



Inland Port Special Planning Authority

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February 13, 2019

Honourable Rochelle Squires
Minister of Municipal Relations
Room 317 - Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister:

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 2-19 TO RE-ZONE AND SUBDIVIDE
PART OF THE NE ¼ 34-11-2 EPM
IN THE RURAL MUNICIPALITY OF ROSSER FROM
INLAND PORT RURAL ZONE TO "I2" INDUSTRIAL GENERAL ZONE**

The Inland Port Special Planning Authority received applications to re-zone and subdivide an approximately +/- 143.0 acre parcel in the Rural Municipality of Rosser CentrePort lands. The required joint public hearing was held December 12, 2019.

The Board has recommended approval, with conditions, of the zoning by-law amendment and subdivision, as it does conform to the *Inland Port Special Planning Area Regulation 48/2016*. Conditional approval of the subdivision will be granted by the Acting Director of the Community and Regional Planning Branch. Ministerial approval is required for the proposed zoning by-law amendment

Enclosed is a report and recommendation of the Inland Port Special Planning Authority on the proposed subdivision and zoning by-law amendment. Also enclosed are the minutes of the public hearing and the record of all representations made at the hearing.

As required by the *Special Planning Areas Regulation 48/2016*, a copy of this report will be provided to each person who made a representation at the hearing.

Yours truly,

Frances Smee
Chair

Attachments: Report and Recommendation
Minutes of the Public Hearing
Copy of Re-zoning and Subdivision Application

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: January 16, 2020

File No.: 13-2-172-2019-1592

MATTER: Zoning By-law Amendment

BY-LAW NO.: 2-19

HEARING DATE: December 12, 2019, Winnipeg

PANEL: Frances Smee, Chair
Kelvin Stewart, Member
Linda McFadyen, Member
Marina James, Member

PARTIES AND APPEARANCES: *for the applicant*

Meagan Boles

for the Community Planning Branch

Kari Schulz, Planner, CentrePort

presenters

Gordon Grenkow
Doug Kroll

INTRODUCTION

The applicant, WSP Canada Group Ltd., on behalf of landowner 6269860 Manitoba Ltd., has proposed to rezone and subdivide an approximately +/- 143.0 acre parcel legally described as:

The NE ¼ of Section 34-11-2 EPM

Exc Firstly: All that portion taken for Road Plan 5323 WLTO

And Secondly: All that portion taken for a right-of-way for power transmission line plan 7155 WLTO.

The parcel is located in the Rural Municipality of Rosser, west of Brookside Boulevard and south of Mollard Road., and immediately north of BrookPort Business Park. The parcel is currently utilized for agricultural purposes. There are no existing buildings or structures on the property. The applicant proposes to rezone the parcel from "IPZ" Inland Port Rural Zone to "I2" Industrial General Zone and to create 57 new industrial lots ranging in size from 1.23 acres to 2.45 acres.

The Chief Peguis Trail extension abuts the subject parcel to the south, and the creation of lot 58 accommodates the future right-of-way. The lots will be serviced with municipal water and wastewater, and include an internal public road network with two direct accesses to Mollard Road to the north and connections to future development to the west. Access across Mollard Road will require crossing a Manitoba Hydro transmission corridor. The proposed lots will accommodate industrial development within CentrePort.

ISSUE AND LEGISLATION

The 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, 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 Area Regulation 48/2016*, being the Development Plan and Zoning By-law for the Inland Port Special Planning Area.

PUBLIC PRESENTATIONS

Kari Schulz, Planner from the Community and Regional Planning Branch presented the planning report. Meagan Boles spoke in favour of the application on behalf of the applicant, 6269860 Manitoba Ltd. Public attendees Gordon Grenkow and Doug Kroll also spoke at the hearing.

Community Planning Branch:

Kari Schulz, Planner, presented the planning report. She confirmed the area proposed for re-zoning is partly designated as Service-Oriented Industrial and partly Manufacturing and Logistics by the Inland Port Special Planning Area Development Plan. Development plan policies within these designations support the development of small to medium scale industrial development.

The proposed "I2" Industrial General Zone will accommodate industrial land uses such as manufacturing, truck activity, warehousing and distribution. The "I2" zone is suitable for small to medium scale industrial development and complementary to the adjacent "I2" uses to the east and south.

Ms. Schulz noted that Manitoba Hydro had concerns about constructing two accesses from Mollard Road through the Manitoba Hydro transmission corridor – which is the only way to access the proposed subdivision. The transmission line is low (approximately 7 metres) and new developments require a clearance of 8.6 metres and improvements to the towers may be required. Ultimately, additional information is required but Manitoba Hydro and the applicant are willing to work together to create a solution amenable to both parties.

Ms. Schulz also noted that the proposed service road parallel to Brookside Boulevard is redundant and only provides access to two lots. Furthermore, it is common for a developer to purchase multiple lots and consolidate. It is possible that the two lots will not require the proposed service road for access. The RM must consider the impact of assuming responsibility for servicing and maintaining road infrastructure. A slight redesign of the subdivision that removes the proposed service road and adjusts the lots accordingly can reduce the amount of road required.

