PUBLIC HEARING

As per The Planning Act, any person can make representation on the matter at the meeting.

What is CU 17, 2021 about?
To allow for an “Equestrian Establishment” use to continue operation on the subject property, in the “BLR” Business Limited / Residential Mixed Use Zone.

PUBLIC HEARING

Due to Covid-19, public hearings are occurring online. To register, please contact the RM of East St. Paul office by phone at 204-668-8112 by 4:00 pm on Friday, May 21st to register as “for”, “against” or “for information”.

For more information please contact:
Red River Planning District  Mon-Fri*
806-A Manitoba Ave., Selkirk  8:30-4:15

*excludes all statutory holidays
DATE: May 17, 2021
TO: Council, RM of East St. Paul
FROM: Paul Bell, M.Pl, RPP, MCIP, Community Planner
RE: Manure Management Plan

DISCUSSION:

On 10 May 2021, the RRPD requested the applicant provide information detailing how manure would be managed on the subject property (a Manure Management Plan). On 17 May 2021, the applicant submitted a manure management plan for review. This information has been forwarded to the Municipality for further review and comment.

As the planning report had already been published at the time the manure management plan was received, the new information has been included as an addendum only. The analysis and recommendations in the report have not been revised. The Municipality will review the information provided in the Manure Management Plan and provide additional comments and/or requirements at the Public Hearing on 25 May 2021.

ATTACHED DOCUMENTS:

1. Manure Management Plan
## Manure Management

**Address:** 2820 Sperring avenue, Winnipeg Manitoba

**Manager Name:** Kathleen, Nielson

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**NOTES:**

Manure to be removed once the composting process is complete.

**PADDOCK REMOVAL**

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**NOTES:**
Although our property will hold under the limit of 300 animal units necessary for a Manure Management plan, we still want to uphold the best quality and care for our animals, so we have decided to create one for our facility nevertheless. Our manure management plan is something that will be taken very seriously, with the location in close proximity to residential streets. Preventing smells and maintaining cleanliness is absolutely crucial to the success of the business, not just in regard to quality care for the horses, but for the surrounding neighbors as well. The plan consists of having manure removal from the barn stalls every day in the AM and PM. As well as manure removal from the paddocks every other day or at a minimum every Sunday, depending on the amount of horses on the property at the time. The plan is to produce compost from the manure as, to be environmentally friendly and preserve waste. Additionally, when manure is composted, it has an earthy odour, not a foul smell. The plan is to reuse the compost for gardens as well as offer it for free for any neighbours or farmers in the area. For any compost that isn’t wanted, it will be moved to the East St Paul Waste Transfer station. The period of time for composting can vary greatly, but the assumption as of now is that the manure will be moved after April 10th, mid July, and before November 10th, as required by the Livestock Manure and Mortalities Management Regulation. Dependent factors on the size and amount of the horses on the property, as well as the weather may change this and increase or decrease the amount of removal. There will be a maximum amount of compost and if the manure exceeds the compost bin the remaining manure will have to be hauled off site. There will be a set up to ensure that there is no leakage from the manure. The compost will be monitored regularly for the temperature, and moisture content to ensure the manure is composting efficiently. The manure pile will be located 100 metres from any surface watercourse, sinkhole, spring or well. All horses will be fed hay and grain, free of any herbicides in order to ensure the manure is safe and clean for garden use. It will be kept covered with a manure storage cover from the rain to ensure nutrients are kept from washing away, as well as to keep flies at bay. And it will be managed so that it does not pollute surface or groundwater or soil.
Central Liberty Riding Centre
2820 Sperring Ave, Winnipeg Manitoba Canada

Introduction

Central Liberty Riding Centre is a business model created by myself, Kathleen Nielson, partner of Terry Galatas, owner of Central Bark Inc, dog trainer, dog groomer, horse trainer, and Pacific Bulldog breeder. I am a local Winnipeg entrepreneur with the hopes of establishing a small equestrian facility at 2820 Sperring avenue. The goal of this small facility is to not only help bring jobs & business to the area, but to offer riding lessons on smaller horses/ponies, mostly to children and young adults. Horseback riding is known to be incredibly therapeutic for those struggling with mental health concerns, and especially beneficial during these unprecedented times, during Covid-19. The establishment is a ventilated area, and is very clean space as majority of the facilities are outdoors or semi outdoor. They also hope to train and rehabilitate horses using natural horsemanship, positive reinforcement, clicker training,( also called “liberty training”) where the horses are completely in tune with their rider without the need of any tack- as well as teach these methods to others by organizing clinics and lessons to the public. These training methods are great for building confidence & creating a strong bond between man and horse. I have no plans of having more than 8 horses on the property at any one time. On average would hope to ideally be able to keep 5-6 horses on the property year round. However, 2 or 3 would suffice.

