



Municipal Relations

Inland Port Special Planning Area
Community and Regional Planning Branch
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January 5, 2023 - Revised

**File Nos.: 13-2-172-2022-0194 (Zoning)
4172-22-8221 (Subdivision)**

Inland Port Special Planning Authority

**RE: Inland Port Special Planning Area
Application for Zoning Amendment and Subdivision
Pt. SW ¼ 28-11-2 EPM in the
Rural Municipality of Rosser
Applicant: Kari Schulz (WSP Canada Inc.)
(Owners: 10030225 Manitoba Ltd.
Tak Yuen Sung)**

The intent of these applications is to rezone two existing lots from “IPR” Inland Port Rural zone to “I2” Industrial General zone and subdivide to create six lots, ranging in size from approximately 2.00 acres to 7.04 acres. A public road with direct access to Park Royale Way to the south is also proposed.

The subject land is approximately 23.75 acres in size. The application states that the subject land is currently agricultural in nature. There are two existing buildings and approximately three accessory buildings on the properties. The buildings are currently not in use and will be removed as development proceeds.

There are two access points to the properties off Park Royale Way. This subdivision application proposes to close the existing accesses and create one central access point to the proposed lots.

The application states that all lots will be serviced with water and wastewater in accordance with municipal standards. The new lots are proposed to accommodate industrial development within CentrePort.

INLAND PORT SPECIAL PLANNING AREA REGULATION 48/2016:

Development Plan:

The objective of policies within the Development Plan is to protect, enhance and promote land use and development that will contribute to the establishment of a comprehensively planned and functionally integrated inland port. Development should allow for the cost-effective extension of municipal services.

The following general policies apply:

- Businesses should benefit from access to tri-modal transportation.
- Development must respect waterways.
- Landowners are encouraged to incorporate private passive open space into development sites to support employee needs.
- Railways must be protected from incompatible development.
- Development adjacent to rail lines or yards may require noise and vibration mitigation measures.
- Development adjacent to rail lines may be required to provide mitigative measures, such as a berm or fencing or both to address noise, vibration or access issues, which are to be determined in consultation with the appropriate rail company.

- Parking lots and other impervious surfaces should be designed and managed to reduce the velocity and flow of stormwater, as well as pollutant discharges.
- New and existing development will be required to connect to the municipal water and sewer systems as services are extended to their property.
- Use of water-saving devices and practices are encouraged in order to conserve water and reduce the volume of wastewater produced.
- Native planting on private lands are encouraged to help reduce runoff and maintenance.
- Tree planting and landscaping will be encouraged along all collector and arterial roads.

Manufacturing and Logistics

The area proposed for the rezoning and subdivision is designated primarily Manufacturing and Logistics Industrial according to the Inland Port Special Planning Area Regulation 48/2016. The Manufacturing and Logistics Industrial designation is intended for heavier industrial development that will allow for large parcels that will not be limited by natural features or existing infrastructure, including those that accommodate large-scale vehicles and those that may generate higher levels of nuisance. "I2" Industrial General type uses are permitted in this designation.

The following additional policies apply:

- Development in this designation should be located on parcels that accommodate large-scale vehicles.
- This designation must accommodate uses that generate higher levels of nuisance.
- Heavy industrial uses must incorporate buffers and other mitigated measures into their site design when located adjacent to lighter industrial uses, natural waterways, public open spaces or existing residential dwellings.
- Ground floor industrial activities, including loading docks and front yards, may shape the streetscape.

Open Space

The eastern boundary of the subject land, along East Branch Colony Creek, is designated Open Space according to the Inland Port Special Planning Area Regulation 48/2016. This designation supports the preservation of the existing natural character of existing open spaces including Little Mountain Park, natural heritage sites, and ecological sensitive areas. Development is encouraged to protect and promote open space designation include active transportation, private passive open space for employees, maintaining public use of existing open space and protective buffers such as trees and fences.

The following additional policies apply:

- Lands under this designation must be retained and protected.
- Parts of the linear open space designations will be used for active transportation corridors.
- Where possible, active transportation corridors are to be incorporated adjacent to local creeks and drainage channels.
- Public open space must remain accessible for public use through a variety of transportation options.

