

RM OF SPRINGFIELD PLANNING MEETING DECEMBER 17, 2019 AND A RECAP OF THE YEAR'S COUNCIL ACTIONS

WITHOUT PREJUDICE (E&OE)

**NOTE: It has just come to my attention from a resident that Hilary Dixon (Project Manager) Drainage was terminated and Joy Janz is HR Mgr.**

**AGENDA - Be it resolved that the agenda be amended as follows: Add ward appropriations. CARRIED 6-0** **NOTE: I believe the justification for moving Planning Meetings to Thursdays was that they were to be strictly for Planning Matters. Any business under the Municipal Act was to be held at Council Meetings. Ward appropriations have nothing to do with Planning or the Planning Act. Mayor Fell and by extension her Council seem to be great at making rules but even better at disregarding them. Not surprising considering they do not even pay attention to the Provincial Acts and Regulations governing the conduct of municipal business and their own By-laws.** Fine examples are the sale of 12 acres of aggregate reserve to Pine Ridge Hollow without first conducting the preliminary steps of re-zoning, environmental considerations, etc.; the issuance of a building permit to P&H Heimbecker for a bulk fertilizer and storage facility on Poplar Road without first having an Environmental Assessment of the site conducted as required by the Province which led to a STOP WORK order; a surreptitious move to locate a Peat processing facility on land zoned Agricultural by passing two resolutions arbitrarily reclassifying Peat as an Agricultural Product. I checked with a provincial official in Agriculture and they advised me peat is classified as a resource under Natural Resources and is now managed by Sustainable Development but the CAO, Colleen Draper, **has not taken my suggestion** to have the two resolutions in that regard cancelled; allowing a Silica Sand mining exploration in an area of urban density, i.e. Vivian, Manitoba, which could pose a threat to a valuable aquifer, not to mention dramatically altering the way of life of the residents. I may be totally wrong about this but I had a developer telephone me recently who wanted my concurrence with his proposal to put in a large residential and commercial development just north of the townsite of Anola in low land which will require careful attention to drainage and is not served by municipal water and sewer. When he had previously proposed the same to me when I was a Councillor, I told him I would NEVER be in favour of relinquishing a natural drainage area to development as these types of land sequester huge amounts of carbon and are of great benefit to the environment and provide habitat to many species. In conversation, he revealed he had already spoken to Mayor Fell about the proposal and I am fairly certain it is in the works. Why he felt he needed my concurrence is a mystery but as I would not sanction the proposal, he was verbally threatening and abusive to me. Speaking of residential developments, there have been problems with the artificial lakes in these developments due to stagnation and algae, growth of cattails, muskrat and geese populations, and the issue of who is responsible for maintaining the "lakes". Councils approving the developments did not include in the development agreements the proviso that the Developer is responsible for the maintenance and as a result, the cost is being borne by the taxpayers at large. If this were not enough, Mayor Fell's Council agreed to provide services on five PRIVATE condo properties, such as removal of piles of snow, water main flushing, hydrant and street lighting maintenance, again at a cost to the taxpayers at large in Springfield. **We also revealed Mayor Fell's property assessment dropped over \$271,800. in 2017.**

There were then several Temporary Secondary Dwelling renewals as they were expiring at the end of 2019. When these CU applications are first approved, there are reasons given for the need to house family members nearby to provide support due to age or disabilities and they are for a period of 5 years and subject to renewal if the conditions persist beyond the initial time frame. Some of these have been renewed many times. **MY QUESTION: Is Planning Department monitoring these and ensuring the conditions are being met because in at least one case of which I am aware, they are not. I believe there should be tighter control exercised by our Development Officer and his staff to ensure there is no abuse of these temporary provisions and adherence to all the required conditions.**

**Conditional Use 19-29 Focus Design (Delaquis) - Penner Road - Dan Doucet** - The proposal is to permit a general contracting service which is for excavation and a landscaping business on the land including business office. Mr. Delaquis is applying for this on behalf of 7346728 Manitoba Ltd. Focus Design will operate Monday to Saturday between the hours of 6 a.m. and 8 p.m. which (hours) could increase during the winter months as they also do snow clearing. Prior to issuing the building permit, Planning will confirm that the drainage obligations are met within that recent subdivision and will also confirm the requirements of the Zoning Bylaw as related to the site plan. He has no concerns but had 4 conditions which included that landscaping materials should not be allowed to project above the height of the fence which is 8 ft. **Mr. Delaquis** had not previously been made aware of this condition. **Mayor Fell** - Are you requesting that you need higher piles, is that what you are requesting? **Mr. Delaquis** - Ya, it wouldn't be much higher but he would be pushing up snow on site and that was a concern. **Mayor Fell** - Before we read out the resolution, did we want to make an amendment to that clause? **Councillor Fuhl** - Ya, I will make that amendment, I am good with 10 ft. **Dan Doucet** - We just didn't want piles exceeding like 20 ft. in height because of the previous application that we had from Reimer Soils where there were concerns. Here there is a lot of distance from residential dwellings. **Colleen Draper** - *Whereas a public hearing has been conducted under the Planning Act to consider an application filed by Focus Design for a Conditional Use under Springfield Zoning By-law No. 08-01 and whereas Council is satisfied that the requirements of Part 7 of Conditional Uses have been met, Be it resolved that Conditional Use order No. 19-29 be granted subject to the conditions as read out by the Development Officer with #4 being amended to outside storage of goods, landscaping materials storage shall not be allowed to project above 10 ft.* **CARRIED 6-0**

