

## RM OF SPRINGFIELD PLANNING MEETING NOTES

February 27, 2020

### WITHOUT PREJUDICE (E&OE)

**Agenda** - There was one addition to the agenda, Flood Preparedness Program - Flood Risk Map. **This has nothing to do with Planning and should have been on the last or next week's Council meeting agenda.**

### CONDITIONAL USE

**C.U. 20-03 Luff - Home Industry "RR: - 26060 Melrose Road 71 N** - To permit a "home industry" business (heating, ventilation and air conditioning) and related signage on the land within the Rural Residential Zoning District. Employs family members and week day hours except for emergencies. Four service vans to be stored in shop. Motor home parked outside in picture. Relocating from East St. Paul. **Hugh Andrew** - Neighbour to the west. Wanted to know if there was any on site sales and the answer was absolutely not. How many emergencies and the answer was 1 to 5% maximum and only disruption would be van starting up. Inquired re signage and they answered they will not have signs as they don't market from home. He then introduced himself to his new neighbours and said if he had problems with his heat and air conditioning, good to know his neighbour can fix it. **Councillor Wilson** - Concerned that business has 4 service vehicles and why has the Industrial Park or other employment land not been considered rather than locating on a residential property considering 5 employees is the maximum for a home industry. Further he was concerned about the lack of notification to adjoining residents and he brought that up on C.U. 20-04 also. **CARRIED 5-1.**

**CU-20-05 Focus Design c/o Miguel Delaquis - General Contractor Service. Penner Road** - Originally approved under C.U. 19-29 but the wrong land description was contained in the application. In Mr. Doucet's presentations, he says "based on a site inspection I have no concerns". Previous C.U. will be rendered null and void. **NOTE: My question is, as Development Officer, is it not part of his responsibility to verify the land description and perhaps even ownership at Land Titles office to ensure the application being presented to Council is correct? He has been in the job for over 10 years so one would think when he did the site inspection he would have known which property to inspect. I am thinking the tax roll would have the correct land description for the property.** Bit of discussion about fencing, resolution read. **CARRIED 6-0**

### PROPOSAL TO SUBDIVIDE

**Proposal to Subdivide 4189-19-7485: Ward - Property Limit Re-Alignment (35077 Corbett Road 61N)** - The Ward family were allowed a 5.5 acre subdivision under 4.4.1 (b) in 2013. Current zoning is Agricultural General Zone, Mixed Agricultural and Rural Area. The Ward family are now applying for a re-alignment of the boundaries of the two title subdivision to divide the 80 acre holding into 2 - 40 acres properties for Estate Planning purposes. Manitoba Agriculture objects to the subdivision as it increases the fragmentation and does not comply with subdivision policies of the mixed rural and agricultural area. If it is for the establishment of a specialized agricultural operation, then a supporting business plan must be submitted. 4.4.1 (f) states *Only one subdivision per 80 acre title may be permitted for the circumstances described in Policy 4.4.1 a through d.* In other words, in the recently adopted Development Plan, there is no provision to allow for further subdivision of this property or realignment unless according to the purposes outlined in 4.4.3 which states *In the Agricultural Preserve Area, Rural and agricultural Area and the Mixed Rural and Agricultural Area designations, small land holdings for specialized commercial agricultural operations such as, but not necessarily limited to, tree nurseries, apiaries, market gardens and other bona fide agricultural practices may be considered for approval, provided that such proposals are compatible with other existing agricultural operations, and that the size of the proposed parcel is appropriate for the intended use.* Community Planning Branch stated: The proposed subdivision is not consistent with **Policy 4.3.7** of the Development Plan: The soils of the quarter are considered prime agricultural soils, having predominantly an Agricultural Capability Rating 3D/3W based on detailed soil survey information; and the proposed lots are significantly larger than the permitted 10 acre maximum for residential lots. Expanding the 5.55 acre lot to 40 acres as proposed is **not** warranted under **Policy 4.4.2**: although wooded, the land is prime agricultural soil. The suggestion was made to the Ward sisters that if the son of the owner of the smaller parcel were to provide a business plan outlining his desire to conduct a specialized commercial agricultural operation on her property, thus necessitating a greater area than the size of her parcel, re-alignment could be considered. Both the Ward brother and one of the sisters spoke to the nature of the land and its unsuitability for agriculture, particularly on the one side which is low and often covered with water, as did the daughter of one who could not be present but stated future plans would include her building a house there for her family and having an organic garden to feed them. All spoke to the fact that the Ward family intend to continue to live on the land and pass it down to their children. Several letters supporting the re-alignment were mentioned. The decision was made to **DEFER** this application pending further action on the part of the Wards. **DEFERRED.**

