

## The Assiniboine Gardens Secondary Plan

SCHEDULE A OF BY-LAW NO.  
7280

*Prepared by the  
City of Brandon*



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## **1.0 INTRODUCTION**

### **Origin of "Assiniboine Gardens"**

'In the years prior to WWII the Canadian Pacific Railway played a very significant role in the area, being the major employer. Equally as important up until the major river floods of the 1950s were the many gardens which took advantage of the rich Assiniboine Valley soils. Gardening which was practiced both as a hobby and business (market gardens), proved quite important in sustaining the community, through the difficult years of the 1930s depression. Unfortunately, since the destruction caused by these floods, and the intrusion of major industries into the "flats", most of these gardens have been replaced by scrub bush, water ponding areas, weeds and wasteland.' (1977 Concept Plan - Neighbourhood Improvement Program - Assiniboine Gardens Area)

### **1.1 Purpose of the Secondary Plan**

The Assiniboine Gardens Secondary Plan ("Secondary Plan") establishes the policy framework for the future planning and development of the Secondary Plan area in the City of Brandon ("City"). The intent of the Secondary Plan is to support and promote new public and private investment that is connected and compatible with adjacent development and the nearby Assiniboine River.

### **1.2 How to Read This Document**

The Secondary Plan should be read in its entirety, as many aspects of the Secondary Plan are closely interrelated. Policies included in one section may apply in other areas. The Brandon & Area Planning District Development Plan, 2013 ("Development Plan"), along with the City of Brandon Zoning By-law ("Zoning By-law"), provide important policy context and implementation tools for the Secondary Plan.

This Plan is organized into Parts and Maps:

- Part 1 provides context and principles, and establishes the overall framework of the plan
- Part 2 includes land use policies within the Secondary Plan area
- Parts 3 through 5 include policies on connectivity, servicing, and the environment
- Part 6 provides for plan implementation
- Maps A through E provide mapping to illustrate the special application of policies and generally guide planning and development decisions in the Secondary Plan area

Parts 1 through 6, including all maps and figures, are statutory elements of the Secondary Plan and cannot be adjusted, except where indicated elsewhere, without an amendment. The reference maps and appendices provide background information and are not part of the Secondary Plan, and any changes to the reference maps and appendices will not require a secondary plan amendment.

### 1.3 Location of the Secondary Plan Area

The Secondary Plan is located in the northern central part of the City of Brandon, bound by a dike to the north, east and west, Stickney Avenue and McDonald Avenue to the south, and 26<sup>th</sup> Street to the west (see Figure 1).

