

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 28th 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

Website:

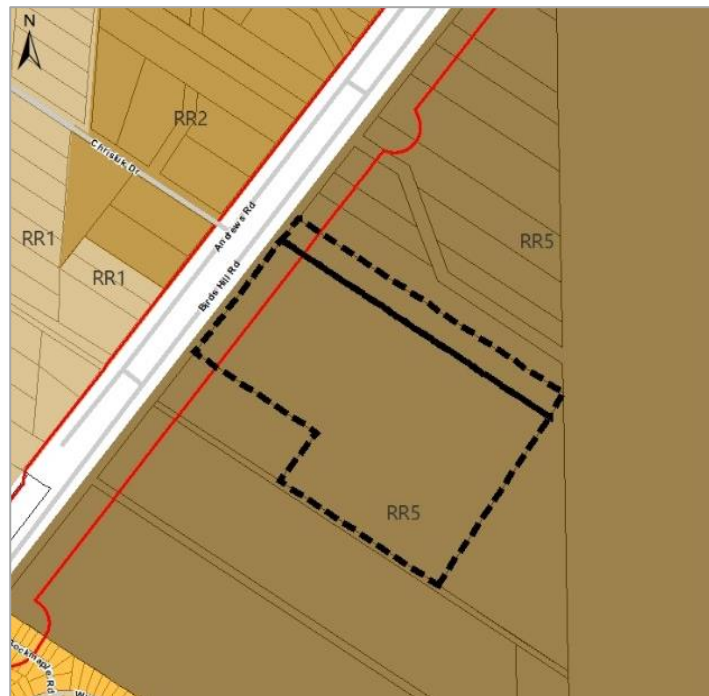
redriverplanning.com



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 28th, 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”

Subdivision S24-3045

Date Prepared: May 8, 2024

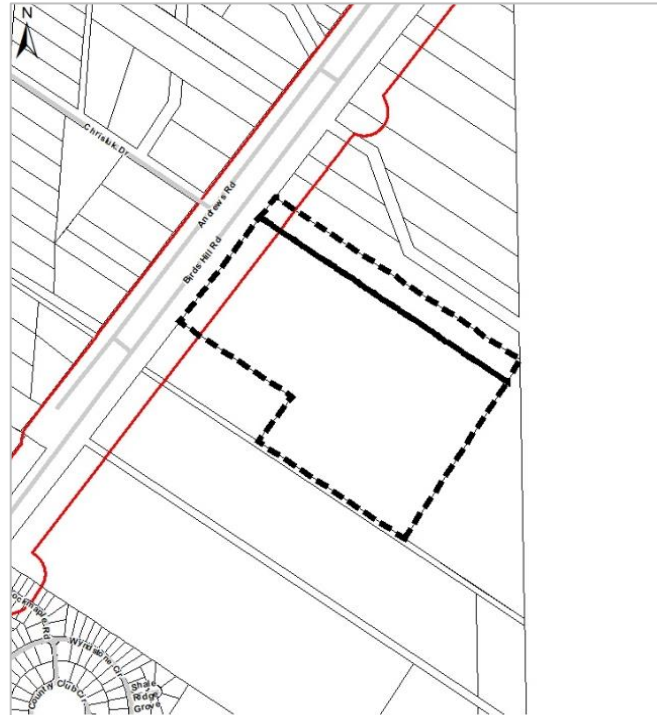
Address 3609 and 3689 Birds Hill Road

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 Number 74900 and 74955

Report Prepared By: Santan Singh , RPP, MCIP



SUPPORTIVE MAPPING

Subdivision Application S24-3045
3609 and 3689 Birds Hill Road, RM of East St. Paul
Designation: "RR" Rural Residential
Zoning: "RR-5" Rural Residential

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



Please refer to applicant's Subdivision Application Map. Not To Scale. For Discussion Purposes Only.

EXECUTIVE SUMMARY:

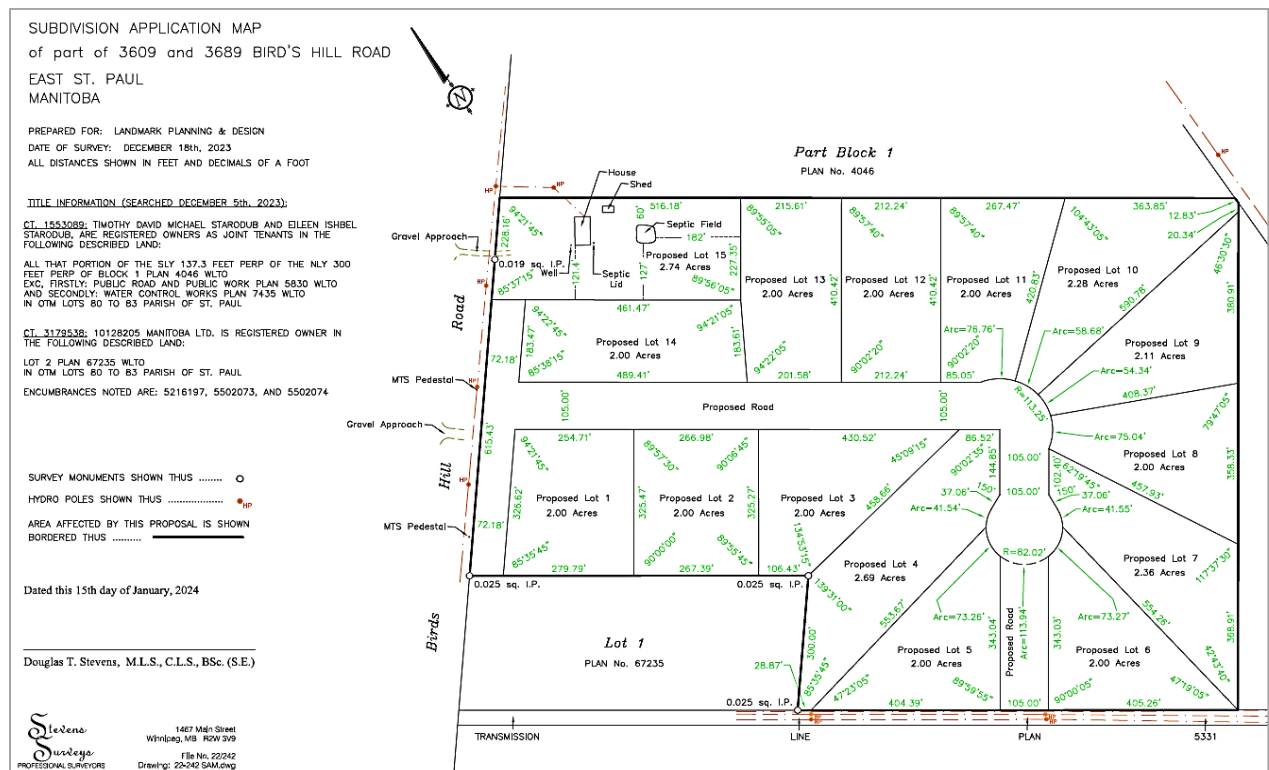
This subdivision comprises two parcels of land: one measuring 32.55 acres under title CT 3179538/1 (3609 Birds Hill Road) and the other comprising 5 acres under title CT 1553089/1 (3689 Birds Hill Road). The parcel under CT 3179538/1 is presently vacant, while the one under CT 1553089/1 includes a single-family dwelling and a shed. The applicant is proposing 15 lots from the two (2) titles, ranging in size from 2 acres to 2.74 acres. Additionally, the applicant seeks to rezone these properties from the "RR-5" Rural Residential Zone to the "RR-2" Rural Residential Zone under BL 2024-05 to accommodate a minimum lot size of 2 acres.

This application aligns with the objectives of the policies for **Rural Residential** designation outlined in the Red River Planning District Development Plan By-law 279/19. Furthermore, the proposed lots will meet the site area requirements stipulated in the "RR-2" zone, pending Council approval of rezoning application BL 2024-05. However, additional variances will still be for some lots to meet the site width requirements of the proposed "RR-2" zone. Therefore, the Red River Planning District office, solely from a policy perspective, recommends **approving the application subject to conditions.**

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1. PROPOSAL



Subdivision Application Map (see Appendix C for full size version)

The subject properties comprise 32.55 acres registered under title CT 3179538/1 (3609 Birds Hill Road) and 5 acres under title CT 1553089/1 (3689 Birds Hill Road). Currently, the parcel under CT 3179538/1 is vacant, while the one under CT 1553089/1 includes a single-family dwelling and a shed. The applicant's proposal for subdivision involves the creation of 13 new lots, resulting in a total of 15 lots.

2. SITE CONTEXT AND BACKGROUND

The subject properties comprise 32.55 acres registered under title CT 3179538/1 (3609 Birds Hill Road) and 5 acres under title CT 1553089/1 (3689 Birds Hill Road). Currently, the parcel under CT 3179538/1 is vacant, while the one under CT 1553089/1 includes a single-family dwelling and a shed. The applicant's proposal for subdivision involves the creation of 13 new lots, resulting in a total of 15 lots.

The subject land is designated *Rural Residential* in the Red River Development Plan (adopted by RRPD Board on August 19, 2020).

The area around the subject property 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

3. DEVELOPMENT PLAN (272/19)

Land Use Designation: majority portion of the property are designated as “RR” *Rural Residential*

The subject property is designated *Rural Residential* in the Red River Planning District Development Plan. The *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.

The following are *Rural Residential* policies that are relevant to the subject proposal:

Objective 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.

Objective 4.3.b: Aims to plan rural residential development in a manner that minimizes adverse effects on agriculture, general development areas, and settlement centers.

Objective 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.

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

Policy 4.3.5 In addition to addressing other applicable policies and requirements listed throughout this Development Plan, the proponent for new or expanded development, including subdivisions, may be required to provide information, to the satisfaction of the RRPD and / or Municipality, which demonstrates that:

4.3.5.1 There is sufficient demand for the proposed development.

4.3.5.2 The proposal is not wasteful of land.

4.3.5.4 The proposed development will have direct frontage and legal access onto a developed all-weather public road.

4.3.5.6 The proposed development will be adequately serviced with potable drinking water and wastewater disposal, and without negatively affecting the provision of these services to existing adjacent development.

4.3.5.9 The proposed development is compatible with adjoining land uses, natural areas, wildlife and / or riparian habitat, adheres to required separation distances to livestock operations, and potential conflicts generated from the proposed development is minimized through buffering or other appropriate measures.

The proposed subdivision seeks to create a total of 15 rural residential lot. The subject proposal is consistent with the above policies of the Red River Planning District Development Plan and compatible with the existing surrounding context, including the existing subdivision to the west of the subject site.

4. ZONING BY-LAW (2009-04)

The proposed subdivision lies within the "RR-5" Rural Residential Zone as defined by the RM of St. East St. Paul Zoning By-law 2009-04. This zoning stipulates a minimum site area of 5 acres and a minimum site width of 300 feet. However, the proposed lots do not meet these criteria. Consequently, the applicant seeks to rezone the properties to the "RR-2" zone, which mandates a minimum site area of 2 acres and a minimum width of 150 feet. The proposed lots comply with the minimum acreage requirement of the "RR-2" zone.

Section: 28

Zone: "RR-2" Rural Residential Zone

SITE AREA	"RR-2" – (2 acre) min. required	
Proposed Lot 1	2 acre	In Compliance
Proposed Lot 2	2 acre	In Compliance
Proposed Lot 3	2 acre	In compliance
Proposed Lot 4	2.69 acres	In Compliance
Proposed Lot 5	2 acres	In Compliance
Proposed Lot 6	2 acres	In compliance
Proposed Lot 7	2.36 acres	In Compliance
Proposed Lot 8	2 acres	In Compliance
Proposed Lot 9	2.11 acres	In compliance
Proposed Lot 10	2.28 acres	In Compliance
Proposed Lot 11	2 acres	In Compliance
Proposed Lot 12	2 acres	In compliance
Proposed lot 13	2 acres	In Compliance
Proposed Lot 14	2 acres	In Compliance
Proposed Lot 15	2.74 acres	In compliance

SITE WIDTH	"RR-2" – (150 ft.) min. required	
Proposed Lot 1	254.71 ft.	In Compliance
Proposed Lot 2	266.98 ft.	In Compliance
Proposed Lot 3	430.52 ft.	In compliance
Proposed Lot 4	146 ft.	Not In Compliance*
Proposed Lot 5	98 ft.	Not In Compliance*
Proposed Lot 6	98 ft.	Not In compliance*
Proposed Lot 7	112 ft.	Not In Compliance*
Proposed Lot 8	112 ft.	Not In Compliance*
Proposed Lot 9	86 ft.	Not In compliance*

Proposed Lot 10	89 ft.	Not in Compliance*
Proposed Lot 11	171 ft.	In Compliance
Proposed Lot 12	212.24 ft.	In compliance
Proposed lot 13	201.58 ft.	In Compliance
Proposed Lot 14	183.47 ft.	In Compliance
Proposed Lot 15	228.16 ft.	In compliance

Note: As per the Zoning By-law Site Width means the horizontal distance between the side lot lines of a lot, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 15.24 m. (50.00 ft.) from the front lot line, and **the lesser of these distances is the site width.**

*Lots 4-10 do not meet the required 150 ft. at the 50 ft. mark due to the pie shaped configuration. Variances will be required to bring these lots into compliance.

These lots are about 198 ft. at their midpoint to meet the **onsite wastewater management regulation MR 83/2003** to allow septic fields to be installed.

