

RM OF SPRINGFIELD PLANNING MEETING July 25, 2019

WITHOUT PREJUDICE (E&OE)

NOTE: These notes will be long as 23 planning matters were on the agenda, some quite controversial, as opposed to 8 at the June 20th. meeting. My notes will deal with the controversial issues only. On Tuesday, July 30, 2019, more than 48 hours after the meeting, at 1:25 p.m. I inquired of the CAO why the audio file of the meeting was not posted on the website. Her response, also sent at 1:25 p.m. was, "Yes, this was an oversight on our part when our IT staff went on holidays and did not leave instructions on how to load the recording on the website. Unfortunately it will not be loaded until next week and we will make sure someone else is able to do that job when he is away next time. As CAO, Ms. Draper is the only one responsible so it was, if at all, an oversight on "her" part. I do find it a bit hard to believe as, before we had "IT staff", things were regularly posted on the website and recording devices are very user friendly these days. The delay in providing you with the information rests with the CAO. Three members of the Belluk family were present for the entire 5 1/2 hours of the meeting, 6 p.m. until 11:30 p.m., as theirs was the last item, a subdivision, on the agenda, and conducted within 2 to 3 minutes at the outside. One wonders that such a matter would not precede those of a more controversial nature.

4.1 BY-LAWS

4.1.1. By-law 19-13 - Development Plan Amendment - WSP obo Claude Roeland (Reimer Soil) (21-10-4E) - First reading was given to this on June 20, 2019. It is to re-designate land from Agricultural Preserve Area to Employment in order to consolidate approximately 28.8 acres to the current landscape supply business and subdivide the residual 73.4 acres to accommodate future light industrial development. Appearing was the purchaser of the land, Gestur Kristjansson of Reimer Soils represented by David Jopling of WSP. **NOTE: It should be mentioned that Mr. Jopling was the contractor that worked on the RM of Springfield Development Plan and is familiar with all the issues that were discussed and dealt with before Provincial approval for it was obtained in February 2019. He seemed to be of the opinion at that time that a good balance of agricultural, commercial/industrial (employment), rural residential and aggregate reserves had been achieved. Now he is representing someone applying to re-designate 83 acres of prime agricultural land to employment. This seems to be a Conflict of Interest as he has the benefit of recent insider information. Further WSP, the company with whom he identifies himself, has just recently been awarded the contract for the Zoning By-law and Secondary Plans of the RM of Springfield for \$198,122.00. (Resolution 19-306).** Manitoba Agriculture commented "...the re-designation of 83 acres of actively farmed prime agricultural land is premature at this time. Any proposed multi-lot light industrial development should be directed to existing Employment Areas prior to expanding here." Manitoba Government Community and Regional Planning Branch stated "Until it can be demonstrated that the supply of Employment land available for development is sufficiently low to warrant the fragmentation of land currently protected under an Agricultural Preserve Area designation, industrial development is best directed to existing Employment area. ...Community and Regional Planning recommend refusal of proposed By-law 19-13."

Points of **Concern** and **Opposition** that were brought out during the ensuing narrative:

- Access out of subdivision onto Niakawa Road.
- Height of piles (five stories) and possible presence of towers.
- Increased vehicular presence in the neighbourhood, especially large truck traffic on a road not constructed for such use.
- Hours and days of operation, sometimes more than 12 hours per day including preparation .
- Noise, dirt, wind drift, vehicular traffic on site and noise as a result and impact on air quality of area.
- Removal of good agricultural land from production of food.
- Ambiance of the area will be lost and character of locale changed.
- Well established residences, some 90 years and almost 5 generations, will be negatively affected.
- Horses in area could be upset by noise and dust.
- Province approved Springfield Development Plan in January 2019 and balance of different types of land uses agreed to by all. Same contractor that did the RM Development Plan now representing applicant and advocating for re-designation of 83 acres of agricultural land.
- Devaluation of rural residential property according to one assessor by a minimum of \$100,000. or 20%.

- 1200 acres of Employment Land still available in municipality therefore no need for this 83 acres to be re-designated.
- Not the right kind of business for area.
- Berm and tree plantings will not block noise, however high.
- Disrespectful to Green Acres as a funeral business, especially egregious to those families visiting the resting places of their deceased loved ones where quiet is the desired ambiance of the vicinity.
- Lack of notification to residents that are not within the meter stipulation for notification but could be affected.
- Ambiguous nature of material presented by Planning.
- Uncertainty of the Province's plans respecting improvements to #1 Highway (Fermor) and possible changes to accesses as a result.