**Conditional Use 19-33 - Penner/Morris 66 075 Deacon Road - Dan Doucet** - Requesting Council's approval to increase their animal units from 2.66 to 2.88 allowing for the keeping of 2 horses and a miniature horse. On August 29, 2019 C.U. order 19-23 was approved for the previous owners to make it more attractive for them to sell their house and property. It allowed for only 2 horses on their 4.9 acres property. The real estate agency advised Penner/Morris that the miniature horse would not be an issue. However a complaint was received. Our office had additional information from Manitoba Agriculture that they did not have issue with the increase in animal units for the subject site. *Whereas a Public hearing has been conducted under The Planning Act to consider an application filed by Todd Penner & Pam Morris for a Conditional Use under the Springfield Zoning By-law No. 08-01; and whereas Council is satisfied that the requirements of Part 7 Conditional Uses has been met, Be it resolved that Conditional Use order No. 19-33 be granted subject to the following conditions: 1. No livestock shall be permitted on the land other than up to a maximum of 2 horses and 1 miniature horse. 2. All livestock animals are to be owned by family members for personal use.* **CARRIED 6-0**

**Variance 19-67 Pambrum - 19 513 Navin Road - Dan Doucet** - The Pambrums are requesting east and west side yard setbacks of 8 ft. instead of the required 25 ft. for the construction of a 1550 sq. ft. dwelling with a 720 ft. attached garage on this property. The accompanying letter in the package, which does not contain much detail, certainly less than usually is included, states that they have consulted with neighbours on both sides who have no concerns. A neighbour to the west was present in the Council chamber and did speak to the issue. He had only learned of the hearing the day before the meeting. **NOTE: Canada Post has recently changed many addresses in the RM of Springfield and while it has now been several months, people are still not receiving their mail regularly or at all. I believe Planning Department should have taken this into consideration and allowed more lead time if choosing to notify by mail, or actually visited the neighbours and advised them in person of the application and the hearing date.** He was concerned about drainage and wanted more time to get additional information and review the impact of the proposal. Doucet responded that a drainage plan would have to be designed and stamped by a Professional Engineer before any building permits were issued. He asked that the decision be postponed tonight until he has time to consider the proposal. **Councillor Fuhl** also expressed concerns regarding the reduction in side yard setbacks and wondered if there was sufficient room for swales that may be required to accommodate drainage. **Dan Doucet** stated the property had 100 ft. frontage so the house could be reconfigured, perhaps putting the garage in the front, that there are design alternatives. **Councillor Rakle** - **So I see there's a house there currently and it must have water coming off its roof like the new building will. So in comparison to the current sized house, I think he said he was going to a 1550 sq. ft. house so is the house currently there causing any problems right now?** **Dan Doucet** - I'm sure it is because there's not much drainage in the whole neighbourhood. Very little drainage. **Councillor Rakle** - Maybe then each person should be looking at doing some drainage? Do we know the size of the building that's currently there? The old buildings will be demolished. Is that before the new one is constructed or after? Too bad he is not here today. **Dan Doucet** - The existing building is 1,260 sq. ft. The west side yard setback of the current dwelling is greater than 8 ft., might be 25 ft. **DEFERRED ... Doucet said notification would be sent out.**

