



Municipal Relations

Inland Port Special Planning Area
Community Planning Branch
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January 22, 2020

File No.: 13-2-172-2019-0086

INLAND PORT SPECIAL PLANNING AUTHORITY

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 3-20 TO RE-ZONE
PART SECTION 4-12-2 EPM and PART SECTION 33-11-2 EPM
IN THE RURAL MUNICIPALITY OF ROSSER
FROM “IPZ” INLAND PORT RURAL ZONE TO “I3” INDUSTRIAL HEAVY
(WSP CANADA GROUP LTD - APPLICANT)**

The intent of this application is to re-zone nine parcels legally described as:

| Roll Number | Legal Description | Acres |
|--------------------|--------------------------|--------------|
| 95920 | SW 1/4 4-12-2 EPM | 144.40 |
| 95800 | SE 1/4 4-12-2 EPM | 158.49 |
| 95400 | NE ¼ 4-12-2 EPM | 55.77 |
| 95900 | SW 1/4 4-12-2 EPM | 9.00 |
| 95950 | SW 1/4 4-12-2 EPM | 5.00 |
| 90200 | NE 1/4 33-11-2 EPM | 142.87 |
| 90500 | NW ¼ 33-11-2 EPM | 73.93 |

Background

The proposed operation is on a 589.46 acre site area, owned by Broda Properties Inc. The site is generally bordered by PTH 101 to the north; Klimpke Road to the east; Farmer Road to the south; and Sturgeon Road to the west. Mollard Road bisects the subject lands (see attached map). The operation will include an office, maintenance shop, parking and loading areas, crusher laydown area, stockpile area and a scale. excavation and hauling equipment as well as the use of crushing and screening equipment.

The affected lands are currently used for agricultural purposes. Residential dwellings are located on two parcels. The houses will be removed if the aggregate extraction operation is approved.

The extraction of aggregate will occur over 5 phases – Phases 1 to 3 are north of Mollard Road and Phases 3 and 4 are south of Mollard Road. Once mining of a phase is complete, progressive reclamation and rehabilitation will begin. The estimated date of final progressive rehabilitation for the land is 2035.

The proposed haul route would require trucks to travel east on Mollard Road from the site access to Brookside Boulevard. The traffic impact study indicates lights will not be required at this intersection and fully loaded semi-trailers will be required to turn onto Brookside Boulevard. Brookside Boulevard has been

designed for heavy vehicles, however Mollard Road is currently a gravel road and will likely need to be upgraded to accommodate the heavy vehicles from the quarry.

The estimated duration of the operation is 15 years. Restoration of the land after the resources are exhausted is an ongoing process between the owner and the Mines Branch. Progressive rehabilitation will be completed for each phase of extraction.

The applicant indicates that the aggregate resources are 3 to 10 feet deep with potential for more resources on the east half of the property. The quarry will typically operate Monday to Friday from 7:00 – 18:00 and Saturday from 9:00 – 12:00.

INLAND PORT SPECIAL PLANNING AREA REGULATION 48/2016:

Development Plan:

The area proposed for rezoning is mostly designated Manufacturing & Logistics and partly Service-Oriented Industrial according to the Inland Port Special Planning Area Regulation 48/2016 (refer to figure 2). Section 6 ensures that aggregate resources are dealt with appropriately and supports the extraction of medium to high aggregate resources within either of these designations.

The Quarry Minerals Regulation 65/92 under *The Manitoba Mines and Minerals Act* prohibits aggregate extraction 150 metres from a residential dwelling. Due to this requirement, no aggregate extraction will occur within the Service-Oriented Industrial designation.

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 oriented towards heavy industrial uses. Aggregate extraction operations, including accessory buildings, are a permitted use in the "I3" Industrial Heavy Zone.

The Zoning By-law also requires that new development applications achieve at least five points from one or more of the sustainable development measures. Because of the unique use of the site, the applicant will likely not be able to meet the sustainable development measures requirement and a variance will be required.

