



MINISTER OF
LOCAL GOVERNMENT

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SEP 29 2010

Reeve Marvin Hovorka
Rural Municipality of Piney
Box 48
Vassar MB R0A 2J0

Dear Reeve Hovorka:

Rural Municipality of Piney Development Plan By-law No. 53/09

I have reviewed your submission for approval of the above noted By-law and I have also reviewed the various public objections and provincial departmental concerns with the By-law. I also understand that the Rural Municipality of Piney Council has been working hard to complete a Development Plan for the community over the last ten years.

I am pleased to advise you that I am prepared to approve the above-noted Development Plan, subject to Council making a number of alterations to help address outstanding public objections and provincial concerns.

Accordingly, I approve the By-law No. 53/09 subject to the Rural Municipality of Piney Council making the alterations attached as "Schedule B," pursuant to subclause 51(1)(b)(i) of *The Planning Act*.

I am pleased to acknowledge that after the alterations are incorporated, the By-law will contain a livestock operation policy that meets the requirements of subsection 42(2) of *The Planning Act*.

I am returning one copy of the By-law to your office for your records. The By-law will come into full force and effect upon Council making the alterations outlined in "Schedule B" and giving the By-law Third Reading, in accordance with Section 52 of *The Planning Act*.

Please be advised that after giving the By-law Third Reading, Council is to send a notice of adoption to every person who made a representation at the public hearing held on the By-law, in accordance with Section 53 of *The Planning Act*. The Board must also send me a certified and an electronic copy of the By-law. Please send my copies in care of the Community and Regional Planning office in Steinbach.

I would like to congratulate Council on the efforts it is making in planning the development of its municipality.

Sincerely,



Ron Lemieux
Minister

Enclosures

c: Bonnie Grawberger
Bill Sawka
Sheri Grift

Schedule B

Rural Municipality of Piney Development Plan By-law No. 53/09

Required Alterations to Schedule A of By-law No. 53/09

1. Add the "Urban Buffer Line" on land use maps A & B that surround each settlement centre one-half mile outside of the community boundary line.
2. Match the colour of the settlement centre designations on maps A & B with the colour in the map legends.
3. Clarify maps A & B to facilitate interpretation.
4. Alter the land use designations on the properties identified as follows:
 - a. **NE 35-1-10E** Redesignate from "Limited Rural Area" and "Rural Area 3" to "Rural Area 2".
 - b. **S ½ 1-2-10E** Redesignate the portion of this parcel that is designated "Limited Rural Area" to "Rural Area 2".
 - c. **N ½ 2-2-10E** Redesignate the portion of this parcel that is designated "Limited Rural Area" to "Rural Area 2".
 - d. **NW 36-1-10E** Redesignate the portion of this parcel that is designated "Rural Area 3" to "Rural Area 2".
 - e. **NW 32-1-13E** Redesignate from "Settlement Centre" to "Limited Rural Area" and adjust the community boundary to follow the "Settlement Centre" designation. Adjust the "Urban Buffer Line" to follow the new community boundary line one-half mile out.
 - f. **SE 32-1-13E** Redesignate from "Limited Rural Area" to "Rural Area 2".
5. In the Glossary of Terms, delete the numbered definitions identified below and replace with the following text:
 - a. **28. Livestock Production Operation or Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.
 - b. **29. Viable Lower Class Land** means land that is not prime agricultural land but is used for agriculture or has the potential to be used for agriculture.
 - c. **41. Prime Agricultural Land** means land composed of mineral soil determined by the Province to be of dryland Agricultural Capability Class 1, 2, or 3 and includes a land unit of one quarter section or more or a river lot, 60% or more of which is comprised of organic soil determined by the Province to be of dryland Agricultural Capability Class O1, O2, or O3. Land determined by the Province to be of Irrigation Suitability Class 1A, 1B, 2A or 2B may also be considered prime agricultural land.

6. Delete Section 4.3.4 Livestock Production Operations and replace it with the following text:

4.3.4. Livestock Production Operations

As outlined in the background studies to this document, 66.0 percent of the soils in the RM of Piney are Class 5 or lower quality with limitations on an additional 20.0 percent of the total land base. Overall, the amount of available and suitable agricultural land in the municipality is limited. The RM of Piney recognizes the role that agriculture has in the Municipality. The Municipality also recognizes that potential land use conflicts may arise between livestock operations and present and future rural residential uses, settlement centers, and recreational and tourism related uses. To ensure the long-term economic, social and environmental health and sustainability of the municipality and to minimize the potential for land use conflict, a series of policies, including siting requirements for livestock production operations in the Rural Municipality of Piney, have been identified in this section.

