

## RM OF SPRINGFIELD PLANNING MEETING APRIL 25, 2019

### WITHOUT PREJUDICE

Only included in these notes are items where discussion occurred. One comment I would make is that the CAO, Ms. Draper, for all meetings of Council, acts both as a CAO and as the recording secretary, whereas before she was the recording secretary and there was a CAO who provided advice to Council if and when required, or added commentary salient to the issue at hand. **The recording of the minutes and the resolution writing should be the work of a recording secretary, not the CAO.**

**APPROVAL OF THE AGENDA - Mayor Fell** stated there was an In Camera addition. The agenda was varied and the first issue addressed was:

### BY-LAWS

4.6.1 Re-Zoning (Barkman/Koop) - NE 36-10-6E (Second Reading) South side of Weiser Crescent in Anola, Manitoba -By-law 19-07. This is a new application because by-law 19-03 zoning amendment was defeated due to inappropriate procedure during the public hearing process. First reading was given on March 28, 2019. The original opposition can be read in my Council Planning notes of February 28, 2019. The same two individuals in opposition were present at this meeting and gave shortened versions of their objections. These should be referred to the Municipal Board which could result in a Municipal Board hearing. **Mr. Barkman** addressed some of the issues that had been raised in February and said he and his partner had made every effort to contact residents in the area and discuss any concerns they may have and try to mitigate them. He drew reference to the Manitoba Tenancy laws, there appear to be 5: Residential Tenancies Act, Residential Tenancies Regulation, Residential Rent Regulation, Residential Tenancies Interest Regulation, Residential Tenancies Costs Regulation. **Ms. Brown - In Favour** - Lives in Mr. Barkman's apartment block on Weiser Crescent and felt his properties afford the elderly, new young couples, or children of residents the ability to live in the community if they are unable or do not desire to own property. **In Opposition: Malcolm Topnik** - Why are Barkman/Koop just responding to them now? **and Meghan ? and Steven Marion** (789 Weiser Crescent). As mentioned, they repeated their original objections or amended versions of same. Meghan added that the design of the proposed side by sides would not match the aesthetics of the area which is modest single family homes. The proposed units would measure 2,996 sq. ft. with garages which is over double the size of houses currently on the street and have basements which the previously built side by sides do not. The closeness of the units would negatively affect their privacy. She had issues with the number of vehicles parked on the properties of the current rental units near their home. They chose to live in a less high density residential area and would like it to remain that way. She would like the property to remain zoned single family residential. She understands Mr. Barkman wanting to provide a variety of rental options but feels large two storey units with stairs are not downsizing and not conducive to seniors. **Mr. Barkman** called them raised bungalows and similar to a bi-level. In response to Mr. Topnik, when complaints were heard, that is when they responded and since speaking to the tenants, they have not heard any further complaints. As to excess of gravel in front of units on #15, access had to be shared with Ms. Cook next door and therefore a lane access had to be constructed and that makes it appear as though there is more gravel than normal on that property. **NOTE: Passing by on the highway, it does appear as though the entire front yard of the side by side facing on to #15 is gravel and there is no sign of landscaping and often a number of vehicles and a boat parked out front.** He said it is not their wish that numerous vehicles be parked in front of the units. There is one garage per unit and a spot directly behind the garage and beside it so in theory there is 3 spots available per side. He and Mr. Koop are open to building a fence on the lot line of Meghan's property to eliminate some of their concerns and to cooperating with neighbours to address any concerns. **Mayor Fell** asked the Planning Officer if conditions could be included to state fully fenced and only 2 gravel parking areas and the rest of the yard must be grassed. He responded a Development Agreement with the developer would address those types of conditions and that the 10 yard setback on either side is standard for either a single family residence or a duplex. **Councillor Wilson** agreed with some of the concerns of the neighbours regarding vehicle parking and feel people purchasing property on a single residence bay should have the assurance that the nature of their neighbourhood would remain the same. **Councillor Ralke** added her sister had 4 kids and they all had cars and she felt they not be kicked out as a result and what should they do. **Councillor Fuhl** felt a fence was a good option. Does Development Agreement satisfy the objectors and should they wait on third reading until advice as to hearing is received from the Municipal Board in the event second objections are filed. **Councillor Williams** does not want the Development Agreement to be too complex as such things as dogs, vehicles etc. are covered by municipal by-laws. **Councillor Wilson** reiterated that he thinks Council should listen to the concerns of the existing residents of the area and not entertain this proposal. **Second reading CARRIED 5-1**

