

## RM OF SPRINGFIELD PLANNING MEETING

SEPTEMBER 19, 2019

### WITHOUT PREJUDICE (E&OE)

NOTE: I will list the names of those that appeared in support of the Development Plan amendments below but I will not transcribe their rhetoric as they all are either members of the Springfield Chamber of Commerce of which Jan Regehr, the reason for the amendment, is the Vice President for 2018/19, or have been employed by Pineridge Hollow and would tend not to be objective in their support. Further I wish to mention that the Council of the RM of Springfield is also a member of the Springfield Chamber of Commerce and I have consistently stated that I do not believe that a municipal government should be a member of a lobby group representing one segment of society, i.e. business. How can such a body deal objectively with issues affecting members of a group to which they belong and with whom they socialize on a fairly regular basis? It opens the door to forgetting the largest segment that they represent, the majority of the residents, who may be adversely affected by the decisions they are making. While business may be accommodated, there could be negative effects to the potable water supply of the municipality, an exponential increase in traffic, a dramatic change to the ambiance of the area from natural to commercial, and increased costs to taxpayers for improvement of access, increased usage of waste and water facilities, impact on wildlife, and loss of the equestrian community character that marked this particular area of Springfield. No one would question that Pineridge Hollow is an asset to Springfield, particularly when it was just a local restaurant and farmers market, but it has expanded to include other commercial enterprises such as furniture, variety store, clothing store, and invited increased use from people from far and wide. The furniture and clothing unless I am mistaken are not the work of local artisans to promote local talent. They are strictly retail sales ventures. It does not necessarily attract its customers to partake of other businesses in the municipality, in part due to its location, as Mr. Belluk, Secretary of the Chamber, would have us believe in his rambling dissertation. Further if you look at the Directory of the Chamber of Commerce you will find that CanWhite Sands (which has purchased HD Mining that has discovered a large area of silica sand and they are proposing to mine), Tervita Corporation (which has just been granted permission by Council to establish a hazardous waste facility in our Industrial Park on Redonda), Deer Meadow Farms (the owner, Vince Rattai, who has just been granted the ability to alter his Development Agreement with the municipality at his discretion and now holds events for the Chamber and Council at his new location and who is a Director at Large), Gee Tee Holdings (which is expanding the business to include an industrial park, for which residents will be paying to improve the road adjacent to the property to enable this expansion and whose owner, Mr. Hiebert is a Director at Large and who by the way, was out of compliance with municipal orders for years at his former location), L. Chabot Enterprises (Nicole Chabot is the President of the Chamber and her company, as well as other aggregate businesses, does not comply with our Aggregate By-law 73-22), Borland Construction (of which Brent Belluk, the Secretary of the Chamber, is a General Manager), and David Duval (who is a member at large of the Chamber and a Professor at the University of Winnipeg and now apparently has an enterprise that provides general business and/or marketing strategy advice and guidance for new and established firms and who ran as a candidate in the municipal election in Oakbank and lost to Howard Bredin), it is not difficult to understand the bias demonstrated in their presentations. As well as the RM having a membership, Video King which boasts on their website of having 4 stores in Springfield, is a member and the C.E.O. of that business is Glen Fuhl who sits on Council.