1. Livestock areas have been designated predominantly on soil survey information, in addition to consideration of existing residential and agricultural land uses. In addition, Council has also taken into account the average annual rainfall which is the highest in the Province. Soil information is available for the RM of Piney primarily at a reconnaissance scale of 1:125,000. Using the soils information as mapped will provide a rationale for determining where, and to what size, livestock operations will be considered. In this way, selection of these areas will be based on the best information available. As more detailed soil survey information becomes available to the municipality, this will be accommodated in future planning, and the livestock operations policies may change accordingly. Based on existing residential and agricultural land uses, soil and topographic variability, four designations of rural land have been established in the municipality, as shown on Land Use Map A. They are as follows:

Limited Rural Area has been assigned to those areas mapped with a soil classification of Class 5 for agricultural capability and for ½ mile around Settlement Centre limits.

Rural Area 1 designated areas are based on those areas mapped with soil classification of Class 1-3.

Rural Area 2 designated areas are those with soils mapped as Class 4 for agricultural capability.

Rural Area 3 designated areas are those which include soils mapped at Class 6, 7 or Organic on a reconnaissance scale. Livestock production operations on these designations shall be guided by the following criteria:

- a. The number of animal units for a livestock production operation shall be determined in accordance with the Provincial Land Use Policies (PLUPs). Where a livestock operation (LO) is located within a half-mile of one or more other LO's, and where these operations are on separate land parcels, and where these operations share a common manure storage facility, these shall be deemed to be one combined LO, for the purposes of interpreting the number of AU's and associated requirements of this by-law.

- b. Within areas designated “**Limited Rural Area**”, the following livestock related uses shall be permitted:
- i. Livestock operations including recreational enterprises such as riding stables, including sites having a site area less than the minimum listed for a livestock operation in the Zoning By-law, on the basis of one animal unit per acre to a maximum of 20 Animal Units (AU); and
 - ii. Existing livestock production operations established prior to the date of adoption of this development plan. These operations may be considered for expansion up to a maximum of 100 AU.
- c. Within areas designated “**Rural Area 1**”, the following livestock related uses will be considered:
- i. Expansions of existing livestock production operations that have obtained permits prior to the adoption of this development plan by-law, to a maximum of 1200 AU. Provisions will be established in the Zoning By-law to ensure the continued viability of existing operations by identifying separation distances based on The Provincial Land Use Policies (PLUPs);
 - ii. New livestock production operations, to a maximum of 800 AU, subject to the following:
 - A. Any new operations of a size up to 300 AU will be required to meet separation distances identified in the Zoning By-law that are based on The Provincial Land Use Policies (PLUPs) + 25%; and
 - B. New livestock operations of a size greater than 300 AU will be required to meet separation distances identified in the Zoning By-law that are based on The Provincial Land Use Policies (PLUPs) + 100% for individual residences and on The Provincial Land Use Policies (PLUPs) + 50% for designated Rural-Seasonal Residential Areas and Settlement Centres.
- d. Within areas designated “**Rural Area 2**”, the following livestock related uses will be considered:
- i. Expansions of livestock production operations that have obtained permits prior to the adoption of this development plan by-law, up to a maximum of 1200 AU. Provisions will be established in the Zoning By-law to ensure the continued viability of existing operations by identifying separation distances based on The Provincial Land Use Policies (PLUPs).
 - ii. New livestock production operations, to a maximum of 300 AU. New operations will be required to meet separation distances identified in the Zoning By-law that are based on The Provincial Land Use Policies (PLUPs) + 25%.

