

R.M. of St. Andrews  
ZONING BY-LAW 4066  
SUBDIVISION APPLICATION S24-3048  
**PUBLIC HEARING**

We are  
Listening.

**Public  
Hearing**

**Monday,  
April 8<sup>th</sup>, 2024**

**5:30 PM**

**Council Chambers  
500 Railway Ave.  
Clandeboyne, MB**

**Phone:**

**(204) 669-8880**

**1-800-876-5831**

**Fax:**

**(204) 669-8882**

**E-Mail:**

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

**Website:**

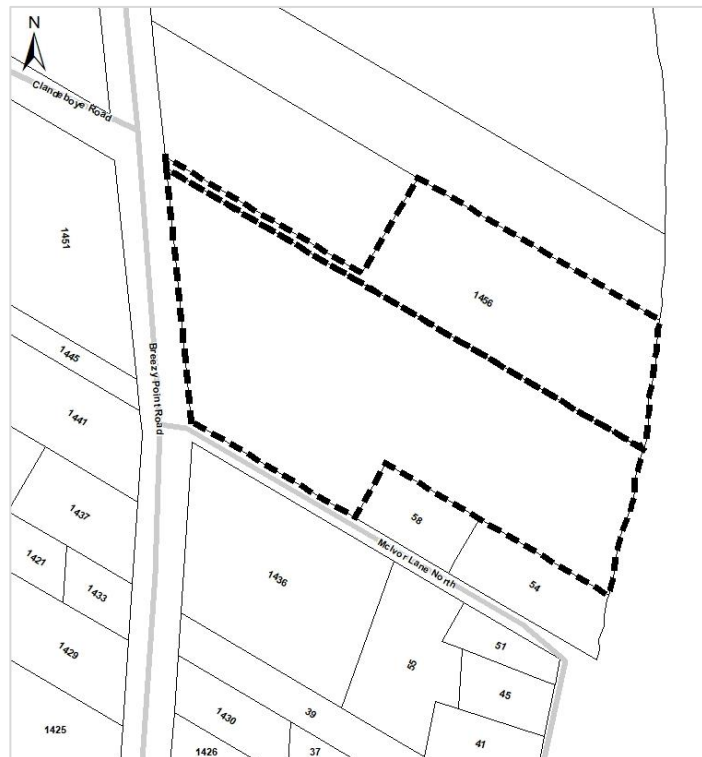
**[redriverplanning.com](http://redriverplanning.com)**



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

**What is S24-3048 about?**

This application proposes to re-align property boundaries between two (2) titles in the "A40" Agricultural Limited Zone. No additional lots are proposed as part of this subdivision application.



**Unaddressed Parcel and 1456 Breezy Point Road  
(Roll No. 409600, 410200)**

Planning meetings may be viewed live through the [RM of St. Andrews Youtube Channel](#). In-person and online attendance for the Public Hearing is available. Registration is required if you wish to attend online. Please contact the municipal office at 204-738-2264 ext. 137 or [Braeden@rmofstandrews.com](mailto:Braeden@rmofstandrews.com) by 2pm the day of the meeting to register for attendance, speaking to council, providing written comments, whether "for" or "against" or for information regarding the application.

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

Red River Planning District  
2978 Bird's Hill Road

Mon-Fri\*  
8:30am-4:15pm

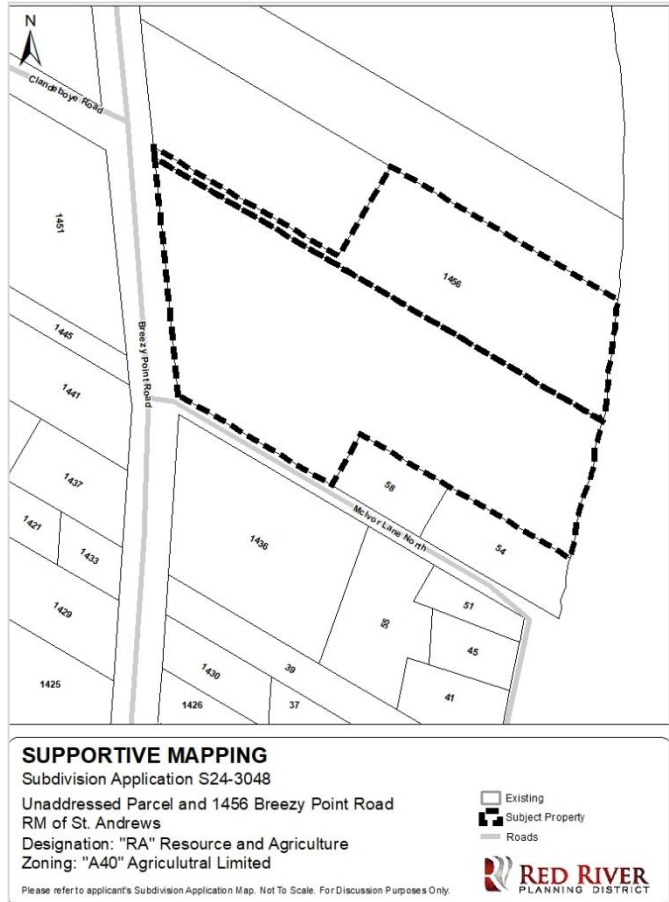
*\*excludes all statutory holidays*

**Note:** *Property owners are responsible for notifying "Tenants".*

## Subdivision S24-3048

Date Prepared: March 25, 2024 (Updated March 27<sup>th</sup> 2024)

<b>Address:</b>	Unaddressed Parcel and 1456 Breezy Point Road RM of St. Andrews
<b>Legal Description:</b>	<b>CT 2988778/1</b> Lot 1 Plan 47116 WLTO in RL 86 and 87 Parish of St Peter.  <b>CT 1239919/1</b> Parcel 1: Lot 1, Plan 18195, WLTO in RL 88 and 89 Parish of St. Peter. Parcel 2: All that portion of RL 88, Parish of St. Peter, taken for Road, Plan 2469, WLTO (Now Closed) and Shown Green on Plan 7838 WLTO.
<b>Roll Number(s):</b>	Roll #'s 409600 and 410200
<b>Zoning:</b>	"A40" Agricultural Limited Zone
<b>Development Plan:</b>	"RA" Resource and Agriculture
<b>Report Prepared by:</b>	Santan Singh, M.C.P Community Planner



### EXECUTIVE SUMMARY:

The applicant is seeking realign the lot boundaries between the two (2) titles CT 1239919/1 and CT 2988778/1 in the "A40" Agricultural Limited Zone, The proposal will result in two (2) lots of 3.59 hectares (8.87 acres) and 4.32 hectares (10.67 acres). The proposal is subject to a Public Hearing and will proceed in accordance with *section 169 & 170 of The Planning Act*.