**4.1 By-Law 19-16 Development Plan Amendment - NE 7-12-5E (Pineridge Hollow) (2nd. Reading) Dan Doucet** - This evening we have two by-laws, both involving Pineridge. There will be two separate hearings for that. The first one we'll hear against By-law 19-16. The by-law is to re-designate land from Rural and Agricultural area to Employment land. The lands that it is affecting are on their Certificate of Title 1593063-1 as follows: SLY 416 Feet Perp of ELY 624 Feet Perp of Legal Subdivision 9 of the NE 1/4 07-12-05 EPM. The history, Jan Regehr of Pineridge Hollow had made application for a re-designation of land for existing Pineridge Hollow establishment which is consistent with the zoning. First reading of the By-law 19-16 Development Plan amendment was granted back on August 6th, 2019. On August 21st Public Hearing notices were distributed to the surrounding municipalities, Planning Districts, Cooks Creek Conservation District, Community and Regional Planning Branch and on September 5th and 12th Public Hearing Notices were advertised in The Clipper Weekly. September 5th. the Public Hearing Notices was mailed out to the surrounding land owners including Sustainable Development which is Birds Hill Park as per the requirements of the Planning Act. We had also posted it on-site, posted it at the municipal office, administration office and on the website as well. No rezoning will be required at this time and no application for subdivision has been filed at this time. I will get into the Provincial Report that was received. This came in on September 16th. from the Department of Municipal Relations, Community and Regional Planning Branch. Current Rural and Agricultural area designation is intended to protect prime agricultural land and viable lower class land where agriculture is the dominant use from unnecessary land fragmentation and encroachment of incompatible land uses. The by-law was circulated to the government departments and agencies for review. Manitoba Agriculture stated that while the RM of Springfield has significant amount of employment lands that were designated as part of the recent Development Plan review, this proposed change will recognize an established business to accommodate an expansion and Manitoba Agriculture does not object. Sustainable Development water control works and drainage licensing stated they have no concerns but wishes to remind the proponent that some subdivisions and development may require an engineered drainage plan as per the attached specifications and/or protection from flooding. The following Departments and Agencies had no concerns: Manitoba Infrastructure, Manitoba Sustainable Development Environmental Approvals Branch, Historic and Resource Branch, and Bell MTS. The recommendation from the Community and Regional Planning had no concerns with the proposed amendment. After considering any concerns expressed at the public hearing and comments received through the review process, Council may proceed in accordance with one of the following: a) If, after the public hearing, Council proposes to alter the by-law a second public hearing must be held receiving representations on the alteration of the by-law b) The second public hearing is not required if the alterations are minor and does not change the intent of the by-law c) If no persons object to the amendment of the by-law at the hearing, Council may give second reading to the by-law or pass a resolution not to proceed with the by-law. If Council proceeds to second reading, please submit the following documentation and our office will follow up. If there are objections this evening, Council could still proceed to Second Reading. Then we have to, the Planning Officer will have to submit documentation to those who have objected and we will forward those second objections to the Minister. Back to the Chair.

**FOR INFORMATION** Darryl Speer, Oakbank and Janet Nysten

**FOR THE APPLICATION** **Dannica Howden** - Speaking on behalf of Travel Manitoba and herself. **Dan Doucet** - Said he had received 3 e-mails in support.

**IN OPPOSITION** - None. Public hearing was closed.

Be it resolved that Second Reading be given to By-law #19-16 being a by-law of the RM of Springfield to re-designate all those lands described under Certificate of Title #1593063/1 from Rural and Agricultural area to Employment. **CARRIED 6-0**

**4.2 By-law 19-17 - Development Plan Amendment - SE 7-12-5E (Pineridge Hollow) (2nd. Reading) - Dan Doucet** - We have By-law 19-17 which is to re-designated lands in the Development Plan from Aggregate to Employment. The land is described as Certificate of Title #420438/1. It is the easterly 1540 feet perpendicular to the northerly 400 feet perpendicular to the S.E. 1/4 Section 7-12-5 EPM excluding the southerly 240 feet perpendicular of the easterly 365 feet perpendicular of the firstly described. That was drafted up by a surveyor, not myself. Ms. Regehr of Pineridge Hollow has expressed interest in the land immediately to the south of the existing Pineridge establishment. First reading of By-law 19-17 was granted August 6, 2019 and public hearing notifications were sent out August 21, 2019 to the surrounding municipalities, Planning Districts, Cooks Creek Conservation District, and Community and Regional Planning Branch out of Beausejour. September 5th and 12th the publication notices were placed in the Clipper Weekly, September 5th the public hearing notices were mailed out to the surrounding property owners including Sustainable Development, Birds Hill Park as per the Planning Act. Notice was also posted on site and posted at the Municipal office and the Administration Office and on the municipal website. The current land designation is Aggregate, current zoning is MX Industrial Extractive Zoning district. Rezoning will be required to accommodate the proposed future growth of the Employment opportunities to either a CR Commercial Rec or a CC Commercial Central Zoning District. No applications for subdivision have been filed at this time. The Provincial Report was received September 18th. As mentioned, the current aggregate area designation is intended to protect known aggregate resources from conflicting land uses. The subject site is identified as high for aggregate potential and there are active quarries in the vicinity. Government departments and agencies for comments: Mines Branch did not object, Manitoba Agriculture did not object, Sustainable Development has no concerns but wishes to remind the proponent that some subdivisions and developments will require engineered drainage plans as per the attached specifications and/or protection from flooding. The following departments and agencies had no concerns with the proposed amendment: Manitoba Infrastructure, Manitoba Sustainable Development, Environmental Approvals Branch, Historic Resource Branch and Bell MTS. Recommendation from Community and Regional Planning Office cautions that the proposed commercial use may create land use conflict with adjacent aggregate operations. Aggregate objectives and policies within the Springfield Development Plan are specifically to protect aggregate and mineral deposits from potential conflicting land uses. Commercial policies similarly state that proposed development shall be compatible with neighbouring land use. Consideration must also be given to mitigation of noise and nuisance factors and impact on the transportation network, servicing requirements, and public health and safety. That's all they had commented on. I have received one letter of opposition via e-mail and 35 letters of support. Mr. Doucet stated at some point that WE ARE NOT HERE TO DEBATE THE SALE OF THE LAND - THAT SHIP HAS SAILED ALREADY. ONLY HERE TO DEBATE THE DEVELOPMENT PLAN AMENDMENT.

