



# Subdivision Requirements and Conditions

PART 3

# Land Titles

In Manitoba, Teranet owns and operates The Property Registry (Land Titles Office or LTO). LTO reviews all subdivision applications and determines if the proposed subdivision requires a Plan of Subdivision, Plan of Survey or a land description.

Once LTO receives a copy of the conditional approval letter from CRP, it is reviewed and the information is entered into the survey books.

## Preapproval

LTO waits until it receives prints of the Plan of Subdivision or survey from the surveyor then examines the plan for errors and reviews survey evidence. LTO notifies the surveyors of any corrections to be made, then waits for the surveyor to send the revised plan back. LTO reviews the revisions and then notifies the surveyor that they may create the Mylars™. The Mylars™ are then forwarded to the approving authority by the applicant or by the surveyor on request. This pre-approval process generally takes six to eight weeks.

Land descriptions prepared by a lawyer or surveyor must also be submitted to LTO for tentative approval. These are generally reviewed and approved within one day. Land descriptions must then be submitted to the approving authority.

Once the applicant has completed all of the conditions, the Mylars™ are signed by the approving authority and a certificate of approval is issued.

The applicant (or applicant's lawyer) collects the necessary signatures on the Mylars™, prepares documents for registration, and forwards the Mylars™ and documents to LTO for registration. The plan is registered, new titles are issued and certified copies are sent to the applicant (or applicant's lawyer). This process takes approximately one to two weeks.

Plan examination fee: \$130 (not charged for land descriptions)

## Plan of Subdivision

Plans of subdivision are required for many reasons. These include:

- Plans provide a clear and concise picture of the land being subdivided, eliminating the confusion and uncertainty created by multiple splits by land description.
- When plans are prepared permanent survey monuments are placed in the lands being subdivided. These monuments can be used later for locating property boundaries.
- Having a plan prepared is one way to ensure that the land intended to be subdivided is the land that is actually subdivided.
- Having a plan prepared ensures that tree lines, fences, buildings, roads and the like are on the property they are intended to be on.
- All new plans add to the survey fabric of lands in the province, making land holding more certain and safer.

## Consolidations

A consolidation occurs when more than one lot is joined together legally to create a new single lot. Consolidations do not require planning approval. Sometimes consolidations are required as part of a subdivision proposal, but that is the only time that CRP needs to be involved in consolidations.

Please note that consolidations can cause significant problems. Existing mortgages that only affect some of the lands being consolidated will likely have to be discharged and then new mortgages will have to be registered. Certain caveats may have to be discharged. Further, to later separate two pieces of land that have been consolidated may require planning approval, which can be an expensive process. It is strongly recommended that anyone considering consolidating two pieces of land obtain legal advice on the possible costs and long term ramifications before proceeding.

# Surveys and Land Descriptions

## Land Descriptions

In general, the only subdivisions which do not require plans are the first and second transfers out of a whole quarter section. In addition to being the first or second “split,” only simple rectangular shapes will be allowed. In some cases a land description will be allowed when the limits of the land to be transferred can be described using existing neighbouring plans.

Any subdivision of a river lot, outer two mile lot, settlement lot, wood lot, or township lot that creates a new title boundary will require a plan of survey or subdivision.

If the subdivision of a river lot is for everything lying between two existing plans, ex: west of RLY Plan 12345 and east of Road Plan 23456, a plan would not be required.

Any land already subdivided by a plan will require a plan to subdivide it.

## Plan of Survey (Explanatory Plan)

In accordance with The Planning Act, explanatory plans are only to be used for all or the balance of the land contained in a Certificate of Title. Exceptions will be allowed in the following situations for subdivisions, providing there is no requirement to create a public interest such as a public road:

- a. to resolve differences in mines and mineral ownership in plans of subdivision
- b. to accommodate planning consolidation requirements and contiguity issues
- c. to accommodate an easement agreement or rights-of-way for ingress and egress

Public roads or reserves may not be created on an explanatory plan.

## Plan of Bare Land Condominium

The difference between a bare land condominium plan and other condominium plans is that a bare land plan will show parcels of land as the units on

the condominium plan. Such bare land units may have existing buildings on them, but they would not be completely covered by these buildings. A condominium proposal which shows only buildings or parts of buildings as the condominium units does not require the approval of the approving authority. However, a condominium proposal may also require a subdivision approval if all or part of the land is to be shown as lots or blocks on a plan of subdivision.

A bare land condominium plan requires the approval of the subdivision approving authority. Approval of the Registrar-General is also required.

## Do I need a lawyer or a surveyor to subdivide my property?

A surveyor and a lawyer are always recommended by Land Titles. The surveyor will ensure that the lands being subdivided are the lands the parties intend to subdivide, and the lawyer will ensure the proper completion and registration of required documentation.

While technically you are not required to hire a lawyer to register documents at Land Titles, some Land Titles documents (including the transfer of land) cannot be completed without the involvement of a lawyer. Signatures in certain Land Titles documents must be witnessed by a lawyer as well. Given that registration of documents causes land titles records to be changed and this can significantly change your legal position and rights, a lawyer can help make sure that you are properly advised and protected.

Please note that staff at the Land Titles Office are prohibited from assisting or advising you regarding forms that can cause a change to your legal rights and interests in land, including transfers of land.

# Utilities

In accordance with The Real Property Act, utility easements (rights-of-way) require registration in the Land Titles Office. The developer is required to grant Manitoba Hydro and the communication utilities easements for the purpose of placing and maintaining services throughout the subdivision, for both existing and future facilities. The easement may be used for common trench locations, pad-mounted transformers, communication hand-holes, pedestals and other related features.

Approximately 40 per cent of all subdivision applications require an easement agreement to be completed with Manitoba Hydro. A plan of easement is also required for registration of these easements at Land Titles, prepared by a professional surveyor.

## General Considerations for Easements:

- Manitoba Hydro requires the name of the applicant's lawyer. A lawyer is required to execute the easement agreement and register the plan.
- All multiple-family dwellings (including semi-detached and duplexes) and condominiums automatically require blanket easements. Blanket easements are completed as a legal description.
- Utilities must be advised of whether a proposal is for a multi-family dwelling or condominium and of any future phases of development. Future phases (including plans for sidewalk placement, road widening, etc.) may impact the location of utility infrastructure. This will not increase costs to the developer or bind the developer to that idea, but it is required for information purposes.

## Hydro Easement Requirement:

### Timeline for processing: six months or longer

An easement agreement fully executed by the developer that will be registered at the Land Titles Office prior to any transfers of land. In order to prepare the documentation Manitoba Hydro requires the following:

- conditional approval from the approving authority
- final plan of subdivision/survey or pre-approved land description
- developer's lawyer's contact information (a lawyer is required for execution of the agreement)
- easement plan if applicable

Developers will be provided with contact information once CRP issues the conditional approval letter. The developer's surveyor (or lawyer for legal descriptions), will then complete the plan of subdivision (or land description) and forward it to Manitoba Hydro. After reviewing the plan, Hydro will provide the surveyor with the easement requirements. The surveyor then prepares the plan of easement and submits it to Manitoba Hydro for its review. The plan of easement and supporting Manitoba Hydro documents are forwarded to the LTO in Winnipeg for pre-approval. The easement agreement is prepared and, along with the Mylars™ for the plan of easement, circulated to all involved utilities for their signature. Once Manitoba Hydro has received all the necessary signatures, a final easement agreement package is created which includes a trust letter, release of conditions letter, and the plan of easement Mylars™ and is forwarded to the applicant's lawyer. The applicant's lawyer obtains the applicant's signature and submits the plan of easement to LTO for registration. Registration in series with the subdivision is typically included as a condition on the Certificate of Approval.

**When complete, your lawyer must send the release of conditions letter to Community and Regional Planning (or approving authority) for the condition to be considered satisfied.**

# MTS and Manitoba Hydro

These requirements ensure that MTS Inc. communication facilities (or other company facilities in some parts of the province) can be installed and maintained for all subdivided parcels of land. This would include any existing and future facilities that must be protected by easement rights.

MTS reviews all subdivision applications to determine if easement agreements are necessary for their infrastructure. Approximately 25 per cent of all subdivision applications will require a joint Hydro/MTS easement agreement to be completed and another 20 per cent require an easement agreement only with MTS. If the easement is to be prepared jointly with Manitoba Hydro, then the internal process of Hydro is followed. Otherwise, MTS has established its own internal easement agreement process.

Removal or relocation of Manitoba Hydro or MTS equipment as a result of the proposed subdivision will be at the expense of the developer.

## MTS Easement Requirement:

### Timeline for processing: three months or longer (MTS solo easement agreement)

An easement agreement fully executed by the developer that will be registered at the Land Titles Office prior to any transfers of land. In order to prepare the documentation MTS Inc. requires the following:

- conditional approval from the approving authority
- final plan of subdivision/survey or pre-approved land description
- developer's lawyer's contact information
- easement plan if applicable

MTS reviews the application and highlights where the easement is required and forwards these requirements to the applicant's surveyor. The surveyor creates the plan of easement and returns it to MTS for review. MTS reviews and then prepares the easement agreement. The easement agreement is sent to the applicant for their signature, and then the agreement is returned to MTS. MTS prepares a final easement agreement package and provides it to the developer's lawyer or directly to LTO for registration.

MTS (solo) will also sometimes ask for a metes and bounds (land) description and has it signed and registered prior to registration of the subdivision. In this case a release is sent to CRP indicating that registration of the easement is not required as a condition on the certificate.

## For more information:

Prospective developers seeking information on existing MTS facilities in their planned development area or with any questions related to the development should forward their questions to:

MTS Inc. - Network Engineering Control Centre

Phone: 204-941-4369 – Winnipeg

Toll Free Phone: 1-866-756-7642

Fax: 204-957-5619

E-Mail: [neteng.control@mtsallstream.com](mailto:neteng.control@mtsallstream.com)

**Easement requirements for Manitoba Hydro electric, telephone and cable TV will be included on a single agreement administered by Manitoba Hydro. A separate easement agreement is required for Manitoba Hydro's natural gas installation.**

# Municipal Conditions

*Municipal council may approve your subdivision application with conditions in their resolution. Council's conditions must be included in the conditional approval letter. The following municipal conditions are typical:*

## **Payment of Taxes:**

Any outstanding property taxes on the subdivision lands must be paid in full or arrangements satisfactory to the municipality made.

## **Survey Monuments:**

If survey monuments are missing and are required for a Plan of Subdivision, the owner is responsible for paying the municipality the amount in excess of funds approved by the Land Titles Office.

## **Variances:**

A variance order is required if a proposed lot does not meet the minimum site area and width requirements for your zone, or if buildings and structures do not meet the minimum setbacks. To determine if buildings and structures meet the minimum setbacks, you may be required to provide a Building Location Certificate prepared by a Manitoba land surveyor. A public hearing is required for a variance.

## **Conditional Uses:**

A conditional use order is required if the proposed use of your land or buildings is one listed as a conditional use in the bulk table for your zone in the zoning bylaw. A public hearing is required and council may impose conditions on your proposed use in their order.

## **Zoning Bylaw Amendments:**

Every municipality has its own zoning bylaw, which affects the way that property can be used. If the proposed use does not comply with the zoning bylaw, a zoning bylaw amendment will be required.

## **Land and School Dedication:**

Council may require the developer to dedicate land for public reserves or school purposes. The amount of land dedicated cannot exceed 10 per cent of the total land being subdivided. Council may also require the land owner to provide money in lieu of land.

## **Opening and Closing Roads:**

The municipality must hold a public hearing if the proposed subdivision will result in the creation of a new public road (s. 125(2) of The Planning Act).

In some instances, a road closing bylaw may also be required, if the proposed subdivision involves portions of an unused road allowance that will form part of the proposed lots.

## **Lot Levies and Dedication Fees:**

In most municipalities, the developer is responsible for providing the services and infrastructure within a proposed subdivision. Developers are also required to contribute to lot levies, dedication fees and other charges. For example, lot levies may be collected to defer some of the costs for trunk services outside of the subdivision area. Reserve fund contributions may also be required for future water and sewer upgrades. Dedication fees can be collected in lieu of land or school dedication. Legal and engineering fees may also be paid by the developer. Each municipality charges different fees, and charges may differ in different areas of the municipality. Consult your local municipal office for more information.

## **Declaration of Right-of-Way:**

If the dominant and servient lands are owned by the same parties, a Declaration of Right-of-Way is required (used when establishing a right-of-way on your own land). These can only be discharged with the consent of all owners and all encumbrancers on the affected lands.

## **Right-of-Way Agreement:**

If the dominant and servient lands are owned by different owners, a Right-of-Way Agreement registered by way of caveat is required. A caveat protecting an easement can be discharged by the current owner of the dominant lands.

## **Lot Grading or Drainage Plan**

The developer may be required to submit a lot grade and/or drainage plan, prepared by a professional engineer, showing elevations and the overall drainage patterns on the subject lands.