Transportation Overlays

Per *Map 2: Transportation Overlays*, the Industrial Corridor Overlay and Active Transportation Network standards will apply to the subdivided lots as they are developed.

The active transportation corridor overlay requires infrastructure to support pedestrians, cyclists and public transit, such as sidewalks, multi-use paths and bike lanes with landscaping and buffering to improve safety and aesthetic appeal.

The industrial corridor overlay requires infrastructure that is designed to support large trucks and that prioritizes the expeditious movement of industrial traffic and cargo, while providing minimal buffering and landscaping to provide transition between industrial and non-industrial land uses.

Servicing

Servicing policies state that new development will be required to hook up to available municipal services. Costs for this, outlined in the Capital Lot Levy By-law, will be applied as part of the Development Agreement to be entered into with the Rural Municipality of Rosser.

Phasing

Phasing policies state that the logical and orderly phasing of development will generally follow the extension of municipal services. The first phases of development will be within or immediately adjacent to developed areas or within the rail serviced industrial designation where the common use rail facility is being developed. Serviced development should expand from these areas in a contiguous manner to ensure efficient extension of services.

Zoning By-law:

The subject property is currently zoned “IPR” Inland Port Rural zone. This zone was established to protect lands for future industrial and commercial uses while allowing lawfully existing uses to continue until such time the lands are required for Inland Port related development.

The proposed zone is “I2” Industrial General zone. Land uses within this zone are to be oriented towards industrial uses such as manufacturing, truck activity, warehousing and distribution. Streetscapes in this zone are comprised of utilitarian frontages, including loading docks, facilities for movement of large cargo trucks and service and delivery vehicles, and trees planted for shade.

There are two residences located on lots adjacent to the subject lands. The zoning by-law states that any new industrial building in the “I2” Industrial General zone must be separated from any existing residential building by 200 ft. Parking areas must not be located within 20 ft. of a residential use or an open space zone, or must include a landscaped buffer located inside and along the perimeter of a lot that abuts the residential use or open space zone.

Table: “I2” Industrial General zoning requirements

Bulk Requirements		REQUIREMENT	
		Active Transportation Network	Industrial Corridor Overlay
Building Height		3 stories max	
Building Setback	Front	1.5 m – 6.1 m. (5 – 20 ft.) max	1.5 m (5 ft.) min
	Side (abutting “I2”)	6.1 m (20 ft.) min	6.1 m (20 ft.) min
	Rear	6.1 m (20 ft.) min	6.1 m (20 ft.) min
		1.5 m (5 ft.) to rear access lane min	
	Setbacks from residences	61 m (200 ft.) ¹	
	Encroachments	Yards are maintained open and unobstructed both at ground and above ground level except <ul style="list-style-type: none">• Yards may be encroached upon by accommodations for people disabled by barriers, fences, hedges and landscape features.• Architectural features may encroach<ul style="list-style-type: none">○ Into a required side yard by no more than 12.7 cm (5”) for each 0.3 m (1 ft.) of required yard width, provided the unobstructed width of the yard is not reduced to less than 0.9 m (3 ft.)○ Into a required front yard or rear yard by not more than 0.9 m (3 ft.)	

¹ Anhydrous Ammonia Storage Facility and Animal Processing Facility setbacks from residences on p. 31-32 of [IPSPA Regulation](#).

