Agenda – Executive Policy Committee – June 17, 2025

Report – Standing Policy Committee on Property and Development – June 11, 2025

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 3 Development Application Timelines

STANDING COMMITTEE RECOMMENDATION:

On June 11, 2025, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That this report be received as information.

Agenda – Executive Policy Committee – June 17, 2025

Report – Standing Policy Committee on Property and Development – June 11, 2025

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 11, 2025, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On September 26, 2024, Council concurred in the motion, as amended, and adopted the following:

1. That the Public Service be directed to report back in Q2 2025 on specific improvements undertaken or recommended to meet the intent of the following:

    A. That Winnipeg City Council establish and direct the Department of Planning, Property and Development, a Subdivision, Rezoning, Variance, and Conditional Use Public Hearing Process, that requires, from the date that an application is deemed complete, ninety (90) days for the application to appear on a public hearing date, not including any prorogue periods set by Council;

    B. That Winnipeg City Council establish and direct the Department of Planning, Property and Development, an Subdivision, Rezoning, Variance, and Conditional Use Public Hearing Process, that requires, from the date that an application approved, namely at a Council Meeting (or at delegated committee by Council) and first By-law reading, ninety (90) days for the application to be fully completed with an executed development agreement(s) delivered to the applicant, not including any prorogue periods set by Council;

    C. That clear standards be set for filing an application, that does not require an applicant to make multiple copies of an application, and simplifies the system to ensure that it is open and transparent regarding the definition of a ‘deemed complete application’ by the City of Winnipeg Public Service

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

ADMINISTRATIVE REPORT

Title: Development Application Timelines

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys	T. Graham	S. Armbruster, Interim CAO

EXECUTIVE SUMMARY

On September 26, 2024, Council directed the Public Service to report back on improvements undertaken or recommended that ensure complete applications appear at a Public Hearing within 90 days, that applications be completed with an executed Development Agreement within 90 days of first By-law reading, and that the application system be made simpler while including clear standards for filing an application.

Information on the current process for an application being scheduled for a Public Hearing, on the current process for concluding an application with a Development Agreement, and on changes undertaken and underway to simplify the development application process is outlined in this report. The Public Service recommends that this report be received as information.

RECOMMENDATIONS

That this report be received as information.

REASON FOR THE REPORT

On September 26, 2024, Council directed the Public Service to report back in Q2 2025 on specific improvements undertaken or recommended to meet the intent of the following:

1. *That Winnipeg City Council establish and direct the Department of Planning, Property and Development, a Subdivision, Rezoning, Variance, and Conditional Use Public Hearing Process, that requires, from the date that an application is deemed complete, ninety (90) days for the application to appear on a public hearing date, not including any prorogue periods set by Council;*

2. *That Winnipeg City Council establish and direct the Department of Planning, Property and Development, an Subdivision, Rezoning, Variance, and Conditional Use Public Hearing Process, that requires, from the date that an application approved, namely at a Council Meeting (or at delegated committee by Council) and first By-law reading, ninety*

(90) days for the application to be fully completed with an executed development agreement(s) delivered to the applicant, not including any prorogue periods set by Council;

3. *That clear standards be set for filing an application, that does not require an applicant to make multiple copies of an application, and simplifies the system to ensure that it is open and transparent regarding the definition of a 'deemed complete application' by the City of Winnipeg Public Service, and;*

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications with receiving this report as information.

HISTORY/DISCUSSION

Item 1 - Ninety (90) days for applications to appear at a Public Hearing from the time they are deemed complete

Current Standard

The City of Winnipeg Charter (The Charter) requires Council make a decision on development applications – including Rezonings, Subdivisions, and Subdivision and Rezonings – no later than 150 calendar days from the date an application is deemed "complete," as defined under the Development Procedures By-law. For Short Form Subdivision applications where Council has delegated the approval authority to the Public Service, *The Charter* requires a decision within 60 calendar days from the date an application is deemed "complete".

Most Variance and Conditional Use applications that require a Public Hearing are typically linked to an associated development application, such as a Rezoning or Subdivision and Rezoning. As a result, these applications follow the same timeline to a Public Hearing as the related development application and are classified as a "D" Variance or Conditional Use.