Ms. Schulz indicated a technical review of the application was completed and received the following recommendations:

1. Manitoba Infrastructure requires the following to be added as conditions of approval:
 - a. Additional information to be provided to determine if the development will have an impact on drainage; and
 - b. A traffic impact study to determine if any on-highway improvements are required.
2. The Winnipeg Airports Authority stated that compliance with the Obstacle Limitations Surfaces (OLS) should be verified by conducting an approach survey and the resulting survey certificate to be submitted to the WAA.
3. Manitoba Hydro will require that access to the development through the transmission line meets Manitoba Hydro's regulatory requirements and operating standards.
4. Manitoba Hydro and Bell MTS will require easements.

The proponent will also have to enter into a development agreement with the Rural Municipality of Rosser.

Subsequent developers of each proposed lot will be required to meet the Sustainable Development Measures.

In Support of the Application:

The applicant, Meagan Boles, spoke in support of the application. Ms. Boles stated that the purpose of the application was to create 57 industrial lots and indicated that the landowner will work with the municipality and other approval agencies to work through the conditions of the re-zoning application. She stated willingness on behalf of the landowner to work with Manitoba Hydro to find a suitable solution to provide access to the subdivision, to identify the necessary improvements for Mollard Road and Brookside Boulevard, and is willing to modify the layout of the subdivision if necessary.

Mr. Doug Kroll noted that a large number of gravel trucks travel along Mollard Road and infrastructure improvements will be necessary to maintain safety. Furthermore, Mr. Kroll stated that current subdivisions should be fully developed prior to approving additional subdivisions.

In Objection to the Application:

Mr. Gordon Grenkow objected to the proposed rezoning and subdivision, He noted that due to the lack of maintenance and improvements, the City Protection Drain is not functioning as intended and approximately 200 acres of his land is flooded during spring melt or high-rain events.

ANALYSIS AND CONCLUSION

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

The Board recognizes the willingness of the developer to work closely with Manitoba Hydro to determine the best approach to establishing two accesses from Mollard Road through the transmission corridor. The Board would like to reiterate and ensure that any road construction, including the extension of the access road if that is deemed necessary, is the sole responsibility of the developer.

The Board has also seriously considered the impact of the proposed development on drainage. The RM and the Province have stringent requirements regarding drainage for new development. However, the Board recognizes that spring melt and extreme rain events frequently floods nearby land and the ongoing flooding may negatively impact development in the Inland Port Special Planning Area. The City Protection Drain, which is under provincial jurisdiction, has been identified as a likely contributor to these flood events. The Board recognizes that this is a long-term problem and as such directs the CentrePort Planner to investigate short and long-term solutions and follow-up with Mr. Grenkow, the public objector.

The proposed development will be contiguous with the recently subdivided BrookPort Industrial Park to the south. The development will be fully serviced with water and wastewater. Overall, the Board is satisfied that the issues identified have been addressed and that the application is generally in keeping with the *Inland Port Special Planning Area Regulation 48/2016*.

THEREFORE, THE BOARD RECOMMENDS

That the approving authority approves the subdivision application, subject to the following conditions:

1. That a Development Agreement be entered into with the RM of Rosser to ensure consistency with the Inland Port Special Planning Areas Regulation 48/2016 and to cover any other such matters as deemed necessary by Council. The Development Agreement will include, but not be limited to, extension of water and wastewater services, road construction costs related to the development including the access road is the responsibility of the developer, road upgrades, establishment of proposed landscaping, traffic impact study, drainage study, lot grading, and the application of the Capital Lot Levy By-law.
2. That the Inland Port Special Planning Area Regulation 48/2016 is amended to rezone the affected parcel to "I2" Industrial General.
3. That the subdivision is redesigned to eliminate unnecessary municipal infrastructure and maintenance where possible.
4. Confirmation from Manitoba Hydro that access to the development meets Manitoba Hydro's regulatory requirements and operating standards.
5. Confirmation from Manitoba Infrastructure (Water Management and Structures Division) that drainage onsite will not adversely affect the provincial drainage system.
6. Confirmation from Manitoba Infrastructure that drainage onsite will not adversely affect the provincial highway system.

7. Confirmation from Manitoba Infrastructure that a Traffic Impact Study has been provided and any items identified have been addressed appropriately.
8. Confirmation from the City of Winnipeg that a Traffic Impact Study has been provided.
9. Confirmation from the Winnipeg Airport Authority that the developer has completed an approach survey and submitted the survey certificate to the WAA.
10. Confirmation that Easement Agreements have been entered into with Manitoba Hydro and Bell MTS.

The Board also recommends that the Minister approve the re-zoning application. No additional conditions are required specific to the re-zoning application as all of the conditions have been applied to the subdivision application. The re-zoning will not proceed until the conditions outlined for the subdivision application have been satisfactorily completed.

Submitted by:

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

c.: Meagan Boles, applicant