		<ul style="list-style-type: none"> Open, unenclosed and uncovered porches or paved terraces, without permanent fixed canopies, may encroach into a front or rear yard 3.2 m (10 ft.) max <p>Open and unenclosed stairways or balconies, not covered by a roof or canopy, may encroach into the required front yard by no more than 0.9 m (3 ft.) and into the required rear yard by 1.2 m (4 ft.) max</p> <p>If no building on lot, yard must be provided and maintained, but approval for yards to be used for agricultural activities or other open space uses is subject to designated employee's discretion.</p>	
Fence Heights		3 m (10 ft.) inclusive of any security wire	
Frontage	Shopfront	50 % min of total building frontage with 60% min clear glass	50 % min of total building frontage with 60% min clear glass
	Common Entry	50% min of total building frontage with 30% min clear glass	Unlimited % of total building frontage with 30% min clear glass
Site Coverage		70% max	
Roads	Lot access	Lot has frontage on an all-weather public road	
	Future roads	No building or structure is being erected on land that has been designated for a future public road, and if development is adjacent to such land, it complies with all requirements that would apply if the road was already in existence.	
Parking	Access	18.3 m (60 ft.) from corner min	9.1 m (30 ft.) from corner min
		Access must be from a lane where possible.	
	Setback	6.1 m (20 ft.) from front yard	N/A
	Buffer from residential uses	Parking area is separated from residential use by public road or watercourse, <i>or</i>	
		<ul style="list-style-type: none"> Buildings/structures not erected in parking area except one non-habitable accessory building/structure to shelter parking attendants, and <p>Only permitted signs in parking area are direction signs that do not exceed 1.9 m² (20 ft²) in area and are located within the parking area or the entrance or exit.</p>	
		<p>Parking area is not located within 6.1 m (20 ft.) of a residential use or an open space zone, <i>or</i> includes a landscaped buffer located inside and along the perimeter of a lot that abuts the residential use or open space zone. Landscaped buffer must meet one of the below options:</p> <ul style="list-style-type: none"> Option 1: <ul style="list-style-type: none"> Lot edge buffering with at least one tree per 10.7 m (35 ft.) of frontage and three shrubs per 6.1 m (20 ft.) of lot line. <ul style="list-style-type: none"> <i>Optional: Landscaped berm with 0.8 m (2.5 ft.) min height and a rise-to-run ratio of 1:3</i> <i>Note: All planted material must be at least 1.8 m (6 ft.) in height at the time of planting.</i> Option 2: <ul style="list-style-type: none"> Lot edge buffering that includes an opaque wall, berm, fence or dense vegetative screen with a minimum combined height of 1.8 m (6 ft.). <ul style="list-style-type: none"> <i>Note: If a vegetative screen is provided and is not combined with a wall, berm or fence, the vegetation must be at least 1.8 m (6 ft.) in height at the time of planting.</i> <i>Note: if a wall or fence is to be provided, the maximum continuous horizontal length of any section of the wall or fence that may be uninterrupted by vegetation is 14.6 m (48 ft.), and the vegetation provided must be:</i> <ul style="list-style-type: none"> (a) Comprised of shrubs that are at least 0.8 m (2.5 ft.) in height, and placed in a landscaped strip that is at least 4.9 m (16 ft.) in length and 1.2 m (4 ft.) in depth. 	
Lighting must be shielded and directed to reflect away from residential development.			
Parking area must be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles.			

Loading	Setback	6.1 m (20 ft.) from front yard	N/A
Site Landscaping²		Landscaped with connection to existing or proposed sidewalk and bike lane.	
		1 tree/18.3 m (60 ft.) min	
		3 shrubs/12.19 m (40 ft.) of primary frontage	
		1 foundation shrub/3 m (9.84 ft.) of shopfront/common entry façade min	
		Landscaped islands in parking areas every 40 number of stalls (hydro seeding, rock beds along with plantings is acceptable).	
		Landscaped sidewalks/linkages to any existing or proposed sidewalks and bikeways (hydro seeding, rock beds along with plantings is acceptable).	
		<i>Recommended: Visually appealing aesthetic along primary frontage (a 6.1 m (20 ft.) landscaped buffer is recommended, although other options may be proposed that ensure a visually appealing aesthetic along primary frontage).</i>	
<i>Recommended: Additional landscaping is encouraged to provide a visually appealing aesthetic.</i>			

The Zoning By-law also requires that new development applications achieve at least five points from one or more of the sustainable development measures. Future landowners will be required to meet the sustainable development measures at the time of issuance of development permit.

COMMENTS:

The comments of other government departments and agencies are enclosed for the information of the Authority and the applicant.

Rural Municipality of Rosser: Objects to both the rezoning and subdivision applications. The subdivision is premature as a water and wastewater servicing plan has not been completed. Rezoning should be completed at the same time as subdivision for the proposed development.

