

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

MONDAY, AUGUST 9th, 2010

Present: Reeve Peter Skrupski
Councillor Bob Bodnaruk
Councillor Karen Lalonde
Councillor Brian Thompson
Councillor Ken Lucko
Councillor Lorne Vaags
Laurent Tétrault, CAO
Dan Doucet, Development Officer
Curwood Ateah, Landmark Planning
Colleen Draper, Recording Secretary

Reeve Skrupski called the meeting to order at 6:35 p.m.

AGENDA

10-403 SKRUPSKI BE IT RESOLVED THAT the Agenda be amended as follows:
LALONDE Add: 1. Municipal Office Tenders
Delete: 9.1 - Speed Zone Change
CARRIED (6-0)

NEW BUSINESS

Municipal Office Tender

10-404 SKRUPSKI WHEREAS tenders were received for the proposed new
VAAGS administration building, to be located at Springfield
Centre, PR 206, Oakbank, MB;
BE IT RESOLVED THAT Council accept the tender submitted
by Parkwest Projects Ltd. in the amount of
\$3,587,000.00.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1		x			
Ward 2	x				
Ward 3	x				
Ward 4		x			
Ward 5	x				

CARRIED (4-2)

PUBLIC HEARINGS UNDER THE PLANNING ACT

Subdivision 4189-10-5368 - Kris & Suzanne Dick - SE 14-11-6E

Purpose: To realign property boundaries from their current north-south orientation, for the approximate 80-acre holding under Ct 2177381 resulting in the following lots:
Proposed Lot 1 - 20.0 (+/-) acres parcel;
Proposed Lot 2 - 20.0 (+/-) acres parcel;
Proposed Lot 3 - 20.0 (+/-) acres parcel; and
Proposed Lot 4 - 20.0 (+/-) acres parcel;

Representation:

In Support: Kris & Suzanne Dick
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-405 VAAGS
THOMPSON

WHEREAS the owners Kris & Suzanne Dick (SE ¼ 14-11-6E) has applied to realign property boundaries from their current north-south orientation, for the approximate 80-acre holding under CT #2177381 resulting in the following lots:

- Proposed Lot 1 - 20.0 (+/-) acre parcel;
- Proposed Lot 2 - 20.0 (+/-) acre parcel;
- Proposed Lot 3 - 20.0 (+/-) acre parcel; and
- Proposed Lot 4 - 20.0 (+/-) acre parcel;

BE IT RESOLVED THAT application for subdivision No. 4189-10-5368 be approved subject to the following conditions:

1. Payment of requisite fees (administration fees),
2. That a Surveyor's Building Location Certificate be prepared by a Manitoba Land Surveyor for proposed Lots 1 & 3 indicating the location of all structures & onsite wastewater management systems in relation to the proposed lot lines,
3. That any Variation Orders be obtained, if required, as a result of the Surveyor's Building Location Certificate.

CARRIED (6-0)

Conditional Use 10-18 - Garth Allan - SE 19-11-7E

Purpose: To permit the placement of a mobile home on the land, within the "AG" Agriculture General Zoning District.

Representation:

In Support: Garth Allan
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-406 LUCKO
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Garth Allan (SE ¼ 19-11-7E) for a variation of the Springfield Zoning By-law No. 08-01;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Conditional Use Order No. 10-18 be granted subject to the following conditions:

1. That the mobile home be removed from the site within five years. (no later than August 9th, 2015)

CARRIED (6-0)

Conditional Use 10-19 - 3409377 Manitoba Ltd. c/o Dan Omeniuk - SW 22-11-4E

Purpose: To permit a "Trucking Operation", "Automotive & Equipment Repair Shop" and "Vehicles & Equipment Rentals & Sales" businesses on the land, within the "MG" Industrial General Zoning District.

Representation:

In Support: Dan Omeniuk

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-407 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by 3409377 Manitoba Ltd. on behalf of the owner Dan Omeniuk (SW ¼ 22-11-4E) for a variation of the Springfield Zoning By-law No. 08-01;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Conditional Use Order No. 10-19 be granted. CARRIED (6-0)

Conditional Use 10-21 - Heartland Colony on behalf of 3215580 Manitoba Ltd. - E 3-12-6E

Purpose: To permit the construction of an industrial building & accessory structures for the use of a "Small Scale Industrial business" (steel fabrication) on the land, within the "AI" Agricultural Intensive Zoning District & the "AG" Agriculture General Zoning District.

