

Proposal for Annexation

Submitted by: The Council of the City of Brandon
Submitted to: The Manitoba Municipal Board



April 18, 2017

Contents

1	Introduction	1
1.1	Council Resolution.....	1
1.2	Location.....	1
1.3	Land Description.....	2
1.4	Names and Contacts of Municipalities Affected.....	2
1.5	Ownership	2
1.6	Context and Existing Conditions	3
2	Background	5
2.1	Previous Annexation.....	5
2.2	Brandon & Area Planning District Fringe Area Growth Strategy	5
2.3	Urban Expansion Application	5
3	Development Concept	6
3.1	Proposed Land Uses	6
3.2	Timing of Development	6
4	Reasons for Annexation	7
4.1	Reason #1—Shortage of Land for Regional Retail Development	7
4.2	Reason #2—City Storm Water Network	7
5	Principles for Annexation	8
5.1	Principle #1—Servicing	8
5.2	Principle #2—Social and Economic Ties	12
5.3	Principle #3—Land Uses in Area.....	12
5.4	Principle #4—Viability and Future Growth – Land Supply and Demand	12
5.4	Principle #4—Viability and Future Growth – Policy Analysis.....	14
5.5	Principle #5—Will of the People.....	17
5.6	Principle #6—Geographical Boundaries	17
6	Terms of Annexation	18
4.1	Municipal Responsibilities	18
4.2	Property Tax Implications.....	18
4.3	Drainage Impacts.....	19
7	Development Process	20
8	Consultations	21
6.1	RM of Cornwallis	21
6.2	Local Authorities.....	21
6.3	Public.....	22
6.4	Consultation Report	22

Schedules

- A Survey Plan
- B Status of Title
- C Letter from Owner
- D Environmental Assessment
- E Geotechnical Report
- F Water and Sanitary Assessment
- G Drainage Study
- H Transportation Summary
- I Brandon land Inventory
- J Brandon Growth Projections
- K Brandon Economic Growth Strategy 2014-2019
http://www.economicdevelopmentbrandon.com/images/pdf/EDB_Strategy_Booklet%202014-2019.pdf
- L Brandon and Area Planning District Development Plan
<http://www.brandon.ca/images/pdf/developmentServices/planning/By-laws/2015developmentPlan.pdf>
- M Brandon & Area Planning District Fringe Area Growth Strategy
<http://www.brandon.ca/images/pdf/planning/GrowthStrategy/adoptedGrowthStrategy.pdf>

1 Introduction

1.1 Council Resolution

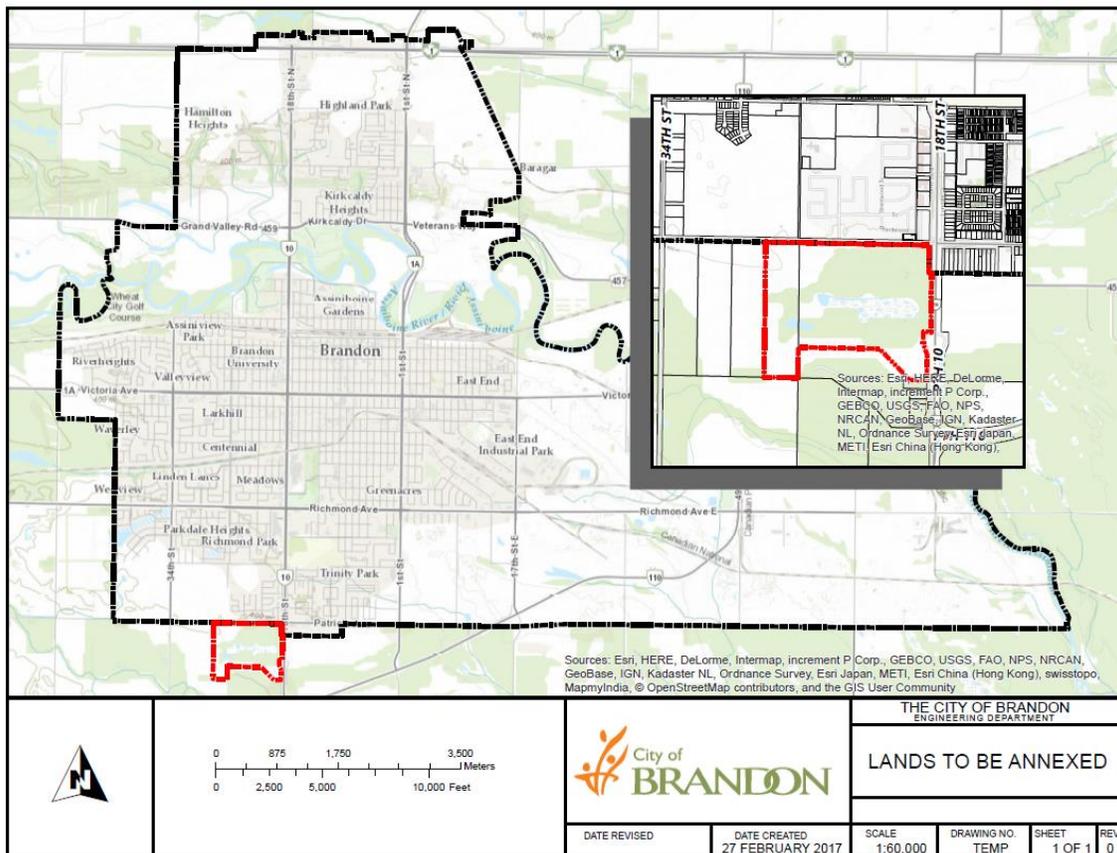
On April 18, the Council of the City of Brandon passed the following resolution to submit an annexation application to The Municipal Board:

“That the proposal to annex lands from the Rural Municipality of Cornwallis attached to the report of the Chief Planner as “Attachment A”, be submitted to The Municipal Board and that Administration initiate consultations in accordance with Section 71(1) of The Municipal Act.”

