Minute No. 456
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

Item No. 7 **Subdivision and Rezoning – 45/55/100 Daman Farm Road & 2974 St. Mary's Road**
(St. Norbert-Seine River Ward)
File DASZ 29/2020 [c/r DAV 219244/2020D]

COUNCIL DECISION:

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

1. That Development Application No. DASZ 29/2020 for the subdivision and rezoning of land located at 45 Daman Farm Road and 2974 St. Mary's Road be rejected.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Executive Policy Committee be adopted.

Councillor Chambers called for the yeas and nays which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Eadie, Gillingham, Gilroy, Klein, Lukes, Mayes, Nason, Orlikow, Rollins, Santos, Schreyer and Sharma 16

Nay: 0

and the Item was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2021, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2021, due to a tie vote, the Standing Policy Committee on Property and Development, Heritage and Downtown Development submitted the matter to the Executive Policy Committee and Council without recommendation.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 27, 2021, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 29/2020 [c/r DAV 219244/2020D] be rejected.

On April 6, 2021, the Riel Community Committee did not hear any representations on the applications and adjourned the public hearing to its meeting on April 27, 2021 at 10:30 a.m. in the Council Building at 510 Main Street

PUBLIC HEARING SUMMARY

File:	DASZ 29/2020
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Allard Councillor Chambers
Public Hearing:	April 27, 2021 April 6, 2021 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc. (Jeff Pratte)

Subject:



APPLICANT: Landmark Planning & Design Inc. (Jeff Pratte)
FILE: DASZ 29/2020
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RR2" RURAL RESIDENTIAL 2 DISTRICT to facilitate the establishment of twenty-three (23) residential lots and the extension of Jean Louis Road into the new subdivision. **For information, phone E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR: Landmark Planning & Design Inc. (Jeff Pratte)
N° DE DOSSIER: DALZ 29/2020
PROJET: Demande d'approbation par le conseil municipal du plan de lotissement indiqué ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RR5 (secteur résidentiel en milieu rural 5) à la catégorie RR2 (secteur résidentiel en milieu rural 2) en vue de faciliter l'aménagement de 23 lots résidentiels et le prolongement du chemin Jean-Louis jusque dans le nouveau lotissement. **Pour obtenir des renseignements, veuillez appeler E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 45/55/100 Daman Farm Road and 2974 St. Mary's Road

For submission to: The Standing Policy Committee on Property and Development, Heritage and Downtown Development

Prepared by: Rebecca Ford, Committee Clerk
Riel Community Committee

Report date: April 29, 2021

Community Committee Recommendation:

On April 27, 2021, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 29/2020 [c/r DAV 219244/2020D] be rejected.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. We've heard quite a bit today with respect to the concerns raised by area residents with regards to the aquifers. The report that was provided by the Public Service does talk about this area being a protected area, or a potential danger-area in terms of the aquafers and the potential for them to have diminished water quality, and of course this would have an injurious affect on properties in that area, through the development.

2. While the planner for the developer has talked about a caveat on wells, or on the property to prohibit the drilling of wells, there's still some speculation on the enforceability of whether that could be enforced… if wells could be drilled or a prohibition on wells being drilled in that protected area. So for that reason, moving it to Property, Planning and Development will allow the opportunity for that Standing Policy Committee to answer some of those questions in terms of enforceability and jurisdiction.

3. I did ask the question this morning, whether or not the City of Winnipeg in terms of the issuance of permits, does it allow us to issue any type of permit for the drilling of a well, of course it does not. Therefor, if it does not, how can we enforce something that we do not issue a permit for?

4. Based on those reasons, I'm supporting the recommendation of the Public Service to refuse the subdivision and rezoning of these lots.

Exhibits Filed:

1. Application dated November 27, 2020
2. Revised Application dated December 17, 2020
3. Notification of Public Hearing dated January 15, 2021
4. Manitoba Status of Titles 1917323/1 & 1917319/1
5. Letter of authorization dated February 28, 2020 from Landmark Planning & Design to TapperCuddy LLP (Brett Williams)
6. Letter of authorization dated September 11, 2020 from the Estate of Christian Daman (Heather Falconer) to Landmark Planning & Design
7. Plans (6 pages)
8. Report from the Urban Planning Division dated March 19, 2021
9. Inspection Report
10. Communication dated March 25, 2021, from Chris Friesen in opposition to the application
11. Communication dated March 29, 2021, from Bill Lopuck in opposition to the application
12. Submission/Presentation by James Shapiro in opposition to the application
13. Communication dated April 5, 2021, from Chris Friesen in opposition to the application
14. Communication from Denis Cloutier in opposition to the application
15. Communication from Wendy Lamont in opposition to the application
16. Communication from Ed and Debbie Westphal in opposition to the application
17. Communication from Susan Bouchat in opposition to the application
18. Communication from Michelle Olivson in opposition to the application
19. Petition in opposition to the application purporting to contain the signatures of 1,497 residents, submitted by Michelle Olivson
20. Communication from Aime Sabourin in opposition to the application
21. Communication from James Rattai in opposition to the application
22. Presentation dated April 6, 2021, from Jeff Pratte in support of the application
23. Submissions from the applicant with 23 supporting letters from residents dated March 30 to April 1, 2021
24. Communication from Linsy Gariepy in opposition to the application

25. Communication from Jeff Pratte requesting adjournment to the April 27, 2021 meeting of the Riel Community Committee

Exhibits Filed (continued):

26. Communication from Ray DuBois in opposition to the application
27. Communication from Ken and Barb Devine in opposition to the application
28. Communication from Nancy Sabourin in opposition to the application
29. Recording of Representations of the adjourned public hearing held on April 6, 2021
30. Notice of Adjournment dated April 8, 2021
31. Communication dated April 5, 2021, from Heather Falconer, Jordan Falconer and James Falconer in support of the application
32. Communication from Gary and Fiona Crow in opposition to the application
33. Communication from Shirley Sawatzky in opposition to the application
34. Communication from Derek and Karen Priestly in opposition to the application
35. Communication dated April 20, 2021, from Joy Hughes in opposition to the application
36. Communication from Marcel and Betty Fontaine in opposition to the application
37. Communication from Jindra Vancura in opposition to the application
38. Communication from Adam Holik in opposition to the application
39. Communication from David Dulko in opposition to the application
40. Communication from Caroline Sztaba in opposition to the application
41. Communication from Jim and Claudia Weselake in opposition to the application
42. Communication from Marian Braun in opposition to the application
43. Communication from Cara and Paul Mazurik in opposition to the application
44. Communication from Peter Dueck and Diana Dueck in opposition to the application
45. Communication from Carey Wilson in opposition to the application
46. Communication from Steven Wintoniw in opposition to the application

47. Communication from Hannah Wintoniw in opposition to the application
48. Communication from William Wintoniw in opposition to the application
49. Communication dated April 23, 2021, from Bruce Surgeoner in opposition to the application

Exhibits Filed (continued):

50. Communication from Geoff Borsboom in opposition to the application

REPRESENTATIONS:

In Support:

Jeff Bell
Frank Bueti
Heather Falconer
James Falconer
Jordan Falconer
Jeff Pratte
Frank Spezzano
John Stefaniuk
Donovan Toews
Brett Williams

In Opposition:

J. Murray Armstrong
Phil Atkinson
Shawn Barbour
Susan Barnabe
Geoff Borsboom
Teresa Borsboom
Susan Bouchat
Marian Braun
Tim Braun
Sofie Bruce
Michael Carnduff
Denis Cloutier
Genevieve Cloutier
Ed Cooper
Monique Couture
Fiona Crow
Gary Crow
Corinne Dawley
Paulette Desmarais
Barb Devine
Ken Devine
Ray DuBois
Dianna Dueck
Peter Dueck
David Dulko
Diane Dziurdz
Victoria Fazekas
Betty Fontaine
Marcel Fontaine
Chris Friesen
Linsy Gariepy
Gord Gaudes
Geoffrey Gibbings
Jason Goldstein
Dennis Hebert
Lorraine Hebert
Les Heinrichs
Wendy Heinrichs
Lindsey Henderson
Sean Henderson
Adam Holik
Joy Hughes
Penny Joyal
Marie Kaminski
Walter Kaminski
Shelley Killeen
Bryan Kroeker
Pennee Kroeker
Robert Kroeker
Kevin Kroetsch
Rachelle Kroetsch
Bob Krul
Jim Kuziw
Wendy Lamont

David Lasko
Mike Li
Mike Loewen
Trish Loewen
Susie Lohr
Robert Loiselle
Bill Lopuck
Arny Lovatt
Richard Mailhot
Wanda Mailhot
Rhonda May
Cara Mazurik
Paul Mazurik
Marla Merasty
Ron Miller
Michelle Olivson
Russell Olivson
Gloria Pachet
Paul Parrin
Edmond Pelletier
Grace Pelletier
Melissa Perrin
Karen Priestley
Corinne Price
Michael Price
James Rattai
Glen Romaniuk
Aime Sabourin
Nancy Sabourin
Candice Savage
Scott Savage
Shirley Sawatzky
Dave Seadon
Dr. L. James Shapiro
Adam Shields
Ann Smallwood
Mildred Smallwood
John Sommerfield
Denise Stokoe
Jeff Stokoe
Chris Strachan
Bruce Surgeoner
Caroline Sztaba
Kerry Thatcher
Brad Thompson
Colin Thompson
Geraldine Thompson
Kim Thompson
Adam Tole
Rina Urish
Gerry Valois
David Vancura
Jindra Vancura
Michal Vancura
Eva Vida
Claudie Weselake
Jim Weselake
Debbie Westphal
Ed Westphal
Carey Wilson
Joan Wilson
Hanna Wintoniw
Steven Wintoniw
Susan Wintoniw
William Wintoniw
Evelyn Yauk

For Information:

Douglas Feldman
Gilles Gobert

For the City:

M. Gajda, Engineer, Water and Waste Department
E. Finnigan, Planner, Planning Property and Development Department
T. Shanks, Manager of Engineering, Water and Waste Department
D. Trenchard, Land Development Engineer, Planning Property and Development Department

Exhibit "8" referred to in File DASZ 29/2020

ADMINISTRATIVE REPORT

Title: DASZ 29/2020 – 45 Daman Farm Rd & 2974 St. Mary's Rd

Issue: An application for consideration at the Public Hearing to subdivide and rezone lands from Rural Residential 5 ('RR5') to Rural Residential 2 ('RR2') to facilitate the creation of 23 rural residential lots and the extension of the Jean Louis Road right-of-way.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
E. Finnigan, MCP	n/a	n/a	

RECOMMENDATIONS

1. That Development Application No. DASZ 29/2020 for the subdivision and rezoning of land located at 45 Daman Farm Road and 2974 St. Mary's Road be **rejected**.

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

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the subject 57 acre site from Rural Residential 5 ('RR5') to Rural Residential 2 ('RR2') to facilitate the creation of 23 rural residential lots and the extension of the Jean Louis Road right-of-way into the new subdivision.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, the subject lands will not be subdivided, rezoned, and a public right-of-way opened as proposed.

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with the Administrative Coordinating Group (ACG).

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design
Prepared by	Elise Finnigan, MA Planning
Date:	March 19th, 2021
File No.	DASZ 29/2020

1. Appendix A — Planning Discussion
2. Schedule “A” — File No. DASZ 29/2020 Riel Community Committee, dated March 19th, 2021.
3. Schedule “B” — Report of the Administrative Working Group – March 19th, 2021.

APPENDIX 'A'

FILE:	**DASZ 29/2020**
RELATED FILES:	DAV 20-219244\D
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.543 - St. Vital Perimeter South neighbourhood
SUBJECT:	To subdivide and rezone lands from Rural Residential 5 ('RR5') to Rural Residential 2 ('RR2') to facilitate the creation of 23 rural residential lots and the extension of the Jean Louis Road right-of-way.
LOCATION:	45 Daman Farm RD & 2974 St. Mary's RD



APPLICANT:	Jeff Pratte (Landmark Planning & Design Inc.) 298 Waterfront Dr Winnipeg, MB R3B0G5
OWNER:	Christian Daman 55 Daman Farm Rd Winnipeg, MB R2N 4J7

RECOMMENDATION: **Rejection**

SITE DESCRIPTION

- The subject site is located on the west side of St. Mary's Road in the St. Vital Perimeter South neighbourhood of the St. Norbert – Seine River Ward.
- The site is approximately **57 acres in area** and comprises two separate rural residential lots zoned Rural Residential 5 ('RR5').

- The subject site is within the Rural and Agricultural Areas under *OurWinnipeg* and the *Complete Communities Direction Strategy.* The site also falls under the *St. Vital Perimeter South Secondary Plan*.

