

R.M. OF ST. CLEMENTS
ZONING BY-LAW 5-2002
CONDITIONAL USE FILE NO. 35, 2023
PUBLIC HEARING

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

We are
Listening.

**Public
Hearing**
Tuesday,
November 21, 2023
6:00 PM
Council Chambers
1043 Kittson Rd.
East Selkirk, MB

Phone:
(204) 669-8880
1-800-876-5831

Fax:
(204) 669-8882

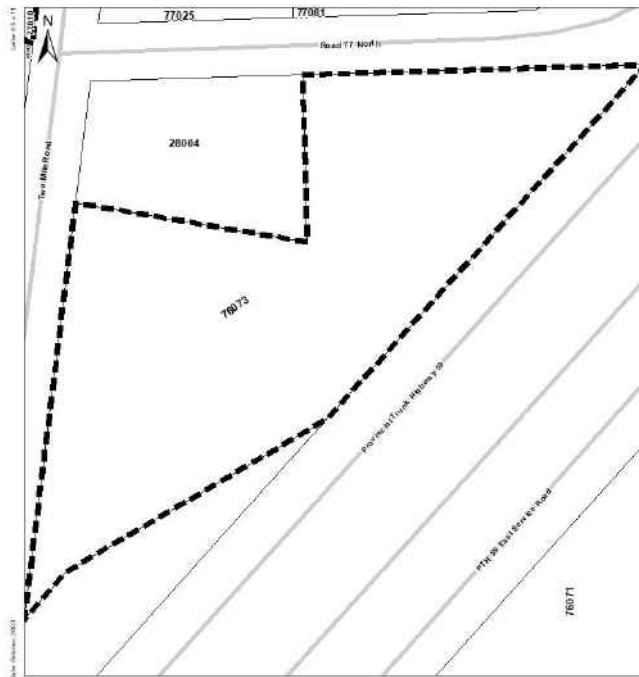
E-Mail:
info@rrpd.ca

Website:
redriverplanning.com



What is CU 35, 2023 about?

This conditional use application is to allow a Contractor's Establishment for a Sand Blasting Business on the subject property within the "A40" Agricultural Limited zone.



76073 Two Mile Rd. (Roll 315310)

Seating at the public hearing will be limited to accommodate social distancing. We ask that you contact the municipal office at 204-482-3300 or info@rmofstclements.com to register your attendance so that we can ensure adequate physical distancing seating. Alternatively, you can contact the R.M. of St. Clements to receive an invitation to public hearing remotely through Zoom, submit questions or concerns in writing or visit the municipality's website for the link to live streaming with interactive

For more information, please contact the Red River Planning District.

Red River Planning District
2978 Birds Hill Rd. East St. Paul, MB

Mon-Fri*
8:30am-4:15pm



2978 Birds Hill Rd.
East St. Paul, MB R2E 1J5
Toll Free: 800-876-5831
Phone: 204-669-8880
Fax: 204-669-8882

Date: November 13, 2023
File: CU 35, 2023
To: Council, R.M. of St. Clements
Prepared by: Ingrid Zarichney, Community Planning Assistant
From: Femi Ojo, MURP, MCIP, RPP, Community Planner
Location: 76073 Two Mile Rd.
Lot 2, Plan 43431 (Roll #315310)

Zoning: "A40" Agricultural Limited
R.M. of St. Clements Zoning By-law 5-2002

Property Zone	Conditional Use Request	Proposed by Applicant
"A40" Agricultural Limited	Contractor's Establishment	To allow a sand blasting business

Purpose:

This conditional use application is to allow a Contractor's Establishment (sand blasting business) on the subject property. The attached letter of intent and site plan were submitted with the application.

Background:

The subject property was approved for a subdivision under File S21-2914 which created two lots but has not been finalized. The proposed Contractor's Establishment is being proposed on the residual lot, which is approximately 6.115 acres in size and is located on the west side of PTH#59 and the east side of the Two Mile Rd. The site is currently developed with a single-family dwelling and other accessory structures. The property is zoned "A40" Agricultural Limited and is designated *Resource & Agriculture* in the Development.