When Variance or Conditional Use applications are not linked to an associated development application and do not require a Public Hearing, they are processed administratively by the Public Service. In 2024, a total of 172 "C" Variances and Conditional Uses were processed, with nine of those being cancelled or withdrawn. The average time to deliver a decision on a "C" Variance or Conditional use in 2024 was 35 days. This average includes instances where changes to a proposal were requested by the Public Service, where the decision of the Public Service was appealed, or where an associated Short Form Subdivision application was needed along with the Variance.

Current Process

Once a development application is deemed "complete", the Public Service targets a maximum of 90 calendar days for the application to appear at a Public Hearing. This timeline is critical to allow sufficient time for internal processing, stakeholder review and collaboration, preparation of reports for Committees of Council, and advertising preparations to occur, while minimizing the risk of an application exceeding the 150 calendar day requirement for a Council decision.

This timeline enables the following required processes:

- The complete application is circulated for three weeks to all affected internal and external stakeholders, such as the Public Works Department, the Water and Waste Department, the Fire Paramedic Services Department, Manitoba Hydro/Natural Gas, Provincial Departments, School Divisions, etc. Extensions for additional review time may be granted to a maximum of five weeks on request.
- Impacted internal stakeholders review the application and provide their comments and/or conditions of approval to the Land Development Branch. Impacted external stakeholders provide their comments to the applicant with instructions to comply with their conditions of approval with a copy to the Land Development Branch for awareness.
- The Land Development Branch reviews all stakeholder responses and initiates a meeting of the Administrative Coordinating Group (ACG) to coordinate the terms and conditions of the ACG report.
- The applicant may provide additional information for review if deemed necessary by the Public Service.
- The Land Development Engineer compiles all internal recommendations into an ACG report, which establishes the provisions of the future Development/Servicing Agreement in accordance with the Development Agreement Parameters.
- An administrative report, including recommendations and the draft by-law, is prepared in collaboration with the Land Development Branch for Council's decision. Site posting instructions and newspaper advertisements are prepared and published twice in advance of the Public Hearing, in accordance with the Charter.

Current Timelines

In 2024 – outside of periods where Council was prorogued – a total of 23 applications including Subdivision and Rezoning, Rezoning, or Zoning Agreement Amendments were processed to a Public Hearing and considered by Council. Of the 23 applications that were processed outside of a prorogue period, six exceeded the 90-day timeline to receive a Public Hearing. Of the six applications that exceeded the 90-day timeline, two took 91 days, two took 95 days, one took 96 days, and one took 101 days. The average time it took for a complete development application to be given a Public Hearing – outside of periods where Council was prorogued – was 81.34 calendar days.

Reasons for exceeding the 90-day timeline include:

- Discrepancies between submitted engineering studies and submitted development plans.
- Review of more complex development application materials identifying the need for additional information.
- Timing of available Community Committees, which typically occur once per month and their associated submission deadlines also affect overall scheduling.
- Available staff resources managing workloads, and competing priorities.
- Requests from applicants to delay the Public Hearing date to accommodate their schedule.

While the Public Service targets 90 days to a Public Hearing for most applications, the ability to exceed this timeline when unique circumstances arise is crucial. This flexibility allows for effective coordination among multiple stakeholders and applicants, ensuring that all necessary processes are followed. While 90 days remains the default target, extending this timeline when needed ensures that stakeholders have sufficient time for a thorough review. This approach is

important for safeguarding the City's interests, ensuring that approved applications fully comply with all relevant legislation and policy.

Item 2 – Ninety (90) days from first By-law reading for a development application to be fully completed with an executed development agreement(s) delivered to the applicant

Current Process for a Development Application with a Development Agreement

The complete process for a development application receiving approval by Council where the Manitoba Municipal Board is not involved is shown in Appendix A: Public Hearing Process Flowchart. A simplified and compressed description of the process for a development application starting at the time it first appears at Council is described in the following steps:

1. Council considers the recommendation of the preceding Committee and makes a decision on the application.
2. At the next available meeting, Council gives 1st Reading to the required By-law.
3. The Land Development Branch sends a letter notifying the applicant of Council's decision and any conditions.
    - The letter includes instructions for By-law enactment, requirement for submission of Legal Plan Mylars, payment of fees, servicing drawings, etc.
    - "Mylars" are the legal document prepared by a Manitoba Land Surveyor showing the boundaries, dimensions, and location of lots, along with the location of streets and any other information needed to register a plan at the Land Titles Office.
4. Applicant has mylars prepared.
    - A Manitoba Land Surveyor must prepare the mylars and send them to the Land Titles Office for pre-review.
5. Applicant submits mylars to the Land Development Branch and pays required fees.
    - Land Development Branch confirms that the submitted mylars are consistent with and meet the intent of Council's approval of the application.
6. Application receives 2nd and 3rd Reading by Council, thus "enactment" of the By-law occurs which enables the balance of the application processes to proceed.
7. Applicant submits the necessary as-built construction drawings, Engineer of Record and Lawyer information for agreement preparation. Once received, the City prepares all necessary agreements.
    - These can include Development / Servicing Agreements, Zoning Agreements, and/or Easement Agreements.
8. The City sends the agreements along with any trust conditions, easement requirements, and caveats to the applicant's Lawyer for review and signature by Applicant / Owner / Developer (execution of agreements).
9. Applicant's Lawyer returns the agreements to the City.
10. Applicant's Engineer of Record must submit an opinion of costs for municipal infrastructure to be constructed under the terms of the Development/Servicing Agreement, including engineering, inspection, and as-built drawing costs.
    - Relevant City Departments will review the estimate and set the initial security amount.

- Applicant to post the required security and pay invoices for any financial obligations under the agreement. These securities are maintained by the City to mitigate risk of default on obligations.

11. City will provide an invoice for the outstanding items on the Development Agreement. Developer to pay the invoice.
12. Applicant/Developer pays all outstanding fees and securities.
13. The City releases mylars and any agreements to the applicant's Lawyer for registration at the Winnipeg Land Titles Office.

Timeline for an Executed Development Agreement

The process for a development application that requires a Development or Servicing Agreement is inherently complex and often extends beyond a 90-day timeline. This is due to the number of stakeholders involved and the interdependent steps that must be completed in a specific order. Many critical components, such as confirming the legal subdivision plan mylars, calculating land areas, dedications, and coordinating legal agreements all must occur sequentially to ensure accuracy and compliance with Council direction. These dependencies, along with contributions from the applicant's external consultants, legal counsel, and engineers, make the execution of a Development Agreement within 90 days improbable. Key examples of interconnected processes are:

- Draft development agreements are frequently prepared by the Land Development Engineer prior to the submission of final legal plan of subdivision mylars. However, the agreement cannot be circulated for stakeholder review until the legal plan mylars are submitted and verified to ensure they are consistent with Council instructions. Changes to lot size / areas will have a significant impact to required servicing, thus affecting the Development / Servicing Agreement.
- The legal plan mylars describe the legal boundaries of the lot(s) and rights-of-ways. This legal description information is required to describe the legal boundaries within the agreement along with all other related agreements.
- In some instances, the legal plan mylars are required to determine the total lot area and calculate the portion of Public Reserve land dedication required.
- Legal Services will not review the agreements until all fees have been paid and By-law enactment has occurred. It is not uncommon for applications to be abandoned prior to their fees being paid and proceeding to 2nd and 3rd Reading for By-law enactment. By-law enactment serves as the legal trigger for Legal Services to engage and coordinate the execution of the agreements. If Legal Services reviewed all agreements prior to 2nd and 3rd Reading, it would impact resources and result in financial loss to the City.

Significant components of the development application process are not within the City of Winnipeg's control. In particular, steps 4,5, 7, 9, 10 and 12 identified in this section rely heavily on the applicant and their professional consultants retaining the necessary services, such as:

- Manitoba land surveyor prepares the legal Plan of Subdivision (mylars) and submits them to the Winnipeg Land Titles Office for preliminary review prior to submitting the mylars to the City for approval;
- Applicant's lawyer reviews all agreements, easements and any other applicable documents and coordinates signatures with all relevant parties;
- Applicant's engineer of record prepares and submits the as-built drawings for infrastructure and provides construction estimates to the City so securities can be determined;

- Applicant pays all outstanding fees and posts securities in the form of a Letter of Credit as the final step prior to the City releasing all agreements and mylars for registration at the Winnipeg Land Titles Office.

