Agenda – Executive Policy Committee – April 18, 2023

Report – Standing Policy Committee on Property and Development – April 6, 2023

Item No. 12 Secondary Plan Amendment – Charleswood Road, West Side, South of Wilkes Avenue (Charleswood-Tuxedo-Westwood Ward) File SPA 7/2022

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Council:

1. That first reading be given to By-law No. 15/2023 (the "By-law", a draft of which is attached as Appendix "B" to this report) to amend the Wilkes South Secondary Plan By-law No. 6391/94.

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

Agenda – Executive Policy Committee – April 18, 2023

Report – Standing Policy Committee on Property and Development – April 6, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 21, 2023, the Assiniboia Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That first reading be given to By-law No. 15/2023 (the "By-law", a draft of which is attached as Appendix "B" to this report) to amend the Wilkes South Secondary Plan By-law No. 6391/94.

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

On February 22, 2023, the Assiniboia Community Committee adjourned the public hearing to its meeting on March 21, 2023 at 10:30 a.m. in the Council Building at 510 Main Street, at the request of the Applicant.

PUBLIC HEARING SUMMARY

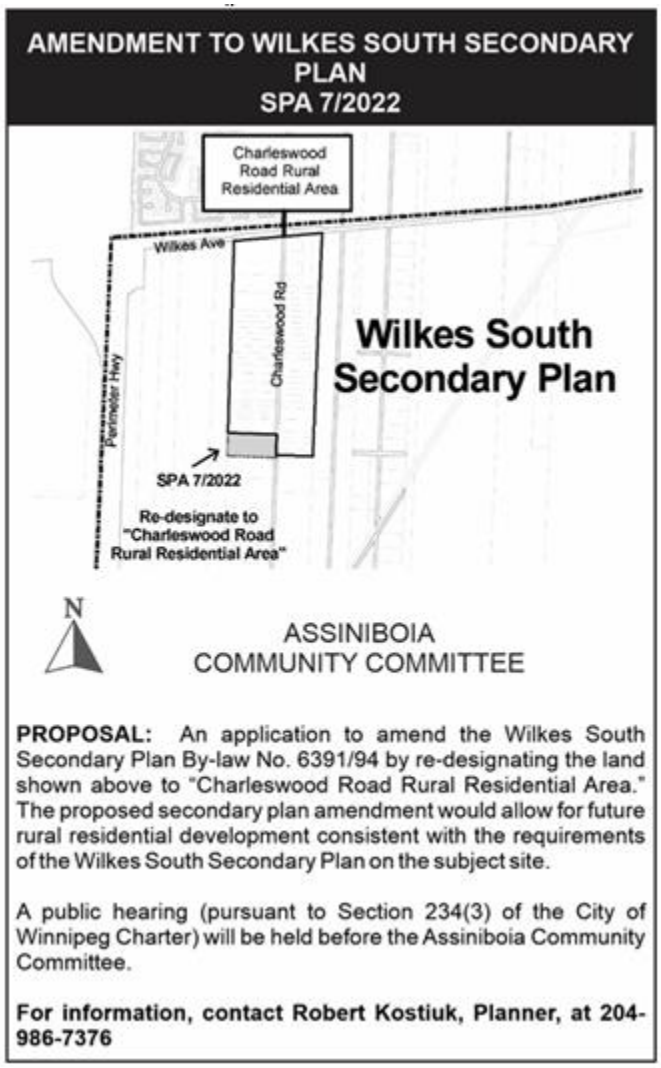
File: **SPA 7/2022**

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Dobson
Councillor Duncan

Public Hearing: March 21, 2023
February 22, 2023
Council Building, 510 Main Street

Applicant: SBC Inc. (Ross Mitchell)

Subject:



Premises Affected: Charleswood Road, West Side, South of Wilkes Avenue

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

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: March 21, 2023

Community Committee Recommendation:

On March 21, 2023, the Assiniboia Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That first reading be given to By-law No. 15/2023 (the "By-law", a draft of which is attached as Appendix "B" to this report) to amend the Wilkes South Secondary Plan By-law No. 6391/94.

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

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

1. It aligns with the existing neighbourhood, especially with the lot sizes.

2. It doesn't have a dramatic negative effect on the neighbourhood.

3. The existing roadway does extend to accommodate these four lots, again, at the 2.5-acre lot size.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

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

Exhibits Filed:

1. Application dated December 29, 2022
2. Notification of Public Hearing
3. Manitoba Status of Title: 3182294/1
4. Letter of authorization dated December 6, 2022 from J.G. Management Ltd. (Harvey I. Pollock) to SBC Inc. (Ross Mitchell)
5. Sketch of Proposed SPA Boundary Adjustment dated July 27, 2020
6. Aerial Photographs showing extension of Charleswood Road
7. Wilkes South Secondary Plan Appendix D1
8. Survey Sketch Plan of Subject Property dated December 1, 2021
9. Aerial photo dated September, 2022
10. Wilkes South Secondary Plan Schedule "A" to By-law 6391/94
11. Report from the Urban Planning Division dated February 3, 2023
12. Inspection Report
13. Communication dated December 6, 2022 submitted by the Applicant in support of the application
14. Notice of Adjournment dated February 22, 2023
15. Recording of Representations of public hearing held on February 22, 2023
16. Communication dated March 20, 2023 submitted by Rick Koch in support of the application
17. Communication dated March 21, 2023 submitted by the Applicant in support of the application
18. Recording of Representations

REPRESENTATIONS:

In Support:

Rick Koch
Ross Mitchell
Martin Pollock

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "11" referred to in File SPA 7/2022

ADMINISTRATIVE REPORT

Title: SPA 7/2022 – Amendment to the Wilkes South Secondary Plan By-law No. 6391/94 – Public Hearing

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	N/A	N/A	N/A

EXECUTIVE SUMMARY

On December 29, 2022, the Urban Planning and Design Division received Development Application No. SPA 7/2022 to amend the Wilkes South Secondary Plan By-law 6391/94 by re-designating the northern 12.68 acres of the property legally described as Lot 12 & S ½ Lot 13, Plan 1591 WLTO (the "Subject Property") to be included in the "Charleswood Road Rural Residential Area". The residual ~ 11.9 acres of the site will remain outside of the "Charleswood Road Rural Residential Area" boundary and would remain subject to the "Rural and Agricultural" policies of *OurWinnipeg 2045* ("OW 2045") and the *Complete Communities Direction Strategy 2.0* ("CCDS 2.0").