Representation:

In Support: Larry Hofer

In Opposition: None

For Information: Bob Osiowy

The Development Officer read his report.

A letter of support from Mr. and Mrs. McGlynn was received.

Mr. Osiowy was concerned with the unsightly conditions of the property and black billowing smoke coming from the buildings.

The Chair closed the evidentiary portion of the meeting.

10-408 THOMPSON
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Heartland Colony on behalf of the owner 3215580 Manitoba Ltd. (E ½ 3-12-6E) for a variation of the Springfield Zoning By-law No. 08-01;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Conditional Use Order No. 10-21 be granted subject to the following condition:
1. The yard site and unsightly conditions be tidied to the satisfaction of the Development Officer within 18 months of this date.

CARRIED (6-0)

Variance 10-47 - Lutz Joachim on behalf of John & Beverley Hope - SE 35-11-4E

Purpose: To permit the construction of an accessory building having a square footage of 6000 sq ft instead of the maximum permitted square footage of 2000 sq ft within the "RR" Rural Residential Zoning District.

Representation:

In Support: Lutz Joachim
In Opposition: Karen Cook

The Development Officer read his report.

The applicant requested to amend his application to permit a 3000 sq ft building instead of 6000 sq ft.

Ms. Cook was opposed to the size of the building as it would obstruct her views.

The Chair closed the evidentiary portion of the meeting.

10-409 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Lutz Joachim on behalf of the owners John & Beverley Hope (Parcel B Plan 22187 within SE ¼ 35-11-4E) for a variation of the Springfield Zoning By-law No. 08-01;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Variation Order No. 10-47 be granted subject to the following conditions:
1. The use of the proposed accessory building shall be limited to the keeping of personal goods, supplies and personal vehicles, unless an application is made to utilize the proposed accessory building to accommodate for home based business.

- 2. Maximum size of building is 3,000 sq ft (60 x 50) located within the North West corner respecting the side lot requirements.

CARRIED (6-0)

Variance 10-48 - Norv & Arline Christopherson - SE 28-11-5E

Purpose: Proposed Lot 1:

- 1. To permit a site area of 1.17 (+/-) acres instead of the required 2 acres,
- 2. To permit the maintenance of the 20.7'x 14.4' accessory building (shed) having a front yard setback of 34 (+/-) feet instead of the required 75 feet,
- 3. To permit the maintenance of the 8.5'x 10.2' accessory building (shed) having a front yard setback of 59.1 (+/-) feet instead of the required 75 feet, and
- 4. To permit a separation distance of 4.4 feet between the 20.7'x 14.4' accessory building (shed) and the 8.5'x 10.2' accessory building (shed) instead of the required 10 feet, within the "AG" Agriculture General Zoning District. (re: subdivision 4189-09-5342)

Representation:

- In Support: Norv Christopherson
- In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-410 LALONDE
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Norv & Arline Christopherson (Pt SE ¼ 28-11-5E) for a variation of the Springfield Zoning By-law No. 08-01;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 10-48 be granted subject to the following conditions:

- 1. This Order shall come into force and take effect on the date of registration of a final certificate of approval on the matter of subdivision application no. 4189-09-5342.

CARRIED (6-0)

Variance 10-49 - Barry Nagam & Lorriane Chapdelaine - SE 33-11-6E

Purpose: To permit the construction of an approximate 2254 sq. ft. addition to the pre-existing non-conforming single-family dwelling having:

1. an East side yard setback of 7.6 (+/-) feet instead of the required 25 feet, and
2. a rear yard setback of 20.2 (+/-) feet instead of the required 25 feet, within the "HA" Hamlet Area Zoning District.

Representation:

In Support: Barry Nagam
Lorraine Chapdelaine
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-411 THOMPSON
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Barry Nagam & Lorraine Chapdelaine (Lots 7 & 8 Plan 1447 within SE ¼ 33-11-6E) for a variation of the Springfield Zoning By-law No. 08-01;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 10-49 be granted subject to the following conditions:

1. If there are any problems with drainage along the East property limits at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain a common swale. If a drainage swale is required, the swale design and construction shall be reviewed and approved by the Public Works Department.