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: The RM confirmed that the applicant has completed the Community Consultation Report to their satisfaction, as required under the Rural Municipality of Rosser Quarry By-law 8-15. The RM also provided a list of recommendations:

- The development meet the standards of the Rural Municipality of Rosser's Quarry Operations By-law No. 8-15, as amended from time to time.
- The RM and developer consent to conditions implemented in earlier aggregate developments in the RM (see attached consent agreement for reference).
- The standards contained within the Quarry Operations By-law No. 8-15 and the consent agreement were approved as standards by The Municipal Board and the conditions of The Municipal Board shall be included.
- The Capital Lot Levy By-law will apply.

- All municipal, provincial and federal by-laws and/or regulations are met by the proponent.
- That the developer enter into a development agreement with the RM.
- A traffic impact study is to be completed which will account for all conditionally approved developments and the impact on the intersection at Mollard Road and Brookside Boulevard.
- The developer must complete a Water and Resource Management Plan where de-watering must be approved by the RM.
- The developer must complete a drainage plan, according to the Master Plan and Drainage By-law 2-17 and must be approved by the RM.

Infrastructure: Infrastructure does not object to the rezoning and the establishment of an aggregate extraction operation. Due to PTH 101's designation as a Limited Access Highway, access to PTH 101 would not be permitted, leaving Mollard Road as the haul route. Infrastructure requests that the following are included as conditions of approval:

- The developer provides written confirmation that sufficient information has been provided to the regional Technical Services Engineer to allow the engineer to determine if the development may adversely affect the provincial highway drainage system. The regional office may request the applicant to submit a detailed drainage plan.
- The developer provides written confirmation from the department that a traffic impact study has been received and approved for this development. The traffic impact study must identify the amount and type of traffic that will be generated by the development and its potential impact on the adjacent road network. The study will also identify the type of on-highway improvements that will be required to safely accommodate the heavy truck traffic generated by this development.

Manitoba Conservation and Climate: The Drainage and Water Rights Licensing Branch has no concerns but may require an engineered drainage plan.

City of Winnipeg: The Public Works Department has determined, based on this type of development, that improvements will be required at the intersection of Mollard Road and Brookside Boulevard. The City has requested that the following is added as a condition of approval:

- Improvements to the intersection at Mollard Road and Brookside Boulevard shall be undertaken and completed to the satisfaction of the Director of Public Works, at no expense to the City.

Manitoba Agriculture and Resource Development (Mineral Resources): The Land Use and Resource Tenure Branch of Manitoba Agriculture and Resource Development has no concerns with the proposal to re-zone the lands noted below for aggregate extraction. The land is identified as being of "medium" quality for aggregate potential on Map 2C of the South Interlake Planning District Development Plan, and from a planning perspective, is suitable for zoning to permit aggregate extraction.

When extraction facilities are to be established, and permit applications are made, the Department will consider the imposition of conditions on the permit.

Winnipeg Airports Authority: The WAA notes several federal regulatory requirements must be met. A land use submission must be approved by NAV Canada to ensure that the air navigation safety and efficiency are not compromised by the aggregate extraction operation. It is also noted that Transport Canada may require an Aeronautical Assessment for Obstacle evaluation.

WAA also provided several recommendations to ensure compliance with federal regulatory requirements:

- On-site standing water or ponds should be limited during the course of development and accordingly the proponent should complete:
 - Water Management Plan;
 - Wildlife Management Plan; and
 - Rehabilitation Plan.
- The site of the proposed aggregate extraction operation is between the direct extended centrelines for the two active runways of the Airport. The affected area regularly experiences

overflights for aircraft on approaches, departures and local circuits at the Airport. An aeronautical assessment must be completed with Legal Land Survey for Airport Zoning Regulation Clearance Attestation. The survey certificate should be provided to the WAA and Transport Canada.

- “Cut-off” exterior lighting is to be used to ensure there is no upward light projection during operation.
- Previous applications in 2010 and 2001 indicated alternative methods for extraction, such as “surface mining” technology, instead of blasting. WAA requests the proponent to consider alternatives that minimize blasting and the potential negative impact to airport operations.

Historic Resources Branch: The Historic Resources Branch does not object to the proposed aggregate extraction operation, however they advise the human remains have been recovered from gravel pits in the past and that the operators should be aware of the procedures to follow if human remains or other heritage resources are encountered.

