granted First Reading to Zoning By-law Amendment No. 2024-05. With this amendment, the applicant proposes to re-zone a portion of land within the RM of St. Andrews from an "RR-5" Rural Residential zone to a "RR2" Rural Residential zone, aiming to facilitate the future Rural residential development. Attached to this email, you will find a copy of the First Reading Report, the Zoning By-law Amendment By-law, as well as information submitted by the applicant.

A Public Hearing with the RM Council is tentatively scheduled for May 28th, 2024, at 5:30 pm. If you have any comments regarding this Zoning By-law Amendment, please respond to me with a copy to [selkirkCRP@gov.mb.ca](mailto:selkirkCRP@gov.mb.ca) by May 6<sup>th</sup> 2024. Failure to respond by this date will be interpreted as your office having no concerns regarding this application. Please distribute this information to anyone in your office who may have comments regarding this file.

If you require any additional information, please feel free to contact me. Thank you.

Best regards,



**Santan Singh, MCP**  
**Community Planner**  
**Red River Planning District**

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5  
Tel: 204-669-8880 Fax: 204-669-8882  
Direct: 204-661-7606  
[www.redriverplanning.com](http://www.redriverplanning.com)

Planning and Development Services for the Municipalities of:  
**Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul**

## Santan Singh

---

**From:** +THO407 - Northern Affairs Branch <NAB.General@gov.mb.ca>  
**Sent:** April 4, 2024 11:29 AM  
**To:** Santan Singh  
**Subject:** RE: RM of ESP By-law Amendment 2024-05

Good morning,

Northern Affairs has no issues or concerns with the by-law amendment.

Thank you,

*Jo Ziehlke*  
*Administrative Asst.*  
*Municipal and Northern Relations*  
*Northern Affairs*  
*North Central Region*  
*Box 15, Room 428*  
*27-2<sup>nd</sup> Avenue S.W.*  
*Dauphin MB R7N 3E5*  
*Ph. # 204-622-2110 Fax # 204-622-2305*  
[Joanne.Ziehlke@gov.mb.ca](mailto:Joanne.Ziehlke@gov.mb.ca)

*Sent from Treaty 5 Territory, traditional lands of the Cree, Anishinaabeg, Oji-Cree, and Dene Nations and the homeland of the Red River Métis Nation.*

---

**From:** Santan Singh <santan@rrpd.ca>  
**Sent:** Thursday, April 4, 2024 8:58 AM  
**To:** +WPG139 - Provincial Planning Services <provincialplanning@gov.mb.ca>; Kaletzke, Greg <Greg.Kaletzke@gov.mb.ca>; Coleman, Roberta <Roberta.Coleman@gov.mb.ca>; +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>; +WPG569 - Conservation\_Circulars <ConCirculars@gov.mb.ca>; Erb, Michelle <Michelle.Erb@gov.mb.ca>; +THO407 - Northern Affairs Branch <NAB.General@gov.mb.ca>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; Roberts, Dan <Dan.Roberts@gov.mb.ca>; +WPG1166 - MIT Water Review <MITWaterReview@gov.mb.ca>; Mraz, Peter <Peter.Mraz@gov.mb.ca>; PPD-RegionalPlanning <RegionalPlanning@winnipeg.ca>; Gas (subdivisioncirculares@hydro.mb.ca) <subdivisioncirculares@hydro.mb.ca>; 'neteng.control@bellmts.ca' <neteng.control@bellmts.ca>; +SEL1081 - Selkirk CRP <SelkirkCRP@gov.mb.ca>; +WPG1195 - Mines BR <mines\_br@gov.mb.ca>; Kneeshaw, Tyler <Tyler.Kneeshaw@gov.mb.ca>; SHYMKO, Paul <paul.shymko@canadapost.postescanada.ca>; staai@mymts.net; PPD-RegionalPlanning <RegionalPlanning@winnipeg.ca>; +WPG569 - EnvCEWinnipeg <EnvCEWinnipeg@gov.mb.ca>  
**Cc:** info@sipd.ca; Cara Nichols <planning@eaststpaul.com>; Rosser, R.M. <info@rmofrosser.com>; Pam Elias <edo@weststpaul.com>; St. Clements, R.M. <info@rmofstclements.com>; info@dunnottar.ca; Deputy CAO <dcao@rmofstandrews.com>; Luanne Martin <luanne@rrpd.ca>  
**Subject:** RM of ESP By-law Amendment 2024-05

