

SCHEDULE "A"
OF
THE RURAL MUNICIPALITY OF PINEY
DEVELOPMENT PLAN BY-LAW NO. 53/09

1.0 INTRODUCTION

The Rural Municipality of Piney Development Plan is the culmination of background studies, public input and a review of The Piney Planning Scheme (1975). This document is intended to guide present and future development within the Municipality. The document is long term in nature and is intended to serve as a general guide for the municipality's development. As such, the RM of Piney Development Plan is representative of the RM's goals, objectives and policies which were adopted by the Council for the purpose of guiding future development and / or redevelopment of all or part of the Town. As much as possible, the Plan has taken into account the over-riding concerns that have been identified within the community. It is the intention of Council to address these concerns through appropriate planning, programs and resulting projects.

Given the ongoing nature of the planning process, this plan is not intended to be a static document, but rather, be open to review and amendment as time and conditions dictate. Provision is made within the Development Plan review process to encourage and enable the municipality to make adjustments to the goals, objectives and policies that require modifications due to new conditions, unanticipated changes in life-styles or economic opportunity, and evolving values. It is inherent in the procedures established that there be on-going review through periodic re-evaluation and revision to the Development Plan to adjust to conditions created by constant change. As the Planning Act requires that Council establish a review period, the intent is to re-evaluate the policies in this document every eight (8) years.

1.1 Area Covered by the Development Plan

This Development Plan applies to The Rural Municipality (R.M.) of Piney. The R.M. of Piney covers approximately 246,460.0 hectares (608,997.0 acres) in south eastern Manitoba. The Rural Municipality of Piney is bounded to the north by the Rural Municipality of Reynolds and the North West Angle Provincial Forest, to the east by the North West Angle Provincial Forest, to the south by the United States of America and to the west by the Rural Municipalities of La Broquerie and Stuartburn. The area covered is more specifically shown on the attached maps.

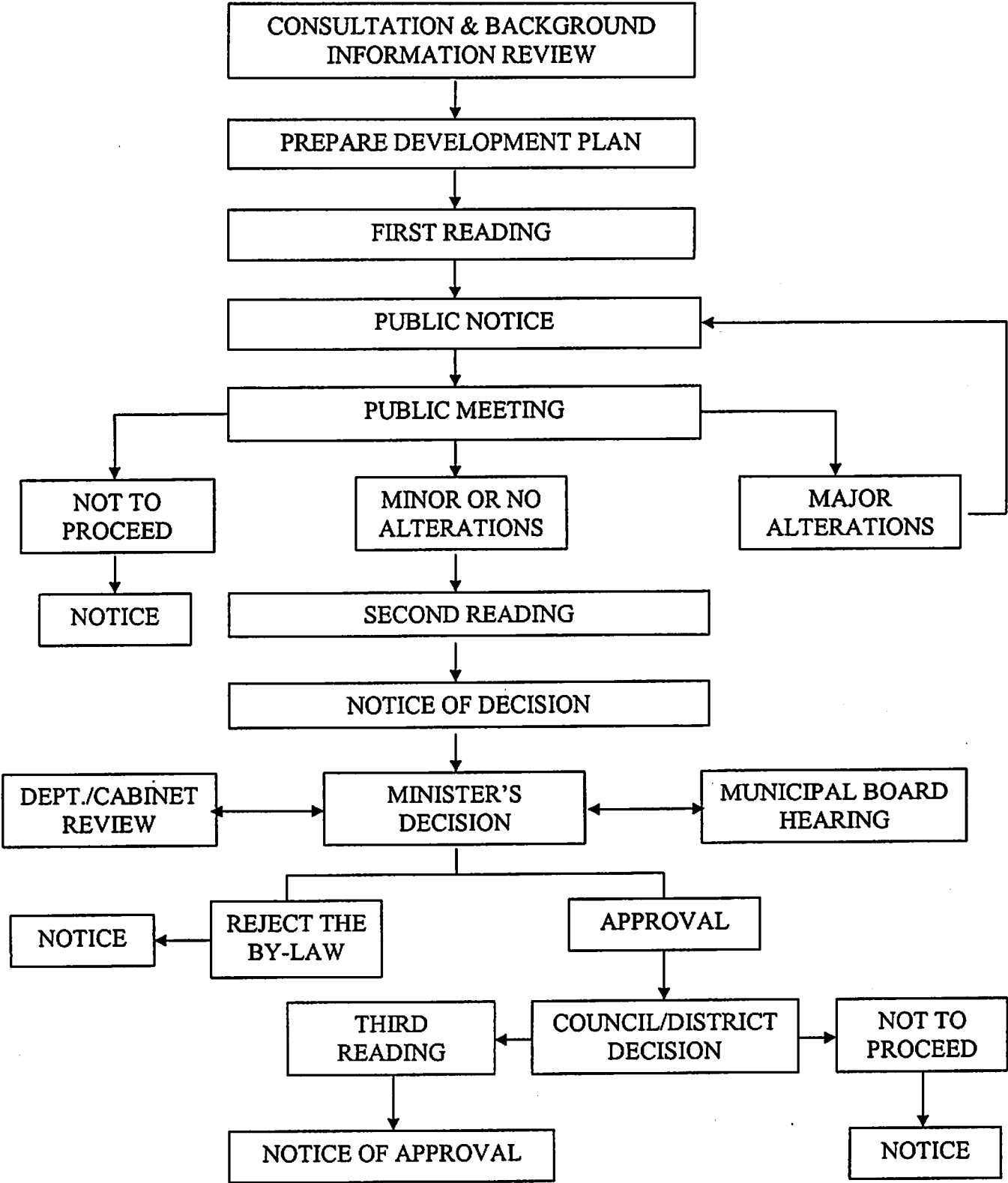
1.2 Legal Authority

Provisions of the *Planning Act* establish the authority for the preparation and adoption of a Development Plan. A Development Plan is a statement of objectives and policies written and designed to promote the orderly physical, social, economic and environmental developments within individual municipalities, towns, cities and planning districts accompanied by appropriate mapping. Chart 1 shows the adoption process for Development Plans.

1.3 Planning History

The RM of Piney first established land use controls in 1975, when it adopted The Piney Planning Scheme By-law No. 694/75 on 23 September 1975. By-law No. 694/75 will be rescinded through the adoption of Zoning By-Law conforming to this Development Plan.

Chart 1
The Planning Act Adoption Procedure for Development Plans



1.4. Development Plan Basis

The Planning Act outlines the requirements of a Development Plan, which are as follows:

1. To set out the plans and policies of the municipality respecting its purposes and its physical, environmental and economic objectives;
2. Through maps and statements of objectives, direct sustainable land use and development in the municipality;
3. Set out measures for implementing the development plan; and
4. Include such other matters as the Minister or Council considers advisable.

With the preparation of this Development Plan, The R.M. of Piney wishes to put in place the proper planning regulations and policies to coordinate the various elements that impact upon the community's growth, including methods whereby the best use and development of land and other resources in adjacent municipalities, districts, or affected areas immediately abutting thereto, may be co-ordinated.

The Development Plan deals with both public and private sector issues, as such any public works undertaken by Municipal, Provincial, and Federal governments or agencies within The R.M. of Piney and all Municipal By-laws shall be encouraged to conform to this Development Plan. In regards to private sector actions, this Development Plan serves to provide general directions, policies and statutory regulations for the maintenance, development and rehabilitation of land and structures. The Development Plan should thus also be followed and adhered to by the private sector.

The R.M. of Piney will also regulate development by other means, including the Zoning By-law, subdivision control, conditional use and variation orders, concept plans, development/zoning agreements, secondary plans, and development impact studies (e.g. housing supply and demand analyses, environmental audits, geotechnical studies, and engineering assessments). In regard to development proposals, The R.M. of Piney Council will work with the Province of Manitoba and other government agencies to assess whether the project is appropriate in regards to engineering requirements, financial implications to the community at large and Province, local resident concerns, environmental and social implications and other related matters. At the same time, individual policies of this Development Plan should not be interpreted in isolation but should be assessed within the overall spirit and intent of all its objectives and policies.

1.5. Interpretation of the Development Plan

1.5.1 Format of the Development Plan

The R.M. of Piney Development Plan is divided into four general parts. The first part provides the plan mandate as well as the current community development context and overall development philosophy and includes general objectives and policies. The second part deals with specific land use planning components, including Settlement Centre Policy Areas, Rural Policy Areas and Rural-Seasonal Residential Policy Areas. The third part provides the implementation measures for the objectives and policies of the Development Plan as well as a glossary of terms that are used throughout the document. The fourth part, referred to as Appendix A, contains the Development Plan Map.

1.5.2 Land Use Plan

A land use plan is a generalized instrument for illustrating the long-term development strategy with respect to land use within The R.M. of Piney. This plan takes into consideration existing land uses, development constraints and opportunities, market trends and forces, recognized planning principles, community long term development objectives, the local and regional planning context, and various economic, social and environmental factors. The objectives and policies of this Development Plan as well as the boundaries for the Settlement Centre Policy Areas, Rural Policy Areas, Rural-Seasonal Residential Policy Areas. Reference to any lot sizes therein are meant to serve as both a guide and basis for the preparation of the site regulations of each respective zone that will be included in the Zoning By-law.

1.5.3 Existing Land Use Considerations

Certain situations may warrant flexibility in the application of these Development Plan policies. Where there is development that does not currently comply with the long range policies reflected in the land use concepts, these areas may still be designated in The R.M. of Piney Zoning By-law according to their present use in order to avoid the creation of non-conforming uses, provided that the overall intent of the plan is maintained.

1.5.4 Provincial Crown Lands

Provincial Forests, Wildlife Management Areas, Ecological Reserves and Provincial Parks can be found in The R.M. of Piney. These lands are Crown lands, which are under the administration and control of the Province of Manitoba, and as such have been exempted from the land use policies in The R.M. of Piney Development Plan.

Although Provincial Crown lands are exempt from The R.M. of Piney Development Plan, once they are leased or transferred to private concerns, the use must conform to this Development Plan. This procedure exemplifies the need for a coordinated effort between the Province of Manitoba and The R.M. of Piney Council. In order to carry out long range land use goals, The R.M. of Piney Council must be involved, as a commenting agency, on all Crown land permits, lease or purchase applications and on any proposed changes to the Crown Land Plan. Crown Lands are shown on the attached Land Use Designation Map B.

1.6. Community Strengths and Opportunities

The R.M. of Piney has a number of strengths to build upon, including:

1. A resurging population base. The R.M.'s population increased by 1.6 percent between 1991 and 1996 and 5.2 percent between 1996 and 2001, and 4.0 percent between 2001 and 2006 based on Statistics Canada data.
2. Its proximity to major markets in Manitoba, Northern Ontario and the United States.
3. Its proximity to, and strong relationships with, Buffalo Point First Nation and the State of Minnesota.
4. An active resident and agricultural community that takes pride in promoting and protecting the Municipality.
5. Its proximity to Whitemouth Lake, Moose Lake, Lake of the Woods, the Rat and Whitemouth Rivers, Sprague Creek as well as the Sandilands, Cat Hills and Wampum Provincial Forests, which provide not only numerous recreation and leisure activities, but employment and tourism opportunities as well.
6. Abundant natural habitat throughout the community, particularly in the Spur Woods and Watson P. Davidson Wildlife Management Areas, the Sundown, Sprague and St. Labre Bogs as well as the Whitemouth Lake Island Ecological Reserve Wampum Ecological Reserve and Woodridge Provincial Park.
7. The Piney Pinecreek Border Airport, North America's only bi-national airport, which provides for economic development and tourism opportunities.
8. An efficient highway transportation system with easy access both to and from the community.
9. Low property taxes.