To the North: Properties zoned "A40" Agricultural Limited.

To the South: Property zoned "A40" Agricultural Limited, then PTH #59.

To the West: Properties zoned "RA" Suburban Residential.

To the East: PTH #59.

Analysis:

This application is to allow a sand blasting business to continue on the subject property. As per Table 10 of the St. Clements Zoning By-law, sand blasting is considered a ‘Contractor’s Establishment’, which is listed as a conditional use requiring Council approval in the “A40” Agricultural Limited zone.

In the zoning by-law under definitions, contractor’s establishment is defined as:

“a premises where a construction contractor operates a business and where related equipment and materials may be stored, including: wood construction, cabinet making, carpentry, house builders, mobile home and “ready to move” house construction, package home or garage construction, kitchen or bathroom renovating, general contracting, landscape contractors, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, painting contractors, plumbers, sheet metal contractors, roofers, drillers and well contractors, septic tank installation, foundation contractors, excavators, stucco contractors, siding contractors, brick laying, fencing contractors, ventilating contractors window and door installation, road, bridge concrete and stucco contractors and other like uses..”

The following Development Plan objectives/policies are relevant to the subject proposal:

4.1.a *To protect, support and strengthen agriculture as the primary land use in the district.*

4.1.c *To protect Resource and Agriculture areas for agricultural and resource use by preventing the development of conflicting uses which may restrict these uses or have an inflating effect on agricultural land assessment.*

4.1.h *To support the development of agro-related industrial and commercial activities, particularly those that complement the agricultural economy, as well as limited highway commercial and industrial development in a manner that is compatible with municipal servicing capabilities, the natural environment, surrounding uses, and provincial highway system.*

4.1.2 *Development in the Resource and Agriculture areas will be restricted to agriculture, agriculture related, and resource-based uses except as further provided herein.*

4.1.6 *In general, commercial developments should only locate in Resource and Agriculture areas when the enterprise is dependent on resource and agriculture in nature.*

4.1.7 *Commercial and industrial development that require a small land area, urban services and is not related to resources or agricultural activities will not be permitted in the Resource and Agriculture area.*

The following information is for Council’s consideration:

- The intent is to continue a sand blasting business on the subject property zoned “A40” Agricultural Limited. As per Table 10 of the St. Clements Zoning By-Law 5-2002, Contractor’s Establishment require a Conditional Use approval from Council.
- It is important to note that a sand blasting business has been operating on site without the requisite approval. Thus, a Notice of Violation ref. NV File # 1726-23 was sent to the applicant on October 16th 2023, which culminated in this application coming before Council.

- Also, as per the Zoning By-Law, agricultural lands are intended for agricultural and related activities and to preserve areas for future urban development in keeping with the provisions of the Development Plan.
- The Development Plan policies/objectives highlighted above also reiterate the above position as per Sections 4.1.a; 4.1.c, 4.1.1, 4.1.2 4.1.3, 4.1.6 and 4.1.7.
- Although, Manitoba Agriculture noted that the use appears to be consistent with the objectives and policies of the Resource and Agriculture of the RRPD Development Plan. Specifically, while Section 4.1.h may support the subject proposal, the Development Plan also highlights the criteria for approving commercial and industrial uses in Resource and Agriculture area, which includes; the size of the operation; compatibility with surrounding land uses and potential effects on surface/groundwater, air quality, noise level and other characteristics important to the region (Policy 4.1.11; 4.1.11.1; 4.1.11.2; 4.1.11.3 & 4.1.11.4.
- Based on the above, Council must determine whether the proposed use is compatible with the general nature of the surrounding area.
- This application was circulated to the municipality, Highways department and Manitoba Agriculture. Comments provided are attached to this report.