# Easements, Covenants and Caveats

## **Development Agreement:**

Pursuant to The Planning Act, municipal governments outside the City of Winnipeg have the authority to enter into development agreements in the following circumstances:

- as a condition of amending a zoning bylaw
- as a condition of making a variance order
- as a condition of approving a conditional use
- as a condition of approving a conditional use for a livestock operation
- as a condition of subdivision approval

Note: Section 151(1) of The Planning Act specifies that development agreements must contain a specific statement that the agreement runs with the land it affects. The act also requires that a copy of the actual agreement be attached to the caveat registered.

The agreement must be between the municipal government and those parties who are the registered owners of the affected lands at the time the agreement is registered at Land Titles.

As per The Planning Act, the development agreement can deal with:

- the construction or maintenance – at the owner's expense or partly at the owner's expense – of works including sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access, connections to existing services, fencing and landscaping
- 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
- the use of the land and any existing or proposed building

## **Caveats:**

The Real Property Act allows a person who is claiming an interest in land to register a caveat. For the purposes of The Real Property Act, person includes natural persons and corporations. Land Titles will not accept as caveator a trust, a family trust, a limited liability partnership, a partnership or a law firm.

For the benefit of future parties, it is wise to attach copies of relevant agreements to caveats. Where the caveat is filed pursuant to section 111 of The Real Property Act (Rights analogous to easement and statutory easements), or is a development agreement filed by a municipal government (other than the City of Winnipeg), the agreement must be attached.

## **Restrictive Covenants:**

### **Traditional Restrictive Covenants:**

The first type of restrictive covenant caveat gives notice of an agreement entered into between a vendor and a purchaser of land, wherein certain restrictions are imposed upon the uses the purchaser can make of the subject lands, which restrictions are for the benefit of other lands owned by the vendor.

To be registerable at Land Titles a caveat based upon a traditional restrictive covenant must specify both the beneficial (dominant) and the affected (servient) lands.

### **Building Schemes/Development Schemes:**

The second sort of restrictive covenant that can be protected by caveat is one imposed by a developer. These are caveats registered by a party who has subdivided a large piece of land into numerous lots and is selling off the lots. These caveats are based upon separate agreements between the developer and the purchasers of each separate lot.

# Provincial Highways

## Subdivision Planning at the Local Level

### Highway Access Permit Requirements

Under The Highway and Transportation Act (Section 8-3), the Minister of Manitoba Infrastructure (via the Access Management section of MI's Highway Planning and Design Branch) is the approving authority for any access to and structures, signs and plantings onto and adjacent to non-limited access highways. Non-limited access highways include all of the provincial roads (PR) numbered 200-599 and the PR access roads.

Under The Highway Protection Act (Section 5), the Highway Traffic Board is the approving authority for access (including change in use), structures and signs onto and adjacent to all limited access highways. Limited access highways include all of the provincial trunk highways (PTH) which are numbered from 1 to 199 as well as PR 230.

### Highway Classifications

All Manitoba highways currently fall under the following classifications:

- expressways
- arterials (primary and secondary)
- collectors

### Access Spacing Supported by Manitoba Infrastructure:

**Expressways** – No direct property access. These routes are limited access highways that carry very large traffic volumes with a high percentage of trucks over long distances. All connections will have proper intersection treatments.

**Primary Arterials** – These routes are limited access highways that carry large traffic volumes and a relatively high percentage of trucks.

**Secondary Arterials** – These routes are generally limited access highways that carry moderate volumes of passenger vehicles and a lower percentage of trucks.

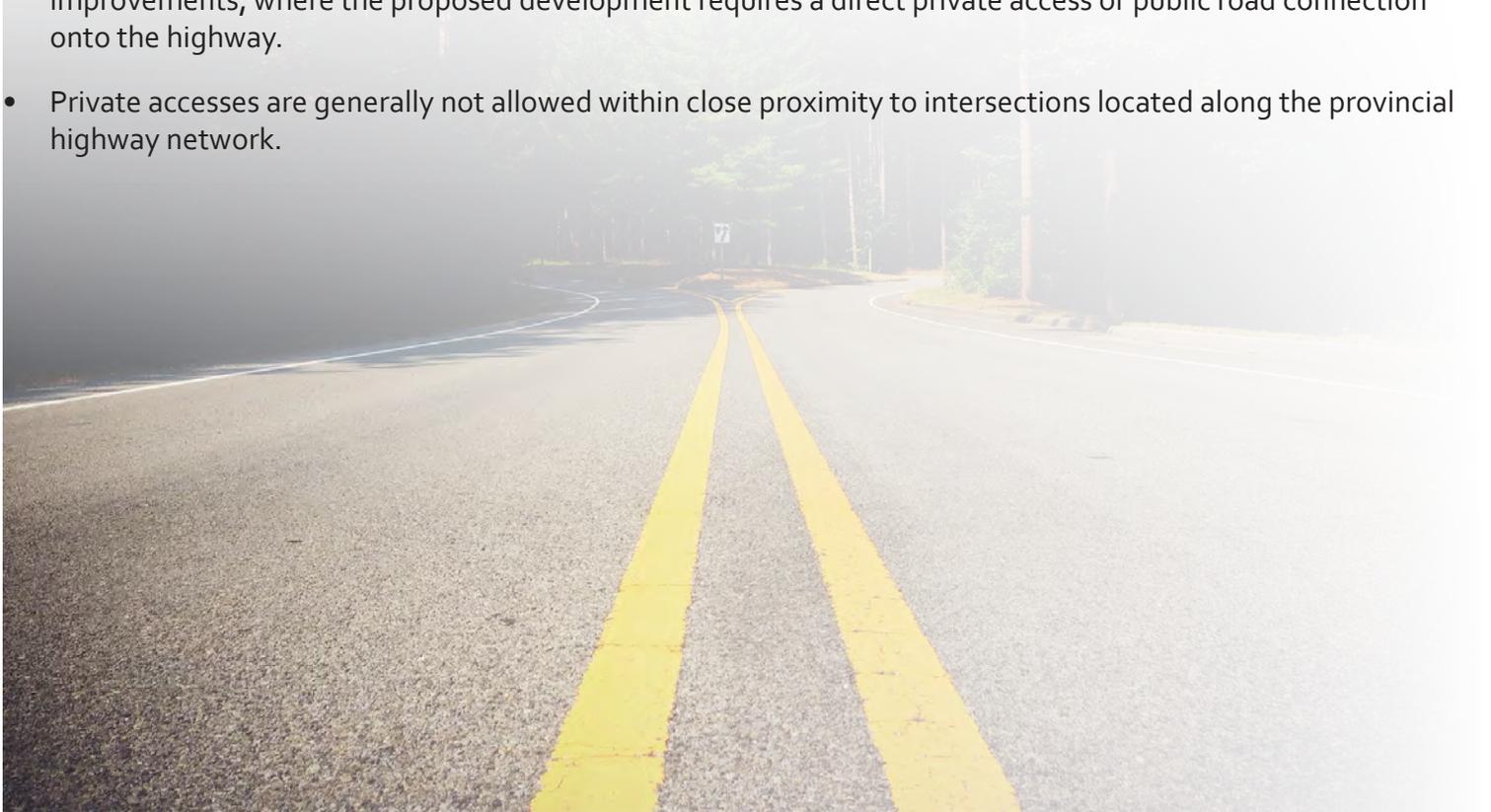
**Collectors** – These highways are generally non-limited access roads that carry low to moderate volumes of traffic. Some collectors in populated areas could carry large volumes of traffic in excess of 4,000 vehicles per day.

Subdivision applicants may be required to obtain an access or change in use permit from Manitoba Infrastructure (MI) or the Highway Traffic Board as part of the subdivision process if the proposed subdivision is adjacent to a provincial road (PR) or provincial trunk highway (PTH).

# Manitoba Infrastructure

## General Considerations when Subdividing Adjacent to a Highway:

- Strip development, or development that contributes to the evolution of a row of lots, that fronts on and requires direct connection to a provincial highway will not be permitted.
- Overall planning of a site should be undertaken to ensure that highway access meets the desirable spacing for the highway that is being considered for access connection.
- Access to a provincial highway is not guaranteed. Where possible, government would prefer that all access be from a municipal road already connected to the provincial highway network, and approval may not be given to direct access onto the highway.
- Should access onto a provincial road be the only alternative, Manitoba Infrastructure may decide to maximize the spacing between new and existing accesses, place any new accesses at a joint property line or relocate existing accesses to provide access to land at a better location.
- With any proposed development along a provincial highway, or in conjunction with any possible upgrading of the highway, existing access connections may be relocated or removed and replaced by alternative access.
- Manitoba Infrastructure may request preliminary traffic information, a traffic impact study or on-highway improvements, where the proposed development requires a direct private access or public road connection onto the highway.
- Private accesses are generally not allowed within close proximity to intersections located along the provincial highway network.



# Manitoba Infrastructure

## Typical Conditions of Approval

*A copy of the subdivision conditional approval letter should accompany all permit applications.*

### Permit - Provincial Roads (PRs)

**Time to Complete:** approximately four to eight weeks (processing times vary seasonally)

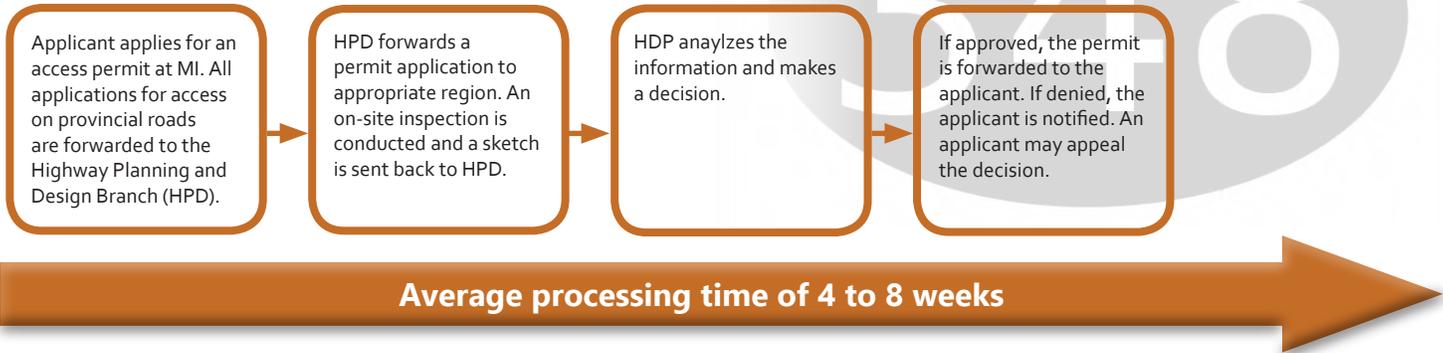
**Permit Covers:**

- new access
- access relocation or removal
- construction within a control zone
- signs
- tree plantings

**Contact:** Highway Planning and Design, Manitoba Infrastructure

Permit applications affecting provincial roads (PR) are processed internally by the Highway Planning and Design Branch of MI.

### Manitoba Infrastructure Permit Process



### Highway Traffic Board Permit - Limited Access Highways

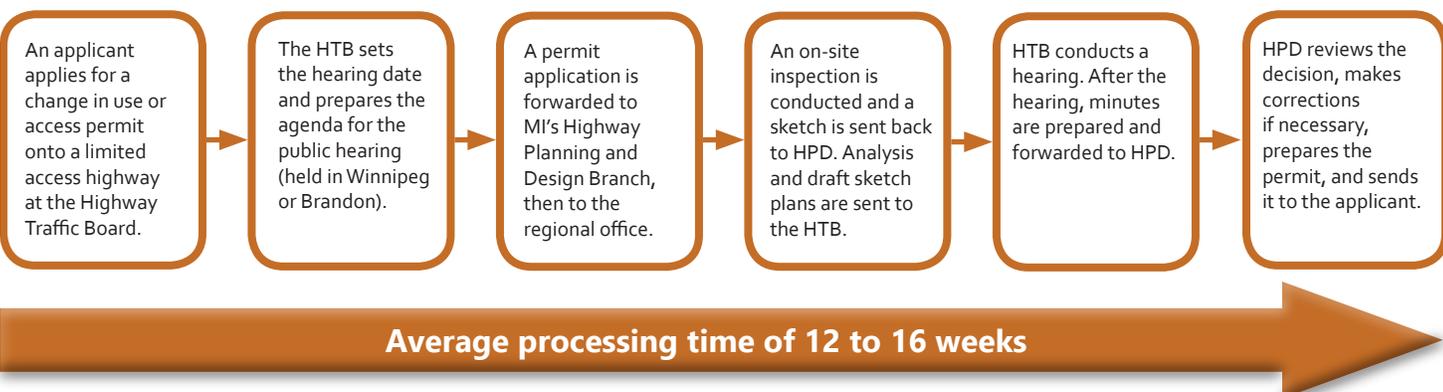
**Time to Complete:** Approximately eight to 12 weeks (processing times vary by volume of applications)

**Permit Covers:**

- change in use
- access relocation or removal
- new access
- construction within a control zone
- signs

Permit applications affecting limited access highways (PTHs) are processed by the Highway Traffic Board (HTB).