There are no specific policies that would support the lot boundary adjustment between the two properties under Resource and Agriculture Designation, therefore the proposal is not consistent with the Red River Planning District Development Plan By-law 279/19. RRPD notes that the provincial department of Agriculture has stated that there are no perceived impacts of the proposed realignment on the agriculture.

Additionally, both the proposed lots do not meet the required site area requirements of 40 acres in the “A40” Agricultural General zone as per the RM of St. Andrews Zoning By-law 4066; Should this subdivision be approved, variances will be required to bring the proposed lots into compliance. Therefore, the Red River Planning District office, strictly from policy perspective recommend **Not to approve the application.**

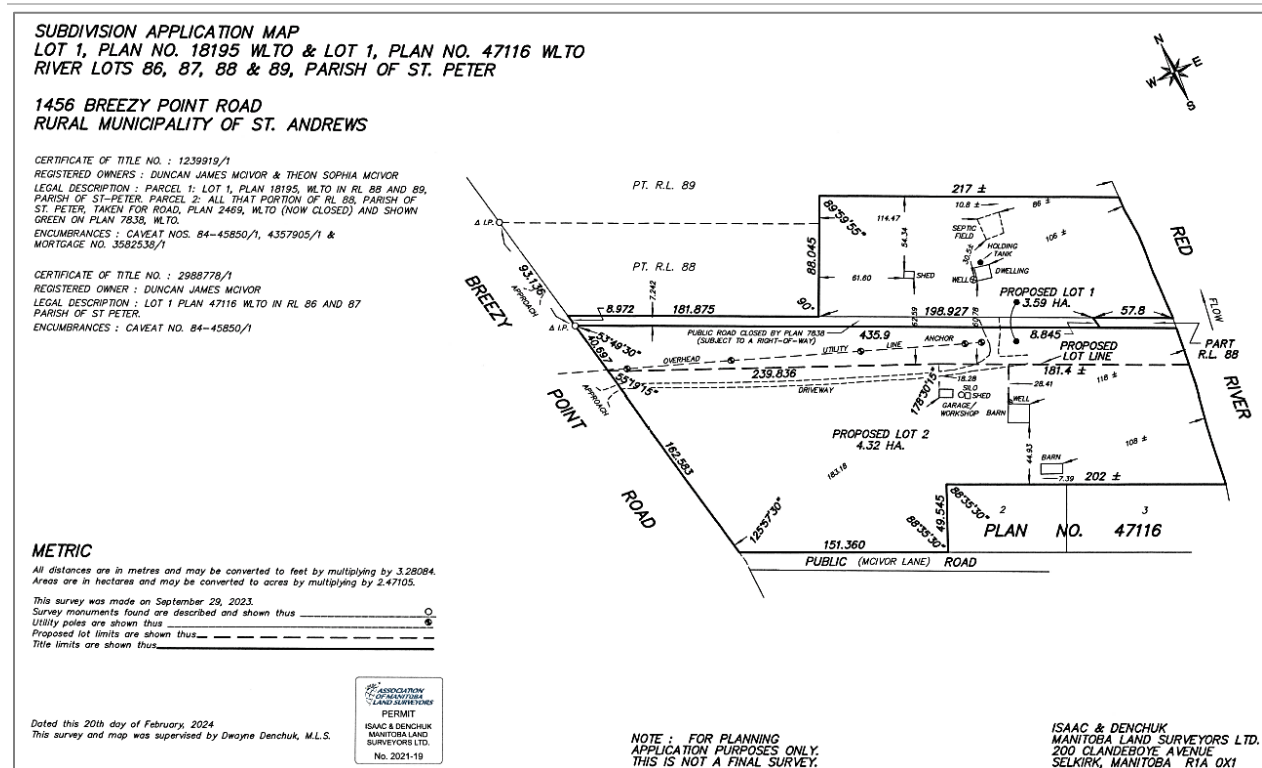
**RECOMMENDATION: NOT TO APPROVE.**

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# 1. PROPOSAL



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

The applicant is seeking to realign the lot boundaries between the two titles CT 1239919/1 and CT 2988778/1 in the "A40" Agricultural Limited Zone. The proposal will result in two lots of 3.59 hectares (8.87 acres) and 4.32 hectares (10.67 acres), respectively.

## 2. SITE CONTEXT AND BACKGROUND

The applicant is seeking to realign the lot boundaries between the two titles CT 1239919/1 and CT 2988778/1 in the "A40" Agricultural Limited Zone. The proposal will result in two lots of 3.59 hectares (8.87 acres) and 4.32 hectares (10.67 acres), respectively.

The subject land is designated *Resource and Agriculture* 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 Residential lots zoned "A40" Agricultural Limited.
- To the South Residential lots zoned "RR" Rural Residential.
- To the East Red River.
- To the West Residential lots/agricultural lots zoned "A40" Agricultural Limited

### 3. DEVELOPMENT PLAN (272/19)

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#### Land Use Designation: “RA” Resource and Agriculture

The subject land is designated *Resource and Agriculture* in the Red River Development Plan (adopted by RRPD Board on August 19, 2020). The *Resource and Agriculture* designation is aimed at reserving land for agricultural and other natural resource related industries and use.

The following are *Resource and Agriculture* policies that are relevant to the subject proposal:

**4.1.12** Where feasible, existing non-conforming small holdings should be consolidated as a requirement of subdivision approval.

**4.1.13** Land in the Resource and Agriculture designation area should generally be held in parcels of a minimum 80 acres in size in order to accommodate a wide range of agricultural and resource based activities.

**4.1.14** Land divisions which create small parcels for non-agricultural or resource related uses shall not be permitted except as provided herein, and subject to a maximum of only one (1) subdivision per 80-acre title:

**4.1.14.1** Parcels with a habitable residence that have been acquired through farm enlargement or consolidation or if a retiring farmer wishes to retire on his or her farm, a farmstead may be subdivided taking into consideration the configuration of the existing yard when the residence is not required for the agricultural enterprise, the bounds of the parcel do not exceed an established shelterbelt or yard and are not wasteful of agricultural lands.

