Agenda – Council – June 23, 2022

Report – Executive Policy Committee – June 15, 2022

Item No. 20 Secondary Plan Amendment – Repeal of the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 File SPA 2/2022 [c/r DAZ 205/2022]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That first reading be given to By-law No. 47/2022 (the "By-law", a draft of which is attached as Schedule A to this Report) to repeal the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94.

2. That following first reading of the By-law and upon instruction from the Director of Planning, Property and Development, the By-law be returned directly to Council for second reading and third reading.

3. That SPA 1/2019 be rejected and that second and third reading not be given to By-law No. 48/2019.

4. That SPA 2/2019 be rejected and that second and third reading not be given to By-law No. 49/2019.

5. That DAZ 210/2019 be rejected.

6. That DAZ 211/2019 be rejected.

7. That the June 24, 2021 Council decision to update the Airport Vicinity Protection Area Secondary Plan and affected By-laws (attached as Schedule F to this Report) be rescinded.

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

Report – Executive Policy Committee – June 15, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File: SPA 2/2022

Before: Standing Policy Committee on Property and Development, Heritage and Downtown Development
Councillor Gilroy, Chairperson
Councillor Klein
Councillor Lukes
Councillor Santos

Public Hearing: June 6, 2022
Council Building, 510 Main Street

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

Subject:



On August 12th, 2021, the Province of Manitoba adopted the Airport Vicinity Protection Area Regulation M.R. 66/2021. The Regulation overrides the City by-laws, including the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94, to the extent of any inconsistency.

On January 27th, 2022 Council directed the Winnipeg Public Service to hold a public hearing to consider repealing the Airport Vicinity Protection Area Secondary Plan.

A public hearing will be held before the Standing Policy Committee on Property and Development, Heritage, and Downtown Development.

For information, phone Mr. Robert Kostiuk, Senior Planner, at 204-986-7367.

Le 12 août 2021, la Province du Manitoba a adopté le *Règlement sur la zone tampon de l'aéroport*, R.M. 66/2021. Le *Règlement* l'emporte sur les règlements municipaux de la Ville, y compris l'*Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94* (règlement municipal sur le plan secondaire visant la zone tampon de l'aéroport), en cas de contradiction.

Le 27 janvier 2022, le conseil municipal a demandé à l'administration municipale de Winnipeg de tenir une audience publique lors de laquelle on envisagerait d'abroger le plan secondaire visant la zone tampon de l'aéroport.

On tiendra une audience publique devant le comité d'orientation permanent des biens et de l'aménagement, du patrimoine et du développement du centre-ville.

Pour plus de renseignements, veuillez communiquer avec M. Robert Kostiuk, urbaniste principal, au 204-986-7367.

Premises Affected: Airport Vicinity Protection Area

For submission to: Executive Policy Committee

Prepared by: K. McMillan, Senior Committee Clerk

Report date: June 7, 2022

Standing Committee Recommendation:

On June 6, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and recommended to the Executive Policy Committee:

1. That first reading be given to By-law No. 47/2022 (the "By-law", a draft of which is attached as Schedule A to this Report) to repeal the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94.

2. That following first reading of the By-law and upon instruction from the Director of Planning, Property and Development, the By-law be returned directly to Council for second reading and third reading.

3. That SPA 1/2019 be rejected and that second and third reading not be given to By-law No. 48/2019.

4. That SPA 2/2019 be rejected and that second and third reading not be given to By-law No. 49/2019.

5. That DAZ 210/2019 be rejected.

6. That DAZ 211/2019 be rejected.

7. That the June 24, 2021 Council decision to update the Airport Vicinity Protection Area Secondary Plan and affected By-laws (attached as Schedule F to this Report) be rescinded.