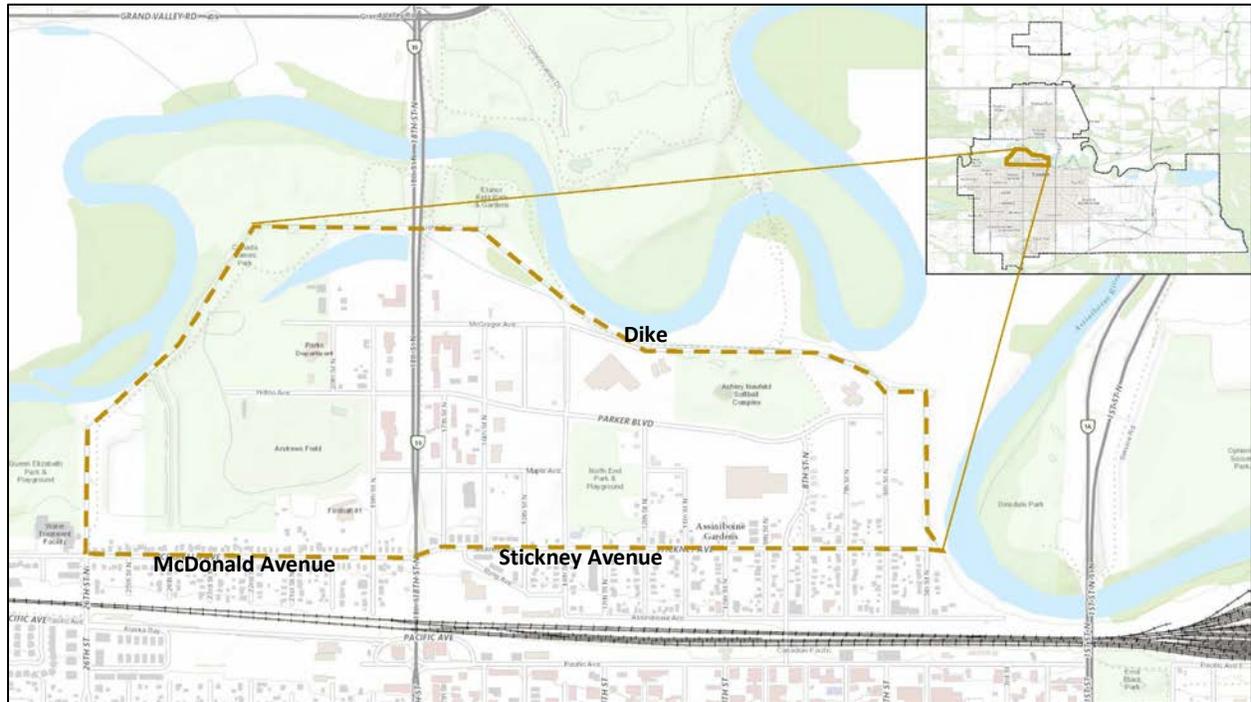


Figure 1: The Assiniboine Gardens Secondary Plan area

### 1.4 Objectives of the Secondary Plan

The objectives of the Secondary Plan are as follows:

- (a) To prepare a Secondary Plan that is consistent with The Planning Act and conforms to the Development Plan
- (b) To balance the desire for economic development and rights of existing property owners while considering the risk to people and property due to flooding and other emergencies
- (c) To provide a development framework for properties within the Secondary Plan area that ensures compatible, efficient, and connected land uses
- (d) To align the land use vision with the existing greenspace and recreation vision for the area as outlined in the Greenspace Plan and the Assiniboine River Corridor Master Plan
- (e) To bring new investment and vibrancy to the area while ensuring the cost-effective provision of municipal infrastructure

## **1.5 Interpretation**

### **1.5.1 Policy Application**

The Secondary Plan refines and complements the provisions of the Development Plan. The detailed policies in the Secondary Plan shall supersede the policies in the Development Plan. Where the Secondary Plan is silent on matters contained in the Development Plan, the relevant provisions of the Development Plan shall govern.

In cases where the word “**may**” is included in a policy, the policy is a guideline or suggestion toward implementing the intent of the policy.

In cases where the word “**should**” is included in a policy, the policy will apply to a majority of situations. However, deviation from the policy may occur in a specific situation where it is necessary to address unique circumstances that would otherwise render compliance impractical or generate substantial hardship, and to allow an acceptable alternate means for achieving the general intent of the policy.

In cases where the word “**shall**” or “**will**” is included in a policy, the policy is mandatory. However, where actual quantities or numerical standards are contained within a mandatory policy, deviation from the quantities or standards may occur, provided that the deviation is necessary to address unique circumstances that would otherwise render compliance impractical or generate substantial hardship, and the intent of the policy is still achieved.

### **1.5.2 Secondary Plan Components**

**Maps:** The Secondary Plan area shall be developed in general accordance with the information provided in the Maps where that information is deemed relevant to development within the area. For the purposes of the Secondary Plan, references made to “areas designated” shall mean the areas designated on the Maps. Except where otherwise indicated, elements in the Maps (except reference maps) cannot be adjusted without an amendment to the Secondary Plan.

**Reference Maps:** The reference maps included in the Secondary Plan are for general information. The maps are drafted to a conceptual level of detail and the respective utility providers should be consulted for detailed information concerning their servicing networks and capacities. The reference maps are not part of the Secondary Plan and any changes thereto will not require a secondary plan amendment.

**Appendices:** The Secondary Plan appendices include technical reports on servicing, transportation, the environment, and implementation recommendations. The appendices provide background information and are not part of the Secondary Plan, and any changes thereto will not require a secondary plan amendment.

### **1.5.3 Amendments to the Secondary Plan**

The Secondary Plan is a by-law of the City. Amendments are required to follow the procedure established in Part 5: Zoning By-laws under The Planning Act through application to the Planning & Buildings Department. Supporting information required to evaluate and justify the amendment will be required. Revisions may be made to the Secondary Plan without the need for a secondary plan amendment in the following cases:

- (a) Correction of numbering, cross-referencing, grammar, punctuation, or typographical errors, or revisions to format in a manner that does not change the intent of a provision
- (b) Adding or revising technical information on maps that does not affect the designation of lands, including but not limited to matters such as updating and correcting infrastructure information, keys, legends, or title blocks
- (c) Changes to headings, tables of contents, figures, page numbering, footers, and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only
- (d) Changes to reference maps and appendices

### **1.5.4 Monitoring, Review, and Evaluation**

The Secondary Plan is intended to be a dynamic document that will change as circumstances change within and adjacent to the Secondary Plan area. The City shall undertake periodic reviews of the Secondary Plan to ensure the Secondary Plan remains consistent with the objectives and policies of the Development Plan.

## **1.6 History of the Secondary Plan Area**

Assiniboine Gardens is a low lying and flat area that has been affected by multiple significant floods over the years that have impacted the safety and livelihood of area residents (Figure X). The risk of flooding has driven both infrastructure improvements and land use regulations for the area.