**4.1.14.2** A new non-agricultural related dwelling on a separate site for an individual whose presence, is necessary in assisting with the permitted agricultural activity with the intent of deriving a significant income from the agricultural activity.

**4.1.14.3** Where a site has been physically separated as a remnant parcel in the development of a transportation corridor or a major drain, cannot reasonably be used for farming purposes, and will not create a land use conflict if subdivided.

**4.1.14.4** A farmstead site may be subdivided on an existing river lot of record that is less than 80 acres in size, so long as one has not yet been subdivided out at the time of adoption of this plan.

Apart from the policies discussed above, other policies throughout the Development Plan may be relevant to the proposed subdivision: Section 2.0 addresses policies for sustainable development, such as public transportation, affordable housing, recreation and cultural services, and safe neighbourhoods; Section 3.0 addresses services and infrastructure, such as a safe and integrated transportation network, provision of alternative transportation modes (i.e. bikes, walkways), minimizing hazards and flooding, addressing overland drainage, the provision of municipal services (e.g. water and sewer) and protecting heritage resources and natural and wildlife areas. If necessary, these items can be addressed through a development agreement.

There are no specific policies that apply to the proposal; therefore, the proposal does not align with the policies of the Red River Development plan.

#### 4. ZONING BY-LAW (2009-04)

The proposed subdivision is located within the “**A40**” **Agricultural Limited** Zone pursuant to the *RM of St. Andrews Zoning By-law 4066*. The “A40” classification has a site area requirement of 40 acres and a site width of 300 feet.

**Section:** Table 11

**Zone:** “A40” Agricultural Limited Zone

<b>SITE AREA</b>	<b>Site Area Requirements for “A40” Zone 40 acres min.</b>	
Proposed Lot 1	8.87 acres	Not In Compliance
Proposed Lot 2	10.67 acres	Not In Compliance
<b>SITE WIDTH</b>	<b>Site Width Requirements for “A40” Zone 300 ft. min. required</b>	
Proposed Lot 1	± 162.96 ft.	Not In Compliance
Proposed Lot 2	± 533.41 ft.	In Compliance

**Note:-**

Both the proposed lots do not meet the required 40 acres in the “A40” zone. Proposed lot 1 do not meet the required 300 feet width requirement. Should the Council choose to approve the application; variances will be required to bring the lots into compliance.

#### 5. PROPOSED SERVICING AND INFRASTRUCTURE

- Wastewater Services –Septic field ( Present )  
Requirements: As per MR 83/2003 *Onsite Wastewater Management Regulation*. Please see additional comments from Manitoba Conservation and Climate.
- Drinking Water Requirements – Individual well (Present)  
Requirements: As per Manitoba Environment, Climate and Parks and municipal Standards.
- Road Standards – Public Road (provincial trunk highway)  
Requirements: RM of St. Andrews is the authority responsible for the Municipal Road and Manitoba Highways is responsible for Provincial road
- Drainage – Natural, 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)

<b>RM of St. Andrews</b>	1. Applicant / owner submits confirmation in writing from the Municipality stating that: <ul style="list-style-type: none"><li>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;</li></ul>
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<b>Manitoba Agriculture and Resource Development</b>	I have reviewed this proposed subdivision on behalf of Manitoba Agriculture. The request proposes to realign the boundaries between two farmstead sites to account for existing structures. The proposed subdivision resides within a designated Resource & Agriculture Policy Area under the Red River Planning District Development Plan and as there are no perceived impacts to agriculture, no objection.
<b>Manitoba Infrastructure - Highway Planning and Design Branch</b>	<p>In response to your e-mail dated March 4, 2024, we have reviewed the above noted subdivision application. We understand the intent is to realign the lot line to provide better access to the existing residential lots. Proposed lot one has frontage along PR 320. Proposed lot 2 has frontage on PR 320 and the municipal road with access on PR 320. No new accesses are proposed.</p> <p>Based on available information, we do not object to this subdivision. Please be advised that Manitoba Transportation and Infrastructure will not approve any additional direct property access onto PR 320. Please include the following as a condition of approval:</p> <ul style="list-style-type: none"> <li>• The owner is required to obtain a permit from Manitoba Transportation and Infrastructure for the relocation of the existing access on PR 320 so that it is centred on the proposed property line to allow for shared use. Alternatively, the landowner may reconfigure the property line between the proposed lots so that it is centred on the existing access. We recommend a portion of the property line between the proposed lots be placed perpendicular to the front property line so that it follows the angle of the existing access. If this can be done, please resubmit the subdivision application map for our review and we will reissue comments. For permit information, if the access is to be relocated for shared use, please contact Juanita Mowbray at 204-583-2433 or by email at <a href="mailto:Access.Management@gov.mb.ca">Access.Management@gov.mb.ca</a> . Permit information and permit application forms can also be found at <a href="https://forms.gov.mb.ca/highway-permits-application/index.html">https://forms.gov.mb.ca/highway-permits-application/index.html</a>.</li> </ul>
<b>Manitoba Environment, Climate and Parks: Water Stewardship Division</b>	<p>The Drainage and Water Rights Licensing Branch does not require a License to Construct Water Control Works for this subdivision development proposal. <i>Please refer to Section 2: Exemptions, In the attached guide for more information.</i></p> <p>Any inquiries regarding these requirements may be made via email at: <a href="mailto:drainage@gov.mb.ca">drainage@gov.mb.ca</a>, or by telephone: 1-800-214-6497.</p>
<b>Manitoba Conservation and Climate – Environmental Compliance and Enforcement</b>	No Comments received at the time of the report.



<b>Manitoba Transportation and Infrastructure – Water Management</b>	As this is a boundary adjustment and no new lots are created, we have no concerns regarding the proposal. The property is in the Lower Red River Designated Flood Area and as such, a Designated Flood Area permit would be required before any new structures or additions to existing structures, are built.
<b>Manitoba Sport, Culture and Heritage – Historic Resources Branch</b>	No comments received at the time of this report.
<b>Winnipeg Land Titles Office (Teranet Manitoba)</b>	A plan of subdivision as proposed SAM is required.
<b>MB Hydro and Centra Gas</b>	Manitoba Hydro will require easements. Contact: <a href="mailto:HCSC@hydro.mb.ca">HCSC@hydro.mb.ca</a> (Note: see full correspondence attached to Council Package)
<b>Rogers</b>	No concerns or requirements
<b>Bell MTS</b>	No new easements  See full correspondence attached to the council package
<b>St. Andrews Airport</b>	No concerns
<b>Canada Post</b>	No comments received at the time of this report.
<b>Lord Selkirk School Division</b>	No comments received at the time of this report.