Options:

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

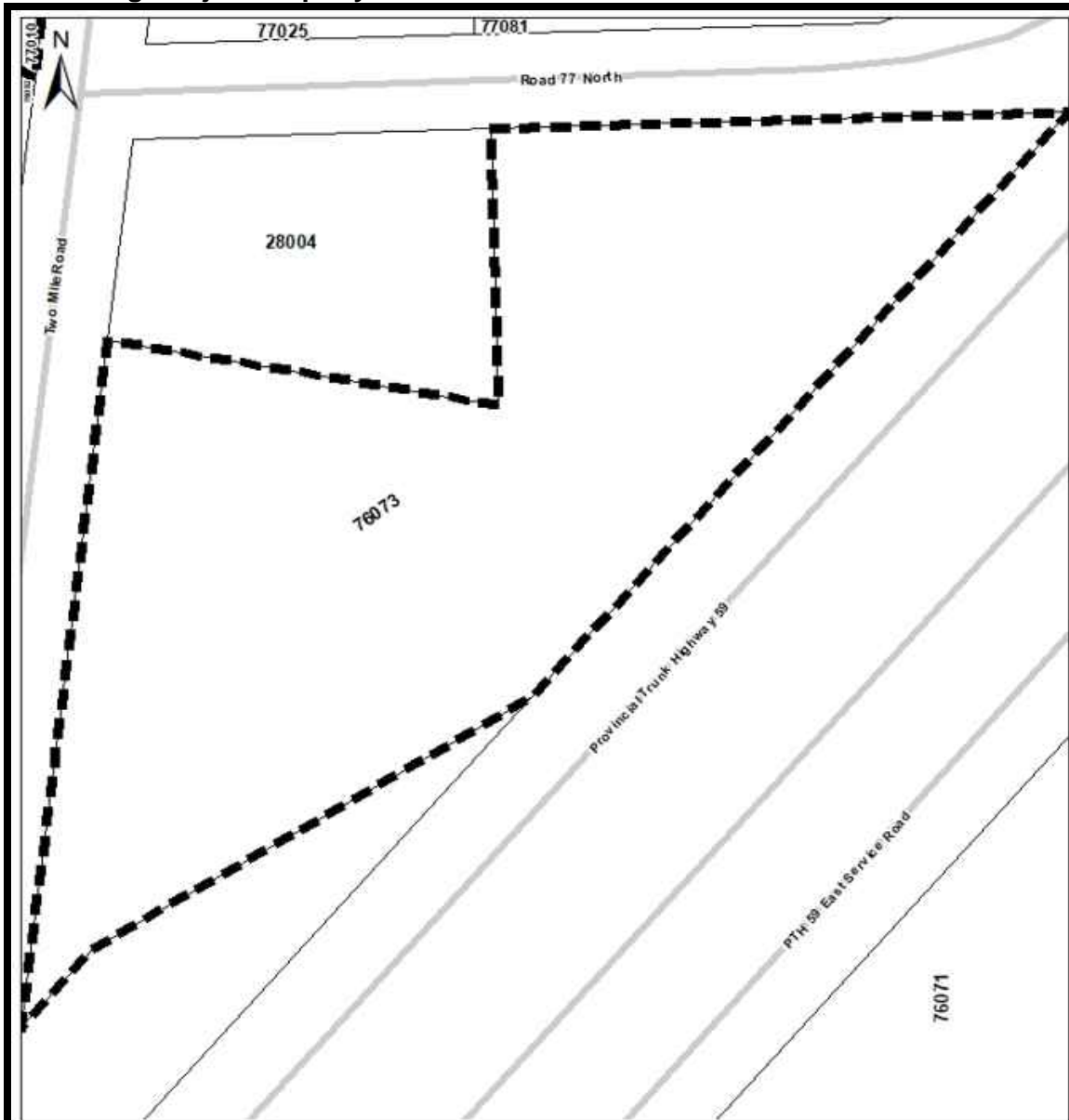
- (a) reject the application; or
- (b) approve the application if the conditional use proposed in the application
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding 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 by-law, the zoning by-law and any secondary plan by-law.