### APPLICATIONS FOR CONDITIONAL USE

**C.U. 19-11 Pearl of True North obo Roman Baranowski and Wacława Mrozinska** - No representation by applicant. No response from gallery. Public hearing closed. **Councillor Wilson** - Questions regarding parking, office space required and how many other business are there and have similar requirements. **Dan Doucet** - Did not do any research or investigation on these issues and

only concerned with application for shared office space and limit of 2 vehicles being sold at any one time. **Councillor Wilson** - Concerned about the number of requests of a similar nature that come before Council over and over in such facilities and how are these being monitored such as what we are actually approving and how it is being accommodated. **Williams** felt it was difficult to monitor for e.g. fire inspections and parking allotments, **Doucet** said the property owner is responsible for monitoring building code compliance, **Mayor Fell** felt it was complaint driven and complaint incidences were down in recent times, **Fuhl** felt the Fire Chief was conducting regular inspections of these building and their adherence to fire safety conditions and agreements and noted that when he drove by there was more vehicles parked on the lot than in the picture provided with the package but he would only be concerned if it was 5 or 6 vehicles, **Ralke** asked of Planning Officer if they were all compliant with uses etc. and **Mayor Fell** said staff has no time to monitor, but **Wilson** would still like to know how many businesses and how many parking stalls are running out of these locations, does this all fit, and we need an idea of what we are approving on each site. **Mayor Fell** - **So I highly disagree with that. I think that it's not worth our Planner's time to be doing that. I think we have way bigger things to work on. If we had a bunch of complaints which my understanding we don't have a bunch of complaints then I would say maybe we need to look into it but until there's a bunch of parking complaints, I think we have much more important things we could be spending our time on. That's just my opinion.** **NOTE: The Planning Department has two inspectors. Mr. Doucet has mentioned often that he does the site inspections for new applications. He has two clerks to take applications and do the preliminary clerical work necessary. It would seem to me that the Inspectors should be engaged in ensuring the planning related by-laws of the municipality and the conditions imposed by Council on various planning matters are routinely inspected to ensure compliance and any necessary enforcement.** **Councillor Wilson** - Parking is a part of it but I'm concerned that we not run into situations like we were advised of just in the past year when a building had to be shut down because...the operation had to be curtailed in a routine inspection. **Mayor Fell** - That was not from multiple people living there, or working there, that was from one business having unsafe business practices. What you are saying is that you want to know how many people are in here so the comparison isn't even close to the same cause I know which one you are speaking about. **Councillor Wilson** reiterated that we need to know what we are approving and to not know what the overall commitment to an office space before we approve it ...he thought we need a larger picture of these kinds of operations. **Councillor Ralke** - Again, does it not fall into our Development Plan and our Zoning Bylaw, are you not the Development Officer doing your job to do that, that you are already looking into that area, that you are checking, that you are already aware of what is there so when you pull this up you see what is going on and if it did not fall into our requirements or our like restrictions and regulations...well then you would not allow it to go through?? **Is that how it works?** **Dan Doucet** - I review the site, I do a site inspection. He went on to describe the buildings on the site. **Councillor Fuhl** was more concerned about derelict vehicles and vehicles that are for sale being inspected and safe. Resolution amended somewhat and **CARRIED 6-0**

#### **APPLICATIONS FOR SUBDIVISION**

**4189-19-7448 Crosstown Autoparts Inc. - NW 16-11-4E South side of John Shott Road, West Side of Day Street - To re-align 4 title boundaries to create Lot 1 access off John Shott Road 11.39 acres, Lot 2 access off Day Street 1.32 acres.** Community and Regional Planning has conditionally approved the subdivision application without requiring an interdepartmental circulation or planning report as it meets the criteria of a minor subdivision. The one comment **Dan Doucet** made on this one was that one of the lots might be required to be used as a water retention area if identified during the drainage plan design stage. **CARRIED**

**4189-19-7456 Casablanca Homes Ltd. obo The Public Guardian and Trustee of Manitoba As Administrator of the Estate of Maria Hawryluk and as Administrator with Will Annexed of the Unadministered Estate of John Hawruluk - SW 21-10-4E - East side of Symington Road, north of Navin Road - Mayor Fell asked if the lady coming forward was Maria but the lady named Angie added that Casablanca Homes purchased and took possession of the property on April 1 as confirmed by the Planning Officer. Community and Regional Planning has conditionally approved the subdivision application without requiring an interdepartmental circulation or planning report as it meets the criteria of a minor subdivision. Lot lines were adjusted to provide for 3 lots. **Councillor Fuhl** had submitted an e-mail related to a fire in CN yards. There are new guidelines about proximity to rail lines which speaks to derailment, noise, vibration, etc. but not fire and 100 ft. separation required. There is a 100 ft. treed buffer which might be jointly owned by the RM and railway and **Doucet** asked if RM wants trees cut down as a fire barrier. **Councillor Williams** asked Doucet about variance for site width. **Doucet** says they researched and he can go ahead and do a minor variance. **CARRIED 6-0** **NOTE: How prudent is it of Council to be allowing further residential development in close proximity to rail lines in the municipality of Springfield in the light of tragic incidents that have occurred in recent times?****

