

BY-LAW NO. 2015-12

**Being a By-law of the Municipality of Rhineland
To Amend Zoning By-Law No. 738-13, 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

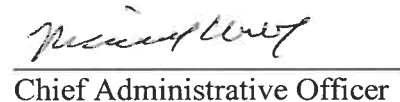
NOW THEREFORE, the Council of the Municipality of Rhineland, in meeting duly assembled enacts as follows:

That: By-Law No. 2015-12, amends the L.U.D. of Plum Coulee Zoning By-Law 738-13 by re-zoning the property described as Lot 18/20/21 Plan 565 in the L.U.D of Plum Coulee 11-3-3W from “AR” to “RG” as per the attached schedule “A”, in for the Municipality of Rhineland.

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



Mayor



Chief Administrative Officer

READ A FIRST TIME this 27th day of May 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

RPGA PLANNING DISTRICT BOARD

Order No. 2/15

Under *The Planning Act*

BEFORE: Don Wiebe, Chairman
Glen Robinson
Benno Loewen
Terry Wiebe
Mark Ratzlaff

IN THE MATTER OF

The Planning Act

- and -

IN THE MATTER OF

By-Law No. 2015-12 of The Municipality of Rhineland

BETWEEN: Steve and Cheryl McClelland 111 Government Road, Plum Coulee, MB R0G 1R0
Randy and Loretta Dyck 117 Government Road, Plum Coulee, MB R0G 1R0

Objectors

- and -

M3 Properties, Box 2310, Altona, MB R0G 0B0

Applicant

APPEARANCES: Steve and Cheryl McClelland Box 434, Plum Coulee, MB R0G 1R0
Randy and Loretta Dyck Box 254, Plum Coulee, MB R0G 1R0

In Objection

Municipality of Rhineland

Michael Rempel, Municipality of Rhineland

C.A.O.

In Support

Pursuant to the provisions of *The Planning Act*, L.M. 2005, c.30 - Chap. P80, provides in part as follows:

Hearing

77(7) Upon receiving an objection referred to it under subsection (5), the Municipal Board or the board of the planning district must

- (a) hold a public hearing to receive presentations from any person on the objection; and
- (b) at least 14 days before the hearing, send notice of the hearing to
 - (i) the applicant,
 - (ii) the board or council that referred the objection,

- (iii) every person who made a representation at the hearing held under subsection 74(1), and
- (iv) any other person it considers appropriate.

Order

77(8) Subject to subsection (10), within 30 days after holding the hearing, the Municipal Board or the board of the planning district must make an order

- (a) confirming or refusing to confirm any part of the by-law that was the subject of the objection; or
- (b) directing the board or council to alter the by-law in the manner it specifies to address any representations on the objection made at the hearing.

The order may be subject to any terms or conditions the Municipal Board or the board considers advisable.

Notice of decision

77(9) The Municipal Board or the board of the planning district must send a copy of its order to the board or council that referred the objection, and to every person who made a representation at the hearing held under subsection (7).

Delayed decision

77(10) If the minister is reviewing a development plan by-law or an amendment to a development plan by-law at the same time as an objection to a rezoning by-law for the same area is being considered under this section, the Municipal Board or the board of a planning district may delay making an order until the minister has made his or her decision.

Order not subject to appeal

77(11) The order of the Municipal Board or the board of the planning district is final and not subject to appeal.

Pursuant to the provisions of *The Planning Act*, Steve and Cheryl McClelland, Box 434, 111 Government road, Plum Coulee, MB, R0G 1R0, and Randy and Lorretta Dyck Box 254, 117 Government Road, Plum Coulee MB, R0G filed with the Board of the RPGA Planning District notice of second objection to By-Law No. 2015-12 of The Municipality of Rhineland.

RPGA Public Hearing September 1st, 2015

The Public Hearing held by the RPGA board on September 1st, 2015 brought forth the following objections:

Don opened the Public Hearing and Requested that Susan read the exhibits. Susan read through Exhibits A-P. Don introduced everyone and asked the public to introduce themselves. Don opened to the public for comment.