Recommendation:

Should Council approve this application, our office recommends the following conditions of approval:

1. That conditional use approval be limited to what is proposed within this application. Any changes in use or expansion will require a new conditional use approval;
2. Applicant/owner obtains all required permits and approvals, including but not limited to those from the Red River Planning District, the R.M. of St. Clements and Dept. of Highways.

LOCATION MAPS
Illustrating Subject Property




SUPPORTIVE MAPPING

Conditional Use Application CU 35, 2023
 76073 Two Mile Rd. RM of St. Clements


Designation: "RA" Resource & Agriculture
 Zoning: "A40" Agricultural Limited

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

 Subject Property

 Highway Control Zones

 Roads

 Parcel Outline





SUPPORTIVE MAPPING

Conditional Use Application CU 35, 2023
 76073 Two Mile Rd. RM of St. Clements
 Designation: "RA" Resource & Agriculture
 Zoning: "A40" Agricultural Limited

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



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

INFORMATION SUBMITTED BY THE APPLICANT

October 26, 2023

Red River Planning
2978 Birds Hill Road
East St. Paul MB R2E 1J5

To Whom it May Concern,

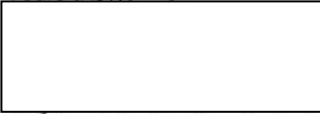
Re: Conditional Use Application

Please find attached our application, with copies of the site plan and a copy of the current title, as requested.

Also please find attached a cheque in the amount of \$771.75 to cover the cost of the Conditional Use application.

The intent is to continue operating the sandblasting business known as Steel City Sandblasting Inc. from this location.