## 7. ANALYSIS AND RECOMMENDATION

As mentioned earlier, the applicant is seeking to realign the lot boundaries between the two titles CT 1239919/1 and CT 2988778/1 in the "A40" Agricultural Limited Zone. The proposal will result in two lots of 3.59 hectares (8.87 acres) and 4.32 hectares (10.67 acres), respectively.

### Consistency with the RRPD Development Plan

RRPD notes that the land under the subject properties is designated as **Resource and Agriculture** as per the RRPD Development plan 279/19. There are no direct policies that would support the proposal, however the Council may want to consider that the proposal is realigning lot boundaries between two (2) titles, and will not result in new additional lots for development.

### Zoning By-law compliance

The property is zoned "A40" Agricultural limited pursuant to the RM of St. Andrews Zoning By-law 4066. The minimum area requirements in the zone are 40 acres. RRPD notes that both the proposed lots do not meet the minimum acreage "A40" zone. In addition, proposed lot 1 do not

meet the width requirement of 300 feet. Should Council wish to approve the application, variances will be required to bring the lots into compliance.

Furthermore, RRPD notes that there are multiple structures on the proposed lot 2 including two (2) barns, a shed, garage and a silo. While there is no limit on the number of accessory structures in the A40 zone, the following placement standards shall apply.

A40 Zone	Front Yard	Side Yard (Interior)	Side Yard (corner)	Rear Yard	Height	Site Coverage	Unit Area
Main	50 ft. (min.)	15 ft. (min.)	25 ft. (min.)	25 ft. (min.)	N/A	N/A	800
Accessory	50 ft. (min.)	15 ft. (min.)	25 ft. (min.)	25 ft. (min.)	N/A	N/A	N/A

As per section 3.2.3.1 of the Zoning By-law, detached accessory buildings, excluding detached decks, above ground pools and hot tubs, shall be located a minimum of 3.048 m (10 ft.) clear of all projections from the principal building (BL 4280). Additionally, as per section 3.2.3.2 of the Zoning By-law, detached accessory buildings shall be located a minimum of 3 ft. from other detached accessory buildings in all Residential zones.

### Condition from Manitoba Infrastructure – Highways Department

RRPD notes that the Highways department has commented that *the owner is required to obtain a permit from Manitoba Transportation and Infrastructure for the relocation of the existing access on PR 320 so that it is centred on the proposed property line to allow for shared use. Alternatively, the landowner may reconfigure the property line between the proposed lots so that it is centred on the existing access. We recommend a portion of the property line between the proposed lots be placed perpendicular to the front property line so that it follows the angle of the existing access. If this can be done, please resubmit the subdivision application map for our review and we will reissue comments.*

Should the applicant/owner choose to revise the property lines as per Highways directions, the surveyor would need to verify the revised site area and width of the proposed lots. RRPD advises the applicant/owner to contact the provincial department to address their condition of approval prior to applying for variances for undersized lots.

R.M. of St. Andrews administration has provided requirements on taxes and shared well agreement that are reflected in conditions #1 in section 10 of this report. Manitoba Hydro has requested for easements that are noted as condition #2 under recommendations. Other than discussed in this section, commenting agencies noted no objections with the proposed subdivision.

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

Based on the analysis, above and policy rationale, our office recommends **not to approve the subdivision application with 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 Municipality stating 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;
2. Applicant / owner submits written confirmation to the RRPD from Manitoba Hydro that an Easement Agreement(s) has been entered into with Manitoba Hydro 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](mailto:HCSC@hydro.mb.ca) , 12-360 Portage Ave., Winnipeg, MB R3C 0G8.
3. The owners either obtain a permit for relocation of the existing access onto PR 320 or reconfigure the property line between the proposed lots so that it is centered on existing access. This condition is as per the correspondence received from Manitoba Highways dated March 22<sup>nd</sup> 2024. For permit information, please contact Juanita Mowbray at 204-583-2433 or by email at [Juanita.Mowbray@gov.mb.ca](mailto:Juanita.Mowbray@gov.mb.ca) .
4. The applicant owner obtains the required variances for the undersized lots. The applicant's surveyor will need to provide verified area and width of the proposed lots, reflecting on the Manitoba Highways direction.

## REQUIREMENTS

- A. The Winnipeg Land Titles Office will require a plan of subdivision as proposed SAM.
- 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 St. Andrews, MB Hydro, Highways*

## APPENDIX A: THE PLANNING ACT SECTION 135

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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.

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

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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)

