

# Manitoba Public Presenter Form

## Applicant Information

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## Presentation Information

Proceeding Before the Board: R.M. OF SPRINGFIELD ZONING B/L 21-25 FILE NO

If you are making a presentation to the Board, please check one or more of the following boxes, as applicable:  Written Presentation  Oral Presentation  Both Written and Oral Presentation 22 B 3-008

All Presenters: Please check one of the boxes and specify below your interest in presenting in this proceeding:  Support  Object  Unsure

**Written Presentations:** Please *briefly* specify the reason(s) for your support or objection regarding the subject matter of the proceeding and provide any relevant information that supports or explains your views. Please attach your written presentation to this form.

**Oral Presentations** may be limited to 5 minutes. This time limit applies to a presenter who decides to read the written presentation that has been previously submitted to the Board.

If you require service in French or require assistance due to a disability please notify the Municipal Board office 15 days prior to the hearing.

**Please note:** The Board reserves the right to set time limits for presentations and submissions. Additionally, the Board will not accept any information or evidence *after* the hearing has been adjourned. The Board may disallow presentations that do not comply with the rules set out in the applicable hearing procedures, or are not relevant to the scope of the hearing.

Please submit the completed Form with attached written presentation, as applicable, to the Manitoba Municipal Board via email, mail, or fax, 10 working days prior to the hearing.

Contact Information: 1144-363 Broadway, Winnipeg, Manitoba R3C 3N9  
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If you require additional assistance, please contact our office.

January 28, 2023

Allan Akins

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Manitoba Municipal Board

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Re: Objections to the proposed zoning by-law no. 21-25 of the RM of Springfield File No. 22B3-0008

This is my submission to the above noted matter. I am unable to attend in person this Board Hearing due to medical reasons. Please allow Janet Nylen to read into the record this submission on my behalf.

I have been a resident of Springfield for 40 years and have loved living in the rural residential lifestyle my family was able to enjoy; well enjoy until 2020 when across the road from me on 160 acres of farmable agricultural zoned land was bought by an out of Province Industrial Company.

I am a retired a businessman and previously an experienced a land developer (in other parts of Manitoba) and thought that I understood Municipal Planning and the various processes, until recent developments came to Springfield and I looked into the local by-laws and processes. I agree that Springfield needs a new Zoning By-law to reflect both the Development Plan (adopted in 2019) and the Provincial Land Use Practices but By-law #21-25 is not the one to do it, at least in my opinion.

Firstly: This zoning by-law was prepared by a council who was 80% defeated by a margin of 3-1 at the last municipal election, in part because of their loss of focus on the people who live here in favour of what they called economic development; but I think of it as reckless development. This by-law reflects their attitude.

Secondly: The previous council did not want public participation in the zoning by-law process. Sure, they may have held some public consultations in advance but the suggestions and concerns of the residents for the most part were ignored. The when it came to the Public Hearing process, the previous council held it during a regular Planning Meeting as the 10<sup>th</sup> item on a full agenda, during COVID, and a very limited number of people could be in council chambers. Sure, they will say that the public could zoom in or phone in but after waiting almost 2 hours, listening to other planning matters, many just gave up. To make matters worse, when By-law # 21-25 came up, the Mayor limited the presenters to 5 minutes. I had asked a Professional Planner, who had called ahead of time for permission to do an overhead presentation. The overhead system was not readied, and she was limited (without prior notice) to just 5 minutes. The minutes of the meeting do not reflect what actually transpired. Our neighbourhood and others upon hearing about what occurred across the road from me, were outraged. We submitted over 200 signatures against 2 sections of by-law # 21-25. There is no mention of these objectors in the minutes. This was in October of 2021. 8 months later, in June, the council decides to give second reading to the by-law but has 53 proposed changes to it. Nobody can speak to the 53 changes and



again, many of the 200 people opposed to the by-law further appeal. That too is not shown in the minutes. 4 or 5 months later, after a general municipal election, and during the Christmas Season, we hear about this Municipal Board Hearing. I doubt that the 4 newly elected council members even know the ins and outs of the by-law, the history of the process etc.