5. SERVICES AND INFRASTRUCTURE

- Wastewater Services –Septic Field (Existing and Proposed)
Requirements: As per MR 83/2003 *Onsite Wastewater Management Regulation*. Please see additional comments from Manitoba Conservation and Climate.
- Drinking Water Requirements – Individual Well (Existing and proposed)
Requirements: As per Manitoba Environment, Climate and Parks and municipal Standards.
- Road Standards – Public Road (Existing and proposed)
Requirements: RM of ESP is the authority responsible for the Municipal Road.
- Drainage – Ditches
Requirements: Must meet provincial and municipal requirements.

6. CIRCULATION AND COMMENTS

Government Departments and Agencies

(Comments are paraphrased. Original copy of comments are attached in the Appendix)

RM of East St. Paul	<p>CAO: I have reviewed the public hearing package and I do not foresee reducing the ROW from 32 meters to 22 meters being an issue, provided that MTI confirms that drainage can still occur in their ditch despite the reduction in the ROW.</p> <p>Operations Manager: Public Works has no comments due to the limited information package.</p> <p>Planning: Note, the proposed ROW running parallel to Birds Hill Rd. is a requirement of Manitoba Transportation and Infrastructure. The ROW is 22 meters wide, which does not meet the RM's standards, but MTI has indicated that the west ditch can</p>
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	<p>be located on their property. Street names must be approved by me and listed on the plan of subdivision before it is registered with land titles.</p> <p>Fire Department: The fire department has no concerns providing an adequate water supply, Hydrants are available as part of the development.</p> <p>Municipal Engineer (KGS): The Municipal engineer provided the following comments via email in October of 2023 based on the 22 meter ROW:</p> <ol style="list-style-type: none"> 1.) It is dependent on MTI (Manitoba Transportation and Infrastructure) allowing for the west half of the service road to drain into their ditch on the east side of Birds Hill Road. If MTI does not allow sharing of their ditch, then full 32m wide ROW will be necessary. 2.) If MTI is amenable to the concept, the west edge of the pavement surface cannot be at the edge of the ROW. Some degree of horizontal buffer will likely be necessary between the west edge of the future RM service road and the east edge of the Manitoba Infrastructure ROW. Presumably at least 1 or 2 metres, which could then require perhaps a 22m wide RM ROW.
<p>Manitoba Agriculture and Resource Development</p>	<p>No comments received at the time of this report.</p>
<p>Manitoba Infrastructure - Highway Planning and Design Branch</p>	<p>Based on available information, we do not object to this subdivision. In order to maintain or improve traffic safety and efficiency, our policy is to limit or reduce the number of locations at which turning movements occur onto the highway and maximize the spacing between intersections. Wherever possible, we look for the opportunity to remove access connections and/or utilize existing access for joint use.</p> <p>Therefore, please include the following as a condition of approval.</p> <ol style="list-style-type: none"> a) 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 . Permit information can also be found at https://forms.gov.mb.ca/highway-permits-application/index.html <p>(Note: see full correspondence attached to Council Package)</p>

Manitoba Environment, Climate and Parks: Water Stewardship Division	The Drainage and Water Rights Licensing Branch requires a License to Construct Water Control Works for this subdivision development proposal. Contact: Water Resource Officer: dan.roberts@gov.mb.ca
Winnipeg Land Titles Office (Teranet Manitoba)	A Plan of Subdivision as proposed SAM is required.
Manitoba Conservation and Climate – Environmental Compliance and Enforcement	Environmental compliance and Enforcement has reviewed the above noted subdivision and has no concerns
Manitoba Sport, Culture and Heritage – Historic Resources Branch	Implement a heritage resource protection plan (HRPP)
Manitoba Transportation and Infrastructure – Water Management	We have no concerns regarding this proposal. We would just note that the subdivision is adjacent to the Red River Floodway, which is Provincial Water Infrastructure. Any work taking place on or near the Red River Floodway right of- way will require a Provincial Water Infrastructure Permit prior to commencing work.

UTILITIES

MB Hydro and Centra Gas	Manitoba Hydro and Centra Gas will require easements. Please contact Manitoba Hydro at HCSC@hydro.mb.ca for more information. (Note: see full correspondence attached to Council Package)
BellMTS	BellMTS will require easements. (Note: see full correspondence attached to Council Package)
Rogers Communications	Rogers will require easements. (Note: see full correspondence attached to Council Package)

OTHER AGENCIES

School Division – River East Transcona School Division	No Comments received at the time of this report.
Canada Post	No comments received at the time of this report.

7. ANALYSIS

As stated in the executive summary, the subdivision comprises two parcels of land: one measuring 32.55 acres under title CT 3179538/1 (3609 Birds Hill Road) and the other 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 includes a single-family dwelling and a shed. The applicant is proposing 15 lots from the two (2) titles, ranging in size from 2 acres to 2.74 acres. Additionally, the applicant seeks to rezone these properties from the "RR-5" Rural Residential Zone to the "RR-2" Rural Residential Zone under BL 2024-05 to accommodate a minimum lot size of 2 acres

The application is consistent with the intent of the policies for **Rural Residential** designation pursuant to the Red River Planning District Development Plan By-law 279/19. Furthermore, the proposed lots do meet the site area requirements of the "RR-2" zone as per the RM of ESP zoning by-law.

Consistency with RRPD Development Plan:

RRPD notes that the subject proposal is consistent with policy **4.3.4** of the Development Plan that states, "*Rural residential lots should be of a size that reflects a rural character, and, can accommodate on-site wastewater disposal.*" All the proposed lots meet the required acreage for rural residential lots in this area.

Compatibility with the surrounding area:

The proposed lots, in terms of site area and width requirements for the RR-2 zone, are compatible with the surrounding area. All the surrounding lots west of Birds Hill Road are zoned RR-2 and RR-1 and the subject proposal aligns with the intent of RRPD Development Plan policy 4.3.5.9 which promotes compatibility with adjoining land uses.

RRPD notes that the provincial department of Manitoba Transportation and Infrastructure have requested a permit requirement as a condition of approval. 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 has been added as a condition of approval.

The RM of ESP has expressed concerns regarding the proposed Right-of-Way (ROW), which measures 22 meters wide, as it falls short of the RM's road standards. As per the RM administrations, discussions have been ongoing between the RM departments and the provincial department to resolve this issue. We have included a condition of approval to enter into a Development Agreement with the RM of ESP, stipulating that the roads must be addressed satisfactorily in accordance with both the RM's and Province's standards along with other things.

Manitoba Hydro, BellMTS, Rogers has requested for easements and the conditions have been added in section 10. Other than discussed in this section, commenting agencies noted no objections with the proposed subdivision. Based on the available information and the related analysis, RRPD recommends that the proposed subdivision be **APPROVED, SUBJECT TO CONDITIONS.**

Council may add conditions of approval as per Section 135 of *The Planning Act* (see Appendix A). As such, any recommendation or requirement from a government department or other entity to which the application was referred by the approving authority can be addressed through the conditions recommended below.

8. DECISION MAKING CRITERIA

The Planning Act (Section 123) states that a subdivision must not be approved unless it meets the following criteria:

- a. Is the land suitable for the subdivision and the intended use?
- b. Does the proposed subdivision conform to the Development Plan, Zoning By-law and Secondary Plan?
- c. Does the proposed subdivision meet the regulations listed in Section 146 of the *Planning Act*

9. DECISION MAKING OPTIONS

Under Section 125(1) of *The Planning Act*, 'where the council of a municipality receives an application pursuant to Section 124(2), it shall, after considering the application, by resolution

- (a) reject or refuse to approve the application for subdivision; or
- (b) approve the application for subdivision, with or without conditions as set out in Section 135.

10. RECOMMENDED CONDITIONS

Should Council wish to approve the application, our office recommends the following conditions be placed:

1. Applicant / owner submits confirmation in writing from the Chief Administrative Officer of the municipality that:
 - a. taxes on the land to be subdivided for the current year, plus any arrears have been paid or arrangements satisfactory to Council have been made;
 - b. payment of any applicable development fees have been paid;
 - c. a development agreement with the municipality has been entered into to address items including, but not necessarily limited to:
 - i. Lot grading;
 - ii. Roads;
 - iii. Drainage;
 - iv. Building restrictions
 - v. Parkland dedication
 - vi. Capital Levies and Development Fees
 - vii. Waste removal;
 - viii. fencing and landscaping;
 - ix. Any other standard the Municipality deems necessary.
2. The owners obtain a permit from Manitoba Transportation and Infrastructure- Roadside Development, 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 . Permit information can also be found at <https://forms.gov.mb.ca/highway-permits-application/index.html>

3. Applicant / owner submits written confirmation to the RRPD from Manitoba Hydro and Centra Gas that an Easement Agreement(s) has been entered into with the department with respect to existing and / or future facilities associated with the subdivision and a Plan of Easement, as required by *The Real Property Act*, has been provided. Registration of this agreement will be included as a condition of the final Certificate of Approval. Contact at HCSC@hydro.mb.ca , 12-360 Portage Ave., Winnipeg, MB R3C 0G8.
4. Applicant/owner provide a written confirmation that heritage resource protection plan have been implemented as reflected on the correspondence from Archaeological assessment services, if required. Please contact the department at HRB.archaeology@gov.mb.ca or ph.: 204-945-2118
5. Applicant / owner submits written confirmation to the RRPD from BellMTS that an Easement Agreement(s) has been entered into with the department. Please contact Grace Bushi at Grace.Bushi@bellmts.ca
6. Applicant / owner submits written confirmation to the RRPD from Rogers Communication that an Easement Agreement(s) has been entered into with the department. Please contact Angelica Laranjo at Angelica.Laranjo@sjrb.ca
7. Applicant/owner submits written confirmation that the Drainage and Water Rights Licensing Branch License to Construct Water Control Works for this subdivision development proposal has been obtained, if required. Contact: Water Resource Officer: dan.roberts@gov.mb.ca
8. Applicant/owner obtains the required variance for site width of the proposed lots.
9. Applicant/owner rezones (received third reading to (BL 2024-05) the proposed lots from “RR-5” to “RR-2” to accommodate the proposed lot sizes.

REQUIREMENTS

- A. The Winnipeg Land Titles Office will require a Plan of Subdivision as proposed SAM is required.
- B. The Red River Planning District requires that the surveyor’s drawing includes lot area and site width calculations, and confirmation that Crown land is not involved in the proposal.
- C. The Red River Planning District requires that the applicant provide a geo-referenced (UTM 14 NAD 83), digital plan of subdivision.
- D. The Red River Planning District requires that the applicant / owner submits a lot fee payable for each additional parcel or lot resulting from the approval of the subdivision as per the Fee Schedule at the time of Certificate of Approval issuance.

cc: Applicant, WLTO, RM of East St. Paul, MB Hydro, Rogers, BellMTS, Highways, HRB

APPENDIX A: THE PLANNING ACT SECTION 135

As per *The Planning Act* a subdivision of land may be approved subject to one or more of the following conditions, which must be relevant to the subdivision:

1. Any condition necessary to ensure compliance with this Act or another Act, or the regulations made under them, or a development plan by-law, secondary plan by-law or zoning by-law.
2. Any condition necessary to satisfy the requirements of a municipal by-law, including the payment of subdivision examination fees and capital levies, and the requirement to pay property taxes.
3. A condition that the applicant enter into a development agreement with the government, the municipality or a planning district, as required, respecting
 - a. the construction or maintenance — at the owner's expense or partly at the owner's expense — of works, including, but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access, connections to existing services, fencing and landscaping;
 - b. construction or payment by the owner of all or part of the capacity of works in excess of the capacity required for the proposed subdivision; and
 - c. the use of the land and any existing or proposed building.
4. Any condition recommended or required by a government department or other entity to which the application was referred by the approving authority.
5. Any condition necessary for the proper design of the subdivision or to implement the reorganization of titles.
6. A condition that the applicant dedicate the following land, without compensation:
 - a. land for adequate public roads and municipal services in the subdivision;
 - b. land for public reserve purposes, not exceeding 10% of the land being subdivided, but only if the land is being divided into parcels of less than 4 hectares;
 - c. land for school purposes, not exceeding 10% of the land being subdivided;
 - d. land not suitable for building sites or other development because it is unstable, subject to severe flooding, required for source water protection, or is otherwise unsuitable because of topographical or subsurface features, such as wetlands, gullies, ravines, natural drainage courses, creeks, ponds or lake beds;
 - e. shore lands designated in a development plan by-law as land to be dedicated upon subdivision as a Crown reserve or a public reserve, including land that is or might be required to provide access to shore lands.
7. As an alternative to dedicating land under item 6(d) or (e), a condition that the applicant enter into a development agreement with the government, the municipality, or the planning district as required, whereby the applicant agrees to conditions limiting, regulating or prohibiting any use, activity or development on the land.
8. A condition that a zoning by-law be amended.