Yours truly,

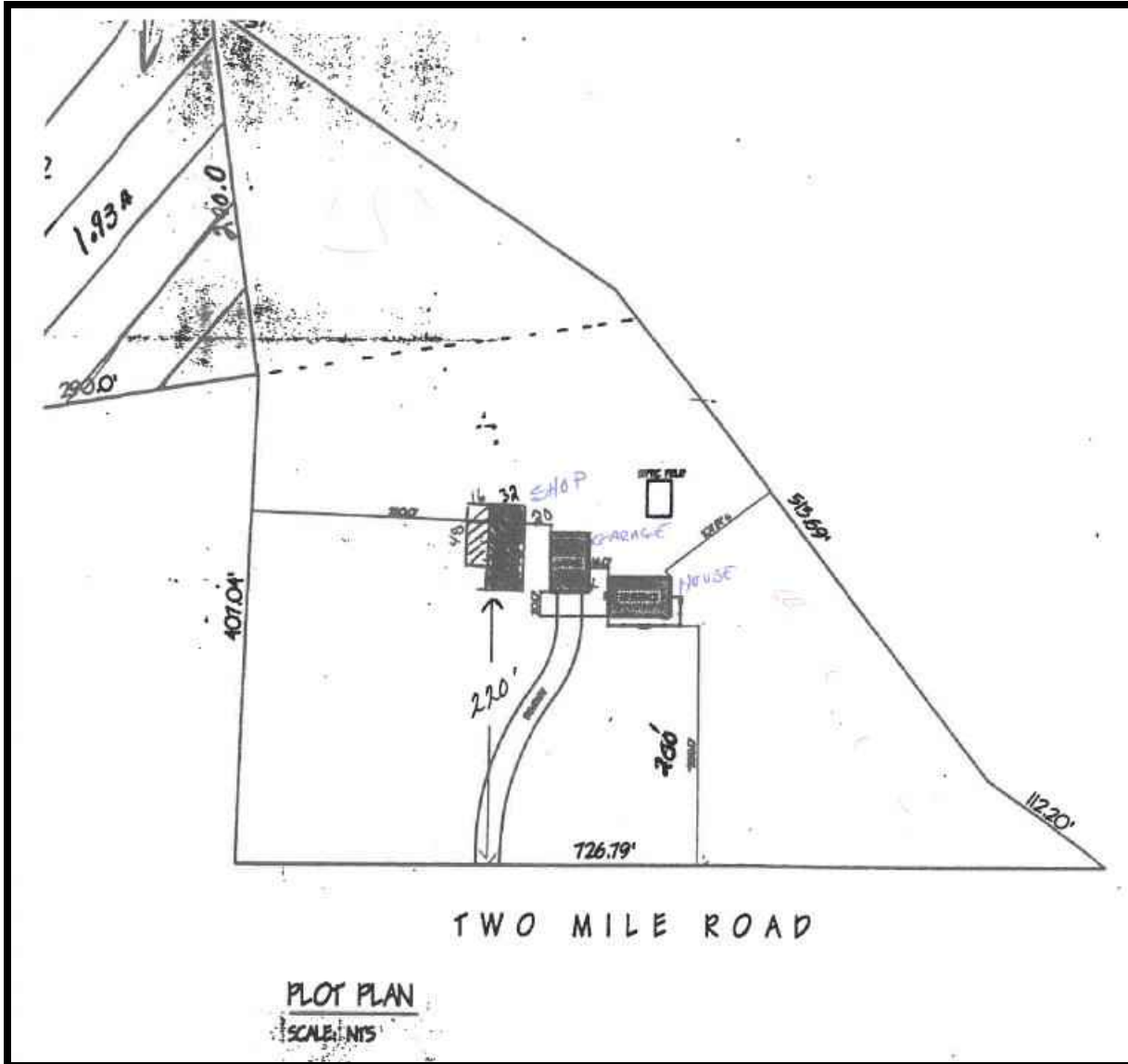


Maurice Sala (Caribou Lodge)



Judy Pitolay

Submitted Site Plan



GOVERNMENT AGENCIES COMMENT

Femi Ojo

From: Harms, Tina <Tina.Harms@gov.mb.ca>
Sent: Tuesday, November 7, 2023 2:16 PM
To: Femi Ojo; Ingrid Zarichney
Cc: +WPG112 - AGRLandUse
Subject: RE: CU 35-2023

File: CU 35, 2023
Applicant: Maurice Sala & Judy Pitolay
Location: 76073 2 Mile Rd, RM of St Clements
Proposal: Conditional Use for construction contracting business
Soils: 2W-3W (Detailed Soil Survey)

I have reviewed this proposed conditional use application on behalf of Manitoba Agriculture.

This application is requesting conditional use approval for a commercial use - construction business (pre-existing sand blasting company). The proposed conditional use area resides within a Resource and Agriculture Area within the Red River Planning District Development Plan and within the "A40" zone of the R.M. of St. Clements Zoning By-Law. The proposed construction business, as described in the application, is consistent with the definitions under the Contractor's establishment use that is listed as conditional within the "A40" zone; the use appears to be consistent with the objectives and policies of the Resource and Agriculture Area of the RRPD Development Plan (notably Objective 4.1.h and Policies 4.1.11, 4.1.15).

Regards,
Tina

Tina Harms, M.Sc., P.Ag.
Land Use Specialist
Land Use and Ecosystem Resilience Branch
Tina.Harms@gov.mb.ca
T: 204-761-0701

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Femi Ojo

From: Kayla Kozoway <kayla@rmofstclements.com>
Sent: Thursday, November 9, 2023 1:05 PM
To: Femi Ojo; Ingrid Zarichney
Subject: CU 35-2023

Good Afternoon

Please be advised the R.M. of St. Clements Public Works Department has no concerns with the proposed conditional use.

Thank you,

Kayla Kozoway
Planning Clerk
Rural Municipality of St. Clements

Ph: 204-482-3300
Fax: 204-482-3098
E: kayla@rmofstclements.com