The first dike for The Assiniboine Gardens was built in 1976 in response to a major flood where the floodwaters reached Stickney Avenue. At this time, the land use vision was primarily for industrial development, naturalized greenspace areas, and commercial uses along 18<sup>th</sup> Street North. The City largely maintained this vision until 2000 when the City adopted a revitalization strategy to facilitate more residential development in the area. Due to market and regulatory challenges, the vision to intensify The Assiniboine Gardens did not materialize.

The City experienced significant flooding events in 2011 and 2014 that led to a reevaluation of planning for The Assiniboine Gardens and diking upgrades in both 2011 and 2017. The policy direction in The Brandon and Area Planning District (BAPD) Growth Strategy and the Development Plan was to limit new development, especially residential, and have a secondary plan prepared to guide future development of the area. To this end, the City has undertaken a secondary plan and zoning by-law amendment process to provide a vision and development standards for The Assiniboine Gardens that balances the development rights of property owners and the role of the City to reduce risk to people and property because of flooding.

## **1.7 Background**

### **1.7.1 Summary of Existing Land Uses**

The Secondary Plan area has a mix of uses including commercial, industrial, residential, and Open Space. Since the City's establishment in 1882, there have been a mix of residential, industrial, and crop-based agricultural uses in the Secondary Plan area, with industrial uses mostly along Assiniboine Avenue adjacent to the CP railway right-of-way. Some of the houses still standing in the Secondary Plan area were built in the first decade of the 20<sup>th</sup> century. As this area continued to evolve, and modes of transportation expanded to more than river and rail, the primary use for these lands has changed from industrial and agricultural to commercial and residential. The industrial uses near the Assiniboine River continue to function as lawfully non-conforming uses that existed before the enactment of an earlier zoning by-law in 2001. These uses can continue to exist without increased intensity or change of use.

### **1.7.2 Existing Land Use Designations and Zoning**

The Zoning By-law identifies Residential Low Density (RLD) for sites along Stickney and McDonald Avenues. The water treatment plant at the northwest corner of the 26<sup>th</sup> Street North/McDonald Avenue intersection is zoned Educational and Institutional (EI). Most sites along or near 18<sup>th</sup> Street North are zoned Commercial Arterial (CAR), and sites along Parker Boulevard are mostly zoned Industrial Restricted (IR). The rest of the Secondary Plan area is zoned Open Space (OS). Reference Map 1 shows existing zoning within the Secondary Plan area.

### **1.7.3 Demographics**

There are approximately 600 people or 1% of the City's population living in The Assiniboine Gardens area. The average income in the area is slightly lower than the city average, and approximately half of the residents are homeowners. Proportionally more residents in the area walk, take transit or bike to work than other areas of the City (Statistics Canada).

### **1.7.4 Fixed Secondary Plan Elements**

The Secondary Plan area includes a number of fixed elements outlined below and illustrated on accompanying maps.

#### *City of Brandon Facilities*

The City of Brandon has the following municipal facilities within the Secondary Plan area:

- Wastewater lift station at the Parker Boulevard/14<sup>th</sup> Street North intersection
- Storm water lift station at 14<sup>th</sup> Street North and McGregor Avenue
- Water treatment plant just west of the Secondary Plan Area
- Fire Hall No. 1
- Parks and Recreation Services Department office and compound
- Shallow utilities and natural gas (Reference Map 3)

### *Transportation*

The Secondary Plan area's transportation services include (see Map C)

- Provincial highway and major north-south arterial street: PTH 10/18<sup>th</sup> Street North, including the Daly Overpass
- Transit: two bus routes, one on 18<sup>th</sup> Street North, the other looping through the eastern half of the Secondary Plan area
- Multi-use (active transportation) trails: Future 8<sup>th</sup> Street bridge connection from downtown through the Secondary Plan area to the Riverbank Discovery Centre and beyond
- Major east-west collector streets include Stickney Avenue, McDonald Avenue, and Parker Boulevard, all paved

### *Topography*

Western lands in the Secondary Plan area generally slope northward to the Assiniboine River. Eastern lands have very little drainage grade with elevations as low as 358.2m above mean sea level at 6<sup>th</sup> Street North. The water table is quite high in particularly low areas, such as the northern portion of 6<sup>th</sup> Street North where ground water flooding is known to occur.

### *Drainage*

The drainage system in the Assiniboine Gardens mainly consists of ditches that direct water towards 14<sup>th</sup> Street North, collected in a pond and discharged into the Assiniboine River through the 14<sup>th</sup> Street storm water lift station.

