



### **Municipal Relations**

Inland Port Special Planning Area  
Community Planning Branch  
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November 28, 2018

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

### **INLAND PORT SPECIAL PLANNING AUTHORITY**

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 3-19 TO RE-ZONE PART OF  
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 "IPZ" INLAND PORT RURAL ZONE TO "I3" HEAVY INDUSTRIAL  
(PATERSON GRAIN - APPLICANT)**

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The intent of this application is to re-zone 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  
ONLY ADJACENT TO SECTION 30-11-2 EPM

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

from "IPZ" Inland Port Rural Zone to "I3" Heavy Industrial. The parcel is approximately +/- 80.0 acres in size and currently utilized for agricultural purposes.

The applicant proposes to rezone approximately 3.0 acres of the overall 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 will remain zoned as Inland Port Rural Zone. The subject parcel is currently cultivated and a segment of the existing rail loop track is also located on this parcel.

### **INLAND PORT SPECIAL PLANNING AREA REGULATION 48/2016:**

#### **Development Plan:**

Policies within the Inland Port Special Planning Area Regulation 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 area proposed for re-zoning is designated as Manufacturing and Logistics according to the Development Plan. Policies within this designation support development of heavier industrial land uses that typically require large-scale vehicles and uses that may generate higher levels of nuisance.

Policies also state that the development will be required to hook up to available municipal services. At this time, only water is available however, it is unclear if connecting to municipal water at this time is feasible due to distance to existing water lines. This requirement will be dependent on fire suppression capabilities necessary for the development. Connection to municipal wastewater is not feasible at this

time and therefore an onsite wastewater management system will be utilized. Costs for municipal services are outlined in the Capital Lot Levy By-law, and the appropriate sections will be applied as part of the Development Agreement to be entered into between the RM of Rosser and the applicant.

**Zoning By-law:**

The subject property is currently zoned Inland Port Rural Zone. This zone was established as a holding zone to allow existing uses to continue until such time as development is proposed.

The proposed zone is “I3” Industrial Heavy Zone. Land uses within this zone are to be oriented towards heavy industrial uses such as manufacturing and distribution activities. Streetscapes in this zone are comprised of industrial frontages, including loading docks and facilities for movement of large cargo trucks and service and delivery vehicles and trees planted for shade.

The proposed oat processing facility may be classified as a “general industrial” use and is permitted within the “I3” zone. The Industrial Corridor Overlay standards apply:

Use	Parking	Building Height	Building Setbacks			Parking Access	Site Coverage
			Front	Side	Rear		
Parking	n/a	3 stories maximum	1.5 m. (5 ft.)	6.1 m. min (20 ft.)	6.1 m. min (20 ft.)	18.3 m. min (60 ft.) from corner	70% maximum
General Industrial Use	1/3 of employees						

The Zoning By-law also requires that new development applications achieve at least five points from one or more of the sustainable development measures. The applicant will likely achieve five points through green building opportunities however, this requirement can be addressed at the development permit stage. Overall, the proposal generally complies with the bulk table requirements.

**DEVELOPMENT REVIEW COMMITTEE:**

The application was reviewed by the Development Review Committee for the Inland Port Special Planning Area. The following requirements/comments were received:

**RM of Rosser:** A development agreement will be required to address the following items (although not necessarily limited to): such as water and wastewater servicing, drainage requirements, a lot grade plan, access requirements, and the payment of the applicable Capital Lot Levies. Additionally, the applicant will also be responsible for any legal and engineering fees incurred by the municipality as a result of the development.

**Infrastructure:** Infrastructure does not object to the rezoning. The following will be conditions of approval:

- Developer to submit traffic impact study to Manitoba Infrastructure for review and approval. The study will be required to identify the amount and type of traffic generated from the proposed facility and the impact this may have on the intersection of PTH 101 and PTH 6.
- Additional information will need to be provided to the regional Technical Services Engineer to determine if the development will have an adverse impact on the provincial highway drainage system. The regional office may request the applicant to submit a detailed drainage plan.
- The additional traffic that will be generated by the development may require on-highway improvements. A traffic impact study will be required to determine if on-highway improvements are required.

**Winnipeg Airports Authority:** The WAA has requested an extension to provide comments specific to this proposal. Comments typically provided by the WAA state that all development must meet the applicable regulatory requirements. Additionally, prior to any construction activities, a land use submission must be sent to Nav Canada to assess and approve all approvals for land use near airports. They also recommend the following:

- On-site standing water or ponds should be limited during the course of construction and as planned features since they attract wildlife that may be hazardous to airport operations;
- “Cut-off” exterior lighting features should be used to ensure there is no upward light projection;
- Compliance with the Obstacle Limitation Surfaces (OLS) should be verified by conducting an approach survey. The survey certificate should be provided to the WAA; and
- During construction, practices for obstacle management should be followed.

No concerns: **Bell MTS; Manitoba Agriculture; CN Rail; and Sustainable Development – Drainage and Water Rights Licensing Branch.**

No comments were received from: **Manitoba Infrastructure – Water Management; Growth, Enterprise and Trade (Mineral Resources); City of Winnipeg; South Interlake Planning District; Sport, Culture and Heritage (Historic Resources Branch); Office of the Fire Commissioner; Rosser Fire Department; and Manitoba Hydro.**

## **ANALYSIS:**

The proposed use and location comply with the Inland Port Special Planning Area Regulation 48/2016, and from a general planning perspective, is a great fit for the Inland Port and surrounding area.

The applicant’s proposal to rezone only the building footprint is to help alleviate the costs associated with the municipal’s Capital Lot Levy By-law that is activated when a rezoning or subdivision application is submitted. The lot levies apply to each acre – so lot levies for three acres is substantially lower than the applicable fees for 80 acres if the entire parcel is rezoned.