**FOR INFORMATION** **Darryl Speer** - The Development Plan confirmed this is Aggregate Zoned property. Wanted confirmation of where the two test holes were that were mentioned in the November 16, 2016 report by Friesen Drillers relative to the 12.1 acres and that two test holes are not sufficient. Also brought up a report July 2017 by the Development Officer and Public Works recommending to Council that \$10,000. be put aside for an appraisal before contemplating sale of the property and Council's decision July 25, 2017 not to sell the property and keep as an aggregate reserve. **Dan Doucet** - The two drill holes were within the 12 acre parcel. **Darryl Speer** - Expressed surprise at the southerly one and said that was contrary to his review. Feels 60 ft. is not an adequate depth to identify an aggregate resource. Should have had a proper review of the value before being sold. Wants proper assessment, provincial review and caveat on title prohibiting extraction of aggregate on the land. **Dan Doucet** - Said report provided only gave info on the 60 ft. test, not the 153 ft. one. **Janet Nysten** - Wanted confirmation that the applicant and the application are part of the condition of the sale of land via Resolution #19-312 passed on July 12, 2019 and that Ms. Regehr obo Pineridge Hollow is also 3641015 Manitoba Ltd. (Answer was YES) **"This prior agreement to sell the property and Council's willingness to sell the property in question to me suggests there is already in place a predisposition and a bias to this hearing and calls into question if Council is acting in an impartial manner. Would you comment, please?"** **Mayor Fell** - I believe everyone's here to hear comments for or against but based on our previous vote, we support the sale of Pineridge Hollow, that's why the vote went through. **Janet Nysten** - **And this agreement doesn't compromise your decision tonight?** **Mayor Fell** - **No, it does not.** **NOTE: Correct me if I am wrong but is this re-designation not being done solely to accommodate Ms. Regehr's purchase of the property for her expansion which would require re-designation? On land designated Aggregate, as I understand it, all that can be done is extraction and related work.** **Janet Nysten** - Asked why the description of the property is so specific? **Dan Doucet** - A 400 ft. piece has been excluded to protect a species at risk. **Janet Nysten** - On the 5th last page of your report Friesen Drillers' November 29, 2016 Aggregate Resource Assessment, there were two test holes in the approximate area of the land in question. Why not three? **I did contact the Province Growth, Enterprise, and Trade Branch for their advice on this amendment and potential change in designation and use. Their questions to me were: a) Has the municipality asked the Province for reclassification of the designated high quality aggregate? b) Are you aware that the province requires that any re-designation of aggregate identified property requires a thorough test that indicates the presumed resource doesn't exist and such a report must be conducted in a specific manner and signed by a certified geotechnical engineer that is recognized by the Province?** **Dan Doucet** - I'm shocked, if that's the criteria then why did Mines Branch say they have no objections. It's within their department. **Mayor Fell** - So we're going to follow what the Provincial Department's tell us to follow. We follow our protocol which is to send out the application to them and then we're going to abide by what they send back and take that into consideration. **Janet Nysten** - **So I guess my question now is, if there is a geotechnical engineering study required to meet their specifications, who would be paying for the study, the municipality or the applicant?** **Mayor Fell** - **So I am not going to answer that because from what I understand, they have no problems with the application.** **Dan Doucet** - They did not request that. **Mayor Fell** - So would you like to speak in opposition after. **Janet Nysten** - Yes. So I take it my 3 minutes are up. **Mayor Fell** - They are. Anyone else for information.