1.7. Community Issues

While there are strengths and opportunities to build upon, there are also local and regional issues that need to be addressed. Some of these issues can be dealt with in a Development Plan, while others go beyond its mandate or legislative framework. Local community issues include:

1. Managing residential, commercial and agricultural developments in an environmentally, socially and fiscally sound manner.
2. Addressing outdated or non-existent planning strategies and development controls to adequately promote, control and regulate land uses and building activity in the community.
3. The protection of the area's natural and physical resources, including the forestry industry, groundwater and surface water resources.
4. The predominance of organic soils in the community, which impacts agricultural production capabilities.

2.0 COMMUNITY VISION, GROWTH OBJECTIVES AND POLICIES

2.1. Vision

This section outlines the overall vision of the Development Plan and its role in providing direction for future land use and development in The R.M. of Piney.

1. To create a safe, healthy and prosperous environment to live, work, and play in; and to encourage sustainable development that will compliment and enhance the way of life for all residents.

2.2. Growth Objectives

This section of the Development Plan outlines the general objectives and policies that will apply to the Settlement Centre Policy Areas, Rural Policy Areas and Rural-Seasonal Residential Policy Areas as shown on the attached Land Use Designation Map A within The R.M. of Piney Development Plan.

1. To recognize the diversity of land uses in The R.M. of Piney and promote the further growth of residential, commercial, industrial, recreational and agricultural development in a sustainable manner that also serves to minimize potential land use conflicts.
2. To ensure orderly growth of The R.M. of Piney in a manner beneficial to both permanent and seasonal residents.
3. To encourage and promote the use and development of land in a manner that is consistent with the principles and guidelines of sustainable development, pursuant to *The Sustainable Development Act*.
4. To ensure that the use and development of land is consistent with the vision the community has regarding its future.
5. To encourage and promote community economic development initiatives which utilize the land base in a manner that contributes to the physical, social and economic vitality of The R.M. of Piney.
6. To preserve long-term farming interests, subject to the protection of the environment.
7. To ensure that proposed developments:
 - a. Are compatible with existing and anticipated land uses, utility and transportation networks; and
 - b. Minimize the risks to quality of life, public health and safety.
8. To encourage adequate recreational, leisure and cultural opportunities for the health and enjoyment of area residents.
9. To preserve and enhance areas which have natural beauty, scenic value, recreational potential, as well as historic and cultural significance.
10. To recognize the importance of the water bodies and shorelines to The R.M. of Piney and to encourage practices which will preserve them for recreational uses and the water supply.
11. To ensure continued public access to public resources such as the Whitemouth Lake, the Whitemouth, Sand and Rat Rivers, Sprague Creek, the East and West Pine Creeks, the Sandilands Provincial Forest, Cat Hills Provincial Forest, the Whitemouth Lake Island Ecological Reserve and the Spur Woods and Watson P. Davidson Wildlife Management Areas.
12. To minimize risks to people and property which are associated with natural hazards such as flooding or erosion.
13. To promote the wise use of renewable and non-renewable resources including aggregates, minerals, forest, soils, water and fisheries.
14. To protect economically valuable quarry minerals for mineral resource extraction opportunities.
15. To provide a measure of protection for investments in public and private infrastructure, including utilities and transportation networks in order to maintain cost-effective operations of new, upgraded or extended infrastructure services.

16. To encourage development review processes to include careful consideration of the short and long term costs and benefits that may result from such development.
17. To protect natural areas and habitats from incompatible or potentially incompatible land use activity/ development which may involve rare or endangered flora/ fauna.
18. To minimize impacts of development on aquatic ecosystems, wetlands environments and riparian areas.
19. To recognize, protect and ensure the sustainability of provincial Crown lands that have been designated as wildlife management area, ecological reserve, provincial forest and or protected area.

2.3 General Policies

2.3.1. Provincial Land Use Policies

The Provincial Land Use Policies, as set out in the regulations to *The Planning Act*, will be utilized as broad policy guidelines when undertaking amendments or statutory reviews of The R.M. of Piney Development Plan.

2.3.2. General Development

1. No subdivision of land shall be permitted unless it conforms to the general intent and provisions of The R.M. of Piney Development Plan and *The Planning Act*.
2. In approving new developments for residential, commercial, industrial, institutional, recreational, public, resource-related and other uses, consideration shall be given to the current and projected demand for that particular type of use. To avoid premature fragmentation of land, the supply of lots shall bear a reasonable relationship to the demand or consumption of lots. The R.M. of Piney may require that a supply and demand study be undertaken to obtain information on the availability of suitable undeveloped lots of that particular use.
3. In reviewing development applications, The R.M. of Piney Council will encourage the most appropriate use and development of land and other resources by:
 - a. Preserving the predominantly agricultural and rural areas of The R.M. of Piney for agricultural and rural use;
 - b. Protecting and strengthening the viability of existing settlement centres by directing all non farm residential development to the identified settlement centres;
 - c. Discouraging residential related uses in the Rural Policy Areas and the Rural-Seasonal Residential Policy Areas that would compete with uses in the settlement centres or create potential land use conflicts; and
 - d. Promoting sound management practices for all resource development.
4. As the southern limit of the municipality shares a border with the United States of America and as per the International Boundary Commission Act, no person shall construct or place within ten feet of the United States – Canada boundary any work or any addition to a work except with the permission of the International Boundary Commission.

2.3.3. Hazardous Uses

1. Hazardous uses refer to facilities or developments, exclusive of railways and highways, which manufacture, handle, store or distribute hazardous materials.
2. Developments that create hazardous situations, or are subject to environmental hazards, shall not be permitted unless the hazard has been removed or appropriate remedial measures have been taken that will protect life and property, and are within the guidelines of the appropriate provincial and federal departments.
3. Where development of a potentially hazardous use is proposed, information shall be required from the proponent relating to the nature of any potential discharges, the nature of outside storage, the compatibility of surrounding land uses and plans for buffering such activities from adjacent land uses.
4. Facilities which manufacture, handle, store or distribute hazardous materials shall be separated from settlement centres and buildings used for human occupation.

2.3.4. Natural Areas and Environmental Conservation

1. Natural areas and habitats shall be protected from incompatible or potentially incompatible uses where:
 - a. Rare or endangered flora and fauna have received Provincial and Federal designation and protection under *The Endangered Species Act and the Species at Risk Act, respectively.*
 - b. Lands have received Provincial designation and protection under the Protected Area Initiative.
 - c. Lands have been identified as Wildlife Management Areas and Ecological Reserves.
 - d. Private lands have been voluntarily protected by landowners under *The Conservation Agreements Act.*
2. The identification and protection of wetlands, natural areas and wildlife and fisheries habitats will be encouraged within The R.M. of Piney.
3. Access to natural areas and wildlife and fisheries habitat will be encouraged to foster appreciation for and enjoyment of nature, but such access should not lead to levels of activity that will exceed the capability of the area to sustain the environment and ecosystem integrity.

2.3.5. Hazard Lands, Flooding and Erosion

1. Development will be directed away from:
 - a. Lands which would be flooded by the 100 year flood, or by a recorded flood exceeding the 100 year flood;
 - b. Lands which would within a 50 year period be eroded or become unstable due to the action of water contained in an adjacent waterway or waterbody; and
 - c. Lands where the actual effects of other hazards such as landslides or subsidence have occurred or have been predicted.
2. In cases where it is not practical or desirable to restrict development in hazard areas, developments shall be carefully planned to ensure that the hazard has been eliminated or mitigated. In these instances:
 - a. Proposed developments shall not obstruct, increase or otherwise adversely alter water and flood flows and velocities;
 - b. There shall be no added risk to life, health or personal safety;
 - c. Structures and services shall be protected against damage and shall be fully functional during hazard conditions;
 - d. Activities which alter existing slopes and may accelerate or promote erosion or bank instability shall be prohibited unless appropriate mitigating measures are taken to minimize the potential of such erosion or bank instability;
 - e. Existing tree and vegetation cover shall be preserved where appropriate to reduce erosion and maintain bank stability;
3. Low intensity uses such as cropping, grazing, forestry or open space recreational activities are acceptable within hazard areas.
4. Development proposals in flood plain hazard areas shall be referred to the appropriate provincial government department for review prior to approval by The R.M. of Piney.
5. Development proposals in hazard areas shall require completion of engineering studies, including recommendations regarding preventative and mitigating measures which eliminate the risk or reduce the risk to an acceptable level and remedial measures which restore or rehabilitate damage which may occur.
6. In areas where the specific hazard has not been determined, buildings shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 30.0 m. (98.4 ft.), whichever is greater, unless an engineering investigation shows that these limits may be reduced.

2.3.6. Water and Shoreland

1. Development will be encouraged in a manner which ensures that waterways, waterbodies, shoreland areas, aquifers and groundwater resources are sustained.
2. The preservation and rehabilitation of native vegetation will be encouraged in sensitive environmental areas such as the shorelines of lakes, rivers, creeks and streams in order to stabilize banks, filter run-off and to promote surface water quality.
3. Waterways, waterbodies and shorelands in The R.M. of Piney may require protection to limit impacts of development. The extent of protection required will be directly related to the characteristics of the local situation, including:
 - a. The size and configuration of the waterway, waterbody or shoreland;
 - b. The need for public access;
 - c. Environmental characteristics; and
 - d. Economic potential.

In order to provide protection, shoreland reserves may be created, if deemed appropriate by The R.M. of Piney Council.

4. For project proposals requiring self-supplied water, the proponent is directed to contact Manitoba Water Stewardship to determine if their water use needs requires licensing under the *Water Rights Act*.
5. Development or activities that may cause pollution under normal operating conditions or by accident will be directed away from groundwater sensitivity areas. Where this is not feasible or practical, development or activities which could cause pollution may be considered in groundwater sensitivity areas provided it can be proven by adequate engineering or hydro-geological investigations that the proposed activity will not cause pollution of the groundwater supply.
6. All proposed development located near waterways and water bodies may be referred to the appropriate federal / provincial department for review prior to any approval.

2.3.7. Heritage Resources

1. Heritage resources shall be protected from incompatible or potentially incompatible land uses which may threaten their integrity or operation where buildings or landscapes have received or are in the process of receiving Municipal or Provincial heritage designation.
2. The development, designation and preservation of heritage resources shall be coordinated with other existing and proposed heritage and recreational resources in The R.M. of Piney to maximize interpretive and tourism potential.
3. Sites and groupings of sites with heritage potential will be considered for designation as Municipal heritage sites under *The Heritage Resources Act*.
4. Any proposed development that may impact buildings of historic value will be forwarded to the Department of Culture, Heritage and Tourism for review and comment.