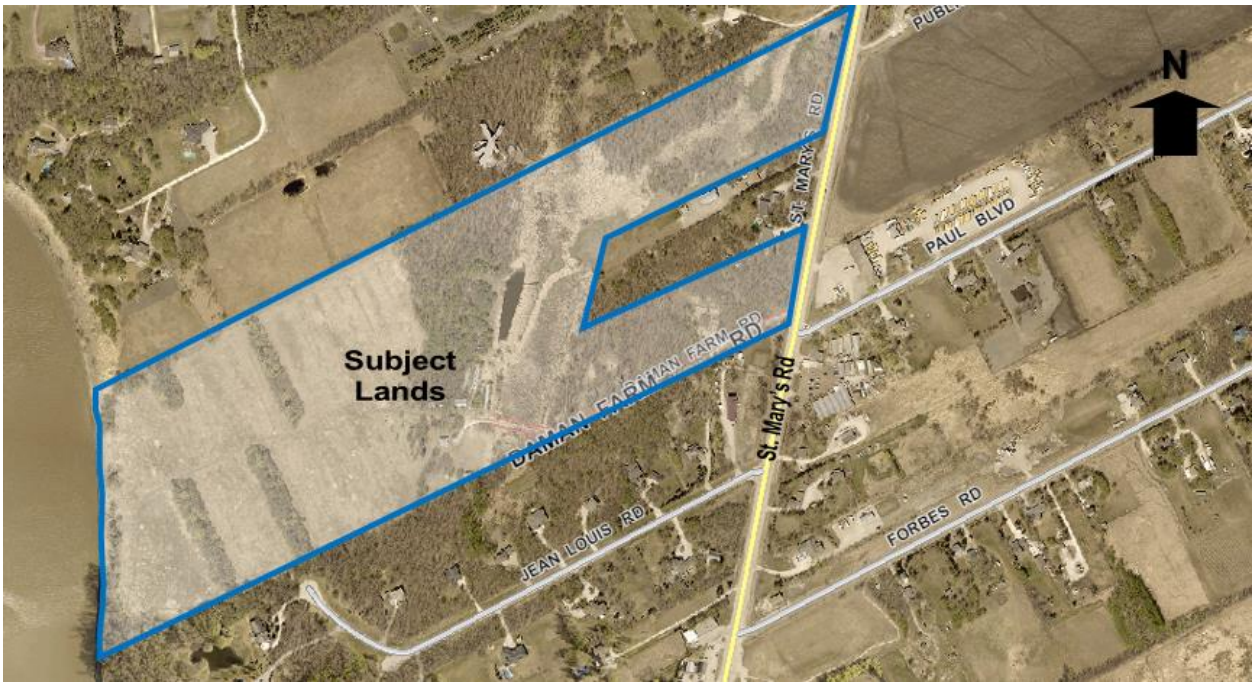


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING

North: Rural residential properties zoned Rural Residential 5 ('RR5').

South: Rural residential properties zoned Rural Residential 2 ('RR2'), and Jean Louis Road.

East: St. Mary's Road, then rural residential properties zoned Rural Residential 5 ('RR5').

West: The Red River.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the land to Rural Residential 2 ('RR2') in order to create 23 rural residential lots ranging in size from 3.3 acres to 1.9 acres. The proposal includes the extension of Jean Louis Road.
- A road stub is proposed to accommodate a future connection to the lands located to the north.
- The proposed development requires variances for substandard lot size and lot widths (see associated variance application and planner's report for DAV 20-219244\D).

COLLABORATION

With the Public Service

- The Public Service has been in communication with the applicant about the proposed development since an initial pre-application submission beginning around November 2019 as well as via subsequent emails and meetings.

- Through the pre-application, the Public Service indicated that it would not be supportive of lot sizes smaller than 5 acres due to serious concerns identified in the *St. Vital – Perimeter South Hydrogeological Assessment Report* from 2004 about the sustainability of the aquifers in the area and the potential of saline contamination resulting from additional development.
- The applicant decided to proceed with the application, with full knowledge of the Public Service's position.

With the Public

- The applicant undertook a public engagement process including meetings with residents living in the St. Vital Perimeter South neighbourhood.

ANALYSIS AND ISSUES

OURWINNIPEG & THE COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the city's long-range development plan. *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- Key policies guiding the development of lands in the Rural and Agricultural policy areas within *OurWinnipeg* and the *Complete Communities Direction Strategy* include:

  Rural & Agricultural Areas - Direction 2 (Complete Communities pg. 116)

  Prevent Fragmentation of Rural and Agricultural Land

  - Support agriculture and related support functions as the principal use in the Rural/ Agricultural designated areas through the requirement of a minimum site area of 16 ha (40 acres) except where an applicable statutory plan allows a smaller site or to facilitate the consolidation of land.

  01-1a OurWinnipeg's Approach to City Building (OurWinnipeg pg. 30)

  Direction 3: Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth

  - Allow the possible subdivision or conversion of land in un-serviced areas where a statutory secondary plan establishes minimum parcel sizes, and appropriate servicing criteria.

ST. VITAL PERIMETER SOUTH SECONDARY PLAN

- The subject site falls under the *St. Vital Perimeter South Secondary Plan By-law No. 1735/77*.
- The *St Vital Perimeter South Secondary Plan* allows for the subdivision of land in unserviced areas and establishes minimum parcel sizes, and appropriate servicing criteria, with the exception of lands located in "Hazard Areas." "Hazard Areas" include lands that are "subject to hazardous conditions like flooding or transitional areas between bodies of saline and potable water" (Section 3). Specifically section 3.2 (a) states:

> 3.2 Groundwater
>
> (a) To protect the potable groundwater resources in the Action Area by not approving development which may cause appreciable adverse effects upon the quality or quantity of potable groundwater and by limiting groundwater withdrawal through the arrangement and maintenance of appropriate development densities.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

CURRENT ZONING:

"RR5" Rural Residential 5

Currently the lands are zoned Rural Residential 5 ('RR5'). The RR5 district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses. The RR5 district requires: a minimum lot width of 300 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

PROPOSED ZONING:

"RR2" Rural Residential 2

The applicant is proposing to rezone the subject site to Rural Residential 2 ('RR2'). The RR2 district is intended to provide areas for large-lot rural residential development. The RR2 district requires: a minimum lot width of 180 feet, a minimum lot area of 2 acres, side yards of 25 feet, a front yard of 50 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

Reason for the Subdivision and Rezoning

The applicant is proposing to subdivide and rezone the land to Rural Residential 2 ('RR2') in order to create 23 rural residential lots ranging in size from 3.3 acres to 1.9 acres as well as extend the Jean Louis Road right-of-way into the new subdivision.

COMPATIBILITY WITH SECONDARY PLAN AND SURROUNDING NEIGHBOURHOOD

- The City's Water and Waste Department provided the following comments on the subject proposal:

  'Due to the sensitive nature of the ground water aquifer, especially in the area between St. Mary's Road and the Red River, our department recommends that lot sizes be restricted to 5 acres or larger and used only for residential purposes. Water and Waste would not support 2 acre lot configurations.'

- Concerns regarding the groundwater in the area were originally addressed in the *St. Vital – Perimeter South Hydrogeological Assessment Report* from 2004 (the Report) which identified concerns about the sustainability of the aquifers in the area and the potential of saline contamination resulting from additional development. To prevent the risk of salt water infiltration in the aquifers, the Report recommended lot sizes be restricted to 5 acres or larger. The larger lot sizes are recommended to limit the number of private wells drawing water from the aquifer.

- When the *St. Vital Perimeter South Secondary Plan* was originally adopted the subject lands were identified as being located under the Medium Density Rural Residential Policy Area where minimum lot sizes of 2 acres and minimum lot widths of 180 feet are permitted. With the concerns identified in the Report and by the Water and Waste Department, the direction provided under the Hazard Areas Policy Area under the Secondary Plan applies which allows for the restriction of development in order to protect potable groundwater resources.

- The applicant suggests in the letter of intent that wells not be permitted on the proposed 2 acre lots and instead these new properties be restricted to cisterns. They suggest this restriction could be facilitated by way of a condition added to a zoning agreement or servicing agreement and registered as a caveat on title.

- The issue with this suggestion is that the regulation of groundwater and wells falls under provincial jurisdiction. The Public Service discussed the proposal to restrict the new lots to cisterns with the Provincial Groundwater Management Division and they noted that under their current regulatory framework enforcement of this condition and the restriction of wells would not be possible.

