

Submission of
**The Association of
Manitoba
Municipalities**



to

Provincial Land Use Policy Review
Intergovernmental Affairs and Trade
November 7, 2005

Since the revised *Planning Act* will be in place on January 1, 2006, it is crucial for the Provincial Land Use Policies (PLUP) to reflect key changes to the Act. In many parts of Manitoba, the development process is inextricably linked to livestock operations, therefore it is appropriate to review Policy 2 prior to a comprehensive PLUP review. The AMM recognizes that this PLUP will provide important guidance as livestock operation policies are developed and is looking forward to the creation of these policies at the municipal level.

The proposed policy encourages the creation of carefully designed development plans since municipalities are required to make clear policy statements on land use throughout their jurisdiction. The requirement to establish reciprocal setbacks between livestock operations and other development will ensure that municipalities consider the mutual impacts of each type of development. As well, forging a stronger connection between the development plan and the zoning by-law will enhance the usability of both documents and enable municipalities to send clear messages to developers and residents. There are several aspects of the revised regulation that encourage such clarity and the planning process will be improved as a result.

The AMM has identified two significant concerns regarding the revised Policy 2. The first relates to the definition of animal units. Manitoba Agriculture, Food and Rural Initiatives and the PLUP define animal units based on species type, however municipalities have identified the additional consideration of confinement periods as relevant to this calculation. One of the functions of the animal unit calculation is to

determine the amount of land required for spreading manure. Therefore the calculation should also account for the differences between operations with year-round confinement and those with pasturing. There are significant differences between these two types of operations since moving animals to pasture reduces the amount of manure that must be spread elsewhere. Furthermore, an operation using pasture land would require a smaller manure storage facility in conjunction with its animal housing facility and this should be considered when defining siting and setback requirements. Therefore, the distinctions based on species type and confinement period should be reflected in the animal unit calculation.

If the Provincial Government chooses not to account for confinement periods in the calculation of animal units within the PLUP, this flexibility could be provided at the local level. Municipalities should gain the authority to accommodate the differences between operations with year-round confinement and operations using pasture through municipal zoning by-laws. The Provincial Government should provide this authority, thereby supporting decision-making tailored to local needs.

The AMM's second concern relates to Sections 9 and 10, which articulate requirements for detailed soil surveys. These sections will be linked to the outcomes of *The Water Protection Act* and its regulation outlining proposed Water Quality Management Zones, since the latter will be used to determine soil suitability for agricultural purposes. The severe lack of detail within the *Water Protection Act* Regulation leads to serious concerns regarding the interaction between that legislation and *The Planning Act*. In conjunction

with Section 9 and 10 of Policy 2, the cost of doing business will certainly increase for many livestock producers.

The AMM is aware that there is currently detailed mapping for approximately 30 per cent of Manitoba through the Canada Land Inventory. It is reasonable that Sections 9 and 10 do not apply where such mapping exists, however this allows soil suitability and siting of livestock operations to be questioned in the remaining 70 per cent of Manitoba.

Consequently, the agricultural industry faces huge costs since producers will be required to provide a detailed soil survey of the area, as indicated in Section 10. Requiring producers to fund detailed mapping is simply increasing the burden on an already strained agricultural industry. The Provincial Government should not implement this requirement given the current lack of detailed mapping and the result of shifting costs to individual producers.

Furthermore, *The Planning Act* defines a livestock operation as having at least 10 animal units, which means that many new operations and expansions will be subject to Sections 9 and 10. The size of a livestock operation will certainly determine the environmental impact of that operation, and minimal changes to an operation should not face such strict requirements for soil analysis. The proposed Policy makes no concessions for the size of a new or expanding operation, even though the conditional use process under *The Planning Act* will differentiate between operations with fewer than 300 animal units and those with more than 300 animal units. The cost of a soil survey does not depend on the

size of the livestock operation and the looming threat of a financial setback will ultimately deter new and expanding livestock operations in 70 per cent of Manitoba.

A final aspect of this issue is that Sections 9 and 10 counteract municipal authority to designate permitted areas for livestock operations in the development plan and zoning by-law. There are sufficient opportunities for public input built into the development plan and zoning by-law processes. As well, the conditional use process will remain in place after January 1, 2006 with an additional stipulation that all livestock operations with more than 300 animal units require an additional public hearing. These processes demonstrate that municipalities must plan in a manner that meets the needs of residents and provides opportunities for objections to be raised. The Provincial Government is responsible for environmental concerns and therefore should assess soil suitability without holding individual producers responsible for the cost.

Although this review process is serving as an interim measure until a comprehensive PLUP review is undertaken, there is still a need to ensure that the agricultural industry is not unfairly penalized through an overly restrictive and costly planning process. By addressing the concerns outlined above, the Provincial Government will facilitate effective land use planning for livestock operations. The AMM appreciates the opportunity to comment on Policy 2 and looks forward to participating in the upcoming review of the Provincial Land Use Policies.