**Proposal to Subdivide 4189-19-7471: Gaudette - Prairie Grove Road 54N/Dawson Road** - The intent is to subdivide the existing approximate 33.59 acres of land to create the following 6 Rural Residential Lots: Proposed Lot 1 - 5.73 acres; Proposed lot 2 - 5.46 acres; Proposed Lot 3 - 5.0 acres; Proposed Lot 4 - 5.41 acres; Proposed Lot 4 - 5.0 acres; Proposed lot 5 - 5.55 acres; and 1.54 acres for public Reserve. The proposed development is within the Red River Designated Flood Area. The RM of Tache objects to the proposed subdivision, due to the impact that

increased rural residential development may have on the existing livestock operation for possible future expansion. Current Zoning is Development Reserve and the required zoning would be RR, Rural Residential. Previously designated as Hamlet. Must comply with Section 3.6 of the Hazard Land, Flood Management and Drainage Policies of the Development Plan. The owner has hired a professional engineer (SBC) and has provided Council with a topography plan showing conceptual drainage pattern on how this can be achieved within the proposed subdivision. The Development Officer is recommending approval of this application subject to 9 conditions, one of which I just recently noticed in subdivision applications which is *That 10% of the property development (proposed residential lots) is provided to the RM of Springfield in cash and or land or combination of, to satisfy municipal needs for recreational opportunities, open space and buff zones. (The Planning Act, Subsection 135 (6b) and 136(1)).* **NOTE: This appears to be coincidental to the Mayor and Council's sudden haste to erect a new Recreation Centre contrary to the recommendations contained in the Recreation Master Plan without any substantial statistical evidence that there is a need for anything but perhaps a turf surface which could be incorporated into renovation and upgrading of the existing Oakbank Community Club as was proposed back in 2008 by a member of the club.**

**Russ Mitchell** - The engineer accompanying the applicant took the podium and showed a brief Power Point presentation that spoke to elevations and drainage based on what he called the "natural flow". This is just the first step of many "hoops to jump through" and will include a review by the Province. Land drainage plan being prepared and it will be managed properly. **NOTE: There is a recent example of a subdivision where one of the requirements was a Drainage Plan stamped by a professional engineer. This requirement was met, but the report from the engineer indicated a natural flow of water that was directly opposite from that which local residents had advised. The majority of Council approved the application which included sophisticated swales to manage drainage. In the Professional Engineer's report, it did mention that in times of rapid snow melt or high precipitation events, excess water would flow overland. When Lidar Mapping was applied to the property, Lidar indicated that indeed the water was going to flow east and south rather than west and north, thereby potentially disadvantaging cattle operations that had existed there for many decades.** He felt the 1.54 acres that is adjacent to Prairie Grove Park could be dedicated to the park and applied against the 10% required for recreational opportunities. The owner said he had planned that piece for parking but was open to the idea of dedicating it for recreational purposes.

**Bob Gallagher** - resident of Prairie Grove. He has major concerns about the drainage and would like to know a little more about what the proposals are. **Mayor Fell** - In what way? **Bob Gallagher** - Water often lays on that property and flows through some of my property from that property. I think if it is developed, it would be raised so there should be proper drainage swales that will be taking it away from all the existing lots.

**Mayor Fell** - So when they, if this goes through one of the conditions will most likely be a drainage plan and with that drainage plan all that should be taken into account for the development of all the lots and it has to be stamped by an engineer and then approved by the RM. **Bob Gallagher** - So the RM I guess will look at what the proposal is and give it a yes or a no. **Mayor Fell** - Yes. And they cannot move forward with any of the subdivision until that is approved. **Bob Gallagher** - Some of that drains right through the back of my property through my garden and some of it lays in my trees and I guess Lot #3, sometimes that's 3 ft. cattails in the water laying in it. So there is major water issues there.