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

The Standing Policy Committee on Property and Development, Heritage and Downtown Development provided the following supporting reasons for its recommendation:

1. As noted by the Public Service, this is a housekeeping item and will adhere to the legislation put in place in August, 2021.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 1

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated April 19, 2022
2. Notification of Public Hearing
3. Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94
4. City of Winnipeg Charter Airport Vicinity Protection Area Regulation 66/2021, registered August 12, 2021
5. Council Decision of January 27, 2022; contains report from the Director of Planning, Property and Development dated January 6, 2022
6. Report from the Urban Planning Division dated May 16, 2022
7. Presentation dated June 6, 2022, from Kate Moir, Owner, Moir Informed Decisions, in support of the application
8. Presentation in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Kate Moir

In Opposition:

Marg Shum

For Information:

Nil

For the City:

R. Kostiuk, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File SPA 2/2022

ADMINISTRATIVE REPORT

Title: SPA 2/2022 (By-law 47/2022) – Repeal of Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 (c/r DAZ 205/2022)

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

On January 27, 2022, Council adopted the following recommendation as part of the "*Amendments to City By-laws and Policies resulting from the Airport Vicinity Protection Area Regulation*" report:

> *That the Public Service be directed to schedule a public hearing before the Standing Policy Committee on Property and Development, Heritage and Downtown Development within 180 days to consider the following:*
>
> *A. Amending Schedule D of the Winnipeg Zoning By-law to remove any unit density requirements currently imposed on the Airport Vicinity Protection Area; and*
>
> ***B. Repealing the Airport Vicinity Protection Area Secondary Plan By-law.***

Since 1994, the Airport Vicinity Protection Area Secondary Plan By-law (the "AVPA Secondary Plan") has been a key by-law that has coordinated regulations to be administered by the City of Winnipeg to protect the Winnipeg James Armstrong Richardson International Airport (the "Airport") from incompatible land uses, and provided general guidance on strategically developing lands surrounding the Airport.

On August 12, 2021, the Province of Manitoba adopted a new Airport Vicinity Protection Area Regulation (the "Regulation") pursuant to section 269 of the City of Winnipeg Charter. This new Regulation overrides the City by-laws, including the AVPA Secondary Plan, to the extent of any inconsistency. In particular, the Regulation altered the geographic area of the Airport Vicinity Protection Area (the "AVPA") (e.g. where AVPA restrictions apply), overrode the City's jurisdiction over AVPA boundaries, and introduced new noise mitigation standards to be achieved within both Areas 1 & 2 of the AVPA.

As the Regulation now directly governs land use requirements in the AVPA, the AVPA Secondary Plan has become largely redundant. Additionally, the Winnipeg Airport Vicinity Development Plan map and many of the policy descriptions set out in the AVPA Secondary Plan are now inconsistent with the Regulation, requiring amendment or repeal.

Sections 3, 8, and 9 of the Regulation required the City to amend its development plan (currently *OurWinnipeg* By-law No. 67/2010) and zoning by-laws to conform to the Regulation within six months of the Regulation coming into force and effect (e.g. by no later than February 12, 2022). On January 27, 2022, both *OurWinnipeg* and the Winnipeg Zoning By-law were amended to comply with the Regulation via By-law 11/2022.

Per section 234(2) of the Charter, a secondary plan by-law must be consistent with *OurWinnipeg*. As *OurWinnipeg* is required to be consistent with the Regulation, updating the AVPA Secondary Plan would ultimately result in duplication of policies covered by *OurWinnipeg* (and the Winnipeg Zoning By-law). Repealing the AVPA Secondary Plan therefore amounts to an administrative update to address a by-law that, with the adoption of the Regulation, no longer serves a purpose as written.