Manure Management Plan

Although our property will hold under the limit of 300 animal units necessary for a Manure Management plan, we still want to uphold the best quality and care for our animals, so we have decided to create one for our facility nevertheless. Our manure management plan is something that will be taken very seriously, with the location in close proximity to residential streets. Preventing smells and maintaining cleanliness is absolutely crucial to the success of the business, not just in regard to quality care for the horses, but for the surrounding neighbors as well. The plan consists of having manure removal from the barn stalls every day in the AM and PM. As well as manure removal from the paddocks every other day or at a minimum every Sunday, depending on the amount of horses on the property at the time. The plan is to produce compost from the manure as, to be environmentally friendly and preserve waste. Additionally, when manure is composted, it has an earthy odour, not a foul smell. The plan is to reuse the compost for gardens as well as offer it for free for any neighbours or farmers in the area. For any compost that isn’t wanted, it will be moved to the East St Paul Waste Transfer station. The period of time for composting can vary greatly, but the assumption as of now is that the manure will be moved after April 10th, mid July, and before November 10th, as required by the Livestock Manure and Mortalities Management Regulation. Dependent factors on the size and amount of the horses on the property, as well as the weather may change this and increase or decrease the amount of removal. There will be a maximum amount of compost and if the manure exceeds the compost bin the remaining manure will have to be hauled off site. There will be a set up to ensure that there is no leakage from the manure. The compost will be monitored regularly for the temperature, and moisture content to ensure the manure is composting efficiently. The manure pile will be located 100 metres from any surface watercourse, sinkhole, spring or well. All horses will be fed hay and grain, free of any herbicides in order to ensure the manure is safe and clean for garden use. It will be kept covered with a manure storage
cover from the rain to ensure nutrients are kept from washing away, as well as to keep flies at bay. And it will be managed so that it does not pollute surface or groundwater or soil.
Date: May 14, 2021
File: CU 17, 2021
Prepared by: Ingrid Zarichney, Community Planning Assistant
From: Paul Bell, M.Pl, RPP, MCIP, Community Planner
To: Council, R.M. of East St. Paul
Location: Lot 2, Plan 58832
2820 Sperring Ave. (Roll# 94200)

Zoning By-law 2009-04

Purpose:
To allow for an Equestrian Establishment Use to continue operation on the subject property, as part of a kennel business.

Background:
The subject property is +/- 5.00 ac. in size, and is developed with a dwelling, as well as multiple structures for a Small Animal Breeding and Boarding Establishment Use, and Equestrian Establishment Use. The existing Equestrian Establishment Use is a non-conforming use that requires a new conditional use approval to continue operation. The applicant has indicated that there are currently 8 horse stall on the subject property, and that the existing barn / horse arena is +/- 6,000 sq. ft.

The surrounding area is as follows:

North: A property developed with a single-family dwelling, zoned “BLR” Business Limited / Residential Mixed Use Zone.

East: Sperring Rd., and then PTH #59, and then McGregor Farm Rd., and then properties zoned “DR” Development Reserve and “IG” Industrial General.

South: A property developed with a single-family dwelling, and the Municipality’s Public Works Yard, both zoned “BLR” Business Limited / Residential Mixed Use Zone.

West: A property developed with a single-family dwelling that is zoned “BLR” Business Limited / Residential Mixed Use Zone.

Comments

CAO: I have reviewed the public hearing package and the kennel has been in operation at this location for a very long time, I have received no complaints regarding this operation, so I have no concerns at this time with the application.

Director of Infrastructure: I have reviewed the public hearing package and I have no comments.