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## SUPPORTIVE MAPPING

Subdivision Application S24-3048

Unaddressed Parcel and 1456 Breezy Point Road  
RM of St. Andrews

Designation: "RA" Resource and Agriculture

Zoning: "A40" Agricultural Limited

-  Existing
-  Subject Property
-  Roads



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 S24-3048

Unaddressed Parcel and 1456 Breezy Point Road  
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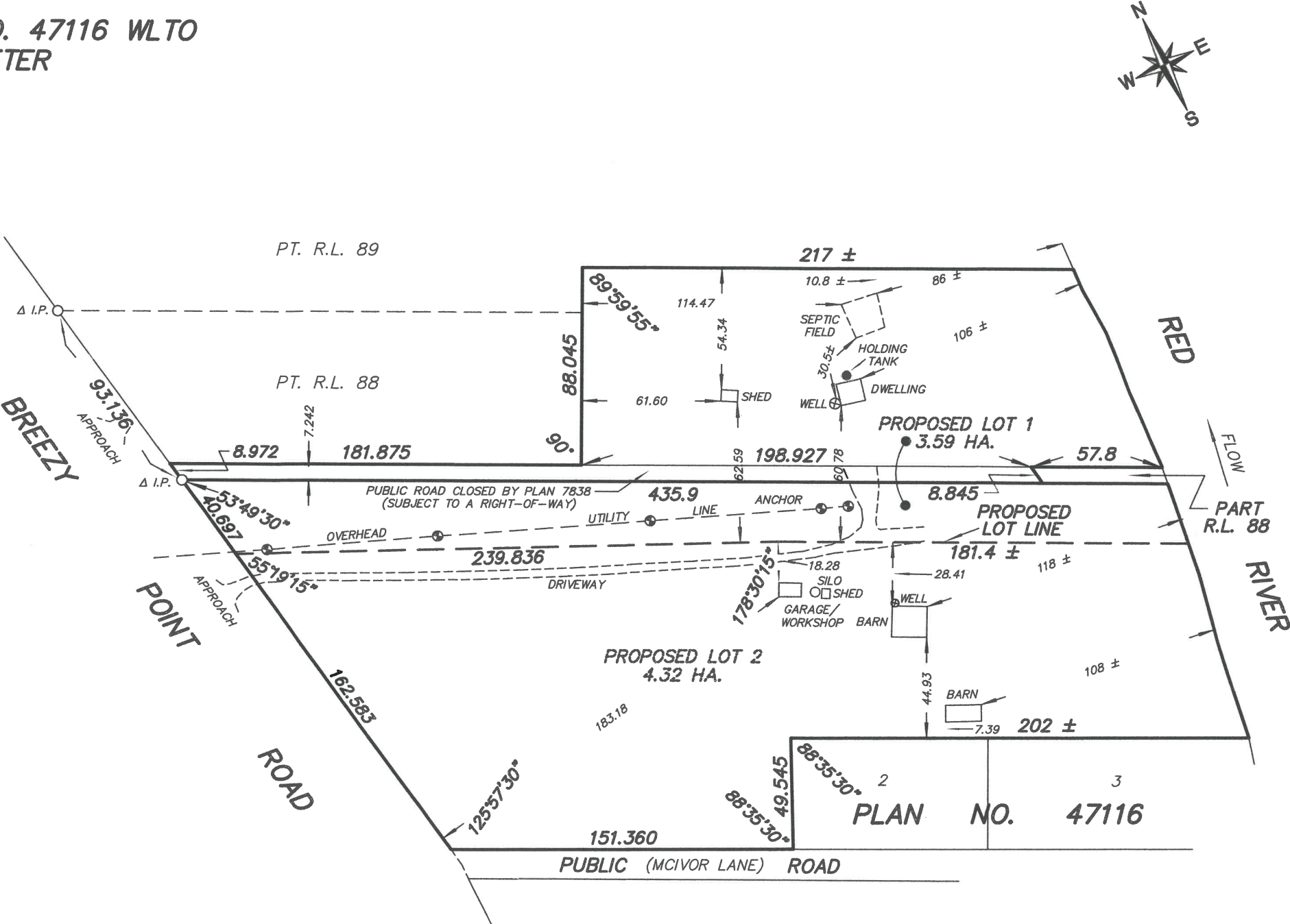


SUBDIVISION APPLICATION MAP  
LOT 1, PLAN NO. 18195 WLTO & LOT 1, PLAN NO. 47116 WLTO  
RIVER LOTS 86, 87, 88 & 89, PARISH OF ST. PETER

1456 BREEZY POINT ROAD  
RURAL MUNICIPALITY OF ST. ANDREWS

CERTIFICATE OF TITLE NO. : 1239919/1  
REGISTERED OWNERS : DUNCAN JAMES MCIVOR & THEON SOPHIA MCIVOR  
LEGAL DESCRIPTION : PARCEL 1: LOT 1, PLAN 18195, WLTO IN RL 88 AND 89,  
PARISH OF ST-PETER. PARCEL 2: ALL THAT PORTION OF RL 88, PARISH OF  
ST. PETER, TAKEN FOR ROAD, PLAN 2469, WLTO (NOW CLOSED) AND SHOWN  
GREEN ON PLAN 7838, WLTO.  
ENCUMBRANCES : CAVEAT NOS. 84-45850/1, 4357905/1 &  
MORTGAGE NO. 3582538/1

CERTIFICATE OF TITLE NO. : 2988778/1  
REGISTERED OWNER : DUNCAN JAMES MCIVOR  
LEGAL DESCRIPTION : LOT 1 PLAN 47116 WLTO IN RL 86 AND 87  
PARISH OF ST PETER.  
ENCUMBRANCES : CAVEAT NO. 84-45850/1



METRIC

All distances are in metres and may be converted to feet by multiplying by 3.28084.  
Areas are in hectares and may be converted to acres by multiplying by 2.47105.

This survey was made on September 29, 2023.  
Survey monuments found are described and shown thus \_\_\_\_\_  
Utility poles are shown thus \_\_\_\_\_  
Proposed lot limits are shown thus \_\_\_\_\_  
Title limits are shown thus \_\_\_\_\_

Dated this 20th day of February, 2024  
This survey and map was supervised by Dwayne Denchuk, M.L.S.



NOTE : FOR PLANNING  
APPLICATION PURPOSES ONLY.  
THIS IS NOT A FINAL SURVEY.

ISAAC & DENCHUK  
MANITOBA LAND SURVEYORS LTD.  
200 CLANDEBOYE AVENUE  
SELKIRK, MANITOBA R1A 0X1

**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 TITLE 1239919 IS 5.94 A AND HAS A HOUSE ON IT IN WHICH WE LIVE. TITLE 2988778 IS 13.11 A AND HAS A SHED ON IT.

(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 THE INTENTION OF THE SUBDIVISION IS TO PROVIDE BETER ACCESS TO THE EXISTING HOUSE LOT, BY MOVING THE SOUTHERN E/W LOT LINE OF TITLE 1239919 66' TO THE SOUTH

(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 ½ 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 ½ 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: SOME YEARS IN THE SPRING THE RED RIVER WILL COME OVER THE RIVER BANK BUT HAS NEVER AFFECTED ANY STRUCTURES.

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. WE ARE TRYING MAKE IMPROVEMENTS TO THE LOTS. IN THE FUTURE WE WOULD LIKE TO LEAVE THESE LOTS TO OUR DAUGHTER & SON.

**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:

## APPENDIX D: AGENCY COMMENTS

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**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](mailto:RoadsideDevelopment@gov.mb.ca)

March 22, 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](mailto:Santan@rrpd.ca)

Dear Santan:

**Re: Proposed Subdivision**

**File No: S24-3048**

**RL 66, 67, 68, 69 Parish of St. Peter**

**RM of St. Andrews**

**Owner: Duncan James Mclvor and Theon Sophia Mclvor**

---

In response to your e-mail dated March 4, 2024, we have reviewed the above noted subdivision application. We understand the intent is to realign the lot line to provide better access to the existing residential lots. Proposed lot one has frontage along PR 320. Proposed lot 2 has frontage on PR 320 and the municipal road with access on PR 320. No new accesses are proposed.

Based on available information, we do not object to this subdivision. Please be advised that Manitoba Transportation and Infrastructure will not approve any additional direct property access onto PR 320.

