**Minute No. 642**
**Report – Executive Policy Committee – July 9, 2014**

**Item No. 1** **Complete Communities Amendment - Residential Subdivision without a Full Range of Municipal Services Plan**
**File SPA 2/2014**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That By-law No. 35/2014, a proposal to amend Complete Communities Direction Strategy By-law No. 68/2010 ("Complete Communities") to provide clear policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services, be forwarded to Council for second and third reading.

   The By-law would be amended by adding the following text to Direction 1 of Section 04 Areas of Stability of Complete Communities (page 81):

   (P – Planning)
   Support residential infill subdivision proposals creating lots with frontage on roads with less than a full range of municipal services when it can be demonstrated that all proposed lots:
   - are located entirely in an R1 or R2 zoning district;
   - meet the minimum bulk requirements of applicable zoning by-laws without variance;
   - do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;
   - conform with all local secondary plans and precinct plans;
   - will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;
   - will be serviced with piped sewer and piped water; and
   - respect the local context and character of the area.

2. That the Proper Officers of the City be authorized to all things necessary to implement the intent of the foregoing.

**Report – Executive Policy Committee – July 9, 2014**

DECISION MAKING HISTORY:

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Wyatt advised that he would refrain from entering the discussion and voting on the item due to a potential conflict of interest, and left the Chamber.

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted.

Carried

Councillor Wyatt hereby returned to the chamber.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

Further on July 9, 2014, the Executive Policy Committee provided the following supporting reasons:

1. Widespread development in areas without a full range of municipal services would be irresponsible; however there are a handful of areas where a limited number of lots have been created with limited services that in my mind is consistent with the objectives of OurWinnipeg.

2. The subject application is a long time coming amendment inasmuch as a successful petition for a Local Improvement to allow these types of development would never get the widespread support required.

## PUBLIC HEARING SUMMARY

File: SPA 2/2014

Before: Executive Policy Committee
His Worship Mayor Katz, Chairperson
Deputy Mayor Swandel
Councillor Browaty
Councillor Mayes
Councillor Nordman
Councillor Pagtakhan

Public Hearing: July 9, 2014
Council Building, 510 Main Street

Applicant: The City of Winnipeg
(Director of Planning, Property and Development)

Subject:

***Complete Communities* Amendments**
**APPLICANT :** CITY OF WINNIPEG, PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
**FILE :** SPA 2/14
**PROPOSAL :** On April 30, 2014, the Council of The City of Winnipeg gave first reading to By-law No. 35/2014, which amends By-law No. 68/2010 (*Complete Communities*). The amendment provides policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services. More specifically, the amendment added the following to Direction 1 of Section 04 (Areas of Stability) of *Complete Communities*:

Support residential infill subdivision proposals creating lots with frontage on roads with less than a full range of municipal services when it can be demonstrated that all proposed lots:

- are located entirely in an R1 or R2 zoning district;
- meet the minimum bulk requirements of applicable zoning by-laws without variance;
- do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;
- conform with all local secondary plans and precinct plans;
- will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;
- will be serviced with piped sewer and piped water; and
- respect the local context and character of the area.

*Complete Communities* continues to guide the City's long-term plans and policies respecting the City's purposes, its physical, social, environmental and economic objectives; sustainable land uses and development; and implementation measures.

**For more information, please contact Brett Shenback at 204-986-5549.**

Exhibits Filed:

1. Application dated April 7, 2014
2. Statutory Public Notice (newspaper advertisements)
3. Council Decision of April 30, 2014; contains report from the Director of Planning, Property and Development dated March 11, 2014
4. First Reading of By-law No. 35/2014 by Council on April 30, 2014
5. Report from the Urban Planning Division dated June 3, 2014
6. Communication dated June 20, 2014, from Ron and Laurayne Rusak in support of the application
7. Communication dated June 21, 2014, from Don and Pat Guigueno in support of the application
8. Communication dated June 28, 2014, from Lorne and Marlene Kostynyk in support of the application
9. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Don and Pat Guigueno
Lorne and Marlene Kostynyk
Ron and Laurayne Rusak