Operations Manager: I have reviewed the public hearing package and I have no concerns with this conditional use because it has no negative impacts to RM Operations.
Planning: I have reviewed the public hearing package and have no concerns with the Small Animal Breeding and Boarding Establishment Use, and Equestrian Establishment Use continuing on this site. I suggest a limit of 10 horses be included in the recommendations of approval for the Equestrian Establishment Use.

Fire Department: I have reviewed the public hearing package and the fire department has no concerns as there is no impact on our ability to respond and provide emergency services.

Manitoba Infrastructure: No objections, statutory requirements apply (see correspondence for full details).

St. Andrews Airport: No concerns.

Analysis

Introduction

The subject property is +/- 5 ac. in size, and developed with an existing dwelling, and multiple structures for an existing Small Animal Breeding and Boarding Use, and Equestrian Establishment Use. The existing structures include a riding arena, horse barn, storage shed, and kennel space (see applicant’s site plan for full details).

The Equestrian Establishment is a non-conforming use, as explained in detail below. The applicant is proposing to allow for the Equestrian Establishment Use to continue. In their letter of intent, the applicant has indicated that the existing horse barn (horse arena) will continue, and consists of keeping customers’ horses on the property, as well as training. Their daily operations will run from 9:00am to 8:00pm, with anywhere from 6 to 10 people coming to the property.

In the Planning Act, a Conditional Use approval can be approved if it is compatible with the general nature of the surrounding area, does not negatively impact the surrounding properties, and are generally consistent with the Development Plan and Zoning By-law.

Background and Previous Approvals

In March 1989, approvals were given by Council as part of a subdivision and variance process to allow for a dwelling, dog breeder / kennel, and barn (horse arena) to be established on the subject property. As part of this approval, the training and keeping of horses on the property was limited to 20 horses for 15 years, which expired in March 2004. The use was not renewed, but has remained in operation to today. The applicant has indicated that there are currently eight (8) horses on the subject property.

While the existing kennel is allowed to remain, a new approval is required for the Equestrian Establishment use to remain in operation.

Development Plan

The subject property is designated as Settlement Centre in the Development Plan. This designation is intended for a range of urban, semi-urban and suburban land uses, and are made up with a mix of residential, commercial, and institutional uses. While the proposed Equestrian Establishment Use is listed as an agriculture use class in the Zoning By-law, it could be broadly considered as a commercial development.
**Max. Number of Horses Permitted**

There are presently a total of eight (8) horses kept on the subject property. The Municipality has commented that, if approved, a maximum of (10) horses on the subject property should be included as a condition of approval. The Zoning By-law does not have specific requirements for equestrian establishments that limit the number of horses permitted, however we can look to requirements for similar zones as a guide. For Farms, which would typically be found in areas designated as Agriculture Restricted, the Zoning By-law limits the amount of animals allowed on a farm property to 1.33 animal units per two (2) acres, which would amount to one (1) horse per two (2) acres. As the subject property is +/- 5.00 ac. in size, two (2) horses would be permitted.

Considering that there has been an equestrian use on the subject property since 1989, and that there are currently eight (8) horses on the subject property, allowing the use to continue with the current number of horses, or a slight increase, is unlikely to introduce any new negative impacts to the surrounding area. Based on the Municipality’s comments, the RRPD has included a recommended condition that a maximum of ten (10) horses be permitted on the subject property.

**Manure Management Plan**

The Municipality has raised questions regarding how manure from the horses will be managed. At the time of this report’s publication, this information was not yet available. If Council wishes, a decision on the proposed Equestrian Establishment Use can be tabled until such time as this information can be made available. Alternatively, a condition of approval can be included requiring that a Manure Management Plan be provided to the Municipality, and, if necessary, a Development Agreement entered into to ensure that the standards set forth in this plan are adhered to.

**Summary and Recommendations**

The applicant is proposing an Equestrian Establishment Use for the subject property, in order for the existing equestrian establishment to remain as part of the existing kennel business on the subject property. The proposed use has been in operation since 1989, and it seems unlikely that the continuation of this use would create any new negative impacts on the surrounding area. If Council has concerns about potential negative impacts on the surrounding area, conditions of approval to address these concerns can be included as part of the approval. The RRPD is recommending that approval be subject to a maximum limit of ten (10) horses, and that a manure management plan be submitted to the RM for review and approval.