Randy Dyck located at 117 Government Road. He explained he had already had some conversations with Mike and Susan and that helped him understand some of what was going on but does not understand why the road has not been addressed as that is one of his main concerns.

Susan spoke regarding the process for re-zoning and that as of yet the developer has not submitted a plan of subdivision and that it would require a separate process for this. Steve and Cheryl McClelland spoke to their concern that would fence be required, and what type of dwellings would there be.

Mike stated that as of yet there is no plan. Mike spoke to the process and that for this meeting the question is “does the current area make sense to be re-zoned to residential from agriculture?” All other concerns would need to be addressed during a conditional use hearing or a road opening hearing. He also stated that subdivision applications do not require a public hearing however the Municipality would require a development agreement with the developer which would address items such as roads, sidewalks, lighting, fencing etc.

Steve McClelland stated that they are opposed to the re-zoning.

Don stated that he got sense that everyone understood the process for the re-zoning.

Randy stated that he felt his concerns were quite unique from other situations as he is situated in the middle of the proposed development. He spoke to concerns from his letter of opposition which Susan addressed.

Steve stated that he too had some of the same concerns, and is opposed to the changes they see coming.

Don closed the meeting and stated that they would take some time to deliberate and that those opposed would receive the order by mail.

Susan spoke to that the order must be completed within 21 days.

A special meeting was scheduled for September 8th to address the re-zoning.

The RPGA Planning District Development Plan, Map of Plum Coulee, identifies the lands proposed to be rezoned by By-Law No. 2015-12 designated as “Neighbourhood” Policy Area.

The RPGA Planning District Development Plan, in Section Part 4: Town Living policies provide direction as follows:

Neighborhood Area Intent

Within Town Living, Neighbourhood areas are intended to accommodate the majority of residential areas in the region in the immediate and long term. A mix of uses should be encouraged that are in keeping with the character of the area.

Neighbourhood Area Policies

4.5.1 Allow a mix of mutually supportive uses including a variety of residential, educational, recreational, institutional, commercial, and, possibly, industrial, at a scale and density compatible with each other.

4.5.2 Opportunities for infilling and redevelopment are encouraged. (1e, 2d, 2e, 5a, 5b)

Upon consideration of all of the evidence adduced and submissions made, the Board is of the opinion that By-Law No. 2015-12 of the Municipality of Rhineland, is consistent with the land use policies of the RPGA Planning District Development Plan.

Mark Ratzlaff Moved – Terry Wiebe Seconded

NOW THEREFORE THE RPGA PLANNING DISTRICT BOARD has decided and **ORDERS** that By-Law No. 2015-12 of The Municipality of Rhineland, **IS HEREBY CONFIRMED WITH NO CONDITIONS:**

“CARRIED”

RECORDED VOTE:

For: Don Wiebe, Terry Wiebe, Mark Ratzlaff, Glen Robinson, Benno Loewen

Against: None

DONE AND PASSED at The LUD of Plum Coulee, Manitoba this 8th, day of September, A.D., 2015.