Dan Doucet - There are over 4,450 acres of employment, half of that is under designation or control of the province such as Manitoba Hydro Riel Station and City of Winnipeg, the aqueduct, the City of Winnipeg Water Plant, 1/4 of that land already is designated, 1/4 of that land has businesses on it, which leaves the RM with possibly 1/4 of the land open for development opportunities. He would recommend Council proceed to Second Reading subject to presentations at this meeting. **David Jopling, WSP** - My name is David Jopling of WSP and I am here speaking on behalf of the applicant for this Development Plan amendment. I am representing Reimer Soils and with me is Gestur Kristjansson, President of Reimer Soils, and he has a couple of points he'd like to share. Having said this, Mr. Jopling moved to an easel and proceeded to point out on subsequent maps the location of the 83 acres requiring the Development Plan amendment from Agricultural Preserve to Employment and the "site context" of the parcel Reimer Soils is contemplating purchasing which is approximately 103 acres, the front part near Fermor which is already designated Employment land, approximately 19 acres. Not asking for re-zoning at this time but provided conceptual sub-division plan for 11 lots of varying sizes with Reimer Soils locating the farthest from residential development and interior roadway design. **Gestur Kristjansson** - Gave a brief history of the business and its two current locations, the material storage site on Warman Road and their office located elsewhere and he has been trying to consolidate the two locations for a more effective operation. **FOR INFORMATION: Ritsia Kostiak** - I should say that I found it very difficult to understand the first gentleman's, Mr. Jopling, presentation but there seemed to be a couple of issues arising. It sounded as if we are speaking about a different area as well. *(It was explained that the 103 acres is all one title but only 83 acres of it require re-designation from Agricultural Preserve to Employment. Because it was difficult to understand, she felt a copy of Mr. Jopling's presentation should be made available and Mayor Fell said by Monday or Tuesday, the audio file of the meeting will be on the website.)* The other question I have that actually relates to the issue of the employment area land, I found it a degree confusing. Did I hear you say there was 4,000 plus acres? **Dan Doucet** - When we did the calculations when we did the overall Development Plan there was 4,000 acres within all of Springfield designated Employment. **Ritsia Kostiak** - Ok, so now in your recommendations you speak about there being 1,000 and that only 1/4 remain which is 250 acres. **Mayor Fell** - When we designated all that Employment Lands, there was actually a portion of that which is the Province's land. **Ritsia Kostiak** - So what is the municipality's land, is it 1,000? **Dan Doucet** - Within the Provincial report which may have been a little confusing, they had said there was 1,000 acres approximately to 1,500 remaining. **Ritsia Kostiak** - But that's what I am asking, because a 1,000 to 1,500 that's vastly different if you're saying there's only 1/4 left of a 1000 then that's 250, if there's 1,500 then there's 750, and I would think you don't need to change that much. **Dan Doucet** - There is 1,200 acres approximately. There is 4,500 acres all designated, there is just under 2,000 under government ownership, 1,980 acres, there are 2,477 acres of privately owned land so half of the privately owned land, 1200 acres is currently occupied by existing businesses, so there is 1,200 acres out there available for development. **Ritsia Kostiak** - 1200. So, again 1200 and in your report you indicate 1/4 remaining of the 1000. I have mine in quotations. **Dan Doucet** - There is one, what I think the intent was is that there is 1/4 left which is 1,000 acres. **Ritsia Kostiak** - Well, ok, there you go because, it sounded like 1/4 of the thousand acres. So we do have 1,000. *(Dan says 1,200)* Ok, terrific, thank you. **NOTE: While the Mayor said the audio file would be available next week, that would not show the actual visual presentation and further, it was not posted until 6 working days later rather than the promised 48 hours due to the IT person being on holidays. Dan Doucet, in his report, created the impression that there was a shortage of employment lands thereby appearing to support Reimer's application contrary to the stated positions against this application by Manitoba Agriculture and Community and Regional Planning due to the amount of Employment lands still available.** **Bob Stewart** - My name is Bob Stewart and I am Community Liaison person for Lindquist Airport and just a question, will there be any towers or anything that could have any impact on the airport? **Gestur Kristjansson** - No. If you go to our yard on Warman Road, it is piles of soil you know that just have sort of a natural height restriction. You know, there will be no building more than 40 or 50 feet and that's going to be my intent on the land that I have and if there's development in