The RRPD recommends that the proposed use **could be approved, subject to conditions.**

**Options:**

Under section 106(1) of the *Planning Act*, on completion of the public hearing, Council may:

(a) reject the application; or

(b) approve the application if the conditional use proposed in the application
(i) will be compatible with the general nature of the surrounding area,
(ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area, and
(iii) is generally consistent with the applicable provisions of the development plan bylaw, the zoning by-law and any secondary plan by-law.

Recommendation:
The RRPD recommends that the proposed use could be approved, subject to conditions. Should Council approve a Conditional Use, the following conditions are recommended:

1. That this conditional use limited to an Equestrian Establishment Use as proposed in this application. Any change to the intensity or use will require new Conditional Use approval.
2. Applicant / owner obtains all required permits from Red River Planning District (RRPD), and Municipality.
3. The maximum number of horses allowed as part of the Equestrian Establishment Use is limited to ten (10) horses.
4. Applicant / owner to provide a Manure Management Plan to the Municipality for approval. If necessary, a Development Agreement may be required to ensure compliance with this plan.
INCLUDED DOCUMENTS
Supportive Mapping
Applicants’ Letter of Intent and Site Plan
March 1989 Resolutions
Manitoba Infrastructure Comments
St. Andrews Airport Comments
SUPPORTIVE MAPPING

Conditional Use Application CU 17, 2021
2820 Sperring Ave., RM of East St. Paul

Designation: "SC" Settlement Centre
Zoning: "BLR" Business Limited/Residential Mixed Use

Please refer to applicant's Site Plan. Not To Scale. For Discussion Purposes Only.
Red River Planning District  
806-A Manitoba Ave.  
Selkirk, Manitoba  

April 21, 2021  

Dear Sir/ Madam  

Re: Letter of Intent – Conditional Use Application for 2820 Sperring Ave., East St. Paul, MB  

I am writing to you with regards to a prospective property I intend to purchase at 2820 Sperring Ave.  
The property is currently operating as a local business known as “KenDel Kennels” and consists of a large 100 x 60 indoor horseback riding arena, as well as 8 horse stalls. A variance order was granted in 1989 permitting the maintenance of a barn (horse arena) for the purpose of training and boarding horses. The Order expired however, the current owners who originally purchased the property in 2008 have been boarding their horses and horses for customers since then but during our due diligence period we discovered that the current owners did not submit an application permitting the conditional use for boarding and training horses.  

My partner and I were hoping to purchase this property and run an equestrian business, using the facilities already installed on there. This includes keeping horses on the property, providing training lessons and renting out a portion of the stalls to clients who wish to board their horses. We expect to have to have our operations run daily from 9:00 AM to 8:00 PM with a maximum of 6 to 10 people on the property during those times. There is also sufficient parking on the property for the patrons of the facility.  

The current business, KenDel has been operating for 28 years as a Kennel but also as a horse boarding facility and has grown to be a beloved part of the local community at East St Paul. The property has a unique character to it and has a remarkable track record of never receiving a single complaint about their horses from the community. As a local business owner, myself, founder of Central Bark Inc, I understand both the hardships and values of keeping and supporting local businesses. I would like to continue the equestrian business that KenDel has built over these past few decades, and if the facility were to close permanently it would be a tremendous and unfortunate loss to the community and those in need of this service.  

As such, I am requesting you consider my new application for conditional use to keep 8 horses on this property with non expiring use because without it we cannot purchase the property to run the equestrian business or continue operating the kennel.  

Thank you for your consideration,  

Terry Galatas
Riding Arena

Horse Barn - Includes 8 stalls plus tack room

Storage shed for hay, shavings & tractor

PUBLIC ROAD (SPERRING AVENUE)
LAGIMODIÈRE BOULEVARD
THE RURAL MUNICIPALITY OF EAST ST. PAUL

VARIANCE ORDER DAY 93/89

REMIT: March 23, 1989
8:21 P.M.
East St. Paul Municipal Office
Birds Hill, Manitoba

BEFORE: Reeve Melnyk
Councillor Park
Councillor Koshelanyk
Councillor Miller
Councillor Semenko