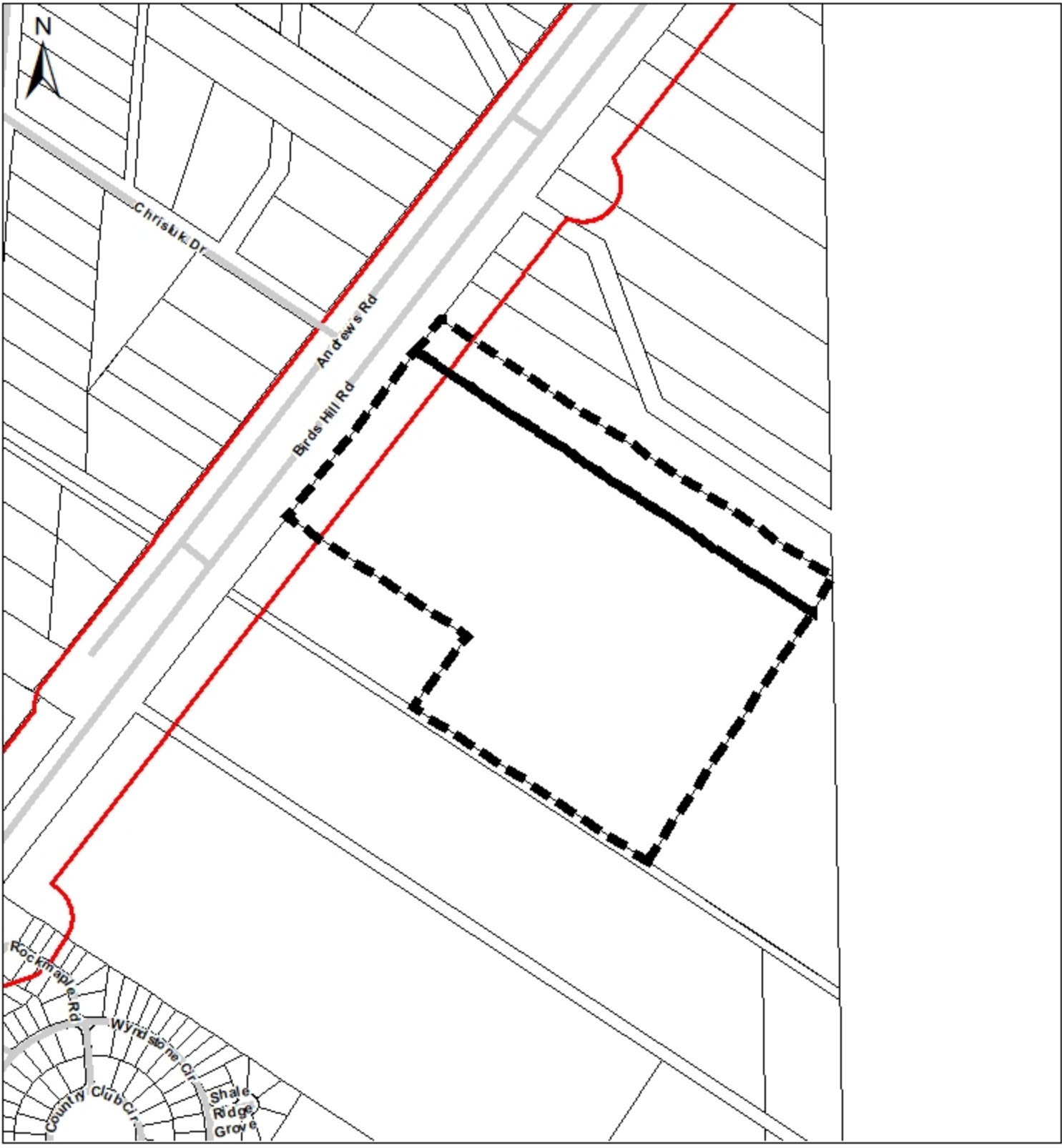
APPENDIX B: *THE PLANNING ACT* SECTION 123 RESTRICTION ON APPROVALS

A subdivision of land must not be approved unless

- a. the land that is proposed to be subdivided is suitable for the purpose for which the subdivision is intended; and
- b. the proposed subdivision conforms with
 - i. the development plan by-law and zoning by-law,
 - ii. any secondary plan by-law, and
 - iii. the regulations under section 146.

APPENDIX C: ATTACHMENTS

(RRPD Location Maps, SAM, and Information Submitted by Applicant)



SUPPORTIVE MAPPING

Subdivision Application S24-3045
3609 and 3689 Birds Hill Road, RM of East St. Paul

Designation: "RR" Rural Residential
Zoning: "RR-5" Rural Residential

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



Please refer to applicant's Subdivision Application Map. Not To Scale. For Discussion Purposes Only.




Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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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 OTM LOTS 80 TO 83 PARISH OF ST. PAUL

CT_3179538: 10128205 MANITOBA LTD. IS REGISTERED OWNER IN THE FOLLOWING DESCRIBED LAND:

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

ENCUMBRANCES NOTED ARE: 5216197, 5502073, AND 5502074

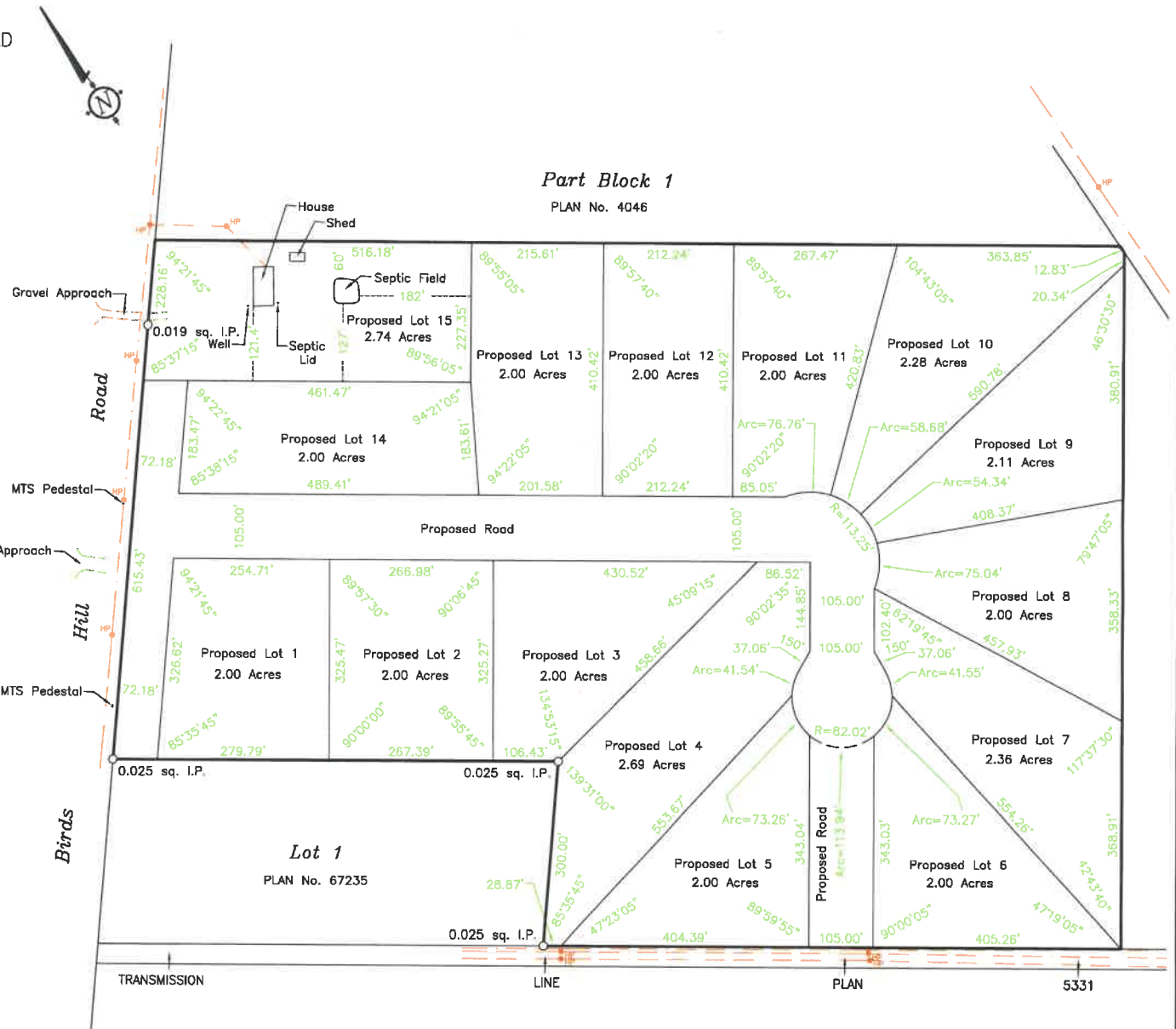
SURVEY MONUMENTS SHOWN THUS ○
HYDRO POLES SHOWN THUS ●HP
AREA AFFECTED BY THIS PROPOSAL IS SHOWN BORDERED THUS

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



4 LAND USE (Check appropriate boxes and describe as indicated)

(a) What are the lands described in the subject certificate(s) of title presently used for?

Agriculture Residential Seasonal Recreation (Cottage) Commercial Industrial
Other . Describe present use in more detail

Existing residential property and vacant land.

(b) Are any existing buildings on the lands described in the certificate(s) of title? Yes No
Indicate the general location and use of all buildings on your map.

(c) What is the intended use of the lot(s) or parcel(s) to be subdivided?

Agriculture Residential Seasonal Recreation (Cottage) Commercial Industrial
Other . Describe intended use in more detail

See Letter of Intent.

(d) What is the physical nature of the lot(s) or parcel(s) to be subdivided?

Wooded/Treed Cultivated Pasture Hilly Level/Flat Low/Swampy
Adjacent to Shoreline of Lake , River or Creek Other

(e) Indicate if any of the following are located within 1/2 mile of the parcel(s) to be subdivided:

Livestock/Poultry Operation Waste Disposal Ground (in use or abandoned) Sewage Lagoon
Airport Historic Site or Structure Gravel Pit or Quarry

If any of these uses are within 1/2 mile, indicate direction and approximate distance, type and size of operation (if known)

5 SERVICES (check appropriate boxes and describe as indicated)

a) Sewage Disposal

Present: Municipal Sewer Holding Tank Septic Field Ejector Other

Proposed: Municipal Sewer Holding Tank Septic Field Ejector Other

b) Water Supply

Present: Piped Water Community Well Individual Well Other

Proposed: Piped Water Community Well Individual Well Other

If you answered 'Other' to any of the above, please describe:

On your map, show the location of any existing or proposed septic field, ejector system or well, and show approximate distance of such to property lines and buildings.

c) Roads

Is there an existing driveway to the proposed lot(s) or parcel(s)? Yes No

Is there an existing driveway to the parcel to be retained? Yes No

Indicate if you propose to build a new driveway connection onto any of the following:

Provincial Trunk Highway ___ Provincial Road Municipal Road ___

Show existing and proposed driveways and roads on your map.

d) Drainage

How will the proposed lot(s) or parcel(s) be drained?

Natural ___ Ditches Curb and Gutter ___ Storm Sewer ___

Do you propose to discharge surface water into a provincial highway ditch or a provincial waterway?

Yes No ___ Has any part of these lands ever been flooded? (if known) Yes ___ No

If yes, describe:

TBD

Show drainage patterns on your map.

6 REASON FOR APPLICATION AND OTHER COMMENTS

Indicate the reason(s) for making this application and provide any other information or comments you believe relevant. Attach extra sheets if more space is required.

See Letter of Intent.

7 OTHER REQUIREMENTS

a) A fee of \$2,010.00 shall accompany this application, which includes 1 original parcel/lot/title and 1 new parcel/lot/title. Proposals creating more than 1 parcel/lot/title to be subject to an additional fee of \$300.00 per lot. Advertising and Notice Costs may also apply. Please contact the RRPD Planner for the area for further information. Please make cheques payable to the **Red River Planning District**.

b) A Land Titles photocopy (currently dated) of the certificate(s) of title, with photocopies of any certificates transferred out; or, deed and a copy of the abstract; or, photocopy of duplicate title or status of title (electronic title), currently dated; and photocopies of any restrictive covenant, mineral reservation, easement, right-of-way, or caveat affecting the lands, shall accompany this application.

8 SUBDIVISION APPLICATION MAP (SAM)

What is a subdivision application map (SAM)?

A subdivision application map (SAM) is a map prepared by a Manitoba Land Surveyor showing the proposed lot lines and key features of the land involved in the subdivision. The SAM must include all applicable features, such as:

January 24th, 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. 31.79538/1

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

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

- 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

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

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

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

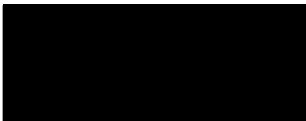
In summary, the subject site is suitable for the subdivision and its intended use. The proposed subdivision complies with the *Red River Planning District Development Plan By-law No. 272/19* and the *RM of East St. Paul Zoning By-law No. 2009-04* and is of a similar character to existing single-family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

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

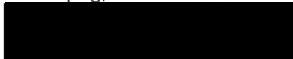
- Completed Subdivision Application Form
- Completed Rezoning Application Form
- Subdivision Application Map
- Current Status of Titles
- Letters of Authorization

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



Transportation and Infrastructure

Engineering and Technical Services Division
Highway Design Branch – Roadside Development Section
1420-215 Garry Street, Winnipeg, Manitoba, Canada R3C 3P3
T 431-338-9231 F 204-945-0593
e-mail: RoadsideDevelopment@gov.mb.ca

April 8, 2024

PD 190.10 New

Santan Singh, Community Planner
Red River Planning District
2978 Birds Hill Rd
East St. Paul, MB R2E 1J5
E-mail: Santan@rrpd.ca

Dear Santan:

Re: Proposed Subdivision
File No: S24-3045
RL 80, 81, 82, 83 Parish of St Paul
RM of East St. Paul
Owner: 10128205 Manitoba Ltd. & Tim and Eileen Starodub

In response to your e-mail dated March 5, 2024, we have reviewed the above noted subdivision application. The intent is to create 14 lots for new residences and one lot with an existing residence along with a new public road. The subject property has frontage along PR 202 with two existing accesses.

Based on available information, we do not object to this subdivision. In order to maintain or improve traffic safety and efficiency, our policy is to limit or reduce the number of locations at which turning movements occur onto the highway and maximize the spacing between intersections. Wherever possible, we look for the opportunity to remove access connections and/or utilize existing access for joint use.

Therefore, please include the following as a condition of approval.

- a) 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. Permit information can also be found at <https://forms.gov.mb.ca/highway-permits-application/index.html>.

Our office is requesting 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 include the request for an access management plan as a statement on the associated conditional approval.

