

THE RURAL MUNICIPALITY OF STUARTBURN

BY-LAW NO. 157-2019

BEING A BY-LAW OF THE R.M. OF STUARTBURN TO ADOPT A
DEVELOPMENT PLAN

WHEREAS *The Planning Act* provides authority for the preparation of a
development plan by-law;

AND WHEREAS *The Planning Act* provides authority for adoption of a
development plan by-law;

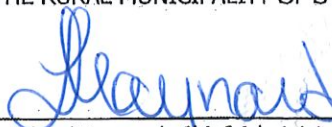
AND WHEREAS pursuant to the provisions of *The Planning Act*, the Minister of
Municipal Relations approved the Rural Municipality of Stuartburn Development
Plan on the 15th day of October, A.D. 2021;

NOW THEREFORE the council of the Rural Municipality of Stuartburn, in session
assembled, enacts as follows:

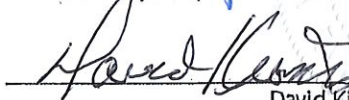
1. That By-law 81-2008 being the Rural Municipality of Stuartburn
Development Plan and all amendments thereto are hereby rescinded;
2. That the attached Development Plan, marked Schedule "A", is hereby
adopted and shall be known as: The Rural Municipality of Stuartburn
Development Plan.
3. That the Rural Municipality of Stuartburn Development Plan shall take
force and effect on the date of third reading of this by-law.

DONE AND PASSED as a By-Law of The Rural Municipality of Stuartburn, in the
Village of Vita, in the Province of Manitoba, this 19 day of October, 2021.

THE RURAL MUNICIPALITY OF STUARTBURN



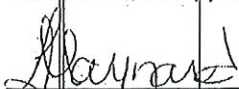
Lucie Maynard, Chief Administrative Officer



David Kiansky, Reeve

Read a First Time this 16th day of July, 2019
Read a Second Time this 15th day of June, 2021
Read a Third & Final Time this 19 day of October, 2021.

Certified a true copy of By-law No. 157-2019 of the RM of Stuartburn.




Chief Administrative Officer

BY-LAW No. 157-2019 is hereby

Approved pursuant to clause

51(1)(a) of The Planning ACT

This 15th day of October, 2021



Minister of Municipal Relations

I, Lucie Maynard, Chief Administrative Officer of the
Rural Municipality of Stuartburn, hereby certify under the corporate seal of
the Rural Municipality, that the foregoing is a true and correct copy of
By-Law No. 157-2019 of The Rural Municipality of Stuartburn, duly
enacted on the 19th day of October, A.D. 2021.

The Rural Municipality of Stuartburn

Chief Administrative Officer



RURAL MUNICIPALITY OF STUARTBURN

Development Plan

**Schedule "A" to
By-Law No. 157-2019**

Table of Contents

1.0	INTRODUCTION.....	1
1.1	Purpose of a Development Plan.....	1
1.2	Enabling Legislation and Regulation	1
1.2.1	The Planning Act.....	2
1.2.2	Provincial Planning Regulation.....	2
1.3	Structure of the Plan	2
2.0	CONTEXT AND BACKGROUND.....	3
2.1	Planning Context	3
2.2	Historical Context.....	3
2.3	Natural Features and Climate Context.....	4
2.4	Demographic Context	5
2.5	Economic Context	5
2.6	Services and Infrastructure Context.....	6
3.0	VISION, GUIDING DIRECTIONS, AND GENERAL OBJECTIVES AND POLICIES.....	7
3.1	Community Vision	7
3.2	Guiding Directions.....	7
3.3	General Objectives	7
3.4	Transportation	8
3.4.1	Objectives.....	9
3.4.2	Policies.....	9
3.5	Utilities	10
3.5.1	Objectives.....	11
3.5.2	Policies.....	11
3.6	Heritage Resources	11
3.6.1	Objectives.....	12
3.6.2	Policies.....	12
3.7	Natural Areas and Environmental Conservation	12
3.7.1	Objectives.....	13
3.7.2	Policies.....	13
3.8	Lands at High Risk to Flooding, Erosion and Drought Sensitivity.....	14
3.8.1	Objectives.....	14
3.8.2	Policies.....	15
3.9	Surface and Groundwater Management	15
3.9.1	Objectives.....	15
3.9.2	Policies.....	16
3.10	Parks, Recreation, and Tourism	17
3.10.1	Objectives.....	17
3.10.2	Policies.....	17
3.11	Aggregate and Mineral Resources	18
3.11.1	Objectives.....	18
3.11.2	Policies.....	18
4.0	RURAL AREAS.....	19
4.1	General Objectives	19
4.2	General Policies.....	20
4.3	Subdivision	22
4.4	Livestock.....	24
4.5	Agriculture Limited Area Objectives & Policies.....	26
4.5.1	Objectives.....	27

