

NEW PLANNING ACT

IS HERE



Submitted by: Intergovernmental Affairs & Trade

On January 1, 2006, the Provincial Government's new *Planning Act* came into effect. The government passed the new legislation last summer.

The Planning Act provides the legal framework for land use planning in Manitoba (outside of Winnipeg). It allows for the adoption of *The Provincial Land Use Policies* that are currently under review, the adoption of local development plans and zoning by-laws, and the subdivision approval system.

Manitoba has a long history of land use planning, dating back to the first *Planning Act* in Canada, in 1916. This, the province's fourth *Planning Act*, is 123 pages long, consists of 220 Sections in 16 Parts, and replaces an act which came into effect on January 1, 1976 – 30 years ago.

The government worked on redrafting this legislation for more than two years. There was extensive consultation, including:

- Release of a public discussion paper,
- Public workshops,
- Public reports,

- Meetings with a 'stakeholders advisory group' (including representatives from the Manitoba Bar, AMM, MMAA, Planning Districts, the Manitoba Surveyors Association, planning consultants and the Manitoba Professional Planners Institute), and
- Separate discussions with AMM.

A number of goals guided the redrafting of *The Planning Act*:

- Rewriting and restructuring to make the Act more readable and user-friendly;
- Maintaining the balance between provincial interests and local control;
- Making The Act more enabling and less prescriptive;
- Streamlining planning processes;
- Supporting open and accountable decision making; and
- Improving planning for Intensive Livestock Operations.

Many of the changes incorporated in the new Act had been requested by municipalities and the public for years.

Selected highlights of the new *Planning Act*

- Protecting water sources and water bodies is extremely important to all of us. The new *Planning Act* makes a direct connection between land use planning and watershed planning under the new *Water Protection Act*. The new Act also enables the development of regional strategies to address regional issues such as transportation, water issues or infrastructure. These strategies could be linked to Watershed Management Plans under the new *Water Protection Act*.
- There are currently 45 Planning Districts in Manitoba involving 145 municipalities. The new Act provides greater flexibility for operation of Planning Districts by allowing Districts to set their own organizational and procedural by-laws rather than them being set by the Province. The new Act will require all existing Planning Districts to adopt organizational and procedural by-laws by June 1, 2006.

Important new requirements under the new *Planning Act*

- Every Planning District must adopt organizational and procedural by-laws by June 1, 2006.
- Every municipality will be required to have a Development Plan in place by January 1, 2008.
- Every municipality will be required to incorporate a Livestock Operation Policy in its Development Plan and Livestock Operation siting and setback distances in its Zoning by-law by January 1, 2008.
- All Livestock Operation applications of 300+ AUs are now considered 'Conditional Uses' - even if your current zoning has set a higher limit or if you have no zoning in place.

- The new Act now allows busy municipal councils to lessen their workload by appointing a Planning Commission to hear and make decisions on some local planning matters. These locally created Planning Commissions may be made up of councillors, citizens or any combination of the two. Decisions of a Planning Commission can be appealed to the full council. Where a Municipality has a Planning Commission in place, the appeal of zoning by-law decisions will not go beyond council.
- All municipalities will be required to adopt a Development Plan by January 1, 2008, and to adopt a zoning by-law within one year after that. Of 198 municipalities in Manitoba outside of Winnipeg, 155 already have Development Plans in place and 29 are actively in the process of adopting Development Plans. There are about 14 municipalities that do not have a Plan in place and are not in the process of adopting one - these 14 will need to undertake the adoption process. Some government funding is available through Manitoba Intergovernmental Affairs and Trade's Community Planning Services Branch.
- To ensure better 'up-front planning' and to ensure the public is involved in determining how Livestock Operations (LOs) will be handled in each municipality before applications are received, all municipalities will be required to include LO Policies in their Development Plans by January 1, 2008, stating where:
 - Large LOs might be allowed;
 - They will be limited to a certain number of Animal Units (AUs); and
 - They will be prohibited.
- From now on, all Livestock Operation applications for over 300 AUs will be a 'conditional use' and will be subject to public hearing and technical review by the regional Technical Review Committee

DUST FREE ROAD MAINTENANCE



**DISTRIBUTOR OF INNOVATIVE MUNICIPAL PRODUCTS
OFFICIAL MTCML SUPPLIER**

Questions You Should Ask Your Dust Control Supplier:

• *Do you have a storage facility so as to provide uninterrupted service?*
We have increased our capacity by 500,000 litres to well over 1,000,000 litres total.

• *Do you carry liability insurance?*
We spend thousands of dollars per year to make sure our customers are protected.

• *Do you truck your own products?*
Yes we do, there-by maintaining professional drivers and taking full responsibility for our service.

If your supplier doesn't have the right answer, then you should be calling DUST FREE ROAD MAINTENANCE.

DUST FREE ROAD MAINTENANCE has the PRODUCT, the EQUIPMENT, and the EXPERTISE to take care of all your dust control needs.

SO... if you want all the RIGHT ANSWERS, call **JIM FREEDY AT 781-7677** today! DUST FREE ROAD MAINTENANCE is the company for you.