You don't often get email from [santan@rrpd.ca](mailto:santan@rrpd.ca). [Learn why this is important](#)

Good Morning,

On March 26th, 2024, the RM of St. East St Paul Council granted First Reading to Zoning By-law Amendment No. 2024-05. With this amendment, the applicant proposes to re-zone a portion of land within the RM of St. Andrews from an "RR-5" Rural Residential zone to a "RR2" Rural Residential zone, aiming to facilitate the future Rural residential development. Attached to this email, you will find a copy of the First Reading Report, the Zoning By-law Amendment By-law, as well as information submitted by the applicant.

A Public Hearing with the RM Council is tentatively scheduled for May 28th, 2024, at 5:30 pm. If you have any comments regarding this Zoning By-law Amendment, please respond to me with a copy to [selkirkCRP@gov.mb.ca](mailto:selkirkCRP@gov.mb.ca) by



May 6<sup>th</sup> 2024. Failure to respond by this date will be interpreted as your office having no concerns regarding this application. Please distribute this information to anyone in your office who may have comments regarding this file.

If you require any additional information, please feel free to contact me. Thank you.

Best regards,



**Santan Singh, MCP**  
**Community Planner**  
**Red River Planning District**

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

Direct: 204-661-7606

[www.redriverplanning.com](http://www.redriverplanning.com)

Planning and Development Services for the Municipalities of:

**Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul**



# RURAL MUNICIPALITY OF EAST ST. PAUL

May 7, 2024

Red River Planning District  
2978 Birds Hill Rd.  
East St. Paul, MB  
R2E 1J5

To Santan Singh

## **RE: Municipal Comments**

### **BL 2024-05**

Please see the comments below for Rezoning application BL 2024-05 for 3609 Birds Hill Rd.

#### **COMMENTS:**

**CAO:** I have reviewed the public hearing package and I have no concerns with the property being rezoned to: RR2 as the new lots will fit in with the surrounding area.

**Operations Manager:** Public Works has reviewed the information and has no comments.

**Planning:** The rezoning is consistent with the adjacent area. The lots across Birds Hill Rd. are zoned: RR1 & RR2.

**Fire Department:** The fire department has no concerns providing an adequate water supply, Hydrants are available as part of the development.

Cara Nichols  
Community Development Planner

**DATE:** 2024-04-30

**TO:** Santan Singh  
Community Planner  
Red River Planning District  
2978 Birds Hill Road  
East St. Paul, Manitoba  
R2E 1J5

**Archaeological Assessment Services Unit**  
Historic Resources Branch  
Main Floor – 213 Notre Dame Avenue  
Winnipeg, MB  
R3B 1N3

T: (204) 945-2118 F: (204) 948-2384  
e: HRB.archaeology@gov.mb.ca

**SUBJECT:** File 2024-05  
AAS File AAS-24-21743  
RM of ESP By-law Amendment 2024-05 – 3609 and 3689 Birds Hill Road

### **Conditional Approval – Implement a heritage resource protection plan (HRPP)**

Further to your e-mail regarding the above noted application, Manitoba's Historic Resources Branch (HRB) has examined the location in conjunction with Branch records for areas of potential concern. The potential to impact heritage resources is believed to be low based on analysis of current data, therefore, the Historic Resources Branch has no concerns with the proposed project at this time. HRB requires a HRPP be included in planning, development, and operations, in the event heritage resources (including human remains and palaeontological resources) are accidentally encountered.

### **Legislation**

Under Section 46 and 51 of [the Heritage Resources Act](#) (the Act), if at any time, heritage resources are encountered in association with these lands during testing and development, there is an obligation to report any heritage resources and a prohibition on destruction, damage or alteration of said resources. HRB may require that an acceptable heritage resource management strategy be implemented by the proponent/developer to mitigate the effects of their activity on the heritage resources.