4.5.2	Policies.....	27
4.6	Rural Residential Area Objectives & Policies	27
4.6.1	Objectives.....	28
4.6.2	Policies.....	28
4.7	Highway Commercial Area Objectives & Policies	29
4.7.1	Objectives.....	29
4.7.2	Policies.....	29
5.0	TOWN AREAS.....	30
5.1	General Objectives.....	31
5.2	General Policies.....	31
5.3	Hamlet Areas.....	31
5.3.1	Objectives.....	31
5.3.2	Policies.....	32
5.4	Settlement Centre Area (Vita).....	33
5.4.1	Objectives.....	33
5.4.2	Policies.....	33
6.0	IMPLEMENTATION	34
6.1	Development Plan Maps.....	35
6.2	Zoning By-Law	35
6.3	Subdivision Approval.....	35
6.4	Conceptual Plans.....	35
6.5	Secondary Plans	35
6.6	Permit System	36
6.7	Building By-Law	36
6.8	Development Agreements	36
6.9	Land Acquisition.....	36
6.10	Public Consultation Process	36
6.11	Capital Expenditure Program	36
6.12	Review and Amendment.....	37
7.0	GLOSSARY.....	37
8.0	APPENDIX.....	39

1.0 INTRODUCTION

1.1 Purpose of a Development Plan

A Development Plan is a statutory planning tool used by the public, the development community, Council, conservation districts, and the Provincial government. It defines an overarching vision for **how**, **where**, and **when** development should occur within a community. A Development Plan sets out goals, objectives and policies to achieve the community's vision for growth and development, and is the cornerstone from which planning and development decisions are made. The purpose of a Development Plan is to guide decision making respecting development, land use, conservation, essential services and infrastructure provision, and environmental stewardship.

The RM of Stuartburn Development Plan (the Development Plan) contains policies on land use, transportation, recreation, economic activity, and environmental protection and management as they relate to growth and development in the RM. As the strategic planning document for the RM, this Development Plan provides clear direction to manage growth and development sustainably, while honouring the RM's unique identity, history, and context.

The policies and maps brought forth in this Development Plan address development over the next 20-30 years. However, this is not a static document, and it can be amended as circumstances warrant. A formal periodic review should be undertaken every 5 years to update the objectives and policies to align them with community input, provincial regulation and Council's goals and visions.

The Development Plan forms only a part of the overall planning process. It is preceded by a Background Study which provides documentation and analysis of relevant social, environmental, and economic characteristics and trends within the Municipality. These include those tied to land use, population and demographic change, infrastructure, municipal services, and the natural environment. The background study assists the community, elected officials, and relevant policy-makers in making informed decisions about how to create their development plan. It also includes input from government departments, the public, as well as consultation with municipal officials to more effectively capture information relevant for an RM. Together, the background study and maps act as companion documents to the development plan, forming the foundation for the plan and helping to establish a versatile and informed framework for policy-making.

An updated Zoning By-Law will be prepared and adopted by Council. The Zoning By-Law serves as the main regulatory tool in implementing the policies of the Development Plan in addition to building by-laws, development agreements, subdivisions, special studies and sector plans.

1.2 Enabling Legislation and Regulation

Municipal land use planning has its basis in *The Planning Act* of Manitoba. The Act makes provision for the preparation and adoption of Development Plans and Zoning By-Laws to guide and promote growth within a municipality or planning district. All development plans adopted in Manitoba must also be generally consistent with the *Provincial Planning Regulation*, specifically the *Provincial Land Use Policies* (PLUPs) contained within the Regulation. Both *The Planning Act* and the *Provincial Planning Regulation* are briefly described below.