### *Snye Creek*

Snye Creek, also known as Snye River, flowed from Assiniboine River from about the west end of McGregor Avenue, south through what is now Andrews Field, across 18<sup>th</sup> Street North, east towards 9<sup>th</sup> Street North, and back up to the Assiniboine River near the northwest corner of what is now Ashley Neufeld Softball Complex. Snye Creek was used for transportation of materials from northern Manitoba to the Assiniboine Gardens. Since the creek could only be used when the Assiniboine River flooded, it started to dry and be more of a nuisance than a benefit to the neighbourhood. Partly in an attempt to address localized flooding in the neighbourhood, the creek was allegedly filled with a mix of fill and refuse, with the alleged refuse raising a flag for potential methane gas in the area, see Map D (The McKee Archives, *The Brandon Sun*, Manitoba.ca, City of Brandon, *Brandon: A City* by G.F. Barker).

### *Flood Protection Dike*

A floodplain is an area subject to flooding when a river overflows. In the Secondary Plan area, the southerly limit of the Assiniboine River floodplain generally follows Stickney and McDonald Avenues. The existing flood protection dike between the Secondary Plan area and the Assiniboine River was first built in 1976. It was built up higher as late as 2017 to provide better protection of the Secondary Plan area from future flood threats. The dike was designed to withstand a high water event with a statistical 0.33% chance of occurrence at the time of design. Additional space is provided at the top of the dike to accommodate temporary diking measures during a flood event that exceeds the design level.

### *Community Amenities*

The Secondary Plan area is home to a variety of recreational uses, such as the Ashley Neufeld Softball Complex, North End Community Centre, Canada Games Park, and Andrews Field. The Assiniboine River Corridor Master Plan highlights how trails and greenspaces will connect these different uses (see Map A).

### *Environmentally Contaminated or Impacted Sites*

Manitoba Climate and Conservation identifies two impacted sites in the Secondary Plan area. Additional environmental impact assessments through the Province of Manitoba may be required prior to developing these sites (see Map D).

### *Existing Development*

The area has a total of 213 households in the plan area. 56% are single detached, 25% are apartments, 11% are row housing, 6% are semi-detached, and 2% are duplex dwellings.

## **1.7.5 Regulatory Context**

### [Development Plan](#)

The Brandon & Area Planning District Development Plan, 2013 (“Development Plan”) identifies part of the Secondary Plan area under a “Future and Existing Secondary Plan Areas” designation. The Development Plan recommends development regulations within flood-prone areas, with intensified development directed away from such areas. Lands closest to the Assiniboine River outside the dike protection area, also known as the floodway, are restricted to natural use areas and public open space. There should be engineering investigations for developments close to the Snye Creek bed, and property owners should enter into save harmless agreements prior to developing in the flood risk area.

### [Fringe Area Growth Strategy](#)

The Brandon & Area Planning district Fringe Area Growth Strategy (“Growth Strategy”) recommends that floodplain areas be avoided for future residential development. Recent high water events, provincial regulations, and a changing climate have made overland flooding a serious concern. These areas therefore were not evaluated and will still need to be planned to accommodate development activities under existing zoning but mostly for passive uses, such as parks and recreational uses that will accommodate high water events. Diked areas within the flood-fringe may be considered for commercial development when allowed by existing zoning.

### [Recreation Master Plan](#)

The 2019 City of Brandon Recreation Master Plan provides a 20-year vision and framework for city recreation and community facilities. The Secondary Plan area includes neighbourhood, City and regional assets, such as community centres, softball complexes, parks and playgrounds, and Andrews Field. The implementation plan of the Recreation Master Plan identifies the planned upgrades for these facilities.

### [Greenspace Master Plan](#)

The 2015 City of Brandon Greenspace Master Plan provides a 20-year guide for development of new high quality greenspaces, the upgrade of existing parks, and the completion of the trail system. The Secondary Plan includes parks and trails identified for improvement and maintenance in the Greenspace Master Plan, such as baseball diamonds and trails, Andrews Field, Ashley Neufeld Softball Complex, North End Park, Canada Games Park, and the skating oval.

### [Brandon Assiniboine River Corridor Master Plan](#)

The Brandon Assiniboine River Corridor Master Plan (ARCMP), adopted by City Council in 2015, proposes to make the corridor a living lab, supporting active living in the corridor in all seasons through sport and leisure amenities, and transform the corridor into a great place to gather, harnessing local arts and culture.

### [Methane Gas Sites Policy](#)

The City of Brandon Methane Gas Sites Policy limits development over and near known and alleged sources of methane gas out of concerns for human health. The Snye Creek bed was allegedly filled with refuse, causing the City to flag most of the former creek bed as a methane gas site. Development may still occur near the former creek bed subject to Methane Gas Policy, and property owners should enter into save harmless agreements prior to development as needed.