The Public Service recommends rejecting the secondary plan amendment application for the following reasons:

- The proposed re-designation of the Subject Property does not comply with the direction set out in CCDS 2.0, in that:
    - It would further fragment existing rural and agricultural lands, where the minimum lot area requirement is 40 acres; and
    - It would allow for subdivision in lands identified for future urban development (Wilkes South sector) that should be directed by a secondary plan process.
- Section 234(2) of the City of Winnipeg Charter requires secondary plan by-laws (including amendments) to be consistent with OW 2045. Per OW 2045 policy 6.13, the proposed amendment does not further the vision, goals, and policies of OW 2045 and CCDS 2.0.
- Inclusion of the subject lands in "Charleswood Road Rural Residential Area" boundary would set a precedent for the extension of other boundaries in the Plan Area.

RECOMMENDATIONS

1. That Development Application No. SPA 7/2022 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

An application has been received to amend the Wilkes South Secondary Plan By-law No. 6391/94.

A secondary plan by-law, which includes a by-law to amend an existing secondary plan by-law, requires a public hearing prior to first reading in accordance with *The City of Winnipeg Charter* ("the Charter") and The *Development Procedures By-law No. 104/2020*.

The Report is being submitted for the Committee's consideration of the development application at the public hearing.

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

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the proposed amendment to the Wilkes South Secondary Plan By-law will not proceed.
- Recent amendments to the Charter that affect the recommendations include:
    - If, after the hearing, Council proposes to alter the by-law beyond minor alterations that do not change its intent, a second hearing must be held to receive representations on the alterations prior to the by-law receiving first reading.
    - The owner of a property that is subject to a secondary plan amendment may appeal the refusal or rejection of the application to the Municipal Board.

- Following first reading, any person who made submissions at the hearing may file an objection. If the City receives sufficient objections, which is defined in the Charter as 25 voters or 50% of the total number of registered owners of land located within 100m of the Subject Property, the City must refer the proposed by-law to the Municipal Board before Council gives second reading where a hearing will be conducted within 120 days. The Municipal Board must then submit a report, with recommendations, to Council in respect of the proposed by-law. Council must not pass a by-law unless it conforms with the Municipal Board's recommendations, to which any changes would be made without an additional hearing at second reading. If the City does not receive sufficient objections, it may proceed to give second and third reading to the by-law concurrently.

HISTORY/DISCUSSION

Plan History

- On September 21, 1994, Council adopted the Wilkes South Secondary Plan in accordance with By-law 6391/94. Council adoption of a secondary plan for the area was a prerequisite to allowing for limited, unserviced rural residential development per Plan Winnipeg By-law 5914/92, which is no longer in force and effect.
- On July 24, 1996, Council amended the Wilkes South Secondary Plan per By-law 6867/96 to allow septic field permits for lots less than 2.5 acres but greater than 2.0 acres under specific circumstances.

Application History

- On October 25, 2019, J.G. Management ("the Applicant") filed a pre-application (PA 19-195160) for a short form subdivision and variance to create five new single family residential lots for Lot 12 and the S ½ of Lot 13 Plan 1591 WLTO in RL 62 to 64 St Charles (the "Subject Property," refer to Figure 3 in Appendix 'A'). Proposed lots 1-5 were 2.5 acres in area and had an approximate width of 104 ft. The proposed subdivision would require a variance for the site area and site width. The remaining balance was 11.9 acres in area.
- On December 5, 2019, the Public Service provided initial feedback indicating the Wilkes South Secondary Plan would need to be amended to expand the Charleswood Road Rural Residential Area to accommodate such a development. It was also noted the Public Service was unlikely to support the application as it would further fragment lands identified for future urban development under *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- On December 3, 2021, the Applicant submitted a proposed subdivision application for the Subject Property to create four new residential lots with an area of 3.14 acres and site widths of 130 feet. The remaining balance of land was 11.9 acres in area.
- On January 28, 2022, the Public Service provided a Notice of Decision to the Applicant, stating the proposed subdivision cannot be supported under the policies of the Wilkes South Secondary Plan By-law because the Subject Property is located outside of the "Charleswood Road" boundary of Schedule "A." Therefore the subdivision application must be refused without a hearing as per section 275(2) of the Charter.

- The Applicant appealed the Public Service's decision to the Municipal Board per section 275(3) of the Charter.
- A hearing was held before the Municipal Board on June 7, 2022.
- On August 5, 2022, the Municipal Board dismissed the appeal noting the following points amongst the Municipal Board's key conclusions:
    - The Secondary Plan defines the limits of the Boundary.
    - The Property is not included within the limits of the Boundary.
    - The City adhered to the requirements and processes outlined in the Charter and By-laws.

FINANCIAL IMPACT

Financial Impact Statement

Date: February 3, 2023

Project Name:

SPA 7/2022 (Draft By-law No. 15/2023) Amendment to the Wilkes South Secondary Plan By-law No. 6391/94 – Public Hearing

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Feb. 3, 2023

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

OurWinnipeg 2045 (OW 2045) – City Building

6.13 Support amendments to existing secondary plans that further the vision, goals, and policies of this Plan and Complete Communities.

6.14 Provide for timely capital infrastructure and local area plans to enable and support the full build out of greenfield lands in accordance with Complete Communities green-field phasing policies.

6.28 Designated Precincts within New Communities must have secondary plans, to ensure these areas are developed as complete and connected communities from the outset, and are available to accommodate growth.

6.32 Designate Rural and Agricultural Areas within the Urban Structure, as non-urbanized lands suitable for agriculture, specialized agriculture, Indigenous land-based practices where possible, and supportive uses, as well as rural living that is permitted under existing, adopted secondary plans, and does not require a full range of municipal services.