In Opposition:

For Information:

For the City:

Mr. B. Smith, Chief Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit "5" referred to in File SPA 2/2014

# ADMINISTRATIVE REPORT

**Title:** **Residential Subdivision without a Full Range of Municipal Services**

**Issue:** **Proposed *Complete Communities* amendment, for consideration at the public hearing**

**Critical Path:** **Executive Policy Committee -> Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | B. Thorgrimson | N/A | D. Joshi<br>A/CAO |

## RECOMMENDATIONS

1. **That By-law No. 35/2014, a proposal to amend *Complete Communities* Direction Strategy By-law No. 68/2010 ("Complete Communities") to provide clear policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services, be forwarded to Council for second and third reading.**

   **The By-law would be amended by adding the following text to Direction 1 of Section 04 Areas of Stability of *Complete Communities* (page 81):**

   ***(P – Planning)***
   ***Support residential infill subdivision proposals creating lots with frontage on roads with less than a full range of municipal services when it can be demonstrated that all proposed lots:***
   - ***are located entirely in an R1 or R2 zoning district;***
   - ***meet the minimum bulk requirements of applicable zoning by-laws without variance;***
   - ***do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;***
   - ***conform with all local secondary plans and precinct plans;***
   - ***will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;***

- ***will be serviced with piped sewer and piped water; and***
- ***respect the local context and character of the area.***

**2. That the proper officers of the City be authorized to all things necessary to implement the intent of the foregoing.**

## REASON FOR THE REPORT

On April 30, 2014, Council gave First Reading to By-law No. 35/2014 and the Executive Policy Committee was directed to schedule a public hearing to consider amending *Complete Communities* Direction Strategy By-law No. 68/2010. The following information reflects background and analysis associated with the proposed amendment.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the amendment to *Complete Communities* will provide clear policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services. Such policy should be clear and only apply within Areas of Stability; which includes Mature Communities and Recent Communities.

## HISTORY

Historically, City of Winnipeg Development Plans has required a full range of municipal services, which includes piped drainage, sewer and water, along with asphalt or concrete surfaced roads. These standards are most likely based on 'Best Practices' related to safety and life cycle costing considerations. Regardless, uncertainty exists as to whether residential infill proposals are acceptable when less than a full range of municipal services exists.

Proposals for residential infill lots in areas with less than a full range of municipal services are not uncommon. On a number of occasions, applicants have challenged the requirement for a full range of municipal services with mixed success (DASZ 20/2007 – 484 Almey Ave, DASSF 542/09 – 795 Knowles Ave, DASZ 38/2006 - 445-453 Ham St, DASZ 28/10 – 461 Ham St). While the Public Service has typically sought to reject such applications based on policies found in *OurWinnipeg*, many applications are eventually approved through the appeals process or rationalized as a unique circumstance. Development applications are often approved in certain areas of the City (i.e. Charleswood) where less than a full range of municipal services exists.

**Policy Context**
*OurWinnipeg* allows *intensification of land-uses through the development application process only when a full range of municipal services is provided* (p 30).

*OurWinnipeg* defines a full range of municipal services as *piped water, piped wastewater, piped land drainage, and an urban standard roadway* (p 30). By this definition, any road with open

drainage ditches or with chip seal or gravel surfacing is not considered as having a *full range of municipal services.*

Subdivision of lots, including infill lots, are permitted without a full range of services *where a statutory secondary plan establishes minimum parcel sizes, and appropriate servicing criteria* (*OurWinnipeg* - p 30).

*Complete Communities* states *Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure and services as well as enhance housing choice and affordability. Infill in areas of stability will be supported with the intent of creating more complete communities* (p 78).

The *Areas of Stability* section of *Complete Communities* supports *the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner* (p 80).

*Complete Communities* indicates that *Recent Communities can also accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure* (p 86).