RECOMMENDATION

The Public Service recommends **rejection** for the following reasons:

- The proposal is <u>not</u> consistent with the direction provided in the Hazard Areas Policy Area under the *St. Vital Perimeter South Secondary Plan* which allows for the restriction of development in order to protect potable groundwater resources. Due to the sensitive nature of the ground water aquifer in the area, the Public Service recommends that lot sizes be restricted to 5 acres or larger and used only for residential purposes.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 29/20

Schedule “A” for File No. DASZ 29/20, Riel Community Committee, dated March 19th, 2021.

By-Law No. _____

File No. **DASZ 29/2020**

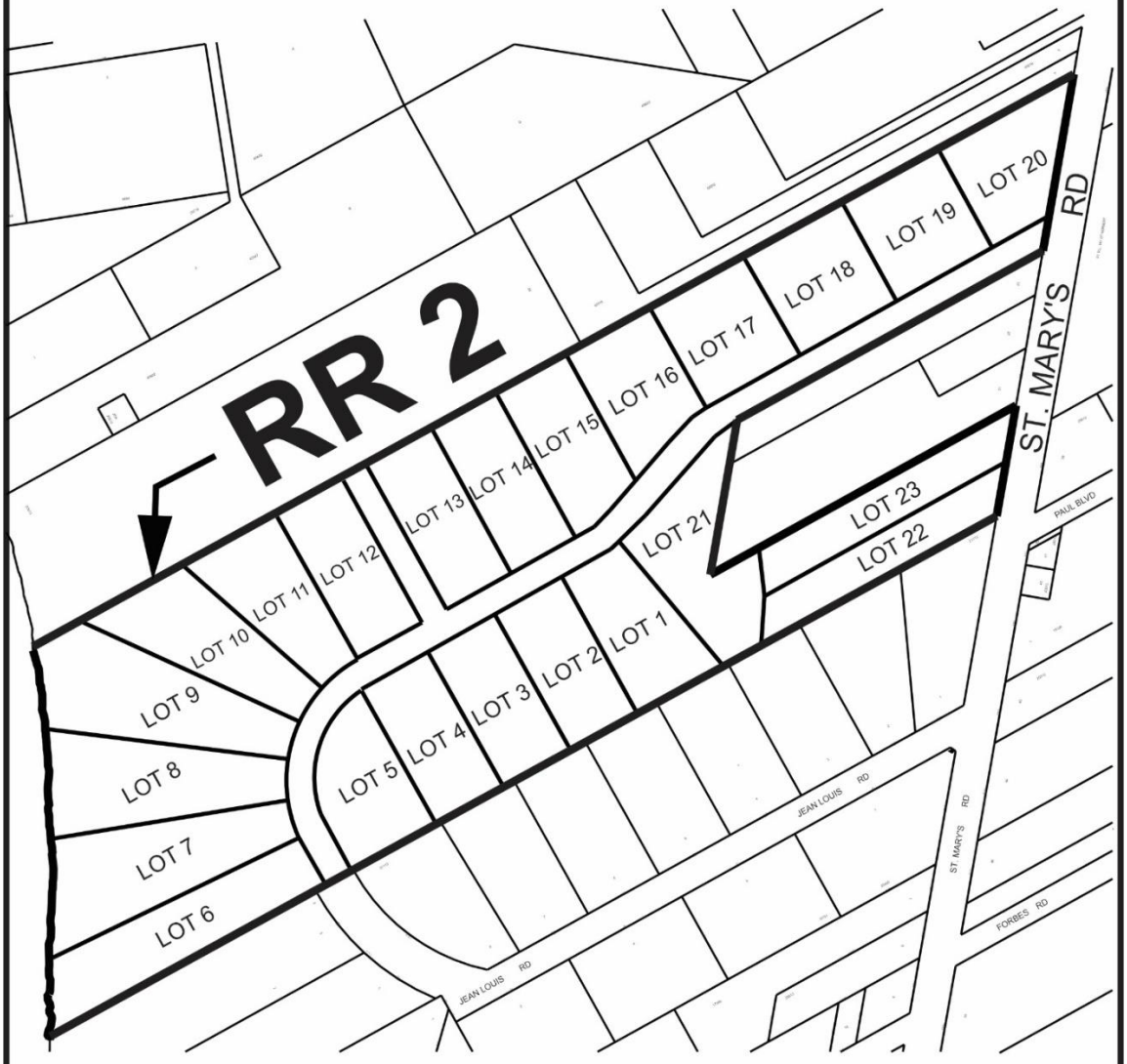
Atlas Sheet No. **AO25**

N

RIEL COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 44, 55, 100 Daman Farm Road and 2974 St. Mary's Road from an “RR5” RURAL RESIDENTIAL 5 DISTRICT to an “RR2” RURAL RESIDENTIAL 2 DISTRICT to facilitate the establishment of twenty-three (23) residential lots and the extension of Jean Louis Road into the new subdivision.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 45, 55 AND 100 DAMAN FARM ROAD AND 2974 ST. MARY'S ROAD

It is recommended that approval of DASZ 29/2020, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – Plan Considerations

1) The Developer shall, at no expense to the City, legally open right-of-way required for the proposed public road within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open the existing 0.3m control strip separating the Planned Area from Jean Louis Road for the length of the Planned Area abutting Jean Louis Road.

3) The DRAFT Legal Plan must be submitted to the Public Works Department with the appropriate construction details for review and approval by the Public Works Department, prior to the registration of Mylars.

Section II – Engineering Studies

1) The Developer shall, at no expense to the City, conduct geotechnical investigations in accordance with the City's "Guidelines for Site Investigation Requirements for Public Works Street Projects" and develop pavement designs, all to the satisfaction of the Director of Public Works.

2) The Developer shall provide a technical memorandum, prepared by a qualified municipal engineer, which shall outline the provision of ditches, including an outfall, for land drainage servicing of the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

Section III – General Comments

1) The Water and Waste Department recommends that lot sizes be restricted to 5 acres or larger, and used only for residential purposes, due to the sensitive nature of the ground water aquifer in the area between St. Mary's Road and the Red River,

2) The Water and Waste Department does not support lots smaller than 5 acres in size, and recommends that the Developer revise the Plan of Subdivision accordingly

Section IV - Servicing Conditions

1) Lot Servicing

The water and wastewater sewer services for the Planned Area shall be private. The City shall no extend, and the Developer shall not ask the City to extend, municipal wastewater sewers or water mains to service the Planned Area.

2) Lot Grading

a) The Developer shall, at no expense to the City and prior to the execution of the servicing agreement, provide a lot grading plan for the Planned Area, prepared by a municipal engineer, to the satisfaction of the Director of Water and Waste.

b) The Developer shall, at no expense to the City, construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

c) Upon registration of the approved subdivision mylars in the Land Titles Office, the Developer shall, at no expense whatsoever to the City, grant to the City and register easements in respect of all drainage works required for lot drainage within the Planned Area.