Under Section 12(2) of the Act, the minister may require such other plans, documents, material and information, with respect to the work, activity, development or project, prior to commencement.

### **Heritage Resource Protection Plan**

The HRPP consists of operational procedures to limit damage or destruction of heritage resources. This document assists proponents, landowners, managers, employees, and/or contractors etc. on what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site.

If you have any questions, please contact as above for proper assignment and queueing.

Historic Resources Branch  
Archaeological Assessment Services Unit

Enclosure: Heritage Resources Protection Plan (HRPP)

# Heritage Resources Protection Plan (HRPP) Guidelines

## Purpose of HRPP – Preventative Action:

To assist [insert company name] with informing managers, employees, contractors on what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site. The HRPP consists of operational procedures to limit damage or destruction of heritage resources accidentally found during site work.

## Key Steps:

1. All workers on-site should be informed of the HRPP in advance of work proceeding and who to contact should there be a chance encounter during on-site activity.
2. If heritage objects or human remains are discovered on site, activities are to stop at that location immediately and the Historic Resources Branch be notified. ([HRB.archaeology@gov.mb.ca](mailto:HRB.archaeology@gov.mb.ca), (204) 945-2118)
3. In the case of human remains, the nearest law enforcement agency (i.e., RCMP or local police department) must be contacted to first rule out any forensic issues.

## Why Report? :

Many people find heritage objects accidentally. If these items are reported to the Historic Resources Branch, their significance can be assessed and the resulting information can generally be shared with the public. Some heritage objects can be several thousand years old.

## Legislation and Policy:

*The Heritage Resources Act (The Act) and the Province of Manitoba Policy Concerning the Reporting, Exhumation and Reburial of Found Human Remains (Burials Policy) apply to protecting heritage resources.*

## Preparing the HRPP

*These are basic guidelines to help developers draft an HRPP.*

*This is a non-exhaustive guideline involving a single stakeholder. Projects involving multiple stakeholders/ community partners will require more detail.*

*Provide purpose/intent of HRPP to general user.*

*Explicitly state key message/ takeaway for user*

*All on-site workers should be aware of or briefed about the protocol.*

*Introduce the need to report findings.*

*Identify the relevant legislation pertaining to heritage resource protection.*

## What are Heritage Resources? :

Heritage resources and heritage objects are defined under the *Heritage Resources Act*:

**"heritage resource"** includes

- (a) a heritage site,
- (b) a heritage object, and
- (c) any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, pre-historic, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof

**"heritage object"** includes

- (a) an archaeological object,
- (b) a palaeontological object,
- (c) a natural heritage object, and
- (d) an object designated as a heritage object by the Lieutenant Governor in Council under subsection (2);

**"archaeological object"** means an object

- (a) that is the product of human art, workmanship or use, including plant and animal remains that have been modified by or deposited due to human activities,
- (b) that is of value for its historic or archaeological significance, and
- (c) that is or has been discovered on or beneath land in Manitoba, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water in Manitoba;

**"palaeontological object"** means the remains or fossil or other object indicating the existence of extinct or prehistoric animals, but does not include human remains.

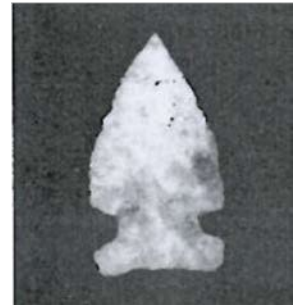
**"natural heritage object"** means a work of nature consisting of or containing evidence of flora or fauna or geological processes;

**"human remains"** means remains of human bodies that in the opinion of the minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein;

## Notes/Comments

*Provide verbatim definitions of heritage language as presented within The Heritage Resources Act.*

Examples of heritage resource objects (below)



Examples of Archaeological Objects (above)



