

BY-LAW NO. 2015-15
Being a By-law of the Municipality of Rhineland
To Amend Zoning By-Law No. 2013-8, as Amended.


WHEREAS, Section 80(1) of The Planning Act gives the Council of a municipality the power to amend a zoning by-law; and

NOW THEREFORE, the Council of the Municipality of Rhineland, in meeting duly assembled enacts as follows:

That: By-Law No. 2015-15 amends the Municipality of Rhineland Zoning By-Law 2013-8 by re-zoning the property described as Parcel 1 & Parcel 2, Plan 816 and Lot 5 Plan 48939 in NW ¼ 1-3-3W in the Municipality of Rhineland from "AR40" Restricted Agricultural Use Zone to "R" Residential Zone to allow for a residential use on the described property as per the attached schedule "A", in and for the Municipality of Rhineland.

DONE AND PASSED this 23rd day of September A.D. 2015.

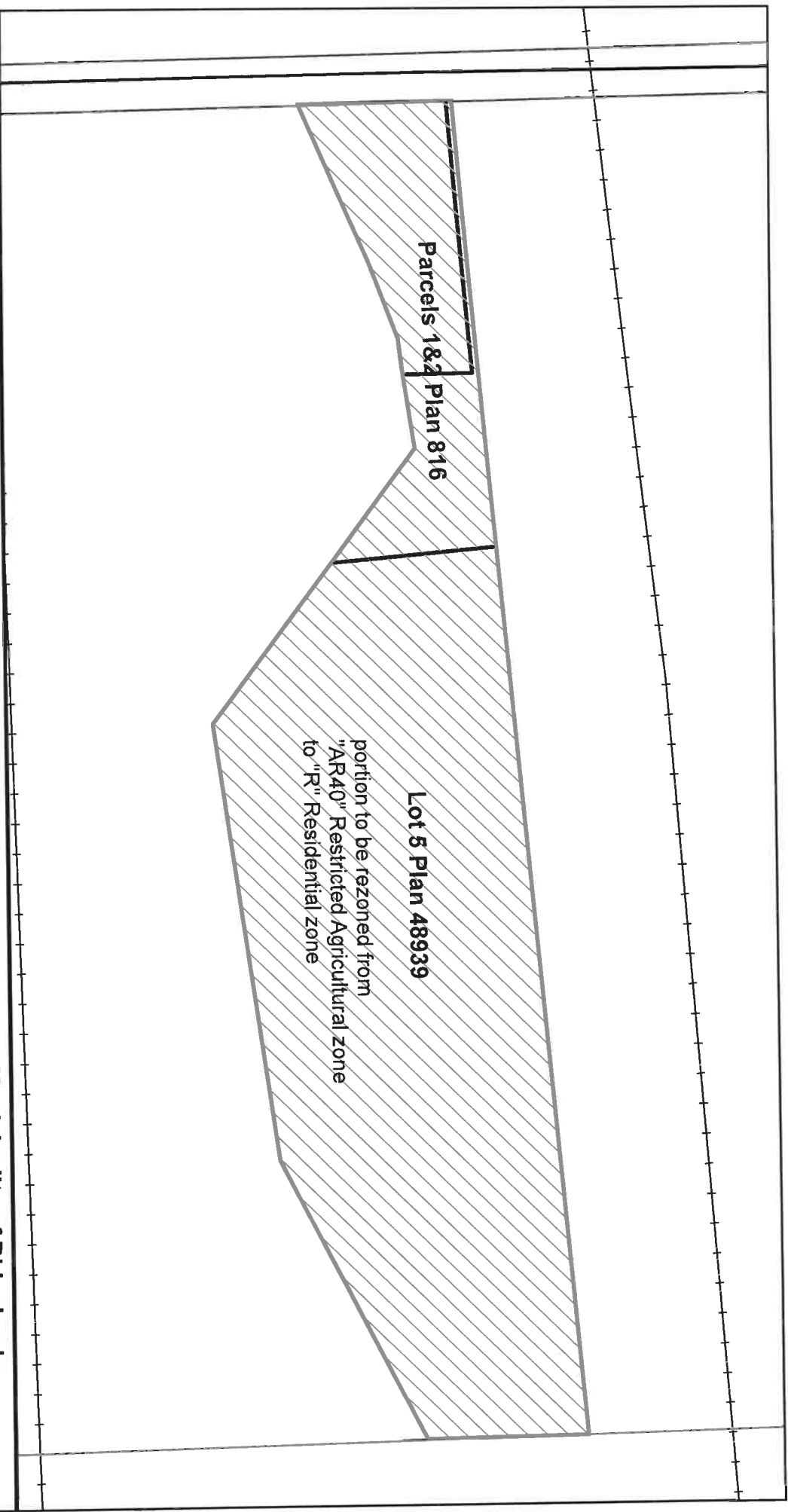

Reeve


Chief Administrative Officer

READ A FIRST TIME this 12th, day of August A.D. 2015

READ A SECOND TIME this 23rd day of September A.D. 2015

READ A THIRD TIME this 23rd day of September A.D. 2015



Schedule 'A'