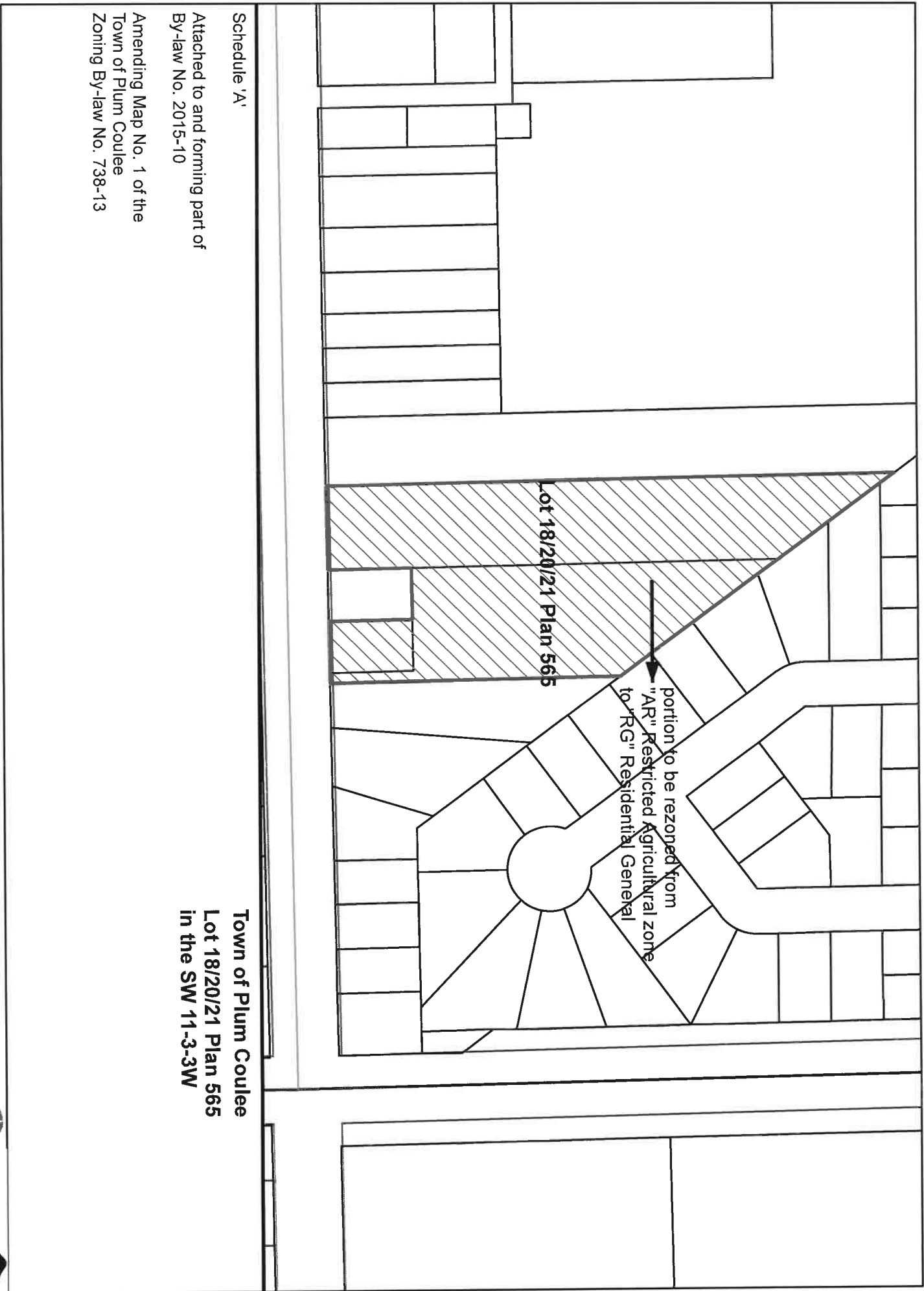
THE RPGA PLANNING DISTRICT

Chairman

Secretary-Treasurer

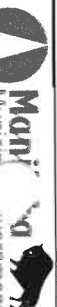
**AMENDING MAP MUNICIPALITY OF RHINEALND, MANITOBA of the MUNICIPALITY OF
RHINELAND, Zoning By-Law No. 2015-12.**

**Attached as Schedule "A" to and being part of By-Law 2015-12 of the MUNICIPALITY OF
RHINELAND**



Schedule 'A'
Attached to and forming part of
By-law No. 2015-10
Amending Map No. 1 of the
Town of Plum Coulee
Zoning By-law No. 738-13