APPLICANT: Kenneth Patterson
2820 Sperring Avenue
Winnipeg, Manitoba
R2C 2Z2

NATURE OF APPLICATION: To vary the "A1" and "M2" district regulations of the East St. Paul Town Planning Scheme 1956 to permit the establishment and use of two sites as follows:
1) Parcel "A" (Zoned "A1") to have an area of 1.343 hectares/3.32 acres instead of 2.02 hectares/5 acres as required;
2) the maintenance of a single family dwelling and dog breeder/kennel on said Parcel "A";
3) to permit the construction of a one family dwelling in the "M2" portion of proposed Parcel "B" (Zoned "M2" and "A1");
4) the maintenance of a barn (horse arena) for the purpose of training and boarding horses in the "A1" portion of said Parcel "B" having a lot area of 0.69 hectares/1.7 acres instead of 2.02 hectares/5 acres as required.

PREMISES AFFECTED: 2820 Sperring Avenue, west side north of Pritchard Farm Road

LEGAL DESCRIPTION: All that portion of RL 103, Parish of Saint Paul, lying to the north of a line drawn south of, parallel with and perpendicular to distant 300 feet from the Northern limit of said lot, which lies to the East of the Eastern limit of the Road Allowance East of and adjoining the land taken for Right-of-Way and Road Allowance Plan 12, W.L.T.O., (L Div) excepting First: Public Road, Plan 8682, W.L.T.O., and Secondly: Gateway Road Plan 11997, W.L.T.O. (Certificate of Title No. J13072) hereinafter called "the Land".

PROPERTY OWNED: A1 & M2

EXHIBITS FILED:
1. Photographs
2. Affidavit of posting of notice
3. Documents shown on Variance Application Form

REPRESENTATIONS:
In Support: Kenneth Patterson
2820 Sperring Avenue
Winnipeg, Manitoba
R2C 2Z2

Mrs. C. Patterson
2820 Sperring Avenue
Winnipeg, Manitoba
R2C 2Z2
DRAFT 93/89

REPRESENTATIONS: (cont'd)

In Support: (cont'd)

Mr. Steve Carrier
39 Bruton Place
Winnipeg, Manitoba

Ms. Sally Carrier
39 Bruton Place
Winnipeg, Manitoba

In Opposition: NIL

For the Rural Municipality:

Mr. A. Roy, Planner
Dept. of Environmental Planning
City of Winnipeg
395 Main Street
Winnipeg, Man.
R3B 3E1

ACTION TAKEN BY COUNCIL:

The Council of the Rural Municipality of East St. Paul, having found in its opinion that:

a) The East St. Paul Town Planning Scheme 1956 affects the applicant's property, rights injuriously and unnecessarily; and
b) A Variance can be made to the East St. Paul Town Planning Scheme 1956 without defeating the intent and purposes of the Plan Winnipeg, and the East St. Paul Town Planning Scheme 1956; and
c) The amenity or convenience of adjoining land and of the adjacent area will not suffer any substantial adverse effect by this order; and
d) The Variance hereby granted is the minimum variance in the East St. Paul Town Planning Scheme 1956 that is necessary to relieve the said injurious and unnecessary effect of the East St. Paul Town Planning Scheme 1956 upon the applicant, his property or his rights.

THE COUNCIL OF THE RURAL MUNICIPALITY OF EAST ST. PAUL HEREBY ORDERS AS FOLLOWS:

THAT the "Al" and "M2" district regulation of the East St. Paul Town Planning Scheme 1956 be varied to permit the establishment and use of two sites as follows:

1) Parcel "A" (Zoned "Al") to have an area of 1.343 hectare/3.32 acres instead of 2.02 hectares/5 acres as required;
2) the maintenance of a single family dwelling and dog breeder/kennel on said Parcel "A";
3) to permit the construction of a one family dwelling in the "M2" portion of proposed Parcel "B" (Zoned "M2" and "Al")
4) the maintenance of a barn (horse arena) for the purpose of training and boarding horses in the "Al" portion of said Parcel "B" having a lot area of 0.69 hectares/1.7 acres instead of 2.02 hectares/5 acres as required.

