



**Municipal Relations**

Inland Port Special Planning Area  
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April 7, 2022

**File No.: 13-2-172-2021-0169**

**INLAND PORT SPECIAL PLANNING AUTHORITY**

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 4-21 TO RE-ZONE  
LOT 43 PLAN 68592 WLTO IN SW ¼ 34-11-02 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 Lot 43 Plan 68592 WLTO in SW ¼ 34-11-02 EPM (± 29.5 acres) in the Rural Municipality of Rosser from “IPR” Inland Port Rural Zone to “I2” Industrial General Zone. The northern portion of the lot would be used for container storage. The southern portion of the lot would be used as a storage area for construction equipment. This proposal is an extension (Phase 4) of BrookPort Business Park.

The northern portion of the lot would be accessed through Lot 13 Plan 68592 (Brookport Phase 3). The southern portion would be accessed through Lot 12 Plan 68592. No permanent structures will be erected on the subject land. The proposed uses for the subject land would be accessory to the uses on Lots 12 and 13 of Plan 68592.

The proposal states that the subject lot being re-zoned will not be serviced. The subject lot as well as the other two affected lots are currently being utilized for agricultural purposes. There are no existing buildings or structures on the subject property.

An extension of the Chief Peguis Trail is proposed going through the north and northwest portion of the subject land. The applicant has previously entered into a temporary use agreement with the Rural Municipality of Rosser and is proposing to do the same for this parcel. The temporary use agreement will allow for the northwestern portion of the lot to be used for container storage until such time as the Chief Peguis Trail extension is constructed.

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

**Development Plan:**

The area proposed for rezoning is designated 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.

Servicing policies state that development will be required to hook up to municipal services (water and wastewater) when available (section 5.1.2.1). Costs for this are outlined in the Capital Lot Levy By-law and are applied as part of the Development Agreement to be entered into with the RM of Rosser.

Phasing policies state that the logical and orderly phasing of development will generally follow the extension of municipal services. Deviations from this approach may be considered in order to provide opportunities for un-serviced development. Development that is not serviced should be directed to the lands along the west or northwest side of the Inland Port plan area, north of the CPR rail line and adjacent to the Perimeter Highway, which are located at the furthest point from where water and wastewater services will initially be installed and extended (section 7.1).

**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 proposed uses for the subject lands would be classified as an *Industrial General* use in the Inland Port Special Planning Area Regulation 48/2016 – Schedule B: Zoning By-law. *Industrial General* uses are permitted within the “I2” Zone and are subject to the following Performance Standards:

Nuisance	Standards
Air Pollution	No air pollution or smoke shall be produced which is in excess of the maximum concentration for fine particulate matter and ground-level ozone as established under the <i>Canadian Ambient Air Quality Standards (CAAQS) for PM<sub>2.5</sub> and Ozone</i> , as published in The Canada Gazette, Part 1, Vol. 147, No. 21, May 25, 2013.
Dust, Dirt or Particulate Matter	No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the zoning Site that is discernible without instruments at a lot line of the zoning site.
Electrical Disturbance	No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
Glare or Heat	No direct or sky-reflected glare or heat shall be produced in quantities which are discernible without instruments at a lot line of the zoning site.
Inflammable or Explosive Materials	No inflammable or explosive materials shall be produced, used, stored or handled unless adequately safe-guarded, as approved by the Municipal Fire Department, against hazards of explosion.
Liquid Contaminants	No discharge of liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment or in any way causes the emission of dangerous or offensive materials shall occur into any public sewer, private sewage disposal system, stream or into the ground.
Noise or Vibration	No noise or vibration, other than related to transportation activities and temporary Construction work shall be produced in quantities which are discernible without instruments at a lot line abutting a non-industrial land use.  Where noise attenuation is required within a Provincial Highway or a controlled area as defined in <i>The Highways Protection Act</i> , application shall be made by the Owner to Manitoba Highway Traffic Board or to Manitoba Transportation and Infrastructure respectively.
Odorous Gases	No emission of any odorous gases or matter shall be produced in quantities which are discernible without instruments at a lot line of the zoning site.
Radioactivity	No activity, including storage or dumping, shall result in the emission of radioactivity in any amount.