1.2 Location

The City of Brandon (“the City”) is proposing to annex a 69-hectare (170-acre) site from the Rural Municipality of Cornwallis (“the RM”) located to the southwest of the PTH 10 and Patricia Avenue intersection as shown on Map 1 below. The contour plan with site dimensions is attached as Schedule A.

Map 1: Location of land



1.3 Land Description

FIRSTLY: THE NE ¼ OF SECTION 3-10-19 WPM
EXC: GRAVEL PIT PLAN 1368 BLTO
AND EXC: ROAD PLANS 538 AND 36987 BLTO

SECONDLY: THE E1/2 OF LEGAL SUBDIVISIONS 11 AND 14 OF
SECTION 3-10-19 WPM

1.4 Names and Contacts of Municipalities Affected

City of Brandon
638 Princess Avenue
Brandon, MB R7A 0P3
Attention: Chief Planner – Ryan Nickel
E-mail: r.nickel@brandon.ca
Phone: 204-729-2124

Rural Municipality of Cornwallis
Site 500, Box 10, R.R. #5
Brandon, MB R7A 5Y5
Attention: CAO – Donna Anderson
E-mail: donna@gov.cornwallis.mb.ca
Phone: 204-725-8681

1.5 Ownership

VBJ Developments Ltd. is the sole owner of the site. The status of title is attached as Schedule B, and a letter of support from VBJ Developments is attached as Schedule C.

1.6 Context and Existing Conditions

Current Land Use

The site is designated Agricultural in the Brandon & Area Planning District Development Plan 2013 (“the Development Plan”) and zoned Agricultural “AG80” in the RM of Cornwallis Zoning By-law 1558/09/99. Portions of the site are currently in use for haying purposes.

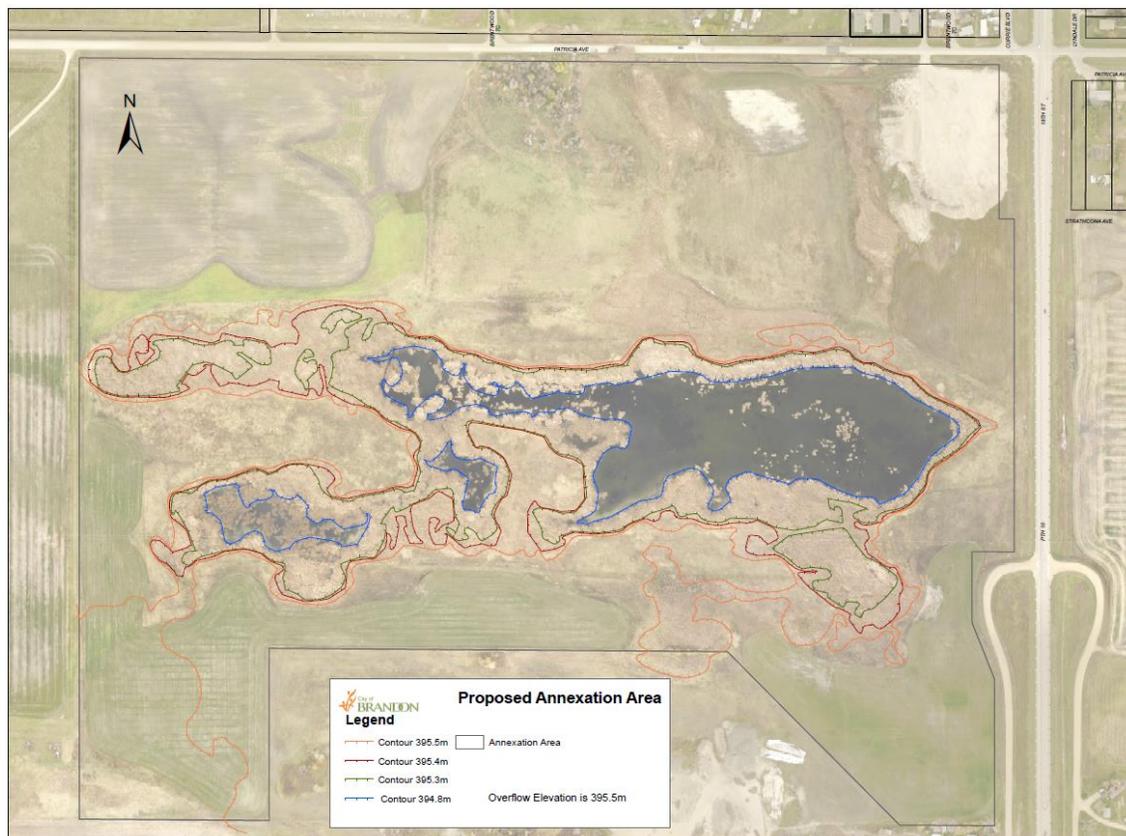
Adjacent Land Uses

The site is located south of Patricia Avenue and existing urban residential and commercial developments in the City. PTH 10 borders the land to the east and a 16.2ha (40 acre) rural residential lot is located to the west. A Manitoba Infrastructure utility yard and five rural residential lots are located to the south.

Wetland Area

A Class IV wetland (semi-permanent pond and lake) is located on the site. The wetland provides stormwater retention for a drainage catchment area, which includes properties located in the City. The natural storage volume of the existing basin is approximately 85,000m³ and encompasses an area shown on Map 3 below.

Map 3: Boundary of natural storage on property



Environmental

A phase 1 environmental site assessment was completed for the site (Schedule D). The potential for subsurface contamination at the site as a result of on- or off-site sources is considered low.

Geotechnical

A geotechnical report was completed for the site (Schedule E). The report identifies the area as having a high water table and soft surface material, and provides recommendations for constructing building foundations in the area.

