



MANITOBA

BILL 19

PROJET DE LOI 19

THE PLANNING ACT

LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

BILL 19

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C.C.S.M. c. P80

c. P80 de la C.P.L.M.

THE PLANNING AMENDMENT ACT
(IMPROVING EFFICIENCY IN PLANNING)

LOI MODIFIANT LA LOI SUR
L'AMÉNAGEMENT DU TERRITOIRE
(EFFICACITÉ ACCRUE)

THE PLANNING AMENDMENT ACT
(IMPROVING EFFICIENCY IN PLANNING)

LOI MODIFIANT LA LOI SUR
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(EFFICACITÉ ACCRUE)

Honourable Mr. Wharton

M. le ministre Wharton

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The Planning Amendment Act - Improving Efficiency in Planning

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The guide is organized by The Planning Act section that has been amended.

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Every effort has been made to ensure the accuracy of the information within this guide. In the event of a discrepancy between this guide and governing legislation or local bylaws, the legislation and bylaws will take precedence.

1. Purpose of Guide

Bill 19 - The Planning Amendment Act (Improving Efficiency in Planning) received Royal Assent on June 4, 2018. The Bill introduced a number of changes to The Planning Act intended on streamlining regulatory processes and reducing the administrative burden on municipalities and planning districts. A number of the changes were developed in consultation with key stakeholders.

The Department anticipates there being future opportunity for streamlining legislation and regulation and encourages stakeholders to forward any suggested changes to Community and Regional Planning.

This guide highlights the key changes to The Planning Act and the impact on municipalities. Changes are categorized by the following topic areas: general, red tape reductions, zoning, livestock and aggregate.

For additional information, contact your local Community and Regional Planning office. Contact information can be found on page 6.

2. Development Plans

Part 4: Clause 44(1)(b)

Why require a registered professional planner involved in development plan reviews?

This was done to reflect the recently adopted Registered Professional Planners Act by changing the requirement to have a “qualified land use planner” to having a “registered professional planner” consulted as part of a development plan review. This change is consistent with legislation in other western provinces and ensures that when planning authorities are engaging the services of a planner they can be assured that the planner is subject to a Code of Ethics and Professional Conduct, maintains professional accreditation and is subject to investigations and disciplinary proceedings should they fail to adhere to professional standards and qualifications.

Part 4: Subsections 53(a) and (b)

How does the bill modernize the sending of notices?

Any notice or other document that must be given to a person can be delivered, mailed or sent by e-mail or other electronic means of communication. However, to send by e-mail or electronic means the person must agree in writing to receive the notice by that method. Having these options reduces the time and cost to send notices or decisions.

3. Zoning By-laws

Part 5: Section 73 through 78

What is the new threshold for public objections to trigger an appeal hearing for zoning amendments to a zoning by-law change and why did the Bill introduce the threshold?

The new legislation requires objections from 25 people who are eligible to vote in the municipality on the day when the hearing is held to trigger an appeal to a new zoning by-law or a zoning by-law change that affects the municipality as a whole.

For a zoning change to a specific property, objections from 50% of the total number of property owners located within 100 metres of the affected property can also trigger an appeal.

The Bill introduced a threshold to ensure that there is significant local opposition to a zoning change to merit a third party appeal hearing. The change to 25 eligible voters is more consistent with the appeal threshold in The Municipal Act for proposed local improvements.

4. Variances

Part 6: Clause 102(1)(a)

Why has the threshold for defining a minor variance been increased from 10% to 15%?

The Act now allows a designated municipal employee to approve a minor zoning variance up to 15%. This increase from 10% is to reduce the number of public hearings required for variances involving a 15% change to an existing condition.

Does a designated officer automatically have the ability to approve the minor variances up to 15%?

Each municipality, by by-law, can decide if it wants to delegate this authority to a designated employee.

5. Conditional Uses

Multiple Sections:
Livestock Operations

Why has the government made changes to the planning for livestock?

Livestock developments is an important driver of Manitoba's economy. There is key provincial interest in ensuring the sustainable expansion of the livestock sector and in ensuring readily available access to aggregate in areas of growth.

The Planning Act currently requires that all municipalities identify livestock operations of 300 animal units or greater as conditional uses in their local planning by-laws whereas the Bill allows municipalities to set their own conditional use threshold. Why the change?

This provincial threshold was overly prescriptive. All municipalities have by-laws that regulate where livestock may and may not be permitted and they understand their local context best.