**IN FAVOUR** **Ralph Regehr** - Part owner of Pineridge Hollow **Dannica Howden** - former employee **Brent Belluk** **Cindy Goulet** **Katrina Klassen** - daughter of Ralph and Jan Regehr and Vice President of Pineridge Hollow **Joel Malkosky** - General Mgr., Glacial Aggregate **Nicole Chabot** - President, Chamber of Commerce **David Duval** - Professor of Business, University of Winnipeg

**IN OPPOSITION** **Gail Hartje** **Heather Erickson** **Janet Nylen** **Richard Kuffner** **Edwin Giesbrecht** **Sue Ziemski** **Darryl Speer** **Vic Gerbasi**

#### Summary of Points of Opposition

- Development Agreement 4.2.7 The following land uses may be accommodated: (f) Institutional uses that service the rural community and are compatible with adjacent land uses. Pineridge Hollow located in aggregate extraction zone, direct route to facility via gravel roads not in good repair and travelled by gravel trucks. Roads would have to be upgraded at taxpayer expense.
- Development adjacent to the existing facility would involve destruction of natural trees and loss of habitat for flora and fauna of area, including endangerment of the western silvery aster. Piece set aside does not ensure protection.
- Inn and spa and merchant village would exponentially increase demand on the groundwater aquifer.
- How will human waste be managed in development of this size? Will our sewage lagoon have to be enlarged at taxpayer expense? Ground cover in area very permeable and potential risk of contamination to the aquifer.
- Park-like ambiance that attracts people to Pineridge Hollow will be significantly changed with concrete parking lots, loss of trees, etc. We should be preserving our natural spaces.
- Gravel extraction is noisy and dusty and occurring in close proximity to the proposed site which might deter visitors to inn and spa.
- Abundant hotels within a 10 minute drive of Pineridge Hollow in the City of Winnipeg.
- Increased traffic as a result of expansion will increase the potential for collisions between animals and vehicles.
- This land has been preserved by the municipality in the best interests of taxpayers and now has been sold surreptitiously without being offered for sale to the public, without professional assessment of value, without a bidding process to ensure fair market value.
- How can Council make an objective decision when they are members of the same organization to which the owner of this property belongs and regularly meet in social settings, i.e. the Springfield Chamber of Commerce.
- Council has compromised their autonomy concerning this Public Hearing as they cannot be **seen to be impartial** due to the fact that they have already committed to the sale of the land in question, and only subject to conditions that they have control over.
- Council has failed to undertake the **necessary due diligence** in evaluating the current and future value of this asset that has been safeguarded for taxpayers and are not exercising their responsibility to act on behalf of taxpayers **at large**.
- A rough estimate of the sand deposit on this property and the current price of sand per yard equals a potential value of between \$4 and 9 million dollars and it is being sold for \$218,400. which works out to \$18,500./acre. disregarding the value of the aggregate beneath the property. Immediately west, a 5 acre parcel was assessed at \$185,000. or \$37,000/acre on land not designated aggregate. The existing Pineridge Hollow 5.96 acre parcel has a land assessment of \$165,000. or \$27,700/acre. The value of agricultural land near Vernon and Hazelridge Roads is assessed at \$40,400./acre according to the owner. Actual sales values normally exceed assessed values. **How did Council arrive at the sale price if not on actual property value?**
- This application does not meet a key objective of the RM's own Development Plan as set out in 3.1.9 which "encourages the development review process to involve both the RM of Springfield and **to include careful consideration of the short and long-term costs and benefits that may result from proposed developments.**" The Development Plan "sets out objectives and policies that direct development and provides standards in the context of the goals of the community", "It must be generally consistent with the Provincial Land Use Policies, which reflect the provincial interest in land use planning. Any amendments to it are subject to the provisions of the Planning Act, the Provincial Planning Regulation and the Provincial Land Use Policies". **This amendment does not.**
- This application does not meet the RM's Aggregate Objectives as set out in the Development Plan, i.e. a) **To protect known aggregate resources from conflicting land uses that may prevent the economic extraction of the aggregate;** b) **To promote environmentally sound exploration and development of mineral resources;** c) **To minimize potential land use conflicts between resource activity and other adjacent uses particularly in locations in close proximity to .....recreation areas.**
- The 160 acres has been held in Public Reserve for the taxpayers of the RM of Springfield for decades.
- There was a **suggestion that the entire 160 acres be offered to the Province to expand Birds Hill park and preserve it in a natural state** in return for a promise of \$16 million toward a new recreation centre in Oakbank, to be matched with \$8 million from the Federal Government.
- **Be it resolved that Council authorize the hiring of Altus Group for the two land appraisals for a cost of \$20,700. excluding taxes and a 10% contingency. This is from report by Dan Doucet dated July 5, 2017.** The previous Council did not act on this report as the decision was made not to sell the land. **Suggest this course of action now be followed to arrive at the correct valuation of this property before the sale by resolution of the current Council is finalized.**