### Highway Traffic Board Permit Process



# Provincial Highways

## Traffic Impact Studies

**Time to Complete:** three months to one year (includes time to hire a consultant, conduct the study, MI's review and on-highway improvements, if required)

**Contact:** Highway Planning and Design, Manitoba Infrastructure

Depending on the nature of a proposed subdivision or development, MI may have a concern with the amount and type of traffic that may be generated by the proposed development.

If the department believes that there may be a need for on-highway improvements at the highway access location, the applicant/developer will be asked to provide the senior highway planning engineer with traffic information regarding:

- The total amount of traffic (includes all traffic that will access the site) that will be generated by the proposed development on a daily basis (two-way daily traffic)
- The directional split of the traffic as it enters/exits the highway
- The breakdown of the type of vehicles that may be expected to access this proposed development on a regular basis

This information will be used to determine if there is a need for on-highway improvements and the type of on-highway improvements that may be required. Based on a review of this information, there may be a need for a more detailed Traffic Impact Study.

The Traffic Impact Study, prepared by a qualified transportation engineer, may identify the need for more elaborate on-highway improvements to safely accommodate the traffic generated by the proposed development. The cost of the Traffic Impact Study and any required on-highway improvements would be the responsibility of the developer. Any required on-highway improvements would have to be built to department standards.

## Drainage

Confirmation that drainage from the proposed subdivision will not adversely affect the highway drainage system may be required, including the requirement to provide an engineered drainage plan for MI's review.

### MI Roadside Development Section

The Roadside Development Section administers access and development controls established to protect the highway system through The Highway Protection Act and The Highways and Transportation Act. The Section reviews access and development applications adjacent to all provincial highways and, represents the department at Highway Traffic Board/Public Utilities Board hearings.

All highways-related questions should be directed to the Highway Planning and Design Head Office. Please contact:

**Manitoba Infrastructure**  
**Highway Planning and Design Branch**  
1420-215 Garry Street  
Winnipeg MB R3C 3P3

**Phone:** 204-945-3660

**Fax:** 204-945-0593

**Email:** [roadside.development@gov.mb.ca](mailto:roadside.development@gov.mb.ca)



## Water Management, Planning and Standards Branch

The Water Management, Planning and Standards Branch is part of the Hydrologic Forecasting and Water Management Section within the Water Management and Structures Division, Manitoba Infrastructure.

The branch reviews development and subdivision proposals with regard to flooding, erosion and bank stability risks and provides comment and recommendations to Community and Regional Planning, Manitoba Indigenous and Municipal Relations. It also provides data and expertise for flood protection and for design of water control works or other infrastructure sensitive to water levels.

## Permanent Structures Near and Adjacent to Rivers

**Major Rivers and Streams** – where the flood hazard has been identified, the flood protection level is the corresponding design flood level plus 0.6 m (2 feet).

In areas where the specific hazard has not been identified, permanent structures should be set back from the top of the embankment at least 10 times the height of the embankment above the Ordinary High Water Mark or 60 m (200 feet) whichever is greater unless an engineering investigation shows that these limits may be reduced.

**Minor Rivers and Streams** – where the flood hazard has been identified, the flood protection level is the corresponding design flood level plus 0.6 m (2 feet).

In areas where the specific hazard has not been identified, permanent structures should be 1.5 m (5 feet) above ordinary high water elevation with a minimum setback distance of 30.5 m (100 feet) from the top of the waterway embankment to allow for erosion and instability unless an engineering investigation indicates that these limits may be reduced.

## Permanent Structures Near and Adjacent to Lakes

**Major lakes** - flood protection for permanent structures near or adjacent to major lakes are determined where sufficient information is available to do so, on a site specific basis by Water Management, Planning and Standards.

In areas where the specific hazard has not been identified, permanent structures should be set back from the top of the shoreline embankment at least 10 times the height of the embankment or 60 m (200 feet) whichever is greater unless an engineering investigation shows that these limits may be reduced.

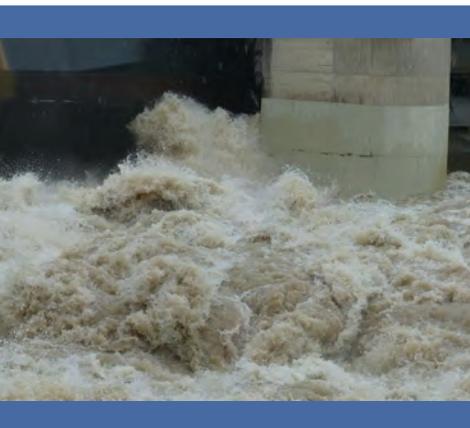
**Minor lakes** - where the flood hazard has been identified, the flood protection level is determined where sufficient information is available to do so, on a site specific basis by Water Management, Planning and Standards.

In areas where the specific hazard has not been identified, permanent structures should be 1.5 m (5 feet) above the ordinary high water elevation with a minimum setback distance of 30.5 m (100 feet) from the top of the shoreline embankment to allow for erosion and instability unless an engineering investigation indicates that these limits may be reduced.

For more information, visit the website at [www.gov.mb.ca/mit/wms/wm](http://www.gov.mb.ca/mit/wms/wm).

# Hazard Lands and Riparian Areas

## General Considerations When Developing Adjacent to Waterways:



- The flood hazard is assessed based upon documented, historical information, or upon calculated design flood levels, aerial imagery and available topographic information.
- The minimum design flood criterion used in assessing a particular site for flooding concerns is the 200-year flood level, the flood of record or whichever is greater.
- The flood protection level is defined as the corresponding design flood level (either 200-year flood level or the flood of record) plus freeboard to allow for wind setup, wave effects and unknowns such as ice jams. The flood protection level varies from location to location and may be determined, where sufficient information is available to do so, by Water Management Planning and Standards on a site-specific basis.
- Permanent structures should be set back, from the top of the embankment or shoreline of an adjoining watercourse or waterbody, sufficient distance to allow for erosion and instability, over the ensuing 50 year period.
- Flood-prone lands should generally not be used for permanent structures. They should be left in their natural state or developed for uses compatible with the hazard, such as agriculture or open space recreational uses.
- Where local planning documents provide allowance for the subdivision and development of permanent structures on flood-prone lands, it should be approved only if flood protection is provided for all permanent structures.

**Subdivisions are reviewed by Water Management, Planning and Standards primarily for flooding issues, but also erosion and instability of the embankment or shoreline of an adjoining watercourse or waterbody. The subdivisions are assessed, and recommendations are provided to deter the development of hazard lands or mitigate the hazards, reducing or eliminating damages to property and the personal stresses caused as a result of those damages.**

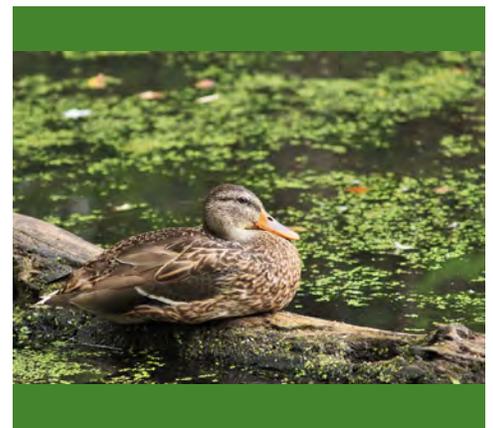
# Manitoba Sustainable Development

## Water Stewardship and Biodiversity Division

The Water Stewardship and Biodiversity Division of Manitoba Sustainable Development is mandated to ensure the sustainable development of Manitoba's water resources. The Water Stewardship and Biodiversity Division is committed to the goals of: protecting aquatic ecosystem health, ensuring drinking water is safe and clean for human health, managing water-related risks for human security, and stewarding the societal and economic values of our waterways.

### General Considerations for Protecting Riparian Areas:

- Maintain and establish undisturbed native vegetation located in the riparian areas of lakes, rivers, creeks, wetlands and streams to protect water quality. Maintaining an undisturbed native vegetation area immediately adjacent to the shoreline of lakes, rivers, creeks, and streams helps stabilize banks, provides aquatic and wildlife habitat and protects water quality by filtering overland runoff.
- In circumstances where native vegetation is limited or absent, re-establishment of this vegetation should occur through natural succession or be assisted by planting native vegetation.
- Alteration within this undisturbed native vegetation area should be limited to a maximum of 25 per cent of the shoreline length (for example: 25 metres per 100 metres of shoreline length) of each lot for a boat house, path, dock, etc.
- Alteration within this undisturbed native vegetation area (including the removal of near shore aquatic habitat) shall not occur unless an activity conforms to a Department of Fisheries and Oceans Canada Operational Statement or an activity is reviewed by the Department of Fisheries and Oceans Canada.
- Where a subdivision application proposes shoreland development (i.e. cottage development), the Water Stewardship and Biodiversity Division may request the local authority create a public reserve to protect land not suitable for building sites or other development.
- Shoreland means land within 300 m of the ordinary high water mark of a water body, or land within 90 m of the ordinary high water mark of a waterway. As an alternative to dedicating land upon subdivision as a public reserve, the Water Stewardship and Biodiversity Division may request that the applicant enter into a development agreement with the municipality or planning authority where the applicant agrees to conditions limiting, regulating or prohibiting any use, activity or development on the lands dedicated as a public reserve.
- Nutrient buffer zones apply to all water bodies and groundwater features located across Manitoba including within urban and rural residential areas and within agricultural regions. Since January 1, 2009, nutrients from all sources, including cosmetic fertilizers applied to lawns, cannot be applied to areas within the nutrient buffer zone.



# Hazard Lands and Riparian Areas

## Typical Conditions of Approval

### Geotechnical Engineer's Report

**Time to Complete:** Approximately three months to one year

**Contact:** Water Management, Manitoba Infrastructure

- Lands subject to erosion and/or instability should not be used for the development of permanent structures unless the hazard can safely be mitigated as determined by a professional geotechnical engineer. Permanent structures developed on lands above a site which is subject to erosion and/or instability must have a development setback to allow for erosion and/or instability over the ensuing 50 year period.
- For subdivisions fronting directly onto major watercourses or waterbodies beyond the boundaries of the designated flood areas, a geotechnical engineering investigation and report should be prepared to determine the appropriate, site-specific set-back distance for permanent structures, as measured from the top of the embankment of the adjoining watercourse or waterbody.<sup>50</sup>

### Designated Flood Area Permits

There are two designated flood areas within Manitoba: the Red River Designated Flood Area and the Lower Red River Designated Flood Area, within which the development of permanent structures is governed by The Water Resources Administration Act and Manitoba Regulation 59/2002. For the development of permanent structures within either the Red River Valley Designated Flood Area or the Lower Red River Designated Flood Area, permits must be obtained from Water Management, Planning and Standards (Manitoba Infrastructure) in accordance with Manitoba Regulation 59/2002. Designated Flood Area Permits will not be issued for sites immediately adjacent to waterways within the designated flood areas unless a geotechnical engineering investigation indicates that a flood protected structure may safely be constructed upon that site without negatively impacting bank stability or being subject to erosion.

### Riparian Area Protection

Removal of vegetation to accommodate construction of permanent structures may lead to, or increase the rate of existing erosion or bank instability. As such, existing tree and vegetation cover should be preserved to reduce erosion and maintain bank stability. Establishment and maintenance of riparian areas along waterways may be included in municipal development agreements, including restrictions on building within these areas.

For more information, please view *Planning for the Protection of Riparian Areas* at [www.gov.mb.ca/ia/plups/pdf/riparian\\_area\\_guide.pdf](http://www.gov.mb.ca/ia/plups/pdf/riparian_area_guide.pdf)

# Mineral Resources

## General Considerations When Proposing Development in Proximity to Aggregate Resources:

Manitoba has a system of dual land tenure where surface rights and mine and minerals rights can be separate and owned by different parties. The subdivision of land under The Planning Act does not include mines and minerals or sand and gravel. A parcel of land or title may therefore be owned, leased, managed and used by different parties, creating possible access, use and occupation conflicts. A valid mineral disposition grants the holder the legal right to access the surface of the land for exploration, extraction and development purposes. It is the provincial interest to honour mineral access and development rights associated with mineral dispositions and ensure that appropriate security of tenure is achieved.

Mineral exploration, extraction and development is an industrial land use and can create serious land use conflicts when located in close proximity to residential, recreational, institutional and urban land uses. Mineral resources are hidden, expensive and difficult to identify. Land access is required for mineral exploration and extraction.