The following departments and agencies responded with no concerns: **Manitoba Agriculture; Manitoba Infrastructure – Water Review, and Manitoba Conservation and Climate.**

No comments were received from: **CN Rail; South Interlake Planning District; Canada Post; Rosser Fire Department; and Office of the Fire Commissioner.**

COMMENTS/RECOMMENDATION:

The purpose of this rezoning application, and subsequent public hearing, is to determine if the proposal should be rezoned to “I3” Industrial Heavy, thereby permitting the aggregate extraction operation. The development plan states that any area identified by provincial authority as having “medium” mineral content must have the mineral extracted prior to it being developed for other uses. It is good planning practice and good economic sense to obtain the resources prior to any future development that may occur on the land, which would effectively make the resource sterile and unobtainable. Nevertheless, adjacent and nearby land uses will be impacted.

The Department understands that nearby residences may experience negative impacts – such as blasting noise and vibrations, as well as increased dust, noise and traffic. Recommendations to mitigate blast impacts have been provided within the Blasting Impact Assessment. Additional recommendations to mitigate potential negative impacts are also provided in the Sound Impact Assessment, Visual Impact Assessment and various plans. Appropriate levels of protection should be included in the development agreement with the RM.

Previous applications in 2010 and 2001 indicated alternative methods for extraction, such as “surface mining” technology, instead of blasting. WAA requests the proponent to consider alternatives that minimize blasting and the potential negative impact to airport operations. The Department agrees that alternatives to blasting should be considered.

The interdepartmental review resulted in no objections to the rezoning. The proposed rezoning is in keeping with the intent and direction of the policies of the development plan for aggregate extraction within the “I3” Industrial Heavy Zone. It is also important to note that although the rezoning application may be approved with conditions, the proposed aggregate extraction operation is a complex project that is still required to meet all federal and provincial regulatory requirements (which are extensive).

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

1. 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 ensure the aggregate extraction operation meets the standards of the Quarry Operations By-law No. 8-15, as well as the conditions of the consent agreement (see attached for details). The development

agreement may also include, but not be limited to, road upgrades (including potential improvements to Mollard Road), establishment of proposed landscaping, Traffic Impact Study and potential improvements to the intersection at Mollard Road and Brookside Boulevard, drainage study, a Water and Resource Management Plan, lot grading, lighting, and the application of the Capital Lot Levy By-law to Phase 3 of the development.

2. That the Inland Port Special Planning Area Regulation 48/2016 is amended to rezone the affected parcels to "I3" Industrial Heavy.
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 Manitoba Conservation and Climate that a Drainage Plan has been provided and any items identified have been addressed appropriately.
6. Confirmation from the Winnipeg Airports Authority that the developer has completed an approach survey and submitted the survey certificate to the WAA.
7. Confirmation from the Winnipeg Airports Authority that a Water Management Plan has been completed and any items identified have been addressed appropriately.
8. Confirmation from the Winnipeg Airports Authority that a Wildlife Management Plan has been completed and any items identified have been addressed appropriately.
9. Confirmation from the Winnipeg Airports Authority that a Rehabilitation Plan has been completed and any items identified have been addressed appropriately.
10. Confirmation from the City of Winnipeg that a Traffic Impact Study has been provided.
11. That the applicant obtain a variance to reduce the Sustainability Measures requirement.