Other Conditions

No other physical constraints (e.g. aggregate deposits or environmental considerations) are identified on the site.

2 Background

2.1 Previous Annexation

The City recently completed an annexation in 2011:

- The City proposed to annex lands to the southwest of the City boundary on March 6, 2008
- The proposal included three quarter-sections of land for residential development
- The Manitoba Municipal Board heard the application on August 13, 2010 and recommended that two of the three quarter-sections be annexed subject to conditions (Order No. E-10-15)
- The conditions included servicing of existing lots, terms of compensation, phasing of taxes and limits on future residential annexations (demonstrated land supply of less than 20 years)
- The annexation agreement was executed between the City and the RM on November 3, 2011

2.2 Brandon & Area Planning District Fringe Area Growth Strategy

Following the 2011 annexation, the Brandon & Area Planning District (“the Planning District”) undertook The Brandon & Area Planning District Fringe Area Growth Strategy (“the Growth Strategy”) to provide a framework for future urban growth. One of the reasons for the Growth Strategy (Schedule F) is to improve communication and cooperation between the member municipalities on fringe area development requests.

2.3 Urban Expansion Application

The Brandon & Area Planning District Board (“the Board”) adopted a process whereby the impacted municipalities must collaboratively review all development applications for urban expansion prior to an application for annexation. The Board established an intermunicipal committee comprised of elected officials from the RM of Elton, the RM of Cornwallis and the City of Brandon to review all urban expansion requests. The intermunicipal committee received an urban expansion request from VBJ Developments Ltd. on May 15, 2015 for the subject site.

The intermunicipal committee executed a Memorandum of Understanding (MOU) with VBJ Developments Ltd. to initiate the completion of all relevant background studies to evaluate the request. This proposal includes a summary of all the studies and demonstrates compliance with the terms of the MOU.

3 Development Concept

3.1 Proposed Land Uses

The driver of the annexation request is 20 hectares (50 acres) of land on the subject site identified for regional retail development located directly southwest of the PTH 10 and Patricia Avenue intersection as shown on Map 3 below. The regional retail development area projects to accommodate 37,161 square metres (400,000 square feet) of commercial floor area at full built-out. The residual portion of the site is proposed for a mixture of residential uses and types (approximately 1,000 dwelling units).

Map 3 – Development Concept



3.2 Timing of Development

The buildout of regional retail will include multiple phases with full build-out completed within five and ten years based on market demand. The initial phase is anticipated to include one major anchor tent along with pad sites for restaurants, a gas station and smaller retail spaces. The residential portion is identified for longer-term growth (20+ years).

4 Reasons for Annexation

The annexation is necessary for two reasons described in this section: a shortage of commercial land and land required for storm management.

4.1 Reason #1—Shortage of Land for Regional Retail Development

The Brandon Growth Forecast Final Report prepared by SJ Research Services (Schedule I) projects the City having a shortage of developable regional retail land, especially in the south growth area. The City will require additional commercial land in the south growth area.

- The City is the education, health, entertainment, commercial and retail centre for a growing trading area of over 180,000 people
- The City has a population of 48,859 (2016 Census) and has grown by 7,348 residents or 15% over the past 10 years
- The role of the City as a regional service centre and the growth of the city has increased the demand for all services, including regional retail
- The Brandon Growth Forecast Final Report projects the City to have sufficient commercial designated land supply to accommodate 15-20 years of growth
- The target in the Brandon and Area Planning District Growth Strategy for designated lands is 20-30 years
- The majority of the City's commercial designated land (80%) is located in the north growth area
- The majority of the City's residential growth (65%-75%) is occurring in the south growth area
- No commercial designated land exists in the south growth area which can be developed for regional retail
- The location of the proposed annexation is in the south growth area, directly south of the City and west of PTH 10 (the main commercial corridor in the City)

4.2 Reason #2—City Storm Water Network

The site proposed for annexation contains a wetland that is an essential part of the City's storm water management network.

- A class IV wetland (semi-permanent pond and lake) is located on the site
- The natural storage of storm water in the wetland is approximately 85,000m³
- The natural storage serves a catchment area, which includes 105 hectares (237 acres) currently located within the City
- At this time there is very little oversight to works being undertaken on the site
- Annexing the lands will allow the City to have the wetland/retention pond area dedicated as public reserve during development of the site
- The wetland/retention pond area, dedicated as a public reserve, will allow the City to operate and maintain the area as part of the overall drainage network

5 Principles for Annexation

The proposal complies with the six principles for annexation as determined by The Manitoba Municipal Board.