Thirdly: I will speak more specifically to the by-law before you.

I am opposed to this by-law as written because of the following reasons:

It is essential to retain public confidence in the Planning Process and future development of Springfield. Our by-laws require clear, concise language and that can be understood and followed without fear or favour being inserted via "interpretation". It seems clear to me that in portions of this by-law the previous council drafted it with the intent of furthering specific usually commercial or special interests. Land zoned as agriculture restricted, should not be used for other purposes unless a set process involving public hearings is involved. Vague permissive wording that allows for special or specific accommodations must not be allowed.

1. Peat moss

- a. In 2021, before this by-law received first reading, as a result of a Peat Processing Plant being allowed by Council to build and fully develop on 160 acres of land kiddie corner to my property, but in the midst of an agricultural and rural residential area, the locals, my neighbours and I challenged the issuance of a building permit by taking court action. I know that I can't talk about a matter before the courts, but I hope you will permit me some latitude on the portions that specifically relate to by-law # 21-25.
- b. Section 4.8 Agriculture Support Industry Definitions was written in the by-law as follows: "means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills peat moss plants, and seed plants. This Use Class does not include Anhydrous Ammonia Facilities."
- c. Section 4.6 Industrial Use Class Definitions Aggregate Operation means the extraction of sand, gravel and ores from their natural occurrences on affected land and the distribution of extracted materials, including the excavation, processing or distribution of extracted materials, including the excavation, processing or distribution of clay, gravel, stone, soils and peat moss.  
I am aware that in June there were 53 proposed changes to the by-law that removed the word peat moss from those sections, but I am also aware that the Community Planning Branch made more specific recommendations that were not acceptable to the previous council.
- d. Table 9-1 Principal Use Table for Agri-business and Agriculture Support Industry indicates permitted use under AG zoned land. This would not be of such concern if the municipality had followed the suggestions from the province (from Larissa Sveinson Regional Manager of Community Planning Branch dated October 26<sup>th</sup>, 2021) suggesting that Agri-business and

Agriculture Support Industry be amended by deleting Agriculture Support Industry and adjusting the definition for Agri-business and considering using the language from the Municipal Planning Guide to Zoning By-laws in Manitoba but they did not.

- e. Of further concern: 2.11.2 Non-Conformance reads: " Any lawful building or structure which does not conform to one or more of the applicable yard regulations of the Zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such regulations, in accordance with section 2.11.5" Then there is a new definition (not in By-law # 08-01) defining Non-Conforming as " means any use, building, structure or sign, individually or in combination, which lawfully existed prior to the effective date of this by-law, but does not conform to one or more of the applicable standards of the by-law now in effect."

This wording is very concerning to me because who determines what and when things are "LAWFUL"? Moving forward is one thing but also it should be of consideration that there is the matter currently before the courts that this clause could severely impact. The Board must keep in mind that the wording does not allow for pending issues.

2. The Vivian Area and Silica Sand Mining application

In my opinion it is not appropriate to facilitate any particular landowner's development dreams. The zoning by-law should be for the intended for the entire municipality and all landowners. They should have confidence in the zones established by the by-law, the prescribed permitted and conditional uses for land within each zone as well as the set procedures for applying for rezoning, conditional uses, subdivision etc. By-law 21-25 seems to have circumvented these procedures to avoid further public hearings, opposition to a proposed development even before it receives Provincial approval. This is not right, and by-law # 21-25 should not receive final reading and a new zoning by-law reflecting the new council's policies and procedures, after a thorough and complete public consultation process occurs.