In 2019, and prior to the adoption of the Regulation, Cadillac Fairview and Shindico sought amendments to the AVPA Secondary Plan to permit particular development of which they were proponents ("SPA 1/2019"). Also in 2019, Towers Realty sought similar amendments to permit a different development of which they were proponents ("SPA 2/2019"). These matters were referred to the Municipal Board for recommendations. In the days immediately preceding the Municipal Board hearing on SPA 1/2019, the Regulation was passed and registered. The Municipal Board rendered SPA 1/2019 to be moot, without conducting a hearing, and a few months later, rendered SPA 2/2019 to also be moot, without conducting a hearing. As a result, it is therefore recommended based both on common sense and the City of Winnipeg Charter that Council reject the by-laws proposed in SPA 1/2019 and SPA 2/2019 on the same basis of mootness, thereby bringing the matter to an end.

When SPA 1/2019 and SPA 2/2019 were referred to the Manitoba Municipal Board, the associated rezonings to these applications – DAZ 210/2019 and DAZ 211/2019 respectively – were laid over indefinitely. As a result of the Regulation and the required amendment to the Winnipeg Zoning By-law, the properties included in DAZ 210/2019 & DAZ 211/2019 are now either in Area 2 of the Regulation and PDO-1 Airport Vicinity, or are located outside of the AVPA boundary altogether. In other words, DAZ 210/2019 & DAZ 211/2019 are now irrelevant because the Zoning By-law has changed to align with what was applied for in these applications. Accordingly, the Public Service recommends that Council reject DAZ 210/2019 & DAZ 211/2019 to bring these applications to a close.

Lastly, on June 24, 2021, Council requested funding commitments in order to finance the updating of the AVPA Secondary Plan and affected by-laws. As a consequence of the Regulation, this Council decision is no longer necessary and it is therefore recommended that Council rescind its previous decision.

RECOMMENDATIONS

1. That first reading be given to By-law No. 47/2022 (the "By-law", a draft of which is attached as Schedule A to this Report) to repeal the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94.

2. That following first reading of the By-law and upon instruction from the Director of Planning, Property and Development, the By-law be returned directly to Council for second reading and third reading.

3. That Council reject SPA 1/2019 and that second and third reading not be given to By-law No. 48/2019.

4. That Council reject SPA 2/2019 and that second and third reading not be given to By-law No. 49/2019.

5. That Council reject DAZ 210/2019.

6. That Council reject DAZ 211/2019.

7. That the June 24, 2021 Council decision to update the Airport Vicinity Protection Area Secondary Plan and affected By-laws (attached as Schedule F to this Report) be rescinded.

8. 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 subject application is being brought forward for consideration per Council's January 27, 2022 recommendation in association with the "*Amendments to City By-laws and Policies resulting from the Airport Vicinity Protection Area Regulation*" report:

2. That the Public Service be directed to schedule a public hearing before the Standing Policy Committee on Property and Development, Heritage and Downtown Development within 180 days to consider the following:

A. Amending Schedule D of the Winnipeg Zoning By-law to remove any unit density requirements currently imposed on the Airport Vicinity Protection Area; and

B. Repealing the Airport Vicinity Protection Area Secondary Plan By-law.

A secondary plan by-law, including amendments, requires a public hearing prior to first reading in accordance with The City of Winnipeg Charter.

Repealing a secondary plan by-law follows the same process as an amendment to a secondary plan by-law.

Council approval is required to enact the proposed by-law.

IMPLICATIONS OF THE RECOMMENDATIONS

If Council concurs with the recommendation of the Public Service, the Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 will be repealed and Council's June 24, 2021 decision to update the Airport Vicinity Protection Area Secondary Plan and affected by-laws will be rescinded. Approval of the recommendations will also bring to a close the applications for SPA 1/2019 and SPA 2/2019 that were referred to the Manitoba Municipal Board and the associated rezonings to these applications – DAZ 210/2019 and DAZ 211/2019 respectively.

HISTORY/DISCUSSION

AVPA Secondary Plan

- Since 1994, the AVPA Secondary Plan By-law (the "AVPA Secondary Plan") has been a key by-law that has coordinated regulations to be administered by the City of Winnipeg to protect the Winnipeg James Armstrong Richardson International Airport (the "Airport") from incompatible land uses, and provided general guidance on strategically developing lands surrounding the Airport.