Additionally, Industrial Corridor Overlay standards apply, however many of the associated requirements are not applicable to this development as no building is proposed for the site.

Use	Parking	Building Height	Building Setbacks			Building Frontage	Parking Access	Site Coverage
			Front	Side	Rear			
Parking	N/A	3 stories maximum	1.5 m. (5 ft.)	6.1 m. (20 ft.)	6.1 m. (20 ft.); 1.5 m (5 ft.) to rear access lane	50% min of total building frontage to be glass with 60% min clear glass	9.1 m. (30 ft.) from corner	70% maximum

**COMMENTS:**

The following requirements/comments were received:

**Bell MTS:** Easements are required.

**City of Winnipeg:**

Public Works Department: There are deficiencies with the recent construction works at the intersection of Brookside Boulevard and Farmer Road related to a previous development within the RM. The City is in the process of addressing this.

Water and Waste Department: 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. Flow calculations shall 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 Agriculture and Resource Development:** No objection.

**Natural Resources and Northern Development:**

Mineral Tenure and Regulatory Services: The subject land is within a designated aggregate deposit area and contains a medium deposit of aggregate resources (see Attachment – 4-21 Aggregate Map). The proposed use for the parcel does not involve erecting structures on the subject land. Before this area is fully developed, the opportunity to extract potential resources here should be utilized or made available.

The zoning change should allow for a possible extraction use, should there be any interest prior to more extensive development of the area. The proponent should consider revising their application to rezone to “I3” Industrial Heavy Zone instead of “I2” Industrial General Zone in order to allow for extraction if there may be an interest in the future.

**Manitoba Environment, Climate and Parks:**

Environmental Compliance and Enforcement Branch (ECE): No concerns at this time, but would like to advise the proponent that 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 licence under *The Environment Act*.

Water Stewardship Division: No concerns. Please remind the proponent that under 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.

**Manitoba Infrastructure:** Infrastructure does not object to the rezoning in order to accommodate a trailer storage use. A development agreement, or some sort of appropriate agreement, should be entered into with the municipality that prohibits all permanent structures and allows for only those units that are temporary and moveable within the Chief Peguis Extension area. 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 (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 the development 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 preliminary traffic projections to Karen Toews at 1-204-794-2733 or [Karen.Toews@gov.mb.ca](mailto:Karen.Toews@gov.mb.ca). Based on this information, our department will determine if a more detailed Traffic Impact Study is required. 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.

**Rural Municipality of Rosser:**

The northern property line and subsequent use is very close to a habitat house, on a farmyard site. The municipality is requesting that if this is approved:

- That an appropriate solid fence being used as a noise barrier is installed by the developer (as approved by the municipality) on the rezoned property along the north boundary. In addition, tree should be required to buffer sound.
- That containers are prohibited through buffering (i.e. setback) at a distance near the north boundary if the top container was to fall towards the house and roll, it would not leave the property.
- A Development Agreement be entered into with the Rural Municipality of Rosser to ensure consistency with the Inland Port Special Planning Area Regulation 48/2016 and to address any other such matters as deemed necessary by Council. The Development Agreement will include, but not be limited to lighting pollution not affecting the house or yard site, noise not affecting the habitants during night hours using operational hours, pest control for the house associated with a container operation, prohibition of queuing of trucks offsite of this property as this roadway is not designed to queue container trucking, onsite appropriately sized queuing area identified, a traffic impact study for this use, drainage study, lot grading, and the application of Rosser's Capital Lot Levy By-law of the development.

No comments were received from: Canada Post; CN Rail; CP Rail; Historic Resources Branch (Sport, Culture and Heritage); Manitoba Hydro/Centra Gas; Office of the Fire Commissioner; Shaw Communications; South Interlake Planning District; Teranet (The Property Registry); Water Management, Planning and Standards (Manitoba Infrastructure); and Winnipeg Airports Authority.