3) Regional Street Charges

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of the following services to be installed in St. Mary's Road along the full length of the Planned Area abutting the west side of St. Mary's Road:

i) 4.0m in width by 200mm in thickness Portland cement concrete lane of pavement and all related works;

ii) a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk;

iii) street lighting in the west boulevard;

iv) boulevard sodding in the west boulevard; and,

v) boulevard trees in the west boulevard,

all as determined by and to the satisfaction of the Director of Public Works.

4) Remove and Restore

d) The Developer shall, at no expense to the City, remove and restore the existing turnaround at the north limit of Jean Louis Road, all as determined by and to the satisfaction of the Director of Public Works.

e) The Developer shall, at no expense to the City, extend Jean Louis Road and all related works, as required outside the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) Pavement

f) The Developer shall, at no expense to the City, construct asphaltic concrete roadways in proposed public roads within the proposed subdivision and all related works, in accordance with current RR-2 standards, as determined by and to the satisfaction of the Director of Public Works.

g) The Developer shall, at no expense to the City, construct ditches in accordance with the accepted technical memorandum, to the satisfaction of the Director of Water and Waste and the Director of Public Works.

6) Caveat

The Developer shall be required for itself, its successors and assigns to covenant with the City to cut and maintain all areas within the landscaped street right-of-way adjacent to each lot between the travelled road surface and the property line to the satisfaction of the Director of Public Works, which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

7) Temporary Dead-End Street

h) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

i) The Developer shall, at no expense to the City, erect and maintain barricades and signage, across the full width of any streets which are temporarily dead-ended due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

8) Two Means of Vehicle Access

The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

9) Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

10) Utilities

j) The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

k) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

l) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

11) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

12) Litter and Refuse Control and Clean-Up

m) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

n) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

13) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

Section V – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

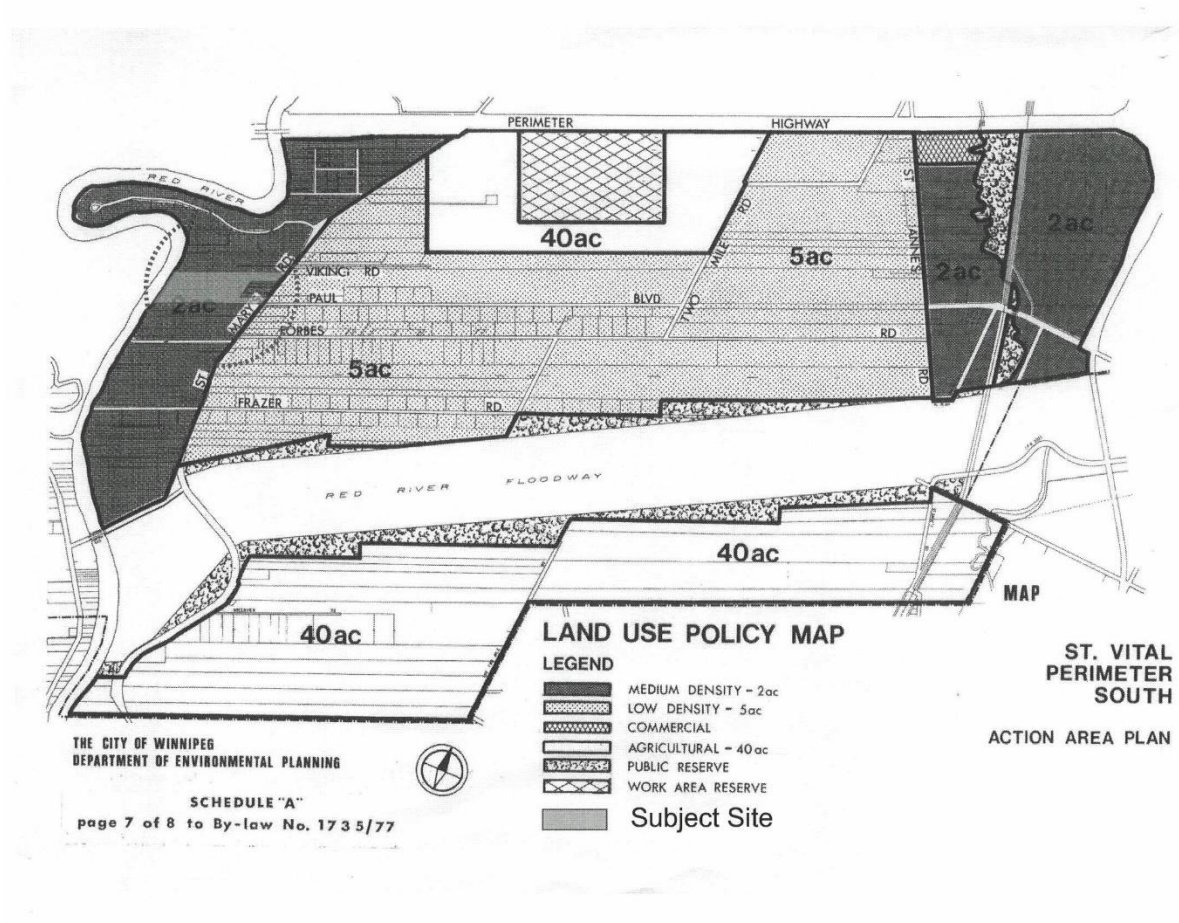
Administrative Co-ordinating Group
File No. DASZ 29/2020
March 19, 2021

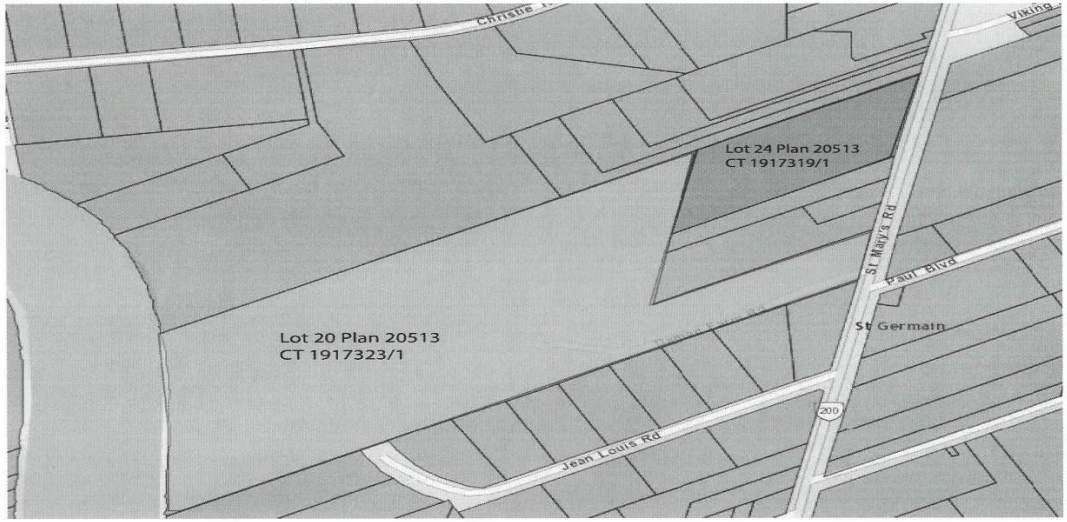
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