2.3.8 Outdoor Recreational Resources

1. Existing outdoor recreational uses and areas shall be protected from incompatible or potentially incompatible land uses which may threaten their integrity.
2. Proposed recreational development shall not unduly restrict the access to and the use of natural resources such as rivers, lakes and streams.
3. Proposed recreational developments will be encouraged to balance the scale and intensity of an intended recreational use with the capability of the land base to support the proposed use in a sustainable manner.

2.3.9. Mineral Resources

1. Areas designated by the Province of Manitoba as being of high aggregate, mineral or lands containing a valid mineral disposition shall be protected from incompatible and potentially

incompatible land uses that would restrict exploration and development.

2. In areas designated by the Province of Manitoba as being of medium aggregate, or mineral potential, incompatible and potentially incompatible land uses may be permitted following a review and approval by Mines Branch.
3. Existing aggregate or mineral operations shall be protected from incompatible and potentially incompatible land uses.
4. In areas with known aggregate or mineral resources, or areas having high discovery potential including valid mineral disposition for these resources, land uses that will allow future access and development of the resource shall be permitted.
5. The exploration, development, production and termination of all aggregate or mineral resources shall be undertaken in a manner that is environmentally safe, stable and compatible with adjoining lands. These shall also be in keeping with any provincial regulation, including rehabilitation.

2.3.10 Utilities and Municipal Services

1. Essential activities of government and public and private utilities shall be permitted in any land use designation subject to requirements in The R.M. of Piney Zoning By-law. Such uses shall be located and developed in a manner which will minimize any incompatibility with neighbouring land uses. Special consideration will be given to reviewing site requirements associated with such uses as communications towers and maintenance compounds to ensure they will not have adverse impacts on adjacent lands.
2. Cooperation will be encouraged with Manitoba Hydro, Centra Gas Manitoba Inc. (a subsidiary of Manitoba Hydro), Manitoba Telecom Services and any other utility to ensure the economical and efficient provision of services.
3. Existing public and private utilities shall be protected from incompatible or potentially incompatible land uses which may threaten or adversely affect their operation.
4. Council recognizes the importance of developing alternative energy strategies and as such, Wind Energy Generating Systems (WEGS) may be established as an allowable use in rural policy areas. The Zoning By-law shall outline specific siting and setback requirements and include the following criteria:
 - a. WEGS shall generally be removed from residential areas, and locate on lands where sufficient setbacks can be provided to mitigate potential safety, noise and visual impacts; and
 - b. The Municipality shall endeavour to eliminate or minimize impacts of WEGS development on avian and wildlife habitat.
5. No new or expanded development including proposed subdivisions shall be approved unless there are facilities and the capacity in place to adequately manage the waste (i.e. solid, liquid, septage, etc.) that will be generated.

2.3.11 Transportation

1. The Pinecreek Border Airport shall be protected from incompatible or potentially incompatible land uses that may adversely impact its operation and/or endanger public safety.
2. The R.M. of Piney will consult the appropriate government department with respect to all land use issues and development proposals affecting the Provincial Highway system so as to ensure that the safety and efficiency of these facilities is not compromised.
3. Any development that is to occur within the control areas of Provincial Roads and Provincial Trunk Highways under Provincial authority will be subject to approval by the Department of Infrastructure and Transportation and the Highway Traffic Board respectively prior to approval by The R.M. of Piney.
4. Where The R.M. of Piney has control over roadways, new development adjacent to such roadways will be subject to approval by The R.M. of Piney. Notwithstanding the above, all other development proposals that affect the Provincial Highway system shall conform to the appropriate statutory requirements of the Department of Infrastructure and Transportation.
5. The location and construction of an access to:

- a. A Provincial Road will be subject to approval by the appropriate provincial department;
- b. A Provincial Trunk Highway will be subject to approval by the Highway Traffic Board.

- 6. New development should have legal access to an all-weather road of sufficient standard and capacity, unless the proponent makes an agreement with The R.M. of Piney to upgrade an existing road or develop new road access to a standard agreed upon by The R.M. of Piney. The proponent may be responsible for part or all the costs of this roadway construction.
- 7. Land uses which generate significant amounts of regional vehicle traffic and/or significant truck traffic shall be located in proximity to major roadways, including Provincial Roads and Provincial Highways, if appropriate. Direct access to the Provincial Highway system will be discouraged, and access via the Municipal road system shall be encouraged and preferred.
- 8. New development which has the potential to generate significant vehicle traffic shall be directed away from those areas and land uses where such levels of traffic could endanger public safety.
- 9. Proposed developments that may be adversely affected by noise, dust and fumes from roadways and railways shall be located where there is adequate separation from these corridors or shall incorporate measures such as sound barriers or landscaped buffers to mitigate the conflict.
- 10. Commercial uses which primarily serve the travelling public shall be located where there is access available from major roadways, including Provincial Roads and Provincial Highways where appropriate.
- 11. Where an area of development is bordered on one side by a major transportation corridor or facility such as a highway or rail line, any new development shall, where appropriate, be directed to the same side of a corridor to maintain maximum safety conditions by eliminating unnecessary cross-corridor movements.
- 12. Local road networks shall be planned and designed economically in order to service both existing developments and future requirements.
- 13. Proposed developments which will contribute to a series of lots which require direct access to the Provincial Highway system will not be permitted.
- 14. Proposed developments which may have a detrimental impact on the safe and efficient operation of the Provincial Highway system shall not be permitted unless mitigating measures suitable to the appropriate government department are incorporated into the development.
- 15. The subdivision of land or development of existing land parcels in areas designated for highway widening or expansion shall incorporate provisions suitable to the appropriate government department to accommodate future widening or expansion projects.
- 16. Developed Municipal road allowances shall be maintained for public access. Any clearing, cultivation or cropping of unimproved road allowances shall be approved by The R.M. of Piney.
- 17. The local road or street network associated with any type of proposed development shall be designed to conform to both the existing and planned road and street system of the neighbouring areas.
- 18. The draining of any water into the highway drainage system shall require the approval of the appropriate government department. Any improvements required to upgrade the existing highway drainage system, which are directly associated with a development, shall be the responsibility of the developer.

3.0 SETTLEMENT CENTRE POLICY AREAS

3.1. Introduction

This section of the Development Plan outlines objectives and policies for all settlement centres within The R.M. of Piney. The settlement centres in The R.M. of Piney include Sprague, Woodridge, Vassar, Piney, Sandilands, South Junction and Middlebro. The Development Plan Map A identifies lands included in the Settlement Centre Policy Areas for each of the settlement centres in The R.M. of Piney.

3.2. Objectives

1. To sustain and strengthen existing settlement centres by encouraging new development, revitalization and renewal.
2. To provide opportunities for a full range of housing developments that blend in with surrounding land uses.
3. To encourage development and growth of settlement centres which efficiently uses land, infrastructure and public services.
4. To provide opportunities for a range of commercial, industrial and recreational developments to the residents of the settlement centres and surrounding region.
5. To provide convenient access to places of work, shopping, education, recreation and major social activities.
6. To promote development that is compatible with adjacent land uses, both existing and anticipated.
7. To encourage growth and development of settlement centres in a manner that is compatible with the objectives and policies for Rural Policy Areas and Rural-Seasonal Residential Policy Areas.
8. To identify suitable areas for future development in keeping with the anticipated demand for land;
9. To ensure the economic and efficient installation of municipal services, where feasible, in the settlement centres.

3.3 Policies

3.3.1. General

1. In order to strengthen and diversify land uses in existing urban areas, settlement centres shall provide for an appropriate mix of residential, commercial, industrial, institutional and recreational land uses in quantities reasonably related to demand and in locations which can be adequately serviced.
2. Proposed developments shall take into account the health, safety and general welfare of the residents and the viability and character of settlement centres.
3. Those uses or activities which are permitted in settlement centres shall be located so as to be compatible with other existing or proposed uses.
4. Infilling and revitalization of existing built-up areas shall be encouraged as a means to accommodate new development in settlement centres.
5. Where suitable vacant land is not available, new development shall be encouraged to locate adjacent to built-up areas where public services can be efficiently and economically expanded.
6. Expansion of settlement centres shall be directed away from prime agricultural land, livestock production operations and other resource-related uses to avoid incompatibilities and so that land is not prematurely taken out of production or its use prematurely inhibited.
7. Where large undeveloped areas are being considered for future development, an overall concept plan shall be prepared for the area, in order to provide for an efficient, well-planned development. The concept plan should illustrate the general arrangement of future roadways, building lots, open spaces, area drainage and other major features. The design of the roadways and building lots shall be integrated with existing roadways and services, and generally conform to recognized engineering and planning standards.
8. Until such time as public sewage and water systems are made available in the settlement centres, the minimum parcel size required shall generally be 0.8 hectares (2.0 acres) to minimize

the risk of contamination to private wells and to allow for the installation of suitable types of sustainable on-site sewage disposal systems in accordance with regulations in *The Environment Act*.

9. The development of an existing lot for a building site which is too small to accommodate a septic field sewage system may require a holding tank for the efficient functioning of a private sewage disposal system or an alternate method of sewage disposal which has been approved for the site by the appropriate branch of the Province of Manitoba.
10. Commercial and industrial lot sizes shall be of a sufficient size to provide adequate space for the needs of the development, particularly with respect to exterior display, storage and service areas. The lot sizes shall be regulated through The R.M. of Piney Zoning By-law.
11. Where a developer is proposing new development, The R.M. of Piney Council shall specify the standards for new infrastructure, and may, in its discretion, require the proponent to contribute towards the cost of establishing new infrastructure that may be needed to accommodate the development.
12. All land uses shall be managed in such a fashion that respects the needs and values of the community regarding public health and safety, including such factors as traffic, odour, noise and storage of materials and equipment.

3.3.2. Residential Development

1. A full range of housing types shall be accommodated in settlement centres and shall be located so as to avoid potential land use conflicts with non-residential and related uses.
2. In order to prevent piecemeal land fragmentation and to ensure that buildings and facilities are properly located and planned, detailed conceptual plans for new residential areas shall be prepared by the developer and shall incorporate the following design criteria:
 - a. Significant tree stands and vegetation areas shall be protected.
 - b. Adequate setbacks and/or noise attenuation measures shall be provided in areas where new residential developments back onto major roadways and Provincial Highways and rail lines.
3. New single-family and multiple-family residential developments shall be evaluated based on:
 - a. The cost and feasibility of providing Municipal and utility services;
 - b. Local and regional impacts regarding pedestrian safety, traffic volumes and movement;
 - c. The adequacy of lighting, parking, access and noise attenuation measures into the site planning and building construction;
 - d. Storm drainage patterns and groundwater conditions;
 - e. The availability and convenience of community services, public open space and recreational facilities; and
 - f. Buffers between incompatible land uses.