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 April 8, 2024

Kelsey Clevett
Roadside Development Support Technician

Cc: Capital Region

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. 1553082; TIMOTHY DAVID MICHAEL STAROUB AND EILEEN ISHBEL STAROUB, 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 W/TO EXC. FIRSTLY: PUBLIC ROAD AND PUBLIC WORK PLAN 5830 W/TO AND SECONDLY: WATER CONTROL WORKS PLAN 7435 W/TO IN OTM LOTS 80 TO 83 PARISH OF ST. PAUL.

CT. 3179536; 10128205 MANITOBA LTD. IS REGISTERED OWNER IN THE FOLLOWING DESCRIBED LAND:
LOT 2 PLAN 67235 W/TO

IN OTM LOTS 80 TO 83 PARISH OF ST. PAUL.

ENCUMBRANCES NOTED ARE: 5216197, 5502073, AND 5502074

SURVEY MONUMENTS SHOWN THUS O
HYDRO POLES SHOWN THUS H
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.F.)

S Stevens
S Stevens
PROFESSIONAL SURVEYORS
1467 Main Street
Winnipeg, MB R2W 3Y9
File No. 222942
Drawing: 22 042 00A1.dwg



TRANSMISSION LINE PLAN 5331

Bell MTS, a division of Bell
Canada
PO Box 6666
3-191 Pioneer Avenue



Date: 11 March 2024

Red River Planning District
2978 Birds Hill Rd. East St. Paul, MB R2E 1J5
Tel: 204-669-8880 Fax: 204-669-8882

File No.: S24-3045

Attention: **Santan Singh**

**Re: Proposed Subdivision
3609 and 3689 BIRD'S HILL ROAD
EAST ST. PAUL
Owner: STARODUB
Applicant: Landmark Planning & Design Inc.**

BellMTS will require easements and requests that as a condition of approval for this subdivision proposal, the landowner is required to enter into a Right-of-Way Agreement ("Agreement") with BellMTS ("MTS") for existing and/or future telecommunications facilities in connection with the subdivision for the **3.5M easement as shown below.** As a result of changes to The Real Property Act (Manitoba), BellMTS must ensure that its easement rights are registered against all relevant titles before further transfers of land take place; therefore, BellMTS requests that as a further condition of approval, the developer is required to register a statutory easement along with the Easement Plan, if required, in series immediately following the proposed subdivision plan, at the appropriate Land Titles Office.

If the subdivision is by legal description, in order to prepare the Agreement, BellMTS requires a copy of the legal description of the proposed lots/parcels to be conveyed, prepared by a lawyer or surveyor and approved by the Land Titles Office (as stated in the Letter of Conditional Approval).

If a Plan of Subdivision is required, the Manitoba Land Surveyor who is preparing the subdivision plan must forward a copy of the plan (pdf or hardcopy) to the attention of Garry Dyck (Garry.Dyck@bellmts.ca).

BellMTS will then review the print and reply to the surveyor with the BellMTS easement requirements. The surveyor can then prepare the Plan of Easement in accordance with The Real Property Act (Manitoba) and the Land Titles Office regulations. The Plan of Easement, if required, is prepared at the developer's expense.

Any existing BellMTS services, easement agreements and/or caveats affecting the lands to be subdivided will be brought forward on the titles generated by the new plan of subdivision unless otherwise specified. If there are any existing facilities which require removal or relocation as a result of the subdivision, the costs will be at the expense of the developer.

The contact for proceeding with the Right-of-Way Agreement is

BellMTS
Property Acquisition Department
Attention: Mr. Garry Dyck, Survey Coordinator
P.O. Box 6666, BW100P
Winnipeg, MB R3C 3V6
Phone: 204-958-1768

Developer responsibilities (BellMTS Pre-Service Charges, BellMTS Buried Crossings, etc.) can be made available by calling the BellMTS Network Engineering Control Centre at 204-941-4369 or 1-866-756-7642.

Should you require further information, please contact BellMTS Access Engineering at the numbers below.

Regards,

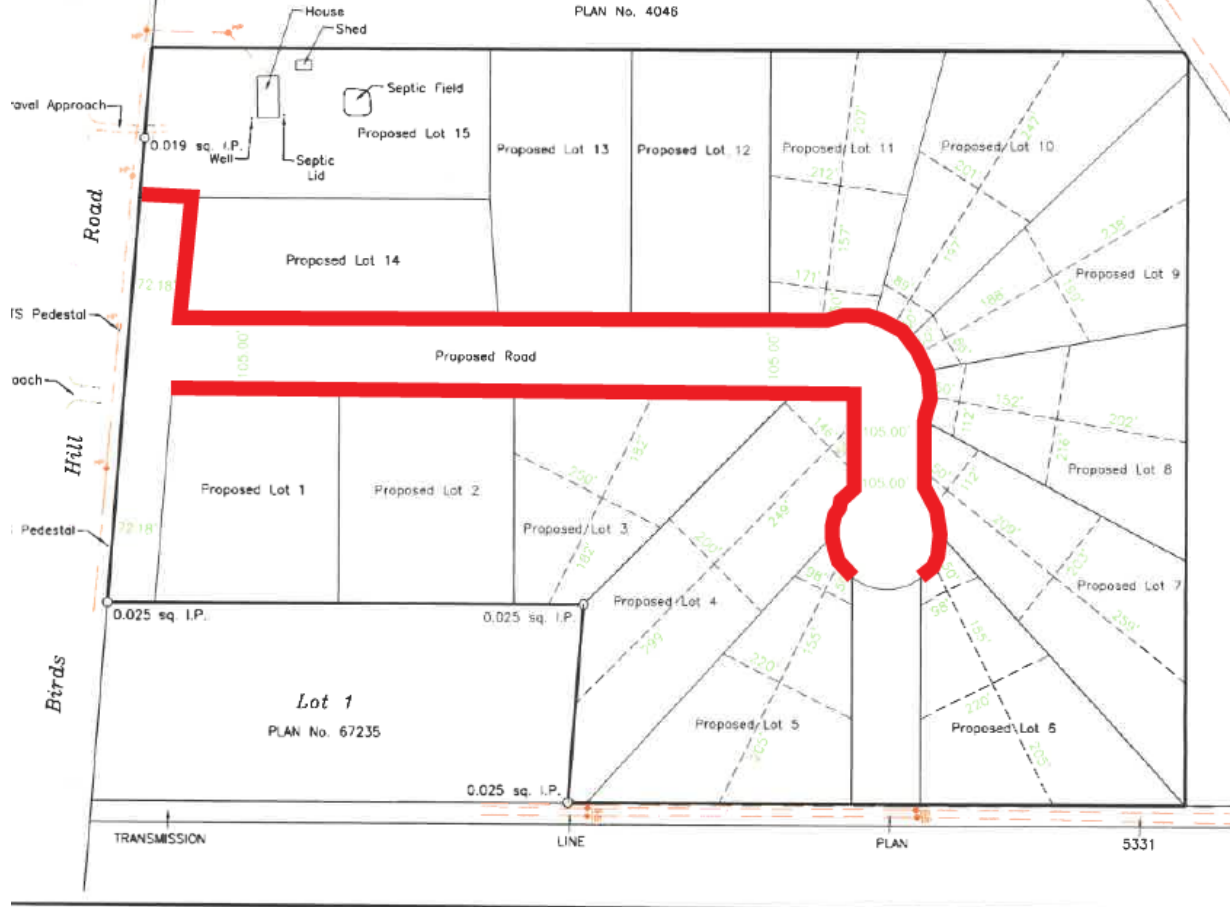
Grace Bushi

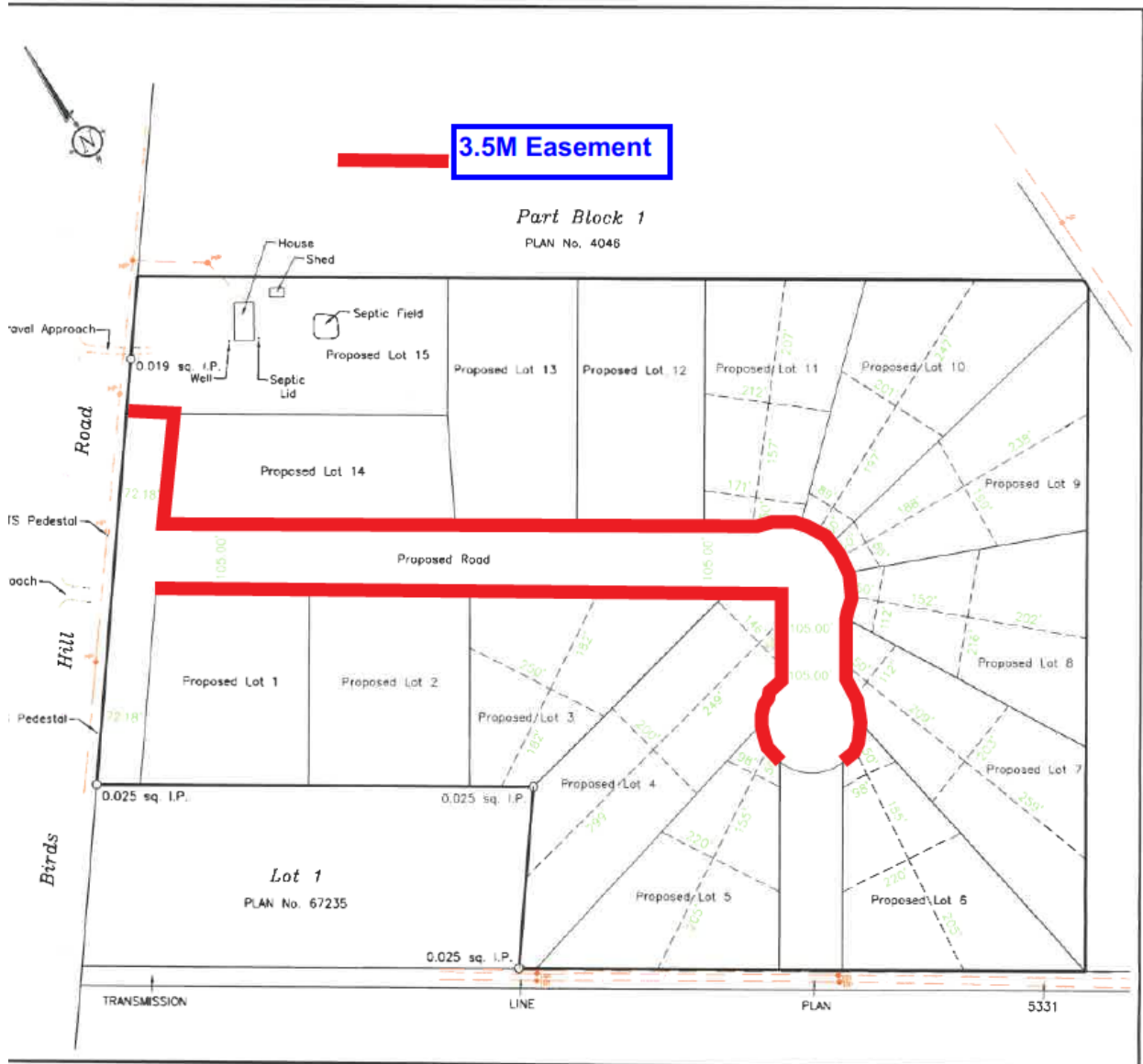
BellMTS Access Provisioning
Tel: 204-958-1959
Email: Grace.Bushi@bellmts.ca

3.5M Easement

Part Block 1

PLAN No. 4046





Santan Singh

From: SM-Subdivision Circulars <SubdivisionCirculars@hydro.mb.ca>
Sent: March 28, 2024 11:56 AM
To: Santan Singh; afriesen@landmarkplanning.ca
Cc: PROPERTY ACQUISITION; Winnipeg Planning Department; etstarodub@shaw.ca
Subject: S24-3045 - 10128205 Manitoba Ltd./Starodub - E-mail to Planning - Hydro File 2024-1245



The Manitoba Hydro-Electric Board – Centra Gas Manitoba Inc.

RE: Application(s)

Please be advised of the following Manitoba Hydro/Centra Gas conditions on file **S24-3045**:

1. **Easements required**—Manitoba Hydro and Centra Gas Manitoba Inc. will require easements.
 - a. Manitoba Hydro and Centra Gas will require the land owner to enter into a Statutory Easement Agreement(s) and a Grant of Right of Use Agreement(s) (“Agreements”) with Manitoba Hydro and Centra Gas regarding existing and/or future facilities associated with the subdivision as set out in the above noted application.
This registration requirement will need to be included as a condition on the final Certificate of Approval.
2. If this application is revised at any time it will be necessary for Manitoba Hydro/Centra Gas to review the file to determine if our easement requirements remain the same.
3. We have included the applicant—if the email address was not provided please provide this letter to them.

Directions for the Applicant

Should your subdivision application be issued a Conditional Approval letter (from the Approving Authority),

Manitoba Hydro requires the following to complete our condition:

1. Have the surveyor provide Manitoba Hydro/Centra Gas Manitoba Inc. with a pdf copy of the Subdivision Plan.
 - **Timelines can be reduced should the surveyor provide a CAD file (georeferenced preferred)**
 - Upon receiving the pdf or CAD file of the Subdivision Plan we will review and provide our easement requirements to your surveyor to prepare a Plan of Easement. (Unless otherwise informed by Manitoba Hydro)
 - Promptly provide any layout changes. (Including changes requested by Land titles office)
2. Provide us with the name of the lawyer which will be taking care of registration of your subdivision.