- The creation of the AVPA Secondary Plan was directed by policy included in the Plan Winnipeg Review '92 (adopted in 1993) in order to support both the unrestricted 24-hour protection of the Airport's operations and the airport as a centre of industrial development.

- Policy direction in the AVPA Secondary Plan was led by an Executive Steering Committee and Management Committee with representation from multiple jurisdictions and organizations. The Steering Committee and Management Committee were guided by numerous background studies and existing plans or policies that were developed over the years preceding the creation of the Plan.

- Key objectives of the AVPA Secondary Plan include:

    - Developing lands strategically located adjacent to the Airport;
    - Sustaining the continuation of the Airport's unrestricted 24-hour operation status;
    - Ensuring that compatible and complementary land uses surround the Airport; and
    - Protecting area neighbourhoods from the impact of expanded activities at the Airport.

- With regard to developing lands strategically located adjacent to the Airport, or guiding future development of lands surrounding the Airport, much of this objective has been achieved through the creation of CentrePort and adoption of the Airport Area West Industrial Secondary Plan (including the recent replacement of the original plan).

- Development compatibility and protection of the 24-hour operations of the Airport was primarily based on the creation of a Noise Exposure Forecast ("NEF") for the Airport, which could then be used to formulate regulations.

- NEFs measure the tolerance for aircraft noise and are an internationally-accepted noise metric adopted by Transport Canada in 1987. NEFs are made available to local governments for use in conjunction with Transport Canada's recommended land uses as presented in Figure 1 – Community Response Prediction to NEF Levels.

Community Response Prediction to Noise Exposure Forecast (NEF Levels)

RESPONSE AREA		RESPONSE PREDICTION*
1.	(over 40 NEF)	Repeated and vigorous individual complaints are likely. Concerted group and legal action might be expected.
2.	(35-40 NEF)	Individual complaints may be vigorous. Possible group action and appeals to authorities.
3.	(30-35 NEF)	Sporadic to repeated individual complaints. Group action is possible.
4.	(below 30 NEF)	Sporadic complaints my occur. Noise may interfere occasionally with certain activities of the resident.

* These community response predictions are generalizations based upon experience resulting from various noise exposure units used by other countries. For specific locations, the response may vary somewhat in accordance with existing ambient or background noise levels and prevailing social, economic and political conditions.

Source: Transport Canada Aviation Group, June 1989.

Figure 1 – Community Response Prediction to NEF Levels

- The AVPA Secondary Plan *indicates that the NEF contours reflect the ultimate traffic volume at Winnipeg International Airport, and includes the potential for an additional runway to the northeast of the existing runway.*

- The AVPA Secondary Plan facilitated the adoption of NEF contours into a functional map that is divided into Areas I and II, which are directly related to the NEF contours. The 25 NEF contour approximates the outer limit of the AVPA.

- Policies regulating development in Areas I and II of the AVPA Secondary Plan are as follows:

    i. within Area I no new residential development shall be permitted (subject to statutory nonconforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls [sic]. Exceptions for minor residential infilling in existing and established residential areas may be approved;

    ii. subject to any required zoning or other change in land use controls, within Area II new single-family dwellings may be approved and new multiple residential dwellings may be approved up to 85 units per hectare (35 units per acre) and approved above that density by conditional use approval.

- Although the AVPA Secondary Plan regulated development in Areas I and II, it provided explicit direction for incorporating these policies into the Winnipeg Zoning By-law.

- Further, the AVPA Secondary Plan also provided direction for the creation of the Airport Vicinity Acoustic Insulation By-law 6419/94, which specifies acoustic insulation factors for residential buildings in the AVPA to help mitigate the impact of aircraft noise.