- e. Within areas designated “Rural Area 3”, the following livestock related uses will be permitted:
- i. Expansions of existing livestock operations, which were established prior to the date of adoption of this plan, to a maximum of 200 AU. Provisions will be established in the Zoning By-law to ensure the continued viability of existing operations by identifying separation distances based on The Provincial Land Use Policies.
 - ii. No new livestock operations will be allowed.
- f. All separation distances will be mutually applied between livestock production operations, designated Settlement Centres (see also subsection 4.3.4.1.(g), below), Rural-Seasonal Residential Policy Areas and residences not accessory to an operation. These separation distances will be established in the RM of Piney Zoning By-law as indicated above to aid in mitigating potential land use conflicts. The RM of Piney Council may, as per provisions of *The Planning Act*, vary the separation distance established in the Zoning By-law.
- g. To provide additional protection for urban centres, separation distances, as identified in the Zoning By-law, and as these affect the settlement centres of Sprague, Woodridge, Vassar, Piney, South Junction and Middlebro, shall be measured from the “Urban Buffer Line” as shown on *the Land Use Map A*;
2. Proponents, owners and operators of livestock production operations will be required to develop their facilities in a manner that mitigates adjacent land use conflicts and minimizes offensive odours and the potential for pollution of soils, groundwater and surface water. All new and expanding livestock production operations greater than 300 AU, as of the date of the adoption of this Plan, may be required to incorporate the following:
- a. Treed shelterbelts, incorporating off set rows of trees, surrounding the entire livestock production operation facility, including the manure storage facility.
 - b. A manure storage cover and, if recommended by the Technical Review Committee, the most current odour reducing technology available at the time of application for the development, including odour reducing technologies for the barn(s).
 - c. Confirmation of separation distances, setbacks by a Manitoba Land Surveyor, if determined necessary by Council.
 - d. The submission of a copy of the yearly manure management plan to the Municipality if one is required by the Province of Manitoba.
3. The siting of new operations which are a conditional use will require prior review of Council to ensure that facilities are located to achieve maximum separation distances to adjacent uses and the affected land holding is utilized, as much as possible, as part of this separation.

4. The Rural Municipality of Piney shall contact by regular mail, owners of property shown on the assessment roll as being within two kilometres of the affected land for proposed operations that are between 200 AU and 299 AU. This notice shall also include an opportunity for written comment to be received by Council. Such notice shall be provided as soon as possible after application is made for a new or expanding livestock production operation. The costs of such a mailing shall be allocated to the applicant as part of the application fee.

Operations greater than 300 AU are otherwise provided for by *The Planning Act*.

5. All proposed livestock production operations, including expansions, to a level of 300 AU or more are a conditional use and require a review and report by the Technical Review Committee. Should this review identify additional specific requirements, these shall be satisfied prior to the issuance of a permit and be included as part of a Development Agreement that may be required by the municipality.
6. Livestock production operation facilities located in areas subject to flooding shall be constructed at a suitable level as determined by the appropriate provincial department and conform to the Hazard Lands Policies in Section 3.3.5.
7. Regardless of the designation, livestock operations shall be prohibited on soils with a dry land agricultural capability rating of Class 6, Class 7 and unimproved organic soils based on detailed soil surveys (at a scale of 1:50,000 or better). As much as possible, the Development Plan designations have identified areas where soil conditions are unsuitable for the establishment of livestock operations. However, where soil survey information at a scale of 1:50,000 is not available, Council shall require that the proponent confirm through soil analysis deemed to be sufficient by the relevant provincial department, the suitability of a chosen site for the establishment of an operation.
8. For the establishment of new – or the expansion of existing – livestock operations Council (or as otherwise required by *The Planning Act*) *may* choose to meet with the applicant prior to accepting an application for a conditional use, to review the details of the proposed operation. In this meeting they may:
 - i. Review details of a proposed operation – provided by the applicant – that outline the size of operation, number and type of animals to be produced; location; and acreage of lands available for the application of manure produced by the operation. These meetings will enable Council to ensure all relevant information is provided so that a Technical Review can be initiated by the Technical Review Committee; and/or,
 - ii. Provide opportunity for input on locational attributes.

9. New or expanded livestock production operations will be evaluated on the basis that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is compatible with the immediate area and general environment. Conditional Use applications will be evaluated on the basis of criteria such as, but not limited to the following:

- a. The type and size of the proposed operation.
- b. The source of the water supply, including consumption levels.
- c. The nature of the land base.
- d. Adjacent land uses.
- e. Provincial guidelines and regulations governing livestock operations.
- f. Reports from appropriate Provincial reviewing agencies such as, but not limited to, the Technical Review Committee.
- g. Local resident concerns.
- h. Traffic generation.