

November 23, 2021

**File No.: 13-2-172-2021-0165 and 4172-21-8096**

## **INLAND PORT SPECIAL PLANNING AUTHORITY**

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 3-21 TO RE-ZONE Pt. of the S ½ of 29-11-02 EPM IN THE RURAL MUNICIPALITY OF ROSSER FROM “IPR” INLAND PORT RURAL ZONE TO “I2” INDUSTRIAL GENERAL ZONE  
(WSP CANADA INC - APPLICANT)**

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The intent of this application is to re-zone and subdivide an existing property legally described as Pt. of the S ½ of 29-11-02 EPM in the Rural Municipality of Rosser from “IPR” Inland Port Rural Zone to “I2” Industrial General Zone. The subject property is ± 230 acres in size and currently utilized for agricultural purposes. There are no existing buildings or structures on the property.

The applicant proposes to subdivide the parcel and create 48 new lots (plus residual, public reserve and two pathways), ranging in size from ± 2.3 acres to ± 6.5 acres. The proposed subdivision includes an internal public road network with two connections to Sturgeon Road to the east and one connection to Summit Road to the west, with access points to the north and west for future development. There are no proposed accesses onto PR 221 (Rosser Road).

The proposed subdivision layout has accommodated an existing provincial drain that runs through the site and has proposed two pathways alongside the drain. There is another smaller drain that has been closed but still exists in plan. It is proposed the closed drain be incorporated into the abutting lots (lots 45-48) through the subdivision process. Currently, the Active Transportation Network Overlay runs along the drain and through eight of the proposed parcels.

There is also an existing pond on a proposed public reserve, which would be utilized as part of the drainage system for the subdivision, if approved. This will be further detailed when the drainage study and detailed drainage design are completed.

Note that a similar proposal on the same subject land (Subdivision File No. 4172-18-7778 and By-law 3-18) was rejected in March, 2019. At that time, it was premature to re-zone and subdivide the subject land as the development was not contiguous to existing serviced development in the Inland Port.

### **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. Additionally, general policies within the Development Plan state that development should allow for the cost-effective extension of municipal services.

The area proposed for rezoning is designated predominantly as a Manufacturing and Logistics Area and partly as Open Space according to the Inland Port Special Planning Area Regulation 48/2016. The Manufacturing and Logistics Industrial designation is intended for heavier industrial development near the railway lines or the Airport. “I2” Industrial General type uses are permitted in this designation.

Transportation related policies state that developers should be responsible for improving the transportation network to meet the needs of development and that individual projects must accommodate future road connections at strategic locations to provide seamless connections to future development. Urban Design and Landscaping policies encourage tree planting and landscaping along roads.

Servicing policies state that development will be required to connect to municipal services (water and wastewater) when available. 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 RM of Rosser, if approved. Phasing policies state that the logical and orderly phasing of development will generally follow the extension of municipal 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.

The Industrial Corridor Overlay and Active Transportation Network Overlay standards will apply as the lots become developed. Future development will be required to meet the following standards:

***Industrial Corridor Overlay***

Use	Parking	Building Height	Building Setbacks			Landscaping	Building Frontage	Parking Access	Site Coverage
			Front	Side	Rear				
Industrial General	Varies depending on land use	3 stories maximum	5 ft. min	20 ft. min	20 ft. min (5 ft. min to rear access lane)	Landscaped with connection to existing or proposed sidewalk and bike lane	50% min of total building frontage to be glass with 60% min clear glass	18.3 m. min (60 ft.) from corner	70% maximum

***Active Transportation Network Overlay***

Use	Parking	Building Height	Building Setbacks			Landscaping	Building Frontage	Parking Access	Site Coverage
			Front	Side	Rear				
Industrial General	Varies depending on land use	3 stories maximum	5 ft. to 20 ft.	20 ft. min	20 ft. min (5 ft. min to rear access lane)	Landscaped with connection to existing or proposed sidewalk and bike lane	50% min of total building frontage to be glass with 60% min clear glass	18.3 m. min (60 ft.) from corner	70% maximum

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 the application is only for the rezoning and subdivision of the property, future landowners will be required to meet the sustainable development measures, which would be verified at the time of issuance of a development and/or building permit.