future on the other lands that is something that would be discussed at that time. There will be no towers. **Janet Nylen** - My name is Janet Nylen, Oakbank. She wanted clarification of the size of the proposed development as the application did not seem to agree with the boards Mr. Jopling presented. **David Jopling** - The orientation is difficult to understand, partly because this (pointing to map) currently is designated Employment, this (pointing) is designated Agriculture so the application is to change the designation of basically this parcel to Employment Lands to accommodate the entire design. Part of that is, rather than putting the application up front and having piles of soil up front, what we're doing is adding the commercial frontage to Fermor Avenue which is a little more of a traffic frontage rather than the landscape business, other more commercial oriented businesses would be in this area and then the soil stockpiles and that sort of operation is going to be at the back. **Janet Nylen** - So and then you make reference to talking to adjacent landowners.. **David Jopling** - Yes, Mr. Jester did talk to these landowners. **Janet Nylen** - In terms of them becoming part of that development? **David Jopling** - No. Just letting them know what is occurring. **Janet Nylen** - I thought I heard you say there was an inquiry with somebody for some adjacent land that you were interested in ... **David Jopling** - Very conceptual. Explained this was just for the re-designation of land from agricultural to employment. They would have to come again for re-zoning and subdivision. They did contact adjacent landowners because they want some interconnectivity and the design tries to cater to that. **Nestor Budik, Hargrave Street** - The applicants make reference to some berms that might be set up on the property. Where would these be situated? How high are the stockpiles going to be? **Gestur Kristjansson** - Probably no higher than 65 feet. **Mr. Budik** - And the equipment? You said there was a screener, a stacker... **Gestur Kristjansson** - The process is a mixture of top soil, sand, peat moss...that would be bucket mixed and added into a device that screens it, shreds it....there are hammers going into a centrifugal chamber, goes up a conveyor belt into a trommel which is a perforated cylinder. **Mr. Budik** - So the equipment would have to be that high. 65 feet is the height of a 5 storey building, right? **Gestur Kristjansson** - No, not that high. **NOTE: According to Wikipedia, it is at least that high.** **John?, Niakawa** - We are directly adjacent to the subject property and my question is the layout of the interior roads, would the proposal be that there be access to Niakawa Road? **David Jopling** - Not at that stage yet. Just a conceptual design with eye to connectivity. Accessing Niakawa would just be for consideration, not necessary. **John?** - Doesn't have to or not? For consideration? Would opinions of adjacent landowners be considered. **Mayor Fell** - Assured him they would be. **John?** - Again negotiable. While he was a long standing customer of Reimer Soils, and was in favour of their business expanding, he felt this was not the right location. **Tatia Rubin** - I heard you indicate that there's options for trying to capture or minimize the debris and dust particulate etc. I am curious about what those are, how effective they are and also if there is any sort of scientific research about how far one such industrial site as Reimer Soils should in fact be from residential households. **David Jopling** - Doesn't have that information but designed it so the Reimer Soils location is away from the residential development against the Hydro line on the far side of the property. Stockpiles are being kept towards the centre of the site to minimize the effect of prevailing winds. During the Development Agreement process, mitigation and appropriate measures can be discussed. **Tatia Rubin** - I guess I am asking what they would be based on because I don't want it to be what's convenient for you or what's efficient in terms of the RM, I want what is safe for my children and I don't know that you know what that is and I'm asking if you do. And is the answer No? **David Jopling** - I don't have any scientific information. **Tatia Rubin** - So it's NO. **Jonathon, Symington Road** - I am just wondering what is the expected traffic volume on a day to day basis. **David Jopling** - Did not have an answer other than to say that as they progressed into the subdivision etc. Council has the opportunity to ask the applicant to do a Traffic Impact Study. **Jonathon, Symington Road** - My follow up question would be what would be the expected hours of operation Monday to Friday. **Gestur Kristjansson** - Daylight hours. Our operating hours are 8 a.m. to 7 p.m. sometimes we start a little bit earlier potentially. (At some point it was stated they could start screening as early as 5 a.m.) **Jonathon Sontag, Warsaw** - So you are talking about the machine that throws the soil off the piles. The stacker. The stacker is 65 ft. long, I believe, on the diagonal. Is that accurate? **Gestur Kristjansson** - Yes. He talks about a ramp being formed as the material is throw over the top but the end result is the pile would be 65 ft. high or higher. **Braden Yola, Murdock** - I would just like some clarification on your hours of operation. Is that 7 a.m. to 7 p.m. including weekends? **Gestur Kristjansson** - No, Saturday is 7 to 3. **Braden Yola, Murdock** - Do you guys have any information on decibel volumes, how far you can actually hear? **Gestur Kristjansson** - They're not that noisy although there are some moving parts. **Braden Yola** - I know semis when you slam the gates.... As there were no further requests for information, the Mayor asked if there was anyone in favour of the application and no one came forward, and then asked if there was anyone **IN OPPOSITION** to the application and I believe 10 people came forward plus Mr. Doucet mentioned a letter IN OPPOSITION he had received (although he did not read it into the record) so Retsia Kostiuk who had hand delivered the letter mentioned some additional points in the letter that had not been covered included in the itemized list above. **NOTE: Letters received in connection with an application under consideration should be read aloud in their entirety in order to be part of the hearing process. and**

recorded. Mayor Fell - So my first question is, do you require 25 acres for your actual operation or 20? Gestur Kristjansson - 28 is our best estimate of what our need is. Mayor Fell - So my follow up question to that is, this is a conceptual plan, so if Council were to consider 28 acres, is that something you are willing to entertain? Gestur Kristjansson - That is something I would have to consider. He thought the 600 ft. buffers on both sides were optimal for the application. Besides that he is contemplating purchasing 100 acres on one title. Mayor Fell - That brings me to my next question. So what if Council asks you to amend your application to keep it along PTH 1? Gestur Kristjansson - I would need to talk to the vendor to answer that. David Jopling - Reminded everyone that this is an application to re-designate 83 acres of land currently zoned Agricultural to Employment. He said they did look at Employment lands in other area within the vicinity. There is other land available but Reimer Soils market is more to the south than the north. The Development Agreement could address the concerns identified Dan Doucet - Said to scale it back would require another application and the process would have to start over, notices, public hearing etc. Mayor Fell - Said she would like to explore all the options before saying yes or no and denying. She asked those in opposition if they would be willing to entertain his only taking 14 acres of the land zoned Agriculture rather than the entire 83 but one of the opponents pointed out that if you "open the door" you will have problems in the future and asked if any of those in opposition would ever under any circumstances have Reimer soils next to them and everyone said NO. Mayor Fell pointed out to Kristjansson that it costs less to withdraw than to re-apply or they can simply call the vote. He said he did not feel the reduced acreage necessarily got him what he wanted and did point out that the City of Winnipeg allows his type of business on Agricultural land while Springfield does not. Gestur Kristjansson - He said it would be highly unlikely that he would re-apply based on a 30 acre option and wanted the vote. However Mayor Fell mentioned it was less to withdraw than reapply. Doucet and the Mayor suggested recessing to have a discussion as to how to proceed. He said he needed to talk with his partner and agreed to the recess. The Mayor called a 5 minute recess. **NOTE: I feel the Mayor is micromanaging the process. Given the opposition and the fact that despite a reduced requirement in the number of acres, the neighbours do not wish to entertain having Reimer Soils next to their properties, the vote should have been called and that should have been the end of it. It calls into question her motivation because at one point it seemed certain Council would have voted against the application in light of the heavy opposition. I am not sure if it is relevant but I believe the seller of the 83 acres has a business relationship with the RM of Springfield and that at least two members of Council meet in this context with the owner on a regular basis. How objective can Council be?** The Mayor called the meeting back to order. Gestur Kristjansson - I think we would just like to defer this understanding we have heard the concerns and I have to talk this over. He thanked everyone for their time. DEFERRED **NOTE: My hope is that in light of all the opposition, Reimer Soils will decide not to purchase this land for their proposed site. Mr. Kristjansson appeared to be leaning in that direction before Mayor Fell started suggesting alternatives.**

