

Manitoba



Intergovernmental Affairs

Community Planning Services

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January 8, 2001
File: **532-31-00-104**

Mr. Jeff Gordon, Director
Manitoba Aboriginal & Northern Affairs
339A Main Street
Selkirk MB R1A 1T3

Dear Sir:

RE: **Proposal to Subdivide
Pt. N ½ 26-25-8 EPM
Manigotogan
(Ayers Cove Estates Ltd.-Owner)**

Enclosed is a copy of the completed Application for Approval of Subdivision for the above property and other related material. Also attached are the replies from the following commenting agencies:

Manitoba Highways
MTS Communication Inc.
Historic Resources
WLTO

Manitoba Hydro
Mines Branch
Manitoba Agriculture

The following is a summary of those comments.

Manitoba Agriculture – No concerns.

Manitoba Highways – No concerns.

Manitoba Hydro – A joint easement agreement with Manitoba Hydro and MTS Communication Inc. will be required together with a plan of easement.

MTS Communications Inc. – No objections.

Water Resources Branch – The proposed plan does not extend below the 220-metre elevation contour which is above the 100 year flood level of Lake Winnipeg. While flooding is not a risk,

erosion may be a problem. Information regarding long term erosion or bank instability is not available for this area. Recommend that local knowledge be used on a lot by lot basis to determine building setbacks. As a general rule no buildings should be located on land subject to erosion and no construction activities should be undertaken so that bank instability is reduced.

Mines Branch – The Province of Manitoba owns the mineral underrights in the NW ¼ 26-25-8E and a valid mineral disposition has been issued to an exploration company. The area contains significant mineral potential for gold and other minerals and several mining claims have been staked in the area. There is potential for future land use conflict and it is recommended that the property owner and exploration company reach some form of agreement prior to subdivision approval.

Historic Resources Branch – No concerns.

Land Titles Office – A plan will be required.

Community Planning Services

Site: Ayers Cove Estates Ltd. owns 260 acres in the N ½ 26-25-8E under C.T. #1367299. The holding includes all of the NE ¼ 26 and all of the NW ¼ 26 except that portion covered by Lake Winnipeg and a small 3-acre parcel which is owned by another individual. The owner of the 3 acre parcel has decided to sell her holding to Ayers Cove Estates Ltd. and it will be included as part of the proposed development.

The property is totally wooded and is bound on the west and northwest by Lake Winnipeg, on the east by a portion of Road Plan 13494 and the undeveloped road allowance and on the north by Plans # 32199 and 32200. The only means of direct access to the site is from Road Plan 13494.

The Proposal: Ayers Cove Estate Ltd. wishes to develop a multi-lot condominium project for recreational / residential use. This proposal is similar to the Pelican Harbour development which is located approximately ½ mile north. The typical lot (as proposed by the owner) measures 88' x 200' and the roadways measure 66 feet in width. The applicant has provided access (walkways) to the shoreline and these measure 10 feet in width. The applicant proposes to build approximately 1 mile of road (west from Road Plan 13494) in order to provide access to the proposed development. The proposed lots are located above the 220 metre contour level along Lake Winnipeg and all land below the 220 metre contour level will be shown as Public/Crown Reserve. The area around the point will be used for a boat launch/docking facility. The developer does not intend to link (road access) this proposal with the adjacent development to the north (Pelican Harbour); however, the owner is expecting to extend hydro service from the adjacent development (Plan 32200) to service his proposed development. The owner has not provided any information regarding drainage in this area and how or where the development is to be drained once developed. The owner has indicated that sewage disposal will be accommodated by holding tanks and that water will be taken from the lake for individual use. It is suggested that the owner provide at least one "public well" with an adequate supply of potable water.

Land Use Documents: The proposed development is located within the boundaries of The Community of Manigotogan; however, the area is not included within the “Manigotogan Community Basic Planning Statement”. As such the area does not have a land use designation and there are no guidelines to govern development in this area. The Community Council has the authority to regulate development in this area; however it may have to draw upon previous development experience in the area in order to establish appropriate guidelines for this proposed development. The other alternative would be to stop all development in this area until the Basic Planning Statement is amended and the area is appropriately designated.