Given the number of required steps, many of which are outside the City's direct control and rely on the applicant and their consultants, it is not uncommon for more than 90 days to pass before a Development / Servicing Agreement is ready for execution. From the preparation and review of legal plans, to obtaining external approvals, to finalizing financial securities and coordinating multiple parties for signatures, each stage adds necessary time.

Further, Legal Services cannot engage in agreement review or execution until by-law enactment has occurred and all applicable fees are paid. These are firm procedural requirements, not discretionary steps which are designed to ensure legal and financial safeguards are in place. Therefore, allowing time beyond the 90-day target is necessary for ensuring that all legal, technical, and policy requirements are met without compromising the City's interests.

Item 3 – Clear standards for filing an application, and transparency regarding the definition of a 'deemed complete application'

The Planning, Property and Development Department is currently undertaking several changes to simplify the process for making an application, detailed below.

Concurrent Review

Most major projects require both a development permit and a building permit. Development permits govern how a site is planned to be used, including the size and location of any structures, compliance with the Winnipeg Zoning By-Law, and the requirements of other City departments. Building permits govern how the construction project will take place, reviewing detailed building plans, inspections, and building code compliance.

Currently, a development permit must be applied for, reviewed, and issued before a building permit can be applied for. This sequential review process adds time to the process of obtaining all necessary approvals that enable construction. To address this, the Planning, Property and Development Department is transitioning to a system that enables concurrent development and building permit review. If applicants have their complete building permit materials at the time of their development permit application, they can submit both permit applications and the review of each application will take place concurrently. The building permit will be reviewed and held until the development permit is issued, at which the time the building permit could be issued immediately. This process change is expected to be implemented no later than autumn 2025.

Development Permit Exemptions

The Winnipeg Zoning By-Law provides the Director with the authority to exempt some development from the need for a development permit. These exemptions primarily apply to uses where the risk of impacting neighbouring properties is low, and where there is no need for review of the proposal by other departments. This is intended to simplify the application process for many smaller-scale projects, shorten the timeline for complete approval, and focus staff resources on larger projects that need detailed review.
In 2024, additional uses were exempted from the need for development permits, with the current list including 25 exemptions. Projects that are included in the exempt list include:

- Accessory structures less than 150 sq. ft. such as open sided pergolas, gazebos or similar structures;
- Retaining walls four feet or less in height where there is no lot grading modification;
- In-ground or above-ground private swimming pools or hot tubs not located in the front yard; and
- Detached garages accessory to single and two-family dwellings.

For a complete list of projects that are exempt from development permits, please refer to Appendix B: Development Permit Exemptions. Additional exemptions are expected to be added to the list by autumn 2025.

Digitization

The Planning, Property and Development Department is currently revising the application process to make all applications fully digital by December 2025. This is intended to speed up the application process by enabling applications to be made fully online, to allow revisions or additions to submitted materials without the need to submit new hardcopies, and to ensure all reviewers have faster access to necessary review materials. In addition, this will enable applicants to submit one set of documents including their site and building plans, rather than five copies.

End-to-End Process Review

The City of Winnipeg is conducting a comprehensive, end-to-end review of its development review process. With funding from the Housing Accelerator Fund, the City retained KPMG to undertake the review. The objectives of this review are to improve the efficiency and effectiveness of Winnipeg's development review process. This includes:

- Identify opportunities to streamline processes and procedures within development review.
- Increase City service levels in development review.
- Reduce the time spent by staff processing applications and increase processing capacity.
- Improve the applicant experience through the development process.
- Maintain the City's commitment to excellence in the built environment.

The report back on the review is expected in early 2026.

FINANCIAL IMPACT

Financial Impact Statement Date: May 28, 2025

Project Name:

Development Application Timelines

COMMENTS:

There are no direct financial implications associated with this report.

Beth Anema on behalf of Mike McGinn on May 28, 2025
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

n/a

OURWINNIPEG POLICY ALIGNMENT

City Building
1.4 Integrated Knowledge and Resources

Coordinate inter-departmental systems, projects and resources, making the best use of internal and external expertise to better understand service needs, find the most appropriate solutions, optimize resources, and maximize community outcomes.

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: Dylan Chyz-Lund
Date: May 28, 2025
File No: N/A

Attachments:

Appendix A: Public Hearing Process Flowchart

Appendix B: Development Permit Exemptions