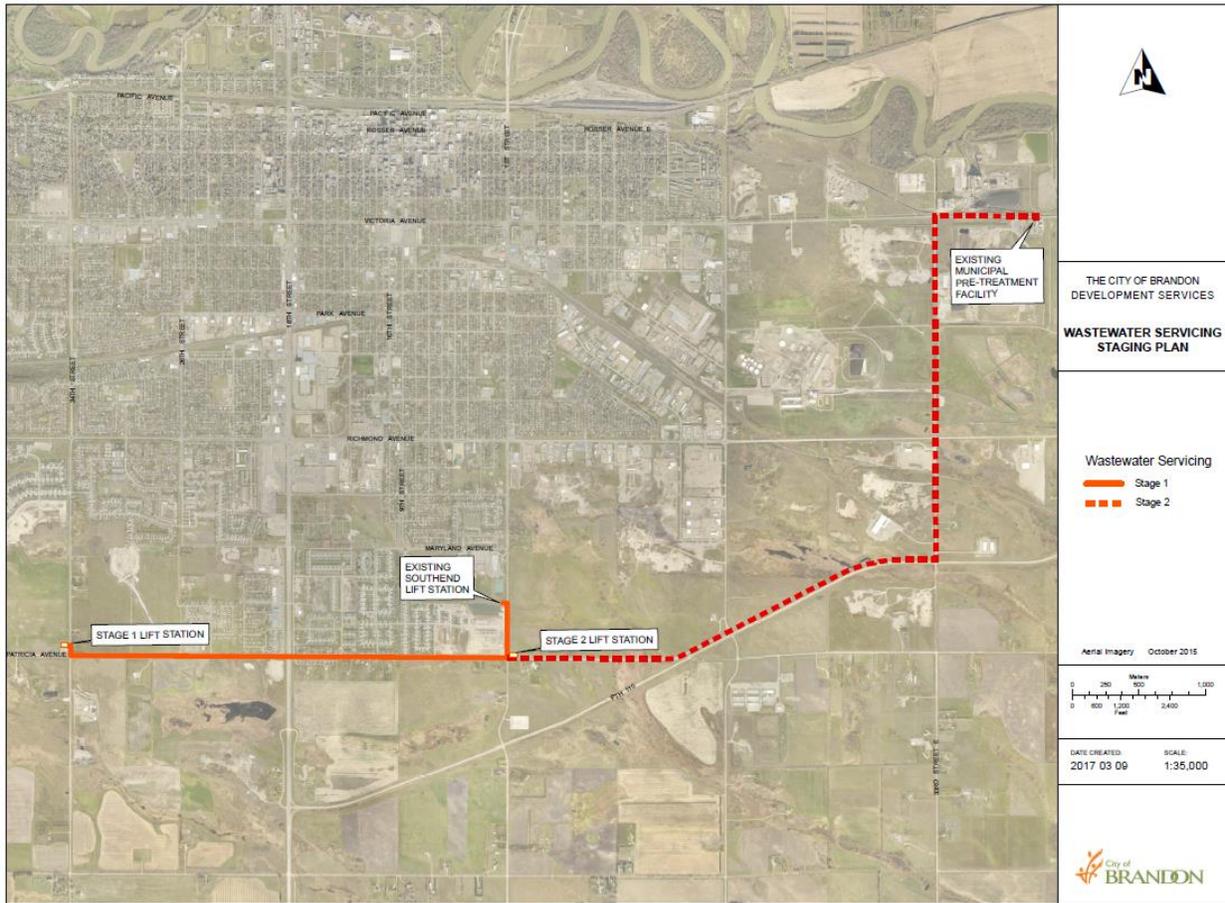
5.1 Principle #1—Servicing

Water and Wastewater

The City prepared a water and wastewater servicing assessment (Schedule F). The following are the key findings:

- The water service connection to the subject site will be to the existing 300mm watermain within the Patricia Avenue right-of-way
- The capacity in the water network is sufficient to accommodate the development to full build-out
- The wastewater network requires two stages of capital infrastructure investment to accommodate the full build-out of the development, along with other developments in the south growth area, as shown in Map 4 on the following page
 - Stage 1 includes a new lift station at 34th Street and Patricia Avenue and a new forcemain running east to the lift station at 1st Street and Patricia Avenue
 - Stage 2 includes a new a new lift station at 1st Street and Patricia Avenue and a new forcemain running east from 1st Street along PTH 110 to the Municipal Pre-Treatment Facility
- Proceeding with Stage 1 requires sufficient flow to proceed with the proposed Patricia Avenue and 34th Street lift station
 - In the interim, a portion of the development (maximum of 2.1 litres/second peak design flow) can connect temporarily to a 200mm domestic sewer located directly to the north of the site. This temporary connection shall be terminated at the time the stage 1 improvement is constructed.
 - The interim solution requires the wastewater main along Maryland Avenue between Tracey Street and 9th Street to be upgraded

Map 4: Conceptual Wastewater Staging Plan

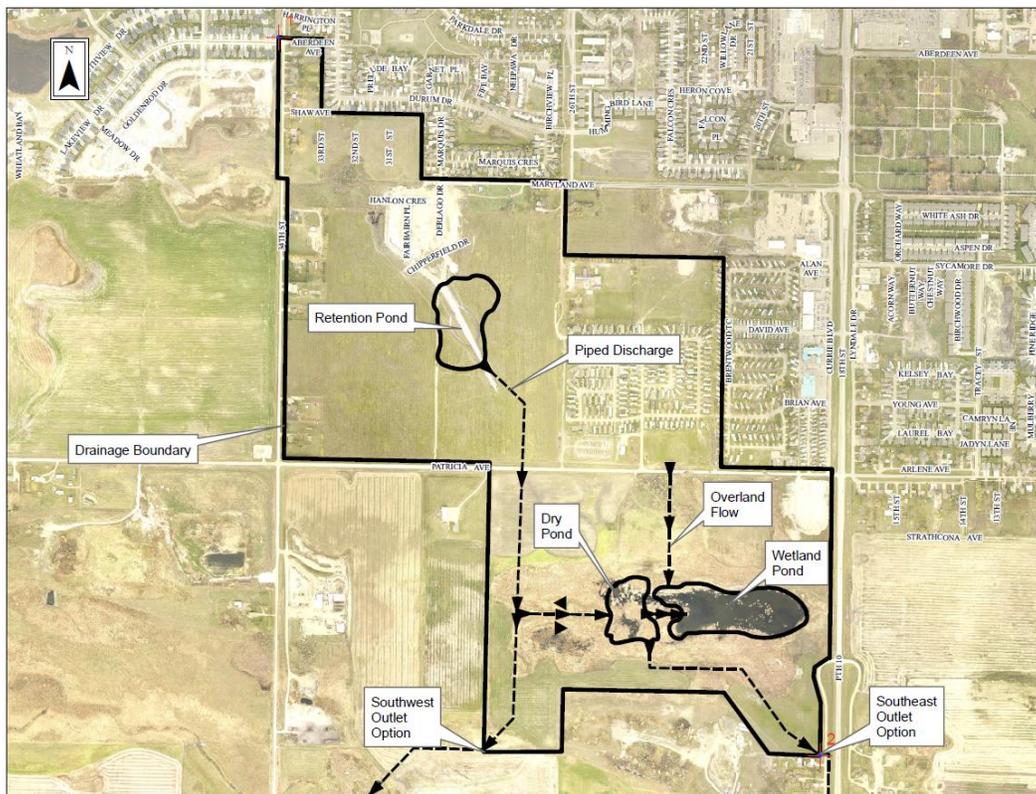


Drainage

WSP prepared a conceptual drainage plan on behalf of VBJ Development Ltd. (Schedule G). The following are the key findings:

- A Class IV wetland (semi-permanent pond and lake) is located on the site
- The wetland area is 36.4 hectares (89.9 acres), consisting of 5.5 hectares (13.6 acres) of deep marsh zone, 11.4 hectares (28.2 acres) of shallow marsh zone, 9.5 hectares (23.5 acres) of wet meadow zone and 11.0 hectares (27.2 acres) of low prairie zone
- The deepest part of the wetland is located in the deep marsh zone and has a depth of 1.2m
- The natural storage volume of the site is approximately 85,000m³
- The overall drainage boundary (catchment) area is 177.4 hectares (438 acres), which includes 105 hectares (237 acres) located in the City
- The establishment of a wetland pond will be included in the general shape and function of the deep marsh and shallow marsh zones of the wetland feature
- A dry pond will be interconnected to the wetland pond and sized to contain a 100-year storm event
- The wetland pond is recommended to include a slope of 6:1 to maintain a more naturalized border, including a 10-metre buffer zone of the shallow marsh zone
- Two outlet options are identified, including the Gun Club Coulee to the west and the PTH 10 ditch to the east (Map 5)

Map 5: Conceptual Drainage Plan



Transportation

WSP prepared a preliminary traffic study on behalf of VBJ Developments Ltd. (Schedule H). The following are the key findings:

- The study estimates high level impacts of the development on the adjacent roadway network
- The area for the study includes the evaluation of signalized intersections along 18th Street from Richmond Avenue to PTH 110 (Map 6)
- The Richmond Avenue and 18th Street intersection and the Patricia Avenue and 18th Street intersection may require upgrades to accommodate traffic from the development at full build-out
- Further analysis of the two intersections will be completed once detailed plans are completed

Map 6: Signalized Intersections Evaluated



Community Services

As new development occurs the demand for community services (e.g. police, fire/EMS, parks, libraries, recreation facilities, transit, administration) increases. As the land develops, City Council will evaluate the need to increase operating and maintenance allocations to provide services to the new businesses and residents.

Education Services

The subject site is located within the Brandon School Division (BSD). BSD has identified plans for the students from the annexed site to attend a new school to be constructed in the southwest area of the City (Brookwood South Neighbourhood).

Health Services

The Prairie Mountain Health Region currently provides health services to City residents and will provide health services to the subject site.

5.2 Principle #2—Social and Economic Ties

VBJ Developments Ltd. is the sole owner of the site. VBJ Developments Ltd. is proposing to develop the site for urban commercial and urban residential purposes. As an urban commercial/residential developer, the sole landowner has social and economic ties to the City.

5.3 Principle #3—Land Uses in Area

The proposed land uses include urban commercial and urban residential development. The Development Plan identifies that urban commercial and urban residential designations are to locate in the City. The location of the proposed annexation is to the west of PTH 10, which is the main commercial corridor in the City and an appropriate location for regional-scale commercial development.

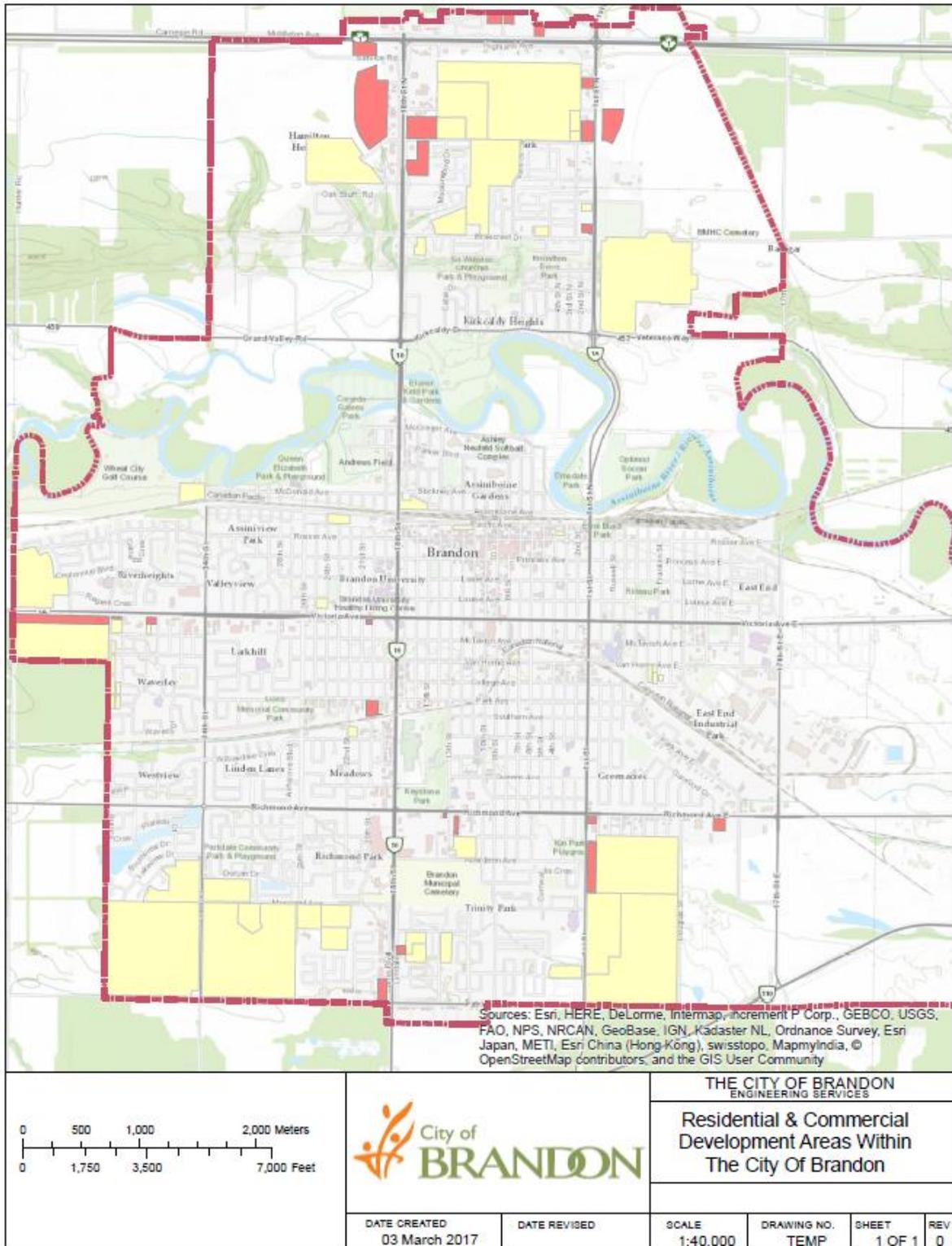
5.4 Principle #4—Viability and Future Growth – Land Supply and Demand