3.3.3. Commercial Development

1. The commercial core area of settlement centres shall be promoted as the principal location for specialized retail, professional offices, financial institutions, as well as government offices, cultural and indoor recreational amenities.
2. Commercial developments with extensive site requirements, such as outdoor storage, display and parking requirements shall be located at appropriate locations outside of the commercial core area of settlement centres.
3. New commercial developments shall be designed to:
 - a. Encourage safe pedestrian movement linking shopping, parking and recreation services with residential areas;
 - b. Protect significant tree stands and vegetation areas; and
 - c. Accommodate appropriate transition space, such as landscaping, planting or a

combination thereof, between incompatible land uses.

4. Home-based businesses are secondary to a primary residential use and shall not have adverse effects on neighbouring land uses, and shall be regulated by The R.M. of Piney Zoning By-law.

3.3.4 Industrial Development

1. Industrial uses which are incompatible or potentially incompatible with other settlement centre uses shall be developed at suitable locations where they will not endanger public health and safety. If selection of such a site is not possible, a suitable location in the rural area may be considered.
2. Industrial uses which are likely to be unsightly due to the nature of the industrial operations, exterior storage, building or structures shall be evaluated by The R.M. of Piney Council to ensure that emissions such as gases, noise and light will neither disrupt nor diminish the quality of the environment beyond the site being used and that special landscape buffering or other mitigating measures are provided.
3. New development which could be incompatible with industrial uses shall be directed away from areas where industrial uses occur or are anticipated to occur.
4. New industrial developments shall be located in a planned fashion so as to concentrate the demand for such uses while minimizing the servicing and infrastructure development costs associated with such developments. Concept plans for new industrial areas shall be required to address road and rail access, lot configurations, servicing strategies and any associated land use issues.
5. The storage, treatment and discharge of all effluent, emissions and disposal of all waste must meet with the approval of the Department of Conservation and The R.M. of Piney officials.

3.3.5 Institutional, Recreational and Cultural Development

1. Large scale public institutional or recreational development may be required to undertake site selection studies that consider such factors as maximizing the use of existing infrastructure, vehicular and traffic impacts, infilling or revitalizing existing areas and whether the proposed development is compatible with adjacent land uses.
2. The R.M. of Piney shall continue to work with recreation stakeholder groups, leisure service providers and various Provincial government agencies to encourage and promote a variety of recreation opportunities that meet the needs of residents and visitors and responds to changing community needs.
3. The R.M. of Piney, in cooperation with the Seine River and Borderland School Divisions and the Division Scolaire Franco-Manitobaine, shall continue to monitor school populations, facilities and services on a regular basis to ensure that the needs of local residents and facility users are being met.

3.3.6. Vehicle Traffic

Developments which have the potential to generate significant vehicle traffic shall locate along major roadways and away from areas where the traffic would create incompatibilities with surrounding land uses, or endanger public health or safety, or cause excessive wear and tear on road networks.

Developments which primarily serve the travelling public shall be located in planned areas with access to major roadways and Provincial Highways. Direct access to the Provincial Highway system shall be discouraged, whereby access to Provincial Highways shall be via the Municipal road system.

Land uses and developments that have the potential to generate truck traffic shall locate in planned areas with access to major roadways and Provincial Highways. Direct access to the Provincial Highway system will be discouraged, whereby access to Provincial Highways shall be via the Municipal road system. Developments that generate significant truck traffic may not be appropriate for locations adjacent to the Provincial Highway system unless mitigating measures suitable to the Department of Infrastructure and Transportation are incorporated into the development.

Developments that have the potential to generate significant vehicle traffic shall be located away from residential areas where the traffic would generate unacceptable levels of noise and vibration in addition to potential safety issues.

4.0 RURAL LAND USE

4.1 Introduction

This section of the Development Plan outlines objectives and policies for the rural land use areas within The R.M. of Piney. Rural land use areas are differentiated from Settlement Centre Policy Areas by larger land parcels, natural areas, outdoor recreational areas, forestry, agriculture and agricultural-related activities as dominant land uses. The R.M. of Piney recognizes the vital role that the natural resource industries fulfill in terms of providing employment as well as community growth and extensive recreational and tourism opportunities. There is also the potential for additional agricultural activities. Section 1.0 of this Development Plan highlights the key characteristics for areas designated as a rural land use areas in The R.M. of Piney. Development Plan Map A illustrates the Rural Policy Areas in The R.M. of Piney.

4.2. Objectives

1. To encourage economic development, growth and diversification in rural areas in an orderly, efficient manner that will maintain and protect the role of natural resource and agriculture and related activities.
2. To encourage development and growth which is sustainable, and which efficiently uses land and existing road networks.
3. To promote agricultural, recreational and resource developments that are compatible with adjacent land uses, both existing and anticipated.
4. To maintain the character and quality of life presently enjoyed in rural areas.
5. To encourage growth and development in rural areas in a manner that is compatible with the objectives and policies for Settlement Centre Policy Areas.
6. To protect the role of resource and related activities within the economy of The R.M. of Piney.
7. To minimize property damage, personal hardship and public expenditure for relief and protection associated with development on hazard lands.
8. To restrict development that would accelerate damages along shorelines arising from causes such as erosion and bank instability.
9. To encourage the protection, maintenance and improvement of wildlife populations and their habitats, including fish spawning and nursery areas, wetlands and native vegetation areas.
10. To encourage the continued rehabilitation of exhausted natural resource sites.
11. To encourage and promote a variety of recreation and leisure opportunities that meet the needs of all residents and responds to changing community needs.
12. To promote communication and cooperation between private landowners, the general public and government agencies to achieve a high standard of conservation measures.
13. To protect aquifers and groundwater resources for the benefit of existing and future users.
14. To protect resource areas for future extraction and development.
15. To work closely with the Province of Manitoba regarding the permitting or leasing of Crown lands.
16. To recognize the importance and potential of the farming industry to The R.M. of Piney, while promoting sound and environmental farming practices.
17. To protect areas best suited for agricultural use from the encroachment of scattered non-resource based developments.
18. To encourage a variety of agriculture production methods through the recognition of the distinct differences between intensive livestock production operations, small scale livestock production operations, mixed farms as well as specialized agricultural operations and to make provision for their continued viability within The R.M. of Piney.
19. To recognize that within the rural land use area of The R.M. of Piney there are a variety of rural uses associated with agricultural, natural resources activities as well as commercial, industrial and recreational uses that cannot be suitably located in a settlement centre, and as such, must

be accommodated in a manner which not only supports and enhances the continued viability of The R.M. of Piney but also minimizes the potential for land use conflicts.

20. To ensure that farmers are able to supplement their incomes through home-based businesses and industries while maintaining agriculture as their principal activity.
21. To ensure that solid and liquid waste disposal sites are located, designed and operated in a manner that protects the environment and adjacent land uses.

4.3 Policies

4.3.1. General

1. In accordance with the Objectives of the Plan, rural areas of Piney will be organized in a manner which will preserve and protect prime agricultural land and viable lower class lands, and protect agricultural operations from the encroachment of incompatible land uses and maintain the open space and rural character of the country side.
2. To protect the Municipality 's agricultural economy, rural character, provide buffering to residential developments, including settlement centres, and identify areas in the municipality not suitable for a full range of agricultural uses, the following four areas are identified on Map A: General Land Use Map:
 - a. Limited Rural Area;
 - b. Rural Area 1;
 - c. Rural Area 2; and
 - d. Rural Area 3.
3. Commercial and industrial uses that cannot be suitably accommodated in a settlement centre may be appropriate in Rural Policy Areas, subject to Policies 4.3.2 – 4.3.6.
4. Non-agricultural developments shall be directed away from prime agricultural lands, as well as viable lower class lands where agricultural uses would be consistent with the land's natural limitations and would not contribute to negative environmental impacts.
5. New development shall be located so as to be compatible with other existing or proposed uses.
6. Certain land uses and activities, which due to their particular nature, which may be hazardous or which can lead to land use conflicts or negative environmental impacts, shall be designated as Conditional Uses in The R.M. of Piney Zoning By-law.
7. Development shall occur in a manner that sustains the yield and quality of water from existing aquifers and groundwater resources.
8. The R.M. of Piney may request recommendations from such government agencies as it deems necessary when a proposed use or development of land may have a detrimental effect on the environment. If it is determined that a proposed use or development may have a detrimental effect on the environment, said use or development shall not be permitted unless measures have been incorporated in the proposed development to potential detrimental effects.

4.3.2. Natural Resource Development

1. The R.M. of Piney Council shall work closely with the appropriate provincial departments in regards to:
 - a. Ensuring that the permitting or leasing of Crown land is in accordance with the objectives and policies of The R.M. of Piney Development Plan; and
 - b. Promoting the transfer of Crown Land to The R.M. of Piney.
2. Any proposed development adjacent to fisheries habitats, spawning sites and fish nursery areas shall conform to the following development criteria:
 - a. Measures shall be put in place to limit nutrient and sediment inflow;
 - b. The construction of dykes is preferred to channel deepening and straightening;
 - c. Land shall not be cleared, cultivated or developed within 10 meters of the water's edge of

creeks, streams and lakes;

- d. Organic loading or siltation from agricultural run-off shall be prohibited; and
- e. The development proposal be circulated to appropriate provincial departments, including Manitoba Conservation for review and comment, prior to commencement of any construction or land altering activity.

3. The R.M. of Piney Council shall not allow development proposals that would drain or fill any significant wetland area.
4. Where there is a potential conflict between proposed resource-related activities and neighbouring land uses, the resource developer shall be required to maintain suitable buffering by means of set backs, vegetation cover, or a combination thereof.
5. Land uses that will negatively impact active resource extraction developments as determined by Municipal or Provincial government agencies shall be prohibited until the operation is no longer economically viable.
6. Economically valuable aggregate and mineral deposits as determined by Municipal or appropriate provincial government agencies shall be protected from surface land uses that would interfere with on-going and future extraction activities.
7. The expansion of natural resource developments, outdoor recreation, agricultural development activities and other compatible land uses onto unimproved Crown lands may be recommended in suitable locations. The following criteria, in accordance with Provincial regulations and approval, shall be considered in evaluating applications for expansion:
 - a. Lands shall exhibit high capability for sustainable agricultural use, if the proposed use entails agricultural development activities;
 - b. Municipal services, such as roads and drains shall be readily accessible or can be provided by way of a logical extension of the existing system at a reasonable cost;
 - c. The proposed use shall be compatible with other resource related and neighbouring land uses; and
 - d. The resultant use shall not negatively impact any significant wildlife or fisheries habitat.
8. Stream alterations shall not be undertaken without the approval of the appropriate provincial government department. Instream works shall be designed and timed in a manner that avoids or mitigates any negative fish or fish habitat impacts.
9. Activities that discharge pollutants shall be restricted in their location and safeguards implemented as necessary.
10. The R.M. of Piney Council shall encourage the appropriate provincial department to maintain and enhance fish stocking programs at Whitemouth Lake.
11. Significant wildlife concentration areas, as identified by the appropriate provincial department, shall be recognized and afforded protection by discouraging incompatible land uses from locating in or near these areas.
12. The retention of tree cover shall be encouraged on unused road allowances, other Municipal lands and land having low agriculture capability as a means to control erosion and wind damage and protect significant wildlife habitat areas. Tree cover and wildlife shall also be protected by clustering developments separated by treed open space, and retaining natural drainage ravines to act as corridors for wildlife.
13. Property owners who carry out timber harvesting activities shall be encouraged to ensure that:
 - a. Roads, landings and excavated trails are:
 - i. constructed and maintained or deactivated in a manner that minimizes soil erosion and landslide hazards and ensures that nearby streams are maintained in their natural or existing courses; and
 - ii. rehabilitated to the extent necessary to ensure that reforestation requirements are achieved.
 - b. Woodland debris on the site does not result in damage to lakes, rivers, creeks, streams

and wildlife habitat areas.

