

**South Central Planning District
BY-LAW No. 15-2009**

BEING A BY-LAW OF THE SOUTH CENTRAL PLANNING DISTRICT BOARD TO
AMEND BYLAW 2-2003 BEING THE SOUTH CENTRAL PLANNING DISTRICT
DEVELOPMENT PLAN AS AMENDED

WHEREAS *The Planning Act*, being S.M. 2005, c. P80 of the Statutes of Manitoba provides as follows:

Adoption

45 *A board or council must adopt a development plan for the district or municipality by by-law.*

Livestock operation policy

42(2) *The development plan must include a livestock operation policy that guides zoning by-laws dealing with livestock operations by*

- (a) dividing the planning district or municipality into one or more areas designated as follows:*
 - (i) areas where the expansion or development of livestock operations of any size may be allowed*
 - (ii) areas where the expansion or development of livestock operations involving a specified maximum number of animal units may be allowed,*
 - (iii) setting out general standards to be followed in the planning district or municipality respecting the siting and setback of livestock operations.*
- (b) setting out general standards to be followed in the planning district or municipality respecting the siting and setback of livestock operations.*

Amendment process

57 *Sections 46 to 55 apply to amendments to a development by-law with any necessary changes.*

AND WHEREAS it is deemed necessary and expedient to amend the South Central Planning District Development Plan By-law No. 2-2003, as amended;

NOW THEREFORE, the Board of the South Central Planning District, in meeting duly assembled, enacts the following amendments:

That: PART II Section 2.3.6.8 is amended to read:

Responses to emergency, mass mortality disasters and environmental issues shall be guided by the Environment Act regulations under the Livestock Manure and Mortalities Management Regulation.

That: PART III Section 3.3.2.5 is removed;

That: PART III Section 3.3.3.1 is amended to read:

A Livestock Operation will be considered any 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 (ie. lagoons). This includes any high-density seasonal feeding areas where manure build-up may occur in excess of crop requirements and where mechanical removal and spreading of the manure may be required (including an over-wintering confined site for a cow-calf operation).

This does not include a grazing area (pasture or rangeland) where livestock are primarily sustained by direct consumption of feed grown on the area.

Livestock operations will be characterized by the total number of animal units (AU).

That: PART III Section 3.3.3.2 is amended to read:

Two or more existing or proposed livestock operations involving the same category of livestock are deemed to be considered a single livestock operation if they are

- a) located within 800 metres of one another; and
- b) owned by:
 - i. the same individual, corporation, partnership or other entity, or;
 - ii. Individuals, corporations, partnerships or other entities that are interrelated to the degree prescribed by regulation.

That: PART III Section 3.3.3.3 is amended to read:

New or expanding livestock operations will be encouraged to locate where they will be compatible with surrounding land uses and not pose a pollution risk to soils, groundwater or surface water.

That: PART III Section 3.3.3.4 is amended to read:

New or expanding livestock operations should not be located in riparian zones, groundwater sensitivity areas or in close proximity to urban area water supplies.

That: PART III Section 3.3.3.5 is amended to read:

New or expanding livestock operations will be prohibited in Wildlife Management Areas and all areas with non-agricultural designations, including, but not limited to, Urban Policy Areas, General Development Areas, Rural Residential Clusters and Recreation Areas.

That: PART III Section 3.3.3.6 is amended to read:

The municipal zoning by-laws shall adopt the provincial minimum mutual separation distances between livestock operations and:

- residences not related to the operation;
- non-farm residential subdivisions; and
- designated Rural Residential Clusters.

That: PART III Section 3.3.3.7 is amended to read:

Proposals for the establishment of new or expanding livestock operations or non-farm residential developments which encroach into the mutual separation distance, as provided for in the zoning by-law, shall not be approved unless the separation distance has been varied by Council. Notice of an application to vary the mutual separation distance will be done in accordance with section 169(4) of *The Planning Act*.

That: PART III Section 3.3.3.1 is amended to include:

- .8** New or expanding livestock operations shall be prohibited on lands with a soil suitability rating of Class 6 and Class 7 based on a detailed soil survey. These lands may be used for grazing and/or haying shall be consistent with the carrying capacity of the land.
- .9** If detailed soil survey information is not available for the area in which a new or expanded livestock operation is proposed, the applicant may be required to provide a detailed soil survey for the site acceptable to the Province at a scale of 1:50,000 or better.
- .10** New or expanding livestock operations of 300 or more animal units will be conditional use in the municipal zoning by-laws.
- .11** Council must refer all applications involving 300 or more animal units to the Minister and request that a Technical Review Committee be appointed to review the proposed application.
- .12** Municipal zoning by-laws shall implement provisions for livestock operations in accordance with Table I – *Livestock Policy Area Standards* and the Livestock Policy Areas as defined in Appendix ‘B’, Map 1 of this by-law.