Land Supply

The City completed an inventory (Schedule I) of all undeveloped and underdeveloped properties available for residential and non-residential development in the City of Brandon (Map 7) as designated in the Development Plan.

- Residential designated areas (yellow) can accommodate 9,000-10,000 dwelling units
- Commercial designated areas (red) include 54 hectares (133 acres) which can accommodate 300,000m² (3,200,000ft²) of commercial floor area
- The south growth area includes nine hectares (22.2 acres) of commercial designated land

Map 7: Residential and Commercial Supply



Land Demand

SJ Research Services provided a land development forecast for the City (Schedule I). Table 1 below identifies residential unit and commercial land area projections for a 30-year growth period.

Table 1: Residential and Commercial Demand

Year	Housing Starts (units)	Commercial (ha)
2020	1,362	14
2025	2,768	28
2030	4,214	43
2035	5,695	58
2040	7,209	72
2045	8,748	87

Summary

- Residential designated areas are projected to accommodate 30-35 years of residential growth
- Commercial designated areas are projected to accommodate 15-20 years of commercial growth
- During the past 5-10 years, the majority of new residential dwelling units (65% to 75%) have been constructed in the south growth area
- No commercial designated areas exist in the south growth area which can accommodate regional retail development

5.4 Principle #4—Viability and Future Growth – Policy Analysis

Prosperity by Design (Economic Development Strategy) 2014-2019

The City’s Economic Development Strategy focuses resources on strategic directions and targeted sectors for continued growth. Highlights of the strategy are as follows:

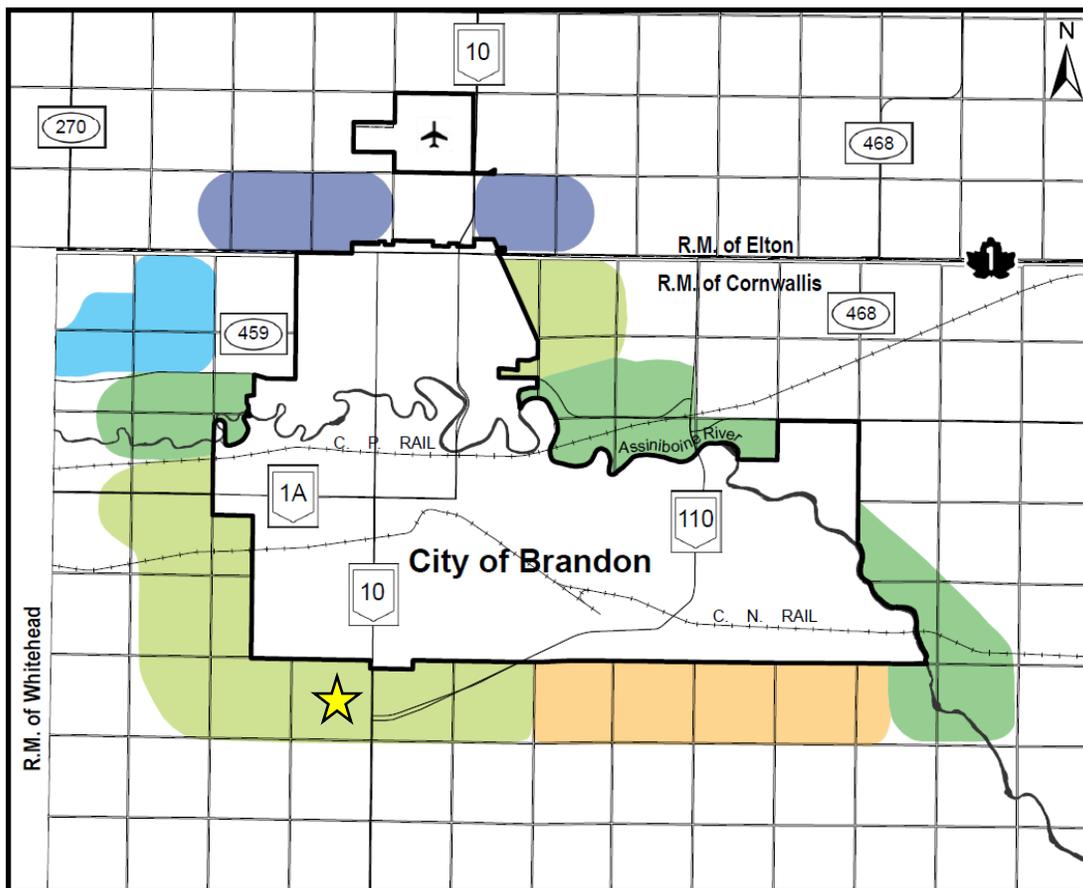
- One of the five target sectors identified in the strategy is regional retail to enhance the City’s role as a regional retail service centre
- Proven demand exists for an expansion of regional retail
- The City is a regional service centre with a growing population and increasing household income
- Retail “leakage” is occurring due to the shortage of developable land and lack of infrastructure to the most desirable sites
- Target of an additional 400,000 square feet of retail space over the length of the strategic plan (by end of 2019)
- The City will proactively attract new regional retail development

Brandon & Area Planning District Development Plan, 2013

The Development Plan provides direction on future urban growth in the Planning District.