- The subject site is located in an area designated “Rural and Agricultural” in OW 2045 and CCDS 2.0. The site is also located in an area that is identified as a “Sector” forming part of the “Greenfield Supply Area” in the General Growth Section of CCDS 2.0.
- The proposed amendment is inconsistent with the direction set out in CCDS 2.0, in that:
    - It would further fragment existing rural and agricultural lands, where the minimum lot area requirement is 40 acres; and
    - It would allow for subdivision in lands identified for future urban development (Wilkes South Sector) that should be directed by a secondary plan process.
- Per OW 2045 policy 6.13, the proposed amendment does not further the vision, goals, and policies of OW 2045 and CCDS 2.0.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

4.2 Ensure new areas of growth are designed according to the principles of complete communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS) and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property, and Development
Division: Urban Planning and Design
Prepared by: Robert Kostiuk, RPP, MCIP
Date: February 3, 2023
File No: SPA 7/2022

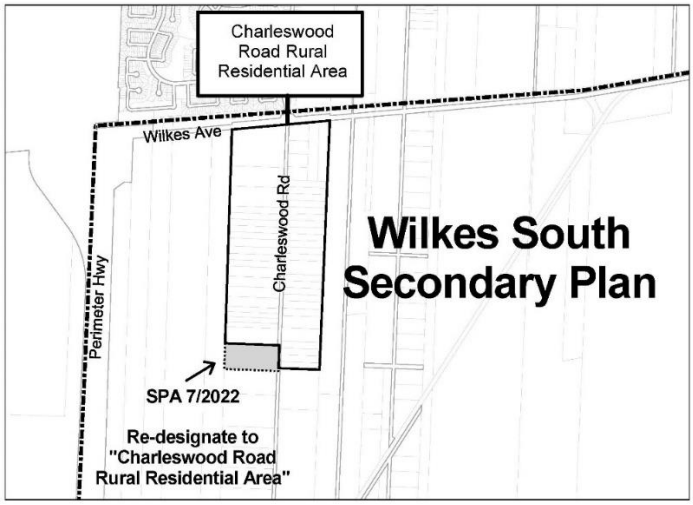
Attachments:

Appendix ‘A’ – Planning Discussion

Appendix ‘B’ – Proposed Amending By-law No. 15/2023

APPENDIX 'A' – Planning Discussion

DATE:	February 3, 2023
FILE: **RELATED FILES:**	**SPA 7/2022 (Proposed Amending By-law No. 15/2023)**
COMMUNITY: **NEIGHBOURHOOD #:**	Assiniboia 2.658 (Wilkes South)
SUBJECT:	Proposed amendment to the Wilkes South Secondary Plan (By-Law No. 6391/94)
LOCATION:	Charleswood Road (see map below)



APPLICANT:	Sison Blackburn Consulting Inc. (Ross Mitchell) Unit 10-5 Scurfield Boulevard, Winnipeg, MB R3Y 1G3
OWNER:	J.G. Management Ltd. 1120-363 Broadway, Winnipeg, MB R3C 3N9
RECOMMENDATION:	Rejection

SITE DESCRIPTION:

- The Subject Property is located on the west side of Charleswood Road in the Wilkes South neighbourhood of the Charleswood – Tuxedo – Westwood Ward.
- The Subject Property is approximately 24.6 acres in area and is currently vacant.
- Approximately half of the property has frontage on the improved (to a rural standard) portion of Charleswood Road, while the remainder of the property lies beyond a barricade fronting onto the unimproved portion of Charleswood Road.
- The site is located within an area designated as “Rural and Agricultural” in OurWinnipeg 2045 (“OW 2045”) and the Complete Communities Direction Strategy 2.0 (“CCDS 2.0”) and is currently zoned “A” Agricultural district.

SURROUNDING LAND USE & ZONING:



Figure 1: Aerial image showing the Subject Property and surrounding area

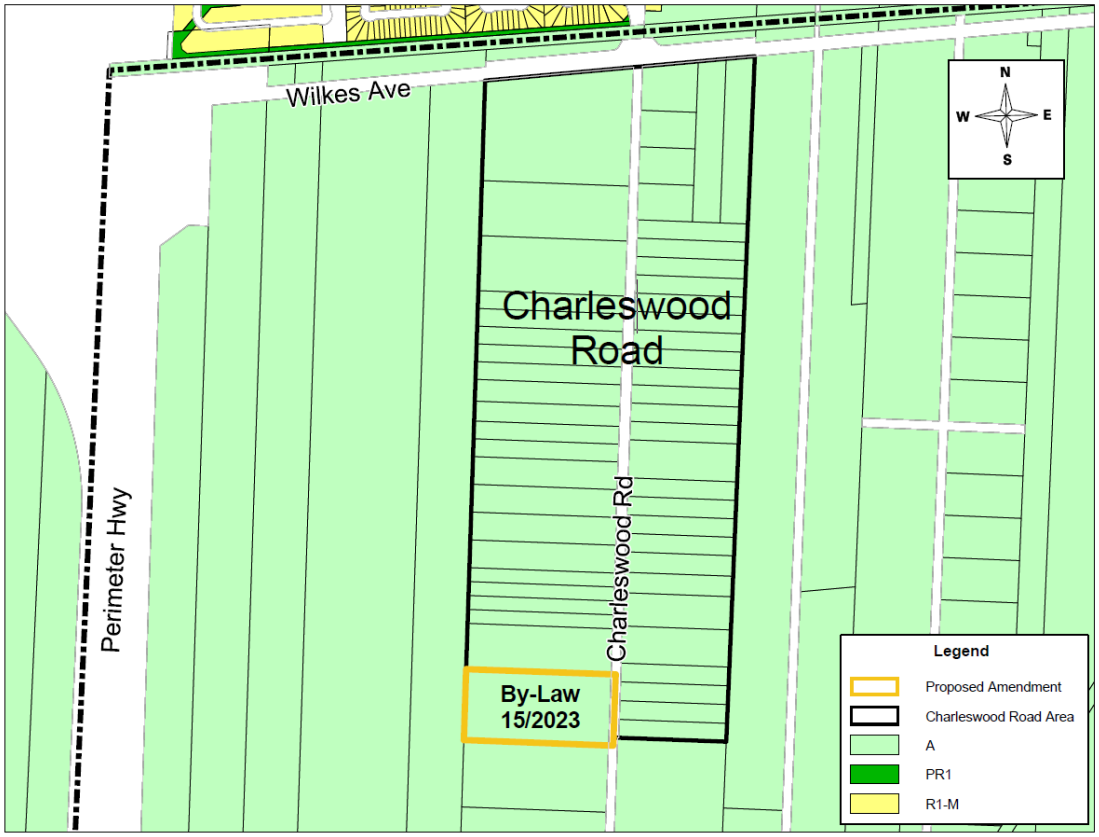


Figure 2: Zoning map of the Subject Property and surrounding area

North: An 8.2 acre lot containing one single-family detached dwelling designated "Charleswood Road Rural Residential Area" in the Wilkes South Secondary Plan and zoned "A" Agricultural.