- Agreements will need to be signed by the land owners. The agreements and the plan of easement need to be sent in trust from our lawyer to the applicant's lawyer to ensure they are signed and registered.
 - Once signed at the lawyers office you will be provided with a release of conditions letter which can be given to the planning office.
3. Any removal or relocation of Manitoba Hydro and/or Centra Gas Manitoba Inc. existing facilities as a result of the proposed subdivision will be at the expense of the developer and/or customer.
 4. Should you require further electrical or gas services please fill out online form on the [Manitoba Hydro](#) website.
 5. **Additional Comments from our Transmission & Overhead Engineering Department:**
 - easement is required for the 115kV transmission line "TR5" running along southern edge of property (11m from centreline of transmission line).
 - any future plan to cross the corridor would likely need to be altered, as the current design of a potential proposed road appears to be in line with a transmission line structure.
 - If applicant were to try and open the road between Lot 5 and 6 we would need to deny the application to cross at this location.
 - We require a minimum buffer of 6.1m from any structure footings/guy anchors to the edge of road.

The lawyer information, subdivision plan and any inquiries can be sent to HCSC@hydro.mb.ca.

Subdivision Application Status Dashboard and Land Management Site

View the status of your subdivision within Manitoba Hydro using our Subdivision Application Status Dashboard and [FAQ's](#) about the subdivision process on our new [Land Management Site](#). Instructions for how the Subdivision Application Status Dashboard works can be found [here](#). (Dashboard is best viewed on a desktop computer)

Thank you,

Subdivision Coordination Team, Property Department
Manitoba Hydro
12th Floor - 360 Portage Ave
Winnipeg MB
R3C 0G8 Canada
hydro.mb.ca



This communication is intended for the use of the named addressee(s), and may contain information that is private, confidential, and exempt from disclosure under law. If you have received this communication in error; please notify the sender immediately, delete this communication from all data storage devices and destroy all hard copies.

Santan Singh

From: Winnipeg Planning Department <WinnipegPlanning@sjrb.ca>
Sent: May 2, 2024 12:05 PM
To: Santan Singh
Cc: 'SubdivisionCirculars@hydro.mb.ca'; Winnipeg Planning Department
Subject: RE: Subdivision S24-3045
Attachments: application_S24-3045_Rogers.pdf

Hello,

Rogers will require easements on this file – please see attached plan.
We would like to secure easements through joint application with Manitoba Hydro.

Thank you,

Angelica Laranjo (She/Her)
Project Coordinator, SK, MB, NW ON
e Angelica.Laranjo@sjrb.ca



From: Santan Singh <santan@rrpd.ca>
Sent: Tuesday, March 5, 2024 10:29 AM
To: 'neteng.control@bellmts.ca' <neteng.control@bellmts.ca>; Gas (subdivisioncirculars@hydro.mb.ca) <subdivisioncirculars@hydro.mb.ca>; Dan Roberts <dan.roberts@gov.mb.ca>; AGRlanduse@gov.mb.ca; PPD-RegionalPlanning <RegionalPlanning@winnipeg.ca>; Winnipeg Planning Department <WinnipegPlanning@sjrb.ca>; SHYMKO, Paul <paul.shymko@canadapost.postescanada.ca>; Local Government <selkirkcrp@gov.mb.ca>; +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>; Robert Beltont Brad Allum (MITWaterReview@gov.mb.ca) <MITWaterReview@gov.mb.ca>; Teranet Manitoba - Surveys Planning <mb.surveysplanning@teranet.ca>; 'brian.oleary@7oaks.org' <brian.oleary@7oaks.org>; EnvCEWinnipeg@gov.mb.ca; HRB (HRB.archaeology@gov.mb.ca) <HRB.archaeology@gov.mb.ca>; Mines_br@gov.mb.ca
Subject: Subdivision S24-3045

ATTENTION: This email originated outside of Shaw. Do not click links or open attachments unless you trust the sender and know the content is safe. Immediately report suspicious emails using the **Phish Alert Report button**.

Good Morning,

Attached is the subdivision application in the RM of ESP for your review and comments.

Thank You



Santan Singh, M.C.P
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

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


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 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 5630 WLTO AND SECONDLY; WATER CONTROL WORKS PLAN 7435 WLTO IN OTM LOTS 80 TO 83 PARISH OF ST. PAUL

CT_3179538, 10128205 MANITOBA LTD. IS REGISTERED OWNER IN THE FOLLOWING DESCRIBED LAND:
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 O
HYDRO POLES SHOWN THUS 
AREA AFFECTED BY THIS PROPOSAL IS SHOWN BORDERED THUS

Dated this 15th day of January, 2024

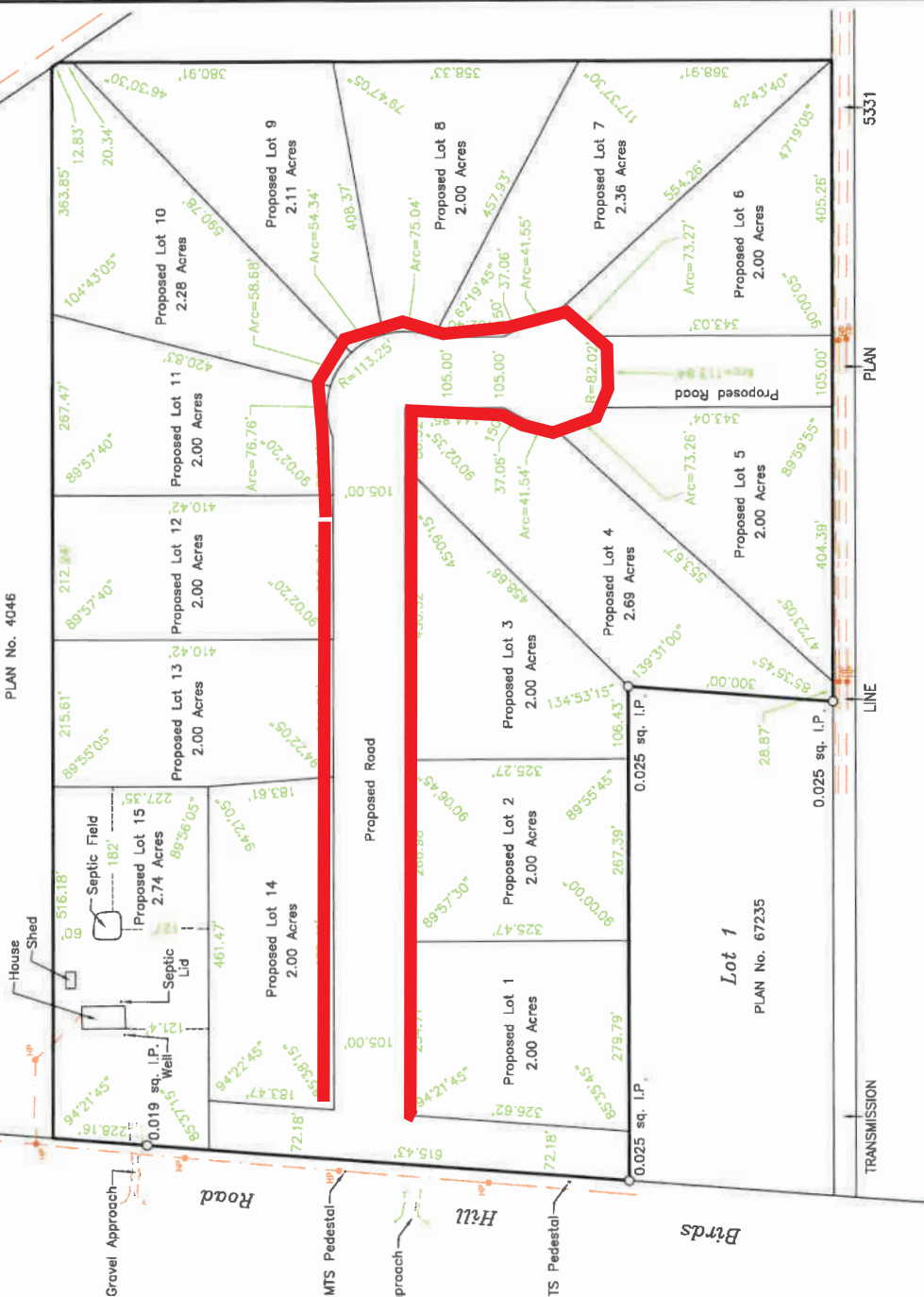
Douglas T. Stevens, M.L.S., C.L.S., BSc. (S.E.)


1467 Main Street
Winnipeg, MB R2W 3V9
File No. 22/242
Drawing: 22 842 SAM.LWG
PROFESSIONAL SURVEYORS



3.5 Easements for Rogers

Part Block 1
PLAN No. 4046



TRANSMISSION LINE
PLAN 5331



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

S24-3045

Please see the comments below for Subdivision application S24-3045 for 3609 Birds Hill Rd.

COMMENTS:

CAO: I have reviewed the public hearing package and I do not foresee reducing the ROW from 32 meters to 22 meters being an issue, provided that MTI confirms that drainage can still occur in their ditch despite the reduction in the ROW.

Operations Manager: Public Works has no comments due to the limited information package.

Planning: Note, the proposed ROW running parallel to Birds Hill Rd. is a requirement of Manitoba Transportation and Infrastructure. The ROW is 22 meters wide, which does not meet the RM's standards, but MTI has indicated that the west ditch can be located on their property. Street names must be approved by me and listed on the plan of subdivision before it is registered with land titles.

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

Municipal Engineer (KGS):

The Municipal engineer provided the following comments via email in October of 2023 based on the 22 meter ROW:

1.) It is dependent on MTI (Manitoba Transportation and Infrastructure) allowing for the west half of the service road to drain into their ditch on the east side of Birds Hill Road. If MTI does not allow sharing of their ditch, then full 32m wide ROW will be necessary.

2.) If MTI is amenable to the concept, the west edge of the pavement surface cannot be at the edge of the ROW. Some degree of horizontal buffer will likely be necessary between the west edge of the future RM service road and the east edge of the Manitoba Infrastructure ROW. Presumably at least 1 or 2 metres, which could then require perhaps a 22m wide RM ROW.

Cara Nichols
Community Development Planner

Santan Singh

From: Martin, Katie <Katie.Martin@gov.mb.ca>
Sent: March 6, 2024 1:26 PM
To: Santan Singh
Subject: S24-3045

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

Hello,

Environmental Compliance and Enforcement has reviewed the above noted subdivision and has no concerns.

Thanks

Katie Martin
Environment Officer, Environmental Compliance & Enforcement Branch
Environment and Climate Change
Katie.Martin@gov.mb.ca / cell: 204-485-6797

24hr Environmental Emergency Response Line: 1-204-944-4888/1-855-944-4888

Santan Singh

From: Teranet Manitoba - Surveys Planning <mb.surveysplanning@teranet.ca>
Sent: March 11, 2024 2:25 PM
To: Santan Singh
Subject: RE: Subdivision S24-3045

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

Hello,

Land Titles requirements are as follows:

A Plan of Subdivision as proposed SAM is required.

Thank you,

Laxmi Dhakal

Survey Examiner, Winnipeg Land Titles, Teranet Manitoba
500-200 Graham Ave, Winnipeg, MB R3C 4L5
Mailing Address: PO Box 70 Winnipeg Main, Winnipeg, MB R3C 2G1
Office: 1.844.737.5684 Ext. 1792
Laxmi.Dhakal@teranet.ca

From: Santan Singh <santan@rrpd.ca>
Sent: Tuesday, March 5, 2024 11:29 AM
To: 'neteng.control@bellmts.ca' <neteng.control@bellmts.ca>; Gas (subdivisioncirculares@hydro.mb.ca) <subdivisioncirculares@hydro.mb.ca>; Dan Roberts <dan.roberts@gov.mb.ca>; AGRlanduse@gov.mb.ca; PPD-RegionalPlanning <RegionalPlanning@winnipeg.ca>; Winnipeg Planning Department <WinnipegPlanning@sjrb.ca>; SHYMKO, Paul <paul.shymko@canadapost.postescanada.ca>; Local Government <selkirkcrp@gov.mb.ca>; +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>; Robert Beltont Brad Allum (MITWaterReview@gov.mb.ca) <MITWaterReview@gov.mb.ca>; Teranet Manitoba - Surveys Planning <mb.surveysplanning@teranet.ca>; 'brian.oleary@7oaks.org' <brian.oleary@7oaks.org>; EnvCEWinnipeg@gov.mb.ca; HRB (HRB.archaeology@gov.mb.ca) <HRB.archaeology@gov.mb.ca>; Mines_br@gov.mb.ca
Subject: Subdivision S24-3045

<!--EXTERNAL SENDER CAUTION: Use your "Report Phishing" button on suspicious emails and incidents.

Good Morning,

Attached is the subdivision application in the RM of ESP for your review and comments.

Thank You



Santan Singh, M.C.P
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

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

Santan Singh

From: Howells, Angela <Angela.Howells@gov.mb.ca>
Sent: March 27, 2024 9:19 AM
To: Santan Singh
Subject: RE: Subdivision S24-3045

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

Hello Santan,

We have no concerns regarding this proposal. We would just note that the subdivision is adjacent to the Red River Floodway, which is Provincial Water Infrastructure. Any work taking place on or near the Red River Floodway right-of-way will require a Provincial Water Infrastructure Permit prior to commencing work.