CARRIED (6-0)

Variation Order 10-50 - RS Capital Corporation - SW 22-11-5E

Purpose: 1. To permit a maximum gross density of 6.5 dwellings per acre instead of the permitted 5.00 dwellings per acre,
2. To permit an East side & West side yard setback of 21.5 (+/-) feet respectively, instead of the required 25 feet,
3. To permit a front yard setback of 24.3 feet instead of the required 25 feet, and
4. To permit a minimum of 20 feet separation space from the on-site roadway to each principle dwelling instead of the required 22 feet,

within the "RC" Residential comprehensive Zoning District. (re: subdivision 4189-07-5185 (Revised))

Representation:

In Support: Marty Ritchot
Steven Smart

In Opposition: None

The Development Officer read his report.
The Chair closed the evidentiary portion of the meeting.

Councillor Lucko requested a recorded vote.

10-412 LALONDE
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner RS Capital Corporation (East part of Lot 21 Block 1 Plan 43725 within WE ¼ 22-11-5E) for a variation of the Springfield Zoning By-law No. 08-01; AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met; BE IT RESOLVED THAT Variation Order No. 10-50 be granted subject to the following conditions:

- 1. This Order shall come into force and take effect on the date of registration of a final certificate of approval on the matter of subdivision application no. 4189-07-5185.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1		x			
Ward 2	x				
Ward 3	x				
Ward 4		x			
Ward 5	x				

CARRIED (4-2)

Variation Order 10-51 - Gerard & Joan Parent - NE 22-11-5E

Purpose: To permit a "Limited Contractor Service" business in the existing commercial building, within the "CC" Commercial Central Zoning District (under Section 97(2) of The Planning Act (Use Variance)).

Representation:

In Support: Gerard Parent
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-413 SKRUPSKI WHEREAS a Public Hearing has been conducted under The
LALONDE Planning Act to consider an application filed by the
owners Gerard & Joan Parent (Pt Lot 38 Plan 4883 within
NE ¼ 22-11-5E) for a variation of the Springfield
Zoning By-law No. 08-01;
AND WHEREAS Council is satisfied that the requirements
of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Variation Order No. 10-51 be
granted subject to the following conditions:

1. There shall be no outdoor storage of goods or materials associated with the Limited Contractor Service.
2. This order shall expire and become null and void on the date the business ceases to be in operation.

CARRIED (6-0)

By-law 10-07 - Cooks Creek Community Centre Inc.

Present: Gerry Koreman
Ashley Brunet

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-414 THOMPSON BE IT RESOLVED THAT second reading be given to By-law
VAAGS No. 10-07 being a by-law of the Rural Municipality of
Springfield to redesignate SP Lot 2 Plan 15969 within
SE¼ 13-12-5E (Ct# 2275913) from Institutional to Rural
& Agricultural Area. CARRIED (6-0)

By-law 10-08 - Cooks Creek Community Centre Inc.

Present: Gerry Koreman
Ashley Brunet

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-415 THOMPSON BE IT RESOLVED THAT second reading be given to By-law
VAAGS No. 10-08 being a by-law of the Rural Municipality of
Springfield to rezone SP Lot 2 Plan 15969 within SE ¼
13-12-5E (Ct# 2275913) from "I" Institutional Zoning
District to "AR" Agriculture Restricted Zoning
District. CARRIED (6-0)

By-law 10-09 - RM of Springfield on behalf of Foster Built Homes 007 Ltd.

Present: Lyle Foster
Jamie Foster

For Information: Janet Nysten

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-416 LALONDE SKRUPSKI BE IT RESOLVED THAT second reading be given to By-law No. 10-09 being a by-law of the Rural Municipality of Springfield to rezone SP Lots 1 to 33 Plan 47990 within SW ¼ 21-11-5E from "RM" Residential Multiple Family Zoning District to "RC" Residential Comprehensive Zoning District. CARRIED (6-0)

10-417 SKRUPSKI LALONDE BE IT RESOLVED THAT third and final reading be given to By-law No. 10-09 being a by-law of the Rural Municipality of Springfield to rezone SP Lots 1 to 33 Plan 47990 within SW ¼ 21-11-5E from "RM" Residential Multiple Family Zoning District to "RC" Residential Comprehensive Zoning District.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1	x				
Ward 2	x				
Ward 3	x				
Ward 4	x				
Ward 5	x				

CARRIED (6-0)

By-law 10-15 - New Directions for Children, Youth, Adults & Families Inc. - W 1-12-4E

Intent: To provide a community based residential care home for 2 adult males who live with both physical and intellectual disabilities who require 24-hour staffing to attend to their personal care needs.