The local development plan will identify aggregate resource areas within the municipality or planning district and describe if the resource is a high, medium or low quality deposit. Subdivision of land for residential and other purposes on identified aggregate resources may be prohibited. In some instances, a geotechnical engineering investigation and report on the characteristics of the foundation gravel may be required to determine if development proposals may proceed. A community planner can help you to determine if your land is located in an area identified as having aggregate resources.

Land use planning requirements should recognize the unique characteristics of the industrial activity including subsurface exploration and subsurface mining under-rights. Specific zones that are compatible for mineral resource exploration and extraction are developed and subdivision proponents are advised to seek background information concerning mineral potential and designation, subsurface ownership, and development standards and setbacks required under The Mines and Minerals Act and The Oil and Gas Act. Special consideration to reduce greenhouse gas has also been incorporated into legally protecting viable sources of aggregate and other mineral resources.

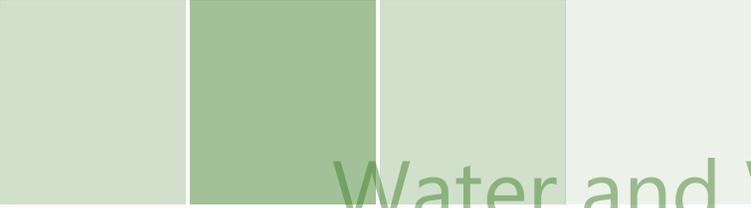
For more information, visit the Manitoba Mineral Resources website at [www.gov.mb.ca/iem](http://www.gov.mb.ca/iem).

### Manitoba Mineral Resources

Phone: 204-945-6569

Toll Free: 1-800-223-5215

Email: [minesinfo@gov.mb.ca](mailto:minesinfo@gov.mb.ca)



# Water and Waste Management

## Environmental Compliance and Subdivisions

Subdivision development should be planned to ensure that potential environmental impacts are taken into consideration and orderly growth occurs with respect to onsite and municipal sewer services, solid waste facilities, livestock facilities, chemical storage facilities, and industrial development.

The type of onsite wastewater management system that is most suited to your needs depends on the onsite conditions of your property, the proposed location and wastewater flows. A thorough evaluation of your onsite conditions is crucial in selecting a system that is efficient and cost-effective. All proposed onsite systems must be registered and approved prior to construction, and installed in compliance with the Onsite Wastewater Management System Regulation and the Nutrient Management Regulation.

More information can be found at: [www.gov.mb.ca/conservation/envprograms/wastewater/index.html](http://www.gov.mb.ca/conservation/envprograms/wastewater/index.html)

## General Considerations when Servicing Your Property:

- Locate and install onsite wastewater management systems to prevent degradation of surface and ground water and to protect the environment and public health.
- Municipal sewer collection systems should be used to service areas where high density subdivision is proposed and the collection system must have the capacity available to handle wastewater from the new development.
- Residential subdivisions should be located with appropriate setbacks from wastewater treatment lagoons, waste disposal grounds, livestock operations and industrial development.
- Urban development should be located a safe distance away from chemical storage facilities.
- Ensure solid and liquid waste disposal is appropriately managed to protect and preserve the environment in provincial parks and Crown land cottage subdivisions and sensitive areas.
- Ensure drinking water is clean and safe for human health. Clean and safe drinking water is critical for maintaining sustainable development for current and future generations in Manitoba.
- Ensure an adequate water supply from surface water sources or groundwater is available that will not affect pre-existing water users. Proposed development may need a water supply for domestic or industrial purposes.

# Water and Waste Management

## Typical Conditions of Approval

### Confirm Onsite Wastewater Management System Compliance

As per Manitoba regulation 83/2003, minimum setbacks must be maintained and in some cases, a minimum site area and width is required to accommodate onsite wastewater management systems. The table on page 42 outlines the requirements for three of the most common components: a septic tank, disposal field and sewage ejector.

In the Red River Corridor Designated Area the method of onsite disposal for new subdivisions is limited to holding tank only.

Connection to a new municipal wastewater collection system or an existing wastewater collection system in the area of the proposed subdivision is required.

For new development in provincial parks, Crown land cottage subdivisions and in sensitive areas, the method of onsite disposal is restricted to holding tank only or municipal collection if available.

### Decommission Sewage Ejector or Obtain a Certificate of Exemption

The owner of the land on which a sewage ejector system is located must take the sewage ejector out of service and replace it with a system which complies with the Onsite Wastewater Management System Regulation prior to the subdivision.

You may be able to keep an existing sewage ejector system, provided that the proposed parcel is a minimum of 10 acres in size, all required setbacks are met, and a Certificate of Exemption is obtained. The cost of the application for a certificate is \$157.50. Certificates are good for one year from the issue date.

To receive a Certificate of Exemption, the sewage ejector system must be in compliance with the setback requirements, be located on a parcel at least 10 acres in site area, and not be located within a sensitive area (per MR 83/2003 Schedule H), the Red River Corridor Designated Area, a provincial park, on Crown land cottage subdivisions, or on land classified as soil class 6 or 7 or unimproved organic soil (as per MR 62/2008). A copy of the conditional approval letter must be attached to the application for a Certificate of Exemption.

**Holding tanks are commonly used for wastewater collection in cottage country or in areas where disposal fields are not permitted (on environmentally sensitive land as per the Nutrient Management Regulation). Holding tanks are normally single compartment tanks that need to be regularly pumped out by a registered sewage hauler.**

**Holding tanks must be installed using the same minimum setback distance requirements as septic tanks, and must be located where they can be readily accessed by a sewage pump-out truck. A holding tank cannot be installed in areas where pump-out service is not available, or where facilities for final disposal of the wastewater are not provided.**

# Manitoba Sustainable Development

## Environmental Compliance and Enforcement

	Septic Tank	Disposal Field	Sewage Ejector*
<i>See the Manitoba regulation 83/2003 for additional requirements, or contact your regional Environmental Compliance and Enforcement Office.</i>		minimum 2 acre site area is required	minimum 10 acre site area is required
		minimum 60 metres (198 feet) site width is required	
	<b>the septic tank must be set back at least:</b>	<b>disposal fields must be set back at least:</b>	<b>the discharge point of a sewage ejector must be set back at least:</b>
From any property boundary:	3 metres (10 feet)	8 metres (26 feet)	60 metres (200 feet)
From a building:	1 metre (3.25 feet)	11 metres (36 feet) from a dwelling with a basement 6 metres (20 feet) from a dwelling without a basement	60 metres (200 feet) from an occupied building
From a well:	8 metres (26 feet)	15 metres (50 feet)	60 metres (200 feet)
From a swimming pool:	3 metres (10 feet)	8 metres (26 feet)	
From a watercourse:	15 metres (50 feet) excluding a ditch	30 metres (100 feet) excluding a ditch	60 metres (200 feet) including a ditch
From a cut or embankment:	8 metres (26 feet)	15 metres (50 feet)	60 metres (200 feet)

\* New sewage ejector systems will not be approved. Setbacks are for existing systems only.

# Water and Waste Management

## Typical Conditions of Approval (continued)

### Confirm Servicing Capacity

Existing waste disposal grounds and sewage treatment lagoons should have the capacity to accept the additional waste generated by the proposed subdivision. You may be required to provide written confirmation from the municipal engineer that capacity is available to service your proposed number of lots. In some areas of the province, you may require a written agreement with either or both of a licensed hauler and the receiving wastewater treatment facility. This documentation must be forwarded to Manitoba Sustainable Development prior to final approval of the subdivision.

For new multi-lot subdivisions, the developer should determine that an adequate source of water, both in terms of the quantity and quality that will not infringe upon existing users, will be available for the completed development requirements.

### Drinking Water System Requirements

#### New Water System:

The proposed subdivision involves residential lots to be serviced by a newly constructed public or semi-public water system. The proponent will require 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.

#### Piped Water System (≥ five lots):

The proposed subdivision involves residential lots to be serviced by a public or semi-public water system. The proponent will require 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.

#### Piped Water System under a Boil Water Advisory:

The proposed subdivision involves residential lots to be serviced by a public or semi-public water system which is under a Boil Water Advisory. The Office of Drinking Water is unable to support the proposed subdivision since the supplier of water is unable to meet regulatory requirements pertaining to the provision of safe drinking water. This position will remain until such time as the water system is brought into regulatory compliance or another water supply source is identified. The client should be advised to contact the regional drinking water officer to review the outstanding compliance issues and possible methods of remediation.

As per the Waste Management Facilities Regulation (MR 37/2016), dwellings must be set back 400 m (1,312 ft) from operating and abandoned waste disposal grounds, unless construction of the dwelling is approved by the director.

It is recommended that wastewater treatment lagoons be located 300 m (984 ft) from a single residence.

## **The Office of Drinking Water typically has no concerns with the following:**

### **Piped Water System (less than five lots)**

The Office of Drinking Water has no concerns provided that the proposed lots will be connected to a public or semi-public water system and there are no inter-connections between existing private wells and the current supply. Submission of drawings and specifications to the Office of Drinking Water is not necessary as long as standard design and construction practices and provincial requirements for separation between water and wastewater lines are observed.

### **Shared Wells:**

The proposed subdivision involves residential lots to be serviced by shared wells (well servicing two to four private residences). The Office of Drinking Water has an interim policy in place whereby shared wells with two to four service connections are not being regulated at this time. However, this policy is currently under review and shared wells with two to four service connections may be regulated in the future as semi-public water systems under The Drinking Water Safety Act.

Developers proposing and municipalities approving shared well systems are advised to ensure conditions are in place to support the safe operation of such water supplies including, but not limited to:

- demonstration of proper well construction
- adequate capacity and suitable water quality
- individual isolatable (ex: valved) connections to each dwelling
- establishment of a shared well agreement and easement for ongoing operation and maintenance

Consideration should also be given to locating the well on a public reserve (not on private land).

### **Individual Supply (Well, Cistern or Intake)**

This proposed subdivision involves residential lots to be serviced by individual wells, individual cisterns or intakes. Individual wells or cisterns, or intakes serving one residence are not regulated under The Drinking Water Safety Act. As a result, the Office of Drinking Water has no direct regulatory involvement.

All wells are regulated under The Groundwater and Water Well Act and its regulations. Separation distances and construction standards are required for all new wells. Please contact the Groundwater Section for further information on wells, ensuring an adequate water supply, and the requirements under the new legislation.

The proponent is required to contact the regional Drinking Water Officer if any change to the proposed water supply is made including connecting or constructing a piped water system, sharing a water supply between multiple residences, or increasing the number of residences on a shared well to five or more. Any change would have regulatory implications associated with The Drinking Water Safety Act. Failure to meet those requirements could compromise the legality of the development, result in costly and untimely delays, and may result in enforcement action being taken against the proponent. Contact information for regional Drinking Water Officers is available at [www.manitoba.ca/drinkingwater](http://www.manitoba.ca/drinkingwater).

**It is recommended that a complete water quality analysis for microbiological (total coliform and E. coli) and chemistry (common minerals and trace elements) be completed to ensure the source water meets Health Canada's Guidelines for Canadian Drinking Water Quality. Additional information on water quality testing and water treatment is available to private water system owners through the Office of Drinking Water.**

FOR MORE INFORMATION: <http://www.gov.mb.ca/conservation/envprograms/index.html>

# Manitoba Sustainable Development

## Water Control Works

Drainage must be managed to ensure human security and protect the ecological function of wetlands. Unauthorized drainage cannot be allowed due to the potential to adversely affect adjacent landowners. The net loss of wetlands is not allowed and their critical ecological function must be protected. Wetlands are defined as areas that are periodically or permanently inundated by surface or ground water long enough to develop special characteristics including persistent water, low-oxygen soils, and vegetation adapted to wetland conditions. These include but are not limited to swamps, sloughs, potholes, marshes, bogs and fens. Proponents should establish and maintain an undisturbed native vegetation area with at least a 30-metre width around wetland areas.

## Typical Conditions of Approval

### Obtain a Water Rights Licence to Construct Water Control Works

As required by The Water Rights Act, a valid Water Rights Licence is required to control water or construct, establish or maintain any 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. You will need to fill out a license application form.

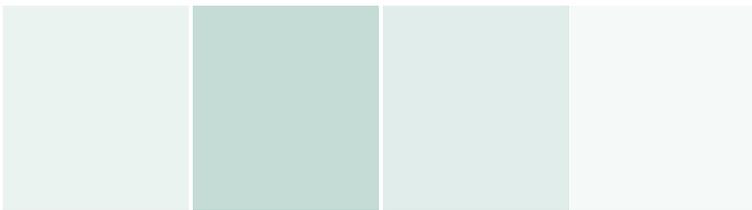
### Submit a Subdivision Development Drainage Plan

#### Engineering Design and Analysis:

An engineered drainage plan is required by Sustainable Development for all subdivisions creating 10 or more lots. The following information is required in a Subdivision Development Drainage Plan, which is submitted for review by the Water Control Works and Drainage Licensing Section:

- With exceptions that may be granted by the Water Control Works and Drainage Licensing Section, subdivision storm water management and drainage plans shall be designed by a professional engineer registered to practice in Manitoba. The construction of the water control works shall be in accordance with the methods and materials as specified by the engineer.
- The applicant shall submit two copies of the design drawings of the proposed works approved by the engineer to the Water Control Works and Drainage Licensing Section for review.
- Developments of less than ten lots total in size, with lot sizes larger than two acres, may be subject to less stringent engineering design requirements. Nevertheless, the design and construction of the project shall still be completed in accordance with acceptable engineering standards. The applicant may be required to provide technical drawings showing design and construction details.
- Where the Water Control Works and Drainage Licensing Section 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.