*Complete Communities* indicates that in Rural and Agricultural Areas, *the establishment of new residential properties will be considered in areas covered by an applicable statutory plan that allows for their creation* (p 114)

**Discussion**
Winnipeg's population is expected to grow by more than 200,000 people over the next 23 years, which will require more than 100,000 new dwelling units of various sizes. While a large share of this growth will be accommodated through the development of new communities, Areas of Stability can accommodate a share of new growth.

The most obvious neighbourhood of the City to consider for residential subdivision of parcels with less than a full range of municipal services is Charleswood. Charleswood was originally developed to a rural standard under the jurisdiction of the former Rural Municipality of Charleswood prior to joining the City of Winnipeg in 1972. The neighbourhood does have piped sewer and water servicing; however, the roads remain chip seal surfaced with open drainage. The conversion of the area to a full range of municipal services would be too costly to complete.

*Complete Communities* indicates that areas designated *Areas of Stability: Recent Communities can accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure* (p 86).

**Analysis**
The Urban Planning Division identified the number infill lots that could be subdivided from residential parcels with less than a full range of municipal services (see Attachment 'A': *Methodology and Analysis*).

Residential parcels within Agriculture and Rural Areas were omitted from the analysis, as the establishment of new residential properties in these areas will only be considered when *an*

*applicable statutory plan that allows for their creation* (*Complete Communities* p 114) is approved.

Three residential areas with infill subdivision opportunities on streets containing less than a full range of municipal services were identified. All three areas are located entirely within the *Areas of Stability: Recent Communities* designation of *Complete Communities*. Staff determined that there were a total of 112 potential residential infill opportunities (71 flag lots & 41 regular shaped lots) in the three areas (see Attachment A, Map 6).

One concern is that infill lots, particularly flag lots, proposed independently of a larger planning exercise, may have the potential to interfere with or potentially disrupt the orderly planned development of neighbouring holdings.

Proper drainage of flag lots is often an issue because of the distance from the developable area to the existing land drainage system, regardless of whether it is a piped or open drainage. There is concern that flag lots could increase landowner complaints related to standing water.

Flag lot development is regulated by section 140(4) of the City of Winnipeg Zoning By-law (200/2006) which prohibits new flag lots unless:

- the lands proposed for flag lot access are located in an R1 or R2 zoning district;
- the lands proposed for flag lot development are located more than 150 feet from the nearest existing or planned public street or lane; and
- the Director determines that there is no feasible alternative way to provide access to such lands.

Proper implementation of section 140(4) of the Zoning By-law should prevent flag lots from interfering with and/or disrupting existing plans.

**Conclusions**

Residential intensification through infill subdivision activity designated *Recent Communities* supports the objectives and intent of *Complete Communities,* provided the proposal is sensitive to the local context. 'Local context' would include consideration of any local plans, as well as the orderly planned development of the surrounding area in general. In addition, 'local context' would also consider safety issues, as would be the case when evaluating infill proposals on collector streets.

The Urban Planning Division recommends that policy guidance on subdivision proposals for residential lots with less than a full range of municipal services be contained in the *Complete Communities* By-law.

## FINANCIAL IMPACT

### Financial Impact Statement Date: June 12, 2014

### Project Name:

**Residential Subdivision without a Full Range of Municipal Services**

**COMMENTS:**

There are no financial implications associated with the recommendations in this report.

*"Original Signed By"*
Mike McGinn, CA
Manager of Finance

## CONSULTATION

**In preparing this report there was consultation with:**

- Public Works
- Water and Waste

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Urban Planning |
| Prepared by: | Karin Kliewer |
| Date: | June 3/14 |
| File No. | SPA 2/2014 O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2014 Reports\35-2014\CCA - BL 35-2014 - Second Reading Rpt.doc |

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### List of Schedules and Attachments

*Attachment 'A' – Methodology and Analysis*



Attachment - Methodology and Anal