4.2 APPLICATIONS FOR VARIANCE

4.2.4 Var. 19-37 Mr. Barry and Ms. Debbie Smith, 35 Myrtle Street, Hazelridge - To permit a total maximum floor area of 1,538.8 sq. ft. to allow for an addition of 572. sq. ft. to the existing 966.8 sq. ft. accessory building (garage) instead of the maximum 1,000 sq. ft. of the Hamlet Area Zoning District, allowing additional space for personal use and storage of garden & yard equipment. **NOTE: What is omitted from Dan Doucet's report is the details of Mr. Smith's previous applications: February 28, 2017 for C.U. 17-04 to allow a woodworking business and Variance 17-08 for the construction of a 1,976 sq. ft. woodworking shop. Council requested that the decision on C.U. 17-04 be tabled until a survey of the neighbourhood could be completed by the applicant. As the public hearing was closed, a new application would need to be submitted in order to hear further evidence. As regards Variance 17-08, it was deferred pending decision of Conditional Use application.; on March 28, 2017 C.U. 17-07 "To permit a "Home Industry" (Woodworking business and related signage) on the land as per Sec. 79.3.22 within the Hamlet Zoning District" was met with heavy opposition from residents and the Sunrise School Division and DEFEATED 0-6; Council then considered C.U. 17-04 that had been tabled on February 28, 2017 and read a resolution denying it which was carried 6-0.; Council then considered Variance 17-08 "To permit an accessory building having an area of 1,976 sq. ft. instead of the maximum accessory building area of 1,000 sq. ft. for the construction of a wood-working shop/storage shed as amended to a maximum size of 1200 sq. ft. for vehicle and personal storage only." A vote was taken and it was DEFEATED 2-4. If memory serves me, one that voted to allow it is now our Mayor. That to me does not speak to the TRANSPARENCY AND INTEGRITY espoused in the Strategic Plan. Rather than speak on his own behalf, a fellow came up and sat at the table with Mr. Smith. My name is John Sontag. He gave his address on Warsaw. He said he spent 30 years of his life living on Bluegrass Road. Barry Smith is pretty much his uncle-in-law and says Mr. Smith has trouble speaking before an audience. He handed a package to Council which included the most recent Google Map image of the property and its neighbours and used as a precedent a neighbour two doors away, Jerry Senkow, that had previously been granted a variance for a 1300 sq. ft. building "pretty much" like what Barry was going to be doing, 1 1/2 stories tall. **NOTE: Ever heard the****