Please include the following as a condition of approval:

- The owner is required to obtain a permit from Manitoba Transportation and Infrastructure for the relocation of the existing access on PR 320 so that it is centred on the proposed property line to allow for shared use. Alternatively, the landowner may reconfigure the property line between the proposed lots so that it is centred on the existing access. We recommend a portion of the property line between the proposed lots be placed perpendicular to the front property line so that it follows the angle of the existing access. If this can be done, please resubmit the subdivision application map for our review and we will reissue comments. For permit information, if the access is to be relocated for shared use, please contact Juanita Mowbray at 204-583-2433 or by email at [Access.Management@gov.mb.ca](mailto:Access.Management@gov.mb.ca). Permit information and permit application forms can also be found at <https://forms.gov.mb.ca/highway-permits-application/index.html>.

Please note the following statutory requirements affecting PR 320.

**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 March 22, 2024**

Kelsey Clevett  
Roadside Development Support Technician

Cc: Capital Region

KC/kt



## SUPPORTIVE MAPPING

Subdivision Application S24-3048

Unaddressed Parcel and 1456 Breezy Point Road  
RM of St. Andrews

Designation: "RA" Resource and Agriculture

Zoning: "A40" Agricultural Limited

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

-  Existing
-  Subject Property
-  Roads



**SUBDIVISION APPLICATION MAP**  
**LOT 1, PLAN NO. 18195 WLTO & LOT 1, PLAN NO. 47116 WLTO**  
**RIVER LOTS 86, 87, 88 & 89, PARISH OF ST. PETER**

**1456 BREEZY POINT ROAD**  
**RURAL MUNICIPALITY OF ST. ANDREWS**

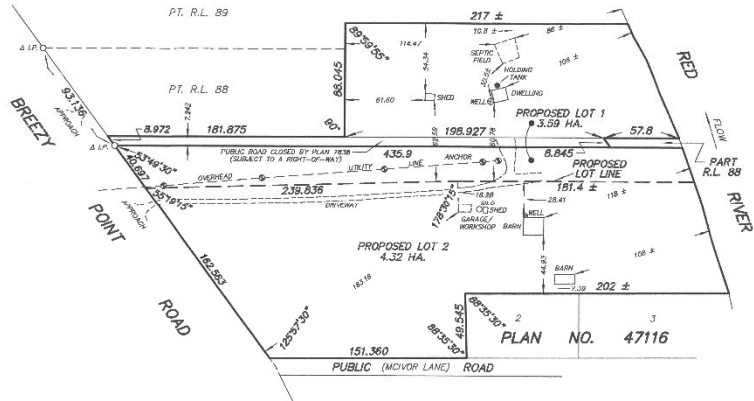
CERTIFICATE OF TITLE NO. : 1238919/1  
 REGISTERED OWNERS : DUNCAN JAMES MCIVOR & THEON SOPHIA MCIVOR  
 LEGAL DESCRIPTION : PARCEL 1: LOT 1, PLAN 18195, WLTO IN RL 88 AND 89,  
 PARISH OF ST. PETER; PARCEL 2: ALL THAT PORTION OF RL 88, PARISH OF  
 ST. PETER, TAKEN FOR ROAD, PLAN 2465, WLTO (NOW CLOSED) AND SHOWN  
 GREEN ON PLAN 7838, WLTO.  
 ENCUMBRANCES : CAVEAT NOS. 84-45850/1, 4357905/1 &  
 MORTGAGE NO. 3582538/1

CERTIFICATE OF TITLE NO. : 2988778/1  
 REGISTERED OWNER : DUNCAN JAMES MCIVOR  
 LEGAL DESCRIPTION : LOT 1 PLAN 47116 WLTO IN RL 86 AND 87  
 PARISH OF ST. PETER.  
 ENCUMBRANCES : CAVEAT NO. 84-45850/1

**METRIC**

All distances are in metres and may be converted to feet by multiplying by 3.28084.  
 Areas are in hectares and may be converted to acres by multiplying by 2.47105.

This survey was made on September 29, 2023.  
 Survey monuments found are described and shown thus \_\_\_\_\_ O.  
 Utility poles are shown thus \_\_\_\_\_ P.  
 Proposed lot limits are shown thus \_\_\_\_\_  
 Title limits are shown thus \_\_\_\_\_



Dated this 20th day of February, 2024  
 This survey and map was supervised by Dwayne Denchuk, M.L.S.



**NOTE : FOR PLANNING**  
**APPLICATION PURPOSES ONLY.**  
**THIS IS NOT A FINAL SURVEY.**

**ISAAC & DENCHUK**  
**MANITOBA LAND SURVEYORS LTD.**  
**200 CLANDEBOYE AVENUE**  
**SELKIRK, MANITOBA R1A 0X1**

## Santan Singh

---

**From:** +WPG1166 - MIT Water Review <MITWaterReview@gov.mb.ca>  
**Sent:** March 26, 2024 4:03 PM  
**To:** Santan Singh  
**Subject:** RE: Subdivision S24-3048

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

Hello Santan,

As this is a boundary adjustment and no new lots are created, we have no concerns regarding the proposal. The property is in the Lower Red River Designated Flood Area and as such, a Designated Flood Area permit would be required before any new structures or additions to existing structures, are built.

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](mailto: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:** Monday, March 4, 2024 3:01 PM

**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>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; +WPG569 - EnvCEInterlake <EnvCEInterlake@gov.mb.ca>; zholden@standrewsairport.ca; Braeden <Braeden@rmofstandrews.com>; Deputy CAO <dcao@rmofstandrews.com>

**Cc:** Luanne Martin <luanne@rrpd.ca>

**Subject:** Subdivision S24-3048

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

Good Afternoon,

Attached is the subdivision application in the RM of St. Andrews 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](http://www.redriverplanning.com)

Planning and Development Services for the Municipalities of:

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

## Santan Singh

---

**From:** Zachary Holden <zholden@standrewsairport.ca>  
**Sent:** March 5, 2024 7:51 AM  
**To:** Santan Singh  
**Subject:** Re: Subdivision S24-3048

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

Good Morning Santan,

As regards the proposed subdivision S24-3048  
at 1456 Breezy Point Rd. - RM of St. Andrews  
The Airport has no concerns

Thanks,

Zachary Holden  
Airport Manager  
St. Andrews Airport Inc.  
[zholden@standrewsairport.ca](mailto:zholden@standrewsairport.ca)  
204-336-3251

On Mon, Mar 4, 2024 at 3:01 PM Santan Singh <[santan@rrpd.ca](mailto:santan@rrpd.ca)> wrote:

Good Afternoon,

Attached is the subdivision application in the RM of St. Andrews 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

Planning and Development Services for the Municipalities of:

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



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.: S24-3048**

Attention: **Santan Singh**

**Re: Proposed Subdivision**  
***LOT 1, PLAN NO. 18195 WLTO & LOT 1, PLAN NO. 47116 WLTO***  
***RIVER LOTS 86, 87, 88 & 89, PARISH OF ST. PETER***  
***1456 BREEZY POINT ROAD***  
***RURAL MUNICIPALITY OF ST. ANDREWS***  
**S24-3048—Mclvor.**

---

BellMTS has no new easement requirements with respect to your application numbered **S24-3048**

Any removal or relocation of BellMTS existing facilities as a result of the proposed subdivision will be at the expense of the developer and/or customer.