The Zoning By-law requires that any new industrial building must be separated from any existing residential building by 61 m. (200 ft.) in the Industrial General Zone.

**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:

**Bell MTS:** Easements are required.

## **City of Winnipeg:**

### Transportation

- The City requests that the Transportation Impact Study (TIS) related to this proposed development is shared with the Public Works Department so that the City's modelling and Transportation Master Plans can be updated and this information can be incorporated.

### Wastewater

- The applicant should be made aware that the capacity to accept wastewater discharge from the subject land has yet to be determined. Development on the subject land may be delayed until adequate wastewater servicing is available.
- The applicant is advised that wastewater capacity at NEWPCC will not be reserved for the subject lands.
- Discharging of wastewater to the City of Winnipeg wastewater system is subject to amendment of the existing Service Sharing Agreement.
- The Designated Officer of the Rural Municipality of Rosser (RM) shall 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. A "High Strength Discharger of Wastewater" means an owner which produces, or is expected to produce, wastewater that exceeds limits set out in Schedule B of the RM's sewer by-law.
- If wastewater system upgrades within the City of Winnipeg are required to support the development area, the RM shall pay their share of the wastewater upgrade costs as determined by the Director of Waste and Waste.

### Land Drainage

- To determine a reasonable pre-development flow from the area, use the equation  $Q = 35 A^{0.678}$  (where Q – Peak flow – cfs / A – Area – Sq. miles), which is based on the study of "Small Rural Watersheds" done by N.J. Harden in May 1983, or equivalent method.

## **Manitoba Conservation and Climate (Drainage and Water Rights Licencing Branch):**

Submit a Subdivision Development Drainage Plan Engineering Design and Analysis: An engineered drainage plan is required by Conservation and Climate for all subdivisions creating 10 or more lots. The following information is required in a Subdivision Development Drainage Plan, which is submitted for review by the Water Control Works and Drainage Licensing Section:

- With exceptions that may be granted by the Water Control Works and Drainage Licensing Section, subdivision storm water management and drainage plans shall be designed by a professional engineer registered to practice in Manitoba. The construction of the water control works shall be in accordance with the methods and materials as specified by the engineer.
- The applicant shall submit two copies of the design drawings of the proposed works approved by the engineer to the Water Control Works and Drainage Licensing Section for review.
- Developments of less than ten lots total in size, with lot sizes larger than two acres, may be subject to less stringent engineering design requirements. Nevertheless, the design and construction of the project shall still be completed in accordance with acceptable engineering standards. The applicant may be required to provide technical drawings showing design and construction details.
- Where the Water Control Works and Drainage Licensing Section determines it to be appropriate, we may direct the applicant to carry out an engineering analysis of hydrologic regime changes, potential physical impacts, and proposed mitigation measures.

Obtain a Water Rights Licence to Construct Water Control Works: As required by *The Water Rights Act*, a valid Water Rights Licence is required to control water or construct, establish or maintain any water control works. Water control works are defined as any dike, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for carrying or conducting water, that temporarily or permanently alters, or may, alter the flow or level of water, water in a water body, by any means, including drainage or changes, or may change the location or direction of flow of water by any means including drainage. You will need to fill out a license application form.

Hydraulic Design Requirements: Hydraulic design calculations are to be provided for review using a design scenario that details how post-development storm water runoff rates of the subject property are to be equal to, or less than pre-development run-off rates subject to the following criteria\*:

- The site design must be able to handle a minimum of 1-in-25 year storm event. Water-ponding volumes should equal the difference between a one-in-five year allowable outflow, and a 1-in-25 year post-development flow hydrograph. The allowable outflow is the one-in-five year peak flow based on pre-development conditions. The ponding storage is typically accomplished through retention ponds, or internal storage via ditches and drainage patterns.