South: Vacant lands with frontage along the unimproved portion of Charleswood Road, zoned "A" Agricultural. These lands fall outside of the "Charleswood Road Rural Residential Area" in the Wilkes South Secondary Plan.

East: Across Charleswood Road at the northern portion of the subject site (which the Applicant seeks to amend) there are approximately three, 2.5 acre lots containing detached single-family dwellings designated as "Charleswood Road Rural Residential Area" in the Wilkes South Secondary Plan and zoned "A" Agricultural.

West: Vacant lands under active cultivation that are zoned "A" Agricultural, and that are located outside of the "Charleswood Road Rural Residential Area" in the Wilkes South Secondary Plan.

DESCRIPTION OF THE PROPOSED AMENDMENT:

- The Applicant is proposing to re-designate the northern 12.68 acres of the site to be included in the "Charleswood Road Rural Residential Area" in the Wilkes South Secondary Plan. The residual ~ 11.9 acres of the site will remain outside of the "Charleswood Road Rural Residential Area" boundary (see Figure 3).

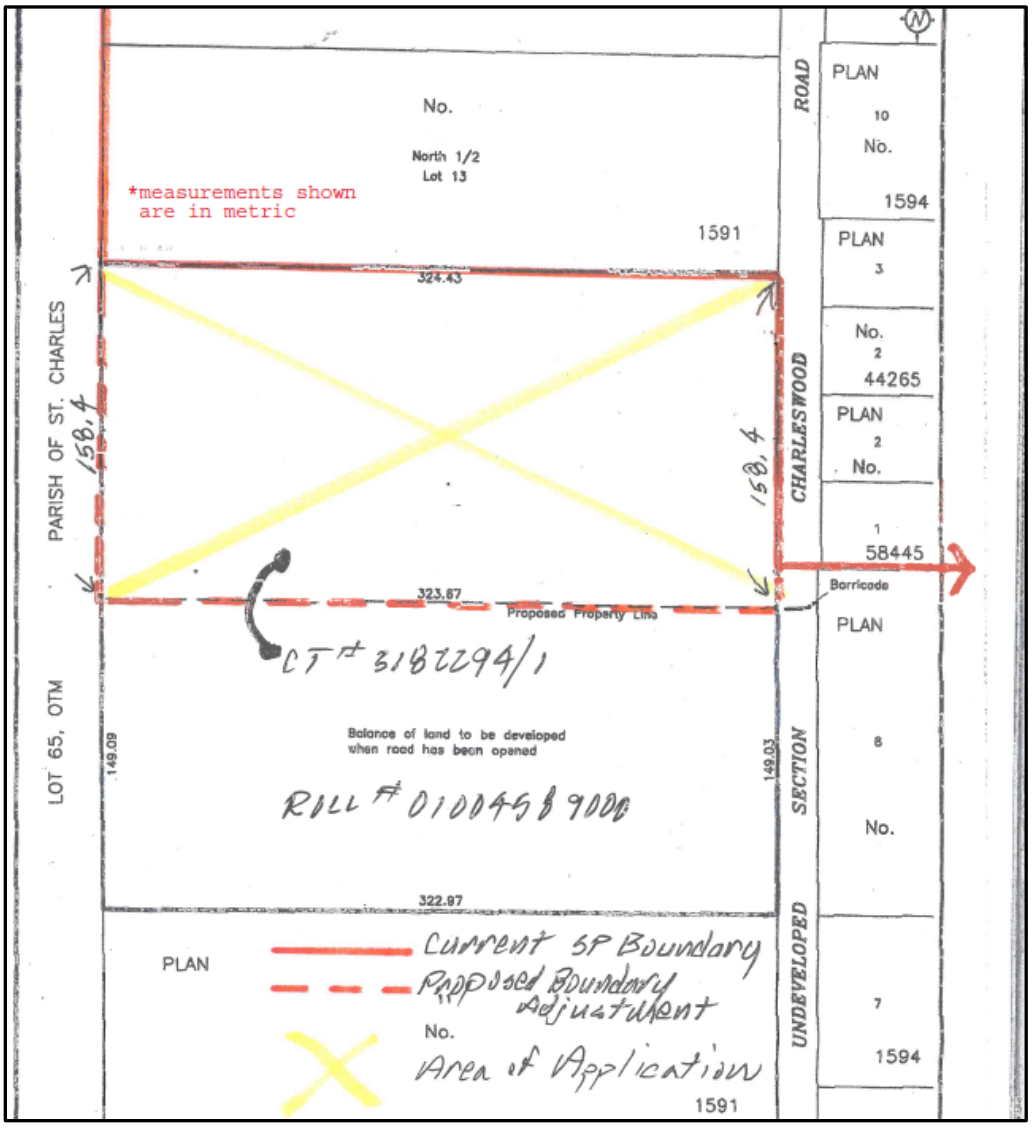


Figure 3: Proposed Amendment

- Nearly all of the northern 12.68 acres of the site is serviced by Charleswood Road, which is developed to a rural standard (i.e. gravel surfacing with ditches).
- The residual ~11.9 acre portion of the site that will remain outside of the "Charleswood Road Rural Residential Area" boundary lies beyond a barricade placed at the end of the gravel-surface portion of Charleswood Road. Beyond this barricade, Charleswood Road legally exists, but is unimproved (see Figure 4). As such, this residual ~11.9 acres will not have access to an improved public street.