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.

To determine if telephone facilities are available in your development and if construction charges will apply please call the BellMTS ANCO Office at 204-941-4217 or 1-888-570-5394.

Any existing BellMTS services, easement agreements and or caveats affecting the lands to be subdivided will be brought forward on the new plan of subdivision unless otherwise specified.

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

Regards,

**Grace Bushi**

BellMTS  
Access Provisioning  
Tel: 204-958-1959  
Email: [Grace.Bushi@bellmts.ca](mailto:Grace.Bushi@bellmts.ca)

cc. Manitoba Hydro  
cc. BellMTS

## Santan Singh

---

**From:** SM-Subdivision Circulars <SubdivisionCirculars@hydro.mb.ca>  
**Sent:** March 19, 2024 3:23 PM  
**To:** Santan Singh; dt.mcivor@outlook.com  
**Cc:** PROPERTY ACQUISITION; Winnipeg Planning Department  
**Subject:** S24-3048 - Mclvor - E-mail to Planning - Hydro File 2024-1239

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



### 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 **S24-3048**:

1. **Easements required**—Manitoba Hydro will require easements.

Manitoba Hydro will require the land owner to enter into a Statutory Easement Agreement(s) (“Agreements”) with Manitoba Hydro 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. **No easements required**—Centra Gas Manitoba Inc. has no easement requirements.
3. 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.
4. 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 with a pdf copy of the Subdivision Plan.
  - a. **Timelines can be reduced should the surveyor provide a CAD file (georeferenced preferred)**
  - b. 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)
  - c. 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.

- a. 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.
  - b. 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.

The lawyer information, subdivision plan and any inquiries can be sent to [HCSC@hydro.mb.ca](mailto: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  
12<sup>th</sup> Floor - 360 Portage Ave  
Winnipeg MB  
R3C 0G8 Canada  
[hydro.mb.ca](http://hydro.mb.ca)



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## Santan Singh

---

**From:** Harms, Tina <Tina.Harms@gov.mb.ca>  
**Sent:** March 21, 2024 10:42 AM  
**To:** Santan Singh  
**Cc:** +WPG112 - AGRLandUse; Red River Planning District  
**Subject:** FW: Subdivision S24-3048

File: S24-3048

Applicant: Duncan & Theon McIvor

Location: 1456 Breezy Point Rd, RM of St. Andrews

Proposal: Realignment of property boundaries to account for existing structures

I have reviewed this proposed subdivision on behalf of Manitoba Agriculture. The request proposes to realign the boundaries between two farmstead sites to account for existing structures. The proposed subdivision resides within a designated Resource & Agriculture Policy Area under the Red River Planning District Development Plan and as there are no perceived impacts to agriculture, no objection.

Regards,

Tina

**Tina Harms, M.Sc., P.Ag.**

Land Use Specialist

Land Use and Ecosystem Resilience Branch

[Tina.Harms@gov.mb.ca](mailto:Tina.Harms@gov.mb.ca)

T: 204-761-0701

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---

**From:** Santan Singh <[santan@rrpd.ca](mailto:santan@rrpd.ca)>  
**Sent:** Monday, March 4, 2024 3:01 PM  
**To:** 'neteng.control@bellmts.ca' <[neteng.control@bellmts.ca](mailto:neteng.control@bellmts.ca)>; Gas ([subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)) <[subdivisioncirculares@hydro.mb.ca](mailto:subdivisioncirculares@hydro.mb.ca)>; Roberts, Dan <[Dan.Roberts@gov.mb.ca](mailto:Dan.Roberts@gov.mb.ca)>; +WPG112 - AGRLandUse <[AGRLandUse@gov.mb.ca](mailto:AGRLandUse@gov.mb.ca)>; PPD-RegionalPlanning <[RegionalPlanning@winnipeg.ca](mailto:RegionalPlanning@winnipeg.ca)>; Winnipeg Planning Department <[WinnipegPlanning@sjrb.ca](mailto:WinnipegPlanning@sjrb.ca)>; SHYMKO, Paul <[paul.shymko@canadapost.postescanada.ca](mailto:paul.shymko@canadapost.postescanada.ca)>; +SEL1081 - Selkirk CRP <[SelkirkCRP@gov.mb.ca](mailto:SelkirkCRP@gov.mb.ca)>; +WPG969 - Roadside Development <[RoadsideDevelopment@gov.mb.ca](mailto:RoadsideDevelopment@gov.mb.ca)>; +WPG1166 - MIT Water Review <[MITWaterReview@gov.mb.ca](mailto:MITWaterReview@gov.mb.ca)>; Teranet Manitoba - Surveys Planning <[mb.surveysplanning@teranet.ca](mailto:mb.surveysplanning@teranet.ca)>; 'brian.oleary@7oaks.org' <[brian.oleary@7oaks.org](mailto:brian.oleary@7oaks.org)>; +WPG574 - HRB Archaeology <[HRB.archaeology@gov.mb.ca](mailto:HRB.archaeology@gov.mb.ca)>; +WPG569 - EnvCEInterlake <[EnvCEInterlake@gov.mb.ca](mailto:EnvCEInterlake@gov.mb.ca)>; [zholden@standrewsairport.ca](mailto:zholden@standrewsairport.ca); Braeden <[Braeden@rmofstandrews.com](mailto:Braeden@rmofstandrews.com)>; Deputy CAO <[dcao@rmofstandrews.com](mailto:dcao@rmofstandrews.com)>  
**Cc:** Luanne Martin <[luanne@rrpd.ca](mailto:luanne@rrpd.ca)>  
**Subject:** Subdivision S24-3048