For example:

- a. It has been noted in the new zoning by-law that a number of definitions and zones have been left out. Some of these seem particular to the Vivian area and the current Silica Mine proposal that is currently pending a CEC review. For example:
- b. the definition of aggregate, aggregate Extraction Operation, aquifer, environmental impact statement, pollution, watercourse, etc.
- c. Also, the changes in the zoning and mapping of the Vivian area, in particular, seem to be much less comprehensive. The hamlet of Vivian in by-law #08-01 was shown separately as figure 9 and zones included Hamlet zoning district, Development Reserve Zoning District, Industrial Extractive Zoning District, Industrial zoning district , Industrial Extractive Holding zoning district, and some Agricultural General zoning district. Under by-law # 21-25 there is only a small portion shown as General Development (previously the Hamlet area), some Agriculture and the rest is MX Industrial Extraction. Under Section 6 Zone Descriptions 6.3.3, the industrial extractive zoning District is intended to accommodate aggregate quarries and mining.

- d. Sensitive and Natural Resource Zoning District has been eliminated in by-law #21-25 and it only refers to a small unclear groundwater sensitivity map (Appendix D) where it is very hard to determine where the boundary is for high vulnerability in relation to Vivian.
- e. It appears that this zoning by-law has avoided addressing a number of Policies and Objectives set out in the Development Plan: for Groundwater Protection (3.5.2); (10.3) Natural Resource Objectives; and Policies and Aggregate Policies (11.2)

It seems apparent that even though Development Plan By-law #18-09 has set out key policies and objectives for the protection of groundwater and environment, by-law # 21-25 has not sufficiently included them in this by-law.

3. Development south Oakbank and Dugald

- a. On the Zoning map there are large areas of land south of both urban centres that show as being zoned RS. This is in addition to recent amendments to by-law # 08-01 that were approved for Qualico Homes (south of Springfield Road and east of Springfield Drive) and west of Wheatland Estates.
- b. It does not seem to me to be prudent to rezone land, without the opportunity for public hearings, and without the municipality having the infrastructure to support that zone. The land is designated in the Development Plan, so it would require only a zoning by-law amendment at a more appropriate time.
- c. An estimate of currently zoned RS lots is somewhere in the area of 200 lots and there is sufficient supply at this time.

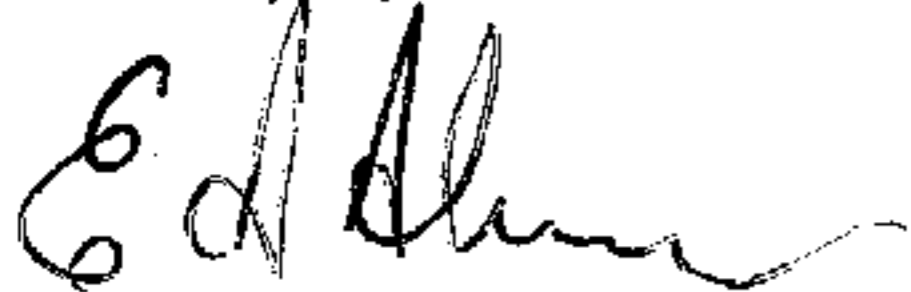
To recap my concerns:

1. Unclear language, lack of definitions, which allow for subjective interpretation without any fair public process.
2. Reduced opportunity for public hearings and due notice because of council driven new zones and increased permitted use.
3. Failure to include specific requirements to protect groundwater.
4. Changes in maps and zones without them having specific public hearings on the changes.

This is a long-term piece of legislation for Springfield which requires the support and adherence by all council, and that it be written in a way that the public can be confident that it will be administered by the Development Officer and CAO without subjectivity or preferential treatment.

I respectfully ask the Board to consider my concerns and not approve By-law # 21-25. This would allow for the residents of Springfield the proper opportunity to decide on the future zoning and land use in their community and as well provide the newly elected council the opportunity to redraft the by-law to better reflect their concept of how Springfield should be developed.

Thank you,



EDWART ALLAN AKINS