expression, two wrongs don't make a right! As I understand it, at the time it was applied for, no variance was required. He also had given Council a rough sketch of the addition and site. He handed them an improperly formatted petition with 11 names in support that were unable to attend. **IN OPPOSITION Ron Bylo, Hazelridge** - I am here in Opposition to the proposal but first I have a couple of questions for Mr. Doucet. What's the usual procedure for someone requesting a variance or conditional use permit? **Dan Doucet** - An application is filed at our office and supporting materials received. And then we go through a process. **Ron Bylo, Hazelridge** - Drawings, etc. **Dan Doucet** - Yes, we ask for site plans, letters of intent, status of the title, ... **Ron Bylo, Hazelridge** - Was that done in this case? **Dan Doucet** - It's all electronic. Application form, Council has all of this, letter of intent, site plan, location of the proposed building, zoomed in view and aerial view.... **Ron Bylo, Hazelridge** - What was the stuff..when was the application actually physically done? **Dan Doucet** - The application was signed June the 18th. **Ron Bylo, Hazelridge** - Was that before or after Mr. Hlady inspected the site? **Dan Doucet** - Mr. Hlady, our inspector, has been monitoring the site. A gravel pad and a concrete pad was placed. It will require a building permit before the structure goes up. I spoke to Mr. Smith and said before he goes any further he will require.... **Ron Bylo, Hazelridge** - If an individual does not make the Planning Department aware of their plans, how would the Planning Department know if someone added on to a building or built a new one? **Dan Doucet** - Complaints that come in or our inspectors are out driving around checking while they're going to other inspections. **Ron Bylo, Hazelridge** - Does the Planning Department conduct inspections of approved variances and conditional use permits i.e. after the building has been put up? How would you know if the variances used conform to what the variance states? **Dan Doucet** - Most the time it is complaint driven so if he decides to run a business out of that place, we're not going to be going into people's houses. Sometimes if we are driving by and see activities that are suspicious we'll stop but unless it's reported. **Ron Bylo, Hazelridge** - So if an individual uses an accessory building to run even a part-time business out of that accessory building especially in the hamlet of Hazelridge because according to hamlet by-law for Home Based Industry, Sec. 44 SS.9 says "a Home Occupation or accessory building shall not exceed a maximum floor area of 400 sq. ft. **Dan Doucet** - There's two different definitions, there's a Home Based business like the one you described, that's more like an accountant or somebody drafting inside their house, that's why there's a small office space, the Home Industry I think is the one you're looking at and that allows a larger space. **Ron Bylo, Hazelridge** - How big? **Dan Doucet** - Let me go to the Zoning By-law. I think it's 2,000 sq. ft. **Ron Bylo, Hazelridge** - While Dan's looking that up I am going to provide some brief history for the new Council. On the 20th of March 2017 Council denied this applicant when he requested a variance and a conditional use for a 1,976 sq. ft. commercial woodworking cabinet shop which was to be located at 35 Myrtle Street in Hazelridge. This shop would have been located directly across the street from the Hazelridge School. Neighbours, school staff, and parents signed a petition opposing these applications as Sec. 43, SS 5, 8 and 9 of the Hamlet by-law Home Based Industries. The major concerns about this commercial business included noise from equipment, fire hazard from the storage of paint and solvents, fumes from the chemicals, sawdust, increased traffic as well as the negative impact on property values in the area. The Hamlet of Hazelridge is a small and neat community comprised primarily of individual residential properties and this commercial type of facility definitely belongs in an industrial area. The applicant was allowed to build an accessory building for storage purposes only. A 996.8 sq. ft. storage garage was built and was finished with siding on 3 sides. The rear was left un-sided obviously with the intent to make a variance application for an addition to the new Council which is why we are here today. The applicant has neglected to mention a double attached car garage and a 1,000 sq. foot garage he built 2 years ago. He has managed very well to store his garden equipment in the existing structures for 2 years and now suddenly he needs more garden equipment and a 500 sq. ft. addition? This addition will be bigger than his actual garden so why does he need such a huge addition when a simple garden shed would suffice? The applicant already has a 1,000 sq. ft. accessory building and if this variance is approved, it will give him an additional 500 sq. ft. for a total of 1,500 sq. ft. which is just shy of his original request for a 1,996 sq. ft. for his Commercial Woodworking Shop. A total of 1,500 sq. ft. plus the double attached garage just to store some garden and yard equipment. Seriously? I would ask that you bear in mind that the applicant was essentially forced into applying for this variance when the building inspector put a halt to him proceeding further with the construction as he had already laid a gravel and cement pad for the addition without applying for a permit. I trust Council like everyone else here sees something is definitely wrong with this picture. We trust that, as with the signatures on the petition which I have none of which are family or personal friends, just neighbours who are very concerned about the community. We are strongly opposed to this variance 19-37 application. We firmly believe this request is nothing more than a ploy to allow the applicant to employ the additional space for the commercial woodworking shop he initially wanted to construct but was denied by the previous Council. We trust this Council sees this variance request as nothing more than a tactic to bypass Sec. 44 SS8 and 9 of the Hamlet Bylaw for Home Based Industries. This accessory building is already way past the 400 sq. ft. allowed under the by-law. We would respectfully request this Council deny the variance request for an additional 500 sq. ft. That's the petition signed by the neighbours. I have one further question. **Ms. Fell, did you meet or speak with the applicant or his son about this variance application?** **Mayor Fell** - No, I was at a neighbour's house talking about drainage. Um I might have dropped by Barry's house and asked him to show me his back yard and he said he wanted to apply to add on to his garage and I said you are welcome if you'd like to do that and I also told him when you are applying for something outside the scope of what is in our Development Agreement, to always go around and talk to your neighbours. **NOTE: It is to be highlighted that Madame Mayor starts out by denying she spoke to the applicants and then reverses and suggests she MIGHT have. I personally find this rather duplicitous. Surely one can remember if they did or did not "speak with the applicant or his son about this variance". It was**

