



## THE RURAL MUNICIPALITY OF LAC DU BONNET

### POLICY & PROCEDURES MANUAL

<i>Reference</i> Administration	<i>Classification</i> Policy
<i>Subject</i> Hydro Shore Lands Permit Policy (2 <sup>nd</sup> Amendment)	<i>Pages</i> 6
<i>Authority</i> Council Rural Municipality of Lac du Bonnet	<i>Effective Date</i> September 21, 2022
<i>Approved</i> Resolution No 2022 0522	<i>Index</i>

#### 1. BACKGROUND

Manitoba Hydro Shore Lands development has restrictions for safety and maintenance. Use of the shorelands must not contribute to erosion, riverbank failure, settling, gullyng or interfere with the riverbank protection (rip-rap) program.

Cottage Associations, comprised of backlot owners, make applications to Manitoba Hydro shorelands to develop structures fronting RM Public Reserve areas to better access water. Manitoba Hydro only approves shoreland development in these areas by a recognized Cottage Owners Association.

As the shoreland development fronts RM public land, the shoreland permits should be assigned to the RM of Lac du Bonnet for the Cottage Associations. As the Permit Holder, the RM is able to control access to the waters through the public reserve, allowing cottage associations to use the Water Shore Land and members of the public.

#### 2. PURPOSE

The purpose of this Policy is for the RM of Lac du Bonnet to be the Manitoba Hydro Shore Lands Permit Holder for all Cottage Associations Permit Applications.

#### 3. POLICY STATEMENT

The Policy provides direction on applying and managing the Manitoba Hydro Shore Lands permits and provides guidelines for Cottage Associations.

#### 4. APPLICATION

This policy will apply to all Cottage Associations that make application for the construction of a structure on Manitoba Hydro Shorelands that front RM of Lac du Bonnet Public Reserves.

## **5. ENACTMENT**

- 5.1 Upon approval by council resolution of this Policy, the RM will assume responsibility for all **new** Shore Lands permits applications fronting RM public reserves.
- 5.2 The RM will assume existing Manitoba Hydro Shoreland permits as they renew.
- 5.3 Manitoba Hydro Shorelands permits will be issued to the RM of Lac du Bonnet permitting the Cottage Associations to develop in the permit area.

## **6. GENERAL PROVISIONS**

- 6.1 The RM of Lac du Bonnet shall be named the permit holder for all Cottage Association applications to Manitoba Hydro Shorelands.
  - a) As the name holder on the permit, the Municipality will assume all rights and responsibilities of any other permit holder except for:
    - i) The building permit application and all costs including labour, materials, and any fees associated with the construction of any structures related to any of the permits.
    - ii) The maintenance and safety standards and compliance are mandated by Manitoba Hydro through the Manitoba Shorelands permit approval.
- 6.2 Manitoba Hydro will review all permit applications for compliance with Shorelands Use Guidelines and Federal, Provincial and Municipal regulations.
- 6.3 Manitoba Hydro will continue to track all the permits that are approved.
  - a) Manitoba Hydro may provide a list of approved permits to the RM, if requested.
- 6.4 Permits are valid for five years and will be renewed by Manitoba Hydro pending the following inspections:
  - a) The RM and Manitoba Hydro will inspect the entire area for compliance which includes inspections of the permitted structures, the public reserve and Manitoba Hydro Shorelands.
- 6.4 Definitions:
  - a) "STRUCTURES" being all items listed as "Authorized Uses" on the Shore Lands Use Permit, including "other" such as sand beach, washroom, etc.)

## **7. COTTAGE ASSOCIATION PROVISIONS**

- 7.1 Approved structures, as specified on the permits, are privately owned by the Cottage Associations, and hold exclusive rights to the use of any structures; except
  - a) In the case of an emergency, the use of the structure would be allowed in any emergency.
- 7.2 Cottage Associations must provide the municipality with a Certificate of Insurance listing the RM of Lac du Bonnet as an additional insured with a minimum \$2,000,000 per occurrence.

7.3 Cottage Associations must erect a “Use at Your Own Risk” sign at the approved structure. Cottage Associations may also erect a “Private” sign on or close to the approved structure only.

7.4 Cottage Associations do not have control or authority over public access to the waterfront and RM public reserves.

7.5 Cottage Association cannot attempt to deny public access to the waterfront and RM public reserves.

**7.6 Further to Sections 7.4 and 7.5, Cottage Association shall NOT install a gate or signage prohibiting access to the Public Reserve or waterfront area.**

7.7 The Municipality or Manitoba Hydro have the authority to revoke any Hydro Shore Lands permits and may enforce the Cottage Association to remove any structures associated with the permit for any violations of this Policy.

7.8 Cottage Associations must comply with the following:

- a) Upon approval from the RM, a trail may be cut through RM public reserve to access the waterfront. Trails must be maintained by the Cottage Association. Approvals for trails are outlined in the RM of Lac du Bonnet Public Reserve policy.
- b) No area along the waterfront or on RM public reserve will be cleared or used to park vehicles.
- c) Grass cutting and any aesthetic maintenance along the waterfront is NOT the RM’s responsibility.
- d) No gates or signs shall be installed prohibiting the use or entry of the public to the waterfront area or public reserve.
- e) No play structures shall be installed on RM public reserve or hydro shorelands, with the exception of Section 10.2.

7.9 Cottage Associations must follow the Shore Lands Development Application process in Section 8 of this Policy.

## **8. SHORE LANDS DEVELOPMENT APPLICATION PROCESS**

8.2 The Cottage Association must visit the Manitoba Hydro website to ensure the proposed project is compliant with the Shore Lands Use Guidelines. ([www.hydro.mb.ca/shorelands](http://www.hydro.mb.ca/shorelands)). The website has detailed information about the type of structures and landscaping permitted.

