



Inland Port Special Planning Authority

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February 13, 2019

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

Dear Minister:

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 3-19 TO RE-ZONE
PART 1: LEGAL SUBDIVISION 16 OF SECTION 30-11-2 EPM
PART 2: PARCEL "B" PLAN 37553 WLTO IN CLOSED GOVERNMENT ROAD ALLOWANCE
ONLY ADJACENT TO SECTION 30-11-2 EPM
PART 3: ELY 1320 FEET PERP OF THE SE ¼ OF SECTION 31-11-2 EPM
IN THE RURAL MUNICIPALITY OF ROSSER FROM
INLAND PORT RURAL ZONE TO "I3" INDUSTRIAL HEAVY ZONE**

The Inland Port Special Planning Authority received an application to re-zone part of an approximately +/- 80.0 acre parcel in the Rural Municipality of Rosser CentrePort lands. The required public hearing was held December 12, 2019.

The Board has recommended approval, with conditions, of the zoning by-law amendment as it does conform to the *Inland Port Special Planning Area Regulation 48/2016*. Ministerial approval is required for the proposed zoning by-law amendment

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

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

Yours truly,

Frances Smee
Chair

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

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: January 16, 2020

File No.: 13-2-172-2019-1602

MATTER: Zoning By-law Amendment

BY-LAW NO.: 3-19

HEARING DATE: December 12, 2019, Winnipeg

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

PARTIES AND APPEARANCES: *for the applicant*

Meagan Boles

for Community Planning Branch

Kari Schulz, Planner, CentrePort

presenters

Geoff Mackwood
Cale Tadley
Sonya Faria

INTRODUCTION

The applicant, Geoff Mackwood on behalf of Paterson Grain (a division of Paterson GlobalFoods Inc.), proposed to rezone part of an existing parcel legally described as:

PART 1: LEGAL SUBDIVISION 16 OF SECTION 30-11-2 EPM

PART 2: PARCEL "B" PLAN 37553 WLTO IN CLOSED GOVERNMENT ROAD ALLOWANCE
NLY ADJACENT TO SECTION 30-11-2 EPM

PART 3: ELY 1320 FEET PERP OF THE SE ¼ OF SECTION 31-11-2 EPM

The parcel is located in the Rural Municipality of Rosser, east of the PTH 101 and south of the Prairie Dog Trail rail line. The parcel is approximately +/- 80.0 acres and currently utilized for agricultural purposes.

The applicant proposes to rezone approximately +/- 3.0 acres of the +/- 80.0 acre parcel to "I3" Industrial Heavy to accommodate an oat processing facility, capitalizing on the location of Global Paterson's Winnipeg North grain terminal and Manitoba's largest private rail siding. The remainder of the parcel would remain zoned as Inland Port Rural Zone.

The site will be serviced by an onsite wastewater management system and well. Access to the site will be via a new driveway connection from Prairie Dog Trail.

ISSUE AND LEGISLATION

The issue before the Board is to make a recommendation to the minister to approve the proposed re-zoning, with or without conditions or reject the proposed re-zoning.

Section 12.2(1)(a) of the *The Planning Act* states that the mandate of a special planning authority, in respect of its special planning area, is to hold hearings to consider, among other things, any amendment to a zoning by-law.

Section 12.2(2) of the *The Planning Act* states that after holding a hearing on a matter set out in (1)(a), the special planning authority must provide the minister with a report on the hearing that includes the minutes of the hearing, the record of all representations made at the hearing and its recommendations on the matter considered at the hearing.

Section 12.2(5) of *The Planning Act* states that in carrying out its mandate, a special planning authority is to act in accordance with the regulations, being the *Special Planning Areas Regulation 49/2016* and the *Inland Port Special Planning Area Regulation 48/2016*, being the Development Plan and Zoning By-law for the Inland Port Special Planning Area.

PUBLIC PRESENTATIONS

Kari Schulz, Planner from the Community and Regional Planning Branch presented the planning report. Geoff Mackwood and Cale Tadley spoke in favour of the application on behalf of the applicant, Paterson Grain. Public attendee Sonya Faria also spoke at the hearing.

Community Planning Branch:

Kari Schulz, Planner, presented the planning report. She confirmed the area proposed for re-zoning is designated as Manufacturing and Logistics according to the Inland Port Special Planning Area Development Plan. Development plan policies related to this designation support the development of heavier industrial land uses that typically require large-scale vehicles and uses that may generate higher levels of nuisance. General policies within the development plan support businesses that benefit from access to tri-modal transportation and support new development that is consistent with the vision of the

land being developed as Manitoba's inland port, which is to serve as a transportation, trade, manufacturing, distribution, warehousing and logistics centre.

The proposed zone for the building footprint (approximately +/- 3.0 acres) is "I3" Industrial Heavy Zone. Land uses within this zone are to be oriented towards heavy industrial uses such as manufacturing and distribution activities. The oat processing facility may be classified as a "general industrial" use and is permitted within the "I3" zone.

The applicant's proposal to rezone only the building footprint is to help alleviate the costs associated with the Rural Municipality of Rosser Capital Lot Levy By-law No. 5-2016 that is activated when a rezoning or subdivision application is submitted. A lot levy of approximately \$52,000 is applied to each acre part of the rezoning application, however the final amount to be applied is negotiated between the RM and the developer as part of the development agreement process.