a simple question. Then to further state she asked him to show her his back yard is a bit unusual to say the least and calls into question her INTEGRITY. **Dan Doucet** - A Home Industry must not exceed 2,500 sq. ft. It is a Conditional Use. **Heather Erickson** - I'm opposed on the grounds that due process and proper procedures are not being followed in my opinion. This amounts to kind of a subterfuge. Councillor Ralke then asked him outright if his intention was to run a business out of the building and he said NO. Mayor Fell then asked Mr. Smith if he would be opposed to random inspections and he said NO. Mayor Fell then closed the Public Hearing. **Councillor Wilson** - Inquired as to the Petition presented by Mr. Bylo and he confirmed this was not the one taken 2 years ago but a new one. **Councillor Williams** was satisfied they had followed "due process". **NOTE: I would be inclined to disagree with Councillor Williams. In light of the previous opposition to the original building and its size, I would think due process would have included making all the previous stakeholders aware of the impending Variance in order that they could express their continued opposition. The fact that the complete history of this was not included in the agenda materials speaks volumes to the lack of TRANSPARENCY that prevails. Mr. Williams who used to take an interest in Council meetings for many years would have been well aware of the previous objections even though he was not a member of Council.** **Mayor Fell** took it upon herself to introduce the possibility of unannounced inspections by the Planning Department and asked the applicant if he would be willing to let that occur if he were granted approval of the application. She then asked the remainder of Council if they would approve of that. Of course, the applicant jumped at the chance but in the final analysis, Madame Mayor then stated they would do one annually for two years. She reiterated by ensuring the proponent knew that inspections would be conducted annually. **NOTE: I personally do not feel that leading the applicant and Council towards a certain conclusion is the mandate of the Mayor. Council are to passively listen to the information provided and make their decisions based on the facts that are given. To me, this seems like the conclusion was foregone before the hearing ever took place. I think this decision should be rescinded and a proper notification given to the hamlet of Hazelridge residents to appear before a second public hearing next month. That is my opinion.** Whereas a public hearing has been conducted under the Planning Act to consider an application filed by the owners for a variation of the Springfield Zoning By-law 08-01 as amended; and whereas Council is satisfied that the requirements of Part 6 "Variances" has been met; Be it resolved that Variation Order No. 19-37 be granted subject to the following conditions: 1. The use of the accessory building shall be limited to the keeping of personal goods, supplies and vehicles unless an application is made to utilize the accessory building to accommodate for a home based business. 2. That the owner shall obtain the required municipal permits. **NOTE: Whatever happened to those Guiding Principles of the RM of Springfield Strategic Plan that cost taxpayers quite a lot of money to produce: TRANSPARENCY, FAIRNESS AND INTEGRITY, LEAD BY EXAMPLE, TEAMWORK (work collaboratively and cooperatively; listen to the views of others). Three of the Council including the Mayor participated in that exercise but two don't appear to espouse those principles. I do think Councillor Wilson could have mounted a stronger defense as Hazelridge is in his ward and I would think the wants of the many would outweigh the wants of one. He should have convinced those on Council perhaps unfamiliar with the principles of their own Strategic Plan that a group of neighbours signing the current petition and representatives of the School Board from the last occasion (since nothing has changed except that there is now no mention of a woodworking shop) that more weight should have been given to the residents than to the applicant. The overriding of the Hamlet restriction of 1,000 sq. ft. maximum size for a building to accommodate the storage of personal goods and vehicles now sets quite a precedent for others to apply for a similar allowance. One would question how a proliferation of such accessory buildings might lead to the change in the nature of the hamlet and provide a variety of opportunities for use of the space.** **CARRIED 5-1 Councillor Wilson opposed.**

CONDITIONAL USE

C.U. 19-18 Tervita Corp. obo Xpotential Products Inc. 999 Redonda Street - The proposal is To permit a "Hazardous Waste Collection and Processing Facility" use on the land, as per Section 7.04 within the MG Industrial General Zoning District. **Ms. Andrea Snodgrass on behalf of Tervita** has indicated in their Letter of Intent the facility would receive, store, transfer dangerous goods included in the Transportation of Dangerous Goods classes: 2 (Gases), 3 (Flammable Liquids), 4 (Flammable Solids), 5 (Oxidizing Substances, including Organic Peroxides), 6 (Toxic and Infectious Substances), 8 (Corrosive Substances) and 9 (Miscellaneous Products, Substances or Organisms) as well as hazardous wastes and non-hazardous wastes to final treatment and/or recycling/disposal facilities. They may process hazardous and non-hazardous hydrovac slurries/sludge for the purpose of dewatering and stabilization and additional processing operations may occur including containers, tank and tank truck cleaning, treatment to facility generated waste, filtration of fluids, treatment of waste water, and fluid storage. **Dan Doucet** said Council should be mindful that it is not just the site to be considered but also transportation to and from the site and any potential traffic accidents and that they have received a Letter of Opposition from Genstar Development Company who own property in the City of Winnipeg on the south side of Gunn Road and due east of Redonda where they intend to put a 700 to 1000 residential development and apparently at the public hearing for the development, the RM of Springfield attended and stated they did not think it was a good idea to locate a residential development so close to an Industrial Park. He then read out 8 conditions if Council were to approve the application. There is an existing structure there with a high capacity pump and

there is an existing business to the north with shipping containers stored on the property. **Neil MacDonald, Tervita** - Gave a brief history about the operation in Alberta. In 2012 a number of like companies mainly in Alberta came together and rebranded as Tervita. They have been operating in Winnipeg since then at 1199 St. James Street but their lease is about to expire and it is only 2 acres with a large office complex and they require more outdoor space and less office space. He suggested Manitoba Conservation regularly inspects the site. **Andrea Snodgrass** - Added they may not be receiving all these classes of waste and probably in much smaller containers. The Mayor then called for those in the gallery FOR INFORMATION, IN FAVOUR, AND OPPOSED with the following results.

Points of **Concern** and **Opposition** that were brought out during the ensuing narrative by several in the gallery:

- Gerald Matheson, a prominent businessman in the Industrial Park, handed each Councillor a binder containing information on Tervita's track record in other provinces, in spite of having had only a few hours notice that this Conditional Use was on the agenda.
- In "dewatering and stabilization of hazardous and non hazardous hydrovac slurries or sludge", where does water go. Snodgrass admitted the potential for leakage into the ground. Tervita has history of spillage.
- Toxic smells due to hazardous materials such as thinners, paints and solvents being handled and stored; dangerous toxins in the air; asbestos, lab chemicals, pesticides, herbicides.
- Dealing with compressed gasses, fuels, and spontaneous combustible solids creates a major fire hazard that the RM simply cannot handle. There is a history of fire incidents that have overwhelmed this site.
- Does Tervita have pumps and bulk water supply necessary to provide their own fire protection to a degree or would that be the responsibility of our municipality? The answer was they had internal procedures in place but "can't dive too far into that" which was not really an answer to the question.
- GenStar Development is about to put a new housing development 700 ft. approximately to the south of this facility.
- Lack of clarity in the Zoning By-law 08-01 as amended wherein it states notwithstanding the regulations pertaining to the MG: Industrial General Zoning District, the following uses are prohibited on those sites shown on the Zoning District Map and those two things are recycling depot and storage compound. Mr. Doucet's explanation to Janet Nylen was that that clause does not pertain to this area but to a development on Transport Road and Boys Road which was a Development Agreement of Council back in the 90s which was never registered against any of those titles so these prohibited uses "had no teeth back then". He further said it was not applicable to the entire Industrial Park. He said with the Zoning Maps the MG-1 is a different one than the MG. This is not written in the Zoning By-law.
- Traffic (approximately 12 loads a day) and potential incidents during transport.
- Section 106(1)(b) of the Manitoba Planning Act states an application may be approved if the conditional use (i) will be compatible with the general nature of the surrounding area, (ii) it will not be detrimental to the health and general welfare of people living or working in the surrounding area, or negatively affect the properties or potential development in the surrounding area and (iii) is generally consistent with the applicable provisions of the Development Plan by-law and the Zoning by-law and any secondary plan by-law. Business owners and residents expressed that this use is not compatible and it could be detrimental to the health and general welfare of people and negatively affect the properties.
- Representatives of Tervita implied they have been operating in Manitoba for a number of years but what they did not at first admit is that they have not as yet been operating a Hazardous Waste Collection and Processing Facility in this province.

One individual spoke in favour of the application based on his 29 years of experience in an environmental consulting firm where he administers safety training.

Mayor Fell - Are there any questions of Council. **Councillor Bredin** - About how many trucks do you envision coming to this site and are they semis, tandems, are they single axle, ...**Neil MacDonald** - In a roundabout manner, he finally said about 12 loads a day. **Mayor Fell** then asked the nature of the area where they currently are and **Andrea Snodgrass** stated it was very central near a Superstore and then the second question was not really a question but she asked if the company would be willing to enter into a very stringent Development Agreement with the RM and the answer was yes. **NOTE: Again, Mayor Fell is trying to lead the discussion. What neither she or Ms. Snodgrass stated is that they do not have the type of facility they are**

requesting to have on Redonda at their present location or anywhere in Manitoba. Although they suggest they have been at their current location approximately 10 years and had no complaint, I would surmise they are not storing or processing hazardous goods at that site.

Dan Doucet - In response to the notwithstanding clause mentioned by **Jan Nysten**, it does not pertain to this area. The "a" to "m" conditions pertain to a development on Transport Road and Boys Road which was a Development Agreement of Council back in the 90s which was never registered against any of those titles so all these prohibited uses, I had no teeth back then for that specific subdivision. This does not entertain the whole entire Industrial park. It is strictly for Boys Road and Transport Road.

Jan Nysten - I don't see that written in the By-law for a normal person to know that.

Dan Doucet - With the Zoning Maps the MG-1 is a different one than the MG. **NOTE: If a difference exists in Maps in the Zoning By-law based on History, that history should be included in the by-law to inform readers, not just information exclusively known to the Development Officer. It should be public.**

Jeff Hudson, Fire Chief - I just want to express some concerns through my report. Beside the report to Council, I thought I would like to share some points with the gallery here. Everybody's aware of the history of this site and actually it has been 10 years now. I am just expressing my concerns. I am neither for or against. Although these types of facilities are highly regulated and they must adhere to specific rules and regulations pertaining to the storage and processing of dangerous goods, they do present specific risks and significant additional resources over and above the current capabilities of the Fire Department. If a large incident would occur, as it has in the past, this would result in additional charges and administration fees being charged toward that operator/owner of that facility, specifically cost recovery due to the fire hazard. We've got mutual aid agreements with neighbouring partners. As you are well aware, the City of Winnipeg does not enter into those agreements so these are all billable events when it comes to the City of Winnipeg. I would ask, I've made 4 different points I would be requesting if Council does entertain going down that route. We would require an initial fire licensing inspection as well as the high hazard inspection of the facility before occupancy be granted, third party certification of all existing detection and suppression systems within the main structure be performed to ensure they meet compliance, and any upgrades or additional water supply be in place if required. Those would be set by the Office of the Fire Commissioner. Also the estimated volumes in your report, I would request that you separate regulated and non regulated products so we have a better idea of the products involved. Also part of that F1 High Hazard Occupancy would require secure fencing of 100% of that entire facility and although these are mandated by the Office of the Fire Commissioner

be inspected on a 24 month interval, we would request that within the RM of Springfield we repeat that inspection on a 12 month basis. **Colleen Draper** - Whereas a public hearing has been conducted under the Planning Act to hear an application filed by the owner for a Conditional Use under Zoning By-law 08-01 as amended, and whereas Council is satisfied the requirements of Part 7 Conditional Use have been met, approval of Conditional Use No. 19-18 be granted subject to the following conditions.

Councillor Wilson - I do have several concerns about this proposal. I am concerned that we will not find out until after our approval the nature of the treatment processes and the processes implemented. To be the approving authority responsible for the safety of people and businesses in the Industrial area and to have to accept this on faith is to me unacceptable. I would further suggest this is not the site for processing flammable materials. There is a history of serious fires including rail caused fires at this site. I have further concerns regarding the traffic related hazards of trucking large volumes of hazardous waste including flammable and spontaneous combustible materials past businesses in the heart of our industrial area. I would further suggest it is in the RMs financial best interests to direct our industrial park away from this type of industry and from brownfield operations in general.