Town of Plum Coulee
Lot 18/20/21 Plan 565
in the SW 11-3-3W





Municipal Government

Community and Regional Planning Branch
323 North Railway Street
Morden, Manitoba R6M 1S9
T 204-822-2840 F 204-822-2847

July 31, 2015

Michael Rempel, CAO
RM of Rhineland
Box 270
Altona MB R0G 0B0

Dear Sir:

Re: **RM of Rhineland Zoning By-law Amendment No. 2015-12**

This office has circulated and reviewed the above noted By-law. The general intent of the By-law is to re-zone part of Lot 18, 20 and 21 of Plan 565 in the SE ¼ Sec 11-3-3 W from "AR" Agricultural Restricted Zone to "RG" Residential General Zone in the Town of Plum Coulee.

The following agencies were circulated: Manitoba Hydro, MTS, and Transportation. None of the agencies expressed concerns with the proposal.

Transportation (MIT): The government road allowance is an access PR. Under the Highways and Transportation Act, any new, modified or relocated access or the removal of an existing access onto this highway requires a permit from MIT. A permit is also required for the construction above, on, or below ground level within 38.1m (125 ft) from the edge of the highway right-of-way. Permission is required also from MIT for the discharge of water or other liquid materials, including surface water drainage, directly or indirectly into the ditches along a provincial highway/ In addition, a permit is required from MIT for any planting placed 15.2m (50 ft) from the edge of the right-of-way of this highway.

Community and Regional Planning recommend the approval of the by-law as proposed.

If Council does not receive any objections from the public hearing for By-law 2015-12, Council may proceed with 2nd and 3rd readings. **Please provide this office with one certified copy of the By-law, once all readings are complete and the By-law is in full force.**

Yours truly,

Original signed by
Lubna Yeasmin
Community Planner

LY/ly



Infrastructure and Transportation

Highway Planning & Design Branch
1420 – 215 Garry Street, Winnipeg MB R3C 3P3
T 204 945-2664, F 204 945-0593
Email : Heinz.Lausmann@gov.mb.ca

July 24, 2015

PD 40.10 Ex

Lubna Yeasmin, Community Planner
Community and Regional Planning Branch
323 North Railway Street
Morden, MB R6M 1S9
E-mail: Lubna.Yeasmin@gov.mb.ca

Dear Lubna:

**Re: Zoning Bylaw Amendment No. 2015-12
Amendment to the Municipality of Rhineland Zoning Bylaw No. 738-13
Lots 18 - 21, Plan 565 MLTO
Part SW ¼ 11-3-3W
RM of Rhineland (L.U.D. of Plum Coulee)
Rezone from "AR" Agricultural Restricted Zone to "RG" Residential General Zone**

In response to your e-mail, dated July 22, 2015, we have reviewed the above noted proposal. The property being rezoned appears to front onto a government road allowance which is a declared Access PR.

