



Indigenous and Municipal Relations
Community and Regional Planning Branch
103-235 Eaton Avenue, Selkirk, Manitoba, Canada R1A 0W7
T 204-785-5090 F 204-785-5155
www.manitoba.ca

May 5, 2017

File No: 4206-16-5499

EXPIRY DATE: May 5, 2019

Douglas & Sheila Atchison
Box 1
Woodlands, MB R0C 3H0

Dear Mr. Atchison:

RE: **Proposed Subdivision**
SW ¼ 32-14-2W
RM of Woodlands

Please be advised that your subdivision application has been conditionally approved as per the attached sketch.

When you have satisfactorily provided this office with evidence that the following conditions and requirements have been met, you will be issued a Certificate of Approval. The Certificate will enable the District Registrar to register the subdivision instrument in the Land Titles Office.

CONDITIONS

1. Submit written confirmation from the Chief Administrative Officer of the Municipality that each of Council's conditions of approval as shown below and as set out under the attached Resolution dated November 15, 2016 have been met.
 - a) Taxes on the land to be subdivided, for the current year plus any arrears, have been paid or that an arrangement satisfactory to Council has been made.
 - b) That the applicants have obtained from Manitoba Infrastructure approval for access to the proposed 1.47-acre parcel directly from PTH 6. **(SEE CONDITION 3)**
 - c) That the applicants have entered into a right-of-way agreement with the Municipality to cross the abandoned Canadian National Railway (C.N.R. R.O.W. Plan 1038 -owned by the Municipality) from PTH 6 to the proposed 1.47 acre parcel. *(Registration of this right-of-way agreement will be made a condition on the final Certificate of Approval.)*
 - d) That the applicants have obtained a minor variance to vary the site area of the proposed lot from the minimum 2 acres to 1.47 acres.
 - e) That the applicants have obtained a minor variance to vary the site area of the residual lot from the minimum 80 acres to 76.48 acres.
 - f) That the applicants have obtained all required permits from Manitoba Infrastructure.
 - g) That the applicants obtain registration from Manitoba Conservation for the onsite wastewater management system.

2. Submit written confirmation from Manitoba Hydro that an Easement Agreement 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 on the final Certificate of Approval. Contact Manitoba Hydro at (204) 360-4465, 1-820 Taylor Ave, Winnipeg, MB R3M 3T1.
3. Submit written confirmation from the Highway Traffic Board that a permit has been obtained for access onto PTH 6. The new access should be located directly across from the existing access on the west side. Contact Highway Traffic Board office at Ph: 204-945-8912 for permit information.

Please also note the following:

- i. Any removal or relocation of Manitoba Hydro, Centra Gas or MTS Inc. equipment as a result of the proposed subdivision will be at the expense of the developer and/or customer.
- ii. Manitoba Sustainable Development must be contacted prior to installation of any septic system to ensure compliance with the *Manitoba Onsite Wastewater Management System Regulation No. 83/2003*. Contact Kurt Dorward, Environmental Compliance and Enforcement Branch, at 204-785-0296.
- iii. Provincial Trunk Highway 6 is a Limited Access Highway under the jurisdiction of the Highway Traffic Board. Under The Highways Protection Act, any new, modified or relocated access to this highway or its service road (including change in use of a driveway) requires a permit from the Traffic Board. A permit is also required from the Traffic Board to change the use of land or buildings, or to place/construct any structures (including the alteration of existing buildings) within 38.1 m (125 ft) from the edge of the highway right-of-way. In addition, a permit is required from Manitoba Infrastructure for any planting placed within 15.2 m (50 ft) from the edge of the highway right-of-way.
- iv. All water control works (drains, culverts, dykes, dams, etc.) require licensing under the *Water Rights Act*. Any inquiries in this regard may be directed to the local *Water Resource Officer*. If aforementioned are proposed, contact Jim McMahon at Water Control Works & Drainage Licensing: 204-641-0035. Licensing of yard and field approaches (access points) are the responsibility of either the municipality, or *Manitoba Infrastructure*, whichever is applicable. The drainage and/or alteration of permanent and semi-permanent wetlands is not permissible under the *Water Rights Act*.

Any of the above conditions may be appealed to The Municipal Board in accordance with Section 129(1) of *The Planning Act*. Such an appeal must be lodged within thirty (30) days of the date of this letter by mailing or serving a Notice of Appeal to The Secretary of the Municipal Board at 1144-363 Broadway Avenue, Winnipeg, Manitoba, R3C 2N9. The notice should contain your name and mailing address, legal description of the land to be subdivided and name of the municipality in which it is located, as well as a detailed description of the condition(s) being appealed. If someone is filing the appeal on your behalf, please include that person's name and address in the notice. A filing fee of \$75.00, payable to The Municipal Board, must accompany the filing of the appeal (Reg. 189/89, *The Municipal Board Act*).