Subject to the following conditions which the Council of the Rural Municipality of East St. Paul considers necessary or desirable to maintain the intent and purposes of Plan Winnipeg and the East St. Paul Town Planning Scheme 1956, and to protect the amenity and convenience of adjoining lands and of the adjacent area:

1) that, if any variance granted by this order is not established by registration of the Plan of Subdivision within 365 days of the date hereof, this order, in respect of that variance, shall terminate;
Subject to: (cont’d)

2) this variance order shall become null and void upon refusal of subdivision application DASSF 531/89 by the Designated Committee pursuant to Subsection 637(39) of the City of Winnipeg Act.

3) that no expansion of the dog breeder kennel use on Parcel "A" is permitted unless approved by Resolution of Council of the R.M. of East St. Paul;

4) that no expansion of the barn (horse arena) for the purpose of training, boarding or breeding of horses on Parcel B is permitted unless approved by Resolution of Council of the R.M. of East St. Paul;

5) that the portion of the Variance Order permitting training and boarding (keeping) of horses on Parcel "B" shall expire in fifteen (15) years and that the maximum number of horses boarded will not exceed 20 unless by resolution by the council of the R.M. of East St. Paul.

This order is subject to all building, health or other regulations pertaining to the land herein referred to.

Dated: March 27, 1989

Certified by

[Signature]
Secretary-Treasurer

Appeal

Section 621 (9) of The City of Winnipeg Act provides that the applicant or any person who made representations of the meeting referred to above, may appeal to the variance and Conditional Use Committee against this order made by this Rural Municipality by sending a notice of appeal by registered mail to the variance and Conditional Use Committee within fourteen (14) days after the sending of the copies of this order.

Mailing address for appeal: City Clerk, City of Winnipeg, Council Building, Civic Centre, 510 Main Street, Winnipeg, Manitoba, R3B 1B9
May 10, 2021

Ingrid Zarichney, Community Planning Assistant
Red River Planning District
806-A Manitoba Avenue
Selkirk, MB R1A 2H4
E-mail: david@rrpd.ca

Dear Ingrid:

**Re:** Conditional Use Order NO. 17-21
RL 103 Parish of St. Paul
R.M. of East St. Paul – 2820 Sperring Ave
Purpose: to allow a Kennel and Horse Boarding Facility

We have reviewed the above noted conditional use order in the RM of East. St. Paul. The intent is to allow an existing kennel and horse boarding facility to continue. The subject property has frontage along Sperring Ave with an existing access. No new accesses are proposed.

Based on the available information, we do not object to the approval of this Conditional Use Order.

Please note the following statutory requirements affecting PTH 59.

**Statutory Requirements:**
Under the Transportation Infrastructure Act, a permit is required from Manitoba Infrastructure to construct, modify, relocate, remove or intensify the use of an access. A permit is also required from Manitoba Infrastructure to construct, modify, remove or relocate a structure or sign, or to change or intensify the use of an existing structure (including the alteration of existing buildings) within the **38.1 m** (125 ft) controlled area from the edge of the PTH 101 highway right-of-way.

In addition, a permit is required from the Manitoba Infrastructure for any planting placed within 15 m (50 ft) from the edge of the right-of-way of this highway.

Sincerely,

**Original signed and e-mailed May 10, 2021**
Jeff DiNella
Senior Development Review Technologist

Cc: Region 1
SUPPORTIVE MAPPING
Conditional Use Application CU 17, 2021
2820 Sperring Ave., RM of East St. Paul
Designation: "SC" Settlement Centre
Zoning: "BLR" Business Limited/Residential Mixed Use

Please refer to applicant's Site Plan - Not To Scale - For Discussion Purposes Only.
Good Morning Ingrid

As regards the Conditional Land Use Application CU 17 to operate an equestrian operation at 2820 Sperring Avenue, ESP - the Airport has no concerns.

Tks,
Craig

----- Original Message ----- 
From: Ingrid Zarichney <ingrid@rrpd.ca>
To: Cara Nichols (planning@eaststpaul.com) <planning@eaststpaul.com>, +WPG969 - Roadside Development (MI) <RoadsideDevelopment@gov.mb.ca>, Julie Froese (Julie.Froese@gov.mb.ca) <Julie.Froese@gov.mb.ca>, staai@mymts.net
Cc: Paul Bell <pbell@rrpd.ca>
Sent: Fri, 23 Apr 2021 12:40:22 -0400 (EDT)
Subject: CU 17, 2021

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a:visited, span.MsoHyperlinkFollowed
{mso-style-priority:99;