Rezoning only the building footprint is not permitted. A boundary of a zone typically 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. There are two options to consider regarding this particular application:

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 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.

For either option, the Capital Lot Levies will still apply. The exact amount is to be negotiated between the RM and the developer as part of the development agreement.

### **RECOMMENDATION:**

Two rezoning options are presented. Municipal Relations recommends option 1 at this time as it is the simplest solution and provides the applicant with the required area, as well as some flexibility on the final design. 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. The zoning overlay may be something to consider 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.

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.

The developer will be required to meet the Sustainable Development Measures. The developer will also have to meet Rosser’s drainage study requirements, including lot grade approvals. A development agreement will have to be entered into which, among other things, will address payment of Capital Lot Levies.

Manitoba Infrastructure also recommended a traffic impact study be prepared to determine the impact that the additional traffic will have and identify the type of improvements that may be required. Additional information regarding drainage must also be provided to Manitoba Infrastructure to determine if drainage from this site will adversely affect the provincial highway drainage system.

WAA will likely recommend an approach survey is conducted and that the survey certificate is provided to the WAA.

If the Board decides to recommend approval of the application, it should be conditional on the following:

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.

Note that 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.



Kari Schulz  
Planner, CentrePort

#### Attachments

- c.: Paterson GlobalFoods Inc. – Murray W. Froese
- Paterson GlobalFoods Inc. – Geoff Mackwood

# 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

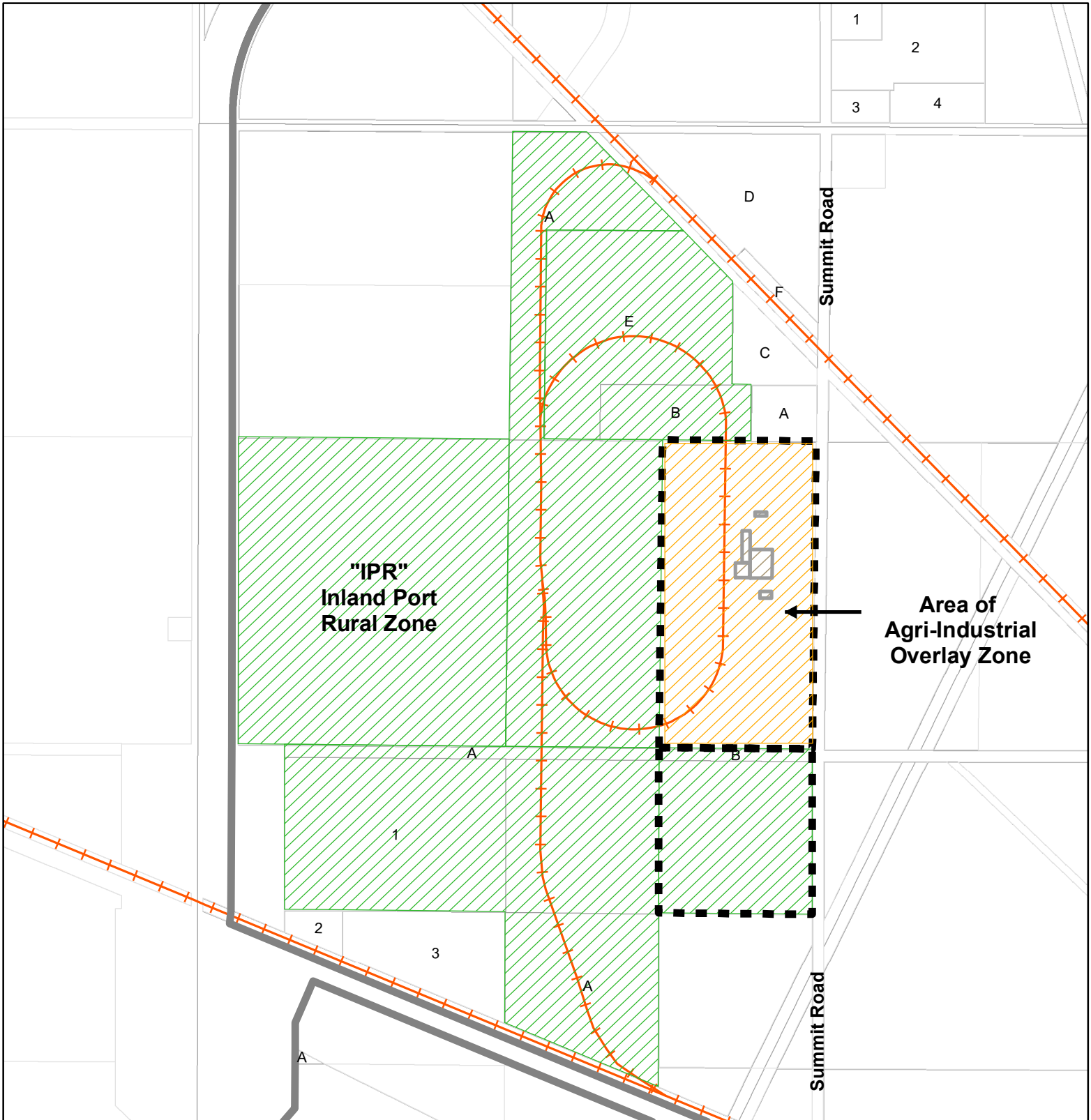
## Inland Port Special Planning Area Zoning Amendment

November 28, 2019



1:7,871







# By-law No. 3-19 - Option 2



## 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 2: Agri-Industrial Overlay Zone
-  Building Footprint
-  Subject Parcel
-  Enterprise Properties Ltd.
-  Survey Parcels
-  Railway

## Inland Port Special Planning Area Zoning Amendment

November 28, 2019



1:13,823