Attached to and forming part of
By-law No. 2015-15
Amending Municipality of Rhineland
Zoning By-law No. 2013-8

Municipality of Rhineland
Parcels 1 & 2 Plan 816
Lot 5 Plan 48939
in the NW 1-3-3W

COMMUNITY & REGIONAL PLANNING BRANCH REPORT TO COUNCIL

1. Nature of the Application:

The owner, J.K.W Construction proposes to subdivide 66 residential lots with a public reserve and an internal public road from a 24 acre holding. The lots will be serviced by municipal sewer and water. The legal location is in the NW ¼ of 1-3-3W, which is on the east side of PR 306 and adjacent to CP Rail right of way in the Municipality of Rhineland.

2. Agency Comments and Concerns:

- a) Morden Land Titles Office: advise that a 66 lot Plan of Subdivision is required. Lots 1 to 66, Public Road and Public Reserve, balance of Title 81967, all of Titles 1787268/4, 1888739/4 and 2384093/4 and all except Water Control Works Plan 1522 in Title 82079. Please advise the applicant that the land must be under common ownership and duplicate titles will be required. Also, please note the differences in mines and minerals exceptions between the Title.
- b) Water Stewardship (Drinking Water): requires approval from the Office of Drinking Water prior to the start of construction of the water infrastructure pursuant to the *Drinking Water Safety Act*, including the submission of engineering drawings and specifications.
- c) Water Stewardship (Water Control): requires an engineered drainage plan.
- d) Transportation: requires the applicant to obtain a permit for the proposed public road connection onto PR 306 in conjunction with removal of the existing driveway and any distance requirements to the CP railway track. Also requires the applicant to provide with a Traffic Impact Study by a qualified engineer and written confirmation from Regional Technical Services Engineer that drainage from the proposed development will not have any adverse impacts on the provincial highway system.
- e) Manitoba Hydro: advise that an easement agreement and plan of easement are required.
- f) MTS: require an easement agreement and plan of easement.
- g) Garden Valley School Division: requests that a consideration of cash in lieu of land be allocated to the Garden Valley School Division to assist in providing Education / Transportation services to the families that will likely be living in the area.

- h) MIT – Water Management: recommends that building sites are generally raised with clean, impervious fill about 1 metre (3.3 feet) above natural ground elevation. In addition, the applicants should be required to provide a lot grading and drain plan for the proposed development. Failure to provide proper site grading and drainage could result in basement flooding and could affect the operation of septic fields. Note: The proposed subdivision lies directly adjacent to a double dyked provincial waterway, Hespler Drain. The dykes along the drain provide some measure of flood protection to the site for moderate flows, however the waterway was designed to accommodate agricultural runoff and may not confine flows within the channel under 100 year flood conditions.
- i) CP Rail: is not in favour of the proposed development as residential development adjacent to our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities. Recommends that for any residential/commercial development adjacent to Canada Pacific Railway, developers should followed all guidelines related to setback distances for residential development in close proximity to the railway right of way.
- j) Town of Plum Coulee: advises that the developer/applicant enters into a Lot Levy agreement, a shared services agreement, a tax sharing agreement and a development agreement with the municipality. The council recommends that a secondary plan and a highway access management plan be prepared and the development should occur in 2 phases.

Note: The secondary plan “Plum Coulee Fringe Area Secondary Plan” was given 3rd Reading on April 22, 2015.
- k) Other Agencies: The following agencies did not have any objection to the approval of this application: Agriculture, Conservation and Mines Branch. Please review all attached correspondence for additional details.

3. Community & Regional Planning Branch Comments and Recommendations:

The Development Plan for RPGA designates this area as Fringe Area (Restricted Agriculture) and the zoning is “AR40” Restricted Agricultural.

A zoning amendment is required to rezone the subject land from “AR40” to “R” Residential. Single family residential lots are required to be a minimum site area of 6,000 sq. ft with a minimum site width of 50 feet in the “R” zone. Variations orders are required to vary the minimum site area and site width requirements for the lots that do not meet the minimum zoning requirements.

NOTE: Under Section 125(2) of *The Planning Act*, if a proposed subdivision will result in the creation of a new public road, then Council must hold a **public hearing** to receive representations on the proposed subdivision **prior to passing a resolution to approve or reject the subdivision.**

Community and Regional Planning recommend that Council consider the concerns raised by MIT and CP Rail on the proposed residential development. Community and Regional Planning will not object to the approval of this subdivision application if the outstanding concerns are addressed appropriately.

cc: Highways
Manitoba Hydro
MTS
Garden Valley School Division
Water Stewardship
MIT – Hydrologic Forecasting
J.K.W. Construction Ltd. (Kyle Wiebe & Jack Wiebe)