Province of Manitoba Airport Vicinity Protection Area Regulation

- On August 12, 2021, the Province of Manitoba adopted the Airport Vicinity Protection Area Regulation (the “Regulation”) pursuant to section 269 of the City of Winnipeg Charter.

- The Regulation overrides the City by-laws, including the existing AVPA Secondary Plan, to the extent of any inconsistency.

- The Airport Vicinity Protection Area (the "AVPA") (see Schedule to the Regulation) was based on the "*Noise Exposure Forecast Study – Winnipeg International Airport,*" which was completed for the Province of Manitoba on August 12, 2021. The outer limit of Area 2 of the Regulation follows the 25 NEF contour while the outer limit of Area 1 follows the 35 NEF contour of that study. However, the contours are not included in the Regulation.

- Under the Regulation, Area 1 of the AVPA covers approximately 2,900 acres within the City of Winnipeg, just 36% of the Area 1 that was regulated under the AVPA Secondary Plan's Area 1 (7,971.8 acres). Similarly, Area 2 of the Regulation covers 9,100.3 acres, approximately 84% of the AVPA Secondary Plan's Area 2.

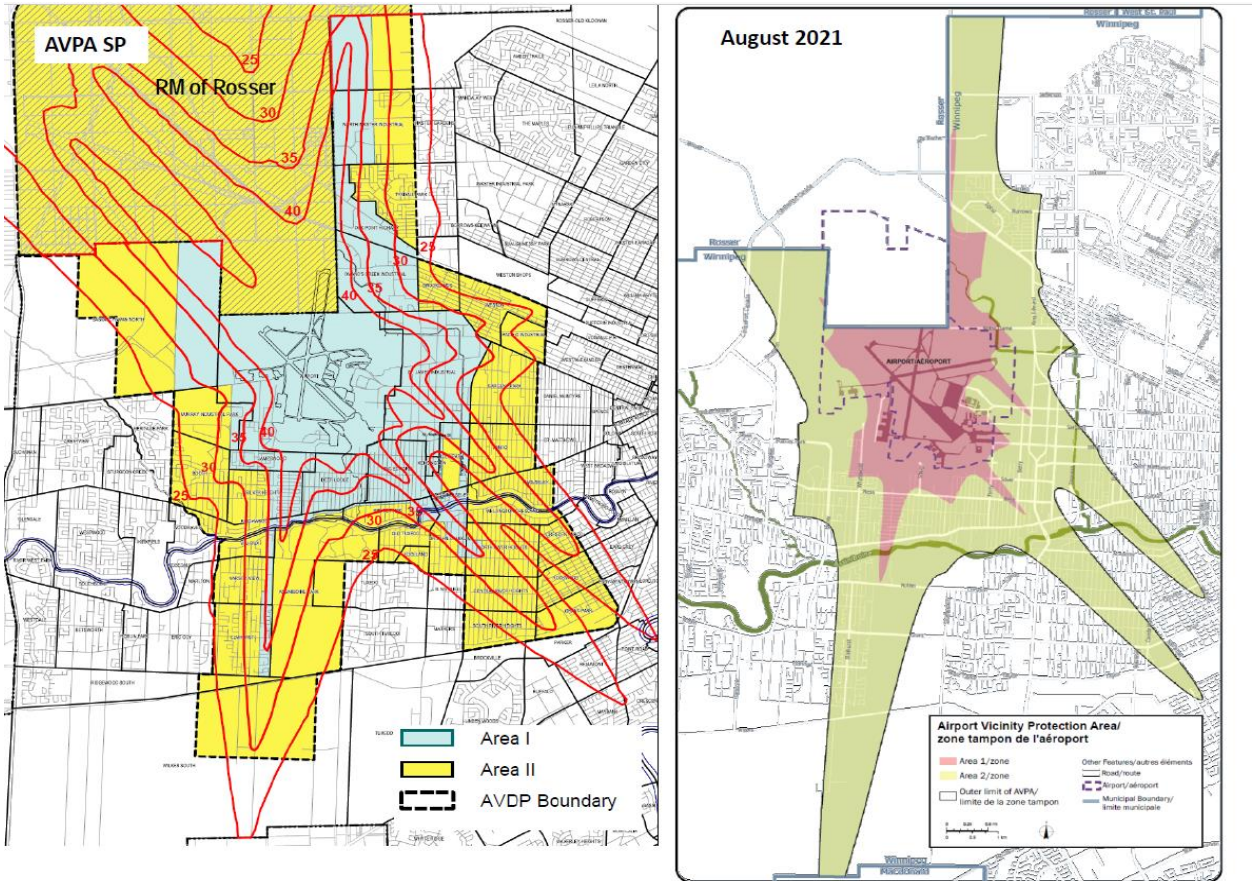

Figure 2: Areas I and II of AVPA Secondary Plan (left), versus Area 1 and 2 of the AVPA Regulation (right)

- As under the AVPA Secondary Plan, the Regulation limits Area 1 development to the replacement of existing dwellings and limited infill development. Replacement dwellings in Area 1 must not have more dwelling units than the dwellings they are replacing, with a narrow exception for instances where existing residential lots have been subdivided into "no more than two lots." In Area 2, which is located further from the Airport, the Province allows for the construction of single or multi-unit dwellings.

- Residential development in Areas 1 and 2 is required to be consistent with the noise mitigation requirements set out under section 7 of the Regulation.

- Sections 3, 8, and 9 of the Regulation required the City to amend its development plan (currently *OurWinnipeg* By-law No. 67/2010) and zoning by-laws to conform to the Regulation within six months of the Regulation coming into force and effect (e.g., by no later than February 12, 2022).