**Manitoba Hydro:** Easements are required for Manitoba Hydro and Centra Gas Manitoba.

**Manitoba Infrastructure:** Manitoba Infrastructure does not object to this subdivision as proposed, and requests the following to be included as conditions of approval:

- The developer provides written confirmation that sufficient information has been provided to our regional Technical Services Engineer (Rob Crang at 1-204-945-8955 or [Rob.Crang@gov.mb.ca](mailto:Rob.Crang@gov.mb.ca)) to allow him to determine if drainage from this site may adversely affect the provincial highway drainage system. If necessary, our regional office may request the applicant 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;
- The developer provides written confirmation from our department that we have received and approved a Traffic Impact study for this development. The Traffic Impact Study will have to be prepared by a qualified transportation engineer. It will 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 identify the type of on-highway improvements that will be required to safely accommodate the traffic generated by this development. The cost of the Traffic Impact Study and any required on-highway improvements would be the responsibility of the developer (the applicant will have to enter into an agreement with the department for the construction of the on-highway improvements). The contact person with MI concerning the Traffic Impact Study is Karen Toews at 204-794-2733 or [Karen.Toews@gov.mb.ca](mailto:Karen.Toews@gov.mb.ca);
- The owners/developer are required to obtain a permit for the intersection modification at Summit Road and PR 221. Any on-highway improvements identified in the Traffic Impact Study will be undertaken/made conditions of part of this permit including the possible re-alignment of Summit Road and PR 221 (Rosser Road) intersection. For permit information, please contact Sheena Del Rosario at 204-583-2433 or by email at [Sheena.DelRosario@gov.mb.ca](mailto:Sheena.DelRosario@gov.mb.ca). Permit information and permit application forms can also be found at <https://www.gov.mb.ca/mit/hpd/permits.html>.

Please note the following statutory requirements affecting PR221.

Statutory Requirements:

Under the *Transportation Infrastructure Act*, a permit is required from Manitoba Infrastructure to construct, modify, relocate, remove or intensify the use of an access. A permit is also required from Manitoba Infrastructure to construct, modify or relocate a structure or sign, or to change or intensify the use of an existing structure (including the alteration of existing buildings) within the **38.1 m** (125 ft) controlled area from the edge of the highway right-of-way.

In addition, a permit is required from Manitoba Infrastructure for any planting placed within **15 m** (50 ft) from the edge of the right-of-way of this highway.

**Manitoba Infrastructure (Water Management, Planning and Standards Branch):** No concerns.

**Shaw Communications:** An easement is required.

**Teranet:** A Multi-Lot Plan of Subdivision showing both public roads and pathways as proposed is required.

Further Information:

- This application also involves part Drain Plan 6283 WLTO (now Closed) found on [CT 575018/1](#).
- Because of the public roads and pathways being created, the plan will have to be signed by all encumbrancers on both titles.
- Non-uniform sub-surface rights (mines and minerals exceptions) as a result of Drain Plan 6283 WLTO to be addressed on the Plan of Subdivision.

No comments were received from: Canada Post; CN Rail; CP Rail; Historic Resources Branch (Sport, Culture and Heritage); Manitoba Agriculture and Resource Development; Mineral Resources Branch (Manitoba Agriculture and Resource Development); Office of the Fire Commissioner (Manitoba Municipal Relations); Rural Municipality of Rosser; South Interlake Planning District; and Winnipeg Airports Authority.

**COMMENTS/RECOMMENDATION:**

One of the objectives of the Development Plan is to protect land to allow for a comprehensively planned and functionally integrated inland port. The subject parcel is designated appropriately for the proposed use.

Phasing policies within the Inland Port Special Planning Area state that the logical and orderly phasing of development should follow the extension of municipal services. Transportation related policies state that developers should be responsible for improving the transportation network to meet the needs of the development.

