

LAC DU BONNET PLANNING DISTRICT

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SUBDIVISION PROCESS

The first step of the subdivision process is to determine the designated land use for the property you want to subdivide. You can do this by attending or calling the Lac Du Bonnet Planning District. Please ensure that you know the legal description of the property you wish to subdivide.

If the land is not designated for the subdivision you are proposing, an amendment to the Development Plan will be required. At this time the zoning of the property will also be determined. If the property is not properly zoned, a zoning by-law amendment is required.

Development Plan Amendment:

- i) Make application to the Lac du Bonnet Planning District. Fee: \$1,200.00
- ii) The application will be taken to the District Board and if they agree with your proposal they will request the necessary by-law for amendment be prepared. Once by-law is received first reading will be given by the District Board at the next Planning Meeting. Three readings are required to adopt a by-law.
- iii) Once the by-law is given first reading, a public hearing must be held. To meet the requirements of the Planning Act, notice of the public hearing will be advertised in the local paper, posted on the property, posted in public places, sent to adjacent property owners within 300 feet as well as the Minister and adjacent municipalities and planning districts. At the public hearing the District Board will hear any representation and then decide to proceed or not to proceed with the amending by-law.
- iv) If the District Board decides to proceed, the by-law will then be given second reading and forwarded to the Minister of Intergovernmental Affairs for approval. The Minister can approve the by-law if there are no objections. If there are objections then a Municipal Board Hearing will be required before the Minister can approve the by-law.
- v) Once the Minister sends a letter to the District Board regarding the by-law, it can then be given third reading at the next available District Board Meeting. After third reading is given the by-law will be advertised that it has been approved.
- vi) This can take 7 – 9 months.

Zoning By-Law Amendment:

- i) Make application to the Lac du Bonnet Planning District. Fee: \$1,200.00
- ii) The application will be given to the municipality and if they agree with your proposal they will request the necessary by-law for amendment be prepared. Once by-law is received, first reading will be given by the Council of the municipality. Three readings are required to adopt a by-law.
- iii) Once the by-law is given first reading, a public hearing must be held. To meet the requirements of the Planning Act, notice of the public hearing will be advertised in the local paper, posted on the property, posted in public places, sent to adjacent property owners within 300 feet as well as the Minister and adjacent municipalities and planning districts. At the public hearing the Municipal Council will hear any representation and then decide to proceed or not to proceed with the amending by-law.
- iv) If the Municipal Council decides to proceed, the by-law will then be given second and third readings and forwarded to the Planning District who in turns forwards it to the Minister. If there are objections then Council can only give second reading and the by-law must be forwarded to the Lac du Bonnet Planning District, who will then hold another public hearing before issuing a Board Order concerning the by-law.
- v) Upon receipt of the Board Order, Council can then give third reading.
- vi) This can take 3 – 5 months.

NOTE: The process for the Development Plan Amendment and the Zoning By-Law Amendment can overlap, but the Development Plan Amendment must be adopted prior to the zoning amendment.

Variation & Conditional use Applications

Once the zoning is in place, in some cases you may have to vary lot requirements, or obtain a conditional use permit. Application can be made at the Lac du Bonnet Planning District.

1. **Subdivision application form.** It is important that all relevant sections are filled out and that the necessary supporting documentation is provided. The application form clearly establishes the requirements. An application for subdivision can be made by any person on behalf of a landowner; however, all landowners named on Certificates of Title which form part of the application are required to sign the application form in Section 2. Common features overlooked by applicants include Section 6, the sketch map. The application requests that dimensions be provided for the land parcels, including location of buildings on site and distances between these buildings and site lines. It is also important to identify hydro poles on or abutting your property as it will aid Manitoba Hydro in providing comments on your application. Please provide a clear sketch, and if necessary, provide the sketch on a separate piece of paper.

A second common item which will delay your application is Section 9: please obtain a date stamped copy of your Certificate of Titles(s) from Winnipeg Land Titles Office, 276 Portage Avenue. The subdivision regulations specify that the date stamp must be within 30 days of the date of subdivision application. Section 9 also requires that any encumbrances such as easements, rights-of-way and caveats for example, accompany your application. If any of the required information is incomplete or not provided, your application will be referred back to you. Please remember that the application form will be sent for comments to a minimum of 5 government departments and agencies, therefore the intent must be clear.

