


TITLE: BY-LAW NO. 7343 TO AMEND SECONDARY PLAN BY-LAW NO. 7080 SOUTHWEST BRANDON SECONDARY PLAN		
MEETING DATE: December 20, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7343 B. Southwest Brandon Secondary Plan— Schedule A (with additional changes) C. Southwest Brandon Secondary Plan— Schedule A (additional changes red-lined) D. Original change comparison table E. Letter of intent F. Southwest Brandon Secondary Plan— Appendix—Traffic Impact Study	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That the Planning Commission recommend City Council, under By-law No. 7343 (SP-02-22) to amend the Southwest Brandon Secondary Plan By-law No. 7080, replace Schedule “A” attached to By-law No. 7080 with Schedule “A” as identified as Attachment B in this report.

That the Planning Commission recommend City Council approve By-law No. 7343 (SP-02-22) as amended.

BACKGROUND:

Request

The City of Brandon (“the City”) is proposing to amend the Southwest Brandon Secondary Plan (“Secondary Plan”) for the following reasons:

- To include lands annexed in 2018 located southwest of the 18th Street/Patricia Avenue intersection
- To clarify phasing of wastewater improvements and the impact on timing of development
- To identify water modeling/studies to be completed and limitations to development during the interim period until improvements are completed

History

First adopted in 2014, the Secondary Plan was amended in 2018 to provide further clarity on infrastructure policies and direction of growth as development progressed since the Secondary Plan's adoption. In 2021, the Secondary Plan was further amended to enable future development of a new school on Maryland Avenue between 18th and 26th Streets. To date, development has only occurred within an area along Maryland Avenue between 26th Street and the western leg of Prelude Bay, as well as the northern part of Brentwood Mobile Home Park.

ANALYSIS:

Attachment B is the draft Secondary Plan proper (including additional changes, see following paragraph regarding Attachment C), while Attachment D is a table that outlines the original proposed changes to the Secondary Plan. Highlights of proposed changes include the following:

- Creation of a new "Commercial" land use designation within the Secondary Plan area to accommodate future commercial development within the 2018 annexed lands
- Creation of a new "Development Reserve" land use designation within the Secondary Plan area to withhold development on lands south and west of the wetland within the 2018 annexed lands until questions associated with the wetland are resolved to the Province's satisfaction
- Updating of policies and maps resulting from guidance on transportation matters through the Southwest Brandon Secondary Plan Area Traffic Impact Study completed in October 2022
- Updating of policies and maps to identify overall water, domestic sewer, and land drainage improvements necessary to enable development in the expanded Secondary Plan area

Attachment C is the draft Secondary Plan with additional changes redlined based mostly on City Engineering Department feedback during circulation of this application to commenting agencies. Highlights of the additional proposed changes include the following:

- Correcting spelling and reference errors
- Clarifying jurisdiction between City and Province on certain infrastructure matters such as drainage (within the Secondary Plan area vs. downstream out of City limits)
- Further clarifying policies related to the water supply system in light of an imminent comprehensive water study
- Further clarifying policies related to the domestic sewer system now that Council has approved a borrowing by-law to fund development of the system serving south Brandon

Consistency with the Development Plan

- Map 1: Urban Land Use of the Brandon & Area Planning District Development Plan 2023 (“Development Plan”) does not include lands annexed in 2018, southwest of the 18th Street/Patricia Avenue intersection, as part of urban area, but amendment could not proceed before dissolution of Brandon & Area Planning District
 - However, Section 1.7 of Secondary Plan states that the Secondary Plan governs where there is a conflict of land uses with the Development Plan, applicable in this case as annexed lands now within City limits, not part of the RM of Cornwallis
- 3.2.4—proposed “Commercial” area along 18th Street, an arterial street, to support larger commercial uses serving the community at large
- 9.2.1 and 11.2.2—part of 2018 annexed area needs protection from land fragmentation, as there are still questions associated with the protection of the wetland in those lands needing resolution with the Province
 - City may entertain redesignating those lands after Province is satisfied with respect to the wetland
- 10.2.5—bringing the annexed lands into the Secondary Plan area ensures better planning and therefore associated coordination (e.g. provision of infrastructure services) consistent with the 2013 Brandon & Area Planning District Growth Management Strategy
- Updates to policies regarding transportation and overall water, domestic sewer, and land drainage improvements do not deviate from existing Secondary Plan policies that already conform to the Development Plan

Consistency with the Southwest Brandon Secondary Plan

- No changes proposed to existing Secondary Plan areas, changes only associated with lands annexed in 2018
- Proposed changes will provide direction in dealing with development in the lands annexed in 2018, including the requirement of a neighbourhood plan to better address multiple concerns such as domestic sewer, drainage, and transportation

Commenting Agencies

All comments have been addressed and summarized below.

Environment and Climate Change—Drainage and Water Rights Licensing

Drainage and Water Rights Licensing (DWRL) advises that the “responsibility lies with the local government or planning district to ensure that all bylaws, zoning bylaws, development plans, and amendments thereof are in compliance with the Water Rights Act, the Water Rights Regulation, and the policies, procedures and requirements of the Drainage and Water Rights Licensing Branch.” City administration believes we are in compliance, and that, based on DWRL’s comments, they also are in concurrence and, further, do not object to the proposed Secondary Plan amendments.

Central Assiniboine Watershed District

The Central Assiniboine Watershed District commented whether referencing The Conservation Agreement Act under Policy 1.6.3 was the appropriate legislation covering drainage and especially the wetland in the annexed area. Upon further review, City administration agreed to replace the reference with The Water Rights Act.

Manitoba Transportation & Infrastructure

Manitoba Transportation & Infrastructure (MTI) commented whether referencing The Conservation Agreement Act under Policy 1.6.3 was the appropriate legislation covering drainage and especially the wetland in the 2018 annexed lands. Upon further review, City administration agreed to replace the reference with The Water Rights Act.

MTI also expressed no objections to the proposed Secondary Plan amendments, but had some questions about the traffic impact study that do not affect amending the Secondary Plan. City administration continues to work with MTI to address those questions.

LEGISLATIVE REQUIREMENTS:*Notification*

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice was also advertised in the Brandon Sun on November 30, 2023 and December 7, 2023.

Public Outreach

Section 13 of the Zoning By-law does not speak to public outreach for secondary plan amendments. However, the City over the last couple of years has met with the two largest developers of the Secondary Plan area on several occasions to discuss infrastructure concerns for the Secondary Plan area. The City also corresponded with one of these developers on several occasions regarding the future development of the 2018 annexed lands. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.

STRATEGIC ALIGNMENT:

- One of the Council Priorities is “Foster an environment that supports economic growth and development”
- Strategy #4 under this priority calls for developing greenfield expansion sites to meet community needs for both residential and commercial development