If the application is approved, Rosser requests that the applicant be required to provide public reserve along the northeast edge of the lot adjacent to Prairie Dog Trail for future development of an active transportation corridor.

Teranet (Land Titles): A multi-lot plan of subdivision with public road as proposed is required.

Manitoba Environment, Climate and Parks (Environmental Compliance and Enforcement): Council should be advised that should the proposed subdivision result in alterations to the municipality’s public sewerage and/or water system, the municipality will be required as per Sections 6 and 7 of Manitoba Regulation P210-331/88R --*Water Works, Sewerage and Sewage Disposal Regulation*, to prepare engineering data supporting the proposed sewer or water extension to obtain a public health certificate for the alteration.

² **General Requirements / Information:**

- Native plantings are encouraged.
- Trees and shrubs may be clustered to create visual interest.
- Trees should be selected based on their suitability to the site.
- Trees must be planted in accordance with their mature size.
- Tree shall be a minimum of 50 mm caliper for deciduous trees and 1800 mm height for coniferous trees at time of planting.
- No single species can make up more than 30% of a planting.

If the subdivision will result in the construction of a new water or sewer system, regulatory approval may be required. See attached comment for full detail.

Manitoba Environment, Climate and Parks (Water Stewardship): An engineered Subdivision Development Drainage Plan including design and analysis is required. The applicant will also need to obtain a Water Rights License to Construct Water Control Works. See attached comment for full comment.

Manitoba Sport, Culture and Heritage (Historic Resources Branch): A Heritage Resources Protection Plan (HRPP) is required to be submitted in the event that heritage resources (including human remains and paleontological resources) are accidentally encountered.

Manitoba Transportation and Infrastructure (Hydrologic Forecasting and Water Management): Recommends that permanent structures should be 1.5 m (5 feet) above ordinary high water elevation with a minimum setback distance of 30.5 m (100 feet) from the top of the waterway embankment to allow for erosion and instability unless an engineering investigation indicates that these limits may be reduced.

East Colony Creek runs along the east boundary of this property and is a designated Provincial Waterway. Designated Provincial Waterways are subject to Section 14(4) of the Water Resources Administration Act which states:

“No person shall place any material on, remove any material from, or construct, carry out, reconstruct, establish, or place, any works on structures on, over, or across, a provincial waterway, except as may be authorized in writing by the minister and subject to such terms and conditions as the minister may prescribe.”

Provincial Waterway Authorization must be obtained prior to the commencement of any construction or activity along a Provincial Waterway. See full comment for further detail.

Manitoba Transportation and Infrastructure (Highway Design): No objection.

City of Winnipeg: The City advises that there is insufficient capacity to accept wastewater discharge from the subject land prior to completion of interceptor sewer upgrades within the City of Winnipeg required to service the subject land. It is anticipated that development on the subject land will be delayed until adequate wastewater servicing is available. See comment for full detail.

Land drainage into the City of Winnipeg resulting from the proposed development cannot exceed the pre-development discharge rate to the satisfaction of the Water and Waste Department.

Public Works requests a copy of any traffic studies completed in relation to the proposed development, and suggests that any impacted City streets are reviewed as part of any future traffic studies.

Shaw Communications and Bell MTS: Easements required.

CN Rail: Development and final site conditions must not result in any adverse drainage impacts to CN lands in terms of volume, flow rate, new outlets or any other parameter, even in the event of a 100-year storm.

No comments were received from: Manitoba Agriculture; Canada Post; CP Rail; Manitoba Hydro/Centra Gas; Winnipeg Airports Authority and Office of the Fire Commissioner.

COMMENTS/RECOMMENDATION:

The primary objective of the Development Plan is to protect, enhance and promote land use and development that will contribute to the establishment of a comprehensively planned and functionally integrated inland port which is also functionally integrated with Rosser and the City.

The proposed development is generally not consistent with the phasing policies under the Inland Port Special Planning Area Development Plan. Development Plan phasing policies state that the logical and orderly phasing of development should follow the extension of municipal services. While the type of land use proposed is generally acceptable under the Manufacturing and Logistics Industrial policies, the development of these lands is premature without a servicing plan.