**Mayor Fell** - Thank you. **Dan Doucet** - Maybe Mr. Mitchell can identify with his conceptual plan where some of the drainage swales will be. I believe there are 2 drainage swales on either side of Mr. Gallagher's property. **Russ Mitchell** - Yes, what we're attempting to do, we will put swales down on either side of the property. We're not going to put a swale across the back because I think his property still has to drain so we don't want to trap it and create a bathtub there. So we will be accommodating ...we're going to be improving the drainage. **Mayor Fell** - So those improvements will actually help his property. **Russ Mitchell** - Right. So we have to control basically, essentially well you have to retain any runoff on to your site, you have to design for certain runoff coefficient and you have to be able to retain that water on site with controlled regulated release to the municipal ditches so that will either be done through culvert sizing, sometimes flat gates, but it is going to be controlled so whatever water is coming off that, off this site, and some off the adjacent properties, we'll have to take that into account, but we will be retaining that on site in swales with controlled release and that will be part of the land drainage management plan that will be submitted for the water rights license. We know what we are doing. **Mayor Fell** - So it will benefit and improve that in this developer's lot as well. **Russ Mitchell** - Yes, it won't create a bathtub. **Stephanie Hait?** 54070 Dawson Road - So I guess I am in a bit of an awkward situation here because I am not necessarily opposing this subdivision, I just have huge concerns over how it gets carried out if it does get approved and if I may ask you, I did have the opportunity to speak to Mr. Doucet this morning and he did say that he distributed the letter that I wrote to all of Council and I am just wondering if everybody, in the interest of everyone's time, if you've had a chance to read that letter, then maybe I'll just touch on some of the key points. So obviously water drainage and where we live is the lot directly northwest right beside Lot 1. Water drainage is a huge issue in our area. And much of it has actually been made worse by approval of subdivisions. **Our land was actually one of those subdivisions that was very poorly planned and approved by the municipality and then very poorly executed.** During construction of our house, part of the sale of the land to us, the developer said we were going to have to comply with the lot grade plan that had been approved by an engineer. When we went to implement the lot grade plan, I took a look and said to my neighbour, I can't do this, I'm going to flood out your land. The water is not going to stay in the drainage swale and we're blocking your flow out the back. The municipality agreed, told us not to do the lot grading plan, and said the municipality has plans to correct all the drainage in the ditches along Dawson, and at that point they said go ahead and dig the swales and when the ditch work is done, you can cut out to the ditch and everything will be fine. They did do some work in our ditch but they actually put soil to the bottom of the ditch so we've never going been able to cut out our swales. As you can see from the photos, we actually have to manually pump out our yard and our yard takes the flow of water from our neighbour to the north and the only saving grace for our neighbour right now is instead of flooding out his basement or having him have to put in window wells is that the natural drainage of that land goes through the middle rear of our lot and through the proposed subdivision by Mr. Gaudette. **Mr. Gaudette's application has been through many objections and after it was denied at the 2011 hearing, the residents in our area were of the understanding that a drainage plan would be implemented before further subdivisions were considered and to this date, none of us have actually seen a drainage plan which makes us**