Thank you,

Angela Howells

(Pronoms/pronouns: elle/she/her)

Senior Flood Protection Planning Officer

Hydrologic Forecasting & Water Management | Technical Services & Operations

Manitoba Transportation and Infrastructure

Second Floor – 280 Broadway | Winnipeg MB R3C 0R8 | 204-915-7295 | Angela.Howells@gov.mb.ca

See our new Provincial Waterway Online Map at <https://arcg.is/0Cmb4S>

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From: Santan Singh <santan@rrpd.ca>

Sent: Tuesday, March 5, 2024 11:29 AM

To: 'neteng.control@bellmts.ca' <neteng.control@bellmts.ca>; Gas (subdivisioncirculares@hydro.mb.ca) <subdivisioncirculares@hydro.mb.ca>; Roberts, Dan <Dan.Roberts@gov.mb.ca>; +WPG112 - AGRLandUse <AGRLandUse@gov.mb.ca>; PPD-RegionalPlanning <RegionalPlanning@winnipeg.ca>; Winnipeg Planning Department <WinnipegPlanning@sjrb.ca>; SHYMKO, Paul <paul.shymko@canadapost.postescanada.ca>; +SEL1081 - Selkirk CRP <SelkirkCRP@gov.mb.ca>; +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>; +WPG1166 - MIT Water Review <MITWaterReview@gov.mb.ca>; Teranet Manitoba - Surveys Planning <mb.surveysplanning@teranet.ca>; 'brian.oleary@7oaks.org' <brian.oleary@7oaks.org>; +WPG569 - EnvCEWinnipeg <EnvCEWinnipeg@gov.mb.ca>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; +WPG1195 - Mines BR <mines_br@gov.mb.ca>

Subject: Subdivision S24-3045

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

Good Morning,

Attached is the subdivision application in the RM of ESP for your review and comments.

Thank You



Santan Singh, M.C.P

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

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

Santan Singh

From: Roberts, Dan <Dan.Roberts@gov.mb.ca>
Sent: March 6, 2024 8:44 AM
To: Santan Singh
Subject: RE: Subdivision S24-3045
Attachments: Subdivision Development Proposals Guide.pdf

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

The Drainage and Water Rights Licensing Branch requires a License to Construct Water Control Works for this subdivision development proposal, prior to any development taking place. *Please refer to Section 4: Engineered Drainage Plans, in the attached guide for more information.*

Any inquiries regarding these requirements may be made via email at: drainage@gov.mb.ca, or by telephone: 1-800-214-6497.

Sincerely,

Dan Roberts
Water Resource Officer

Environment and Climate
Water Stewardship Division
Drainage and Water Rights Licensing Branch
Drainage Section
Cell: (431) 336-1301

From: Santan Singh <santan@rrpd.ca>
Sent: Tuesday, March 5, 2024 11:29 AM
To: 'neteng.control@bellmts.ca' <neteng.control@bellmts.ca>; Gas (subdivisioncirculares@hydro.mb.ca) <subdivisioncirculares@hydro.mb.ca>; Roberts, Dan <Dan.Roberts@gov.mb.ca>; +WPG112 - AGRLandUse <AGRLandUse@gov.mb.ca>; PPD-RegionalPlanning <RegionalPlanning@winnipeg.ca>; Winnipeg Planning Department <WinnipegPlanning@sjrb.ca>; SHYMKO, Paul <paul.shymko@canadapost.postescanada.ca>; +SEL1081 - Selkirk CRP <SelkirkCRP@gov.mb.ca>; +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>; +WPG1166 - MIT Water Review <MITWaterReview@gov.mb.ca>; Teranet Manitoba - Surveys Planning <mb.surveysplanning@teranet.ca>; 'brian.oleary@7oaks.org' <brian.oleary@7oaks.org>; +WPG569 - EnvCEWinnipeg <EnvCEWinnipeg@gov.mb.ca>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; +WPG1195 - Mines BR <mines_br@gov.mb.ca>
Subject: Subdivision S24-3045

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Subdivision Development Proposals

A guide to subdivision development requirements

Manitoba Environment and Climate
Water Stewardship Division
Drainage and Water Rights Licensing Branch
Drainage Section

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Section 1: Introduction

The intent of this guide is to clarify the process and requirements for licensing water control works specifically associated with subdivisions.

Subdivision development proposals are now divided into three tiers or categories:

- 1) Subdivisions that are exempt – see [Section 2](#)
- 2) Subdivisions requiring a Technical Drainage Plan – see [Section 3](#)
- 3) Subdivisions requiring an Engineered Drainage Plan – see [Section 4](#)

Each section clearly outlines the criteria that determines whether or not a particular subdivision development proposal fits into the category, and lists the requirements specific to that category. Criteria are based on the degree of development, including such things as lot sizes, the number of lots, and the likelihood of there being hydraulic impacts associated with the development. Requirements are associated with the degree of development, where larger subdivisions with a higher lot density require greater degrees of design and engineering than smaller developments do.

In Section 2: Exemptions, there are four sub-categories that exempt a subdivision development proposal from requiring either a technical or engineered plan, provided it meets the qualifying criteria. Nevertheless, this does not mean that the client is exempt from licensing other water control works that may result from the consolidation of lots, moving property boundaries, dividing land into two separate parcels, etc. For instance, if as a result of moving property boundaries a need arises for a new access crossing, the crossing would still require authorization under The Water Rights Act, as it constitutes a water control work.

In Sections 3 and 4, the specifics of technical and engineered drainage plans are outlined, including the criteria that determine which type of plan is applicable to a particular subdivision development proposal. There are six requirements listed numerically in each Section defining the elements needed to fulfil the requirements of our Branch, followed by definitions and explanations detailing each requirement.

In 2019 The Water Rights Act and its regulations were revised and broadened to include a requirement and associated delivery program to compensate for the loss of wetland benefits for Class 3 wetlands. The Drainage and Water Rights Licensing Branch of Environment and Climate reviews subdivision development proposals to ensure there is no net loss of Class 3 wetland benefits prior to issuing a License to Construct Water Control Works to clients or developers. Section 5: Wetland Assessment and Compensation, provides information regarding the Wetland Assessment Report requirement, the compensation program for the loss of Class 3 wetland benefits, and wetlands in general.

Section 6 provides a brief overview on applying for a License to Construct Water Control Works, and also includes additional information that may be helpful during this process.

Section 7 contains copies of the various forms that may be necessary to complete your application. Submission of applications using the online [Water Licensing Portal](#) is strongly encouraged for faster service delivery times. If you are unable to submit the application using the online [Water Licensing Portal](#), please contact the Registrar at drainage@gov.mb.ca for an alternate format.

While the Drainage and Water Rights Licensing Branch has made every effort to ensure this guide is as comprehensive as practical, ultimately the responsibility lies with the client to ensure that all regulatory requirements instated under the Water Rights Act and the Water Rights Regulation are met. For more information, please follow the links below:

The Water Rights Act

[C.C.S.M. c. W80 \(gov.mb.ca\)](#)

The Water Rights Regulation

[Water Rights Regulation, M.R. 126/87 \(gov.mb.ca\)](#)

The Drainage and Water Rights Licensing Branch

[Environment, Climate and Parks | Province of Manitoba \(gov.mb.ca\)](#)

Section 2: Exemptions

The types of subdivisions listed in this Section do not require a Technical Drainage Plan, or an Engineered Drainage Plan licensed by the Drainage and Water Rights Licensing Branch, provided the qualifying criteria are met.

Lot Consolidations and Realignments of Property Boundaries

Criteria:

- No new lots are created.

Subdivisions Creating One New Lot

Criteria:

- The subdivision of land only creates one new lot, such as separating a yard-site from a larger agricultural parcel, or dividing a residential property into two separate parcels.

Subdivisions Involving Larger Lot Sizes

Criteria:

- Lot sizes are 40 acres (16.2 hectares) in size or larger.

Urban Areas

Criteria:

- Located within a Designated Urban Area, as per Section 5.1 (b) of Water Rights Regulation 126/87, and;
- The proposed water control works will not outlet onto areas outside of the designated urban area, such as an adjacent municipality, and;
- The water control works will not drain or alter Class 3, 4 or 5 wetlands (see [Section 5](#)).

Definitions

Designated Urban Areas:

A *Designated Urban Area* is a settlement or town defined under Section 5.1 (b) of Water Rights Regulation 126/87, where the licensing of water control works is not required by the Drainage and Water Rights Licensing Branch, provided the water control works:

- Do not outlet onto areas outside of the urban area, such as an adjacent municipality, or;
- Do not drain or alter Class 3, 4 or 5 wetlands (see [Section 5](#)).

Additional information

Water control works required as a result of lot consolidation, moving property boundaries, etc. will require authorization under The Water Rights Act.

For additional information, or to obtain authorization to construct water control works, please follow the link below:

[Environment, Climate and Parks | Province of Manitoba \(gov.mb.ca\)](https://www.gov.mb.ca/environment/climate_parks/)

Section 3: Technical Drainage Plans

Criteria

- The subdivision is 2 to 9 lots in size.
- Lot sizes range from 2 acres (0.8 hectares) up to, but less than 40 acres (16.2 hectares).
- The soil has a capability for agriculture rating of Class 1 through Class 5. *Please note: Development of Class 6 and 7, or unimproved organic soils cannot be authorized by the Drainage and Water Rights Licensing Branch.*

Requirements

1. Site Map.
2. Technical Drainage Plan (Survey, Lot Grading Plan, Technical Drawings).
3. Wetland Assessment Report (*please see [Section 5](#)*).
4. Written authorization from the landowner where the works will outlet (private, municipality, Manitoba Transportation and Infrastructure (MTI), Lands Branch-Natural Resources and Northern Development), completed and signed.
5. Apply for a License to Construct Water Control Works on our online portal: [Environment, Climate and Parks | Province of Manitoba \(gov.mb.ca\)](#), and include the items listed in Requirements 1 through 4 inclusive with your application (*please see [Section 6](#) for more information*). *Note: Requirements that are not included with your application, or have not been fully met, will result in delays processing your application.*
6. When a License to Construct Water Control Works is issued by our Branch, supply a copy to the Approving Authority (Community Planning Branch, or Planning District office) as written confirmation that our requirements have been met.

Definitions

Site Map:

A *Site Map* consists of a drawing depicting the location and full extent of the proposed development in relation to other features on the landscape, such as adjacent developments, subdivisions, roads, waterways, etc., overlaid on an aerial photograph. The *Site Map* shall be clearly labeled with the legal land description (Section, Township, and Range E/W), the municipality or local government where the development will be located, and a North Arrow.

Technical Drainage Plan:

A *Technical Drainage Plan* is a site development plan that defines the parameters of smaller scale developments, and consists of a Survey, Lot Grading Plan and Technical Drawings.

Survey requirements

- A profile of the existing elevations of drain bottoms, adjacent prairie and roads, and any drainage infrastructure, including, but not limited to:

- Drains,
- Culverts with invert elevations,
- Dams,
- Weirs,
- Bridges, and
- Any other relevant water feature within, or adjacent to the development in question that alters or affects the flow of water.
- Details of proposed construction parameters and design, including, but not limited to:
 - Drain gradient,
 - New culvert elevations or locations,
 - Cross sections of drains, and
 - Any other relevant water feature within, or adjacent to the development in question that alters or affects the flow of water.
- The *Survey* shall be plotted with a readable scale, include the direction and distance of the survey, and be tied to a benchmark.

Lot Grading Plan requirements

Pre and proposed post development contour maps of the development, including, but not limited to adjacent areas that may affect or be affected by the development.

Technical Drawing requirements

Technical information that details site development, including, but not limited to:

- Drainage infrastructure details comprised of the location, type, size, and function of existing and proposed water control works, such as minor culvert upgrades, drains, small dams, etc.
- Existing surface water flow patterns, including drains and waterways.
- Any existing water features, such as wetlands.

Wetland Assessment Report:

A report prepared by a qualified wetland expert that delineates the location, extent, and Class of wetlands on properties slated for development. The information necessary for a comprehensive wetland assessment includes:

- Identification of aquatic plant species.
- Identification of soil types derived from direct observations of the soil profile, which may include the collection and analysis of soil samples.
- A historic aerial photo analysis of wetlands on the subject property.
- A map or maps illustrating the location, extent, area (delineated in acres), and Class of all wetlands within the proposed development area, overlaid on an aerial photograph.
- Photographs of each wetland, associated aquatic species, soils, and soil sample sites.

- Any other information deemed relevant to adequately assess wetlands within the proposed development area.
- Completion of a Wetland Compensation Form.
- If applicable, proof of compensation for the loss of any Class 3 wetlands.

Wetland Compensation Notice Form:

This form is used to identify areas of Class 3 wetlands on properties slated for development, such as the construction of a subdivision, and to provide proof of compensation for the loss of Class 3 wetlands.

Additional information may be found in [Section 5](#), or in the Water Rights Regulation – please follow the link below:

[Water Rights Regulation, M.R. 126/87 \(gov.mb.ca\)](http://gov.mb.ca)

A copy of the [Wetland Compensation Notice Form](#) may be found in Section 7.

Landowner Consent Form:

A form whereby a landowner (private, municipality, Manitoba Transportation and Infrastructure (MTI), Lands Branch-Natural Resources and Northern Development) provides written authorization to another party to construct water control works on their property, or outlet water onto their property.

A copy of the [Landowner Consent Form](#) may be found in Section 7.

Additional information

- *Surveys, Lot Grading Plans and Technical Drawings* are to be computer generated or professionally drafted to adequately depict the parameters and features of the development, each overlaid on an aerial photograph, and clearly labeled with the legal land description (Section, Township, and Range E/W), the municipality or local government where the development will be located, and contain a North Arrow.
- It is recommended that clients hire, at their own expense, qualified professionals to prepare the Site Map and Technical Drainage Plan, such as a certified engineering technician or technologist, Manitoba land surveyor, or a professional engineer registered with *Engineers and Geoscientists Manitoba (EGM)*.
- A License to Construct Water Control Works is required for the entire proposed subdivision, and prior to any of the lots therein being developed.
- In situations where a developer has completed construction of a subdivision, and the local government is planning to take over administration and control of that subdivision, it is a requirement that the License to Construct Water Control Works issued for the subdivision be transferred to the local government at that time (see [Section 6](#)).