Example of a Palaeontological Object

**Discovery and notification structure:**

*Better safe than sorry: do not hesitate to report potential or suspected finds. The Historic Resources Branch is here to provide advice and expertise **at no cost to the developer.***

1. If heritage resources, including human remains are encountered, stop work immediately.
  
2. Notify the on-site manager about the discovery.  
[Insert contact information here, including names, position, and phone numbers]
  
3. Mark-off area with “flagging tape” to identify and restrict the area.
  
4. The on-site manager will contact the Historic Resources Branch at (204) 945-2118
  
5. In the case of possible found human remains, the on-site manager will contact
  - a. Historic Resources Branch at (204) 945-2118
  
  - b. [Insert local police authority name and contact information here.]

Notes/Comments

*Provide step-by-step instruction on what to do and who to contact should heritage resources be accidentally encountered.*

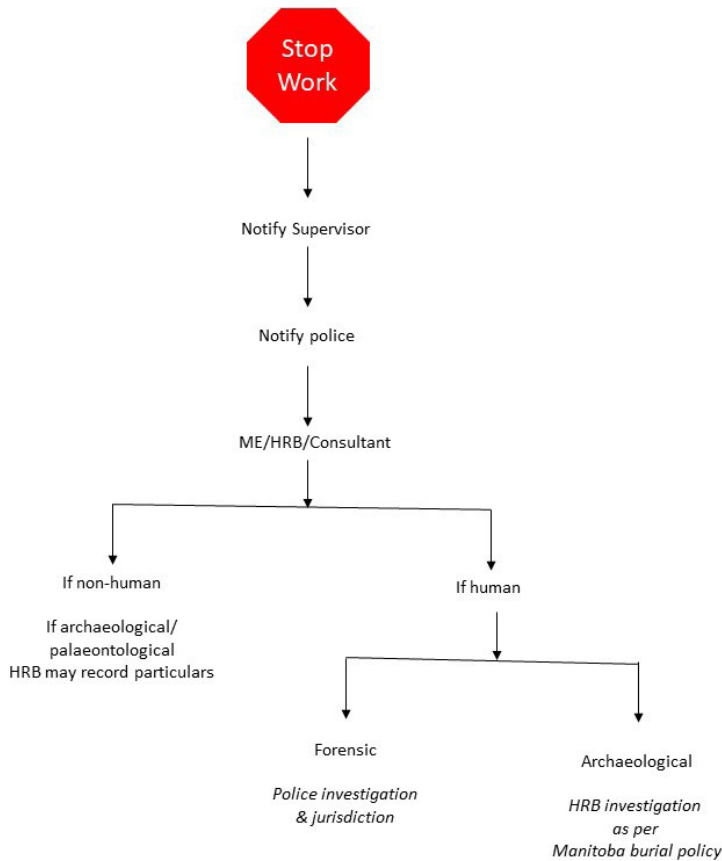
- *Who is the site supervisor?*
- *Who do you contact if supervisor is unavailable?*
- *What are the phone numbers for these individuals?*
  
  
  
  
  
  
  
  
  
- *What is the name of the local police authority?*
- *What is the phone number during the day and after hours?*





**What to expect after notification for possible found human remains:**

1. The local police authority will immediately attend the site and further secure the site.
2. The local police authority may notify the Medical Examiner's (M.E.) Office of a potential case of founding human remains as per *The Fatalities Inquiries Act*.
3. The local police authority and/or the ME's office may contact the Historic Resources Branch (HRB) or their own forensic anthropology consultant.
4. The police and their consultant will determine if the remains are:
  - a. Human or animal
  - b. Forensic or archaeological in nature.
5. If the remains are forensic in nature or cannot be immediately assessed, the police authority and ME will have jurisdiction over the area.
6. If remains are determined to be non-forensic (i.e., archaeological) in nature and their removal is required, HRB will be responsible for their exhumation and reburial as per Manitoba Burial Policy