The 665 acre Rail Park, southwest to the subject lands, was rezoned in October 2021. A concept plan for this area has been established and these lands have been prioritized for servicing. Rezoning the subject lands would allow the applicant to submit a development permit application, regardless if the subdivision was approved, and therefore has the potential to cause demand for servicing where it would not be logical and orderly. (Note that the zoning amendment application can be approved without approving the subdivision application, however subdivision approval is contingent on rezoning.)

East Branch Colony Creek runs along the eastern boundary of the subject lands. Portions of two of the proposed lots are located within the Open Space designation and four of the proposed lots are adjacent to an Active Transportation Corridor. The application does not account for the Open space designation or the Active Transportation Corridor Overlay and therefore is generally inconsistent with the respective policies.

If the Board decides to recommend approval of the subdivision and/or zoning amendment applications, the recommendation should include the following:

13-1-172-2022-0194 (Zoning Amendment):

Conditions:

1. That the Applicant be required to complete a water and wastewater study and plan as deemed necessary by the Municipality for the entire area surrounding the approved proposal.
2. That the applicant/owner enter into a development agreement with the Municipality to ensure:
 - a. Consistency with the Inland Port Special Planning Areas Regulation 48/2016 and to cover any other such matters as deemed necessary by Council;
 - b. A requirement that the proposed subdivision lands be serviced by municipal services constructed by the developer;
 - c. That all utilities be installed by the developer;
 - d. An approval of a lot grade plan;
 - e. A drainage study and related mitigation including, but not limited to land drainage, water retention, off-site drainage improvements, and storm water detention system. Any stormwater detention sites shall be a naturalized design and shall be approved by the municipal engineer;
 - f. Extension of sewer and water services;
 - g. Off-site roads upgrades;
 - h. A traffic impact study;
 - i. Establishment of proposed landscaping;
 - j. Location of an active transportation corridor;
 - k. Application of the Capital Lot Levy By-law; and
 - l. Any other requirements considered necessary by the Municipality are dealt with.
3. That the applicant and the Rural Municipality of Rosser identify lands to be taken as public reserve along the northeast edge of the lot (adjacent to Prairie Dog Trail) for future development of an active transportation corridor.

4. That the zoning amendment application be amended to reflect Open Space zoning for public reserve lands identified in consultation with the Rural Municipality of Rosser (see Condition 3 above).
5. That the applicant/owner provides a Plan of Subdivision that aligns with the Subdivision Application Map submitted with the corresponding subdivision application (File No. 4172-22-8221), prepared by a Manitoba Land Surveyor and pre-approved by the WLTO Surveys Department subject to any public reserve conditions and requirements.

4172-22-8221 (Subdivision):

Requirements:

- A. That the applicant/owner submits the provincial lot fee of **\$1200.00** (4 new lots at \$300.00 per lot) to the office of the Inland Port Special Planning Area. Please submit a cheque or money order made payable to the Minister of Finance.
- B. The Property Registry requires a **Multi – Lot Plan of Subdivision with Public Roads**, as proposed, prepared by a Manitoba Land Surveyor. Please submit to this office:
 - One original mylar,
 - One mylar copy, and
 - One PDF copy of the final tentatively approved plan showing the total area of each lot, calculated by a surveyor, in either square feet or square metres of the surveyor’s final plan with deposit number, tentatively approved by the Examiner of Surveys.

If you have any concerns with this requirement, please contact the District Registrar at The Property Registry.