- The annexation is for lands directly to the south of the City and located in an area identified for future urban residential, recreational, institutional and commercial land uses (light green on Map 8).
- The proposal complies with the criteria for new development (Policy 11.2.2)
 - The subject site is not identified as an aggregate resource
 - Infrastructure services appropriate for the development have been provided
 - The site is located on the north side of the PTH 110 corridor where the majority of development already exists
 - The proposal demonstrates a need for an additional supply of urban commercial designated land

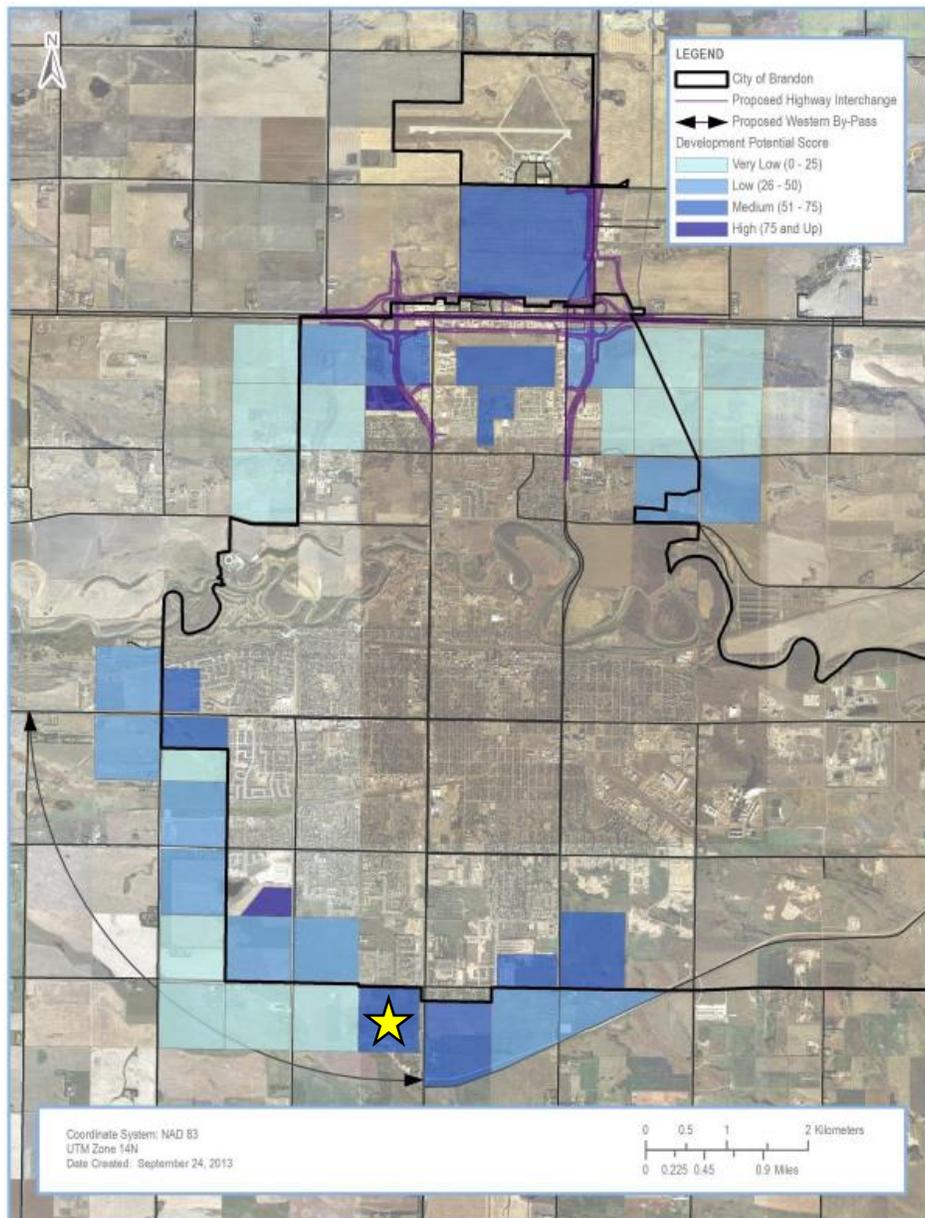
Map 8: Future Growth (Reference Map 10 of Development Plan)



Brandon & Area Planning District Fringe Area Growth Strategy

The Growth Strategy refines the growth areas in the Development Plan. The Growth Strategy coordinates infrastructure and land use planning by identifying areas where urban growth is likely to occur in the immediate, intermediate and long term horizons. The evaluation of the lands in the Growth Strategy identified the subject site as having “medium” development potential (Map 8). The site’s “medium” development potential score was primarily a result of the high probability of commercial/regional retail development.