## **2.0 LAND USE**

This part of the Secondary Plan outlines the policies for specific land use designations and use types within the Secondary Plan area. The City will assess development applications and future implementation actions against the policies for the area that the land is located as identified in Map A. The land use policy vision is the result of a community and stakeholder consultation process that assessed the community's risk tolerance for different development types in the Secondary Plan area.

### **2.1 Residential**

The intent of these policies is to allow a moderate increase in residential development in the Secondary Plan area. An increase in housing investment in this area will increase economic growth, and make the area safer and the neighbourhood more desirable. However, the density of residential development should be limited due being in a protected floodplain area and the limited emergency evacuation route options.

- 2.1.1 Residential areas within the Secondary Plan, in the general locations as shown in Map A, provide for primarily low-density housing options such as detached, semi-detached, and duplex dwellings.
- 2.1.2 More intense low-density housing, such as three- and four-unit multiple dwellings, are allowed in accordance with zoning standards on existing Residential Low Density (RLD) Zone sites with frontage along Stickney Avenue.
- 2.1.3 The rezoning of lands for moderate density housing developments, such as 12-unit multiple dwellings, may be supported along Stickney Avenue provided there is sufficient servicing capacity and the site has access to a functional rear lane.
- 2.1.4 Residential Low Density sites should have reduced lot coverages of typically 40% or less to allow for natural infiltration of storm water runoff and to limit density.
- 2.1.5 The City should encourage integration of compatible uses, such as open space and community uses, into residential areas to meet the residents' recreational needs.
- 2.1.6 The City should explore partnerships to develop a mixture of housing types and tenures, including affordable housing on City-owned residential properties.
- 2.1.7 Where sites do not have water and sewer services available, such sites may be considered for development under the Residential Large Lot (RLL) Zone.
- 2.1.8 Pursuant to the Zoning By-law, dwellings may have live-work spaces approved as commercial conversions.
- 2.1.9 Multiple-unit construction may be allowed in the Employment Lands area where the dwelling units are located on or above the second storey and above the design flood level.

## 2.2 Employment Lands

The Secondary Plan area includes Employment Lands with commercial uses generally located closer to 18<sup>th</sup> Street North and industrial uses further east with less traffic visibility. The policies in this section encourage commercial development while accommodating light industrial uses that are compatible with neighbouring residential development. Increasing business growth in the Secondary Plan area will increase pedestrian/vehicle movement and vibrancy.

- 2.2.1 The Employment Lands area within the Secondary Plan, in the general location as shown in Map A, provides a range of services and generates local employment opportunities through a variety of commercial and light industrial land uses.
- 2.2.2 Commercial uses may be located throughout the Employment Lands area. Commercial uses serving the needs of the larger city market and the travelling public are encouraged to locate along or near 18<sup>th</sup> Street North with better visibility and access from the arterial street.
- 2.2.3 Light industrial uses should concentrate in the eastern portion of the Employment Lands area. Outdoor storage associated with such uses may exist provided that
  - (a) New storage areas are not visible from the front of the site
  - (b) Items being stored are easily removable in case of an emergency
  - (c) The storage areas do not contain toxic or substances that would be harmful to health or environment
- 2.2.4 New commercial uses should create an esthetically pleasing environment by
  - (a) Following the urban design and landscaping requirements under the City of Brandon Urban & Landscape Design Standards Manual
  - (b) Providing a landscape buffer as a transition to adjacent non-Employment Lands areas
- 2.2.5 Trees should be planted as an alternative to shrubs along all site frontages where planting of boulevard trees is not feasible.
- 2.2.6 Place-making initiatives by community and private groups, such as public markets are encouraged.
- 2.2.7 Employment Lands sites may also have live-work spaces approved as commercial conversions.

## **2.3 Greenspace and Recreation**

The ARCMP establishes the vision and direction for Greenspace and Recreation in the Secondary Plan area. The Secondary Plan supports this vision by providing direction on land uses to complement the vision.

- 2.3.1 The vision for and uses of the Greenspace and Recreation areas, in the general locations as shown in Map A, shall be in accordance with the ARCMP.
- 2.3.2 Lands used for drainage retention as part of the Daly Overpass may be developed as community greenspaces (see Maps A and E).
- 2.3.3 Encourage establishment of greenspaces and community spaces on undevelopable vacant sites, and partnerships to establish public access to private community spaces.
- 2.3.4 Utilize the Methane Gas Sites Zone 1 lands, generally along the Snye Creek bed, for greenspaces, unpaved trails, and community uses such as raised community gardens.