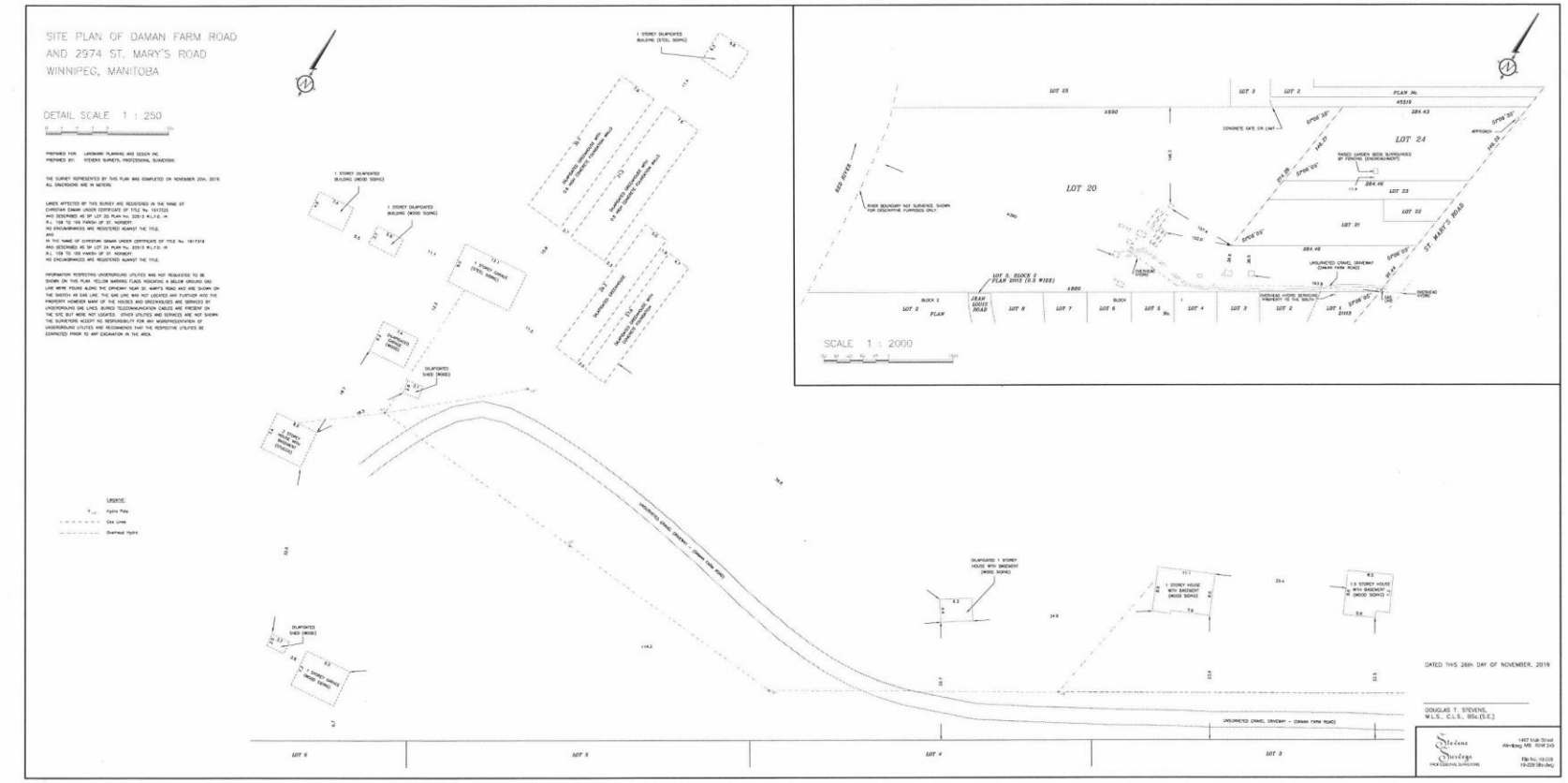
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

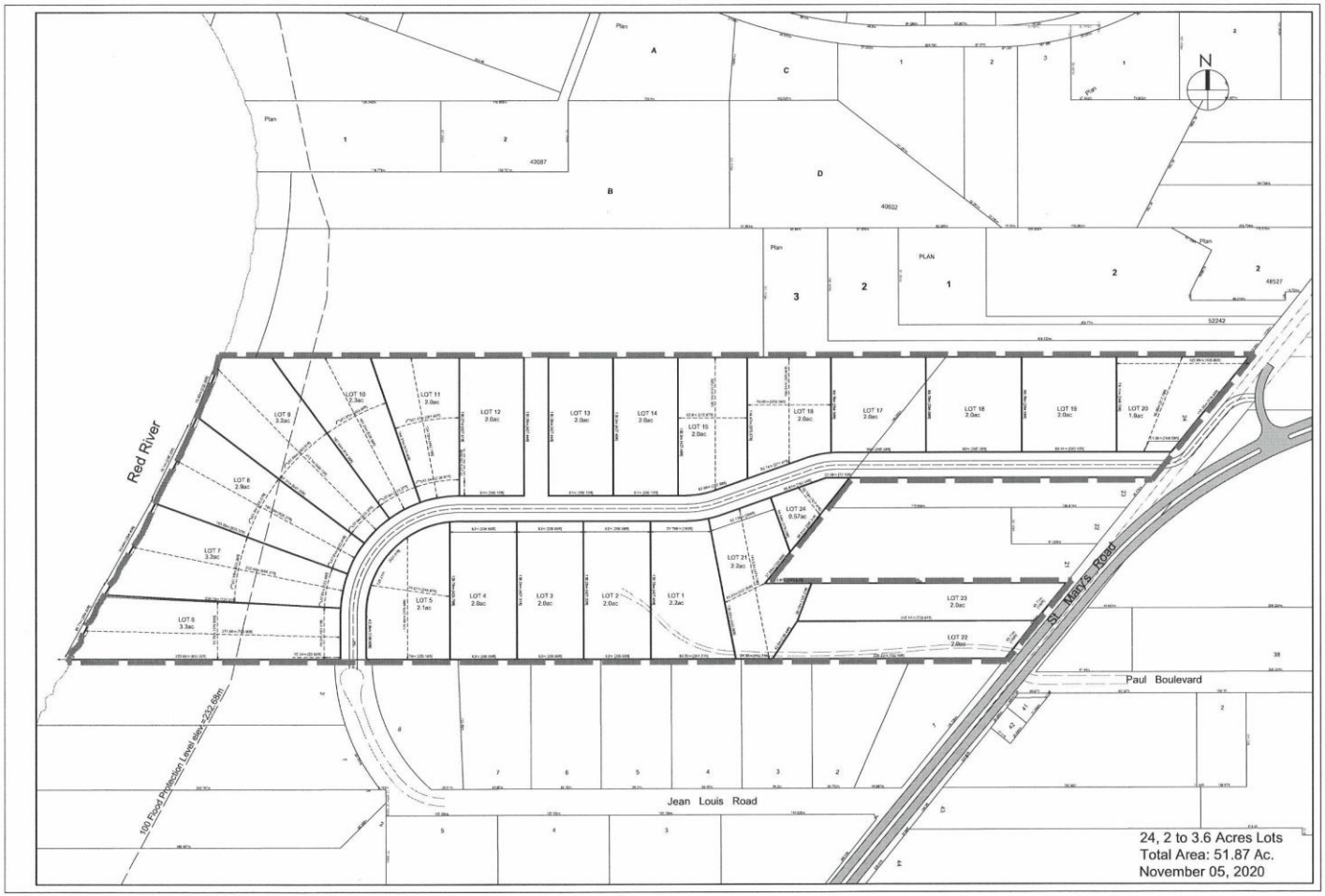
Exhibit "7" referred to in File DASZ 29/2020