1.2.1 The Planning Act

This Development Plan has been prepared in accordance with Section 42(1) of *The Planning Act*, which states a Development Plan must:

- a. Set out the plans and policies of the planning district or municipality respecting its purposes and its physical, social, environmental, and economic objectives;
- b. Direct sustainable land use and development in the planning district or municipality through maps and statements of objectives;
- c. Set out measures for implementing the plan; and
- d. Include such other matters as the Minister or Council considers advisable.

1.2.2 Provincial Planning Regulation

The Provincial Planning Regulation guides how land use planning and development should occur in Manitoba and what a development plan should contain. The policies in this Development Plan are generally consistent with the PLUPs while being sensitive to the unique planning context of the RM of Stuartburn. Once approved and adopted, this Development Plan replaces the PLUPs.

1.3 Structure of the Plan

The RM of Stuartburn Development Plan is organized into six major sections, each with its own subsections. The first section includes the Introduction which outlines the purpose of the Plan, enabling legislation, and structure of the Plan. The second section outlines the context and background of the RM. The context includes a high-level overview of planning considerations including those which pertain to the RM's history, its natural features and climate, its demographic and economic profiles, and services and infrastructure. The third section, central to the development plan, and provides the community's vision for future growth and development outlines the general goals, objectives, and land use policies that guide growth and development in the RM of Stuartburn. These general goals, objectives, and policies, apply to the entire RM and should be considered in any development. The fourth section addresses Rural Areas. In addition to the general objectives and policies that apply to all rural areas, additional objectives and policies pertaining to four distinct sub-sections are provided. These sections include **Agriculture, Agriculture Limited, Agriculture Restricted** and **Rural Residential**.

The fifth section, Town Areas, includes both **Settlement Centre** (Vita) and **Hamlet** designations. This section includes general objectives and policies applicable to both areas and specific objectives and policies pertaining to settlement centre or hamlet areas. The final section, Implementation, sets out the procedures for implementing the Development Plan.

Maps 1 and 2-5 included in Appendix "A" display the boundaries of the land use designations listed in this document. The "Other features" listed on the maps are for reference only. Reference Maps 1, 2, and 3 have also been included for the RM's highways, aggregate resources, and protected areas and crown lands. These reference maps do not form a part of the development plan By-law. They are included with the plan for reference only. Additional contextual information regarding the RM's natural features, socio-economic characteristics, municipal services and infrastructure are included in the background study.

2.0 CONTEXT AND BACKGROUND

2.1 Planning Context

Located in Southeastern Manitoba, the Rural Municipality of Stuartburn is a culturally rich and diverse community with strong agricultural roots. The RM is approximately 117 kilometres southeast of the City of Winnipeg, and covers a land area of approximately 1,164 square kilometres. The RM includes the Settlement Centre of Vita and the hamlets of Stuartburn, Gardenton, and Sundown. The RM is bordered by the RM of Emerson-Franklin to the west, the RMs of Hanover and La Broquerie to the north, the RM of Piney to the east, and the State of Minnesota to the south.

Accommodating development, while honouring agricultural heritage, is a significant challenge. The diverse demographics of the community, ranging from young families to seniors, create pressures for development. The RM, similar to others in the province, must continue to manage costly infrastructure renewal, environmental preservation, service provision, and drainage issues.

2.2 Historical Context

Before the arrival of the first European settlers, large portions of Southern-Manitoba (including the area that would later become the RM of Stuartburn) were the traditional lands of the Anishinabe peoples. In 1871 these lands were negotiated under Treaty 1 land.

The RM of Stuartburn was originally incorporated in 1902. Following a period where it was disorganized in 1928, it accepted administration by the Public Trustee as a Local Government District (LGD) which lasted from 1944 to 1997. Finally, it was once again incorporated in 1997, as it remains today.

In August 1896 the first settlers to the area arrived from Ukraine. Drawn by the availability of thousands of square kilometres of deep, fertile soils in what is today southern Manitoba, settlers began to migrate to the region. While the soil in the area was not as fertile as sites farther west in the Red River Valley, the conditions that existed, namely the vast amount of wooded areas and tall grass prairies, provided alternative opportunities for economic growth and development.