### **3.0 CONNECTIVITY (MOBILITY)**

The street and transit network is established in the Secondary Plan area. Some streets are not built to current City standards, limiting development opportunities. The Secondary Plan intends to accommodate increased activity in the area by integrating and improving connectivity of pedestrian, bicycle, vehicle, and transit networks. Development in the Secondary Plan area shall prioritize all modes of transportation. Maps B and D identify connectivity opportunities in the area.

#### **3.1 Active Transportation Policies**

- 3.1.1 Map B identifies connectivity opportunities in the Secondary Plan area.
- 3.1.2 Sidewalks should be provided on both sides of commercial streets and on at least one side of a local street.
- 3.1.3 Trails, sidewalks, and pathways identified in the Greenspace Master Plan and ARCMP shall have priority. Active transportation routes are preferred as off-street trails, but may be developed as on-street shared roadways or bike lanes where boulevard space is limited (e.g. Stickney Avenue).
- 3.1.4 Primary active transportation routes connect celebration and activity greenspaces, destinations, and amenities in and around the Secondary Plan area along the dike, Stickney Avenue, McDonald Avenue, 8<sup>th</sup> Street North, Parker Boulevard, Hilton Avenue, and 18<sup>th</sup> Street North.
- 3.1.5 Secondary active transportation routes provide connections between the primary off-street trails, leisure greenspaces, and natural areas, allowing for local active transportation use.
- 3.1.6 An active transportation (AT) bridge over the Assiniboine River between Stickney Avenue and Dinsdale Park should be explored as an alternative connection should the 8<sup>th</sup> Street AT bridge not be constructed.
- 3.1.7 Design intersections of active transportation routes and sidewalks with arterial and collector streets to promote safety, including controlled intersections, such as stop signs, roundabouts, and pedestrian signals. Grade separated connections should be considered for connection of the Downtown with the Assiniboine Gardens Secondary Plan area.

#### **3.2 Vehicle Transportation and Street Policies**

- 3.2.1 The transportation network within the Secondary Plan area shall be developed in accordance with the strategies outlined in Appendix E of the Brandon Area Road Network Development Plan, including traffic calming and access management.
- 3.2.2 Consider traffic calming measures, such as enhanced Pedestrian Crosswalks and bulbouts, along Parker Boulevard and Stickney Avenue to reduce vehicle speed and improve pedestrian safety.
- 3.2.3 Design streets in accordance with the City of Brandon Engineering Design Standards, or, if this is not available, the Transportation Association of Canada's Geometric Design Guide for Canadian Roads.
- 3.2.4 Develop streets to a full urban standard where underground storm water infrastructure exists. Where ditches convey storm water, a paved rural standard is acceptable.

### **3.3 Transit Policies**

- 3.3.1 Transit routes and stops should be located along arterial or collector streets, and considered when reviewing and approving new developments.
- 3.3.2 Transit stops should be located within walking distance, generally 400 metres, of all uses, with particular emphasis on non-residential development, including but not limited to Employment Lands and greenspaces.
- 3.3.3 Design transit stops so they directly connect with nearby pedestrian connections and the adjacent street.

## **4.0 SERVICING**

To provide adequate service in the Secondary Plan area, water, domestic sewer, and storm water services require evaluations and upgrades to accommodate the potential increase in residential and employment lands uses.

### **4.1 General**

- 4.1.1 The City should fully utilize existing servicing networks, considering extensions only when it is cost effective to do so and the proposed development is consistent with the Secondary Plan.
- 4.1.2 The water, wastewater and storm water services in Map E, as well as condition assessments on the existing services, should be used to assess potential sites for residential and Employment Lands development.
- 4.1.3 The consolidation of Employment Lands lots shall be encouraged in accordance with Map E to efficiently use existing infrastructure and limit extension of services.
- 4.1.4 The City should concurrently upgrade both servicing and transportation improvements.

### **4.2 Drainage**

- 4.2.1 Conceptual storm water plans identify current and proposed retention and/or detention areas under full buildout (see Map E).
- 4.2.2 Localized drainage improvements and capacity upgrades to the existing system should be undertaken in the Secondary Plan areas
- 4.2.3 As the Secondary Plan area is developed, further conceptual analysis is required on the location and sizing of retention or detention ponds, upgrades to the existing storm water lift station, or a combination of both identified in Map E.

## **5.0 ENVIRONMENT**

### **5.1 Floodplain**

- 5.1.1 The Secondary Plan area is located in a floodplain diked protection area that includes lands protected from flooding by part of the City dike system designed to withstand a high water event with a statistical 0.33% chance of occurrence at the time of design. This is in excess of provincial requirements to mitigate for a 0.5% (1-in-200-year event) chance occurrence .
- 5.1.2 The City should perform regular inspection and maintenance on the existing dike system, in addition to regular assessments to plan for future increases in flood protection taking climate change projections into consideration.
- 5.1.3 Consider groundwater monitoring, in particular to evaluate the impact of flooding events on groundwater levels in the Secondary Plan area.
- 5.1.4 Encourage all new development to follow flood resiliency guidelines (Appendix A).
- 5.1.5 Pursuant to the Zoning By-law, no basements or crawlspaces shall be constructed in the area, and all new development and redevelopments shall require a save harmless agreement with the City.