**COMMENTS/RECOMMENDATION:**

The purpose of this rezoning application and subsequent public hearing is to determine if the proposal should be rezoned to "I2" Industrial General Zone, thereby permitting the establishment of a ±29.5 acre *Industrial General* use to accommodate an accessory container storage use on the northern portion of the parcel and an accessory construction equipment storage use on the southern portion of the parcel, to be accessed through the neighbouring properties (Lots 12 and 13, Plan 68592 WLTO, respectively).

It is noted that an extension of the Chief Peguis Trail is proposed going through the north and northwest portion of the subject land. As such, Manitoba Infrastructure recommends that if the re-zoning and proposed development is approved that development of permanent structures be restricted on the lands affected by the Chief Peguis Trail extension (please see related Condition 1 pertaining the Development Agreement).

Natural Resources and Northern Development (NRND) has noted that the majority of the subject property is located within a medium aggregate resource deposit (see Attachment – 4-21 Aggregate Map). As such, NRND has recommended that the subject property be re-zoned “I3” Industrial Heavy Zone instead of the proposed “I2” Zone to allow the opportunity to extract potential mineral resources prior to more extensive development in the area. It is noted that the change recommended by NRND would be a substantial change from the “I2” Zone proposed by the applicant, and therefore, require a new public hearing to be scheduled and appropriate notice being provided. NRND’s recommendation may be alternatively addressed by prohibiting in the Development Agreement the development of uses or structures that are incompatible with the potential future extraction of the mineral resource.

The original intention was to provide East-West connectivity for the Brookport Business Park through the extension of Goldenrod Drive. However the rezoning and proposed development of this land use will eliminate that option if approved.

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 Inland Port Special Planning Area Regulation 48/2016 policies do not support un-serviced new development, as proposed. Development plan servicing and phasing policies require that new development must be connected to the municipal water and sewer systems when available. As the subject land is contiguous to the Brookport Business Park, the Inland Port Special Planning Area Regulation 48/2016 would support serviced development on this land.

Recommendation to Inland Port Special Planning Board: If despite the above, 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:
  - Prohibit all permanent structures and allow for only those units that are temporary and moveable within the Chief Peguis Extension area.
  - Require an appropriate solid fence to be used as a noise barrier is installed by the developer (as approved by the municipality) on the rezoned property along the north boundary and planting of trees to buffer sound.
  - Prohibit containers through buffering (i.e. setback) at a distance near the north boundary.

**If deemed appropriate to address NRND’s comment:**

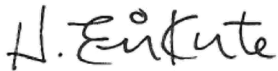
  - Address the use of the subject land and any existing or proposed structures to ensure land use compatibility with potential aggregate resource deposit until such time the resource is extracted.

The development agreement may also include, but not be limited to, extension of sewer and water services, road upgrades, establishment of proposed landscaping, Traffic Impact Study, drainage study, a Water and Resource Management Plan, lot grading, lighting, the application of the Capital Lot Levy By-law, and dust control from the increase in traffic to the property.

2. Confirmation from Manitoba Infrastructure (Rob Crang, Technical Services Engineer: 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.

3. Confirmation from Manitoba Infrastructure (Karen Toews, Manager, Roadside Development: 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.
4. Confirmation from the City of Winnipeg (Water and Waste Department: [regionalplanning@winnipeg.ca](mailto:regionalplanning@winnipeg.ca) or 204-986-2636) that drainage into the City of Winnipeg resulting from the proposed development does not exceed the pre-development discharge rate.
5. Confirmation from Manitoba Environment, Climate and Parks (Kaitlin Sawisky, Environment Officer, Environmental Compliance and Enforcement Branch: [Kaitlin.Sawisky@gov.mb.ca](mailto:Kaitlin.Sawisky@gov.mb.ca) or 204- 914-8404) that any required licences under *The Environment Act* have been obtained.
6. Confirmation that Easement Agreements with Manitoba Hydro, Centra Gas, Shaw Communications and Bell MTS have been entered into or are not required.

Comments to Applicant: Should the applicant choose to revise their application to rezone to "I3" Industrial Heavy zone based on the information and recommendation provided by Natural Resources and Northern Development, Mineral Tenure and Regulatory Services, the application will need to be recirculated and a new public hearing will be required.



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Holly Ervick-Knote  
Planner

c.: Kari Schulz c/o WSP, applicant