- On January 27, 2022, both *OurWinnipeg* and the Winnipeg Zoning By-law were amended to comply with the Regulation via By-law 11/2022. The details of this By-law are discussed in the associated "*Amendments to City By-laws and Policies Resulting from the Airport Vicinity Protection Area Regulation*" report.

- *OurWinnipeg 2045,* which at the time of writing of this report was only given 2nd reading by Council, will also be required to adhere to the Regulation. In fact, adherence with the Regulation is also a condition of Ministerial approval.

- Per section 234(2) of the Charter, a secondary plan by-law must be consistent with *OurWinnipeg*. As *OurWinnipeg* is required to be consistent with the Regulation, updating the AVPA Secondary Plan would ultimately result in duplication of policies covered by *OurWinnipeg* (and the Winnipeg Zoning By-law).

- Repealing the AVPA Secondary Plan therefore amounts to an administrative update to address a by-law that, with the adoption of the Regulation, no longer serves a purpose as written.

SPA 1/2019 & SPA 2/2019

- In 2019 Cadillac Fairview and Shindico sought amendments to the AVPA Secondary Plan to permit particular development of which they were proponents ("SPA 1/2019").

- Also in 2019, Towers Realty sought similar amendments to permit a different development of which they were proponents ("SPA 2/2019").

- The Winnipeg Airports Authority ("the WAA") (with delegated authority to file an objection to a proposed change to the AVPA on behalf of Transport Canada), filed objections to each of SPA 1/2019 and SPA 2/2019 in accordance with s. 270 of the Charter. According to s. 270(3), Council must not pass a proposed secondary plan by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.

- This triggered the City's s. 270 obligation to refer the matters to the Municipal Board for recommendations.

- SPA 1/2019 and SPA 2/2019 were laid over pending the outcome of the Municipal Board referrals.

- A hearing before the Municipal Board was scheduled in relation to SPA 1/2019 to take place on August 16, 2021.

- In the intervening months leading up to the Municipal Board hearings, the Province passed new AVPA Regulation 66/2021, which was registered August 12, 2021, two business days before the commencement of the Cadillac/Shindico hearing which was scheduled to start on August 16, 2021.