**Proposal to subdivide 4189-19-7474 Penner - PR 213/Garven Road - On the west side of PR207 and on the south side of PR 213 (Garven Road) - NOTE: Three ladies had entered the Council Chamber while the previous application was underway and the Mayor asked if they were there for it and was told they were there regarding the subdivision. None spoke to the issue at this meeting.** **Dan Doucet** - The intent is to subdivide the existing approximate 8 acres of land to create the following 2 rural residential lots: Proposed Lot 1 approximately 4 acres and Residual area - 4.01 acres. **Manitoba Infrastructure, Highway Planning and Design (MI) objects to approval of this subdivision as proposed. In order to maintain or improve traffic safety and efficiency they recommend that a public road allowance be established commencing at the shared access of proposed lot 1 and extending along the entire frontage of proposed lot 1 and across the residual to the adjacent lands. This will allow MI to remove the existing access connection onto PR 213 for the residual parcel. A 28 meter right of way is proposed to accommodate the future widening of PR 213 as well as the right-of-way for a service frontage road.** There are some easement requirements. **Community Planning Branch recommends that the application be rejected due to non-compliance with Development Plan - Transportation Policy 3.3.10. 50 ft. of public road allowance is required for future upgrades (widening) to PR213. As Per Section 125(2) of the Planning Act any subdivision being considered by Council creating a new road or extending a road will require a public hearing prior to passing a resolution approving that application.** I would recommend denial of this subdivision as it does not meet the criteria of two policy statements of the current Development Plan. a. Rural residential lots east of the floodway (outside) shall be a minimum of five acres in size. b. Development that may adversely impact the operation of the provincial highway network should not be permitted unless appropriate mitigative measures are incorporated. **John Penner** - He had a call from Councillor Williams. He talked to his legal adviser who suggested he put a hold on this application as they want to file a complaint against the department for a statement that devalues the property. He questioned the 50 ft. provision and asked if all the other properties were going to lose their driveways. He feels he is being penalized. **Mayor Fell** - Are you asking us to defer your application for now? **John Penner** - I would say so. **Councillor Wilson** - Would like to draw the Development Officer's attention to the fact that Community Planning and your office are saying a 50 ft. setback but Highways is asking for a 28 meter setback which is 91 ft. so there is a discrepancy there that needs to be ironed out. **John Penner** - I've also got WSP working on my behalf as well. **DEFERRED NOTE: WSP, and I am assuming it is David Jopling of that firm, seems to be taking advantage of opportunities afforded the company as they had the contract to do our new Development Plan and represented the RM of Springfield. Since then, they have represented individuals petitioning the RM of Springfield for changes such as Penner Soils and now are working with this fellow regarding his subdivision. I am wondering if this represents some type of conflict of interest in that WSP are very familiar with the provisions of our new Development Plan and by extension the Zoning By-law which gives them an unfair advantage over other similar businesses.**

**Ward Appropriations - Be it resolved that Ward 5 ward appropriations in the amount of \$816.06 be approved for the SCI outdoor basketball court project. CARRIED 6-0**

**Council then went In Camera and returned and ADJOURNED.**

**NOTE: As the author of these notes, I have no restrictions as to what I include in them. There are a number of other issues not mentioned at the Planning Meeting that I feel need some discussion and coverage. One that is near to my heart is the following:**

5.1.1

**By-law 18-03 - Animal Control By-law (3rd reading)**

**Resolution No: 19-070 Moved By: Rick Wilson Seconded By: Glen Fuhl**

BE IT RESOLVED THAT third and final reading be given to By-law No. 18-03 being a by-law of the Rural Municipality of Springfield to authorize the regulation and control of animals within the Rural Municipality of Springfield.

This by-law received Third Reading on February 19, 2019. The entire by-law is predicated upon implementation in 2019. Council has taken absolutely no action to advertise the conditions of the by-law in their newsletters, e-blasts, newspaper articles etc. to encourage voluntary registering of one's pets with the RM of Springfield prior to the end of the year at no charge. There will be a charge in subsequent years if not registered before December 31, 2019. What is the point of the 8 years of work put into this what I consider very good by-law only to have it completely ignored by Council. I myself was involved with it for many years and it is distressing to see the efforts of those that toiled long and hard go to waste. Unfortunately the RM offices are now closed until the New Year and there is absolutely no possibility of voluntarily registering your pets prior to the end of 2019. The By-law would have to be amended to change the dates and I believe would have to go through three readings and be approved by Council in order to allow registration without a fee. Council is busy working on Enforcement By-laws (4 of them supposedly) but they are not enforcing the by-laws they currently have posted on their web site. The CAO should have, as Administrator, advised them of their obligations in regard to the Animal Control By-law. I received a renewal notice from Planning Department for my kennel license and renewed it prior to the end of 2019 and paid my \$75. fee. Under By-Law 18-03, I do not qualify for a kennel license but instead should have been required to provide the RM with the names and details of my remaining 7 dogs but Planning Department did not require this information of me. What is their reason for not implementing the provisions of 18-03?