- If approved, the proposed amendment to re-designate the northern 12.68 acres of the site to “Charleswood Road Rural Residential Area” could allow for the creation of rural residential lots through a future subdivision application.
- These lots would need to be consistent with the requirements of the Wilkes South Secondary Plan, which prescribes minimum lots widths of 130 feet and minimum lot areas of 2.5 acres in the “Charleswood Road Rural Residential Area”.
- The residual ~11.9 acre portion of the site would remain subject to the “Rural and Agricultural” policies of OW 2045 and CCDS 2.0.



Figure 4: Charleswood Road barricade and transition from gravel-surfacing to unimproved ROW (source: Google Street View)

CITY OF WINNIPEG CHARTER ACT

- Section 234(2) of the City of Winnipeg Charter Act requires secondary plan amendments to be consistent with Plan Winnipeg (i.e. OW 2045):

  Conformity with Plan Winnipeg
  234(2) A secondary plan by-law must be consistent with Plan Winnipeg.

POLICY CONTEXT:

OurWinnipeg 2045

- OW 2045 is the City's development plan. As prescribed by the City of Winnipeg Charter, it sets out the City's long term plans and policies respecting its purposes, its physical, social, environmental, and economic objectives, and sustainable land use and development.
- OW 2045 was adopted by Council on May 26, 2022.
- The subject site is designated "Rural and Agricultural" in OW 2045.
- Applicable policies from OW 2045 for the subject proposal include:

  6.13 Support amendments to existing secondary plans that further the vision, goals, and policies of this Plan and Complete Communities.

  6.14 Provide for timely capital infrastructure and local area plans to enable and support the full build out of greenfield lands in accordance with Complete Communities green-field phasing policies.

  6.28 Designated Precincts within New Communities must have secondary plans, to ensure these areas are developed as complete and connected communities from the outset, and are available to accommodate growth.

  6.32 Designate Rural and Agricultural Areas within the Urban Structure, as non-urbanized lands suitable for agriculture, specialized agriculture, Indigenous land-based practices where possible, and supportive uses, as well as rural living that is permitted under existing, adopted secondary plans, and does not require a full range of municipal services.

Complete Communities Direction Strategy 2.0

- CCDS 2.0 is a city-wide secondary plan that guides growth, development and land use in the City of Winnipeg through an urban structure.
- CCDS 2.0 was adopted by Council on May 26, 2022.
- The Subject Property is designated "Rural and Agricultural" and identified as a "Sector" (see Figure 7) forming part of the "Greenfield Supply Area" in the General Growth Section of CCDS 2.0
- More specifically, Map 3: Map of Greenfield Phasing includes the subject site in the "Wilkes South Sector," which is designated for long-term greenfield development (refer to Figures 5 & 6).
- Key applicable policies include:

  B.1 General Growth

  Maintain planned greenfield land

  4.2 Maintain approximately a 10-year supply of planned greenfield land to support a well-functioning, competitive land market throughout the City and to manage competing demands for City local area planning resources and growth-supportive infrastructure.

Evaluating land supply

4.2.1 Endeavour to provide a reasonable land supply in each quadrant of the City.

4.2.2 When allocating resources for local area planning to ensure conformance with Policy 4.2, consider the rate at which individual sites are likely to build out.

4.2.3. Consider timelines for the completion and approval of a growth-enabling secondary plan in managing this target.

Phasing of greenfield land

4.3 Provide for timely capital infrastructure and local area plans to enable and support the full build out of greenfield lands in accordance with the greenfield phasing plan noted in Policy 4.4 and Map 3 and in accordance with Policies 4.1 and 4.2.

4.3.1 Greenfield phasing policies shall not be used to limit development in phasing plan sites if there are no servicing or local area planning constraints.

4.4 Prioritize the servicing and planning of greenfield areas in accordance with the following sequencing:

1. Short-to-medium term lands

a. Tier 1 lands

b. Tier 2 lands

c. Tier 3 lands

d. Tier 4 lands

2. Long term lands

a. Tier 1 lands

b. Tier 2 lands

TIERS	SITES
Short-to-medium term lands	
0	Existing serviced
1	Airport Area West Residential Waverley West B
2	Fort Whyte Precinct K South South Transcona
3	Precinct D
4	Precinct B Remainder of Precinct Q
Long term lands	
1	St. Vital Perimeter South sector Wilkes South sector
2	St. Norbert sector

Figure 5: Phasing of Greenfield Lands (CCDS 2.0: Figure 9)

4.5 Precinct planning should not commence for lower priority lands until plans for all higher priority lands have, at minimum, been initiated.

4.5.1 In order to maintain an approximate 10-year supply of planned greenfield land, precinct planning shall be initiated in accordance with Policy 4.2

4.8 Sector plans should be initiated for the Wilkes South and St. Vital Perimeter South sectors before or in concurrence with the next planned review of this By-law to allow for identified precincts to inform the update of the greenfield phasing plan, if it is anticipated that at least some of the lands within an individual sector will be needed to accommodate forecasted growth within the time horizon of the next plan.