- In high-density development areas the Drainage and Water Rights Licensing Branch may require an Engineered Drainage Plan to mitigate any potential or cumulative impacts from the proposed development.

Section 4: Engineered Drainage Plans

Criteria

- The subdivision is 10 or more lots in size, or;
- The subdivision is 2 or more lots in size, and the lots are less than 2 acres (0.8 hectares), and;
- Lots are less than 40 acres (16.2 hectares) in size, and;
- The soil has a capability for agriculture rating of Class 1 through Class 5. *Please note: Development of Class 6 and 7, or unimproved organic soils cannot be authorized by the Drainage and Water Rights Licensing Branch.*

Requirements

1. Site Map.
2. Engineered Drainage Plan (Report and Design Drawings).
3. Wetland Assessment Report (*please see [Section 5](#)*).
4. Written authorization from the landowner where the works will outlet (private, municipality, Manitoba Transportation and Infrastructure (MTI), Lands Branch-Natural Resources and Northern Development), completed and signed.
5. Apply for a License to Construct Water Control Works on our online portal: [Environment, Climate and Parks | Province of Manitoba \(gov.mb.ca\)](http://Environment, Climate and Parks | Province of Manitoba (gov.mb.ca)), and include the items listed in Requirements 1 through 4 inclusive with your application (*please see [Section 6](#) for more information*). *Note: Requirements that are not included with your application, or have not been fully met, will result in delays processing your application.*
6. When a license is issued by our Branch, supply a copy to the Approving Authority (Community Planning Branch, or Planning District office) as written confirmation that our requirements have been met.

Definitions

Site Map:

A *Site Map* consists of a drawing depicting the location and full extent of the proposed development in relation to other features on the landscape, such as adjacent developments, subdivisions, roads, waterways, etc., overlaid on an aerial photograph. The *Site Map* shall be clearly labeled with the legal land description (Section, Township, and Range E/W), the municipality or local government where the development will be located, and a North Arrow.

Engineered Drainage Plan:

An *Engineered Drainage Plan* is a site development plan consisting of a Report and Design Drawings prepared and sealed by a professional engineer registered with *Engineers and Geoscientists Manitoba (EGM)*.

Report requirements

Hydraulic design calculations are to be provided for review using a design scenario that details how post-development storm water runoff rates of the subject property are to be equal to, or less than pre-development run-off rates subject to the following criteria:

- The site design must be able to handle at a minimum, a 1-in-25 year storm event. Water-ponding volumes should equal the difference between a one-in-five year allowable outflow, and a 1-in-25 year post-development flow hydrograph. The allowable outflow is the 1-in-5 year peak flow based on pre-development conditions. The ponding storage is typically accomplished through retention ponds, or internal storage via drains and drainage patterns.
- The storm duration for the design should be 3 hours.
- The report must clearly detail the pre-development catchment area runoff volumes and rate for the design event, and the post-development catchment area runoff volumes and rate for the design event.
- The volume of water to be stored and proposed outflow rate.

Design drawing requirements

Drawings (blueprints) delineating any construction, alteration, improvement, blocking or modification of new or existing drainage works servicing the property, including detailed design drawings of proposed storm water storage works. Drawings should include:

- Drain flow direction(s).
- Proposed/existing culvert sizes, locations, and schematics of any buried land drainage system.
- Typical cross-sections of proposed drains.
- Existing and proposed geodetic lot grade elevations (in metric).
- Public right-of-ways or easements.
- Outlet(s) of proposed drainage works (where water exits the development).
- *Design Drawings* are to be computer generated or professionally drafted to adequately depict the parameters and features of the development, clearly labeled with the legal land description (Section, Township, and Range E/W), and the municipality or local government where the development will be located.

Wetland Assessment Report:

A report prepared by a qualified wetland expert that delineates the location, extent, and Class of wetlands on properties slated for development. The information necessary for a comprehensive wetland assessment includes:

- Identification of aquatic plant species.
- Identification of soil types derived from direct observations of the soil profile, which may include the collection and analysis of soil samples.

- A historic aerial photo analysis of wetlands on the subject property.
- A map or maps illustrating the location, extent, area (delineated in acres), and Class of all wetlands within the proposed development area, overlaid on an aerial photograph.
- Photographs of each wetland, associated aquatic species, soils, and soil sample sites.
- Any other information deemed relevant to adequately assess wetlands within the proposed development area.
- Completion of a Wetland Compensation Form.
- If applicable, proof of compensation for the loss of any Class 3 wetlands.

Wetland Compensation Notice Form:

This form is used to identify areas of Class 3 wetlands on properties slated for development, such as the construction of a subdivision, and to provide proof of compensation for the loss of Class 3 wetlands.

*Additional information may be found in [Section 5](#), or in the *Water Rights Regulation* – please follow the link below:*

[Water Rights Regulation, M.R. 126/87 \(gov.mb.ca\)](#)

A copy of the [Wetland Compensation Notice Form](#) may be found in Section 7.

Landowner Consent Form:

A form whereby a landowner (private, municipality, Manitoba Transportation and Infrastructure (MTI), Lands Branch-Natural Resources and Northern Development) provides written authorization to another party to construct water control works on their property, or outlet water onto their property.

A copy of the [Landowner Consent Form](#) may be found in Section 7.

Additional information

- The construction of the water control works shall be in accordance with the methods and materials specified by the engineer.
- If the development intends to direct water through provincial infrastructure (Provincial Trunk Highway, Provincial Road, or Provincial Drain (culverts or drains)), then different drainage standards may apply. Please contact Manitoba Transportation and Infrastructure (MTI) for details.
- Where the Drainage and Water Rights Licensing Branch determines it to be appropriate, we may direct the applicant to carry out an engineering analysis of hydrologic regime changes, potential physical impacts, and proposed mitigation measures.
- In cases where increased post development runoff cannot be accommodated within the development, the Engineered Drainage Plan must detail how the developer will mitigate negative downstream impacts from an increase in surface water flows. *Note:*

Mitigation may include upgrading existing drainage infrastructure, such as culverts and drainage channels downstream, to accommodate additional runoff.

- A License to Construct Water Control Works is required for the entire proposed subdivision, and prior to any of the lots therein being developed.
- In situations where a developer has completed construction of a subdivision, and the local government is planning to take over administration and control of that subdivision, it is a requirement that the License to Construct Water Control Works issued for the subdivision be transferred to the local government at that time (see [Section 6](#)).
- The information required for subdivisions falling into this category shall be prepared by a professional engineer registered with *Engineers and Geoscientists Manitoba (EGM)*.

Section 5: Wetland Assessment and Compensation

Criteria

The following considerations with regards to wetlands should be taken into account when developing a property or subdivision:

- Class 1 and 2 wetlands may be altered, drained or filled with a valid License to Construct Water Control Works.
- With compensation and authorization granted by our Branch, Class 3 wetlands may be altered, drained or filled.
- Class 4 and 5 wetlands cannot be altered, drained or filled.

Requirements

1. A Wetland Assessment Report.
2. Completion of a Wetland Compensation Notice Form, and;
3. If applicable, proof of compensation for the loss of Class 3 wetlands, such as:
 - a. Restoration of a prescribed wetland.
 - b. Increasing the area of a prescribed wetland.
 - c. Permanent legal protection of a prescribed wetland.
 - d. Permanent legal protection of wetland enhancements.

Definitions

Wetland:

A *Wetland* is a marsh, bog, fen, swamp or ponded shallow water, including low areas of wet or water-logged soils that are periodically inundated by standing water that is able to support aquatic vegetation and biological activities adapted to the wet environment under normal conditions.

Wetland Classes:

Wetlands are divided into Classes using hydrologic, soil and vegetation criteria, as per Schedule C of the Water Rights Regulation. The specifics of each Class are outlined as follows:

Class 1: Ephemeral Wetlands

A wetland that usually holds surface water caused by melting snow, high water table or precipitation for one week or less during years with average moisture conditions. Class 1 wetlands frequently have low prairie species of vegetation such as Kentucky bluegrass, goldenrod and forbs.

Class 2: Temporary Wetlands

A wetland that usually holds surface water caused by melting snow, high water table or precipitation for a period between one week and one month during years with average moisture conditions. Water is frequently retained in a Class 2 wetland for long enough

to enable the establishment of wetland vegetation. Class 2 wetlands frequently have wet meadow vegetation such as fine stemmed grasses, sedges and associated forbs.

Class 3: Seasonal Wetlands

A wetland that usually holds surface water caused by melting snow, high water table or precipitation for a period between one month and three months. Class 3 wetlands are often dry by mid-June in years with average moisture conditions. However, in years with above-average moisture conditions, Class 3 wetlands may hold water for the entire year. Water is frequently retained in a Class 3 wetland for long enough to enable the establishment of wetland vegetation and gleysolic soils. Class 3 wetlands frequently have shallow marsh vegetation, such as emergent wetland grasses, sedges and rushes.

Class 4: Semi-permanent Wetlands

A wetland that usually holds surface water caused by melting snow, high water table or precipitation for more than three months, but not on a permanent basis. Class 4 wetlands will hold some water in years with average to above-average moisture conditions but can go dry in years with below-average moisture conditions. Class 4 wetlands typically have gleysolic soils. Class 4 wetlands frequently have marsh vegetation or submerged aquatic vegetation such as cattails, bulrushes and pond weeds in the central area of the wetland.

Class 5: Permanent Wetlands

A wetland that holds surface water caused by melting snow, high water table or precipitation permanently in years with average moisture conditions. Class 5 wetlands may go dry in years with well below-average moisture conditions. Class 5 wetlands typically have gleysolic soils. Class 5 wetlands have permanent open water in the central area that is generally free of emergent vegetation. Submerged plants may be present in the deepest part of the wetland with emergent plants on the edges of the wetland.

Wetland Assessment Report:

A report prepared by a qualified wetland expert that delineates the location, extent, and Class of wetlands on properties slated for development. The information necessary for a comprehensive wetland assessment includes:

- Identification of aquatic plant species.
- Identification of soil types derived from direct observations of the soil profile, which may include the collection and analysis of soil samples.
- A historic aerial photo analysis of wetlands on the subject property.
- A map or maps illustrating the location, extent, area (delineated in acres), and Class of all wetlands within the proposed development area, overlaid on an aerial photograph.
- Photographs of each wetland, associated aquatic species, soils, and soil sample sites.
- Any other information deemed relevant to adequately assess wetlands within the proposed development area.

Wetland Compensation Notice Form:

This form is used to identify areas of Class 3 wetlands on properties slated for development, such as the construction of a subdivision, and to provide proof of compensation for the loss of Class 3 wetlands.

Additional information may be found in the Water Rights Regulation – please follow the link below:

[Water Rights Regulation, M.R. 126/87 \(gov.mb.ca\)](http://gov.mb.ca)

A copy of the [Wetland Compensation Notice Form](#) may be found in Section 7.

Section 6: Applying for a License

All water control works require authorization under the Water Rights Act, which includes Technical Drainage Plans and Engineered Drainage Plans. *To apply for a License to Construct Water Control Works, or to transfer an existing license, please follow the link below:*

[Environment, Climate and Parks | Province of Manitoba \(gov.mb.ca\)](http://www.gov.mb.ca)

Checklist

When submitting your application please ensure that the following items are included to prevent any delays in reviewing and licensing your project:

- Site Map.
- Technical Drainage Plan (see [Section 3](#)), or Engineered Drainage Plan (see [Section 4](#)), whichever is applicable.
- Wetland Assessment Report (*please see [Section 5](#)*).
- Written authorization from the landowner where the works will outlet (private, municipality, Manitoba Transportation and Infrastructure (MTI), Lands Branch-Natural Resources and Northern Development), completed and signed.
- Once an approved license is issued by our Branch, a copy should be provided to the approving authority (Community Planning Branch, or Planning District) as written confirmation that our conditions have been satisfied.

Definitions

Landowner Consent Form:

A form whereby a landowner (private, municipality, Manitoba Transportation and Infrastructure (MTI), Lands Branch-Natural Resources and Northern Development) provides written authorization to another party to construct water control works on their property, or outlet water onto their property.

A copy of the [Landowner Consent Form](#) may be found in Section 7.

Site Map:

A *Site Map* consists of a drawing depicting the location and full extent of the proposed development in relation to other features on the landscape, such as adjacent developments, subdivisions, roads, waterways, etc., overlaid on an aerial photograph. The *Site Map* shall be clearly labeled with the legal land description (Section, Township, and Range E/W), the municipality or local government where the development will be located, and a North Arrow.

Water Control Works:

Water control works are defined as any dike, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for

carrying or conducting water, that temporarily or permanently alters, or may, alter the flow or level of water, water in a water body, by any means, including drainage or changes, or may change the location or direction of flow of water by any means including drainage.

The Water Rights Act:

Section 3(1):

Except as otherwise provided in this Act or the regulations, no person shall

(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or

(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or

(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.

For more information on the Water Rights Act and its associated regulations, please follow the link below:

[C.C.S.M. c. W80 \(gov.mb.ca\)](http://www.gov.mb.ca/c.c.s.m.c.w80)

Additional Information

- In situations where a developer has completed construction of a subdivision, and the local government is planning to take over administration and control of that subdivision, it is a requirement that the License to Construct Water Control Works issued for the subdivision be transferred to the local government at that time.
- In situations where there are multiple registered landowners on the land title, each registered landowner is required to apply separately for a License to Construct Water Control Works for the same subdivision. All of the required information should be submitted with each application.
- For multi-phase subdivisions, all phases may be applied for under one license, regardless of when each phase will be developed, provided the entire storm water drainage system for all phases of the subdivision are included in the Engineered Drainage Plan.
- A License to Construct Water Control Works is required for the entire proposed subdivision, and prior to any of the lots therein being developed.

