SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 2360 ST MARY'S ROAD

It is recommended that approval of DASZ 2/2025, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – Plan Considerations

1) The final property line (the "Property Line") location of the Public Reserve shall be based on achieving the following parameters:

   i) ability to accommodate a minimum 5m wide corridor for the active transportation path that is graded to meet with universal requirements throughout, including at the tie-in to adjacent properties. in the upland Public Reserve area;

   ii) factor of safety with respect to riverbank stability of at least 1.3 under normal geotechnical conditions and 1.1 for extreme conditions for the planned path;

   iii) appropriate horizontal and vertical alignments shall be achieved for path connections to the existing paths north of the site and to the anticipated path to the south, to meet with Universal Design Standards; and,

   iv) connecting to the existing Public Reserve lands, north and south of the subject site, in a manner that does not create a 90-degree corner or hidden and difficult to maintain areas, and that generally runs parallel to the river.

   v) the Property Line location shall be approved, prior to registration of mylars in the Winnipeg Land Titles Office, to the satisfaction of the Directors of Planning Property and Development and Public Works;

Section II – Engineering Studies

1) The Developer shall, at no expense to the City, conduct geotechnical investigations and provide a geotechnical engineer's report and recommendations, and to the satisfaction of the Director of Planning, Property and Development.

Section III – General Comments

1) The Water and Waste Department (WWD) has stated that:

   i) there is adequate capacity for the proposed development based on the provided development plans. In the event that the development plans change, WWD will need to review the revised proposal.

   ii) the response to this proposal is based on a review of capacity and servicing considerations as of the date of the review.

iii) the department does not reserve wastewater capacity (sewer or treatment plant). Capacity is only assigned to a project when a permit application for the development proposal is accepted.

iv) once capacity of the wastewater system is reached, permit applications for additional development will not be approved.

v) if the development of the Planned Area is significantly delayed, there is a risk that permits may not be issued due to limitations in wastewater capacity.

2) WWD advises that the Zoning Agreement was recommended to identify flood protection requirements under the Designated Floodway Fringe Area Regulation 266/91 and the City of Winnipeg Charter.

3) The City's Riverbank Management Engineer wishes to advise that the riverbank along the Red River at this location appears to be impacted by riverbank erosion and slope instabilities. To understand and mitigate the risk to the proposed development, the Developer should obtain geotechnical advice that considers the stability of the slopes as part of the design process.

4) A Waterways Permit issued pursuant to the City of Winnipeg Waterways By-law 5888/92, shall be obtained prior to commencing construction activities on the subject property as it falls partially within the 350' (107 m) Regulated Area. The Waterways Office will require a comprehensive geotechnical investigation and report that addresses riverbank stability in support of a Waterway Permit Application. The report should include a site assessment, analysis of the existing conditions and design recommendations that address any issues related riverbank stability and riverbank erosion that may be relevant to the proposed development, ensuring the long term integrity of the proposed development, including the public pathway, with adequate protection from natural riverbank processes.

Section IV - Servicing Conditions

1) Water Mains

The Developer pay to the City, in cash, on demand, their share of the cost of the water main to be installed by others in St. Mary's Road, as determined by and to the satisfaction of the Director of Water and Waste.

2) Wastewater Sewers

a) The Developer shall, at no expense to the City, construct and install all wastewater sewers required to serve the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer pay to the City, in cash, on demand, their share of the cost of the wastewater sewer to be installed by others in St. Mary's Road, as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

a) The Developer shall, at no expense to the City, construct and install all land drainage sewers required to serve the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer pay to the City, in cash, on demand, their share of the cost of the land drainage lateral sewer to be installed by others in St. Mary's Road, as determined by and to the satisfaction of the Director of Water and Waste.

4) Regional Land Drainage System

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 regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

5) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

6) Construction Traffic

c) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

d) 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.

7) Utilities

a) 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.

b) 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.

c) 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.

8) Litter and Refuse Control and Clean-Up

a) 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.

b) 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.

9) 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 Winnipeg Land Titles Office.

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.

10) Fencing Requirement

a) The Developer shall, at no expense to the City, delineate the property line between Lot 1 and the Public Reserve by way of the construction of continuous fencing or bollards, spaced at 1.8 metres, or other approved means determined through the park design review process, as determined and to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

b) The Developer shall permit the City to file a caveat against the title of Lot 1, requiring the property owner(s) to maintain and/or repair/replace the fence or bollards as originally constructed, to the satisfaction of the Director of Public Works.

11) Public Reserve

a) The Developer shall dedicate a minimum of 10% of the net area for public park purposes; or shall dedicate a minimum of 8% of the Net Area for public park purposes with the remaining required dedication deemed to have been satisfied by the provision of Landscaping and Improvements to the public park, as approved by the Director of Public Works and the Director of Planning, Property and Development. The final property line location for the Public Reserve shall be based on achieving the following parameters:

i) Dedication lands shall tie in, at grade, with properties north and south and shall ensure no 90-degree angle is created in the alignment with the Public Reserve to the north.

ii) Dedication lands shall include a minimum 5m wide corridor for the AT path that is graded to meet with universal requirements throughout, including at the tie-in to adjacent properties. The final location and grading of the 5m corridor is finalized subject to the recommendations of the forthcoming geotechnical engineer's report and recommendations, and to the satisfaction of the Director of Planning, Property and Development.

iii) A factor of safety shall be met with respect to riverbank stability of at least 1.3 under normal geotechnical conditions and 1.1 for extreme conditions for the planned path.