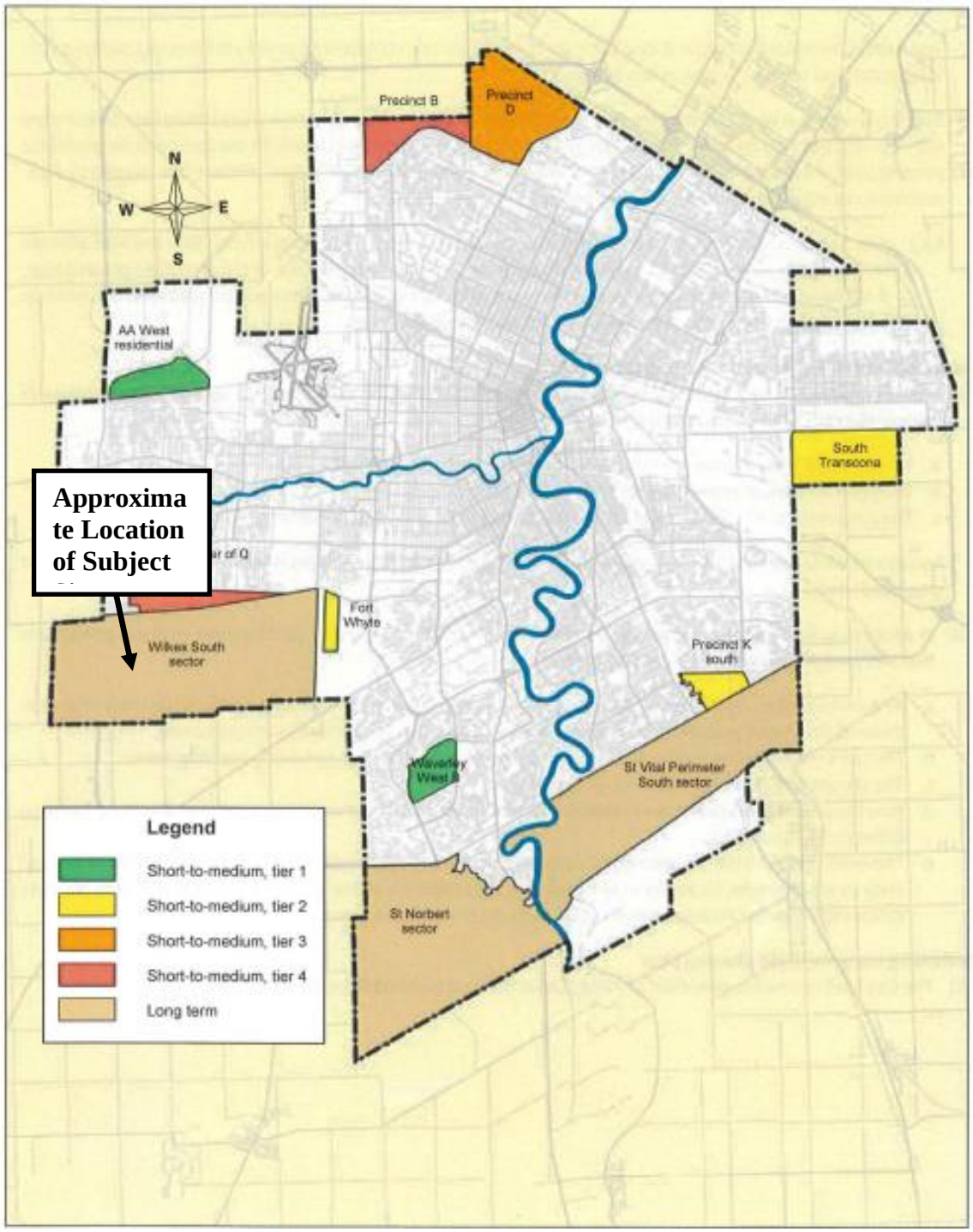


Figure 6: **Map of Greenfield Phasing (CCDS 2.0 Map 3)**

B.3 Servicing

Private services and rural roads

3.1 Development in Rural and Agricultural Areas shall be predominantly serviced by private services and rural standard roadways all to the satisfaction of the Directors of Public Works, Water and Waste, and Planning, Property & Development.

Secondary plans

3.2 Consider the possible subdivision or conversion of land in unserviced areas only where a statutory secondary plan establishes minimum parcel sizes, and appropriate servicing criteria.

E.2 Rural and Agricultural

Goal 1: Protect productive farm land.

1.5 Ensure adopted plans for unserviced residential areas identify, at a minimum:

- *a. The boundaries of the area;*
- *b. Minimum parcel sizes;*
- *c. Appropriate servicing criteria; and*
- *d. Protect ground water quality by directing all private wastewater management systems to conform to the Province of Manitoba's Onsite Wastewater Management Regulation, or through approved new technology.*

Goal 2: Prevent the fragmentation of rural and agricultural lands.

2.1 Require a minimum site area of 16 hectares (40 acres) except where an applicable statutory plan allows a smaller site, or to facilitate the consolidation or reconfiguration of land into larger holdings.

Goal 5: Plan for the orderly transition of some rural and agricultural lands to new communities over the long term.

5.1 A sector plan shall be prepared and endorsed by Council as a secondary plan for areas identified on Map 13 before re-designated any portion of the land to New Communities and before the planning of individual precincts within the sector (note: components of sector plan listed from a-j in this policy in CCDS 2.0)

5.2 Precincts identified in a sector plan should be large enough to warrant a need for more detailed precinct-level planning. Precincts should accommodate a total population between 5,000 and 15,000 people at full build-out.