14. The re-establishment of tree cover and restocking of harvested areas shall be encouraged through public works, private initiatives and co-operative programs between private landowners and the Province of Manitoba.
15. The R.M. of Piney Council shall encourage landowners to seek advice from the Department of Conservation with respect to habitat removal and wildlife depredation and will support educational programs undertaken by the Department.

4.3.3. Agriculture

1. The Municipality will protect the agricultural economy and rural character by identifying four rural/agricultural designations as shown on Map A. In an effort to balance the interests of livestock producers and those residents who do not support livestock development
 - i. Limited Rural Area
 - ii. Rural Area 1
 - iii. Rural Area 2
 - iv. Rural Area 3

Special provisions with respect to livestock operations in these areas are established in Section 4.3.4 of this document.

2. Prime agricultural lands should generally not be developed for non-agricultural uses.
3. Where feasible, areas should be preserved for a full range of agricultural activities on prime agricultural land and on lower class agricultural land.
4. Prime agricultural lands shall be protected from fragmentation into parcels that are generally not less than 80.0 acres
5. Small land holdings for small-scale or specialized agricultural operations may be considered for approval, provided that such proposals are compatible with other existing agricultural operations, and the size of the proposed parcel is appropriate for the intended use. An appropriate minimum parcel size for such uses shall be generally 10 acres.
6. Existing agricultural enterprises which operate within generally accepted practices of farm management and in conformance with Provincial regulations shall be protected from new development which might unduly interfere with their continued operation.
7. Disposal of agricultural wastes shall comply with appropriate regulations / acts of the Province of Manitoba. The surface water quality in the area shall be protected by adherence to the guidelines of the Manitoba Surface Water Quality Objectives.

4.3.4. Livestock Production Operations

As outlined in the background studies to this document, 66.0 percent of the soils in The R.M. of Piney are Class 5 or lower 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 R. M. of Piney recognizes the role that agriculture has in the Municipality. The Municipality also recognizes the potential land use conflicts that may arise between the livestock industry 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. In an effort to balance the interests of livestock producers and those residents who do not support intensive livestock development, the Council has chosen to designate livestock areas based 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 according to MAFRI is the highest in the Province. Soil information is available for the RM of Piney primarily at a reconnaissance scale of 1:125,000, which the Council acknowledges is a scale unsuitable for site specific decisions. However, Council believes that using the soils information as mapped will provide a more concrete rationale for determining where and to what size livestock operations will be considered. In this way, selection of these areas will be less arbitrary and more easily justified to land owners. 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, three designations of rural land have been established in the Municipality, as shown on Land Use Map A. 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 are those with soils mapped as Class 4 for agricultural capability and Rural Area 3 are those designated areas 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. Expansions of existing livestock production operations compliant with the current livestock by-law, limited to only those operations established prior to the date of adoption of this Plan, to a maximum of 100 AU.
 - c. Within areas designated "Rural Area 1", the following livestock related uses will be permitted:
 - i. Expansions of existing livestock production operations, to a maximum of 800 AU, Provisions will be established in the Zoning By-law to ensure the continued viability of existing operations by identifying setbacks based on *The Provincial Land Use Policies (PLUPs)*;;
 - ii. New livestock production operations, to a maximum of 800 AU. Any new operations over 300 AU will be required to meet setbacks identified in the Zoning By-law that are based on *The Provincial Land Use Policies (PLUPs) + 25%*. As well all livestock operations will have the additional requirement that no part of the barn or manure storage facility shall be located within one mile of an adjacent residence unless the residence belongs to the owner or operator of the livestock operation in question.
 - d. Within areas designated "Rural Area 2", the following livestock related uses will be permitted:
 - i. Expansions of livestock production operations, up to a maximum of 300 AU. Provisions will be established in the Zoning By-law to ensure the continued viability of existing operations by identifying setbacks 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 setbacks identified in the Zoning By-law that are 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 setbacks based on *The Provincial Land Use Policies*
 - ii. No new livestock operations will be allowed.
2. Proponents, owners and operators of livestock production operations will be required to develop their facilities and conduct their operations 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 shelter belts, incorporating off set rows of trees, surrounding the entire livestock production operation facility, including the manure storage facility;
 - b. The most current odour reducing technology available at the time of application including a manure lagoon cover and odour reducing technologies for the barn(s) if the operator is utilizing a lagoon;
 - 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; and
 - e. The availability of adequate owned lands to accommodate application of all manure produced by an operation.
3. The siting of new operations will require prior approval 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. For example, livestock production operations shall locate as close as possible to the centre of a land holding, and in conformity with setbacks and yard requirements that are identified in the Zoning By-law.
4. The Rural Municipality of Piney shall contact owners of property, shown on the assessment roll as being within two kilometres of the affected land for operations that are between 200 AU and 299 AU, operations greater than 300 AU are otherwise provided for by *The Planning Act*, by regular mail, of the proposal to establish a livestock production operation. 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.
5. All proposed livestock production operations, including expansions, to a level of more than 200 AU, may 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 operations, including expansions to a level of less than 200 AU, meeting respective setback and separation requirements, shall be allowed to establish without the need for a Technical Review.
7. 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.
8. 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, the suitability of a chosen site for the establishment of an operation.
9. To provide additional protection for urban centres, setback 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*;
10. 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 can
- 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. To provide opportunity for input on locational attributes.

11. 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:
- The type and size of the proposed operation.
 - The source of the water supply, including consumption levels.
 - The nature of the land base.
 - Adjacent land uses.
 - Provincial guidelines and regulations governing livestock production operations.
 - Reports from appropriate Provincial reviewing agencies such as, but not limited to, the Technical Review Committee.
 - Local resident concerns.
 - Traffic generation.
12. Mutual separation distances will be maintained between livestock production operations, designated Settlement Centres (see also subsection 4.3.4.9), Rural-Seasonal Residential Policy Areas, residences not accessory to an operation as well as watercourses and wells. These separation distances will be established in The R.M. of Piney Zoning By-law and based on the *Provincial Land Use Policies* +25% to aid in mitigating potential land use conflicts and negative environmental impacts. The R.M. of Piney Council may, as per provisions of *The Planning Act*, vary the separation distance established in the Zoning By-law.

4.3.5. Subdivision Policies

- The subdivision of land for specialized agricultural operations will be permitted in the Rural Policy Area providing it does not conflict with other policies of The R.M. of Piney Development Plan. Specialized agricultural operations such as tree nurseries, apiaries, market gardens and other bona fide agricultural practices may be established on land parcels less than the minimum area requirement as specified in the R.M. of Piney Zoning By-law.
- The subdivision of land for the realignment of farm boundaries around rivers, streams, highways, drains and other features may be permitted if deemed necessary for agricultural purposes.
- The subdivision of land for farm residential purposes may be permitted in accordance with the following criteria:
 - A retiring farmer who wishes to retain the farm residence.
 - Where a farm is incorporated and it is necessary to establish a separate residential site.
 - Where a residence is required for an individual actively involved in the farm operation and derives significant income there from.
 - A bona fide farmstead site that has been rendered surplus due to a consolidation or amalgamation.
- Land division for farm residential / farmstead purposes (allowed for in policy 5.3.5.3 above) shall:
 - As much as is practical, not include land under cultivation or in pasture and be located within a well-defined yard site, such as a defined shelterbelt;
 - Be located along an existing all-weather road;
 - Be serviced to a rural standard;
 - Not be subject to flooding or erosion;
 - Not have a negative impact on adjacent agricultural lands
 - Shall maintain a parcel size in the 2 – 10 acre range;

- g. For the purposes of a farmstead subdivision, have contained a liveable farm residence; and
- h. Not create a potential land use conflict or sterilize valuable mineral resources.

5. Limited subdivision for residential non-farm purposes may be considered by Council on lands that have a Canada Land Inventory Soil Capability for Agricultural rating of Class 4 to 7, subject to the following criteria:

- a. The land cannot reasonably be used for agricultural purposes;
- b. The approval of the subdivision will not create a potential for land use conflict with agricultural activities which would normally take place in the area, or with major transportation systems in the Municipality, as per the Transportation Policies of this Document;
- c. The proposed site is located where all necessary services such as all-weather roads, hydro, school bussing, etc., are available;
- d. That approval is based on a review of the cumulative adverse effect of all subdivisions in the immediate area;
- e. That the minimum size of the lot shall be generally two acres; and
- f. That the proposed lots can effectively be serviced by environmentally sound onsite wastewater disposal system and have an adequate supply of potable water.

If it is determined that the proposed subdivision will cause adverse effects, impact the future (agricultural) viability of this or any adjacent lands, or create potential for land-use conflict, the proposed subdivision will not be considered for approval. The application of this policy is designed to direct a limited amount of development to the lowest class of land available and should be applied in areas of low development pressure.

4.3.6. Commercial and Industrial Development

1. Commercial and industrial uses are encouraged to locate within or in close proximity to settlement centre. Given the lack of such development in the municipality, Council is of the opinion that any such economic development should be pursued, in light of the following criteria:

- a. The proposal is in keeping with the transportation policies of The R.M. of Piney Development Plan;
- b. Is compatible with surrounding development in terms of land use function and scale of development;
- c. The relationship to Municipal land, rights-of-way or easement regulations;
- d. The effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
- e. The relationship to the documented concerns and opinions of area residents regarding the application;
- f. The use is directed away from prime agricultural land and viable lower class land;
- g. The site is of adequate acreage to meet the needs of the use intended, but is not wasteful of agricultural land;
- h. Direct access to the Provincial Highway system will be discouraged, whereby access to the Provincial Highway system should be via the Municipal road system.
- i. The site is located close to and on the same side of a highway as a settlement centre;
- j. Water, drainage, sanitary disposal, hydro, telephone and road access can be economically provided;
- k. Where the development is proposed in the vicinity of a Provincial Highway, a copy of the rezoning application shall be circulated to the Department of Infrastructure and Transportation for review and comment.

2. In the "Rural Policy Area" there is a need to accommodate some non-agricultural

commercial and light industrial uses to enhance the economic viability of the municipality. As it is anticipated that the demand for these uses will be limited, the establishment of a separate commercial/industrial designation is not warranted and typically, commercial and industrial uses shall be encouraged to locate within areas designated "Settlements Centre". However, certain commercial and industrial uses that require a rural location may be allowed to locate within the "Rural Policy Areas" provided they do not conflict with agricultural uses. The establishment of such uses may be considered for the following reasons:

- a. Certain industries that may need to be near a specific resource or facility such as, but not limited to, gravel crushing, bio-diesel plants, etc.;
- b. The need to separate a specific development from urban areas because of potential danger to public safety or nuisance associated with the operation of the proposed development; and
- c. Commercial or industrial uses that require larger site areas not available in urban areas or uses that would be better suited in a rural area.