Access to the region was aided by the Pembina Branch of the CPR, which increased the desire for settlement, despite surface water concerns on these lands. The 26 families who made up the first settlement in the area were followed by other, predominantly Ukrainian, groups in the following years, expanding the settlement eastward and northward. By the 1900s, the number of settlers in the area had grown to approximately three thousand people. Prior to 1902, the settled area of the region was part of the RM of Franklin. However, due to perceived inequity in tax benefits, the Ukrainian immigrants who had settled the area beginning in the 1890s wished to separate from the RM of Franklin and form their own RM, this became the RM of Stuartburn.

Of the major ethnic groups that originally settled in the region including Mennonite, French, and Ukrainian, many of these groups are still well represented. While originally these groups settled in homogenous block segments, in time, the boundaries between the communities began to blur. Despite this, much of the cultural distinctiveness in and around the RM of Stuartburn remains and is an important factor in considering both its identity and place-making.

2.3 Natural Features and Climate Context

Physiographically, the RM of Stuartburn is primarily located in the Southeastern Plain section of the Manitoba Plain. A portion of the Whitemouth River Plain section of the Severn Upland crosses the northeast corner of the municipality. With a total land area of approximately 1,164 square kilometres, the municipality is generally defined by a gently sloping landscape and slightly ridged terrain. Areas in the eastern part of the RM have a slightly higher relief (2 to 5%) compared to the majority of the area which is closer to 2%.

Major planning considerations involving the RM of Stuartburn's natural features include soil characteristics, agricultural capacity, drainage, land cover, protected areas, and climate change, as well as a variety of other factors which have important impacts to the land use and development of the region. The RM includes a significant amount of land managed for wildlife habitat conservation such as the Tall Grass Prairie Preserve in the southwest, Nature Conservancy of Canada land focused primarily in the west, and the Rat River and Stuartburn Wildlife Management Areas. A portion of Sandilands Provincial Forest encompasses the northeast corner of the RM.

As of 2005, wooded areas/trees make up the largest portion of land in the RM of Stuartburn at 38.1% of the total land cover.¹ Close behind are grasslands, covering 34.4% of the RM and bringing the total of land area covered by trees or grasslands to a substantial 72.5%. Wetland area makes up roughly 16.4%. Annual cropland and forage areas make up 3.6% and 4.9% of the land coverage respectively, with human-built structures making up 2% of total land use.

A significant portion of the municipality is made up of organic soils that are seasonally flooded and have limited agricultural capability. This is critically important to the RM as resource-based activity is one of the prominent drivers for economic activity and largely determines the land use and development featured throughout the region.

The RM of Stuartburn has a continental climate with extremely cold winters (often with temperatures below -30° and high wind chills) and warm summers (sometimes with temperatures above 30° and high humidity). The mean annual temperature in the RM of Stuartburn is 3.3°C, and the mean annual precipitation is 547 mm. The average frost-free period is 116 days and degree-days above 5°C accumulated from May to September average 1767. The climate and geography make the RM susceptible to natural hazards such as flooding, wildfires, blizzards, and tornadoes.

Climate change models show the RM could have up to 48.1 days over 30°C per year in the near future (2051-2080) as opposed to the recent past (1976-2005) which had an average of only 11.4 days above 30°C per year. With this in mind, climate change and its effects on development and land use in the RM are a key factor going forward. Recent wildfires in Zhoda in 2011 & 2012 damaged properties and taxed fire fighting capabilities.

Integrated Watershed Management Plans (IWMP) which apply to the RM of Stuartburn are also a key factor. The Rat-Marsh River IWMP developed by the Seine-Rat River Watershed District is completed and can be accessed online on their website. The Roseau-River IWMP is currently being completed along with a drought management study. The information contained in these documents is critical for planning and development and should be considered when using this plan.

¹ Rural Municipality of Stuartburn Information Bulletin 98-20

2.4 Demographic Context

According to Statistics Canada census data from 2016, the RM of Stuartburn has a population of 1,648 (see [table 1](#)). Furthermore, between 2011 and 2016, the population of the RM grew 7.4%, which, was higher than Manitoba's provincial average growth rate of 5.8%.