- The parties to the Cadillac/Shindico Municipal Board matter, including the City, did convene on the morning of August 16, 2021 before the Municipal Board, spoke to the new Regulation, and submitted that the matter before the Municipal Board had become moot. The Municipal Board agreed. It issued its written Decision and Order on November 9, 2021 (the "Cadillac/Shindico Decision" – see Schedule B), stating therein that "the issue before the Board no longer exists and the matter is deemed moot. The Board therefore concludes the matter without proceeding to a hearing".

- As a matter of housekeeping, on December 6, 2021, the Towers matter came before the Municipal Board, and the same positions were taken there. As was the case with the Cadillac/Shindico Decision, the Municipal Board agreed that the Towers matter had also become moot. It issued its written Decision and Order on January 24, 2022 (Schedule C) (the "Towers Decision"), stating therein that "The Board notes that the Proposed By-law, which lies at the heart of the Referral, aims to re-designate the Lands to Policy Area II, but the passing of the Regulation effectively moved the Lands to Policy Area II as of August 12, 2021. The Board is satisfied there is no issue for the Board to adjudicate and the matter is deemed moot. The Board therefore concludes the matter without proceeding to a hearing".

- At present, SPA 1/2019 and SPA 2/2019 remain laid over, yet live. It is recommended that common sense dictates that these matters ought to be brought to a close by Council rejecting these by-laws, on the basis of mootness, the Charter, and the decisions of the Municipal Board.

DAZ 210/2019 & DAZ 211/2019

- When SPA 1/2019 and SPA 2/2019 were referred to the Manitoba Municipal Board, the associated rezonings to these applications – DAZ 210/2019 and DAZ 211/2019 respectively – were laid over indefinitely, as per section 235 of the Charter, development must be consistent with a secondary plan.

- DAZ 210/2019 (c/r SPA 1/2019) was laid over at Council on May 29,2020, and DAZ 211/2019 (c/r SPA 2/2019) was laid over at the Standing Policy Committee on Property and Development, Heritage and Downtown Development on June 16, 2020.

- Both rezoning applications sought to amend the Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 Airport Vicinity) of the Winnipeg Zoning By-law by changing the designation of the subject properties from Area I to Area II. The underlying zoning (ex. C4 or C3) was never part of either rezoning application.

- At the time, Area I of the PDO-1 Airport Vicinity restricted residential development to no new residential development except for replacement of existing dwellings or “minor residential infilling”, while Area II allowed for up to 35 dwelling units/acre (or more if approved as a conditional use).

- However, as previously discussed, the Regulation required the City to amend its development plan and zoning by-laws to conform to the Regulation within six months of the Regulation coming into force and effect.

- On January 27, 2022 the PDO-1 Airport Vicinity of the Winnipeg Zoning By-law was amended to conform to the Regulation via By-law 11/2022.

- As a result of the Regulation and the required amendment to the Winnipeg Zoning By-law, the properties included in DAZ 210/2019 and DAZ 211/2019 are now either in Area 2 of the Regulation and PDO-1 Airport Vicinity, or are located outside of the AVPA boundary altogether.

- In other words, DAZ 210/2019 and DAZ 211/2019 are now irrelevant because the Zoning By-law has changed to align with what was applied for in these applications.

- Similar to SPA 1/2019 and SPA 2/2019, the matter for DAZ 210/2019 and DAZ 211/2019 has been determined by the Regulation and required amendment to the Zoning By-law, yet these applications remain live.

- The Public Service recommends that Council reject DAZ 210/2019 and DAZ 211/2019 to bring these applications to a close.

June 24, 2021 Council Decision re Updates to the Airport Vicinity Protection Area

- On June 24, 2021, Council decided:

    1. That the Public Service be directed to request funding commitments from the Winnipeg Airports Authority and Province of Manitoba totaling $250,000 in order to finance the updating of the Airport Vicinity Protection Area (AVPA) and affected by-laws.