Why will municipalities have to review their established conditional use thresholds for livestock operations within a year of the passing of the Bill?

This will give councils an opportunity by June 3, 2019 to determine whether a higher threshold is appropriate to support the sustainable growth of the livestock industry.

Will a provincial livestock technical review still be required if a municipality chooses to set a conditional use threshold that is greater than 300 AU?

A livestock technical review will continue to be triggered by the requirement for a municipal conditional use approval for any livestock operation that is 300 AU or greater. For example, if a municipality sets the conditional use threshold at 500 AU, then a technical review is required for livestock operations that are 500 AU or greater. Regardless of where a municipality chooses to set their conditional use threshold, livestock operations 300 AU or greater are still required to meet all environmental safeguards and provincial regulatory requirements (i.e. filing an annual manure management plan; permits for manure storage facilities and/or confined livestock areas; water rights licensing where applicable etc.)

Why has the Bill allowed for replacement or alteration of farm buildings housing livestock without requiring a provincial technical review or conditional use hearing?

Many farm buildings in Manitoba are reaching the end of their natural life cycle and need to be upgraded or replaced to meet modern standards.

Why has the Bill also allowed operators who are altering or replacing their farm buildings housing livestock to increase Animal Units by up to 15%?

It was determined that producers that are renewing and modernizing livestock infrastructure should be provided opportunity for limited expansion of their operations. The new 15% expansion potential mirrors the new 15% threshold for minor variances.

Who qualifies for the exemption?

Existing livestock operations or former sites in compliance with their Conditional Use Order (and all other local and provincial requirements) would be exempted. Requiring operations to undergo a new provincial technical review and conditional use process would be redundant. Both occupied and unoccupied farm buildings qualify for the exemption.

Operations that have not obtained a Conditional Use Order are not eligible for the exemption.

Eligible operations or former sites may change the type of production (e.g. beef backgrounder to beef feeder cattle) within a category of livestock (e.g. beef).

Changes from one category of livestock to another (e.g. beef to sheep) are not eligible for the exemption.

What local and provincial requirements would still need to be met by someone who qualifies for the exemption?

Projects exempted from provincial technical reviews and local conditional use requirements are still obligated to obtain any necessary local and provincial approvals such as variances and development permits, building permits and licenses.

In what ways may an operator use the original farm building once the replacement has been built?

An existing farm building that is to be replaced by a new farm building may continue to be used while the replacement building is being constructed, but may not be used to house livestock once the replacement building is substantially complete.

Why did the Bill reduce the wait time from 30 days to 14 days before a Municipality could hold the conditional use hearing, after receiving the provincial technical review report?

The Government recognized that the provincial technical review report is accessible to all stakeholders on the Provincial Public Registry several weeks before the holding of the public hearing. The need to wait a full 30 days was deemed excessive and a change to 14 days was consistent with the process timing for all other conditional use matters.