Notes/Comments

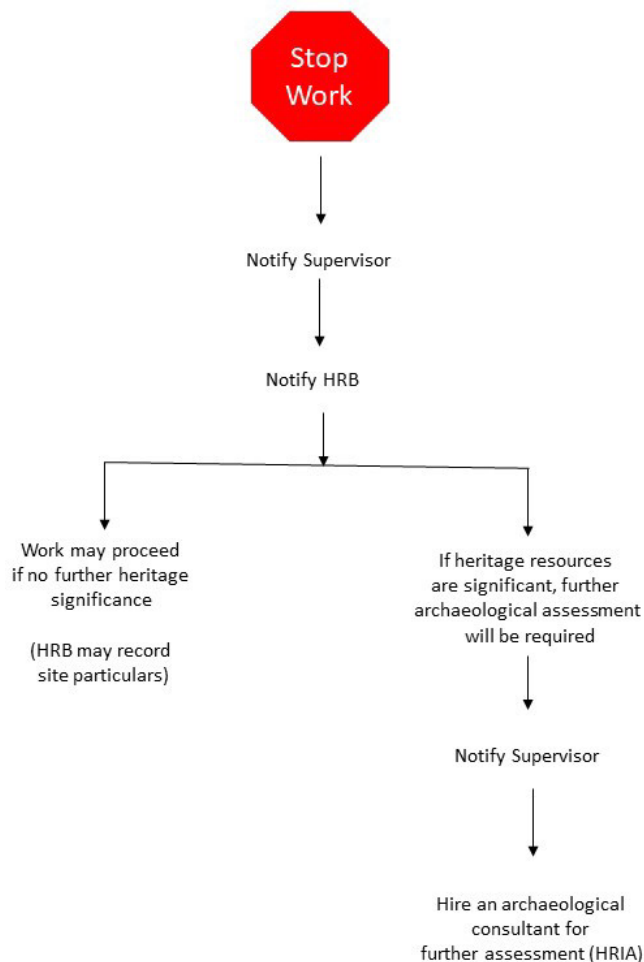
*Under no circumstances should site information be shared with the media or the public. Site locations are protected by the Freedom of Information and Protection of Privacy Act (FIPPA).*

*Communication should be limited to the local police authority or the Historic Resources Branch.*

**What to expect after notification for heritage objects other than human remains:**

1. The Historic Resources Branch (HRB) will visit the site
2. The HRB will determine if additional heritage mitigation work will be required.
3. If further mitigation work is required, the developer may need to contract a qualified archaeological consultant to conduct a Heritage Resources Impact assessment (HRIA) of the proposed development location, in order to identify and assess any heritage resources that may be negatively impacted by development. If desirable, the Branch will work with the developer/land owners and its consultant to draw up terms of reference for this project.

*The HRB will determine if a heritage resource management strategy needs to be implemented by the developer to mitigate the effects of the development on the heritage resources.*



### **Potential penalties**

Under the *Manitoba Heritage Resources Act* 69(1), any person who contravenes or fails to observe a provision of this Act or a regulation, order, by-law, direction or requirement made or imposed thereunder is guilty of an offence and liable, on summary conviction, where the person is an individual, to a fine of not more than \$5,000 for each day that the offence continues and, where the person is a corporation, to a fine of not more than \$50,000 for each day that the offence continues.

### **Useful Resources:**

#### Government of Manitoba

Heritage Objects: A Precious Resource for all Manitobans.  
Winnipeg, Manitoba: Manitoba Culture, Heritage and Citizenship,  
1996. Accessible online at:  
[www.gov.mb.ca/chc/hrb/pdf/heritage\\_objects.pdf](http://www.gov.mb.ca/chc/hrb/pdf/heritage_objects.pdf)

Managing Our Heritage Resources: Impact Assessment. Winnipeg,  
Manitoba: Manitoba Culture, Heritage and Citizenship, 1993.  
Accessible online at:  
[www.gov.mb.ca/chc/hrb/pdf/impact\\_assessment\\_booklet.pdf](http://www.gov.mb.ca/chc/hrb/pdf/impact_assessment_booklet.pdf)

## Notes/Comments

*Identifying potential penalties serves to emphasize the importance of this legislation*

*Additional information about heritage objects or the heritage resource impact assessment process can be found online*