8.3 No Individual application will be considered. A Cottage Association can be formed through the Manitoba Association of Cottage Owners (MACO). Cottage Association information on the application process can be found online at [www.macoman.com](http://www.macoman.com).

8.4 Once the Cottage Association has ensured its project is compliant, the Cottage Association will provide the RM with a detailed package outlining the proposed project.

8.5 Council will review the proposed project and determine approval by council resolution.

8.6 For new applications, Council **may** include the following conditions by resolution but are not limited to only these conditions:

- a) The Cottage Association shall pay for all costs associated with the dock; the RM of Lac du Bonnet will assume no costs.
- b) The Cottage Association shall be responsible for replacing the dock if deemed unsafe or unsightly.
- c) The Cottage Association shall provide annual proof of insurance liability coverage to the RM listing the municipality as an additional Insured with a minimum \$2,000,000 per occurrence.
- d) The Cottage Association shall indemnify the RM from any liability.
- e) The Cottage Association agrees to remove the dock from the permitted area if the Municipality requests the dock be removed at any time in the future.
- f) The Cottage Association shall provide the RM with an annual list of all Cottage Association members and the Cottage Association meeting minutes.
- g) No boat slips and/or overnight mooring shall be permitted depending on the type of structure and location.
- h) No development shall obstruct drainage on public reserves.

8.7 Upon receiving Council Resolution approval, the Cottage Association will complete the Manitoba Hydro Shore Lands Development application in the RM's name and submit it to the RM for signatures.

- a) Applicants can find the Shore Lands Development application on the [www.hydro.mb.ca/shorelands](http://www.hydro.mb.ca/shorelands) website.
- b) There are no costs for a Shore Lands Development Application; however this is subject to change if decided by the RM and Manitoba Hydro.

8.8 The RM will submit the Shore Lands Development Application to the Manitoba Hydro Shore Lands Office.

8.9 Upon Manitoba Hydro's approval of the application, the Manitoba Hydro Shore Lands Office will provide a Letter of Permission to the RM and the Building Inspector.

8.10 The RM will provide a copy of the Letter of Permission to the Cottage Association.

8.11 Once the Cottage Association receives the Shore Land Letter of Permission, they may proceed with applying for a building permit from the RM.

8.12 After the development is complete, Manitoba Hydro conducts another inspection to confirm if the structure matches the building permit. If compliant, the new development is added to the Shore Lands permit, and an updated permit is issued from Manitoba Hydro.

8.13 The Shorelands Use Permit is issued for five years and is not transferrable without the written consent of Manitoba Hydro.

**9. TRANSITIONAL PROVISIONS**

9.2 Permits already issued to Cottage Associations will remain in effect until expired.

9.2 Hydro Shore Land Permits approved before this Policy will have 2 weeks to comply with the new policy and must:

- a) Provide a Certificate of Insurance to the RM with RM of Lac du Bonnet listed as an Additional Insured with a minimum \$2,000,000 per occurrence.
- b) Provide a list of Cottage Association executive members and meeting minutes.
- c) Remove any gates and signs prohibiting public access to the RM public reserves and Manitoba Hydro Shore Lands, including play structures if on Public Reserve.

**10. LAWFULLY CONFORMING PROVISION**

10.1 Any Cottage Association that has a current Manitoba Hydro Shore Lands Use permit prior to passing of this policy will continue to have exclusive use to the structures listed on the permit. The Cottage Associations identified as having current Manitoba Hydro Shore Lands Use Permits are identified and attached as Schedule "A".

10.2 Any Cottage Association that installed a Play Structure on Public Reserve or Hydro Shore Lands, prior to the adoption of this policy, may remain on the Public Reserve or Hydro Shore lands if the following conditions are met:

- a) The Cottage Association must not prohibit public use of the Play Structure, if the Play Structure is located on Public Reserve.
- b) The Cottage Association must provide evidence of liability insurance at a minimum \$2,000,000 per occurrence and list the RM of Lac du Bonnet as an additional insured.
- c) The Cottage Association is responsible for maintenance and ensuring Risk Management Safety Procedures are followed and conducted on a regular basis, and;
- d) The Cottage Association must not install any gates or signs on the Play Structure prohibiting public use if the Play Structure is located on Public Reserve.
- e) The Cottage Association may erect a "Use at Your Own Risk" sign at no cost to the municipality.
- f) Failure to comply with the above-mentioned conditions will be considered a violation of this policy and by-laws and the play structure will be removed from the Public Reserve.

**11. AMENDMENTS AND TERMINATION OF AGREEMENT**

This Policy shall be amended as needed and can be withdrawn at any time upon a minimum of **30 days** written notice provided from Manitoba Hydro to the RM, or from the RM to Manitoba Hydro.

  
\_\_\_\_\_  
Signature  
Reeve

  
\_\_\_\_\_  
Signature  
Chief Administrative Officer



## **HYDRO SHORE LANDS USE PERMIT POLICY SCHEDULE "A"**

The Cottage Associations listed in Schedule "A" were identified as having existing Hydro Shore Lands Use Permits prior to the adoption of the RM of Lac du Bonnet Hydro Shore Lands Use Permit Policy.

1. Black Bear Co-Op Ltd.
2. Cape Coppermine Landowners Association
3. East Pinawa Channel Cottage Association
4. Fisher's Grove Co-op
5. Lee Country Village Association
6. Lee River Falls Cottage Association
7. Lorell Cottage Owners
8. Newcombe Estate Property Owners
9. Pinawa Channel Water Co-op Inc.
10. Wild Wings Co-op Ltd.
11. Willow Bay Marina Co-Op
12. Leeshurland Association