#### **OTHER PLANNING MATTERS**

**19-08 Development Plan Amendment (Kiernicki) - SE 32-11-5E (1st reading) - Made application for rezoning. Wants to re-designate the land from rural and agricultural area to rural residential off Hazelridge Road and near Vernon Road. There is cluster of smaller lots in the area and **Doucet** provided map to Council and subsequently **CAO** tried to display it on the screen. In old Development plan there were options for variance but not in the new one. 24.81 acre lot he wants to subdivide.**

Recently at the corner there was a subdivision of a 5 acre into 2 - 2.5s and others. The Zoning By-law has not yet been updated to reflect the changes in the new Development Plan so it is zoned rural residential. **Mayor Fell** said quite a few were taken out in the new development plan. **Councillor Wilson** said there was one exception and that was because the subdivision was for agricultural purposes, i.e. an apiary. The property belongs to a long time bee farming family who want to re-start the business. Most of the surrounding land is agricultural. There is no reason for further fragmentation and changing the newly passed Development Plan. The 21 acres in question, apparently, is not in cultivation and is all treed, according to **Williams** and **Bredin**, and **Fuhl** agreed. The treed part is high, dry and stony, according to **Wilson**, and this raises the probability of pollution of groundwater near the municipal wells. It is an artesian area. More concerns than simply the fact that it is not cultivated. He believes in a Planning Meeting it is Council's duty to maintain the principles of the newly minted Development Plan. **Bredin** asked if it would go to the Minister for final approval. **Doucet** said it would be advertised in the paper after first reading and have a public hearing and provincial input, gallery can speak to it, Council can then give second reading, but it would then go to the Minister before final 3rd reading can be given. He demonstrated on the 2 maps how much of the rural residential areas have been removed in the new Development Plan. **Williams** said he was supporting the application but **Wilson** countered it would be opening up a hornet's nest of applications and is concerned about water quality. This is too close to municipal wells. **Williams** said this would be a great opportunity to study the Aquifer Capability and Vulnerability Study. **CARRIED 5-1 NOTE: After all the public input and length of time it has taken to finally arrive at a Development Plan that meets the approval of the Province, why are we now entertaining any action to alter it, thereby setting precedents for others to follow. As Councillor Wilson pointed out, the ink has barely dried on the new Plan and Council and Planning are suggesting allowing changes to it.**

Resolutions to go in and out of In Camera.

#### Resolution post In Camera

Be it resolved that the definition of agricultural activities within the Springfield Zoning By-law be amended to include peat moss. CARRIED 6-0

**NOTE: I am now starting to see why this was the second time the subject has been discussed In Camera. The Province moved peat extracting from the jurisdiction of Mining into the jurisdiction of Agriculture. By this resolution, any land zoned agricultural that is a potential source of peat can be stripped of its topsoil in a quest to remove the peat and, as in several areas in Ward 4 of which I am aware, subsequently left a non-productive wasteland that supports little or no vegetation and fills up with water, being lower than the surrounding lands, in the Spring melt and heavy precipitation events. This is of great concern to me. Peat left where it is provides a benefit to the surrounding areas and stores moisture. That could be beneficial in times of drought. Wikipedia states "The peatland ecosystem is the most efficient carbon sink on the planet because peatland plants capture CO2 naturally released from the peat, maintaining an equilibrium. The "annual rate of biomass production is greater than the rate of decomposition", but it takes "thousands of years for peatlands to develop deposits of 1.5 to 2.3 meters, which is the average depth of the boreal peatlands." Peat is not generally regarded as a renewable source of energy, due to its extraction rate in industrialized countries far exceeding its slow re-growth rate of 1 mm per year, and as it is also reported that peat re-growth takes place only in 30-40% of peatlands. Because of this, the UNFCCC and another organization affiliated with the United Nations classified peat as a fossil fuel." Peat is a source of fuel in some parts of the world. The carbon dioxide emission intensity of peat is higher than that of coal and natural gas. In short, peat extraction is an irreversible process and stripping peat would be a "double whammy" to the environment, having consequence to both air and water quality, particularly when efforts are being made to reduce our carbon footprint in this country by taxation to encourage change in behaviour which is the daily subject of every news media source in the last number of years. A major change such as this, by moving peat from Mining to Agriculture, should be the subject of a public environmental review process at the very least. There has been no mention of any such thing in the media. I note the vote was 6-0. Has this Council no awareness of the devastating effects climate change is having? By doing this, we are increasing our carbon footprint, not decreasing it as mandated by the Federal Government.**

ADJOURNMENT