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

Good Afternoon,

Attached is the subdivision application in the RM of St. Andrews 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](http://www.redriverplanning.com)

Planning and Development Services for the Municipalities of:

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



# Rural Municipality of ST. ANDREWS

Box 130, 500 Railway Avenue  
Clandeboyne, Manitoba R0C 0P0  
Phone: 204-738-2264 Ext 137  
1-866-738-2264 (toll free)  
Fax: 204-738-2500  
E-mail: [braeden@rmofstandrews.com](mailto:braeden@rmofstandrews.com)  
Website: [www.rmofstandrews.com](http://www.rmofstandrews.com)

**COMMUNITIES WORKING TOGETHER**

March 20, 2024

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

Attn: Santan Singh, Community Planner

**Re: S24-3048 Subdivision – 1456 Breezy Point Road**

**Background Information:**

As part of a Hydrologic and Hydraulic Study of Flood Prone Areas in the RM of St. Andrews, a Flood Risk Assessment was conducted and inundation maps created, identifying residences located within flood prone areas. Properties were considered at risk if the ground floor elevation was below the 200-year flood level. The residence located at 1456 Breezy Point was determined to be above the 200-year flood level, however it is noted that the residence possesses less than two (2) feet of freeboard.

The above noted subdivision application requires the following condition(s) of approval:

**Conditions:**

The R.M. of St. Andrews has reviewed the above noted subdivision application and requires the following condition(s) of approval:

1. Applicant/Owner submits confirmation in writing from the Municipality stating 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 and;

Regards,

*B. Bennett*

Braeden Bennett  
Planning & Economic Development Officer  
RM of St. Andrews

## Santan Singh

---

**From:** Winnipeg Planning Department <WinnipegPlanning@sjrb.ca>  
**Sent:** March 7, 2024 12:42 PM  
**To:** Santan Singh  
**Cc:** 'SubdivisionCirculars@hydro.mb.ca'; Winnipeg Planning Department  
**Subject:** RE: Subdivision S24-3048

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Hello,

Rogers has no concerns or requirements.

Thank you,

**Angelica Laranjo** (She/Her)  
Project Coordinator, SK, MB, NW ON  
[e Angelica.Laranjo@sjrb.ca](mailto:Angelica.Laranjo@sjrb.ca)



---

**From:** Santan Singh <santan@rrpd.ca>  
**Sent:** Monday, March 4, 2024 2:01 PM  
**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>; AGRIlanduse@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>; HRB (HRB.archaeology@gov.mb.ca) <HRB.archaeology@gov.mb.ca>; EnvCEInterlake@gov.mb.ca; zholden@standrewsairport.ca; Braeden <Braeden@rmofstandrews.com>; Deputy CAO <dcao@rmofstandrews.com>  
**Cc:** Luanne Martin <luanne@rrpd.ca>  
**Subject:** Subdivision S24-3048

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Good Afternoon,

Attached is the subdivision application in the RM of St. Andrews 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



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

## Santan Singh

---

**From:** Teranet Manitoba - Surveys Planning <mb.surveysplanning@teranet.ca>  
**Sent:** March 6, 2024 3:20 PM  
**To:** Santan Singh  
**Subject:** RE: Subdivision S24-3048

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](mailto:Laxmi.Dhakal@teranet.ca)

---

**From:** Santan Singh <santan@rrpd.ca>  
**Sent:** Monday, March 4, 2024 3:01 PM  
**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>; AGRIlanduse@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>; HRB (HRB.archaeology@gov.mb.ca) <HRB.archaeology@gov.mb.ca>; EnvCEInterlake@gov.mb.ca; zholden@standrewsairport.ca; Braeden <Braeden@rmofstandrews.com>; Deputy CAO <dcao@rmofstandrews.com>  
**Cc:** Luanne Martin <luanne@rrpd.ca>  
**Subject:** Subdivision S24-3048

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

Good Afternoon,

Attached is the subdivision application in the RM of St. Andrews 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](http://www.redriverplanning.com)

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

## Santan Singh

---

**From:** Roberts, Dan <Dan.Roberts@gov.mb.ca>  
**Sent:** March 5, 2024 8:40 AM  
**To:** Santan Singh  
**Subject:** RE: Subdivision S24-3048  
**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 does not require a License to Construct Water Control Works for this subdivision development proposal. *Please refer to Section 2: Exemptions, in the attached guide for more information.*

Any inquiries regarding these requirements may be made via email at: [drainage@gov.mb.ca](mailto: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:** Monday, March 4, 2024 3:01 PM  
**To:** 'neteng.control@bellmts.ca' <neteng.control@bellmts.ca>; Gas (subdivisioncirculars@hydro.mb.ca) <subdivisioncirculars@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>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; +WPG569 - EnvCEInterlake <EnvCEInterlake@gov.mb.ca>; zholden@standrewsairport.ca; Braeden <Braeden@rmofstandrews.com>; Deputy CAO <dcao@rmofstandrews.com>  
**Cc:** Luanne Martin <luanne@rrpd.ca>  
**Subject:** Subdivision S24-3048

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

Good Afternoon,

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

Thank You



**Santan Singh, M.C.P**  
**Community Planner**  
**Red River Planning District**

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

Direct: 204-661-7606

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

Planning and Development Services for the Municipalities of:

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

# 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](mailto: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/index.html)

## 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 \(gov.mb.ca\)](https://www.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/water-rights-regulation/mr-126-87)

*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 \(gov.mb.ca\)](https://www.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 \(gov.mb.ca\)](https://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://C.C.S.M. c. W80 (gov.mb.ca))

### 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.

<b>Action</b>	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
<b>Required Ratio</b>	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.

<b>Action</b>	Restoring or increasing the area of a Class 3, 4, or 5 wetland		
<b>Required Ratio</b>	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 _____	
<b>Location of Works:</b>					
Municipality _____ Parish _____					
Conservation District _____					
<b>Quarter</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>	<b>E/W</b>	<b>River Lot</b>
Other description(s) _____					
<b>Consent:</b>					
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.					
<b>Quarter</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>	<b>E/W</b>	<b>River Lot</b>
<b>Legal title holder:</b>					
Private landowner(s)      Municipality             Conservation District             MB Infrastructure             Crown					
Affected Landowner Name _____					
Telephone # _____		Cellular # _____		Email _____	
Signature _____			Date _____		

FOR OFFICE USE ONLY

<b>EXEMPTION FROM APPROVAL</b>		
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 <b>will not</b> 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 #