### **5.2 Methane**

- 5.2.1 The Snye Creek is a former tributary of the Assiniboine River informally used as a landfill and identified as a Methane Gas Site.
- 5.2.2 The City shall monitor the methane levels along the former Snye Creek to determine where, under the Methane Gas Policy, the methane remains at a level that is a detriment to development.
- 5.2.3 Developments impacted by methane gas or the potential of methane gas shall comply with the City of Brandon Methane Gas Site Policy. The zones in accordance with the Methane Gas Sites Policy are in Map D.

### **5.3 Environmentally Impacted Sites**

- 5.3.1 Map D identifies impacted sites documented by the Government of Manitoba.
- 5.3.2 Where the Government of Manitoba requires a remediation plan for an impacted site or a site where the owner becomes aware of contaminants, the site owner shall obtain Government of Manitoba approval prior to obtaining any permits from the City.
- 5.3.3 Owners of impacted sites may seek assistance through the City's Brownfield Financial Assistance Program to redevelop such sites.

## **5.4 Heritage Resources**

- 5.4.1 Sites subject to land use applications may, at the discretion of the Government of Manitoba, require heritage resource impact assessments before development may occur.
- 5.4.2 Where heritage resource impact assessments are required, such assessments may be completed across a larger area within the Secondary Plan area to enable development.

## **6.0 IMPLEMENTATION**

The implementation of the Secondary Plan land use, transportation and servicing concepts anticipated to take 20+ years to achieve. The Secondary Plan includes eight transition areas (Map A) where the most significant changes are anticipated to occur over the short (0-5 years), medium (6-10 years) and long term (10+ year) time periods. These time periods are estimates as implementation timelines will vary as per market conditions and city finances/budgeting. Appendix A includes further details and actions to guide development and change in the transitional areas.

### **6.1 General**

- 6.1.1 The City should proactively save for future land acquisition purchases in the Secondary Plan area to facilitate the land use concept, including lands for greenspace/recreation and residential/commercial development.
- 6.1.2 To mitigate the impact of a high water table on building construction, geotechnical studies (subsurface soil investigations), including the evaluation of groundwater on the building's design, shall be completed for a property or larger area (e.g. block) prior to construction of new buildings. Building design shall comply with the geotechnical study as certified by a professional engineer licensed to practice in Manitoba.
- 6.1.3 Prior to the sale of any publically owned lands in a transition area, the following shall be approved by City Council:
  - (a) A businesses case evaluating land sale revenues in comparison to transportation and servicing costs
  - (b) A servicing analysis and site layout concept plan as required in section 6.2
  - (c) A capital plan identifying the costing and timing of improvements if to be completed by the City
- 6.1.4 Pursuant to the Adequate Public Facilities By-law, developers are responsible for constructing boundary improvements infrastructure prior to development proceeding, including but not limited to water, domestic sewer mains, storm water systems, and paved streets. The City may endeavor to recover boundary improvement costs from future benefiting developers. Redevelopment of a site on a gravel street to a similar intensity of use may be considered pending an analysis of water, domestic sewer and drainage system impacts.
- 6.1.5 Developers should be responsible for funding a proportional share of off-site improvements to the City's land drainage network including retention ponds and ditching outlined on Map E.
- 6.1.6 Where the City is the majority landowner or developer of sites along a street requiring improvement, the City may exercise one of the following options:
  - (a) Assemble the sites and sell to a developer as a single entity, in which case Policies 6.1.4 and 6.1.5 shall apply to the developer
  - (b) Develop the improvements before selling the sites for development, recovering costs of the improvements through the sale of the sites
- 6.1.7 The City may adopt a local improvement by-law to recover any residual costs of infrastructure improvements not recovered through the sale of the lands in 6.1.6(b). Prior to proceeding with a local improvement By-law, the City should seek a 2/3 approval from property owners in the affected area.

- 6.1.8 When required in Section 6.2, concept plans should be submitted concurrently with a subdivision application that impacts the overall road or infrastructure networks to service the transition area (e.g. closing or opening new roads). The concept plan must comply with the policy direction in this Secondary Plan and shall incorporate a servicing analysis of the water, domestic sewer, and storm water systems as determined by the City Engineer.

## **6.2 Transition Areas**

### **6.2.1 Transition Area 1**—21<sup>st</sup> Street North stub (Long term)

- (a) Existing residential dwellings may continue under current residential zoning.
- (b) The City may consider purchasing existing residential sites and transition the area to greenspace.
- (c) Residential intensification shall be prohibited, as properties do not have frontage on a street, and water and sewer services are limited.