In Support: Jay Ransom
Dr. Jennifer Frain
Shereese Qually
Hogan Mullaly

In Opposition: Genevie Henderson
Gail Moroz-Tokar
John Penner
Elaine Stechisen
Jeff Leinweber
C.L. Chappell
Cynthia Johnston

B. Witterrongel
John Jonker
Melanie Cwikla
Tom Cwikla
David Borys
Kelly Saltel

For Information: Janet Nylén
John Holland
Jake Kuzyk
Lisa Montebruno
Gladys Hayward Williams
Jill Aggelopoulos

Letters of opposition received from the following:
Richard and Karen Inlsey
Jeff and Jennifer Leinweber
Ryan Heieie and Kelly Gustafson
Bob and Elaine Stechisen
Bruce and Lori Wiebe
Sharon and Mike Kuzyk
Charles Chappell (petition submitted)

The Development Officer read his report.

Shereese Qually, on behalf of New Directions, stated that upon review of the R.M.'s by-laws, it is her belief that the rezoning and conditional use applications are unnecessary as it seems the proposed use complies with the definition of a permitted use within the Rural Residential Zoning District. Although there is ambiguity in the by-laws, it is the R.M.'s responsibility to interpret the by-laws with the spirit of the Canadian Charter of Rights and Freedoms and Human Rights Code.

A number of residents spoke in opposition to the application with concerns that included:

- details of the disabilities have not been disclosed (aggression, sexual abuse, drug and alcohol abuse etc)
- no control over who future residents may be
- zoning - once zoned institutional if New Directions sells it is open to anything
- increase in traffic
- little to no initiative taken by New Directions to meet with neighbours in the area (an open house should have been considered prior to application)
- increase in crime
- increase in emergency response calls
- decrease in surrounding property values

The Chair closed the evidentiary portion of the meeting.

10-418 BODNARUK LUCKO BE IT RESOLVED THAT second reading be denied to By-law No. 10-15 being a by-law of the Rural Municipality of Springfield to rezone Lot 4 Block 1 Plan 22183 within W ½ 1-12-4E (Ct# 2447046) from "RR" Rural Residential Zoning District to "I" Institutional Zoning District.
CARRIED (6-0)

Extension of Meeting

10-419 SKRUPSKI THOMPSON BE IT RESOLVED THAT the Council meeting be extended to allow the agenda to be completed.
CARRIED (6-0)

By-law 10-11 - Central Square Manitoba Ltd./Reimer Consolidated Corp. - SW 15-10-4E

Intent: To re-designate from Recreation to Institutional in order to develop the land for a 50,000 square foot native addictions centre.

In Support: Bertha Fontaine

In Opposition: Alanna Kull
Rina DeMeyer
Heather Erickson
John Holland
Tanya Hall
Pat Aitken
David Klassen
Lawrence Kiernicki
Tom Stoyka
Darryl Speer
Dianne Roeland
Bruce MacLean
Robert Elliott
Paul Scharf
Al Sedo
Shawn Holden
Dennis Elliston
George Balcaen
Peter Carabatsakis
Gloria James

For Information: Janet Nylen
Wayne Selby

The Development Officer read his report.

Bertha Fontaine, Executive Director of the Native Addictions Council of Manitoba, explained that they hope to build a 50,000 sq ft treatment centre in the municipality as they found the site was peaceful and tranquil. The centre would consist of a 5-week live in program with approximately 25 residents with 1 staff per 3 residents.

A number of residents spoke in opposition to the application with concerns that included:

- increased traffic
- safety concerns
- limited recreational zoned areas in Springfield
- not an appropriate location for the centre

After hearing the comments and concerns from the residents, the applicant advised that she would not be proceeding with the application which was confirmed by a board member in attendance. The applicant withdrew the application.