*The approval of a drainage plan does not mean that developments that are adjacent to or encroaching on natural waterways are not at risk from overbank or overland flooding during extreme runoff events. There may be instances where overbank or overland flooding occurs during periods of extreme precipitation or spring runoff.*



# Drainage and Stormwater Management

## Hydraulic Design 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 a minimum of 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 one-in-five year peak flow based on pre-development conditions. The ponding storage is typically accomplished through retention ponds, or internal storage via ditches and drainage patterns.
- The storm duration for the design should be three hours.
- Report must clearly detail:
  1. pre-development catchment area runoff volumes and rate for design event
  2. post development catchment area runoff volumes and rate for design event
  3. volume of water to be stored and proposed outflow rate

In cases where increased post development runoff cannot be accommodated within the development, the Subdivision Development Drainage Plan must detail how the developer will mitigate negative downstream impacts of an increase in surface water flows\*\*.

*\*Please note that if the development intends to direct water through provincial infrastructure (Highway or Provincial Road culverts), then different drainage standards may apply. Please contact Manitoba Infrastructure for details (see page 33).*

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

## Engineered Site Plan Requirements:

- Detailed engineering plans outlining any construction, alteration, improvement, blocking or modification of new or existing drainage works servicing the property.
- Drain flow direction(s).
- Proposed/existing culvert sizes, locations and schematics of any buried land drainage system.
- Detailed design drawings of proposed storm water storage works.
- Typical cross-sections of proposed drains.
- Existing and proposed geodetic lot grade elevations (in metric).
- Public rights-of-way or easements.
- Outlet(s) of proposed drainage works (where the water exits the development) – to be licensed in accordance with The Water Rights Act, and incorporating the above mentioned criteria.

# Drainage and Stormwater Management

The above list of requirements is specific to the surface water drainage aspect of a development only. Due to the nature of surface water drainage, there are other agencies that may have input as to drainage standards and requirements that result from the nature of their infrastructure and individual mandates. Agencies that may require further hydraulic and hydrologic information related to surface water run-off from subdivisions include:

- **Manitoba Infrastructure (MI)** owns and operates the provincial drain and highway system throughout Manitoba. Their road and drainage infrastructure is significantly impacted by surface water runoff, and if a development's drainage outlets through or into provincial infrastructure then MI's approval will be required.
- **Hydrologic Forecasting and Flood Co-ordination Branch** may require minimum flood protection (FPL) elevations if development is located within a flood fringe area, existing and proposed geodetic lot grade elevations (in metric), both on the site and on adjacent property, public right-of-ways or easements.
- **Federal Department of Fisheries and Oceans (DFO)** – any surface water drainage works that affect fish habitat will require the separate approval of DFO. DFO determines whether the proposed development may affect fish habitat and require compensation for any potential destruction caused by alteration of existing drainage works. It is entirely the responsibility of the proponent to contact DFO in Winnipeg at 204-983-5220. Additional information may be found online at [www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html).
- Your municipality.
- Other regulatory agencies as required.



# Crown Lands and Provincial Parks

## Crown Lands

The proposed subdivision or consolidation must not affect any Crown land and all existing Crown reservations will continue to apply. The strip of land bordering a body of water, measured from the ordinary high water mark and 99 feet in width, must not be affected by the proposed activity. The area may be identified specifically on a plan of subdivision as a Crown Reserve, title to which remains in the name of the Crown. Only a surveyor can determine the extent of the 99 foot Crown reservation.

The Crown Lands and Property Agency can advise if the proposed lands are subject to Crown reservations and if the proposed lands are affected by mineral interests held by the Crown.

Confirmation of ownership is considered to be the responsibility of the proponent. Ownership can be confirmed through advice from a surveyor, lawyer or by obtaining a copy of title from the applicable Land Titles Office.

The proponent should also be advised that if a request involves more than one Certificate of Title, the Land Titles Office may require the consolidation of mineral interests.

If the subdivision of land requires the consolidation of mines and minerals reserved in the name of the Crown (identified as a requirement by the Land Titles Office), the following information is to be provided to Crown Lands and Property Agency (CLPA) who will initiate a review of the request:

1. letter of request - state the purpose for the request
2. Deposit Plan of subdivision, if applicable
3. copies of any Certificates of titles or abstracts of the surface and sub-surface rights (mines and minerals) of the applicable lands involved in the subdivision or consolidation
4. Land Titles Office instructions / requirements (if provided)
5. any municipal road closure bylaw, if applicable
6. any underlying plan that may be affected by the new subdivision plan
7. complete name and mailing address of name of individual that will be issued the transfer should the request be approved

**For more information, please contact:**

**Crown Lands and Property Agency  
308-25 Tupper Street North  
Portage la Prairie, MB R1N 3K1**

**Ph: 204-239-3510 Fax: 204-239-3560  
Toll free: 1-866-210-9589**

The CLPA will review the request and determine if there are any existing or historic reservations to the Crown. The Crown will determine whether or not it is favourable to proceed with the request. Typically, approved requests are limited to two acres.

The CLPA will request a legal description and acreage from Survey Services. The relevant information is then forwarded to the Mines Branch to determine if they have any concerns with the request. If there are no concerns, the CLPA will prepare the relevant transfer documents and invoice to be issued to the applicant's lawyer in trust that the invoice is paid and the transfer is registered in series with the Plan of Subdivision at the Land Titles Office.

## Provincial Parks Subdivisions

If your land is located within a provincial park and you need information about your lot boundaries or public reserve, please contact your local Manitoba Sustainable Development district office. Visit [www.gov.mb.ca/conservation/parks/cottaging](http://www.gov.mb.ca/conservation/parks/cottaging) for more information.

# Manitoba Agriculture

## Preserving Agricultural Lands

Agricultural land is an important resource. We need a good supply of agricultural land to produce food and other goods that are used locally, provincially, nationally and globally. Only about 14 per cent of the provincial land base has agricultural potential and it is this same portion of land that is often the most desirable for non-farm use. Manitoba Agriculture's role in reviewing subdivision applications is to provide agricultural expertise and recommendations to councils and approving authorities to ensure the agricultural area is protected for continued and possibly changing agricultural production. The agricultural industry is an important component of the provincial economy and the dominant land use in many rural municipalities. Proper planning should protect agricultural land (especially prime agriculture lands and working landscapes) from conversion to other uses.

## Agricultural Capability and Subdivision Size

- Lands of Class 1, 2, or 3 for agricultural capability are referred to as prime agricultural lands. If at least 60 per cent of a quarter section is Class 1, 2 or 3, then the whole quarter is considered prime. Both the Provincial Land Use Policies and local development plans stress the need to retain these lands for a wide variety of agricultural uses.
- Overall planning of a site should be undertaken to ensure that these lands, especially if cultivated, are not included in the rural residential subdivision.
- Viable lower class lands (agriculture capability of Class 4 and 5) are important to agriculture as they provide hay and pasture lands for livestock. These lands should also be considered when planning the size of a subdivision. Rural subdivisions should not be wasteful of agricultural land and excess land beyond the shelterbelt of the yard should not be included.

## Proximity and Size of Livestock Operations

- The Provincial Planning Regulation identifies the minimum separation distance requirement between livestock operations and residences and designated areas. Planning districts and municipalities may set the separation distances in their zoning bylaw higher than the provincial standard if they have indicated this in their development plan.
- It is important that applicants advise in their application where livestock operations exist with respect to their residence and how many animals are involved in that operation in order to determine if minimum separation distances can be met.

For more information regarding the considerations for subdivisions in agricultural areas, please visit:

- *Planning for Agriculture* at [www.gov.mb.ca/ia/plups/pdf/prg\\_agri.pdf](http://www.gov.mb.ca/ia/plups/pdf/prg_agri.pdf)
- *The Provincial Planning Regulation* at [www.gov.mb.ca/ia/plups/index.html](http://www.gov.mb.ca/ia/plups/index.html)
- *Farm Practice Guidelines* at [www.gov.mb.ca/agriculture/livestock](http://www.gov.mb.ca/agriculture/livestock)
- *Living, Playing and Working in Farming Communities* at [www.gov.mb.ca/ia/plups/pdf/farm\\_communities.pdf](http://www.gov.mb.ca/ia/plups/pdf/farm_communities.pdf)

# Agricultural Lands and Livestock

## General Considerations when Subdividing Rural Land:



The government has expressed a strong interest in ensuring that land designated agricultural is prioritized for agricultural uses and protected from encroachment by non-agricultural uses, such as rural residential subdivision. This is because the effect of a rural residential subdivision can extend beyond its lot boundaries, through:

- increased complaints about noise, dust, insects, smoke, and odours resulting from farming practices including the operation of large equipment, livestock housing, aerial application, residue burning, and manure application
- increased residential traffic on public roads used by large farm equipment may result in safety issues
- inflated land prices
- opposition to new livestock facilities

In its review, Manitoba Agriculture evaluates:

- compliance with subdivision policies of the local development plan;
- the agricultural capability of the soils and the current and surrounding land use
- proximity to existing livestock operations and separation distance requirements based on the size of the livestock operation
- lot configuration, including man-made features (shelterbelts, buildings) which could be boundary indicators
- appropriate lot size which could not include cultivated land and is not wasteful of agricultural land
- the number of pre-existing lots and current land fragmentation
- the possibility of consolidation of a residual parcel with an adjacent parcel, especially if the two are already farmed together



# Historic Resources

The Heritage Resources Act provides for Heritage Resource Impact Assessments. These studies are intended to reduce the risk of last-minute discovery, and possible destruction, of heritage resources and human remains at land development sites. The process is a public initiative, administered and facilitated by the Historic Resources Branch.

Heritage resources are works of nature or human endeavour that have prehistoric, historic, cultural, natural, scientific or aesthetic value. These include artifacts such as arrowheads, or paleontological objects such as fossils. Prehistoric or historic human occupation sites, historic landscapes, buildings or structures, and the exterior portions of buildings or structures are also examples of heritage resources.

An impact assessment is a written evaluation of the effect a proposed development project may have upon heritage resources or human remains at a site. The assessment outlines the project, describes the cultural and natural context of the development, identifies the impact of the project and recommends ways to avoid or lessen its impact on heritage resources or human remains.

## **Will I Be Required to Do an Impact Assessment?**

Any work, activity, development or project that alters or disturbs the surface of land is subject to review by Manitoba Sport, Culture and Heritage. The department participates in a referral system whereby provincial and municipal agencies issuing permits or licenses for development projects circulate the applications they receive for review and comment. Developers may also submit proposals directly to the department.

Proposed projects are screened in terms of their locations, the types of landforms involved, the types and amounts of ground disturbances to occur, previous land disturbances, nearness to known heritage resources or areas already examined, and proximity to sources of water. Those projects judged likely to affect heritage resources or human remains

may be examined further and, if there is reason to believe that heritage resources or human remains may be damaged or destroyed by the project, the owner or lessee of the site may be required, via a written order under the act, to apply for a Heritage Permit authorizing the project. If the evaluation of the permit application confirms that heritage resources or human remains may be adversely affected by the proposed project, a Heritage Resource Impact Assessment will be required before the permit is issued.

## **How Do I Do an Impact Assessment?**

If a developer is required to conduct an impact assessment, a qualified archaeologist or other heritage resource consultant should be engaged to carry out the necessary research and field work, and to prepare the required written report, which will be submitted to the department for evaluation. The Historic Resources Branch has detailed guidelines for conducting heritage resource impact assessments and would be pleased to assist developers in making arrangements for these studies when required.

## **Is Impact Assessment Costly?**

Experience has shown that budgeting up to one per cent of the capital costs of a project is generally adequate for carrying out an impact assessment and any measures that are needed to rescue or protect heritage resources.

## **Will the Project Be Delayed?**

An average impact assessment takes from five-to-twenty days for planning and preparation, travel, field inspection and report writing. Larger projects, however, can require more time. The Historic Resources Branch may conduct a preliminary field examination of the site. This pre-impact assessment determines if heritage resources or human remains are actually present at the site and provides an evaluation of them.

