

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: December 17, 2018

File No.: 13-2-172-2018-0163

MATTER: Subdivision and Zoning By-law Amendment

BY-LAW NO.: 3-18

HEARING DATE: December 10, 2018, Winnipeg

PANEL: Frances Smee, Chair
Kelvin Stewart, Member
Linda McFadyen, Member
Braden Smith, Member

PARTIES AND APPEARANCES: *For the applicants*

Ross Mitchell
Ryan Westaway
Wes Rosso
Alan Fetterly

For the Community and Regional Planning Branch

Kari Schulz, Planner

presenters

Bruce Stewart
Sylvia Sweetman

INTRODUCTION

The applicant, 10021630 Manitoba Ltd., has proposed to rezone and subdivide an approximately 225 acre parcel described as part of the SE ¼ 34-11-2 EPM from Inland Port Rural Zone to "I2" Industrial General Zone. The subject land is located west of Sturgeon Road, approximately one half mile north of CentrePort Canada Way (PTH 190).

The applicant proposes to subdivide the parcel into 66 new lots, ranging in size from 1.5 acres to 8.0 acres, to be developed over five phases. The first phase is comprised of ten lots immediately west of Sturgeon Road. The lots are intended for general industrial use as part of a proposed industrial park.

The application stated that all 66 lots would be serviced by onsite wastewater management systems with piped water from the existing Cartier Water Co-op Line. The subdivision would also include an internal public road network with two direct accesses to Sturgeon Road, no new connections are proposed to the north, and after the final phase is complete a connection to Summit Road. The application also stated no upgrades or improvements to Sturgeon Road would be completed.

ISSUE AND LEGISLATION

The first issue before the Board is to make a recommendation to the approving authority (the Minister) to approve the proposed subdivision, with or without conditions or reject the proposed subdivision.

The second issue before the Board is to make a recommendation to the minister to approve the proposed re-zoning, with or without conditions or reject the proposed re-zoning.

Section 12.2(1)(a) of the *The Planning Act* states that the mandate of a special planning authority, in respect of its special planning area, is to hold hearings to consider, among other things, subdivision applications and any amendment to a zoning by-law.

Section 12.2(2) of the *The Planning Act* states that after holding a hearing on a matter set out in (1)(a), the special planning authority must provide the minister with a report on the hearing that includes the minutes of the hearing, the record of all representations made at the hearing and its recommendations on the matter considered at the hearing.

Section 12.2(5) of *The Planning Act* states that in carrying out its mandate, a special planning authority is to act in accordance with the regulations, being the *Special Planning Areas Regulation 49/2016* and the *Inland Port Special Planning Areas Regulation 48/2016*, being the Development Plan and Zoning By-law for the Inland Port Special Planning Area.

PUBLIC PRESENTATIONS

Kari Schulz, Planner for the Inland Port Special Planning Area presented the planning report.

The delegation for the applicant, Ryan Westaway, Ross Mitchell, Wes Rosso and Alan Fetterly, spoke in support of the application. Public attendees Bruce Stewart and Sylvia Sweetland also spoke at the hearing.

Planning Report – Inland Port Special Planning Area:

Kari Schulz provided an overview of the rezoning and subdivision application, including the number of lots, proposed phasing, the proposed methods of water and sewage disposal, proposed access, and any proposed upgrades to local transportation infrastructure.

Ms. Schulz confirmed the area proposed for development is designated Manufacturing and Logistics Industrial according to the Development Plan and that the long-range vision is to support development of heavier industrial uses, including those that accommodate large-scale vehicles in this area.

While the lands are designated for eventual industrial use, Ms. Schulz noted that the Special Planning Areas Regulation 48/2016 identifies a number of policies regarding the extension of servicing and phasing of development. Phasing policies state that the logical and orderly phasing of development will generally follow the extension of municipal services – lots should be service and contiguous with existing serviced development. Transportation related policies state that developers should be responsible for improving the transportation network to meet the needs of the development.

