Minute No. 161
Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 11 Subdivision Agreement Amendment -75 Fraser Road
File SAA 21/2004 [c/r DASZ 4/95]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for a subdivision agreement amendment under File SAA 21/2004 not be proceeded with.

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development, that the application for a subdivision agreement amendment under File SAA 21/2004 not be proceeded with, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the Riel Community Committee concurred in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the application for a subdivision agreement amendment under File SAA 21/2004 not be proceeded with.

RE: **Subdivision Agreement Amendment - 75 Fraser Road**
File SAA 21/2004

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

Prepared by: **Marc Pittet, Clerk**
Riel Community Committee

Report date: **December 15, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for a subdivision agreement amendment under File SAA 21/2004 not be proceeded with.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated December 7, 2004.

PUBLIC HEARING SUMMARY

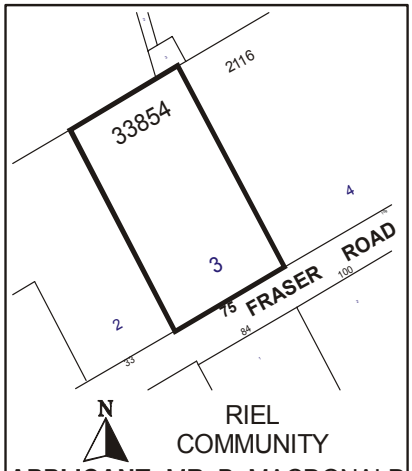
File: SAA 21/2004]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: December 14, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Bill MacDonald

Subject:



APPLICANT :MR. B. MACDONALD
FILE : SAA 21/04
PROPOSAL : To amend the subdivision agreement affecting the land shown outlined above by deleting the clause prohibiting the construction of an additional well on the land. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : M. B. MACDONALD
RÉFÉRENCE : MEL 21/04
PROJET : Modification de l'entente de lotissement s'appliquant au bien-fonds indiqué ci-dessus par l'abrogation de la disposition interdisant la construction d'un puits supplémentaire sur le bien-fonds. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 75 Fraser Road

Exhibits Filed:

1. Application dated November 3, 2004
2. Notification of Public Hearing dated November 10, 2004
3. Zoning Caveat 2054842
4. Report from the Manager of Planning and Land Use dated December 7, 2004
5. Inspection Report

REPRESENTATIONS:

In Support:

Bill MacDonald

In Opposition

Nil

For Information:

Georgina Jarema

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The Applicant, Bob MacDonald, appeared in support of the application and gave a brief overview of the proposal.

Georgina Jarema appeared for information with respect to the application. In response to a question from Ms. Jarema, the Senior Planner indicated that the administration will continue to recommend that further wells not be constructed in the area due to water levels in the local aquifer gradually diminishing due to overuse brought on by an increase in housing development coupled with an increase in the number of wells and a gradual deterioration in the quality of the water itself.

Mr. MacDonald returned in rebuttal. In response to a question from Mr. MacDonald, the Senior Planner stated that he did not believe the City of Winnipeg would construct water lines in this area in the near future due to a number of reasons, including high costs and limited water flow.

Exhibit "4" referred to in File SAA 21/2004

Planning, Property and Development Department Report

To the Riel Community Committee

Date: December 7/04
File: SAA 21 /04
Related Files: NA
Subject: To amend the subject subdivision agreement by deleting Condition # 3 from the agreement which states "construction of any additional well for the purpose of obtaining water is prohibited".

Location: 75 Fraser Road
Legal Description: Lot 3 Plan 33854



Applicant: Bill MacDonald
Owner: Bill MacDonald

Recommendation: (Denied)

Site Description

The applicants own a 2.2 acre parcel of land on the north side of Fraser Road, between St. Mary's Road and the Red River. The lot is currently vacant although an approach has been built. Construction of a dwelling is anticipated by the fall of 2005. Housing is relatively sparse close to the river with higher densities closer to St Mary's Road.

Background

In 1995, in full compliance with the guidelines outlined in the Perimeter South Action Area Plan, an application was made to create several lots at the subject location. The proposed lots met the minimum lot size requirements etc. and the subdivision application was approved by the Riel Community Committee but a clause was inserted in the subdivision agreement effectively limiting the number of wells to just one; that which existed on the original property for the original residence.

Description of the Proposed Development

The applicants are proposing to construct a dwelling and attached garage in the middle of the property with a septic field at the front of the property and a well (if approved) on the north side of the house.

Analysis

In recent years, there has been growing concern registered by the St. Germaine Residents Association and the Provincial Government regarding 1) water levels in the local aquifer gradually diminishing due to overuse brought on by an increase in housing development coupled with an increase in the number of wells and 2) a gradual deterioration in the quality of the water itself. As a result of these concerns, pressure has periodically been brought to bear during the subdivision approval process (at Public Hearings) to impose conditions effectively restricting the number of wells in certain areas. Restrictive conditions have, as a rule, been imposed on new lots created in the area between St. Mary's Road and the Red River. That is the area where the deterioration in water quality has been greatest and there is an indisputable correlation between an increase in the saline content in water and the number of new wells being established. A recent study (Hydrogeological Assessment 2004) undertaken by the City Of Winnipeg's Water and Waste Department and Wardrop Engineering Consultants has clearly indicated that if two acre residential development continues to occur in the aforementioned area and wells continue to be constructed at a similar rate, water levels will be reduced by as much as 4-6 feet below current

levels. Saline levels would also increase and extend east towards St. Mary's Rd. seriously degrading the quality of the existing water supply. Therefore, with that assessment in mind, and recognizing that complying subdivision development cannot be denied (without changes to the legally recognized Perimeter South Action Area Plan) the only immediate solution to the current problem is a prohibition on wells, particularly in those critical areas in close proximity to the Red River.

Recommendation

The Planning and Land Use Division recommends denial for the following reasons:

- There is ample evidence that new wells in the area between St. Mary's Road and the Red River are causing a drawdown in water levels and will lead to a deterioration in the potability/ quality of the remaining water supply.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # 5.543