Table 1: RM Population Change Comparison

Location	2006	2011	2016	% Change (between 2011 and 2016)
RM of Stuartburn	1,629	1,535	1,648	7.40%
Vita	562	415	479	15.40%
Municipality of Emerson-Franklin	2,457	2,439	2,537	4.00%
RM of Hanover	11,871	14,026	15,733	12.20%
RM of La Broquerie	3,659	5,198	6,076	16.90%
RM of Piney	1,755	1,720	1,726	0.30%
Province of Manitoba	1,148,401	1,208,268	1,278,365	5.80%

As seen in [Figure 1](#) below, the largest population brackets include children to early teens and adults aged 50-60.

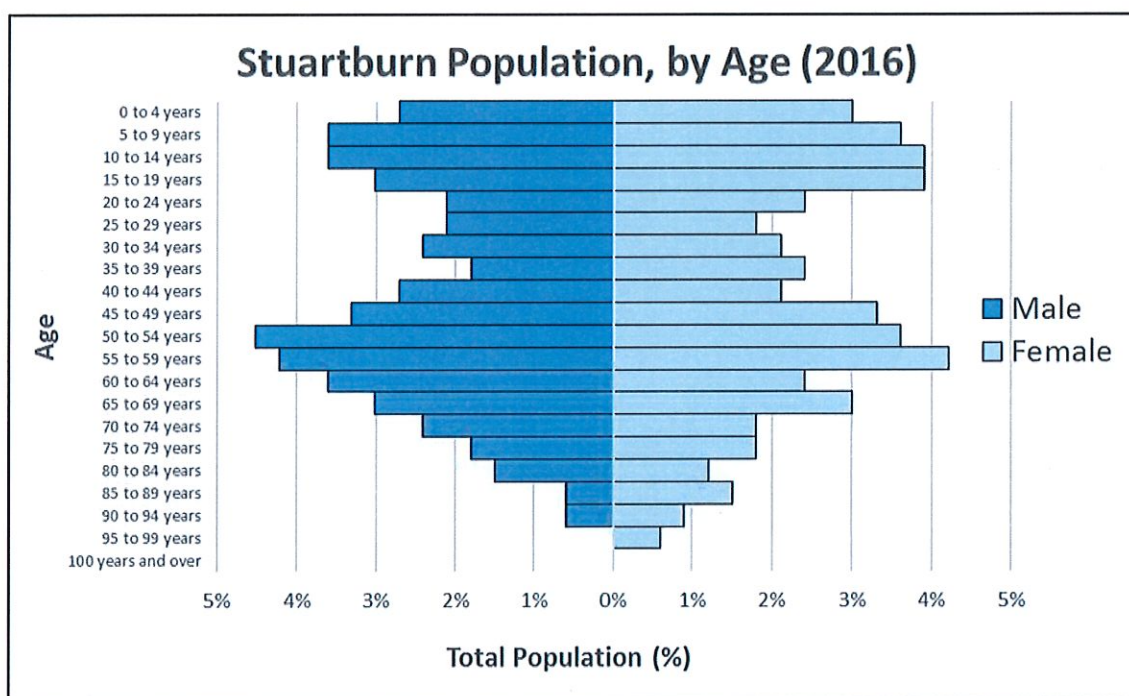


Figure 1: RM Population by Age 2016

2.5 Economic Context

The dominant industrial economic drivers in the RM of Stuartburn are its agriculture & resource-based industries, which, as shown in [Figure 2](#) below, employ about 25% of the population. With this in mind, the RM has a diversified economy made up of several industries including dairy production, business and finance, farming, health services, sales, and manufacturing. The RM has an unemployment rate of 5.2% which is lower than the provincial average of 6.7%.