# Heritage Resource Impact Assessment (HRIA) Process

1. A project proposal is submitted to the Historic Resources Branch by the applicant or other permitting or licensing agency.
2. A proposal is screened for its potential to affect heritage resources including human remains.
3.
  - a. If screening determines no impact, the applicant is advised to proceed with the project.
  - b. If screening determines impact is likely to occur, the applicant is advised that a Heritage Resource Impact Assessment will be necessary.
4. The applicant prepares the project, in consultation with the branch, and selects a consultant who obtains the necessary heritage field permit.
5. The consultant conducts the Heritage Resource Impact Assessment.
6. The consultant submits the impact assessment report to the branch for review.
7. The branch determines either:
  - a. Impact to heritage resources has been managed and the applicant is advised to proceed with the project.
  - b. Additional studies or migration are required and/or the applicant is advised to modify or proceed with the project, upon branch review.

More detailed information concerning heritage resource impact assessments or The Heritage Resources Act can be obtained from:

**Manitoba Sport Culture and Heritage  
Historic Resources Branch  
Main Floor, 213 Notre Dame Avenue  
Winnipeg, MB R3B 1N3  
Telephone: 204-945-2118  
Fax: 204-948-2384  
[www.gov.mb.ca/chc/hrb](http://www.gov.mb.ca/chc/hrb)**



# Other Agency Requirements

Depending on the location of your land, number of lots proposed and proximity to potential safety hazards, the following agencies may be circulated your application and have additional requirements that will be included in your conditional approval letter.

## Railways

The standard recommended building setbacks for new residential development in proximity to railway operations are as follows:

freight rail yard	300 metres
principal main line	30 metres
secondary main line	30 metres
principal branch line	15 metres
secondary branch line	15 metres
spur Line	15 metres

Setback distances must be measured from the mutual property line to the building face.

Setbacks and berms should typically be provided together in order to afford a maximum level of mitigation. Berms are to be constructed adjoining and parallel to the railway right-of-way with returns at the ends and to the following specifications:

principal main line:	2.5 metres above grade with side slopes not steeper than 2.5 to 1
secondary main line:	2.0 metres above grade with side slopes not steeper than 2.5 to 1
principal branch line:	2.0 metres above grade with side slopes not steeper than 2.5 to 1
secondary branch line:	2.0 metres above grade with side slopes not steeper than 2.5 to 1
spur line:	No requirement

At a minimum, all new residential developments in proximity to railway corridors must include a 1.83 metre high chain link fence along the entire mutual property line, to be constructed by the owner entirely on private property. Other materials may also be considered, in consultation with the relevant railway and the municipality.

You should consult with the affected railway about any proposed development that may have impacts on existing drainage. Railway corridors/properties with their relatively flat profile are not typically designed to handle additional flows from neighbouring properties and so development should not discharge or direct stormwater, roof water, or floodwater onto a railway corridor.

Any access roads across the railway will be subject to approval from the relevant agency, and must be in compliance with Transport Canada regulations. If the crossing is approved, the owner may be required to execute a license agreement with respect to the terms and conditions of the crossing.

Appropriate legal agreements and restrictive covenants registered on title are also recommended to secure the construction and maintenance of any required mitigation measures, as well as the use of warning clauses and other notification requirements.

**For more information, consult the *Guidelines for New Development in Proximity to Railway Operations* available at [www.proximityissues.ca](http://www.proximityissues.ca).**

## Pipelines

The pipeline right-of-way should be kept out of the proposed subdivision area where possible. If this is not feasible, development setbacks from the right-of-way will be required. Additional authorizations and agreements may also be required prior to development or construction. If your proposed subdivision is in proximity to a pipeline, it will be circulated to the appropriate agency for comment. You will receive notice of the agency's easement and development requirements.

## Conservation Districts

Subdivisions should generally comply with Integrated Watershed Management Plans adopted by the regional conservation district, and should not adversely impact district facilities. Conditions requested by the conservation district may include drainage right-of-ways, lot grade and/or drainage plans, incorporation of green space design for water storage, and the developer obtaining permission to cross existing facilities.

**For more information, visit [www.gov.mb.ca/waterstewardship/agencies/cd](http://www.gov.mb.ca/waterstewardship/agencies/cd) or the Manitoba Conservation Districts Association at [www.mcda.ca](http://www.mcda.ca).**

## Canada Post

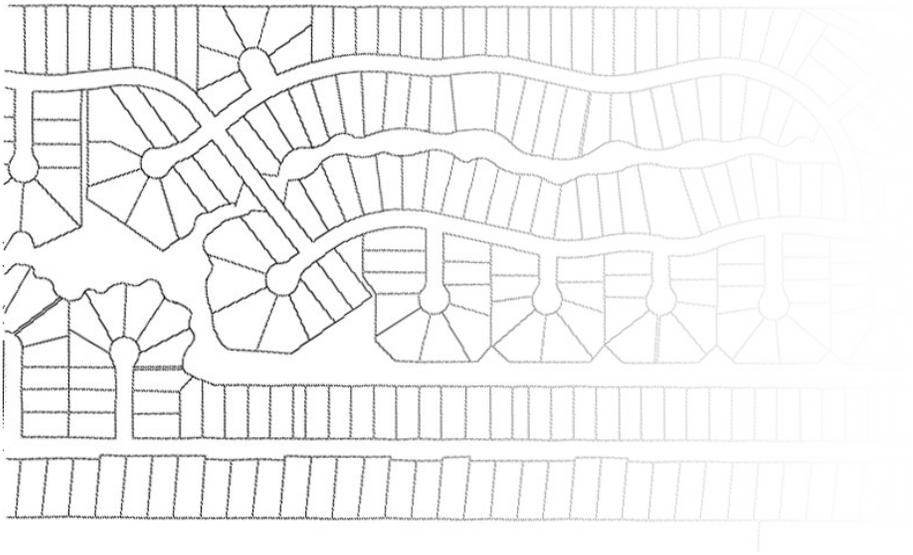
Canada Post generally provides recommendations or requirements on multi-lot subdivisions. Conditions include that:

- the developer consult with Canada Post on the placement of community mailboxes
- required concrete pads and curb depressions are constructed
- notification to purchasers respecting mail delivery is provided

**For more information, please consult the *Delivery Planning Standards Manual for Builders and Developers* available at [https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf).**

## School Divisions

New or intensified residential development must comply with The Planning and Land Dedication for School Sites Act. Subdivisions proposing four lots or more will be circulated to the local school division and Public Schools Finance Board (PSFB) for review. This will ensure that schools in the area have the capacity to accommodate additional students resulting from new housing developments. The act requires the subdivision applicant, school division and PSFB to consult with one another. This consultation should result in a subdivision design that, where necessary, provides a school site that meets the needs of the school division and PSFB.





# Subdivision Registration

PART 4

STEPS  
7/8

# Certificate of Approval and Registration

Once you have completed all of the conditions in your conditional approval letter, the approving authority will sign the Mylars™ and prepare a Certificate of Approval. You will require these to register your subdivision with Land Titles.

A Certificate of Approval is valid for one year, but may be extended for an additional year upon request prior to the expiry date on the certificate.

In addition to the approving authority's signature, the following signatures are required on a plan of subdivision:

- the registered owners
- all encumbrancers (persons with a legal interest in a property) if a road, lane or public reserve is being created on the plan (This will be noted on your conditional approval letter under Requirement B, if required.)
- the registrar-general of Land Titles
- the examiner of surveys

A plan of survey requires only the signature of the examiner of surveys, and sometimes planning ([CRP or the approving authority](#)). Your surveyor or lawyer can assist you in obtaining the required signatures.

*Note: Where the registrar-general has required an adjacent lot or parcel to be shown on the plan, the signature of that owner or caveator is not required. You will not be charged the lot fee for inclusion of this lot.*

Land Titles registration fees apply to the plan and all accompanying registrations. Transfers may be taxable. Fees are subject to change. Currently, the base fee for most registrations, including plans, is \$87. For more information on the LTO fee schedule and the tax calculator, visit the LTO website: [www.tprmb.ca/tpr/land\\_titles/lto\\_offices/fees.html](http://www.tprmb.ca/tpr/land_titles/lto_offices/fees.html).

Plan examination occurs in the Winnipeg and Brandon Land Titles Offices. Registration occurs in the appropriate regional Land Titles office. The examiner of surveys (Winnipeg Land Titles Office or Brandon Land Titles Office) must sign the mylar plans prior to registration. CRP staff should check if the examiner of surveys has already signed the Mylars™ and direct you accordingly (ex: to Winnipeg or Brandon if the examiner of surveys signature is required, or to the regional Land Titles Office if the signature has already been obtained and the plans are ready for registration). Please call the Winnipeg Land Titles Office (phone 204-945-2042 or toll free 1-888-877-3067) or Brandon Land Titles Office (phone 204-726-6279) prior to coming in to get signatures to make sure the examiner of surveys will be available.

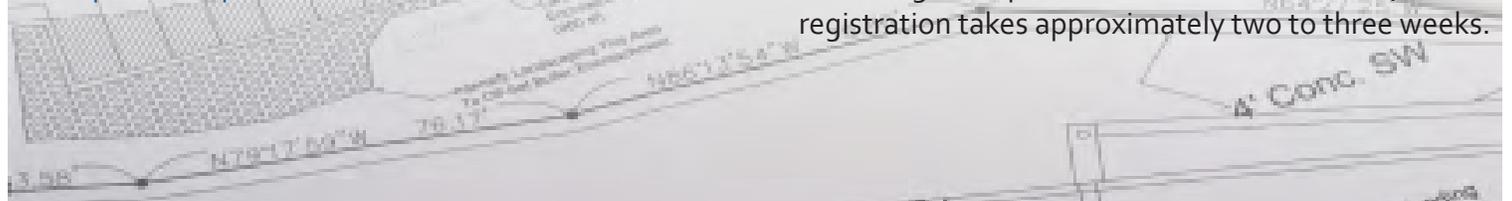
## In addition to the plan and certificate, what documents do I need to file?

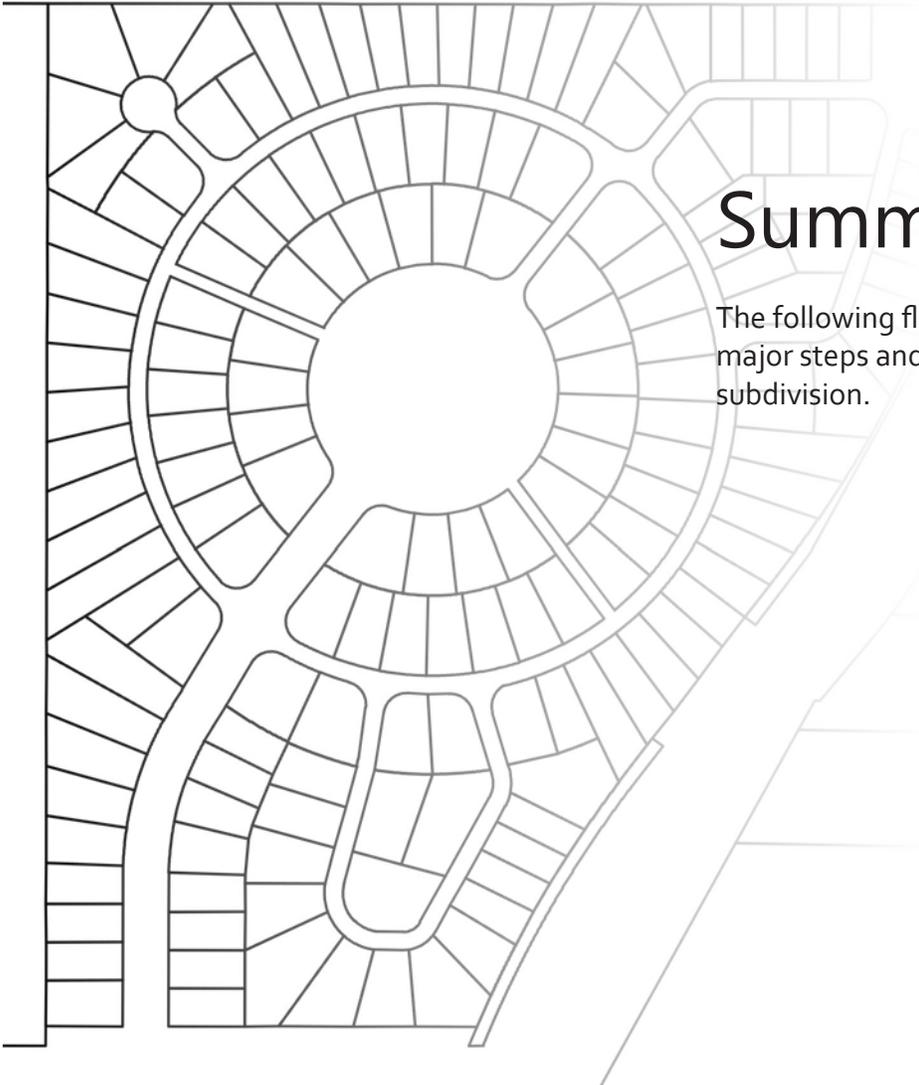
Documents to be filed with a plan of subdivision or survey may include:

- a Registration Details Application (RDA) form
- duplicate titles for all of the affected lands if they have been issued by land titles
- requests for new titles using the land titles request/transmission form
- transfers for any lots to be transferred to new owners
- documents such as caveats or easements which may be required as a condition of planning approval
- discharges of caveats or mortgages affecting lands to be consolidated

Development agreements must be attached to a caveat. The municipality also has to sign the caveat form.