**DUST FREE
ROAD MAINTENANCE**

1470 CHEVRIER BLVD.
WINNIPEG, MB R3T 1Y6
PHONE: (204) 781-7677
DIRECT FAX: (204) 896-4290
ALTERNATE FAX: (204) 453-3166

• **100% MANITOBA OWNED AND OPERATED** •

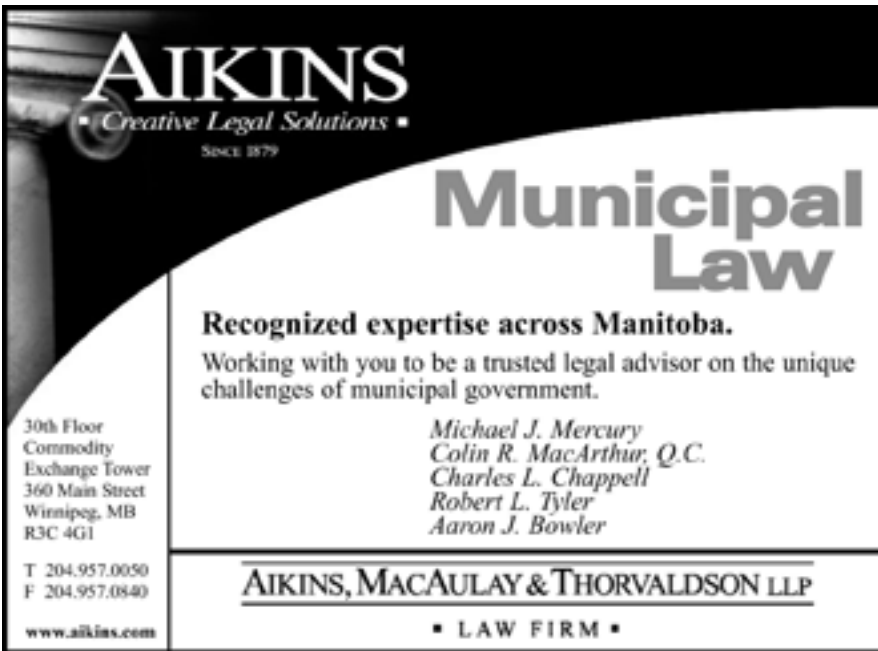


Manufacturers of polyethylene pipe
3" - 12" plastic drain tile & fittings
Plastic culverts 4" - 30" and couplers.

**IDEAL
PIPE**

Carman, Manitoba
Ph: 204-745-6151
Fax: 204-745-6578

There are others...but ours is IDEAL



AIKINS
Creative Legal Solutions
SINCE 1879

**Municipal
Law**

Recognized expertise across Manitoba.
Working with you to be a trusted legal advisor on the unique challenges of municipal government.

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, MB
R3C 4G1

T 204.957.0050
F 204.957.0840
www.aikins.com

Michael J. Mercury
Colin R. MacArthur, Q.C.
Charles L. Chappell
Robert L. Tyler
Aaron J. Bowler

AIKINS, MACAULAY & THORVALDSON LLP
▪ LAW FIRM ▪



**JAMES
DUBÉ
SPRAGGS**
ADJUSTERS LTD.

Insurance adjusters & equipment appraisers

Winnipeg Office
KEN JAMES, AIC
Suite 207-675 Pembina Highway
Winnipeg, Manitoba R3M 2L6
Ph: (204) 985-1200 Cellular: (204) 981-1155
Fax: (204) 475-0221 E-mail: kenjames@jdsadj.ca

Brandon Office
Gary Pilloud, CIP
#7A - 2010 Currie Blvd.,
Brandon, Manitoba R7A 5Y1
Ph: (204) 728-6126 Cellular: (204) 729-6115
Fax: (204) 728-6044 E-mail: jdsbdn@mts.net

– whether your current zoning requires it or not, or even if your municipality has no zoning. Municipalities will choose whether to consider operations below 300 AUs as conditional uses, and municipalities will have the final say on the approval of any livestock operation. The new Act narrows the scope of conditions a municipality can impose on LOs, in particular on any conditions relating to manure storage, handling and spreading.

- Minimum siting and setback standards (based upon the *Farm Practices Guidelines*) have been established under *Provincial Land Use Policy #2 - Agriculture*. The new Act requires municipalities to adopt these or higher standards in their zoning by-laws.
- The new Act also allows for a shorter process for approving minor subdivisions. Minor subdivisions are those in which no new lots are created (consolidations), as well as subdivisions where a new single lot in an urban area is being created and the new lot meets all other legal requirements. As well, all subdivisions involving the creation of a new public road require a public hearing prior to approval.
- Municipalities will be able to combine public notices and hearings when multiple approvals for a single development are required. For example, where the rezoning of a property from commercial to residential might currently require separate hearings and notices for a rezoning, a variance and a conditional use, under the new Act it will be possible to accomplish this with one notice and one hearing.
- The new Act will make it easier for Planning Districts and municipalities to enforce their by-laws through new enforcement provisions that allow them to issue stop work and compliance orders.

This article only highlights some of the changes in the new Planning Act. For more information, the new *Planning Act* (Bill 33) is available on the Province's website at: www.gov.mb.ca/laws/statutes/index

Hard copies of the current Act and the new *Planning Act* are available from the Queen's Printer.

For more information contact any *Community Planning Services* regional office or *Provincial Planning* in Winnipeg.