## The Clipper Weekly

In the December 19, 2019 issue there are several articles I consider problematic. Front page - *Springfield deadlocked over cell tower retrofit*. In my opinion, the article is biased in favour of the Full Throttle Networks and Mr. Onchulenko and emphasizes the importance of the service they are currently providing **although not licensed to do so**. Further it fails to point out that the owner of the tower on which Full Throttle is situated, short one year ago, declared publicly that the tower was for his use alone, **as Councillor Williams pointed out a misrepresentation of the truth and when Council sought to reach a compromise to satisfy a neighbour's concerns, it could not as the owner of the tower was not present at the hearing**. The application WAS NOT APPROVED, and that should be the headline, not that Council is deadlocked over the repurposing of the cell tower. **NOTE: Far too often since the inauguration of this Council, approval is being given to applications for conditional use, variances, etc. that are already "in place" and have been, without benefit of approval from the RM, for some time. This sends a message to residents that the best course of action to follow is to proceed without RM approval and when the project is completed, wait until the RM becomes aware of it and then apply for the necessary approval. The issue in this case is that a resident came to Council and stated he wished to construct a tower at quite considerable expense for his own use only, when it now seems apparent he was not forthright in his true intentions. I believe the Clipper, as a journal responsible to residents of the community they serve, should be emphasizing the need to apply for approval before commencing a project rather than emphasizing the need for the service and advertising that the applicant will be coming back to Council early in the new year to re-apply. As someone pointed out, perhaps Council should be contemplating providing internet service to their residents instead of spending taxpayer funds on a Winnipeg Metropolitan Region fibre optics project which might not be realized for 5 years or more. In the article it mentions a physician living nearby that uses the service for examining patient files, etc. Perhaps if the doctor was contemplating working from home, he should have obtained the necessary hardware to enable him to have the required service or established a residence in Winnipeg where service already exists. Further I thought there was some kind of stipulation that one cannot re-apply to Planning for a certain period of time such as 6 months or 1 year.**

Page 3 - *Rural safety upgrades not happening: MLL*. In my opinion, this is an advertisement to the criminal element in our society that our municipality is "ripe for the picking". **NOTE: At the beginning of this month, in light of the situation that is facing the City of Winnipeg in terms of blatant theft of copious amounts of merchandise from liquor outlets and the lack of effective control of these crimes by the Winnipeg Police Service, a RESIDENT of this municipality spoke to the Acting Chief of the Springfield Police Service, Trevor Froese, in this regard due to the fact that our liquor outlets are in unprotected grocery stores at 4 locations serving Springfield. Cpl. Froese agreed and took action to have officers visit each and suggest ways of minimizing the risk. I know for a fact this occurred at one particular location. The store owner was quite impressed with this initiative. COUNCIL and THE SPRINGFIELD POLICE BOARD (The Chair of whom is former R.C.M.P.) DID NOTHING IN TERMS OF BEING PROACTIVE AND ASSESSING THE RISK. In my books, that is COMPLETELY UNACCEPTABLE. These are the people that should be protecting the municipality's citizens and anticipating problems before they happen. The Springfield Police Board has completely shut out the public in terms of their input by denying audience members the right to speak at their meetings. They ignore the correspondence from C.O.P.P.s, a volunteer organization trying their best to be the eyes and ears looking out for crime and reporting it but they are not being heard by either the R.C.M.P. or the Springfield Police Service through its Police Board. SAFETY is also one of the pillars of Council's rather costly Strategic Plan which is posted on their web site. BUT IT WAS A "RESIDENT" WHO TOOK THE INITIATIVE TO ADDRESS THE SAFETY CONCERN!!!!!! One could almost believe the Board and Council are trying to do away with the Springfield Police Service.**

Page 6 *Chabot celebrating 50 years*. This article quotes Nicole Chabot, Vice President of L. Chabot Enterprises Ltd., as stating that the management is exploring innovations....as ways of improving their service while minimizing their environmental footprint and that she was instrumental in helping establish and grow the Springfield Chamber of Commerce. **NOTE: Their initial acquisition, a gravel pit on Hazelridge, is one of the current aggregate extraction operations that caused Oakbank and Dugald water to require treatment due to GUDI, Groundwater under the direct influence of surface water, as they are dredging in the water table located right across from the two municipal wells that supply water. At this same pit on Hazelridge, Chabot Enterprises Inc. have not respected the setback requirements for aggregate extraction, putting the wells at risk as they are in the draw zone of these wells. Further recently the RM of Springfield was required to cancel the contract they had with this company to supply road gravel due undoubtedly to the substandard quality of material being supplied. There is a history of this occurring with this particular company. Why is it that articles in the Clipper appear to be very one-sided and not a true reflection of the facts? There is also an issue with missing gravel from a municipal pit that has yet to be resolved and may well involve this particular company if one can believe local scuttlebutt and information provided by a former councillor, Ken Lucko. I feel that SPRINGFIELD DESERVES BALANCED REPORTING FROM THEIR LOCAL WEEKLY. The RM has a membership in the Chamber of Commerce, which organization's mandate seems to be self serving. The Clipper is also a member of the Springfield C of C.**