**extremely nervous about Mr. Gaudette's current application.** We've accepted that we will always have to pump our land and swales and hold water temporarily from our neighbour's land but if the drainage plan from Mr. Gaudette's subdivision doesn't address and accommodate the natural flow of water that currently exists, our lot and our neighbour's will all be flooded. We would also like to ask Council to find a way to ensure that the drainage is implemented and that the developer and or the future owners are actually held responsible to maintain those drainage grades. I've completed several developments and subdivisions in Winnipeg on my own with the company I work with and we know this can be done because we've had specific conditions in place on our subdivision applications requiring us to register drainage easement agreements that affect the surrounding neighbouring properties and that those easement agreements be registered in series with the plan of subdivision with Land Titles and stipulating drainage be implemented prior to the release of the building permits. In our situation, if easements would have been in place, I mean drainage is a whole mess, if Mr. Gaudette's application goes through and it's approved and the easements could be registered in place, if the future owners failed to keep up with those grades, making our property flooded out further than it already is, then the municipality would have the power to step in and ensure that those drainage issues are corrected. **NOTE: As I see it, these easements are to enable municipal employees to access private land, the swales, and remove debris and cattails from them to ensure proper drainage. This seems to me the same issue as that posed by artificial lakes in some of Springfield's developments. Could the developer not be required to post a bond sufficient to ensure ongoing maintenance of their drainage structures?** We're not in opposition of further development but we've witnessed and live the hardships faced by the residents of Prairie Grove and we just don't want to see things get worse. We trust you've taken the time, or will take the time, to really understand the drainage issues in our area and will make the right decision. **Councillor Williams -** To the proponent. You've indicated that swales will be enough for water retention so it's draining off the land at an appropriate rate? **Russ Mitchell -** Well, the swale will be designed to accommodate whatever water is coming off adjacent properties and then whatever water is coming off this will be managed in that fashion. **Councillor Williams -** So if there's an indication that that's not going to be sufficient to hold back the water, are you thinking you might put a lake in there? **Russ Mitchell -** We'll design it so that it's effective. "I mean, no one's more tired of storing water on their land than the applicant and he's been doing it, he's been storing water for the neighbourhood." Drainage in the capital region is issue for all municipalities. He mentioned the fact we're getting more water, more extreme weather events, they have to store more water and control its release so as not to overwhelm systems, etc. and they deal with it on a regular basis. Their goal is to improve drainage for this area with their design and store water in a way that is compatible with the development of the property in 5 acres lots. There will be two sets of provincial eyes on the stamped engineering plans because it's identified as being in a floodway area. He gave his word that they would address the female speaker's drainage issues and will survey their property. "We can't make your drainage worse, we can only improve it."

**Dan Doucet -** Ms. Hait's property, I was reviewing the old subdivision, that was done in 2005. It was a 5 acre lot split into 2 and the only condition that was asked for regarding drainage was a lot grading plan. A lot grading plan is not a drainage plan, it just sets the elevation of the house to protect the house. Within the proposal that Mr. Mitchell had shown, there is a drainage swale in the conceptual plan along the Hait's property and Cory's property along the border and then coming down to Prairie Grove Road so a lot of that water will be diverted. We will require easements to protect it so the municipality can go on to the property if there is bulrushes or anything for maintenance purposes. I had discussions with Mr. Mitchell about any of the excessive material from that drainage swale to be possibly put on to the westerly limits of the property to act as a berm for protection for flooding to protect the town or the little community there. We haven't seen a full drainage plan. **Councillor Fuhl -** So based on my comment, with what I've heard is, we want to ensure that the whole area is, in that area of Prairie Grove, is not, it's prone to flooding but we control the flooding and how to get rid of the water. We don't want to make it worse, we want to make it better and I hear that from all the neighbours in that area. I just don't hear it from the two that are here...tonight. I hear it from that whole area that that area has a drainage issue that needs fixing and we have been working on trying to get it fixed. So we do not want to add to the problems. I'm happy to hear that we can do easements and put everything in place. We want to make sure that that water does not affect other families. So I just want to ensure that. **Councillor Wilson -** If I thought that the only issue involved as far as water goes on this property was runoff and dealing with ...(garbled)...I would propose to Council that we say, sure then let's identify a certain criteria and actually it was the proponent that said they were looking at lot levels to protect the homes from a 200 year flood. Then I would say, Great, one of the conditions of the subdivision should be that the developer is responsible for dealing with water off the proposed subdivision to a 200 year flood level, not just to the edge of the property line but right through the whole drainage system to the river. Actually Council has put this stipulation on past subdivisions within the last 5 years. However I am not confident that this is anywhere close to the issue that this subdivision is facing. The application is affected by a well designated flood plain area. That means that, it doesn't matter what kind of soils or drainage system you have, if you have a designated 100 year flood in this area, it's going to be wet. That is the level of the water in the Red River Valley at this area. You are going to end up with houses on islands and we already have that. **I will remind Council that Hnat's Landing went through all the regulatory steps for water and it still is wet and there is still significant concerns from the people who live there. A few years ago the excess water from a yard in this development was pumped across PTH #12 a good deal of the summer to the west side of the highway at taxpayer expense.** This (Gaudette's subdivision) is in a designated flood plain area, an even higher level than Hnat's Landing. **Isn't the designation of a flood plain and levels to build ....what's the general level we need to build today so we can get more people to move into an area?** He went on to say the level is going up due to climate change. There is a real danger and liability here, getting insurance, giving hope to young people and then they are subject to all the attendant problems. **NOTE: I will here summarize what I surmise Councillor Wilson, anecdotally, is saying. COUNCIL SHOULD NOT BE APPROVING SUBDIVISIONS IN AREAS THAT ARE KNOWN TO BE PRONE TO FLOODING REGARDLESS OF WHAT MITIGATION THEY MIGHT PUT IN PLACE TO MINIMIZE THE PROBLEMS INHERENT WITH PROPERTIES WITH POOR DRAINAGE. Insofar as Councillor Fuhl's commentary, my question to him is: WHY SHOULD TAXPAYERS AT LARGE HAVE TO PAY TO MAINTAIN DRAINAGE SYSTEMS NECESSITATED BY RESIDENTIAL AND OTHER TYPES OF DEVELOPMENT, AND THAT INCLUDES THOSE ARTIFICIAL LAKES THAT TAKE THE PLACE OF STORM DRAINS,**