The land proposed for subdivision and re-zoning could be considered contiguous since the recent rezoning approval of the Rail Park directly to the south of the subject land, however it is not known when services will be available.

If the Board decides to recommend approval of the re-zoning and subdivision applications, the approval should be conditional on the following:

1. That the applicant/owner enter into a development agreement with the municipality 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 sewer and water services, road upgrades, establishment of proposed landscaping, a traffic impact study, drainage study, lot grading, Sustainable Development Measures and application of the Capital Lot Levy By-law.
2. Confirmation from Manitoba Conservation and Climate, Drainage and Water Rights Licencing ([Drainage@gov.mb.ca](mailto:Drainage@gov.mb.ca)) that a drainage plan and, if deemed necessary, hydraulic design calculations and engineering analysis of hydrologic regime changes, potential physical impact and proposed mitigation measures have been provided and any items identified have been addressed appropriately.
3. Confirmation from Manitoba Conservation and Climate, Drainage and Water Rights Licencing that a Water Rights licence to Construct Water Control works has been obtained, or is not required at this time. <https://www.gov.mb.ca/sd/water/water-rights/drainage-and-water-control/index.html>.
4. Confirmation from Manitoba Infrastructure (Rob Crang, Technical Services Engineer: 1-204-945-8955 or [Rob.Crang@gov.mb.ca](mailto:Rob.Crang@gov.mb.ca)) that drainage onsite will not adversely affect the provincial highway system. The applicant may be required to submit a detailed drainage plan prepared by qualified experts.

5. Confirmation from Manitoba Infrastructure (Karen Toews, Manager, Roadside Development: 1-204-794-2733 or [Karen.Toews@gov.mb.ca](mailto:Karen.Toews@gov.mb.ca)) that preliminary traffic projections and, if required, a Traffic Impact Study has been provided and any items identified have been addressed appropriately.
6. The owners/developer are required to obtain a permit for the intersection modification at Summit Road and PR 221. Any on-highway improvements identified in the Traffic Impact Study will be undertaken/made conditions of part of this permit including the possible re-alignment of Summit Road and PR 221 (Rosser Road) intersection. For permit information, please contact Sheena Del Rosario at 204-583-2433 or by email at [Sheena.DelRosario@gov.mb.ca](mailto:Sheena.DelRosario@gov.mb.ca). Permit information and permit application forms can also be found at <https://www.gov.mb.ca/mit/hpd/permits.html>.
7. Confirmation from the City of Winnipeg that the Transportation Impact Study (TIS) has been shared with the Public Works Department.
8. Confirmation from the City of Winnipeg that their requirements are met regarding discharging of wastewater to the City of Winnipeg wastewater system. Discharging of wastewater to the City of Winnipeg wastewater system is subject to amendment of the Service Sharing Agreement.
9. Confirmation from the City of Winnipeg that the designated officer of the Rural Municipality of Rosser has provided written notification to the Director of Water and Waste a minimum of ninety days in advance of the addition of any High Strength Discharger of Wastewater to the RM's wastewater system. A "High Strength Discharger of Wastewater" means an owner which produces, or is expected to produce, wastewater that exceeds limits set out in Schedule B of the RM's sewer by-law.
10. Confirmation from the City of Winnipeg that financing for any required wastewater system upgrades as a result of this development within the City of Winnipeg has been settled between the Director of Waste and Water and the Rural Municipality of Rosser.
11. Confirmation that Easement Agreements have been entered into with Manitoba Hydro, Centra Gas, Shaw Communications and Bell MTS.

Please also note the following:

If the application is approved, subsequent developers of each proposed lot will be required to meet the Sustainable Development Measures. Additionally, the applicant/owner will also be required to submit a lot approval fee to the Province and provide a multi-lot Plan of Subdivision showing both public roads and pathways, as proposed, to be prepared by a Manitoba Land Surveyor (to be pre-approved by The Property Registry) as part of the subdivision process.

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Holly Ervick-Knote  
Planner

c.: Kari Schulz c/o WSP, applicant