2. **Circulation of Application.** The District Planning office will circulate the application to receive comments. Factors such as zoning, physical features, location of property and so on will determine the agencies and departments who will receive application. At a minimum the application will be circulated to Land Titles Office, Manitoba Hydro, Manitoba Telephone System, Manitoba Conservation, Canada Post and Community Planning Services Branch.

3. **District Planning Staff Review.** Upon the receipt of comments from the government agencies and departments, the District Planning staff will compile the information and provide the municipality and the applicant with a report which will include copies of comments received, as well as District Planning recommendations. The recommendations are based largely on comments received and conformity to zoning and Development Plan requirements.

4. **Council Decision.** At a Council meeting the application will be reviewed and may either be rejected, given conditional approval, or be deferred pending more information, such as a conceptual sector plan, or site elevations. Council will forward a certified copy of their resolution to the District Board Officer.

5. **District Board Decision.** As the District Planning Board has been given subdivision approving authority by the minister of Intergovernmental Affairs, the Board issues the appropriate letter to the applicant. If Council rejects the application, it is automatically rejected by the Board. If Council conditionally approves a proposal, the Board may reject the proposal, or give conditional approval. The applicant may file an appeal to the Manitoba Municipal Board for Board rejection over Council approval, or any condition for approval imposed by the Board.

6. **Conditional Approval.** If the application was conditionally approved by the District Planning Board, the applicant is required to satisfy all the conditions and requirements in order to receive a Certificate of Approval. Conditions and requirements can include the payment of any outstanding taxes and dedication/capital development fees to the R.M., surveying of the property by a Manitoba Land Surveyor, entering into an easement agreement with Hydro/MTS and/or a development agreement with the R.M., and the payment of lot fees to this Board. Once all conditions have been met, the municipality notifies the Lac du Bonnet Planning District by way of a letter that all conditions have been met.

Once the Board issues the Certificate of Approval, the applicant may return to Land Titles Office to initiate the process of registering the subdivision. The time frame from acceptance of the application to conditional approval can be as little as 3 months. The complexity of the proposal and incomplete application forms are factors that can increase this time. Please be aware that in addition to the **\$500.00** application fee, additional costs will be levied if the subdivision is conditionally approved. These costs can include, but are not limited to the following:

- 1) District Board lot fees: \$150.00 for every lot created.
- 2) Your municipality/town will charge a dedication fee per lot, ranging from \$700.00 to \$1010.00 for every lot created.
- 3) If your property must be surveyed, it is required that it be done by a Manitoba Land Surveyor.
- 4) Your municipality/town may require a drainage plan to be prepared by a qualified engineer.
- 5) If any zoning variations or if a Conditional Use is necessary, currently the charge is \$200.00 each per lot.
- 6) Land Titles Office charges registration fees.
- 7) Any amendments to subdivisions are at a cost of \$150.00.
- 8) Extensions to Conditional Approvals are \$150.00.
- 9) Extensions to Certificate of Approvals are \$150.00.
- 10) The fee for a Development Plan Amendment is \$1,200.00.
- 11) If the property requires a Zoning By-Law Amendment, the fee is \$1,200.00.

Whenever a subdivision application is revoked or voluntarily withdrawn after the subdivision report has been submitted to Council, there shall be NO refund.

SUBDIVISION APPLICATION PROCESS CHECKLIST

We require the following items to be completed before the application will proceed:

- **All sections of application completed**
- **Application signed by all landowners**
- **Sketch map including:**
 - **Dimensions for land parcels**
 - **Location of buildings on site and distances between these buildings and site lines**
 - **Identify hydro poles on or abutting property**
 - **Identify driveway connections**
 - **Identify location of septic fields to proposed property lines**
- **Date stamped copy of your Certificate of Title(s) from Winnipeg Land Titles Office (include copies of easements, rights-of-way and caveats)**