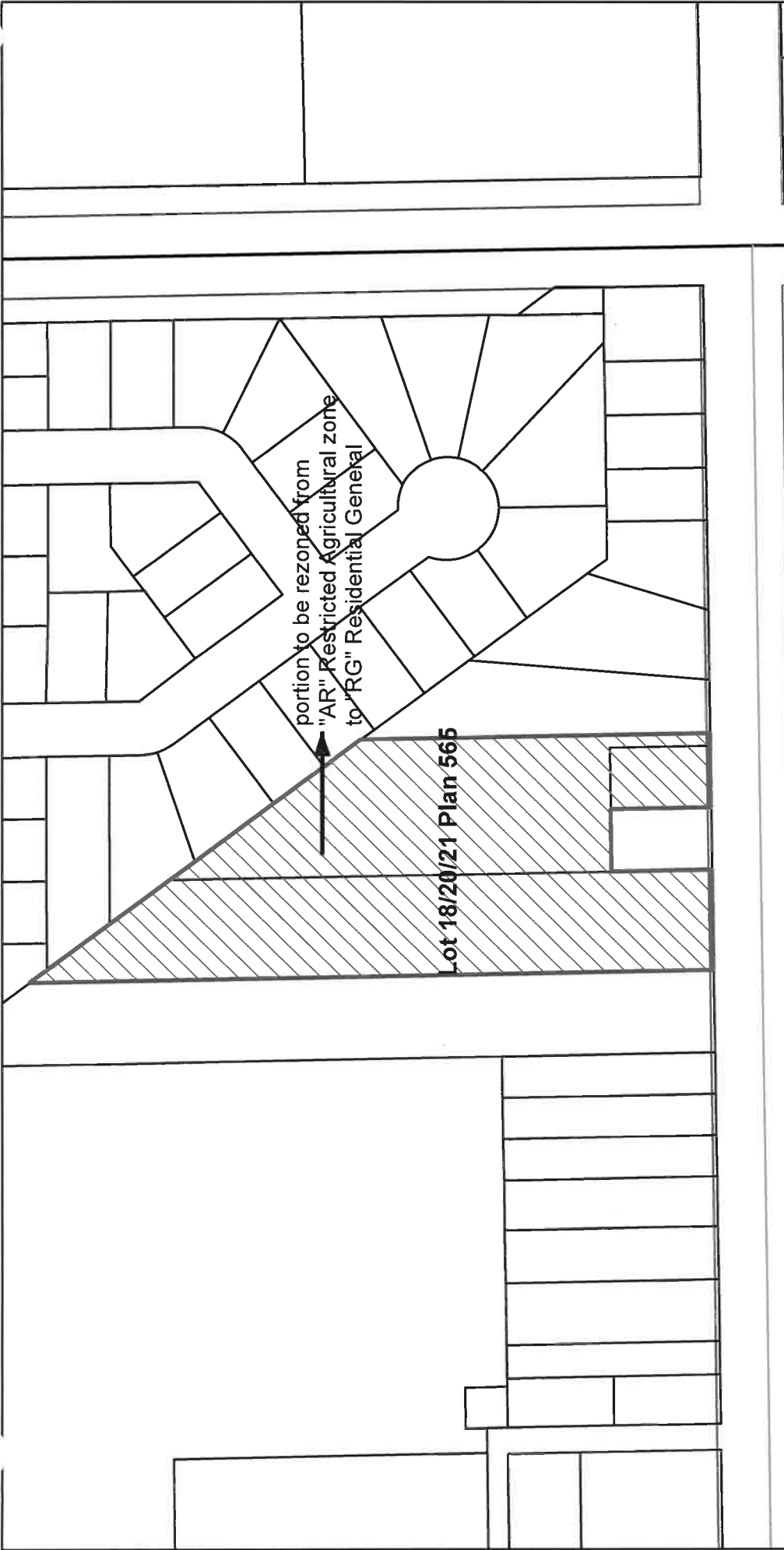
Based on the available information we do not object to the proposed amendment. Please inform the applicant that the government road allowance is an access PR. Under the Highways and Transportation Act any new, modified or relocated access or the removal of an existing access onto this highway requires a permit from Manitoba Infrastructure and Transportation. A permit is also required from our department for any construction above, on, or below ground level within 38.1 m (125 ft) from the edge of the highway right-of-way. Under The Highways and Transportation Act permission is required from Manitoba Infrastructure and Transportation to discharge water or other liquid materials, including surface water drainage, directly or indirectly into the ditches along a provincial highway. 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.

Please let us know if we can be of further assistance.

Sincerely,

Heinz Lausmann, P. Eng.
Senior Highway Planning Engineer

Copy: Region 2
Shirley.Sagert@gov.mb.ca



Schedule 'A'

Attached to and forming part of
By-law No. 2015-10

Amending Map No. 1 of the
Town of Plum Coulee
Zoning By-law No. 738-13

Town of Plum Coulee
Lot 18/20/21 Plan 565
in the SW 11-3-3W

Map Not to Scale

For Discussion Purposes Only