Areas contemplated for uses listed above should adhere to Transportation Policies identified in this Plan and shall require re-zoning to an appropriate commercial/industrial zone, as identified in the Zoning By-law. Prior to final approval, site(s) proposed for commercial or industrial development shall require, as part of the re-zoning process, a full review by the appropriate government department when adjacent to a Provincial Road or Provincial Trunk Highway.

3. Home-based businesses and industries may occur in Rural Policy Areas. Such businesses and industries are secondary to a primary residence and shall be regulated by The R.M. of Piney Zoning By-law.

4.3.7. Waste Disposal Sites

1. New waste disposal sites must comply with the following development criteria:
 - a. Sites must comply with Provincial environmental site and design standards;
 - b. Sites shall not adversely affect the recreational amenities of the area;
 - c. Sites shall not be located in proximity to residential areas and other non-compatible uses; and
 - d. Sites shall be designed and operated in such a manner so as to ensure that waste is not allowed to be scattered onto adjacent properties.
2. Waste disposal sites are deemed an appropriate use in the Rural Areas and shall be listed as a conditional use in the Zoning Bylaw.

4.3.8. Rural Area 3

1. Notwithstanding Sections 4.3.1 to 4.3.7, areas highlighted as "Rural Area 3" on the Development Plan Map are characterized as having organic soil conditions, which have limited capability for agricultural and related developments, as outlined in the Canada Land Inventory mapping prepared by the Department of Agriculture and Agriculture, Food and Rural Initiatives. However, it should be noted that this is a generalized assessment of the land and a more detailed site-specific review will be warranted through the development review process, including rezoning, conditional use and development permit applications. As such, for the lands highlighted as "Rural Area 3", which shall be further regulated by The R.M. of Piney Zoning By-law, The R.M. of Piney Council may consider limiting development to open space, forage or cropping agricultural uses, limited livestock production operations and limited non-farm residential developments. In reviewing development applications in these areas, The R.M. of Piney Council, in consultation with the Province of Manitoba as required, should be satisfied that the development proponent has demonstrated that:
 - a. The proposed development will not adversely alter, obstruct or increase water flow, flood velocities or flood stages;
 - b. There is no added risk to life, public health or safety;
 - c. All structures and services are protected against damage and are functional under hazard conditions;

- d. The effects on the creation or aggravation of erosion, bank instability and drainage problems are minimized;
- e. Preventative and remedial measures are in place which eliminate the risk to groundwater pollution sensitivity areas and natural habitat areas, or reduce the risk to an acceptable level;
- f. Existing tree cover shall be retained as much as possible as a means of preserving natural habitat areas and as a soil conservation technique to control erosion and minimize wind damage;
- g. Any proposed stream alterations have been approved by the Department of Conservation and avoid or mitigate any negative habitat impacts;
- h. Any proposed clearing, draining, or filling in of natural marshes, bogs, ponds or significant wetland areas have been approved by Manitoba Conservation;
- i. Public access to the proposed development shall not lead to levels of activity that will exceed the capability of the area to sustain the environment and ecosystem integrity; and
- j. Additional studies, including engineering and soil survey, have been undertaken at the direction of Council, to confirm the ability of the soil on the affected land to sustain the development as proposed.

5.0 RURAL-SEASONAL RESIDENTIAL POLICY AREAS

5.1. Introduction

This section of the Development Plan outlines objectives and policies for the establishment of the Rural-Seasonal Residential Policy Areas within The R.M. of Piney. Rural and seasonal residential developments may be appropriate land uses outside the Settlement Centre Policy Areas and Rural Policy Areas provided the orderly expansion of the settlement centres is not impeded and the proposed developments can be serviced to an appropriate rural standard. In addition, such developments must be located in areas wherein the potential for agricultural developments is low and conflicts with allowable land uses in the Rural Policy Areas are mitigated. Of equal importance, the immediate and long term plans of private landowners and market conditions must also be considered in determining whether non-farm and seasonal residential development proposals will be initiated.

5.2. Objectives

1. To ensure that the growth of the Rural-Seasonal Residential Policy Areas does not impede the orderly expansion of the Settlement Policy Areas.
2. To minimize land use conflicts between developments in the Rural-Seasonal Residential Policy Areas with allowable land uses in the Rural Policy Areas.
3. To ensure that proposed developments can be serviced to an appropriate rural standard and in a cost-effective manner with respect to road access, water supply and wastewater disposal.

5.3. Policies

1. Rural and seasonal residential developments will only be approved when it is demonstrated by the developer that the lots are required in various price ranges, lot sizes and geographical areas of The R.M. of Piney to justify the subdivision of land.
2. Rural and seasonal residential developments shall be located on sites:
 - a. That are complimentary to existing settlement centres and do not impede their orderly expansion;
 - b. That are not prime agricultural land or viable lower class land;
 - c. Where nearby agricultural operations will not be negatively impacted; and
 - d. As an infill development adjacent to an existing cluster of rural and seasonal residential dwellings where public services, including roads and other services can be efficiently and economically provide and / or expanded.
3. Proposed lot sizes shall not be larger than those required to maintain a rural character and associated services. A suggested minimum lot size of 0.8 hectares (2.0 acres) is required with a maximum lot size of 4.0 hectares (10.0 acres). The Zoning Bylaw shall make provision for the keeping of hobby farm livestock at the higher range of land size. Where it can be demonstrated that the minimum and maximum figures are either deficient or excessive for their purposes, they may be altered, at the discretion of the approving authority. Care shall be taken to ensure that subdivisions are not wasteful of land.
4. All new subdivisions shall be served by publicly owned and maintained roads and shall have regard for future phasing and extension of the road network to services adjacent lands. Alternate forms of land ownership, including condominium development, are considered appropriate in these areas.
5. Services such as school bussing, police and fire protection shall be available to the site or could be provided without undue cost to The R.M. of Piney and/or applicable school boards.
6. Rural and seasonal residential developments shall be serviced to an appropriate rural standard with respect to water supply and wastewater disposal. Appropriate on-site wastewater treatment systems shall be utilized to address concerns with respect to the potential pollution of groundwater resources. All rural residential subdivisions five lots or larger shall, as part of the review process, provide an engineering study to confirm the proper operation of any proposed on-site sewage treatment systems.
7. Rural and seasonal residential developments shall be directed away from sensitive environmental areas, and shall be adequately protected from hazards associated with flooding and erosion.

8. Where proposed rural and seasonal residential developments abut waterbodies, Council may require that a public reserve be incorporated as part of the proposed development, to provide public access to a shoreline.
9. A full range of residential uses, including condominium development, are appropriate in this designation. Lot sizes shall be reflective of the particular residential use proposed and shall be listed in the Zoning Bylaw. Where possible, these uses shall be encouraged to locate in close proximity to community services, commercial developments, and recreational amenities, such as golf courses.
10. Where large undeveloped areas are being considered for future development, an overall concept plan shall be prepared for the area, in order to provide for an efficient, well-planned development. The concept plan should illustrate the general arrangement of future roadways, lots, open spaces, area drainage and other major features.
11. The design of a proposed development shall be integrated with existing roadways and services, generally conform to recognized engineering and planning standards. Development agreements with proponents shall be utilized to ensure the construction of infrastructure to an acceptable municipal standard.
12. Home-based businesses are considered appropriate in this designation, being secondary to a primary rural and seasonal residential use. These uses shall not have adverse effects on neighbouring land uses, and shall be regulated by The R.M. of Piney Zoning By-law.
13. Given that the level of demand for such development is currently very low and it is difficult to predict where these may be locating in the future, the establishment of new rural residential/seasonal residential areas shall occur via an amendment to the development plan.

6.0 IMPLEMENTATION

6.1 Basic Implementation Measures

The intent of the Implementation section is to outline the actions that are required in order to facilitate the overall community growth objectives and development policies of The R.M. of Piney Development Plan. The Development Plan is based on short and long range policies, regulations and criteria for the area to grow and prosper in a sustainable manner that reflects a diversity of interests and needs. However, a Development Plan does not in itself manage and control development. Rather, it is used in conjunction with other planning controls such as Zoning By-laws, development agreements, and subdivision plans. With this in mind, the policies outlined in The R.M. of Piney Development Plan will be implemented by the measures and methods provided below.

6.1.1 Adoption of this Development Plan

Adoption of this Development Plan by The R.M. of Piney by By-law will give the plan the force of law. Once adopted, no development or land use change may be carried out within the area affected by the Development Plan that is inconsistent or at variance with the proposals or policies set out in the Development Plan (*The Planning Act*). *The Planning Act* also states that adoption of a Development Plan does not require The R.M. of Piney Council to undertake any proposal suggested or outlined in the Development Plan.

The R.M. of Piney Development Plan should be reviewed periodically and revised if necessary to anticipate and respond to changing conditions within The R.M. of Piney. The R.M. of Piney Development Plan may be amended at any time when considered appropriate or necessary by The R.M. of Piney Council. Should it be necessary to amend the Development Plan, the public should be given adequate notice to respond to the proposed changes. *The Planning Act* provides notification procedures for informing the public regarding Development Plan amendments. In addition *The Planning Act* states that a Municipality can set out a timetable for a detailed review of its Development Plan. To this end, Council will review this plan no later than seven years after the date on which this plan comes into effect and at a period of every eight years thereafter.

6.1.2 Zoning By-law

The major planning tool available to the municipality to implement Development Plans is the Zoning By-law. *The Planning Act* provides that municipalities can enact a Zoning By-law following the preparation and approval of a Development Plan. A Zoning By-law establishes various zones, determines both permitted and conditional uses and provides details regarding the appropriate development standards and applicable zone regulations, including minimum lot sizes, maximum building heights, sign controls, landscaping and home occupation regulations, among others.

A Development Plan is used as a guide in preparing, amending or varying the regulations of the Zoning By-law. For instance, when dealing with a Zoning By-law amendment, Council should base its decision on the objectives, policies and development regulations as laid out in the Development Plan. However, the Development Plan outlines a long-term growth strategy and there are situations where Council may allow the Zoning By-law to reflect current uses until specific needs or demands change or if land use conflicts arise. In any event, any proposed Zoning By-law amendments must be generally in keeping with provisions of the Development Plan.

6.1.3 Subdivision Approvals

Subdivision is the process of altering legal property boundaries or splitting larger tracts of land into separate legal properties. Proposals involving the subdivision of land for individual or multiple lot development will be subject to a review and approval process involving The R.M. of Piney Council, utility companies and Provincial government departments (*The Planning Act*). This process provides an opportunity for development proposals to be evaluated in accordance with the provisions of The R.M. of Piney Development Plan. A subdivision proposal cannot proceed without the approval of The R.M. of Piney Council and the Provincial approving authority. Council and/or the Provincial approving authority may attach conditions to a subdivision approval in accordance with *The Planning Act*.