Conditions:

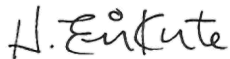
1. That the Applicant be required to complete a water and wastewater study and plan as deemed necessary by the Municipality for the entire area surrounding the approved proposal. Rail Park.
2. That the applicant/owner enter into a development agreement with the Municipality to ensure:
 - a. Consistency with the Inland Port Special Planning Areas Regulation 48/2016 and to cover any other such matters as deemed necessary by Council;
 - b. A requirement that the proposed subdivision lands be serviced by municipal services constructed by the developer;
 - c. That all utilities be installed by the developer;
 - d. An approval of a lot grade plan;
 - e. A drainage study and related mitigation including, but not limited to land drainage, water retention, off-site drainage improvements, and storm water detention system. Any stormwater detention sites shall be a naturalized design and shall be approved by the municipal engineer;
 - f. Extension of sewer and water services;
 - g. Off-site roads upgrades;
 - h. A traffic impact study;
 - i. Establishment of proposed landscaping;
 - j. Location of an active transportation corridor;
 - k. Application of the Capital Lot Levy By-law; and
 - l. Any other requirements considered necessary by the Municipality are dealt with.
3. That the Subdivision Application Map be amended to include lands identified in consultation with the Rural Municipality of Rosser to be set aside as public reserve.

4. Written confirmation from Manitoba Transportation and Infrastructure (Rob Crang, Technical Services Engineer: 1-204-945-8955 or Rob.Crang@gov.mb.ca) that sufficient information has been provided to determine if drainage from this site may adversely affect the provincial highway drainage system. If necessary, the applicant may be required to submit a detailed drainage plan prepared by qualified experts. Please note that the cost of this study, and any revisions to the highway drainage system directly associated with this proposed development, will be the responsibility of the developer.
5. Written confirmation from Manitoba Transportation and Infrastructure (Karen Toews, Manager, Roadside Development: 1-204-794-2733 or Karen.Toews@gov.mb.ca) that preliminary traffic projections and, if required, a Traffic Impact Study, have been provided. If required, this study is to be prepared by a qualified engineer and will determine what impact the traffic generated by this development will have on the traffic operations at this location and what, if any, on highway improvements will be required.
6. Written confirmation from Manitoba Environment, Climate and Parks, Drainage and Water Rights Licencing Branch (Drainage@gov.mb.ca) that a Subdivision Development Drainage Plan including design and analysis has been provided and any items identified have been addressed appropriately, or is not required.
7. Confirmation from the City of Winnipeg that a study which includes all recent approved developments in the RM of Rosser has been provided and any items identified have been addressed appropriately.
8. Confirmation Manitoba Hydro and Centra Gas, Bell MTS and Shaw Communications that Easement Agreements have been entered into or are not required.
9. Written confirmation from Canada Post (Cathy Aiello-Wilks: 1-204-333-7702 or Cathy.Aiello-Wilks@canadapost.postescanada.ca) that their conditions related to Community Mailboxes have been met.
10. That the site has been rezoned to "I2" Industrial General zone and Open Space zone.

Note the following for your information:

- Landscaping will be required in the Development Agreement and/or at the time of issuance of development permits.
- Subsequent developers of each proposed lot will be required to meet the Sustainable Development Measures at the time of issuance of development permits.
- All water control works (drains, culverts, dykes, dams, etc.) require licensing under *The Water Rights Act*.
- Discharging of wastewater to the City of Winnipeg wastewater system, once capacity is available, will need to comply with the appropriately amended Service Sharing Agreement.
- The applicant is advised that wastewater capacity at the North End Sewage Treatment Plant may not be available for full development of the land. Wastewater treatment capacity will not be reserved for the subject lands.
- The City of Winnipeg has requested that the Designated Officer of the Rural Municipality of RM of Rosser provide written notification to the Director of Water and Waste a minimum of ninety (90) days in advance of the addition of any High Strength Discharger of Wastewater to the RM's wastewater system.

- Any proposed Commercial or Industrial type facility(s) may be subject to Manitoba Regulation 164/88 - *Classes of Development Regulation*, and where applicable, will require the proponent to file (in writing) a proposal for a license under the *Environment Act*. Additional information is available online at the following link:
https://www.gov.mb.ca/sd/permits_licenses_approvals/eal/licence/index.html.
- If the subdivision will result in the construction of a new water or sewer system, regulatory approval may be required. Additional information is available online at the following link:
https://www.gov.mb.ca/sd/waste_management/wastewater/wastewater_collection/index.html



Holly Ervick-Knote
Planner

c.: Kari Schulz (WSP Canada Inc.)