In instances where policies conflict with one another, the more restrictive policy shall apply.

Table I – Livestock Policy Area Standards

Livestock Policy Area	Maximum Size (AU)	Use
1	100 AU	Conditional Use
	101-200 AU	Not Permitted
	201-300 AU	Not Permitted
	300+ AU	Not Permitted
2	100 AU	Permitted
	101-200 AU	Conditional Use
	201-300 AU	Conditional Use
	300+ AU	Conditional Use
3	100 AU	Permitted
	101-200 AU	Conditional Use
	201-300 AU	Conditional Use
	300+ AU	Not Permitted
4	100 AU	Permitted
	101-200 AU	Permitted
	201-300 AU	Permitted
	300+ AU	Conditional Use
5	100 AU	Not Permitted
	101-200 AU	Not Permitted
	201-300 AU	Not Permitted
	300+ AU	Not Permitted
	Grazing	Conditional Use

- .13** Municipal zoning by-laws may implement provisions for livestock operations in accordance with Table II – *Livestock Policy Standards – Policy Area 6* and Livestock Policy Area 6 as defined in Appendix ‘B’, Map 1 of this by-law.

Table II – Livestock Policy Standards – Policy Area 6

Livestock Policy Area	Maximum Size (AU)	Use
6	100 AU	Conditional Use
	101-200 AU	Conditional Use
	201-300 AU	Conditional Use
	300+ AU	Conditional Use

- .14** The RM of Lorne municipal Zoning By-law shall implement provisions for new or expanding livestock operations in accordance with Table III – *Livestock Policy Standards - Roseisle and Lyle Creek Buffer Area* and the Roseisle and Lyle Creek Buffer Area, as presented in Appendix B, Map 1 of this by-law.

Table III – Livestock Policy Standards - Roseisle and Lyle Creek Buffer Area

Distance from Centre of Roseisle and Lyle Creek	Maximum Size (AU)	Use
Less than 1/8 mile (~201m)	250 AU	Conditional Use
	250+ AU	Not Permitted
Between 1/8 mile (~201m) and 1/2 mile (~804m)	500 AU	Conditional Use
	500+ AU	Not Permitted

- .15** On sites where the Province has identified a potential risk of pollution of soils, groundwater and / or surface water, new or expanding livestock operations may be required to incorporate measures that will reduce the risk to acceptable levels.
- .16** A Council may require an owner of a new or expanding livestock operation to enter into a development agreement regarding items specified in *The Planning Act*.
- .17** No development of a new or expanding livestock operation shall take place until all approvals are obtained as required in *The Planning Act*, *The Environment Act* or any other Act establishing rules and/or regulations pertaining to livestock.
- .18** New or expanding livestock operations proposed within 1 kilometre of the provincial highway system will be subject to a review by the Provincial Ministry responsible for Transportation.

That: PART III Section 3.3.5.1 is removed;

That: PART III Section 3.3.5.2 is removed;

That: PART III Section 3.3.5.3 is removed;

That: PART III Section 3.3.5.4 is removed;

That: PART III Section 3.3.5.5 is removed;

That: PART III Section 3.3.5.6 is removed;

That: Reference Map 10 – Nutrient Management Areas is removed;

That: PART III Section 3.3.6 is amended to include:

- .7** The provincial minimum mutual separation distances between Rural Residential development and livestock operations will be adopted by the municipal zoning by-laws. New or expanding rural residential clusters shall be subject to mutual setback distances from livestock operations as prescribed in the municipal zoning by-laws.

That: PART III Section 3.3.7 is amended to include:

- .5** Industrial, business and commercial operations established for the purposes of diversifying active farming operations shall be treated as conditional use in the municipal zoning by-laws.

That: PART V Section 5.2 **Making Things Happen**

- “Nutrient Management Standards – providing guidelines for rural development and agriculture operations within the Planning District’s Nutrient Management Soil Groups”

is removed

That: PART V Section 5.2.2 is removed;

That: PART V Section 5.4.3 is removed; and

That: Appendix B, Map1 be added as per Schedule ‘A’ of this Bylaw.

DONE AND PASSED by the Board of the South Central Planning District Council duly assembled this _____ day of _____ A.D., 20__.

The South Central Planning District

Chairman

Secretary-Treasurer

READ A FIRST TIME this 22 day of April A.D., 2009.

READ A SECOND TIME this _____ day of _____, A.D., 20__.

READ A THIRD TIME this _____ day of _____, A.D., 20__.