6.1.4 Concept Plans

Development Plans primarily deal with general land use and development within the overall community, while concept plans show how specific areas may develop. Concept plans are required in primarily undeveloped areas that are experiencing development pressures where landowners have not developed a strategy for the long-term development of their properties. Concept plans provide general information dealing with road layout, lot structure, public reserve dedication, and servicing and topographical features. Prior to new development taking place in a concept plan area, the landowner or developer has to subdivide his/her land holdings and meet Municipal and Provincial government regulations, including legal and site surveys as well as engineering studies.

6.1.5 Development Agreements

Municipal approval of subdivisions and zoning amendments can be conditional on development agreements which will protect both the applicant and the Municipality. The development agreements on subdivisions deal with the responsibilities of the applicant and the Municipality in providing services to the land proposed for development. A development agreement on a zoning amendment may deal with such issues as the use of the land, the location of buildings on the site, the installation of services and the provision of open space.

6.1.6 Development Permits

New development generally requires a development permit issued by The R.M. of Piney. Before a permit is issued, proposals should be reviewed to determine conformance with The R.M. of Piney Development Plan and The R.M. of Piney Zoning By-law.

6.1.7 Development Officer

The R.M. of Piney Council may authorize its Development Officer to issue development permits, zoning memoranda, non-conforming certificates and other similar documents and allow minor variations to the requirements of The R.M. of Piney Zoning By-law.

6.1.8 Conditional Use Approvals

Within the Zoning By-law, there will be provisions for the approval of various types of development as a conditional use in each zone. This will provide The R.M. of Piney Council with the flexibility to review specific development proposals, to receive public input from nearby landowners, and to make decisions either approving or denying the proposals. In addition, this process provides The R.M. of Piney Council with the opportunity to establish conditions of approval appropriate for each proposal. In utilizing the conditional use process, The R.M. of Piney Council will have an opportunity to influence the location of certain types of development, as well as to implement measures to ensure that the development occurs in a manner that is acceptable to the community. The R.M. of Piney Development Plan policies and objectives provide guidance for the conditional use approval process.

6.1.9 Variation Orders

The Planning Act enables The R.M. of Piney Council to issue variation orders for the purpose of varying or altering the application of The R.M. of Piney Zoning By-law. The various ways that a Zoning By-law may be varied are outlined in *The Planning Act*. The R.M. of Piney Council may attach conditions to a variation order in order to maintain the intent and purpose of The R.M. of Piney Development Plan or The R.M. of Piney Zoning By-law. Council may authorize its Development Officer to grant or refuse a minor variation as set out in *The Planning Act*.

6.2 ADDITIONAL MEASURES

In addition to the measures outlined above, The R.M. of Piney Council may also utilize the measures provided below.

6.2.1 Acquisition and Disposal of Land

The R.M. of Piney Council may acquire an interest in land or sell, lease or otherwise dispose of land for the purpose of implementing The R.M. of Piney Development Plan.

6.2.2 Adoption of Other By-laws

The R.M. of Piney Council may adopt and administer other By-laws concerning the use, development and maintenance of land. This would include measures such as the adoption of a building By-law, property maintenance By-laws, access approval By-laws, drainage By-laws and other types of By-laws affecting the use of land.

6.2.3 Special Studies

While the community wants to encourage growth and development to provide opportunities for its residents, it also wants to ensure that consideration is given to the possible effects of a development proposal. For this reason, proponents may be required to undertake and submit special studies as part of the approval process for certain types of development proposals. Engineering or other professional studies may be required for development proposed for lands affected by flooding hazards, endangered species, potential for groundwater and surface water pollution, and general risk to health and the environment. In certain cases where development is proposed in close proximity to a Provincial Road or Provincial Trunk Highway Traffic Impact studies prepared by a qualified professional engineer may be

required.

6.2.4 Public Works

The capital works program and public improvements of The R.M. of Piney shall conform to the policies set out in this Development Plan. This is an important implementation tool since a Municipality may influence the rate and direction of growth through the provision of Municipal services to land.

6.2.5 Capital Expenditure Program

The R.M. of Piney Council shall consult the Development Plan when revising the annual five-year capital expenditure program.

6.2.6 Strategic Plans for Economic Development

As outlined in Section 258 of *The Municipal Act*, The R.M. of Piney Council may adopt a strategic plan for economic development. Strategic plans should be consistent with The R.M. of Piney Development Plan. The R.M. of Piney can also consider preparing community vision statements and action plans as part of a community round table process to ensure consistent objectives, policies and programs.

6.2.7 Municipal Cooperation

Implementation of The R.M. of Piney Development Plan may benefit from or require cooperation between one or more Municipalities. Sections 259, 260 and 295 of *The Municipal Act* provide for tax sharing agreements, service sharing agreements and cost sharing agreements between Municipalities.

7.0 GLOSSARY OF TER.M.S

Words, phrases and terms defined by this Development Plan shall be given the defined meaning. Where a word is not defined in this Development Plan but is defined in *The Planning Act*, the Provincial Land Use Policies, The Farm Practices Guidelines or any other Provincial government statutes, regulations or guidelines, that definition shall apply. Where no definition can be found in any of these sources, the customary meaning shall stand except where, in the opinion of the Development Officer in consultation with Council, the context clearly indicates otherwise.

1. **Act**, the means *The Planning Act*, Chapter P30, R.S.M. 2005, as amended.
2. **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, floriculture and horticulture, but do not include livestock production operations.
3. **Approving Authority** means the Department of Intergovernmental Affairs.
4. **Buffer** means an area designed to separate and protect incompatible land uses from one another as through the use of buffers such as appropriate landscaping to insulate the surroundings from noise, smoke, dust, odours, or visual aspects of adjacent properties or uses.
5. **Canada Land Inventory** means a series of maps prepared by the governments of Canada and Manitoba showing an evaluation of the capability of the land to support agriculture, forestry, wildlife (including ungulates and waterfowl) and recreation.
6. **Conditional Use** means those uses of land, buildings or structures that may be permitted in a particular Zoning District of a Zoning By-law, but only at the discretion of Council in accordance with the Act.
7. **Council** means the Council of The R.M. of Piney.
8. **Crown Land** means Provincially owned land, which is administered under *The Crown Lands Act*, *The Forest Act*, *The Wildlife Act*, *The Fisheries Act*, or *The Park Lands Act*.
9. **Crown Mineral Land** means land in which the Crown holds mineral interest with or without surface rights in respect of the land.
10. **Development** means the carrying out of the construction, erection or placement of any building or excavation or other operation on, over or under land; or the making of any change in the use or intensity of use of any land or buildings or premises.
11. **Development Officer** means the Development Officer as appointed by The R.M. of Piney in accordance with the Act.
12. **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence.
13. **Erosion** means the process by which the earth's surface is worn away by the action of wind or water.
14. **Exploration** means a search for minerals or oil and gas by prospecting, by geological, geophysical or geochemical surveys, by trenching, stripping, excavating or drilling or by any other method.
15. **Farmstead** means the land area that includes the existing residence of the farm operator and associated farm buildings normally found in a cluster and surrounded by a shelterbelt of trees.
16. **Forestry** means the raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of wood, pulpwood, lumber and other forestry products.
17. **Full Range of Agricultural Uses** means any agricultural activity permitted within the laws of the Province of Manitoba including all types and sizes of agricultural field and livestock operations.
18. **Gas** means natural gas that:
 - (a) Contains methane and other paraffinic hydrocarbons, and might contain nitrogen, carbon dioxide, hydrogen sulphide, helium or minor impurities;
 - (b) is recovered or recoverable through a well from a reservoir; and
 - (c) Includes any fluid hydrocarbon, before and after processing, that is not oil or condensate.

19. **Groundwater** means water below the surface of the ground.
20. **Hazard Land** means land that has become unstable as a result of flooding, water erosion, wind erosion, landslides or subsidence, or where the effects of same on the land have been predicted.
21. **Heritage Resource** means:
- (a) A heritage site;
 - (b) A heritage object; and
 - (c) Any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof.
22. **Historic Village** means a centre in which the type and density of land uses no longer creates a recognized community and, as such, does not provide services to the surrounding rural area, but has a historic connection to the Municipality. Historic Villages in The R.M. of Piney are Menisino, Bedford, Baynham, Sirko, Kerry, Florze, Moodie, Hieberts Corner, Burns and Hickey.
23. **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building and which is clearly incidental to the dwelling unit.
24. **Incompatible Land Uses** means land use activities that cannot co-exist without creating undesirable effects or interferences.
25. **Infill** means the development of new lots in an existing developed area to increase the density of development and maximize the utilization of existing infrastructure systems.
26. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a buffer between properties in order to mitigate objectionable features between them.
27. **Livestock** means farm animals kept for the use, propagation or profit and includes, but is not limited to, dairy and cattle, swine, hogs, bison, goats, horses, poultry, sheep, rabbits and other exotic animals not kept exclusively as pets.
28. **Livestock Production Operation** means an operation where livestock are confined, fed or raised but does not include:
- (a) An operation for the slaughter or processing of livestock;
 - (b) An operation for the grading or packing of livestock or livestock products; and
 - (c) An operation for transporting livestock or livestock products.
29. **Lower Class Land** means land that is not prime as defined by the Canada Land Inventory for Agriculture but which is used for farming or has the potential of being used for farming.
30. **Mineral** means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss and substances that are prescribed as minerals for purposes of *The Mines and Minerals Act*, but does not include agricultural soil, oil, natural gas or any other gas, any surface or ground water or other substance that, for purposes of *The Mines and Minerals Act*, is prescribed not to be a mineral.
31. **Mineral access rights** means in respect of a lease or mineral disposition, the right to enter, use or occupy the surface of the land to prospect for or develop, mine or produce minerals but does not include surface rights.
32. **Mineral rights** means rights to produce minerals that are found on, in or under land, whether or not title to the minerals in the land is severed from title to the land.
33. **Municipality** means The R.M. of Piney, except as otherwise indicated.
34. **Natural Resource Development** means a development for the on-site removal, extraction and primary processing of raw material found on or under the site, or accessible from the site. Typical uses include gravel pits, sandpits and the stripping of topsoil, but do not include the processing of raw materials transported to the site.
35. **Nuisance** means anything that interferes with the use or enjoyment of property or endangers personal health or safety.