By-law 09-25 - 5776661 Manitoba Ltd. (Residential Site - NW 15-11-5E)

Present:

In Support: Glenn Sanclemente
Todd Mortimer

In Opposition: Janet Nysten
Peter Williams
Neil Van Ryssel

The Development Officer read his report.

The Chair closed the public hearing.

Councillor Lucko and Councillor Bodnaruk requested a recorded vote.

10-420 SKRUPSKI
LALONDE

BE IT RESOLVED THAT second reading be given to By-law No. 09-25 being a by-law of the Rural Municipality of Springfield to redesignate from agricultural preserve area to residential within NW 15-11-5E as partially described within Ct# 234539 as shown on Appendix "A".

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1		x			
Ward 2	x				
Ward 3	x				
Ward 4		x			
Ward 5	x				

CARRIED (4-2)

By-law 10-16 - 5776661 Manitoba Ltd. - NW 15-11-5E

Present:

In Support: Glenn Sanclemente
Todd Mortimer

The Development Officer read his report.

The Chair closed the public hearing.

Councillor Lucko requested a recorded vote.

10-421 SKRUPSKI BE IT RESOLVED THAT second reading be given to By-law
 LALONDE No. 10-16 being a by-law of the Rural Municipality of
 Springfield to rezone the 4.3 acres, directly South of
 Lot 1 Plan 45662 within NW¼ 15-11-5E (Ct# 2345439) from
 "AG" Agriculture General Zoning District to "CH"
 Commercial Highway Zoning District.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1	x				
Ward 2	x				
Ward 3	x				
Ward 4		x			
Ward 5	x				

CARRIED (5-1)

10-422 SKRUPSKI BE IT RESOLVED THAT third and final reading be given to
 LALONDE By-law No. 10-16 being a by-law of the Rural
 Municipality of Springfield to rezone the 4.3 acres,
 directly South of Lot 1 Plan 45662 within NW¼ 15-11-5E
 (Ct# 2345439) from "AG" Agriculture General Zoning
 District to "CH" Commercial Highway Zoning District.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1	x				
Ward 2	x				
Ward 3	x				
Ward 4		x			
Ward 5	x				

CARRIED (5-1)

By-law 10-14 - RM of Springfield on behalf of 5776661
 Manitoba Ltd. (Rec. Site) - NW 15-11-5E

Present:

In Support: Glenn Sanclemente
 Todd Mortimer

In Opposition: Peter Williams
 Janet Nylen
 Heather Erickson
 Darryl Speer

The Development Officer read his report.

The Chair closed the public hearing.

Councillor Bodnaruk requested a recorded vote.

10-423 SKRUPSKI BE IT RESOLVED THAT second reading be given to By-law
 THOMPSON No. 10-14 being a by-law of the Rural Municipality of
 Springfield to rezone Part NW ¼ 15-11-5E from "AG"
 Agriculture General Zoning District to "I"
 Institutional Zoning District.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1		x			
Ward 2	x				
Ward 3	x				
Ward 4		x			
Ward 5	x				

CARRIED (4-2)

By-law 10-19 - Springfield Lot Developers/Bredin - SW 21-11-5E

The Development Officer read his report.

10-424 SKRUPSKI
LALONDE

BE IT RESOLVED THAT first reading be given to By-law No. 10-19 being a by-law of the Rural Municipality of Springfield to rezone Lots 11 & 12 Block 1 and Lots 6, 7, 9 & 10 be rezoned from "RS" Residential Single Family Zoning District to "RM" Residential Multiple Family Zoning District, Lots 9 & 10 Block 1, Lots 3 & 4 Block 3, and Lot 22 Block 8 be rezoned from "RS" Residential Single Family Zoning District to "RC" Residential Comprehensive Zoning District, Lots 5-8 Block 1, Lots 1-10 Block 2, Lots 1-10, Block 4, Lots 5 & 8 Block 10, and Lots 1 & 2 Block 11 be rezoned from "RS" Residential Single Family Zoning District to "RT" Residential Two Family Zoning District within NW 21-11-5E (Ct 2249479 and Ct 2324882)

CARRIED (6-0)

Adjournment

SKRUPSKI

THAT this meeting stand adjourned the time being 1:25 a.m.

Peter Skrupski
Reeve

Laurent Tétrault
Chief Administrative Officer