**Colleen Draper** - Be it resolved that second reading be given to By-law 19-17 being a bylaw of the RM of Springfield to re-designate all those lands described under CT#420438/1 from Aggregate to Employment. **Councillor Wilson** - Yes, thank you, Madame Mayor, just a brief statement. The purpose and intent of this amendment is to re-designate this 12 acres from aggregate to employment. The purpose of the sale of land to Pineridge Hollow is for future growth and employment opportunities and while as a result of the public feedback that I have received, I have come to understand that Council could have done more to raise public awareness of the due diligence that was done and that the process could have been better, it is my objective opinion that this proposal represents a net positive economic and social benefit for the RM versus the existing land designation and use. **Mayor Fell** - All those in favour? **CARRIED 6-0** **NOTE: Does Councillor Wilson know something I do not because as far as I can see, there were not sufficient drill holes done to determine the nature of the underlying aggregate, there was no appraisal done by a professional appraiser, there was no environmental assessment done to determine the risk factors for the aquifer and the habitat adjacent to a park filled with wildlife, and the property was sold by resolution at below market value for prime aggregate property bordering Birds Hill Park? Further not too long ago, Pineridge Golf Course petitioned Council to sell them a piece of property**

similarly zoned aggregate and were denied. Neither staff or Council could explain in spite of the evidence before them of the value of other properties in the area why Ms. Regehr was given such a preferential price.

**4.4 By-law 19-19 Rezoning Lot 1 Plan 433 SE 21-10-4E - Glen Fuhl** - Murdoch Road and Navin Road are behind the Green Acres Cemetery and that road is mostly for residential use and designated as a Non Truck route. My concern is that we have a highway truck company there increases the chances of a big accident there. There is no other way out of there except through gravel road now. The business that was there was a maintenance yard for the cemetery and small vehicles and tractors. **Mayor Fell** - It has to come to Council for a Conditional Use. **Dan Doucet** - Would recommend public hearing and then enter into a Development Agreement with stipulations, restrictions, etc. Related to 19-20 - same family. *Be it resolved that first reading be given to by-law no. 19-19 being a bylaw of the RM of Springfield to re-zone the southerly 160.4 meters of the E 1/2 of Lot 7 Plan 433 within the southeast quarter of 21-10-4E from I Institutional Zoning District to CH Commercial Highway Zoning District.* **CARRIED 6-0**

**4.5 By-law 19-20 Rezoning Lot 7 Plan 433 SE 21-10-4E** - *Be it resolved that first reading be given to by-law no. 19-20 being a bylaw of the RM of Springfield to re-zone the northerly 241.4 meters of the E 1/2 of Lot 7 Plan 433 within the southeast quarter of 21-10-4E from I Institutional Zoning District to RR Rural Residential Zoning District.* **CARRIED 6-0**

**5 MINUTE BREAK AND THEN IN CAMERA.**

**CAME OUT OF IN CAMERA AND ADJOURNED.**