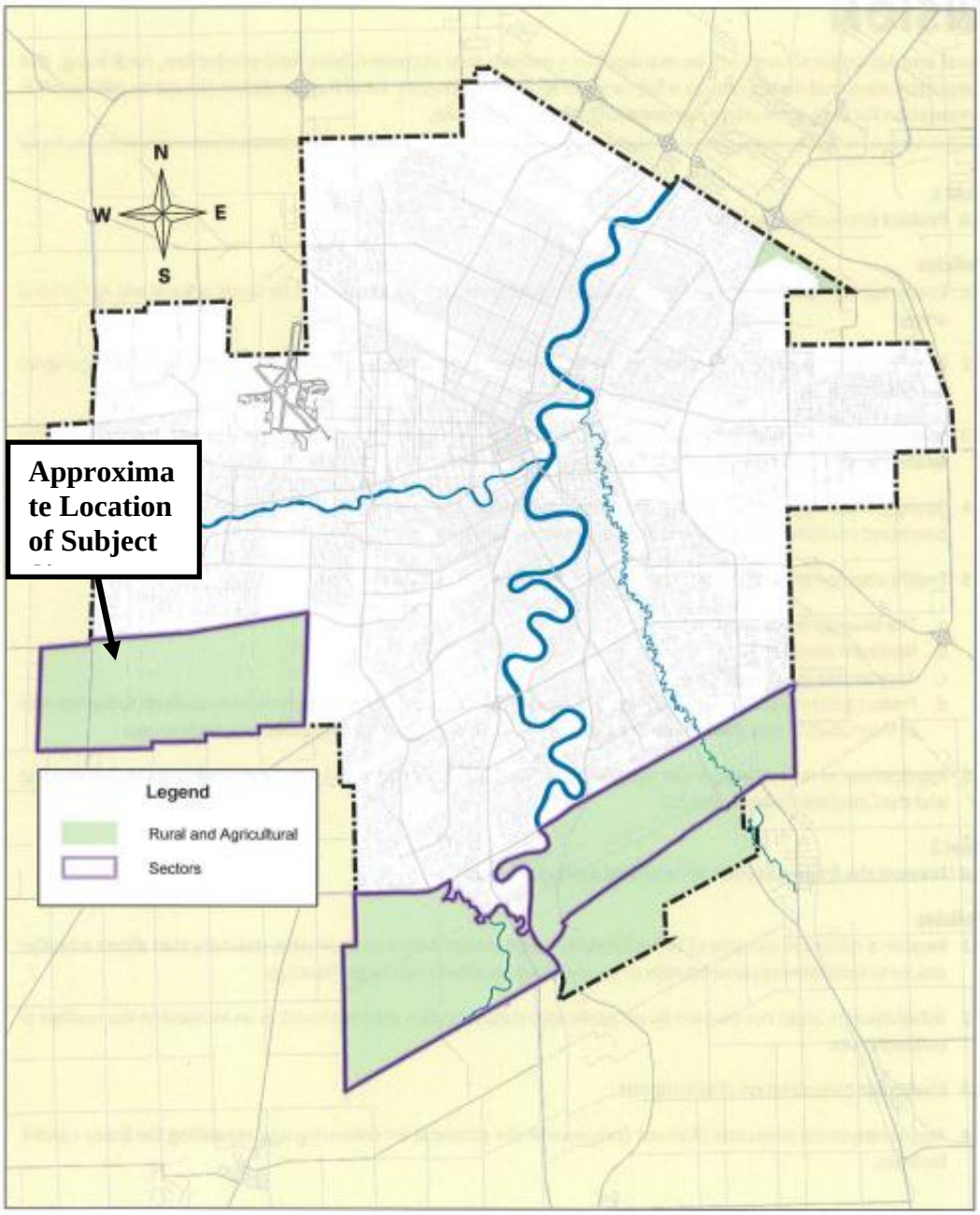


Figure 7: Map of Rural and Agricultural Areas (CCDS 2.0 Map 13)

Wilkes South Secondary Plan

- The Wilkes South Secondary Plan (the "Secondary Plan") was approved by Council on September 21, 1994.
- Plan Winnipeg By-law 5914/92, which is no longer in force and effect, included policy direction to recognize the existence of unserviced, rural residential development within Winnipeg, and to allow for limited unserviced residential development through the guidance of a secondary plan. Such a secondary plan must designate the areas for rural residential development and establish minimum parcel sizes and servicing criteria.
- The Wilkes South Secondary Plan was created to implement the Plan Winnipeg policy at the time and guide controlled infill rural residential development in defined areas.
- The Secondary Plan Boundaries section makes it clear that although the Plan Area is approximately 5,600 acres, the focus of the Secondary Plan is the rural residential areas.
- If a property is not located within one of the prescribed rural residential areas, a minimum lot area of 40 acres is required per CCDS 2.0.
- Per Schedule "A" of the Secondary Plan, there are four (4) rural residential areas contained within the "Rural Residential Boundary Line" where further subdivision can occur:

    - Charleswood Road
    - Liberty/Loudoun North
    - Liberty/Loudoun South
    - McCreary North and South

- The Subject Property is located on the west side of Charleswood Road, immediately south of, and outside of the Charleswood Road Rural Residential Boundary Line in Schedule "A" of the Secondary Plan (see Figure 8).
- The Applicant is seeking an amendment to the Secondary Plan to incorporate the northern 12.68 acres of the site into the "Charleswood Road Rural Residential Area".
- Such an amendment would allow for the future development of rural residential lots that comply with *Part 6: By-law Schedule – The Wilkes South Secondary Plan By-law No. 6391/94:*

    I. That on lands as outlined on Schedule "A" and referred to as Charleswood Road, Liberty-Loudoun South, and McCreary Road North and South, subdivision shall be permitted down to a minimum lot area of 2.5 acres (1 hectare) and a minimum lot width of 130 feet (39.6 metres). Zoning variances for lot size may be considered in special circumstances. All lots less than 130 feet in width and 2.5 acres in area shall use a pump-out tank (total retention system) for sewage disposal.

    IV. Type II oil surface roadways be constructed as local improvements in the proposed 2 1/2 acre lot Charleswood Road, Liberty-Loudoun South and McCreary Road North and South areas and the proposed 1 acre lot Liberty-Loudoun North area. Frontage foot charges be [sic] collected as a condition of approval of plans of subdivision, including the frontage of lots containing existing homes such that eventually all frontage on the subject roadways will have

contributed. The charge shall be a one-time frontage charge to cover the cost of gravelling and oiling the existing roadways in perpetuity. The 1994 rate is $20.00 per front foot.

V. Septic system disposal fields be designed and located in accordance with the minimum requirements and specifications set out in Schedule "B".