Assuming all required documents are in order, registration takes approximately two to three weeks.

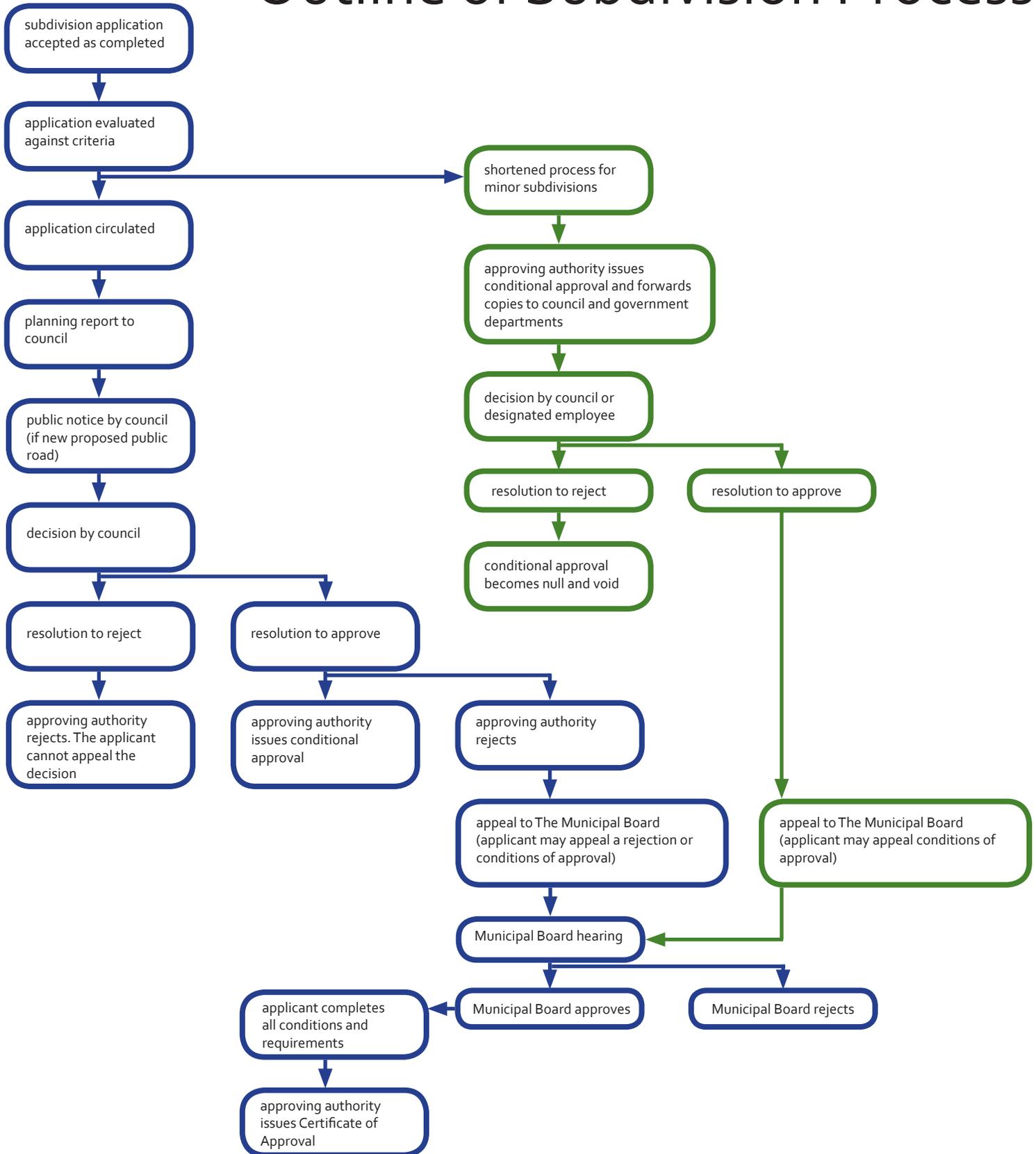




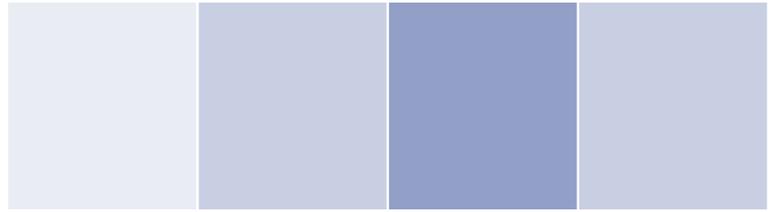
# Summary of Essentials

The following flow charts and checklists summarize the major steps and timelines involved in completing your subdivision.

# Outline of Subdivision Process



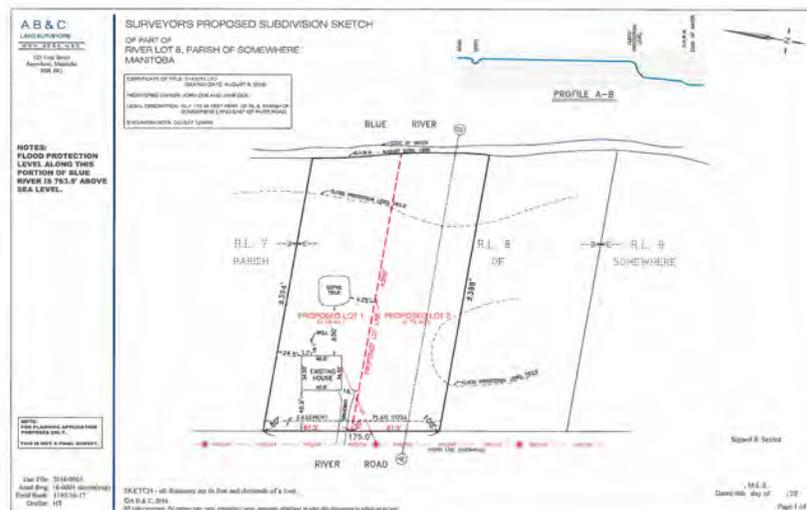
# Checklists



## 1. Essentials for Applying for a Subdivision

The applicant is required to submit the following to the approving authority. Be as thorough as possible since applications cannot be processed with required items missing.

- subdivision application: all applicable questions must be answered and the application signed by the registered owner and applicant
- subdivision application fee: a cheque or money order for \$475 payable to the Minister of Finance
- sketch of proposed subdivision showing:
  - existing and proposed lot lines
  - lot dimensions and area
  - all permanent structures and buildings
  - onsite wastewater management system and distance to nearest lot lines
  - well
  - driveway(s)
  - existing utilities
  - existing tree line and edge of field
  - waterbodies
- Status of Title for all land to be included in the subdivision. The Status of Title cannot be more than 30 days old.



## 2. Essentials for Completing Requirements and Conditions

All requirements and conditions listed in your conditional approval letter must be completed before the subdivision can be registered at the Land Titles Office. Ensure you have completed the requirements and conditions applicable to your subdivision.

### REQUIREMENTS

- Certificate of Approval fee paid
- Plan of Subdivision or land description provided to CRP

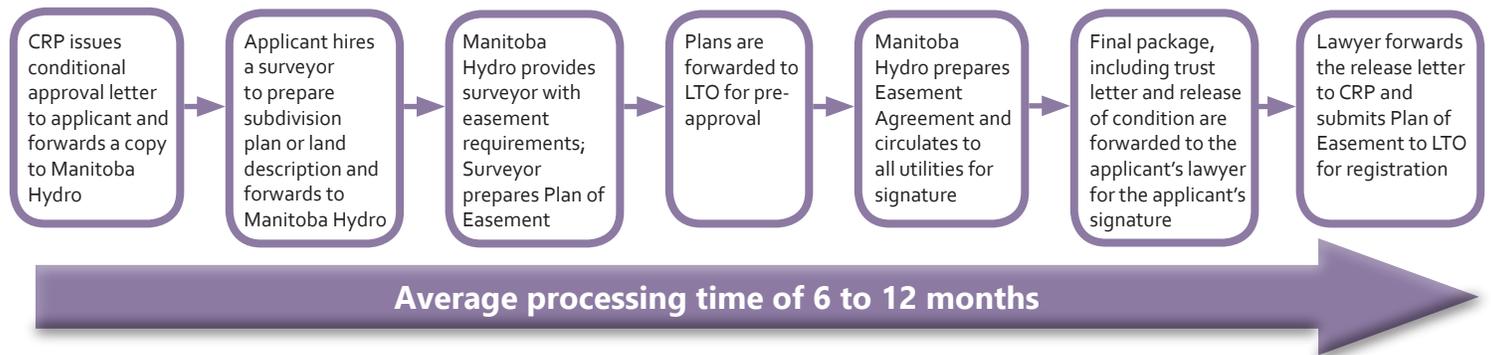
### CONDITIONS (to be provided to CRP by applicant)

- written confirmation from the municipality that all property taxes are paid
- satisfied Council's conditions of approval (ex: conditional use order, variance order, development agreement, etc.)
- written confirmation from the utility company that an easement agreement has been entered into or is not required
- written confirmation from the telecommunications company that a right-of-way agreement has been entered into or is not required
- written confirmation from Manitoba Sustainable Development – Environmental Operations that the onsite wastewater management system is in compliance with provincial regulations
- written confirmation from Manitoba Sustainable Development that a licence has been issued for an engineered storm water management and drainage plan
- written confirmation from the Highway Traffic Board or Manitoba Infrastructure that the appropriate highway access permits have been obtained
- a copy of the Right-of-Way Agreement prepared by a lawyer

**Not all conditions will apply to all subdivisions. Refer to your conditional approval letter to see which specific conditions apply to your subdivision. Additional conditions may be required that are not listed here.**

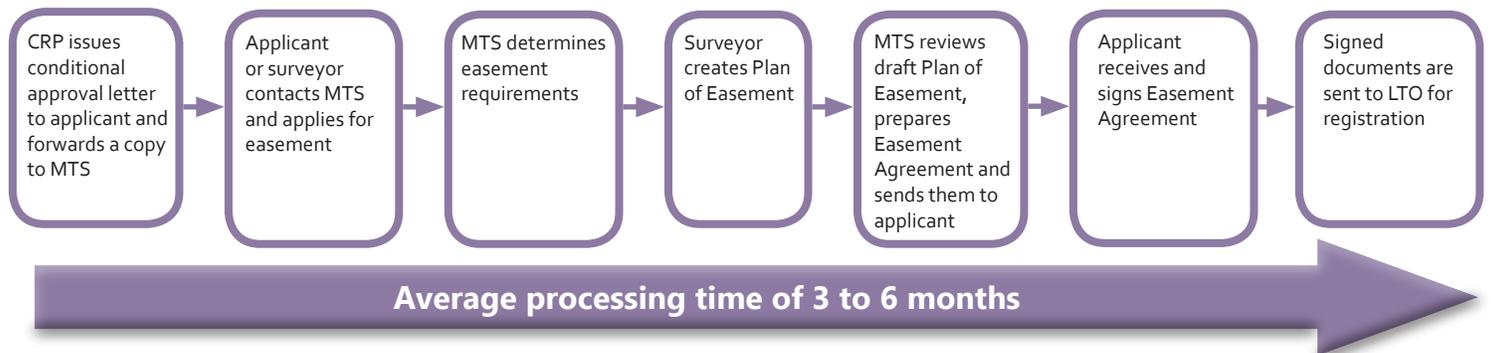
## Manitoba Hydro Process for Easement Agreements

see page 27



## MTS Process for Easement Agreements

see page 28



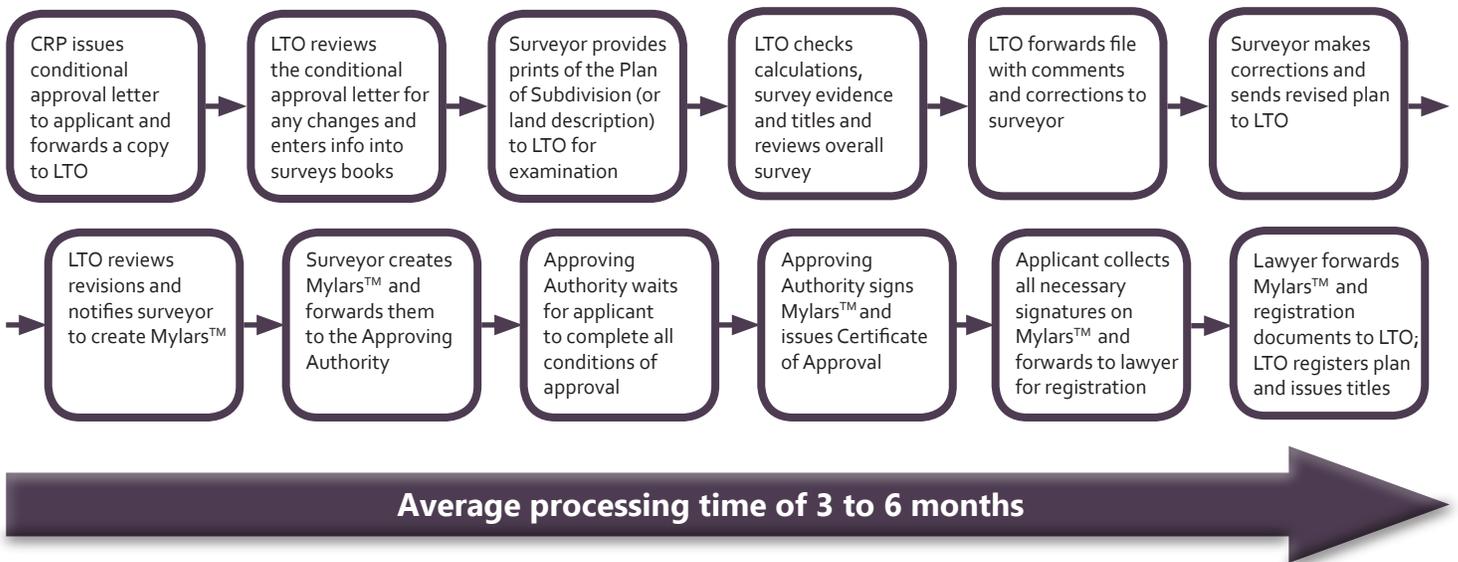
### 3. Essentials for Registering an Approved Subdivision