iv) The Developer shall, at no expense to the City, construct and install any riverbank stabilization works required to meet the above conditions based on an accepted geotechnical report as determined and to the satisfaction of the Director of Planning, Property and Development.

b) If the Developer is unable to dedicate the full amount of the land, the Developer shall dedicate an amount of land satisfactorily to the Director of Public Works and the Director of Planning, Property and Development. Dedication shall not be granted for lands deemed non-eligible in the *Winnipeg Parks Strategy.*

c) The Developer shall compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or by the provision of an equivalent value of additional site amenities in the Public Reserve, as approved by the Director of Public Works and the Direct of Planning, Property and Development.

d) It is acknowledged by the City and the Developer that if the land being dedicated as Public Reserve by the Developer to the City is in excess of the minimum 8% dedication requirements under clause (a) above, no compensation shall be provided to the Developer by the City for the additional excess dedicated land based on the following criteria:

i) the land is mainly comprised of linear unbuildable riverbank lands with no serviced frontage to a street; and,

ii) the dedicated lands will not require irrigation services and therefore the Developer will not be required to provide or compensate the City for associated costs.

e) The Developer shall, at no expense to the City, undertake improvements within the Public Reserve that shall include grade, level, naturalization or sod, as directed by the City Naturalist (sod may be used in some top of bank situations), land drainage works, the provision of a park path and trail signage, all as approved by the Director of Public Works and the Director of Planning, Property and Development:

i) As part of the development lot grading and landscaping plan, the Developer's proposal shall account for and undertake appropriate grading to accommodate a north-south riverbank path, which shall tie into existing and future paths north of the Planned Area and have the ability to connect seamlessly to a future path to the south of the Planned Area.

ii) The planned AT path within the proposed PR is considered a secondary path and, as such, is suitable as a gravel path of a minimum 2m width, consistent with adjacent and anticipated paths.

iii) The Developer shall construct, and/or pay their share of the cost to construct, the path(s) as determined by the Director of Public Works. The specific location of the riverbank path(s) shall be as determined through the park design review process, with the width consistent with the established path to the north. If the City determines it is preferable to have any or all of the riverbank path construction deferred to a later date, the Developer shall pay to the City, in cash, on demand, the estimated cost to construct the deferred sections of path, as determined by and to the satisfaction of the Director of Public Works.

iv) It is expected that riverbank remediation works will be undertaken, at least in part, on the lands to become public reserve, and will be subject to review, acceptance and agreements to the satisfaction of the Director of Public Works. The riverbank remedial works shall also include the removal and disposal of debris deposited along the riverbank slope including the area between the unregulated winter river level and the normal regulated summer level.

f) The Developer shall be responsible for the design, implementation and maintenance of any measures necessary to ensure that the proposed development will not be detrimentally impacted by potential slope instabilities or ongoing erosion within the Public Reserve.

i) The Developer hereby acknowledges and agrees that riverbank erosion and riverbank instabilities are naturally occurring phenomena and the Developer releases and indemnifies the City from any and all liability and responsibility for any negative impact on the Planned Area resulting from erosion, instability or other natural processes along the riverbank in the Public Reserve adjoining the Planned Area, even if such erosion and/or instability originate on or from the Public Reserve lands.

ii) The Developer shall be responsible for undertaking any future works that may be deemed necessary to protect or preserve their land, buildings and other assets from potential impacts related to riverine processes.

g) If the Developer needs to stabilize the riverbank, the City will support the works occurring within the proposed Public Reserve land, subject to approval by the Director of Public Works and the Riverbank Engineer. The issuance of permits shall be subject to approval of the work details and the successful negotiation of all necessary easements and/or agreements between the City and the Developer.

h) The proposed plan, as submitted, shows a private pathway connecting to the public reserve. If it is the intention to connect and adjoin with the public pathway, the following conditions, at minimum, must be met, otherwise Parks would expect that the required fence remain continuous along the property abutting the park land with no adjoining path:

i) The private pathway shall be constructed by the Developer, at no expense to the City.

ii) Should the plan adjoin on the public reserve pathway, all work to be done in accordance with plans and specifications provided by the Developer and approved

prior to the commencement of construction and subject to inspections and final acceptance, to the satisfaction of the Director of Public Works;

iii) The Developer shall obtain all necessary permits and negotiate any agreements deemed necessary by the City, to undertake work on City land (this is expected to include, but is not limited to, a Temporary Construction easement), prior to undertaking any work on City land;

iv) The Property Owner shall be solely responsible for the ongoing maintenance and repairs of the portion of path on private lands and serving the interest of connecting to private land, including seasonal maintenance, and shall share the cost of path maintenance and repairs on public land for the path connecting to the private property; and,

v) The Property Owner understands and agrees that City shall not be responsible to control public access onto the private property, by this private pathway.

i) The Developer shall assume responsibility for all Public Reserve sites until they are developed, and throughout the maintenance period until Final Acceptance Certificate for Parks has been issued by the Director of Public Works.

j) The Developer shall, at no expense to the City, maintain Public Reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following the issuance of a Construction Completion Certificate. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of Public Reserve improvements.

k) Public Reserve improvements should be undertaken by the time the build out has reached 80% and completed before reaching 100%, unless an extension of time has been previously approved, in writing, by the Director of Public Works.

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 2/2025
March 24, 2025

"*Original Signed by K. Kowalyk"*
K. Kowalyk, 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 S. Whitehouse"*
S. Whitehouse, M.C.P.
Urban Planning and Design Division
Planning, Property and Development Department