Bare Land Condominium: The owner proposes that the development be registered as a “bare land condominium”. This type of plan is similar to a normal plan of subdivision, except that the road and public areas become “common elements” owned and maintained collectively by the “condominium corporation” which includes the individual lot owners. Although internal services such as roads, drainage, snow-plowing and street lighting, etc. are the responsibility of the condominium corporation, external services such as fire protection, police protection, ambulance service, sewage dumping and school bussing would be the responsibility of the Community of Manigotogan and/or Northern Affairs. It would be necessary for the condominium corporation to enter into an agreement with these agencies to provide these services, the cost of course to be borne by the condominium corporation.

A “plan of subdivision” would require that the local authority be responsible for road maintenance, snow-plowing etc. once it has been built to the specifications of the local authority and accepted by same. The public reserve areas would belong to the local authority as would the roads and ditches. The local authority could regulate what method of sewage disposal is to be used in the development as well as what type of water supply.

Design: Included in this package are 3 designs which are part of the application. Map # 1 shows the proposal as it was originally submitted to this office by the owner. Map # 2 shows the proposal as it was redesigned by this office and circulated to the various government agencies for comments. This map does not include the 3 acre parcel which was owned by another individual. Map # 3 shows the proposal as it was redesigned to include the additional 3 acre parcel which was to be purchased by Ayers Cove Estates. My comments will focus on Map # 3 as it is the latest design, which includes all of the property in the proposed development.

The subdivision, as designed, will create 35 lakefront lots and 6 backshore lots together with approximately 2 miles of internal road. Given the number of lots being created at this time, the amount of public road to be built seems excessive. The subdivision as originally designed, only had one point of access and it is recommended that at least one more point of access be provided as shown. Map # 3 provides for a direct link with Plan # 32200 and in case of emergency (fire) an alternative means of access/ egress would be provided.

The proposed lots vary in size but have an average size of 100'x200'. These lots are smaller somewhat than the adjacent development to the north (Plan 32200) which was registered as a Bareland Condominium; however, a lot size of 100' x 200' is large enough to accommodate on site sewage disposal and other services. Public access to the shoreline will be provided via 5 walkways which have an average site width of 30 feet. These walkways were increased in width to provide better access, should the balance of the property ever be developed at a later date and to accommodate surface runoff from the development if possible. The developer has also

extended a portion of the roadway (between lots 1 & 17) to provide access to the shoreline for the boat launch / docking facility. It is suggested that the area lying east of Lots 11 to 16 be developed so as to complete this corner and provide for better use of the proposed road in this area.

Development in this area has been restricted to land above the 220 meter contour level and all land located below this elevation will be shown as public reserve.

Recommendations:

- 1.) This office recommends that approval of this proposed development be withheld until such time as the Manigotogan Community Basic Planning Statement is amended and the area is appropriately designated for development together with suitable development guidelines.
- 2.) Should approval be considered, it is recommended that the development proceed as a “Plan of Subdivision” and not a “Bareland Condominium” as proposed.
- 3.) The proposed subdivision be redesigned as shown on Map # 3 and include the following points:
 - a) All lots have a minimum site width of 100 feet.
 - b) No development below the 220 meter contour level.
 - c) Public walkways be increased in width to a minimum of 30 feet.
 - d) The proposed public road be included as part of the proposed development.
 - e) Two points of access / egress be provided as shown on Map # 3.
 - f) That a drainage plan, prepared by a qualified engineer, be submitted for the development indicating how and where the area is to be drained.
 - g) That at least one public well, with an adequate supply of potable water, be supplied by the developer .
- 4.) The owner enter into an agreement with the Community of Manigotogan and/or Northern Affairs regarding the costs and construction of the public roads, drainage ditches, method of sewage disposal, supply of potable water and any other public works deemed necessary.
- 5.) An easement agreement together with a plan of right of way be completed with Manitoba Hydro.
- 6.) That the concerns identified by the Mines Branch be resolved to the satisfaction of all parties

Yours truly,

Douglas Houghton
Regional Manager

Ed/dl

cc.

Ayers Cove Estates Ltd.
General Delivery
Manigotogan, Mb. R0E 1E0

Mines Branch