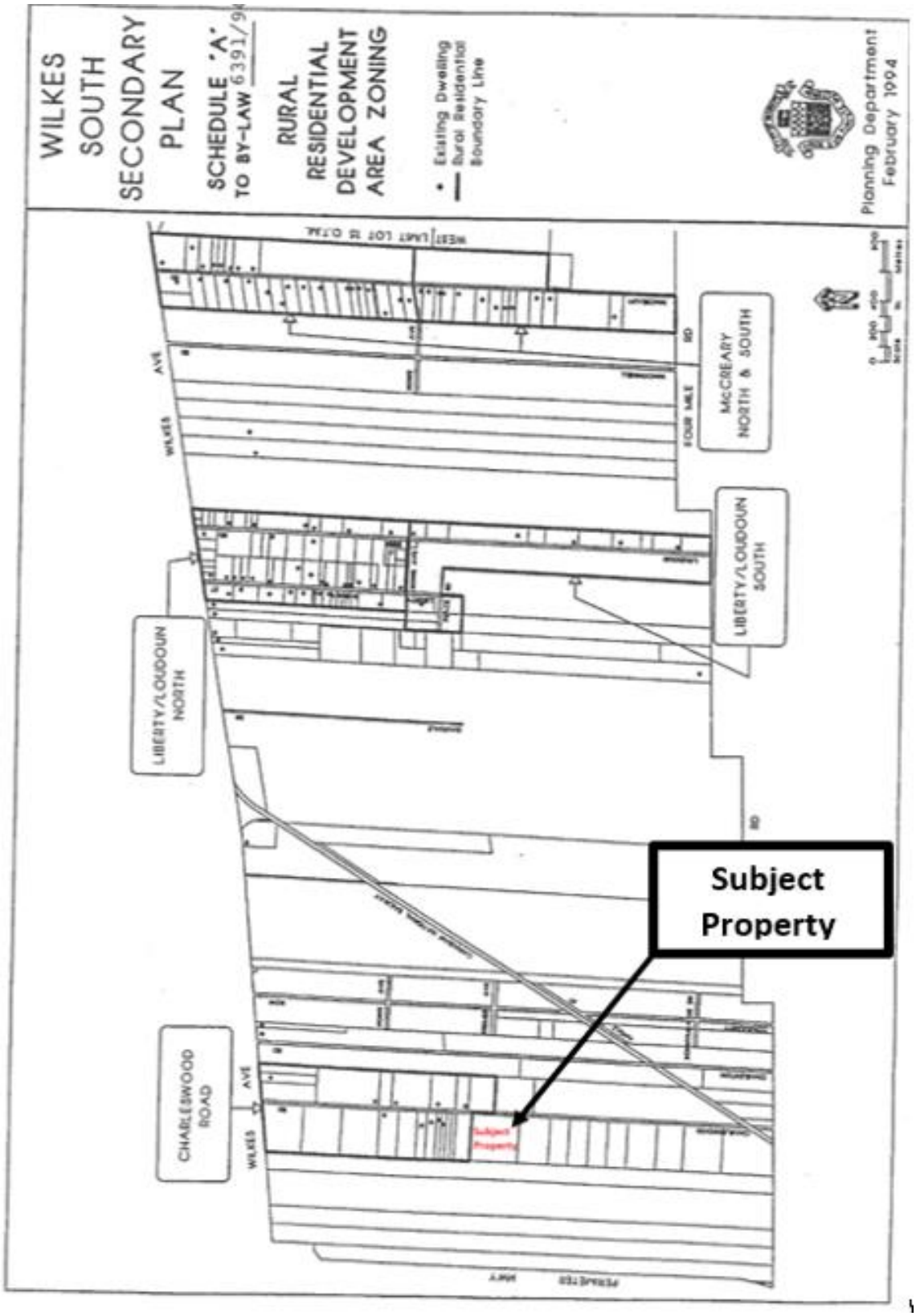


Figure 8: Subject Property in Relation to Charleswood Road Boundary of Wilkes South Secondary Plan

ANALYSIS AND ISSUES:

- The Subject Property is located immediately south of, and outside of the Charleswood Road Rural Residential Boundary Line in Schedule "A" of the Wilkes South Secondary Plan.
- Lands located outside of the prescribed rural residential areas in the Wilkes South Secondary Plan must comply with the minimum lot area requirements (40 acres) for Rural and Agricultural areas per CCDS 2.0.
- The Plan Winnipeg policy guiding the development of the Wilkes South Secondary Plan at the time of its creation stipulated that these plans be undertaken to allow for limited, unserviced residential development through the guidance of a secondary plan. As provided in the Wilkes South Secondary Plan (Part One: Introduction (page 3)):

  > *In Plan Winnipeg, the Rural Areas section of Chapter 5, "Urban Development Management," recognizes the existence of unserviced rural residential development within Winnipeg. While aiming to prevent the spread of such areas, the Plan suggests that "some infill development may be permitted at prevailing densities." (Plan Winnipeg ...toward 2010, p.83).*

- The Wilkes South Secondary Plan limits unserviced rural residential development through the incorporation of defined boundaries in the Wilkes South Secondary Plan Area.
- Today, the subject site is designated "Rural and Agricultural" in OW 2045 and CCDS 2.0. The site is also identified as being within the "Wilkes South sector" in CCDS 2.0.
- Sectors are greenfield lands forming part of Winnipeg's long-term supply for future urban development per CCDS 2.0 and future development is to be directed by a secondary planning process.
- Given the property's location in an area identified as a greenfield sector, any further fragmentation of lands will make future urban development more difficult.
- CCDS 2.0 directs the City to prevent the fragmentation of rural and agricultural lands. As such, the property should conform to the policies for Rural and Agricultural designated lands until an appropriate planning process that allows for future urban development is completed and approved by Council.
- If the amendment is approved, the owner intends to subdivide the lands for rural residential development north of the barricade. This subdivision application will inherently require a lot area variance for the residual ~11.9 acres of land south of the barricade. A lot area variance to less than 40 acres in the Rural and Agricultural policy area would be inconsistent with CCDS 2.0 policies (minimum lot area of 40 acres), and could also imply that the residual lot is developable even though it doesn't have road access. This could create future pressure to further improve Charleswood Road beyond the existing barricade, which is already well beyond the City of Winnipeg standard for streets with only one means of access (e.g., length without alternative access).
- Since the Wilkes South Secondary Plan was adopted by Council in 1994, no rural residential area boundary has ever been extended via an amendment. Accordingly, inclusion of the subject lands in "Charleswood Road Rural Residential Area" boundary would set a precedent for the extension of other boundaries in the Plan Area.

RECOMMENDATION:

The Public Service recommends that the proposed amendment be **rejected** for the following reasons:

- The proposed re-designation of the Subject Property does not comply with the direction set out in CCDS 2.0, in that:
    - It would further fragment existing rural and agricultural lands, where the minimum lot area requirement is 40 acres; and
    - It would allow for subdivision in lands identified for future urban development (Wilkes South sector) that should be directed by a secondary plan process.
- Section 234(2) of the City of Winnipeg Charter Act requires secondary plan by-laws (including amendments) to be consistent with OW 2045. Per OW 2045 policy 6.13, the proposed amendment does not further the vision, goals, and policies of OW 2045 and CCDS 2.0.
- Inclusion of the subject lands in “Charleswood Road Rural Residential Area” boundary would set a precedent for the extension of other boundaries in the Plan Area.