    2. That subject to receipt of written confirmation of funding commitments as described in Recommendation 1, the operating budget of the Planning, Property and Development Department be amended to include additional expenditure budget of $250,000 and additional grant revenue budget of an equivalent amount.

    3. That subject to approval of Recommendation 2, the Public Service initiate a process to update the Airport Vicinity Protection Area Secondary Plan By-law 6378/94 (AVPA) and affected by-laws, namely the Airport Vicinity Acoustic Insulation By-law 6419/94, PDO-1 Airport Vicinity of the Winnipeg Zoning By-law 200/2006, and potentially *OurWinnipeg* and the *Complete Communities Direction Strategy.*

    4. That any applications for development which were made prior to June 8, 2021 should not be delayed as a result of this request for funding and should continue to be processed as expeditiously as possible in accordance with the relevant procedure bylaws.

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

- As a consequence of the new Regulation, this Council decision can no longer proceed as adopted. The Public Service is recommending that the previous decision be rescinded.

FINANCIAL IMPACT

Financial Impact Statement

Date: May 16, 2022

Project Name:

SPA 2/2022 (By-law 47/2022) – Repeal of Airport Vicinity Protection Area Secondary Plan By-law No. 6378/94 (c/r DAZ 205/2022)

COMMENTS:

The funding commitments from the Winnipeg Airports Authority and Province of Manitoba totaling $250,000 that the Public Service was directed by Council, on June 24, 2021, to request in order to finance the updating of the Airport Vicinity Protection Area (AVPA) and affected by-laws did result in receipt of written confirmation of a funding commitment from the Winnipeg Airports Authority. However, no related revenue or expenditure amount was included in the operating budget of the Planning, Property and Development Department. Given this, rescinding this Council direction has no direct financial implications.

Mike McGinn May 16, 2022

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

Direction 01-1b

In order to maintain compatible land use relationships, regulate land use and building regulations for all those neighbourhoods or portions thereof significantly affected by airport related noise in conformity with the Airport Vicinity Protection Area Regulation, M.R. 66/2021 and any successor to that regulation.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

n/a

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

n/a

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Robert Kostiuk, RPP, MCIP
Date: May 16, 2022
File No: SPA 2/2022

Attachments:

Schedule A - Draft Amending By-law No. 47/2022

Schedule B - Municipal Board Decision Re SPA 1/2019 (By-law 48/2019)

Schedule C - Municipal Board Decision Re SPA 2/2019 (By-law 49/2019)

Schedule D - DAZ 210/2019

Schedule E - DAZ 211/2019

Schedule F - June 24, 2021 Council Decision re Updates to the Airport Vicinity Protection Area

Schedule F June 24, 2021 Council Decision re Updates to the Airport Vicinity Protection Area

Item No. 7 Updates to the Airport Vicinity Protection Area

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the Public Service be directed to request funding commitments from the Winnipeg Airports Authority and Province of Manitoba totaling $250,000 in order to finance the updating of the Airport Vicinity Protection Area (AVPA) and affected by-laws.

2. That subject to receipt of written confirmation of funding commitments as described in Recommendation 1, the operating budget of the Planning, Property and Development Department be amended to include additional expenditure budget of $250,000 and additional grant revenue budget of an equivalent amount.

3. That subject to approval of Recommendation 2, the Public Service initiate a process to update the Airport Vicinity Protection Area Secondary Plan By-law 6378/94 (AVPA) and affected by-laws, namely the Airport Vicinity Acoustic Insulation By-law 6419/94, PDO1 Airport Vicinity of the Winnipeg Zoning By-law 200/2006, and potentially OurWinnipeg and the Complete Communities Direction Strategy.

4. That any applications for development which were made prior to June 8, 2021 should not be delayed as a result of this request for funding and should continue to be processed as expeditiously as possible in accordance with the relevant procedure bylaws.

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