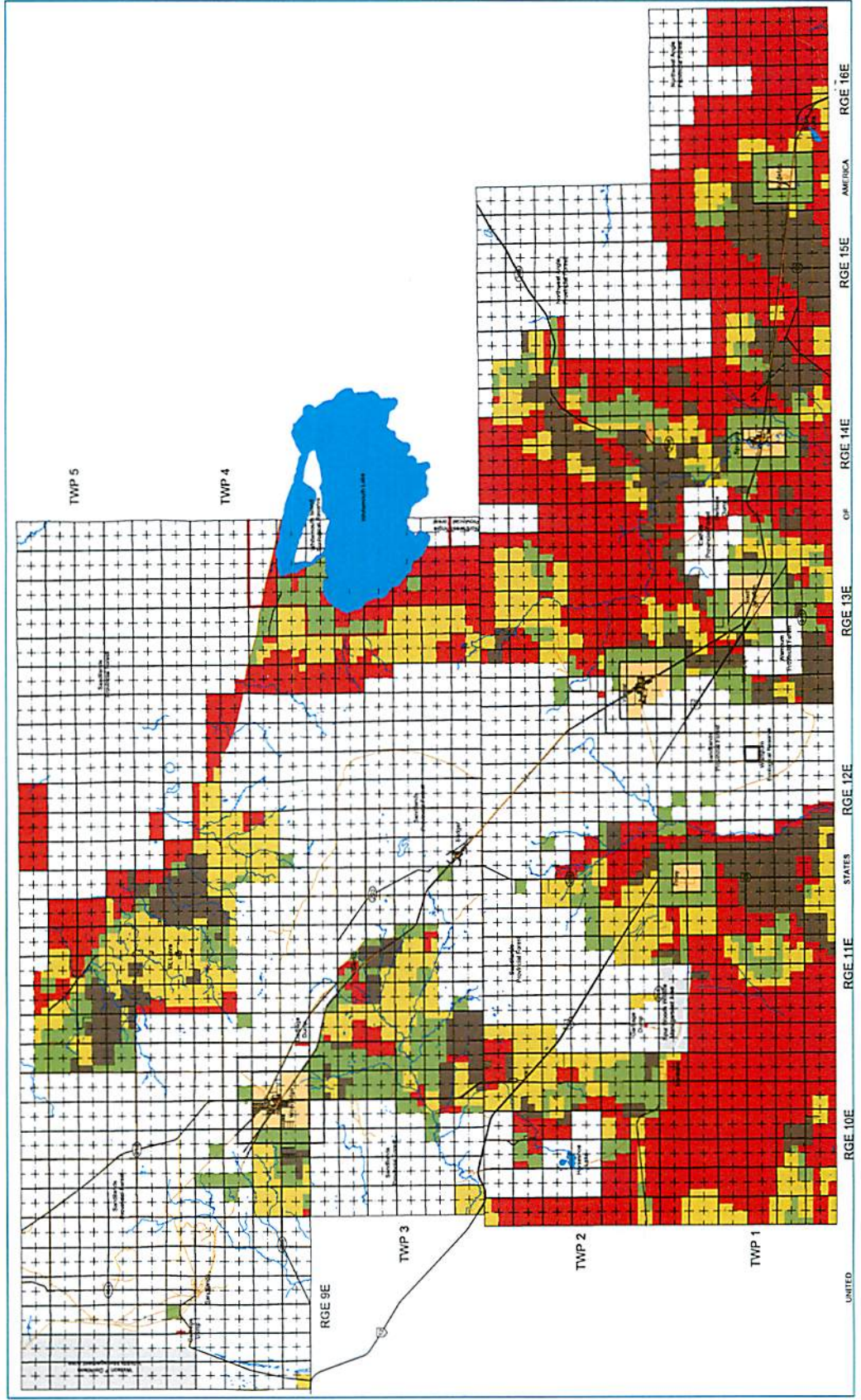
36. **100 Year Flood** means a flood that is likely to occur, on average, only once in 100 years, or more specifically, a flood that has a 1.0 percent chance of being equalled or exceeded in any year.
37. **Open Space** means parcels of land that are available for passive or active public recreation activities.
38. **Ordinary High Water Mark** means the level at which the water in a water body or waterway has been held for a period sufficient to leave a mark on the vegetation and / or soil along the bank; the line identified in a plan of survey as "O.H.W.M." or "Ordinary High Water Mark", or the line on a plan of survey delineating the bed of a water body or waterway.
39. **Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.
40. **Quarry mineral** means a mineral, other than a diamond, ruby, sapphire or emerald, that is obtained from a quarry, and includes:
- (a) sand, gravel, clay, shale, kaolin, bentonite, gypsum, salt, peat, peat moss, coal and amber;
 - (b) rock or stone that is used for a purpose other than as a source of metal, metalloid or asbestos; and
 - (c) a mineral that is prescribed as a quarry mineral.
41. **Prime Agricultural Land** means land having Canada Land Inventory Classifications of 1, 2 and/or 3 soils.
42. **Rehabilitate** means, in respect of a project site or an aggregate quarry, the actions taken for the purpose of:
- (a) Protecting the environment against adverse effects resulting from operations at the site or quarry;
 - (b) Minimizing the detrimental impact on adjoining lands of operations at the site or quarry;
 - (c) Minimizing hazards to public safety resulting from operations at the site or quarry; and
 - (d) Leaving the site or quarry in a state that is compatible with adjoining land uses and that conforms, where applicable, to a land use plan and to the specifications, limits, terms and conditions of a license issued under *The Environment Act* in respect to the project.
43. **Renewable Resources** includes living things such as fish, wildlife, trees and other plants, and surface and groundwater.
44. **Resource-Related Use** means a use or development that is directly dependent on the land's resource base including agricultural operations, mining, forestry, fishing and trapping.
45. **Rural Residential** means the establishment of rural non farm residences including seasonal residential dwellings and cottages. Examples of Rural Residential in The R.M. of Piney include areas designated for such use in Badger, St. Labre, Carrick, Wampum and Menisino.
46. **Rural-Seasonal Residential** means the establishment of rural non-farm residences on small acreage lots and includes seasonal residential dwellings and cottages.
47. **Settlement Centre** means a concentration of residential development together with commercial and other land uses of a size and density that creates a recognized community and acts as a service centre for the surrounding rural area. Examples of Settlement Centres in The R.M. of Piney include Sprague, Woodridge, Vassar, Piney, Sandilands, South Junction and Middlebro.
48. **Shoreland** means land within 300.0 m. (984.3 ft.) of the ordinary high water mark of a water body, or land within 90.0 m. (295.3 ft.) of the ordinary high water mark of a waterway.
49. **Subsidence** means the vertical settlement, lowering or falling of the earth's surface.
50. **Variation Order** means the altering of any of the regulations found in a Zoning By-law in accordance with the Act.
51. **Watercourse** means an open, defined, natural or made channel through which water flows either intermittently or continuously, and includes but is not limited to, a lake, river, creek, spring, swamp, wetland and marsh.
52. **Wetlands** means depressional lowlands 0.2 hectares (0.5 acres) or more in area including sloughs, potholes, marshes, oxbows and fringed open water containing temporary, seasonal or permanent water and supporting emergent vegetation such as cattails, bulrushes, bluejoint, whitetop and phragmites and submerged and floating aquatic plants such as water milfoil, bladderwort, pondweeds and waterlily.

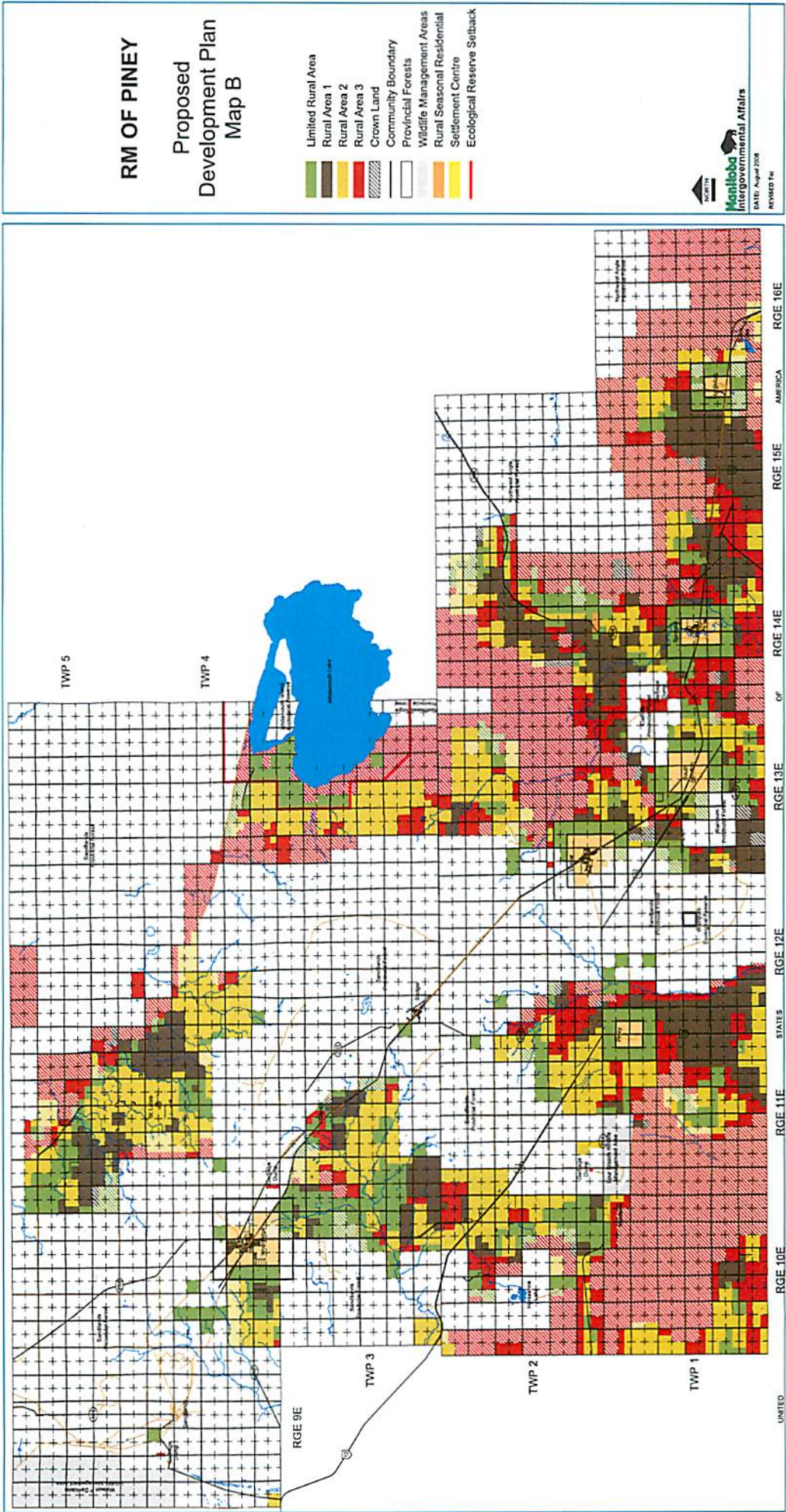
- 53. **Wildlife** means a vertebrate animal of any species or type that is wild by nature in the Province of Manitoba, but does not include fish.
- 54. **Zoning By-law** means a By-law passed by the Council of a Municipality in accordance with the Act.
- 55. **Zone** means a section of a Zoning By-law that regulates the use and development of land as depicted on a Zoning Map.

RM OF PINEY

Proposed Development Plan Map A

- Limited Rural Area
- Rural Area 1
- Rural Area 2
- Rural Area 3
- Community Boundary
- Provincial Forests
- Wildlife Management Areas
- Rural Seasonal Residential Settlement Centre
- Ecological Reserve Setback







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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.