REQUIREMENTS

- A. The fee payable to this office before a Certificate of Approval will be issued is **\$200.00**. Please submit a cheque made payable to the Minister of Finance.
- B. A legal land description prepared by a Manitoba Land Surveyor or lawyer, and preapproved by the Winnipeg Land Titles Office Surveys Department, must be submitted to this office as per the requirements of the Winnipeg Land Titles office. If you have any concerns with this requirement, please contact the District Registrar in the Winnipeg Land Titles Office.

This Conditional Approval applies to the attached sketch. Please advise our office prior to making any revisions as further review of the application and/or amendment to the Council resolution may be required. Revisions may be subject to a fee of \$200.00.

This Conditional Approval expires on **May 5, 2019**. If you unable to satisfy the conditions and requirements within this time period, you may submit a written request for an extension (maximum one year) and fee of \$200.00 prior to the expiration date.

Sincerely,

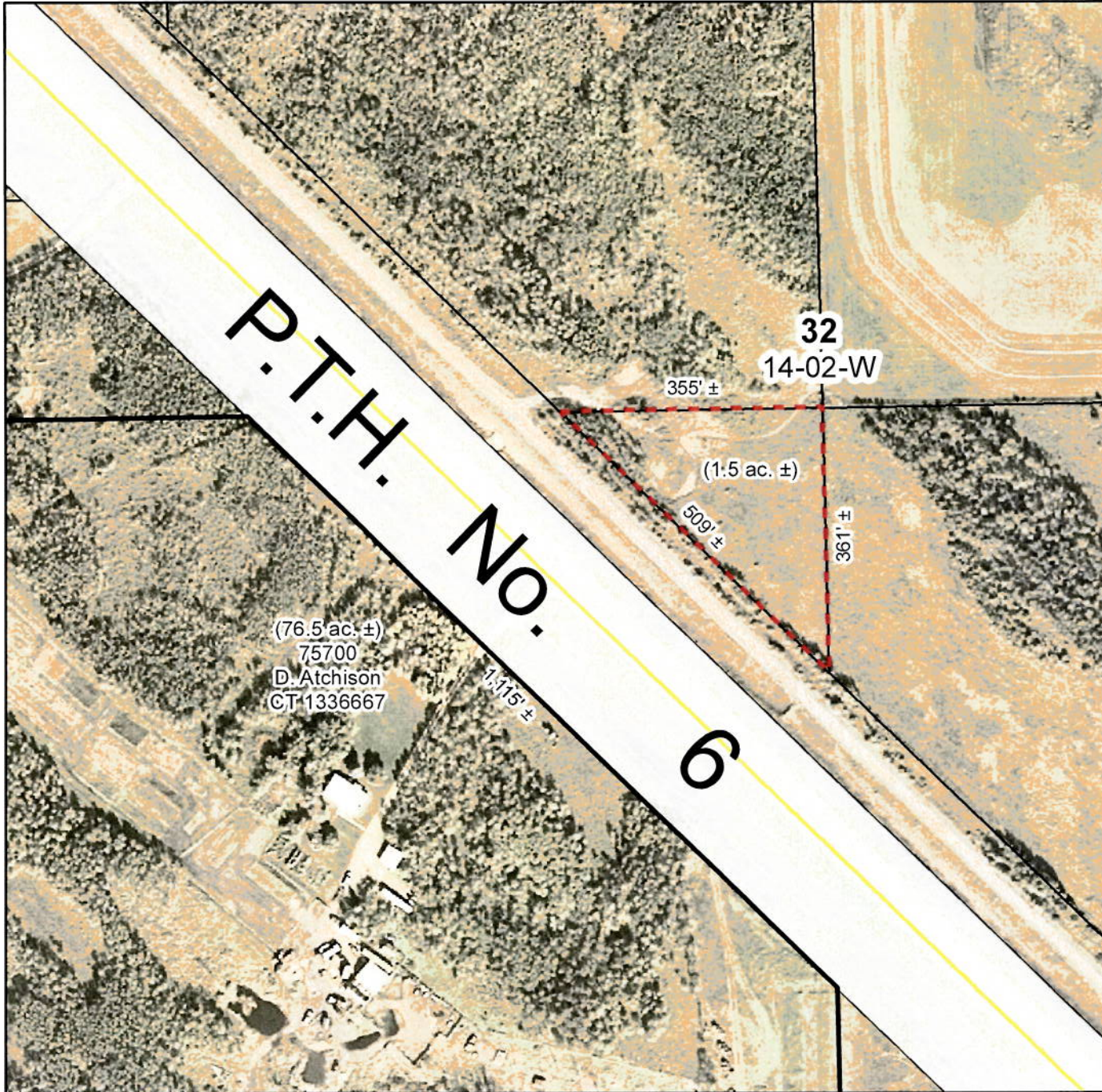


FOR THE APPROVING AUTHORITY



Attachments (3)

cc: RM of Woodlands
MB Infrastructure

Winnipeg Land Titles Office
Manitoba Hydro



Legend

-  Title Boundary
-  Proposed Subdivision

File Number:

Date: May-04-17

4206-16-5499

Applicant:

Atchison

Notes:

Notes section is empty.