Rezoning only the building footprint is not permitted. A boundary of a zone follows parcel limits as shown on a registered plan or by reference to the Dominion Government Survey, and at minimum, the boundaries of each zone must be clearly distinguishable on a map. However, in unique circumstances, other approaches to zoning may and should be considered. Two options were presented:

1. Option 1: Split Zoning

Split zoning refers to any parcel of land that is geographically divided into more than one zone to recognize different uses on different portions of the lot. Squaring off the area of the proposed facility and aligning the edges of the zone with the property boundary and rail loop track result in an approximately 16-acre area that could be rezoned to "I3". The residual portions of the parcel would remain zoned as Inland Port Rural Zone. The larger area for the "I3" zone would provide flexibility to the applicant to alter the building size or location, as well as provide opportunity for expansion in the future. The permissions granted for the area of the parcel zoned "I3" cannot be transferred to the other areas of the parcel that are zoned Inland Port Rural Zone. The required separation distance between an "I3" zone and residential use is maintained.

2. Option 2: Overlay Zone

An alternative to split zoning is an overlay zone (which could apply to the one 80 acre parcel or all of Paterson Global's lands within the Inland Port). An overlay zone can be used to apply particular provisions across certain geographic areas of a municipality. An overlay zone is often depicted in zone maps as a hatching over a geographic area, within which particular provisions apply. Examples of provisions that would apply to Paterson Global lands with an overlay zone are:

- Use and structures limited to an "agri-industrial" use;
- Structures and uses to meet requirements of the "I3" Industrial Heavy Zone;
- Subdivision of parcels within the overlay zone would require rezoning to the appropriate industrial zone; and
- Other proposed uses not related to an "agri-industrial" use would require rezoning to the appropriate industrial zone.

Municipal Relations recommended the Board select option 1 as it is the simplest solution and provides the applicant with the required area, as well as some flexibility on the final design of the facility. Option 1 only requires a mapping amendment, whereas Option 2 requires a mapping and text amendment, as well as additional consultation with the landowner and RM to determine the type of provisions that would apply to the zoning overlay. The zoning overlay may be considered in the future as part of the review process of the Inland Port Special Planning Area Regulation 48/2016. The benefit of the zoning overlay would apply to future development of the Paterson Global site and accommodate agri-industrial uses related to their business without the need to go through the rezoning process.

In addition to the alteration of the proposed zoning site to align with Option 1, the following recommendations were received:

1. Water supply by well or piped municipal water is to be determined based on water needs for the oat processing facility and fire suppression requirements.
2. Manitoba Infrastructure requires the following as conditions of approval:
 - a. Additional information to be provided to determine if the development will have an impact on drainage; and
 - b. A traffic impact study to determine if any on-highway improvements are required.
3. The Winnipeg Airports Authority requested an extension to provide comments. The WAA typically requires compliance with the Obstacle Limitations Surfaces (OLS) to be verified by conducting an approach survey and the resulting survey certificate to be submitted to the WAA.
4. The developer will be required to enter into a development agreement with the Rural Municipality of Rosser.
5. The developer will be required to submit their proposal to meet the minimum of five Sustainable Development Measures prior to issuance of a development permit.

In Support of the Application:

The applicant, Geoff Mackwood for Paterson Grain, spoke in support of the application. Mr. Mackwood stated that the purpose of the application was to develop an oat processing facility adjacent to the existing rail loop and Paterson's Winnipeg North grain terminal. The project is still in the early stages of development but it is projected to create 75 jobs during the first phase of a two-phase development.

Mr. Mackwood's colleague, Cale Tadley, was able to provide information regarding water requirements. Phase 1 will require approximately 10,000 gallons of water daily, and that would be doubled once phase 2 of the development is complete.

Ms. Sonya Faria did not object to the proposal, however she had questions about the operation of the oat processing facility and the potential negative impact on her nearby residence. Due to the early stages of development, Mr. Mackwood was not able to answer but states his willingness to work with adjacent residential landowners about any potential issues or concerns.

In Objection to the Application:

No objections were received.

ANALYSIS AND CONCLUSION

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

The CentrePort Planner presented two options for the rezoning. Option 1 is the most straight-forward option, only requires a mapping amendment to the proposal, and meets the requirements of the applicant while providing necessary flexibility.

The proposed rezoning is in keeping with the policies of the Manufacturing and Logistics designation. The proposed location for the "General Industrial Use" is complementary to surrounding land uses and a permitted use within the "I3" zone.

Overall, the Board is satisfied that the application is generally in keeping with the *Inland Port Special Planning Area Regulation 48/2016*.

THEREFORE, THE BOARD RECOMMENDS

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

1. The proposal is amended to reflect option 1 (as presented by Municipal Relations);
2. That a Development Agreement be entered into with the RM of Rosser to ensure consistency with the Inland Port Special Planning Areas Regulation 48/2016 and to cover any other such matters as deemed necessary by Council. The Development Agreement will include, but not be limited to, extension of water services, road upgrades, establishment of proposed landscaping, traffic impact study, drainage study, lot grading, and the application of the Capital Lot Levy By-law.
3. Confirmation from Manitoba Infrastructure that drainage onsite will not adversely affect the provincial highway system.
4. Confirmation from Manitoba Infrastructure that a Traffic Impact Study has been provided and any items identified have been addressed appropriately.
5. Confirmation from the Winnipeg Airport Authority that the developer has completed an approach survey and submitted the survey certificate to the WAA, if deemed necessary.

Submitted by:

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

c.: Geoff Mackwood, Paterson Grain, Applicant

By-law No. 3-19: Option 1



SCHEDULE "A"

Attached to By-law No.3-19
of the Inland Port Special Planning Area
amending Schedule B, Zoning Map 2 of the
Inland Port Special Planning Area
Regulation 48/2016

From: Inland Port Rural Zone
To: "I3" Industrial Heavy Zone

- Option 1: Area to be Rezoned
- Building Footprint
- Subject Parcel
- Survey Parcels
- Railway

Inland Port Special Planning Area Zoning Amendment

November 28, 2019



1:7,871