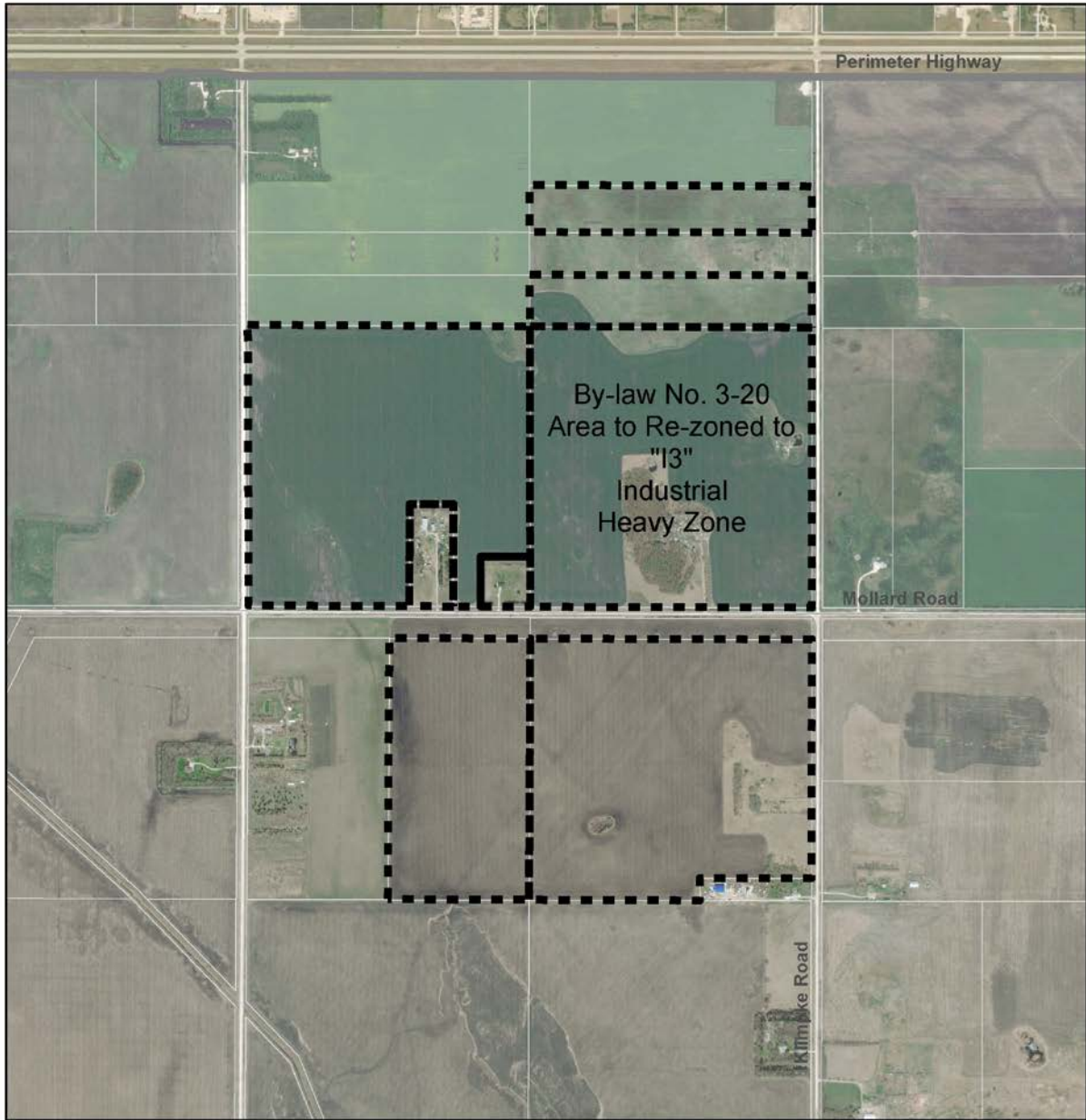
The conditional approval will also state for information purposes that:

- The Mines and Minerals Act requires a minimum buffer of 150 metres between a quarry and a residence;
- The applicant must obtain a valid pit registration prior to the commencement of extraction activities;
- The land shall be rehabilitated in accordance with the Manitoba Quarry Minerals Regulation 65/92; and
- A Drainage and Water Rights License may also be required under The Water Rights Act. The applicant is to contact the Water Use Licensing Section to discuss licensing, permits or approvals that may be required.



Kari Schulz
Planner, CentrePort

c.: Meagan Boles c/o WSP, applicant






SCHEDULE "A"

Attached to By-law No.3-20
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

**Inland Port Special Planning Area
Zoning Amendment**

October 22, 2020

1:15,000

-  Area to be Re-zoned
-  Survey Parcels
-  Municipal Boundaries