Section 7: Forms

Wetland Compensation Notice Form

GENERAL INFORMATION:

Under The Water Rights Act and the Water Rights Regulation, Class 3 (seasonal) wetlands are eligible for drainage through authorization by license. As the proponent you must submit a Landowner Mitigation Form with your application demonstrating the mitigation process and how all options to avoid and minimize impacts to the wetland have been considered (see below). Any proposed loss of wetland benefits must be offset by compensation for lost acres of wetlands as required by The Water Rights Act and the Water Rights Regulation as set out in Schedule D.

Please note that a water rights license **will not** be issued for the drainage of Class 4 (semi-permanent), and 5 (permanent) wetlands. Licenses may be issued for projects that impact Class 4 and 5 wetlands under exceptional circumstances. For example, licenses impacting Class 4 and 5 wetlands may be issued where a project provides significant benefit to society (such as a highway, transmission line, flood infrastructure, etc.) and the impacts to the wetlands are unavoidable. In these situations compensation for the loss of wetland benefits is required to meet the no net loss of wetland benefits mandate in the Water Rights Act. In addition to demonstrating that avoidance and minimization have been considered, the applicant will need to provide justification for the exceptional circumstances that require wetland loss.

Wetland Assessment Process:

If Class 3 wetland:

1. Applicant declares wetland class on application form based on Schedule C of Water Rights Act Regulation 126/87 and the landowner guide to wetland classification.
2. The Water Resource Officer (WRO) will verify the classification of the wetland with technical data and tools available including the Stewart and Kantrud classification system, available wetland inventories, LiDAR and/or a site visit. The assessment will consider the wetland class definitions within the regulation and may also consider when necessary, vegetation zones; open water zones; and the presence of Gleysolic soils. Review of the wetland classification within the regulations is required to connect the wetland assessment with the class definitions.
3. The WRO will determine the area of the wetland that will be altered using the WALLAS map viewer along with the Canadian Wetland Inventory where available, LiDAR and/or a site visit, and may also consider, when necessary, vegetation and the presence of Gleysolic soils.
4. If the applicant wishes to challenge the wetland assessment the application will be reviewed by the Senior Water Resource Officer (SWRO) who will verify the assessment with a site visit. If the applicant wishes to further challenge the wetland assessment, they may enlist an individual qualified through formal education and professional experience to assess wetland classification.

If Class 4 or 5 wetland:

1. As noted above, a water rights license **will not** be issued for the drainage of Class 4 (semi-permanent), and 5 (permanent) wetlands. If a landowner has identified a class 4 or 5 wetland for a proposed water control works project, the proposal should be discussed with a WRO prior to initiating the application process.
2. They may enlist an individual qualified through formal education and professional experience to assess wetland classification to confirm the Classification.

WETLAND COMPENSATION:

An applicant seeking a license that would result in the loss or alteration of a Class 3 wetland must compensate for the loss of the wetland benefits. It has been scientifically demonstrated that restoration and enhancement of wetlands does not provide the same benefit of an intact wetland. Therefore when an intact Class 3 wetland is drained or altered, it is necessary to restore or enhance a larger area than the area impacted to maintain a no net loss of wetland benefits. The size of the area to be restored or enhanced is based on the ratios set out below.

Action	Restoring or increasing the area of a Class 3, 4, or 5 wetland	Permanent legal protection of wetland enhancements	Permanent legal protection of Class 1 or 2
Required Ratio	2:1	3:1	3:1

Compensation for loss of wetland benefits may take three forms as outlined in regulation: pay, purchase or perform.

Pay

An applicant may make a direct payment to the Wetland Mitigation Fund administered by Manitoba Habitat Heritage Corporation.

- Water Resource Officer completes a Wetland Compensation Notice identifying the size of wetland area impacted, and the payment amount required as compensation.
- The payment will be calculated using the following formula:
 - $\text{Payment} = \text{area of wetland impacted in acres} \times 2 \times \6000
- Applicant submits the required payment and the Wetland Compensation Notice to Manitoba Habitat Heritage Corporation.
- Manitoba Habitat Heritage Corporation completes a Wetland Compensation Invoice and submits it to the department on behalf of the applicant and the license is issued (assuming all other requirements are met).

Perform

An applicant may complete the restoration or enhancement of wetlands using their own resources.

- Water Resource Officer completes a Wetland Compensation Notice identifying the size of wetland area impacted.
- Applicant completes a Wetland Compensation Project Proposal and submits it to the department.
- The Director may approve the proposal or may require specified changes to the proposal.
- The compensation works in the Wetland Compensation Project Proposal must be registered or licensed as a separate project and are subject to all the requirements of the Water Rights Regulation. Director approval of the Wetland Compensation Project Proposal **does not** replace the need to register/license the project.
- The applicant must complete all compensation works in accordance with the requirements set forth in the approved proposal to the satisfaction of the Water Resource Officer prior to a license being issued.

WETLAND COMPENSATION NOTICE FORM

Application File #:

Name:
 Municipality:
 Watershed District:
 Water Resource Officer:

Wetland Assessment:

Explanation of process used to assess wetland class and size (for example, wetland inventory, aerial photo, LiDAR, vegetation, soils, site inspection date, experts consulted etc.)

Wetland	Wetland Class	Total Area (acres)	Area of impact (acres)	Process used for assessment
1				
2				
3				
4				

Compensation Options (only one option is required)

Pay:

Total payment required for compensation of works that alter a wetland is \$ _____

Required Payment = area of wetland impacted x 2 x \$6000

If pay is selected as the compensation option, the proponent should submit this notice with full payment to Manitoba Habitat Heritage Corporation. Upon confirmation of full payment received by Manitoba Habitat Heritage Corporation, Sustainable Development will issue a license for proposed works.

Perform:

Area of wetlands impacted to be compensated for: _____ acres X compensation ratio (2:1 or 3:1)

Approval of a Compensation Proposal and evidence of completion of all works in the proposal are required prior to the license being issued. The compensation works must be registered or licensed as a separate project and are subject to all requirements of the Water Rights Regulation. Director approval of the Compensation Project Proposal is not a substitute for the registration/licensing process. (No standards of construction or design for perform option)

 Water Resource Officer

 Date

WETLAND COMPENSATION RECEIPT: WETLAND MITIGATION FUND

This receipt fulfills the PAY option for wetland compensation under the Water Rights Regulation.

Upon receipt of the Wetland Compensation Notice and full payment outlined in the Compensation Notice from the proponent, Manitoba Habitat Heritage Corporation will complete the Wetland Compensation Receipt and submit it to the department on behalf of the applicant.

Applicant Name:
Location of Wetland Impacted (legal land description):
Area of Wetland Impacted:
Payment Required:
Area of wetland impacted (acres) x 2 x \$6000

The amount of \$ _____ has been received by Manitoba Habitat Heritage Corporation as compensation for loss of wetland benefits as a result of drainage works approved in the Water Rights License identified above.

Received by:

Representative of MHHC

Date:

WETLAND COMPENSATION FORM – PERFORM OPTION

Applicant:

Name:

Application File #:

Compensation Design Plan:

Please attach a description of the compensation plan including approved actions and ratios per the table below.

Action	Restoring or increasing the area of a Class 3, 4, or 5 wetland		
Required Ratio	2:1		

Please include a photo, sketch, plan, or drawing that depicts an accurate representation of the proposed works. Please include flow direction, description of all works (including depth and distance) north arrow and location of the works and / or an industry accepted engineering plan and construction standards.

Approval of Proposal:

Director/WRO

Date

Verification of completion of compensation works

Water Resource Officer

Date

Landowner Consent Form

Applicant Name(s) _____					
Telephone # _____		Cellular # _____		Email _____	
Location of Works:					
Municipality _____			Parish _____		
Conservation District _____					
Quarter	Section	Township	Range	E/W	River Lot
Other description(s) _____					
Consent:					
The proposed works (as shown on attached aerial photo/sketch) will affect the land(s) noted below. As the affected landowner, I hereby acknowledge and accept that the proposed project will cause water to discharge or otherwise enter my land(s) as explained to me by the applicant. As such, I do not object to the water control works being constructed.					
Quarter	Section	Township	Range	E/W	River Lot
Legal title holder:					
Private landowner(s)		Municipality	Conservation District	MB Infrastructure	Crown
Affected Landowner Name _____					
Telephone # _____		Cellular # _____		Email _____	
Signature _____			Date _____		

FOR OFFICE USE ONLY

EXEMPTION FROM APPROVAL		
The Drainage and Water Rights Licensing Branch has assessed the proposed works as shown on the attached aerial photo/sketch (signed and dated by Water Resource Officer) and has determined that there will not be a significant impact to the land(s) identified above:		
* As such, you are hereby granted an exemption from obtaining the required landowner approval of the land(s) identified above, dated this _____ day of _____ A.D. 20_____.		
_____	_____	_____
WRO Full Name (printed)	WRO Full Name (signed)	Badge #

DATE: 2023-09-19

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 S24-3045
AAS File AAS-23-21523
Subdivision and Rezoning Application – 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, (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.

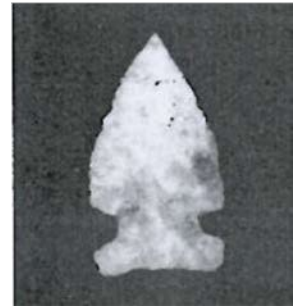
"natural heritage object" means a work of nature consisting of or containing evidence of flora or fauna or geological processes;

"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.

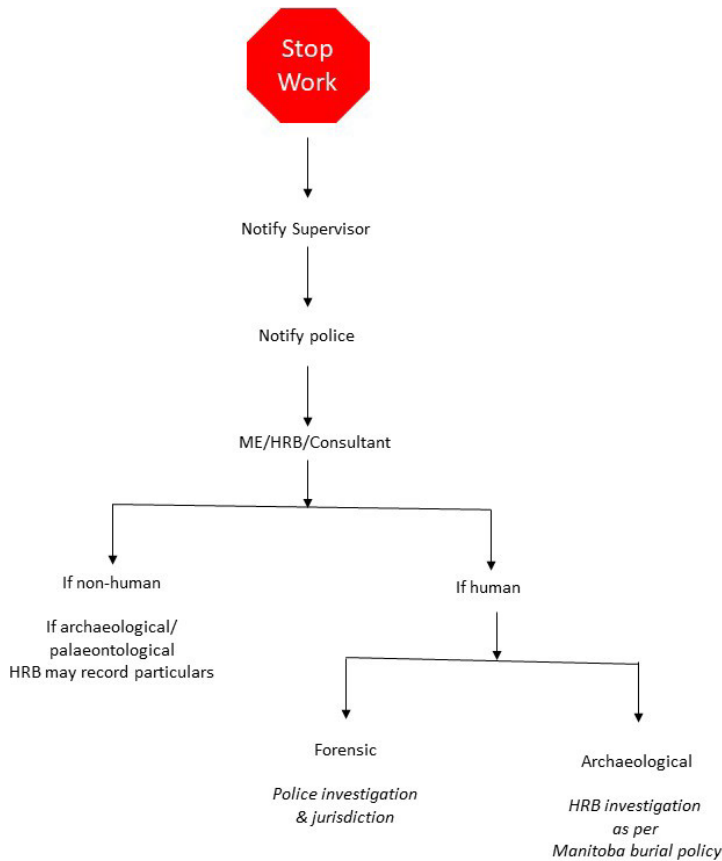
- *Who is the site supervisor?*
- *Who do you contact if supervisor is unavailable?*
- *What are the phone numbers for these individuals?*

- *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

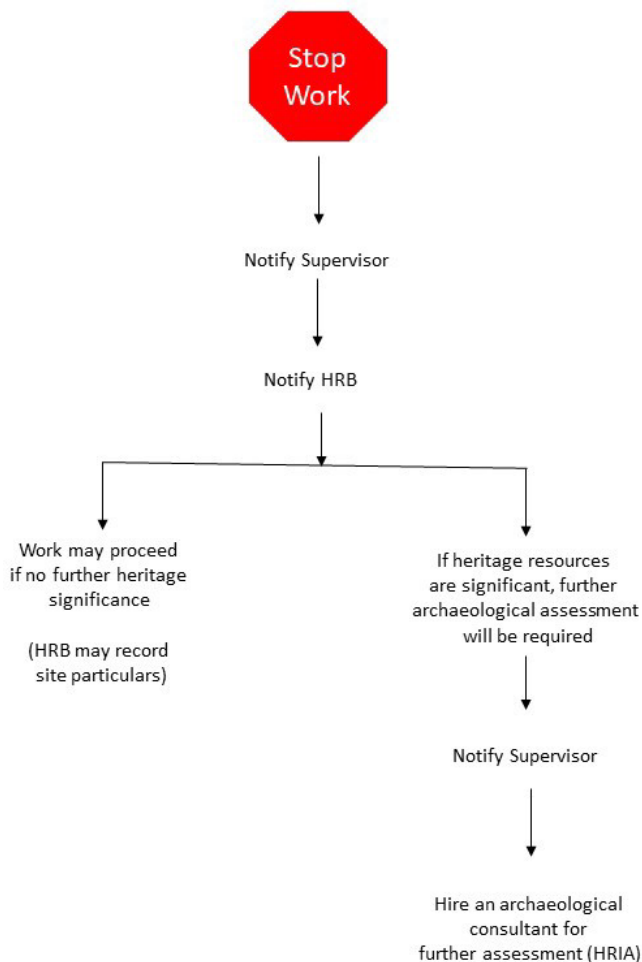
Under no circumstances should site information be shared with the media or the public. Site locations are protected by the Freedom of Information and Protection of Privacy Act (FIPPA).

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

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

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