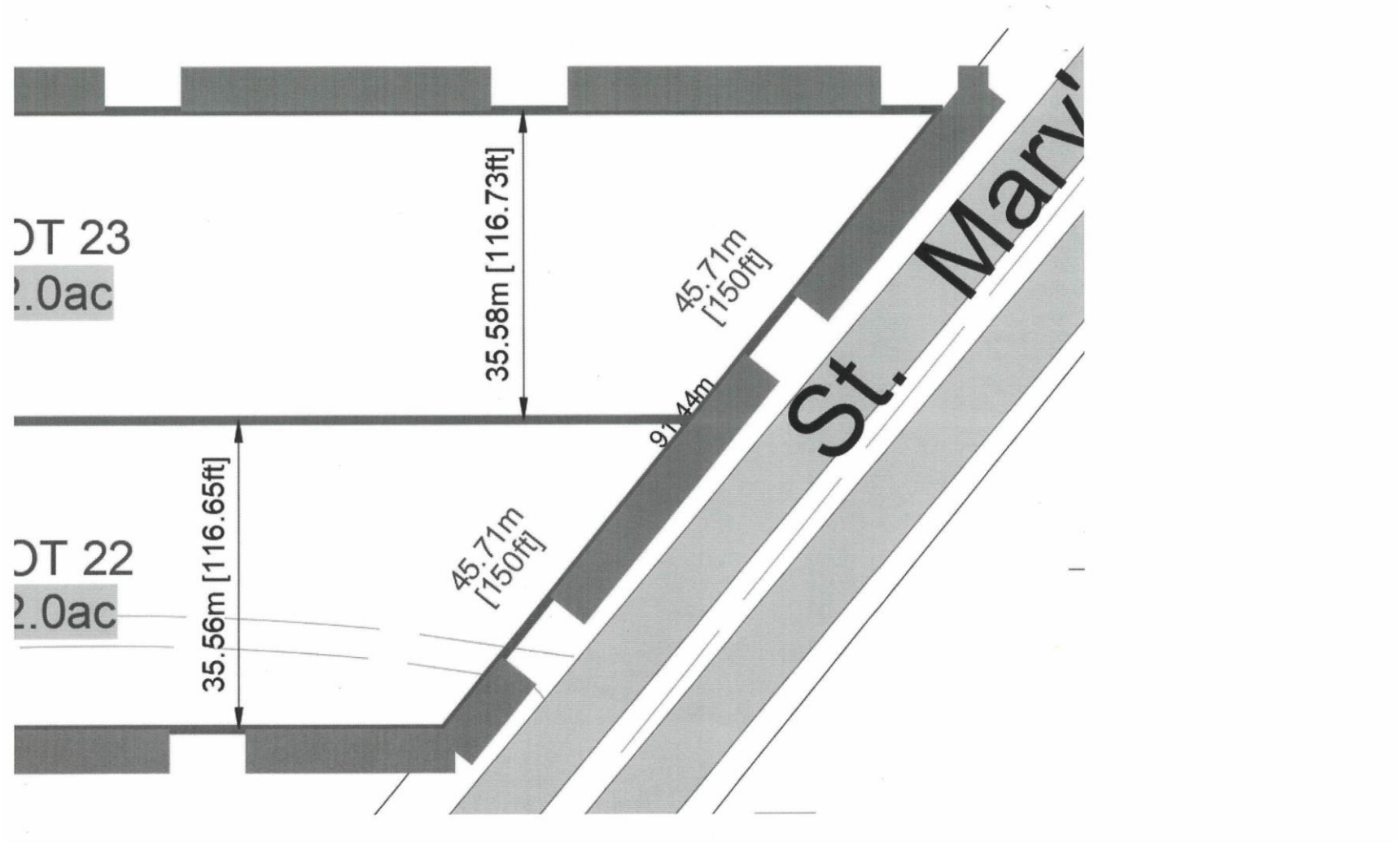


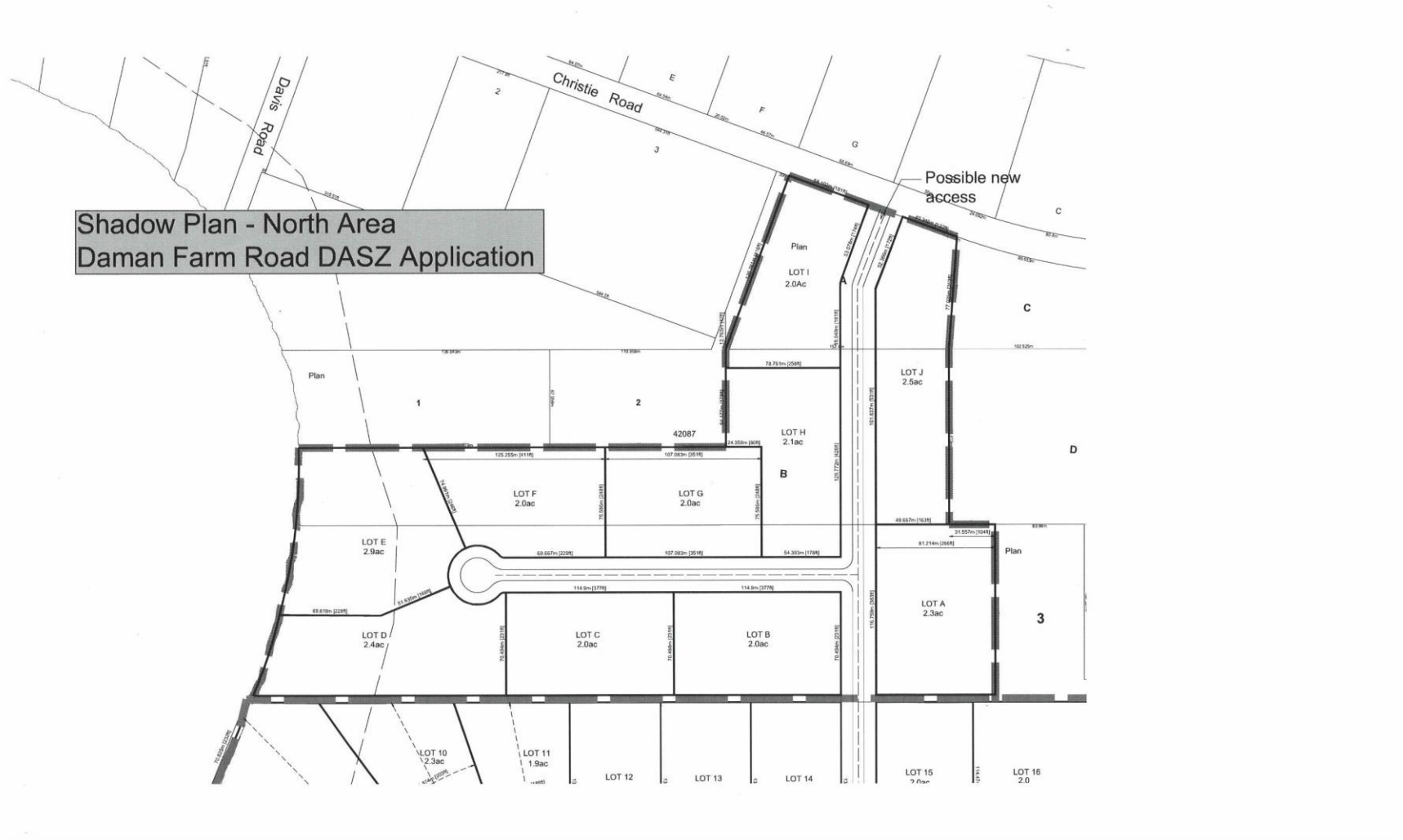


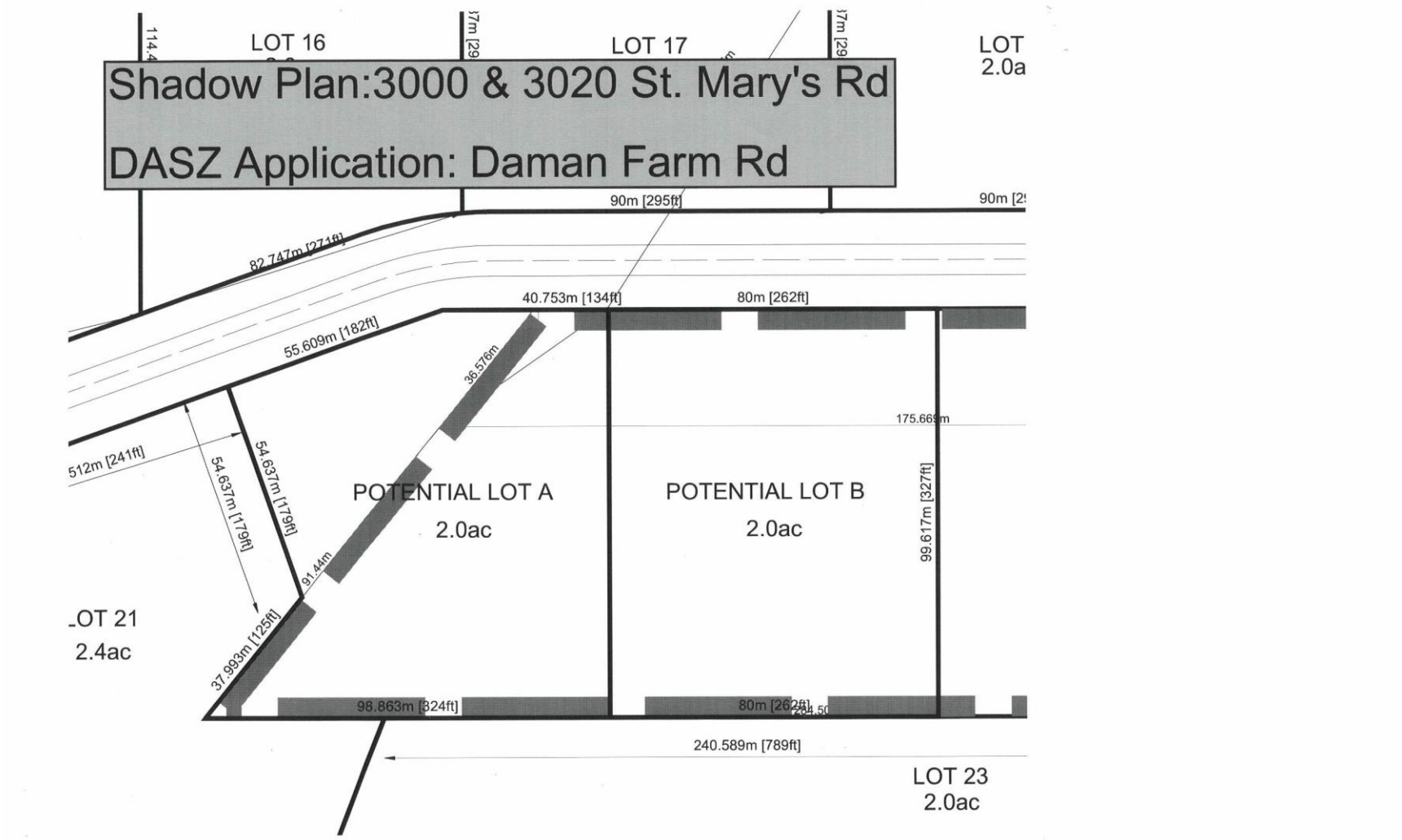
Title Plot - Daman Farm Road Potential Development


SITE PLAN OF DAMAN FARM ROAD
AND 2974 ST. MARY'S ROAD
WINNIPEG, MANITOBA
DETAIL SCALE 1 : 250
SCALE 1 : 2000
LOT 20
LOT 24
ST. MARY'S ROAD
UNSURVEYED GRAVEL DRIVEWAY - (DAMAN FARM ROAD)
DATED THIS 26th DAY OF NOVEMBER, 2019
DOUGLAS T. STEVENS,
M.L.S., C.L.S., B.Sc.(S.E.)


Red River
St. Mary's Road
Paul Boulevard
Jean Louis Road
100 Flood Protection Level elev's 229.69m
24, 2 to 3.6 Acres Lots
Total Area: 51.87 Ac.
November 05, 2020


OT 23
2.0ac
35.58m [116.73ft]
45.71m
[150ft]
St. Marv
OT 22
2.0ac
35.56m [116.65ft]
45.71m
[150ft]


Shadow Plan - North Area
Daman Farm Road DASZ Application
Christie Road
Davis Road
Possible new access
Plan
LOT I
2.0Ac
LOT J
2.5ac
LOT H
2.1ac
42087
LOT F
2.0ac
LOT G
2.0ac
LOT E
2.9ac
LOT D
2.4ac
LOT C
2.0ac
LOT B
2.0ac
LOT A
2.3ac
LOT 10
2.3ac
LOT 11
1.9ac
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
2.0


Shadow Plan:3000 & 3020 St. Mary's Rd
DASZ Application: Daman Farm Rd
LOT 16
LOT 17
LOT
2.0a
90m [295ft]
90m [2
82.747m [271ft]
40.753m [134ft]
80m [262ft]
55.609m [182ft]
36.576m
175.66
512m [241ft]
54.637m [179ft]
54.637m [179ft]
POTENTIAL LOT A
2.0ac
POTENTIAL LOT B
2.0ac
99.617m [327ft]
91.44m
OT 21
2.4ac
37.993m [125ft]
98.863m [324ft]
80m [262ft]
240.589m [789ft]
LOT 23
2.0ac