### **6.2.2 Transition Area 2**—Area bound by 19<sup>th</sup> and 20<sup>th</sup> Streets North, and McGregor and Hilton Avenues (Short term)

- (a) 20<sup>th</sup> Street North should be closed and incorporated as part of the City's Parks Complex.
- (b) Fully utilize existing City standard infrastructure by rezoning and facilitating commercial development along the west side of 19<sup>th</sup> Street North.

### **6.2.3 Transition Areas 3 & 4**—Area northeast of Parker Boulevard and 14<sup>th</sup> Street North, and property located at 320 – 6<sup>th</sup> Street North (Long term)

- (a) Existing uses may continue and future uses may be established as allowed under current Industrial Restricted (IR) Zone provisions.
- (b) Pursuant to the ARCMP, the City may consider purchasing the properties and transitioning the areas to greenspace. Future smaller lot subdivisions to facilitate intensification of these areas should not be supported.

### **6.2.4 Transition Area 5**—Area bound by 14<sup>th</sup> and 16<sup>th</sup> Streets North, and Maple and Stickney Avenues (Short term along Maple Avenue, developer-driven for the rest of the area)

- (a) This area should transition into and develop as employment lands.
- (b) Area should be subdivided into larger lots (See Map E for proposed lot layout) to maximize use of existing and proposed infrastructure.
- (c) Concept plan should be approved prior to development proceeding
- (d) Existing Manitoba Hydro facilities within the north-south lanes shall be either protected by easement or relocated (if possible) to the parallel street rights-of-way.

**6.2.5 Transition Area 6**—Area bound by 14<sup>th</sup> and 16<sup>th</sup> Streets North, Parker Boulevard, and McGregor Avenue (Short to medium term)

- (a) This area should be intensified as employment lands.
- (b) Area should be subdivided into larger lots (See Map E for proposed lot layout) to maximize use of existing and proposed infrastructure.
- (c) A concept plan for the entire transition area should be completed prior to any development, including a drainage concept with conceptual road and ditch grades.

**6.2.6 Transition Area 7**—11<sup>th</sup> and 12<sup>th</sup> Streets North between Parker Boulevard and Stickney Avenue (Medium term for sites along the west side of 12<sup>th</sup> Street North, long term for sites east of 12<sup>th</sup> Street North)

- (a) Facilitate residential development by upgrading 12<sup>th</sup> Street North to a paved rural standard, and rezoning properties not in the Zone 1 Methane Gas Zone to the Residential Single Detached (RSD) Zone.
- (b) A concept plan for lands to east of 12<sup>th</sup> Street North may be prepared to support the consolidation of properties fronting 11<sup>th</sup> Street North.
- (c) A drainage concept is required for the area, including conceptual road and ditch grades, prior to any new development.
- (d) The City should monitor methane levels in the area.
- (e) The City should use the drainage easement located at 1000 Parker Boulevard to convey storm water from this transition area.

**6.2.7 Transition Area 8**—Area bound by 8<sup>th</sup> Street North, Parker Boulevard, Stickney Avenue, and the dike section east of 6<sup>th</sup> Street North (Short term along 8<sup>th</sup> Street North, medium to long term for the rest of the area)

- (a) Facilitate residential development by upgrading 6<sup>th</sup> Street North to a paved rural standard, and rezoning properties fronting 6<sup>th</sup> and 8<sup>th</sup> Streets North to the Residential Single Detached (RSD) Zone.
- (b) All new subdivision or rezoning applications to the east of 6<sup>th</sup> Street North shall maintain a minimum 25-metre setback from the landward toe of the existing dike.
- (c) The low lying northern portion of the area and properties fronting 7<sup>th</sup> Street North should be left undeveloped and zoned Development Reserve (DR) until a concept plan is prepared for the area that addresses
  - (i) The widening and potential realignment and dedication/purchase of 7<sup>th</sup> Street North as a looping road or cul-de-sac with required water and wastewater servicing
  - (ii) The design and construction of a permanent storm water solution (e.g. retention pond with outflow) to serve the area
- (d) A drainage concept is required for the area, including conceptual road and ditch grades, prior to any new development.

## **MAPS**

- A. Land Use and Transition Areas
- B. Active Transportation
- C. Transportation
- D. Environmental Concerns
- E. Infrastructure

## **REFERENCE MAPS**

1. Existing Zoning
2. Floodplain
3. Shallow Utilities

## **APPENDICES**

Appendix A – Construction Guidelines

Appendix B – Implementation – Actions

Appendix C – Implementation – Capital

Appendix D – Public Engagement Report