Councillor Williams - Despite the strong support that is given to this project by one individual, I am somewhat skeptical of the Provincial monitoring and enforcement. I know they can give out licenses, I know they have Safety Officers and they investigate, the current government is cutting back on resources and I can't see they are going to prioritize what they should be prioritizing under the legislation they pass. **Councillor Ralke** thought everyone could dump their hazardous materials at this site but was quickly informed they only do commercial scale business and so she felt she was confused and without further information, she felt it should be deferred.

Mayor Fell - I think what Council is wanting is what that means and we would like to confirm with Sustainable Development there haven't been any complaints. I believe Ms. Snodgrass said there were not any such sites currently in Manitoba that Council could tour, only in Alberta and Saskatchewan.

NOTE: This is rather duplicitous on the part of the two company representatives because they implied their facility at its current location which was surrounded by habitation was the same as what they were proposing for this site and that is simply then not the case. Neither Ms. Snodgrass or Mr. Macdonald indicated during their presentation what their respective roles would be at this new facility, or their professional qualifications to manage such a facility.

Andrea Snodgrass - When asked by the Mayor about a Fire Plan, she said they had a Transfer Station Operations Plan that outlined the overall operation of their facilities and all Manitoba regulations. **NOTE: I find that not supplying that to the Development**

Officer initially is not very transparent and forthright. The public meeting has been closed but the decision is **DEFERRED TO THE AUGUST PLANNING MEETING FOR VOTE.**

APPLICATIONS FOR SUBDIVISION

4.4.3 4189-09-5299 - G. Sapozhnykov & I. Prudnikova, Sandgren Avenue - To subdivide the existing approximate 10.01 acres of land to create Proposed Lot 1 - 5 acres and Proposed Lot 2 - 5.01 acres. Three neighbours adjacent to Proposed Lot 2 (the applicant for the subdivision) opposed the application because of the flag shaped lot and the flag staff portion being along a tree line that potentially would have to be removed to install a driveway and drainage problems allegedly caused by an ejector which Sustainable Development said would have to be decommissioned as a condition of approval. One opponent objected on the grounds Mr. Sapozhnykov was running two business out of there creating a lot of traffic on Sandgren. Provincial Planning Department had suggested that was the least expensive option. Council discussed flipping the flag and having the access on the south side of Lot 2 rather than the north side. Mr. Sapozhnykov appeared not to understand what was being suggested, that is to defer for further consultation with the municipal Engineer and Community and Regional Planning or hold a vote and if the application rejected, he could not apply for another 6 months. **Mr. Speer in the gallery approached Mr. Sapozhnykov to help him understand that a deferral was his best option and was chastised by Madame Mayor for trying to explain which would indicate a DOUBLE STANDARD as it was acceptable for Madame Mayor to visit Mr. Smith (Barry) to advise him on his shop expansion application at his own home.** Finally Mr. Sapozhnykov understood the choices and opted for deferral.

Resolution to extend meeting until 11:30 p.m. CARRIED 6-0

ADJOURNED at 11:31.

MUNICIPALITY OF SPRINGFIELD NEWSLETTER August 2019 Edition, an insert included in the latest mailing of The Clipper, features the new Parrish and Heimbecker facility currently under construction just south of PTH #15 on Poplar Road, 4 miles east of Dugald, near to the location of the two new Municipal wells. The article states "business is thriving in Springfield" and welcomes the company to the municipality. It will provide local producers with access to global grain marketing for a wide variety of crops for both domestic and export markets as well as supporting local suppliers of related products. While this may seem like a benefit to the grain producers, it also carries some pretty significant negatives in terms of the location. It is located just south of the CN Main line east and west, and train traffic can sometimes block this crossing for long periods of time. Further the condition of Poplar Road as it currently exists is not conducive to heavy truck traffic and will have to be improved, a cost to taxpayers. PTH #15 is currently being re-surfaced with several layers of asphalt but thus far there is no indication of intersection improvement such as turnout lanes and an intersection upgrade. Further at certain times of the day, there is a great deal of commuter traffic on this highway. In facilities such as these, there is always the potential of fire events relative to internal combustion and the storage of chemicals. This would required access to large volumes of available water should a fire occur. Are they going to provide access to a water supply for fire suppression? Insofar as the railway line, there is currently a double track located at this site to facilitate passing trains which often ties up the crossing. Grain trucks accessing the facility could be backed up on to the highway if this is for a significant length of time, causing a potential traffic hazard. Due to its proximity to the S curve where trains reduce speed, the delay could well be lengthy. A new Tax Incentive Policy recently approved by Council will benefit this newly built facility in terms of taxation for a period of 5 years at a cost to the remainder of the municipal ratepayers. This is, while related to Agriculture, a commercial/industrial facility which has been allowed to locate on land zoned Agriculture rather than Employment lands, removing at least approximately half a section from agricultural production. There appears to have been no consultation with Community and Regional Planning of the Province or the residents of the RM of Springfield directly affected. The first mention of this was in the June 27th edition of the Clipper. In fact, I had several people inquiring of me what was going on at that site. Again, one must question the TRANSPARENCY AND INTEGRITY OF COUNCIL AND THE ADMINISTRATION who apparently toured the facility on July 15, 2019 before the public was even aware of its existence. No report of the tour was given at the July 16th Council meeting or subsequent meetings. This is yet another example of the back room meetings that are occurring outside the public venue with no possibility of consultation with ratepayers.