IN KNOWN LOW LYING AND POORLY DRAINED AREAS? If people do their due diligence and recognize the property they are purchasing has drainage issues, and they choose to live there, let them assume the cost of any maintenance of structures that enable their residence. This Council, and indeed others before them, have chosen to service private properties such as condos and assume responsibility for artificial "lakes" constructed by developers to enable entrepreneurs to capitalize on residential development at great profit to themselves and great cost to taxpayers. Buyers pay more for properties on the "lake", but then are reluctant to assume the cost of maintenance of those lakes. Why should the taxes I pay east of Anola be used to maintain a structure on what was once the property of a developer to enable them to make a profit? I have nothing against maintenance of public structures but I do resent the fact that Council's of the past have assumed responsibility for these artificial waterways that are of no benefit to me. Storm drains, I would surmise judging from the age of some of those in the City of Winnipeg, require far less maintenance. Public roads are a benefit to all but that is the argument governments tend to use, you get your road graded and cleared. The road is there to enable you to reside there. News flash....the road I live on was well established long before I ever bought my property and no one maintains my swamp but me. But then, I did not try to change the nature of my property, I did my due diligence and did what was necessary to allow a dry residence and road on a small portion of it without affecting the status quo in any way. At this juncture, Councillor Ralke once again took the opportunity to WASTE EVERYONE'S TIME by familiarizing herself with the issue rather than privately asking Mr. Doucet prior to the meeting after she read the material provided with the agenda and had questions. Mayor Fell - Called the vote. CARRIED 5-1

#### OTHER PLANNING MATTERS

**Development Plan Amendment By-Law 19-08 (Kiernicki) - Minister Decision -** *Be it resolved that Council of the RM of Springfield accept the Minister's decision regarding Development Plan By-law #19-08 and not proceed with First Reading of the by-law.* CARRIED 6-0

**Development Plan Amendment By-Law 19-16 (Pine Ridge Hollow) - Minister Decision - (3rd Reading)** *Be it resolved that Third Reading be given to By-law 19-16 being a by-law of the RM of Springfield to re-designate all of the lands described under CT1593063/1 from Rural and Agricultural area to Employment.* CARRIED 6-0

**Development Plan Amendment By-law 19-17 (Pine Ridge Hollow) - Minister Decision - (3rd Reading)** *Be it resolved that Third Reading be given to By-law 19-17 being a by-law of the RM of Springfield to re-designate all of the lands described under CT420438 from Rural and Agricultural area to Employment.* CARRIED 6-0

**NOTE:** This land (DPA 19-16 and DPA 19-17) was committed to a firm sale price before any of the required approvals were obtained i.e. Development Plan amendment, rezoning, formal appraisal, and offered up for public sale as per the Procurement Guidelines of the Municipal Act. The sale of land, as an asset, MUST follow prescribed procedures and if I recall correctly, that commitment was made to a resident during a Council Meeting before the actual sale was formalized by resolution.

Council then went IN CAMERA, returned from In Camera and Adjourned.

This meeting, as seems to be the case with all Council meetings now due to the lack of discussion on the part of most Council members, would have been even shorter if it were not for the rhetorical and unnecessary questions and commentary provided by the Deputy Mayor, Val Ralke which contribute nothing to the issues under consideration. One would like to see Councillors review the material and question in advance certain aspects of the topics to provide further clarity or encourage meaningful discussion. The Council table is not a school for the education of councillors. Councillors should come to the table knowledgeable about the topics and prepared to vote on them in accordance with municipal acts and guidelines.