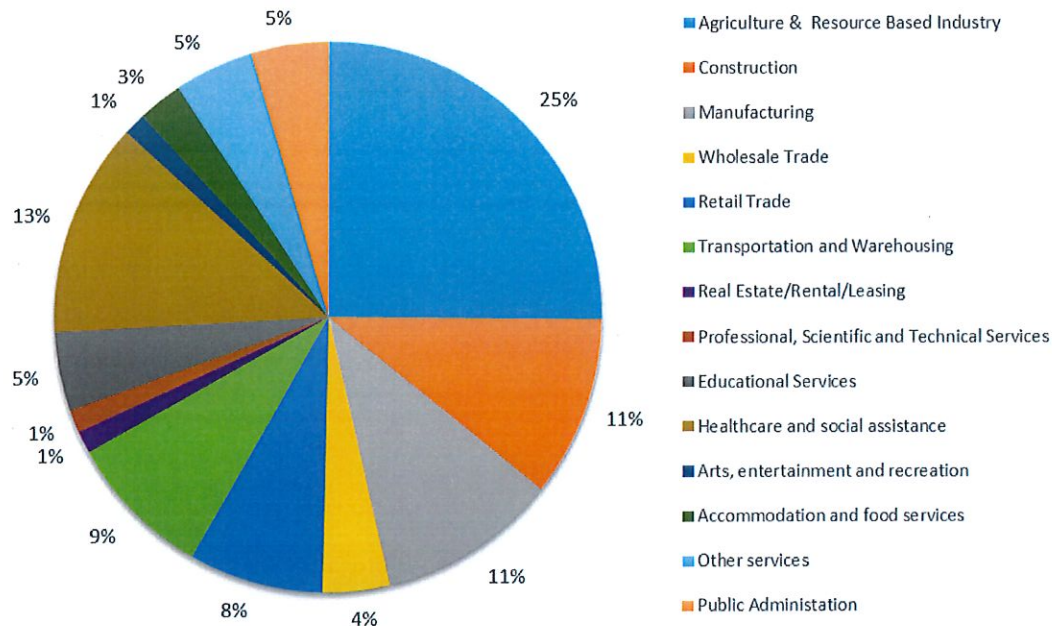


Figure 2: Industries by Labour Force

2.6 Services and Infrastructure Context

Municipal services and infrastructure refer to a wide range of basic services that residents of a municipality, town, city, etc. pay for through their taxes. Typical municipal services include water supply, sewage collection and disposal, refuse removal, electricity and gas supply, municipal health services, roads and stormwater drainage, street lighting, and municipal parks and recreation.

Municipal services and infrastructure planning are vital to the quality of life of the residents and the development and growth of communities and businesses. Development without planning for infrastructure and services will limit the intended benefits of the development and have adverse environmental and social impacts. Infrastructure planning is an integral part of planning for development. These implications vary in scope and severity and in the case of certain services, can create unhealthy and unsafe conditions for its residents. Apart from direct health-related implications of municipal service provision, these services also provide increased livability of the region and impact the enjoyment and happiness of its residents. With this in mind, focused development may lower the need for new infrastructure. As indicated by the *Provincial Planning Regulation*, development plans should balance service provision with development to help ensure adequate services are available to its residents wherever possible.

3.0 VISION, GUIDING DIRECTIONS, AND GENERAL OBJECTIVES AND POLICIES

This section defines the community vision, guiding directions, general objectives, and policies that apply to all land use and development within the RM of Stuartburn. In addition to the objectives and policy provisions contained in Sections 4 and 5 that are applied to specific land use areas, the goals, objectives and policies contained here should be reviewed and considered with respect to all proposed development.

3.1 Community Vision

The RM of Stuartburn, rich in wildlife and character, maintains a strong rural heritage for its residents and visitors. The RM shall strive to support sustainable social and economic growth while providing a desirable and safe community for residents and businesses, sustaining its natural areas and landscapes, and continuing to enhance and modernize its public infrastructure and recreational assets.

3.2 Guiding Directions

The following municipal priorities expand on the community vision and provide direction to the policies within this plan.

1. Economic diversification and development is a priority; policies must balance social and economic development with sustainable and resilient development.
2. The character and natural features of the RM will be protected and celebrated.
3. Public services and infrastructure, important to the RM, include age-friendly amenities, infrastructure expansion to accommodate growth, and green space and recreation.
4. The planning framework must include economic development by responding to business, industrial and housing demands, capturing future agricultural diversification opportunities, and considering future infrastructure needs.