The proposed application did not consider the cost of piped wastewater servicing nor the cost of upgrading Sturgeon Road, which are required elements that change the economic feasibility of the development. The planning report concluded by recommending against approval of the incomplete proposal at this time.

In Support of the Application:

Ryan Westaway, of the applicant's delegation, spoke in support of the application. He stated that they are seeking conditional approval and would like to compromise on a wastewater management system.

Ross Mitchell, of the applicant's delegation, also spoke in support of the application. He hopes that Sturgeon Road will not require paving due to the high cost of constructing piped wastewater services, estimated to be \$3M as both requirements negatively affects the financial feasibility of the project.

The public attendees asked questions regarding traffic and access to the proposed development and raised concerns about drainage in the area.

See Hearing Minutes for additional details on all submissions.

ANALYSIS AND CONCLUSION

The Board has carefully considered the evidence presented at the hearing.

The Board did not feel that the application, nor associated presentations at the Public Hearing, satisfactorily addressed significant deficiencies with the proposed application related to the Special Planning Areas Regulation 48/2016 policy identified in the planning report. The planning report was provided to the applicant in advance of the hearing and the delegation did not address the three main issues with their proposal:

1. Non-contiguous development:

This development is clearly non-contiguous to any existing development in the inland port. Non-contiguous development is generally characterized as less efficient and economical and in a form that requires increased ongoing maintenance costs borne by the public. The proposed development is approximately one mile west of the recently completed Crystal Properties subdivision which is south of CentrePort Canada Way, and one and a half miles west of Brookside Industrial Park which is north of CentrePort Canada Way. The Board is of the opinion that it is premature to develop these lands. The Development Plan states the general objective is “to **protect, enhance and promote land use and development that will contribute to the establishment of a comprehensively planned and functionally integrated inland port...**” (1.1.1 Guiding Policies, General, Objective). Multiple policies in the Development Plan reinforce the Board’s position that serviced industrial uses should be located contiguously to ensure the efficient expansion of services (5.1.2.4 Municipal Services, General Policies and 7.1 Phasing).

2. Extension of municipal services:

The application stated that the lots would be serviced by onsite wastewater management systems. The Board is of the opinion this type and scale of development requires municipal sewer and water servicing. Policies throughout the Development Plan support the Board’s position, specifically those in Section 5: Municipal Services, which state new development must be connected to municipal water and sewer systems, serviced industrial uses should be located contiguously, and paid for by the developer.

3. Improving transportation network:

The proposed 66-lot development is adjacent to Sturgeon Road. An internal road network would connect to Sturgeon Road at two points. The Board agrees Sturgeon Road must be able to accommodate the increase in industrial traffic. Section 3: Transportation of the Development Plan directs responsibility of improving the transportation network to the developer and additional policies in this section reinforce the requirements for connectivity to adjacent lands.

The Board recognizes that the long-range vision for the area identifies that the subject land is intended for industrial use, however for the three reasons articulated above the Board is of the view that developing the site is premature at this time.

The Board is also of the view that the application itself is still conceptual in nature and key details of the applications are not solidified to a degree that would warrant the proposal meriting consideration at this time. In particular, the application identified that holding tanks would be utilized for sewage disposal while at the hearing the proponents suggested that low-pressure sewer with a communal disposal field was also an option, as was extending the main force line. Each of these options would presumably impact the design and layout of the proposed lots. Similarly, the proponents acknowledged that drainage issues required further analysis and that a detailed drainage study could reveal that onsite drainage retention would be required. This too would severely influence the design and layout of the proposed lots, roads and public reserves.

For the reasons noted, the Board is of the opinion that both the subdivision and re-zoning applications are not in keeping with the *Inland Port Special Planning Area Regulation 48/2016*.

THEREFORE, THE BOARD RECOMMENDS

That the approving authority reject the subdivision and re-zoning applications.

Submitted by:

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

c.: 10021630 Manitoba Ltd., applicant
Ross Mitchell, applicant
Ryan Westaway, applicant
Wes Rosso, applicant
Alan Fetterly, applicant