X *Oliver* *May 5/17*
 Approving Authority Date

RESOLUTION

Resolution # 2016/468

Moved by: Wayne Yule

Seconded by: Carl Fleury

WHEREAS Douglas Atchison and Sheila Atchison (herein, the "Owners" and "Applicants") are the owners of the parcel legally described as SW 32-14-2W, (herein, the "Property"); and

WHEREAS the Applicants have applied to subdivide a 1.47 acre remnant parcel from a 77.95 acre holding for residential purposes; and

WHEREAS the Property is designated "AA" Agricultural Area within the Development Plan By-law No. 2643/14 and appears to conform to the policy stated in 3.4.1.8 of that Plan; and

WHEREAS the Property is zoned "RA" Rural Area Zone in the RM of Woodlands Zoning By-law 2648/14 and the proposed subdivision appears to satisfy the minimum site width requirements but does not satisfy the minimum site area requirements; and

WHEREAS Community Planning Services (CRP) File #4206-16-5499 states that CRP has no concerns with this application but recommends that the Applicants enter into a right-of-way agreement with the Municipality to provide access to the proposed lot through the abandoned Canadian National Railway;

THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Woodlands approves the proposed subdivision with the following conditions:

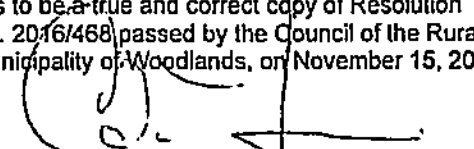
1. That taxes on the land to be subdivided have been paid for the current year plus any arrears
2. That the Applicants obtain from Manitoba Infrastructure approval for access to the proposed 1.47 acre parcel directly from PTH 6
3. That the Applicants enter into a right-of-way agreement with the Municipality to cross the abandoned Canadian National Railway (C.N.R. R.O.W. Plan 1038 - owned by the Municipality) from PTH 6 to the proposed 1.47 acre parcel
4. That the Applicants obtain a variance to vary the site area of the proposed lot from the minimum 2 acres to 1.47 acres
5. That the Applicants obtain a minor variance to vary the site area of the residual lot from the minimum 80 acres to 76.48 acres
6. That the Applicants obtain all required permits from Manitoba Infrastructure
7. That the Applicants obtain Registration from Manitoba Conservation for the onsite wastewater management system.

Councillor Gavin Jones requested a recorded vote prior to the calling of the question.

Name	For	Against	Abstained	Absent
Carl Fleury	✓			
Gavin Jones	✓			
Ila Buchanan	✓			
Lorna Broadfoot	✓			
Orval Procter	✓			
Trevor King	✓			
Wayne Yule	✓			

Carried

I, Adam Turner, Chief Administrative Officer of the Rural Municipality of Woodlands, certify this to be a true and correct copy of Resolution No. 2016/468 passed by the Council of the Rural Municipality of Woodlands, on November 15, 2016.


Chief Administrative Officer



Infrastructure

Engineering and Operations Division/Highway Planning and Design Branch
1420-215 Garry Street, Winnipeg, Manitoba, Canada R3C 3P3
T 204-945-1801 F 204-945-0593
e-mail : jeff.dinella@gov.mb.ca

May 3, 2017

PD 190.10 Ex

Fernando Velarde Trejo, Community Planner
Community & Regional Planning Branch
103-235 Eaton Ave
Selkirk, MB R1A 0W7
e-mail: SelkirkCRP@gov.mb.ca

Dear Fernando:

Re: Proposed Subdivision – REVISED COMMENTS
File No: 4206-16-5499
SW 32-14-2W
R.M. of Woodlands
Owner – Atchison

Upon further review of the above noted proposal to subdivide, we do not object to the approval of this subdivision. Approval is conditional upon the applicant/owner obtaining a permit from the Highway Traffic Board for access onto PTH 6. Please contact (204) 945-8912 for further information. The new access should be located directly across the existing access on the west side.

For reference please note the following statutory requirements that affect the land under review.

Statutory Requirements

PTH 6 is a Limited Access Highway under the jurisdiction of the Highway Traffic Board. Under The Highways Protection Act any new, modified or relocated access to this highway (including a change in use of an existing driveway) requires a permit from the Highway Traffic Board. A permit is also required from the Highway Traffic Board to change the use of the land or buildings or to place, construct or alter any structures (including the alteration of existing buildings) within 38.1 m (125 ft) from the edge of the highway right-of-way.

In addition, a permit is required from the Manitoba Infrastructure and Transportation for any planting placed within 15.2 m (50 ft) from the edge of the right-of-way of this highway.

Sincerely,

Jeff DiNella
Senior Development Review Technologist

Cc: Region 2, HTB