After completing the requirements and conditions listed in the conditional approval letter, you may submit your final package to your regional Land Titles Office for registration. Ensure that you have included the following (if applicable):

- Certificate of Approval from the approving authority
- Plan of Subdivision: Ensure all necessary signatures are obtained including the approving authority, the registered owner(s), the Registrar General and the Examiner of Surveys
- or
- Plan of Survey: Requires signatures by the approving authority and the Examiner of Surveys
- or
- land description
- Registration Details Application (RDA) form
- duplicate titles
- requests for new titles
- transfers for any lots to be transferred to new owners
- additional documents to be filed with a plan of subdivision or survey (ex: caveats, easements, etc.)
- discharges of caveats or mortgages affecting lands to be consolidated
- registration fee of \$87 (additional fees may apply)

**Not all items will be necessary for all subdivisions. Contact your regional Land Titles Office for more information.**

## Land Titles Office Examination and Registration Process see page 25



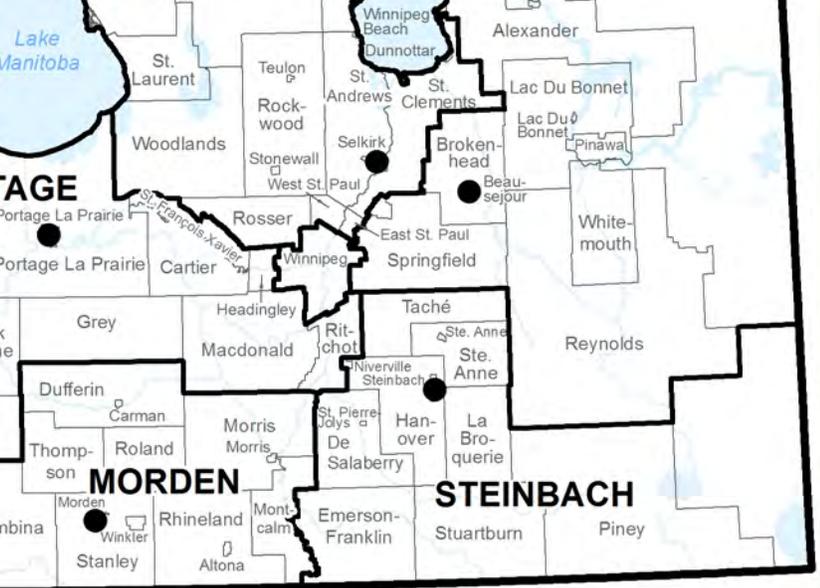
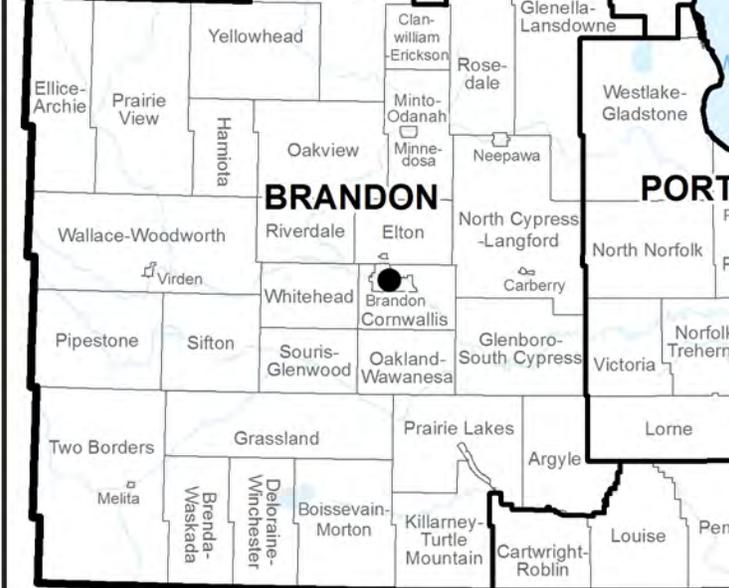
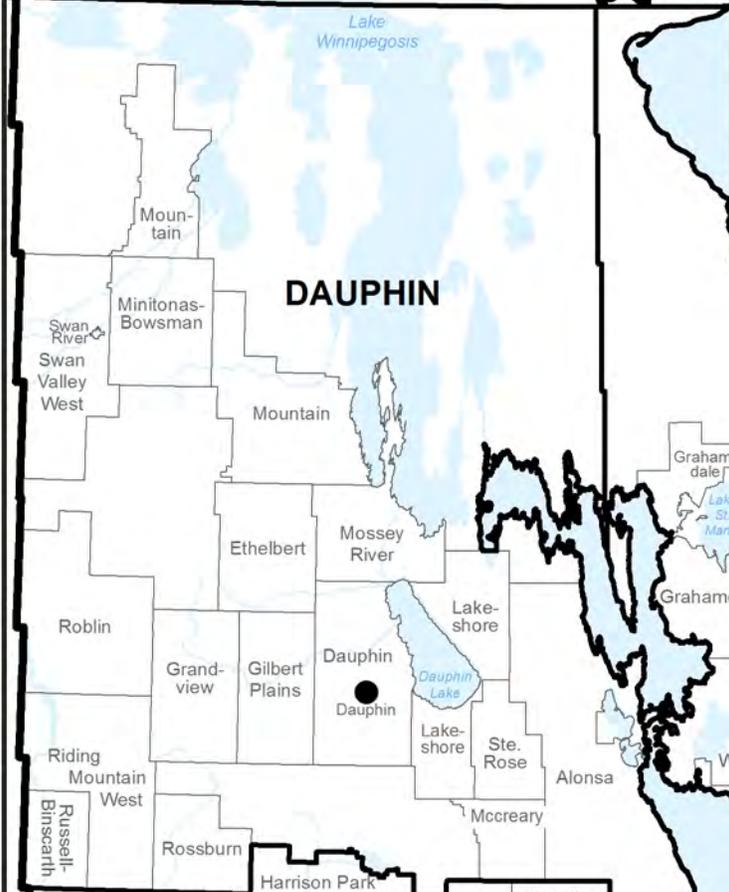
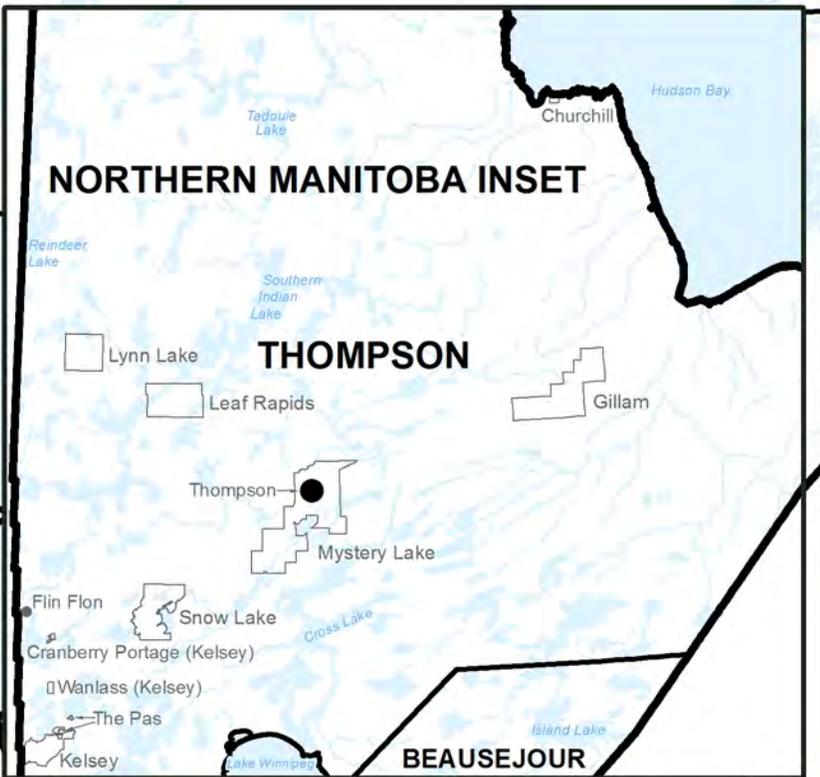
All plan examination occurs in the Winnipeg or Brandon Land Titles Office. The Examiner of Surveys must sign the Mylars™ prior to registration of the Plan of Subdivision in one of the regional Land Titles Offices.





# Appendix

# COMMUNITY & REGIONAL PLANNING BRANCH REGIONAL OFFICES



# Community and Regional Planning (CRP) Offices:

## Beausejour

Box 50, L01-20 First Street  
Beausejour MB R0E 0C0  
Phone: 204-268-6058

## Brandon

Unit 1B-2010 Currie Boulevard  
Brandon MB R7B 4E7  
Phone : 204-726-6267

## Dauphin

27-2nd Avenue S.W.  
Dauphin MB R7N 3E5  
Phone: 204-622-2115

## Morden

Box 50075  
536 Stephen St, Unit A  
Morden MB R6M 1T7  
Phone: 204-822-2840

## Portage

1-2210 Saskatchewan Ave W  
Portage la Prairie MB R1N 0X1  
Phone: 204-239-3348

## Selkirk (Interlake)

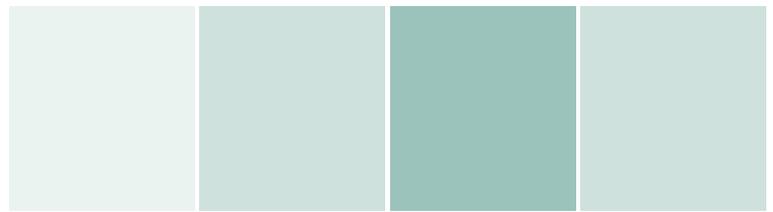
103-235 Eaton Avenue  
Selkirk MB R1A 0W7  
Phone: 204-785-5090

## Steinbach

240-323 Main Street  
Steinbach MB R5G 1Z2  
Phone: 204-346-6240

## Thompson

604-800 Portage Avenue  
Winnipeg MB R3G 0N4  
Phone: 204-945-4988



## Planning Districts with Subdivision Approving Authority:

### Brandon and Area Planning District

(Brandon, Elton and Cornwallis)  
421 Ninth Street  
Brandon MB R7A 4A9  
Phone: 204-729-2110

### Cypress Planning District

(Town of Carberry, R.M. of North Cypress-Langford, Village of Glenboro and R.M. of South Cypress)  
122 Main Street  
Carberry MB R0K 0H0  
Phone: 204-834-6618

### Lac du Bonnet Planning District

(Town and R.M. of Lac du Bonnet)  
P.O. Box 309  
Lac du Bonnet MB R0E 1E0  
Phone: 204-345-6724

### Red River Planning District

(Dunnottar, Selkirk, St. Andrews, St. Clements, West St. Paul and East St. Paul)  
806-A Manitoba Avenue  
Selkirk MB R1A 2H4  
Phone: 204-482-3717

### South Interlake Planning District

(Stonewall, Teulon, Rockwood and Rosser)  
P.O. Box 1219  
Stonewall MB R0C 2Z9  
Phone: 204-467-5587



**Manitoba Indigenous and Municipal Relations  
Community and Regional Planning**  
manitoba.ca

October 2016