Map 9: Development Potential of Fringe Area



The proposal complies with the following Growth Strategy policies:

- The site is located in the southeast Brandon growth node (Policy 6.2.1)
- The annexation is necessary to provide an adequate urban commercial designated land supply within the City (Policy 6.1.4)
- The site is located north of the conceptual plan for the future PTH 110 westerly extension (Policy 6.2.2)
- The site is a priority three area (long-term growth) in the growth strategy (Policy 6.3.1) and complies with the three criteria for urban development:
 - Complies with policies in the Growth Strategy and the Development Plan
 - Located in a Growth Node
 - Complies with the targeted land supply of 20-30 years
- The proposal demonstrates the serviceability of the site as part of the larger infrastructure network and identifies a plan to increase capacity to accommodate the development (Policies 6.5.1 & 6.5.2)
- The proposal includes terms to compensate the RM for the loss of potential property tax revenues

5.5 Principle #5—Will of the People

VBJ Developments Ltd. is the sole owner of the site. A letter of support from VBJ Development Ltd. is attached to this proposal as Schedule D.

5.6 Principle #6—Geographical Boundaries

The subject site is directly south of the City boundary and north of the conceptual PTH 110 westerly extension. The boundary is not a straight line as shown in Map 10 below, as the City does not want to annex the Manitoba Infrastructure utility yard or the rural residential properties south of the site.

Map 10: RM land ownership



6 Terms of Annexation

6.1 Municipal Responsibilities

The City will be responsible for operating and maintaining new public infrastructure (e.g. transportation, water, wastewater, drainage) and providing community services (e.g. police, fire/EMS, operations, community development) for the subject site. As the subject site develops, the City will evaluate the need to increase operating and maintenance allocations to accommodate the new growth.

The annexation will not affect servicing responsibilities for the RM as the site is currently undeveloped and the City and Manitoba Infrastructure operate and maintain the roads bordering the site (Patricia Avenue and PTH 10).

6.2 Property Tax Implications

The subject site is valued at \$236,400 and classified as “farm property” by Manitoba Provincial Assessment (2016 Tax Year). The 2016 municipal property tax for the site was \$391.19. If the site were located in the City, the site’s municipal property taxes would have been \$974.33.

One property owner (who initiated the annexation request) owns the subject site. The City proposes that the City’s property tax rates will apply from the date of annexation. Once the site is developed (for commercial and residential purposes), the taxes will increase proportionally.

The RM tax revenue will be reduced by \$391.19 a year. The City is prepared to negotiate mutually acceptable terms during the consultation process.

6.3 Drainage Impacts

During the urban expansion process, the RM reinforced the importance of the existing wetland as a natural asset. In particular, the wetland is important in managing surface storm water runoff into the RM and filtering the storm water that infiltrates into the aquifer that provides water to RM residents. The City agrees that the wetland is important as a natural asset and proposes the following draft terms be included in the annexation agreement:

- Development of the subject site will result in no net loss to the natural storage of storm water on the site
- Any development of the wetland shall incorporate principles of naturalization, including but not limited to intercepting and filtering overland runoff, filtering out coarse sediment, and impeding colonization by undesirable invasive species
- The City will invite the RM to undertake a peer review of any conceptual or detailed drainage plans submitted to the City and Manitoba Sustainable Development as part of any rezoning and subdivision application to develop the site

7 Development Process

Following submission of the annexation proposal, the developer will submit an application to amend the Development Plan to the Board. The development plan amendment application will run concurrently with the annexation request and allow consultations to proceed on both applications at the same time. The by-law to re-designate the subject site will be contingent on the annexation being completed and shall not be adopted until the annexation is approved.

The City will receive all other development applications, including secondary plan, rezoning and subdivision, as well as development building permit applications, following approval of the annexation.

8 Consultations

Pursuant to Section 37(1) of The Municipal Act (Manitoba), following submission of the annexation proposal, the City will initiate consultations. The intent is to have all consultations completed between May and August of 2017.

8.1 RM of Cornwallis

The consultation with the RM will be a continuation of the consultation held during the urban expansion process:

- The City (Council and administration) will present the annexation proposal at an RM Council meeting to clarify the request and answer any questions
- If the RM is amendable, the City and the RM will begin discussions regarding terms to be included in an annexation agreement
- An inter-municipal committee comprised of elected officials and administration from both municipalities will negotiate the terms of the annexation agreement
- At the conclusion of the consultation, the intent is to have the RM Council pass a resolution to support the annexation and the terms for annexation in a draft agreement

8.2 Local Authorities

The local authorities for the annexation proposal are

- The Brandon & Area Planning District
- The Brandon School Division
- The Assiniboine Hills Conservation District
- The Prairie Mountain Health Regional Health Authority

The City will be in contact with representatives of each local authority (in person meeting, open house or phone call). Each local authority will be invited to provide formal comments in writing by the end of the consultation period.

8.3 Public

The City will consult the following public stakeholders:

- *Neighbouring property owners and general public* — The City will host two open houses:
Open House #1 – To introduce the annexation proposal and facilitate feedback (End of May).
Open House #2 – To provide a summary of the feedback received and any changes to the annexation proposal (End of July).
- Notices for the open houses will be sent to all property owners within 200m of the subject site. The City will provide the option of individual meetings with neighbouring property owners who desire to discuss the proposal in further detail.
- *Owner of the subject site*—The City will hold reoccurring meetings with the owner of the subject site throughout the consultation process.

8.4 Consultation Report

Pursuant to Section 37(2) of The Municipal Act, upon conclusion of the negotiations and consultations, the City will submit a report to The Manitoba Municipal Board that describes the results of the negotiations and consultations, including

- a description of the negotiations undertaken and a summary of the views expressed
- a description of matters agreed on and not agreed on by the proponent and affected municipalities
- a description of the consultations undertaken and a summary of the views expressed
- a statement of the content of the original proposal and particulars of any amendments to the proposal made in the report and the reasons for them
- a list of studies prepared by or for the proponent respecting the proposal and a summary of their findings
- a statement as to whether the proponent intends to proceed with the proposal at all, as initiated or in an amended form