6. Notices and Hearings

Part 11 - Section 169: Aggregate Quarries

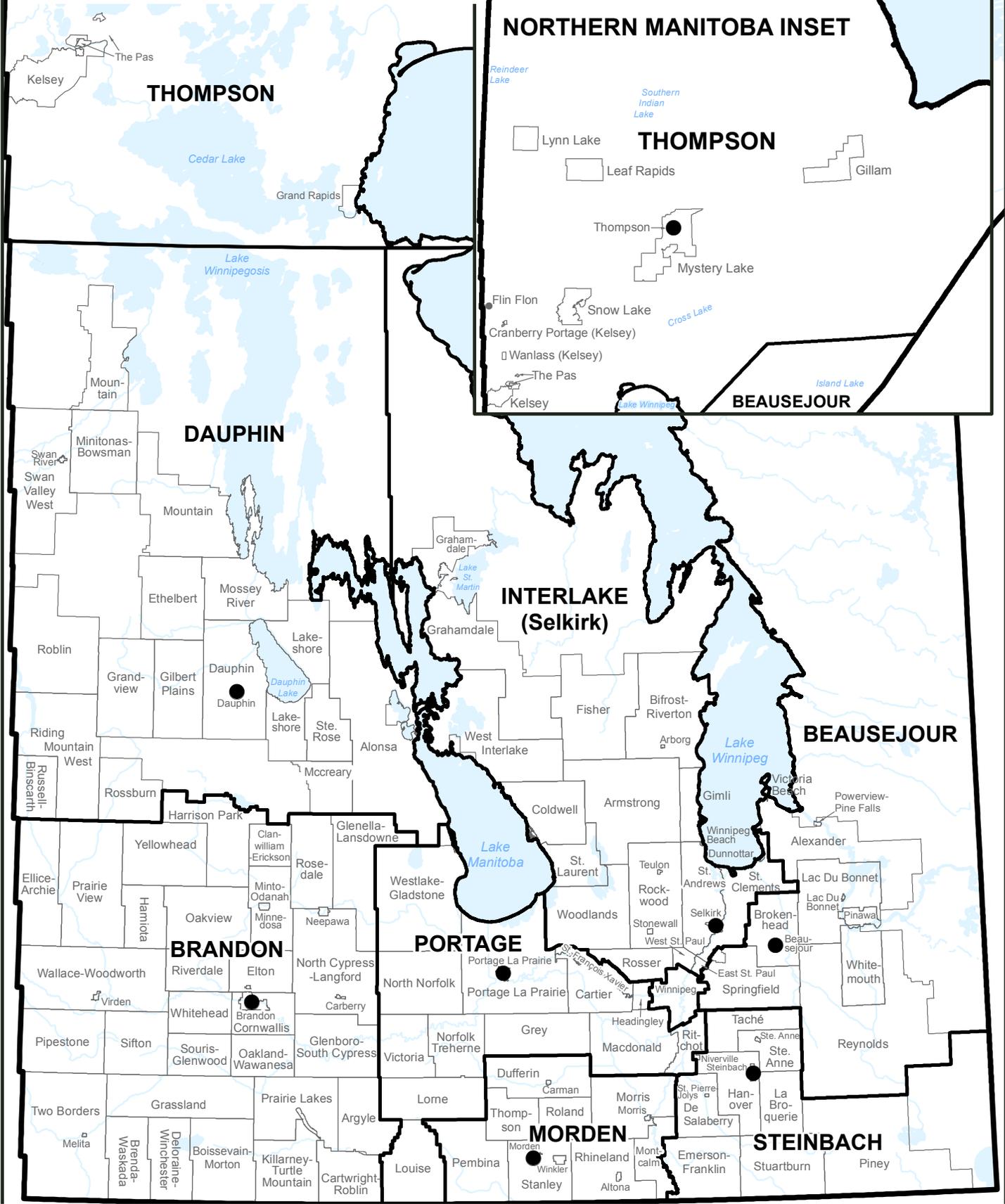
Why was government concerned about whether new aggregate quarries are approved?

The Province fully funds or cost shares most major infrastructure projects in Manitoba and a significant factor in the cost of aggregate is the distance in which the material is hauled from its source. As such, it is of key importance in ensuring the availability of high quality aggregate in areas where population growth is resulting in increasing demand for new or expanded infrastructure.

Why will municipalities have to provide the minister with notice of aggregate applications 60 days prior to the hearing for the proposal?

A large gap in the existing process is the current lack of technical information available to councils when considering quarry proposals. This proposed 60-day notice period on aggregate proposals will build in opportunity for an interdepartmental technical review to help inform the local decision making process. This recommendation was put forward by a stakeholder aggregate advisory committee with municipal and industry representation.

COMMUNITY and REGIONAL PLANNING BRANCH OFFICES



7. Community and Regional Planning (CRP) Offices

Beausejour

Box 50, L01-20 First Street
Beausejour MB R0E 0C0
Phone: 204-268-6058

Brandon

1B-2010 Currie Boulevard
Brandon MB R7B 4E7
Phone : 204-726-6267

Dauphin

27-2nd Avenue S.W.
Dauphin MB R7N 3E5
Phone: 204-622-2115

Morden

Box 50075
536 Stephen St, Unit A
Morden MB R6M 1T7
Phone: 204-822-2840

Portage

108 - 25 Tupper St. North
Portage la Prairie MB R1N 3K1
Phone: 204-239-3348

Selkirk (Interlake)

103-235 Eaton Avenue
Selkirk MB R1A 0W7
Phone: 204-785-5090

Steinbach

240-323 Main Street
Steinbach MB R5G 1Z2
Phone: 204-346-6240

Thompson

604-800 Portage Avenue
Winnipeg MB R3G 0N4
Phone: 204-945-4988

**Manitoba Municipal Relations
Community and Regional Planning**
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