3.3 General Objectives

- a. Ensure that the use and development of land is consistent with the community's vision for its future;
- b. Encourage community economic development initiatives consistent with the efficient and effective use and development of land;
- c. Preserve the predominantly agricultural areas of the Municipality for agricultural uses;
- d. Provide well-planned areas for living, working, shopping and recreation that are visually attractive, and that efficiently use land and public services, with minimal incompatibility in uses;
- e. Ensure that new development is compatible with existing and anticipated land uses, utility and transportation networks, and minimizes the risks to quality of life, public health and safety;
- f. Ensure that development occurs on lands that are suited for the proposed development unless appropriate mitigation measures are taken to reduce any potential negative impacts or to enhance the capability of the land to support the proposed development;

- g. Co-ordinate with the Seine-Rat River Watershed District and utilize the Rat-Marsh and Roseau River Integrated Watershed Management Plans to ensure coordinated stewardship of land, water, and aquatic ecosystems in the watersheds;
- h. Protect the natural resources and the environment of the area for the continued enjoyment of residents and visitors;
- i. Ensure the resiliency and sustainability of development by minimizing risks to people and property that are associated with natural hazards or built features;
- j. Promote the wise use of renewable and non-renewable resources including aggregate, minerals, forests, soils, water and other natural assets;
- k. Protect mineral resources within the Municipality for extraction now or in the future, including areas of high-quality aggregate deposits;
- l. Preserve and enhance the natural beauty, scenic value, recreational potential, historic or cultural significance of Tall Grass Prairie and Crown Lands;
- m. Recognize, preserve and protect threatened or endangered species located within the Municipality;
- n. Ensure continued public access to public resources (such as streams and rivers);
- o. Help ensure climate resiliency by protecting 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;
- p. Encourage the development of the Town Areas, including Vita, Gardenton, Sundown and Stuartburn in a manner that will ensure the safe and economical provision of social, cultural, recreational and municipal services, where feasible;
- q. Encourage asset management practices through considering life cycle costing, cost-benefit analyses, and by taking into account capital budget planning for all infrastructure investments (including transportation) to ensure they are strategic and sustainable;
- r. Ensure there is a provision in the plan to allow commercial and industrial uses to address economic development needs throughout the Municipality. Where possible, these developments should be directed to existing Town Areas (notably Vita) in an effort to strengthen their roles; and
- s. Ensure there is a provision in the plan to allow for the establishment of livestock operations within suitable areas of the municipality, with the further intent of minimizing impact on adjacent incompatible land uses.

3.4 Transportation

The transportation network in the Rural Municipality of Stuartburn is made up of Provincial Highways and municipal roads. The Provincial Highway system in the RM consists of Provincial Roads no. 201, 209 and 302 and a small portion of Provincial Trunk Highway No. 12 that passes through the northeast corner of the Municipality. A number of main market roads also provide important transportation links within the Municipality.

The municipal road system has been established and extended over the years to provide access to abutting properties for day-to-day service and passage between origin and destination points. Based on their level of usage, municipal roads can be classified into major and minor categories. Those used only for local service would be considered "minor", while those roads used to gain access between major destination points and travelled more frequently by a number of users, would be classified as "major". These major municipal roads are also used as collectors to provide access at limited points to the Provincial Road and Trunk Highway system. Subdivision along major roads should be limited or planned in an orderly manner to ensure the development of a safe, convenient and efficient transportation network. These roads are usually situated to serve the greatest number of users, are constructed of better quality and grade, and maintained on a more frequent basis than minor roads. Generally, the municipal road network should be planned to provide all-weather access to occupied dwellings, essential destinations (grain elevators, Town Areas) and uses requiring year-round daily access (schools). Fair weather access roads may be provided to unoccupied agricultural lands and non-essential destinations.

Active transportation, which includes human-power transportation such as walking and cycling, is increasingly recognized to provide a variety of benefits for individual residents, the community, and the environment. Benefits of active transportation include increasing mobility and mobility options for residents, promoting active lifestyles which can reduce public health care costs, enhanced community wellbeing, opportunities for tourism and support for local businesses, reduced traffic congestion, noise, and greenhouse gas emissions, less wear-and-tear on road infrastructure, and reduced overall infrastructure costs for maintenance, repair or replacement. Active transportation also provides a range of benefits which more specifically apply to rural and small urban communities. Examples of this include: the provision of alternative transportation options where transit is unavailable, less expensive necessary investment in active transportation infrastructure, and the creation of jobs. The RM of Stuartburn has the potential to encourage active transportation in Vita and access a number of the benefits it offers. Reference Map 1 in Appendix "A" displays the transportation hierarchy in Stuartburn.

3.4.1 Objectives

The RM shall strive to:

1. Protect and facilitate the various functions of the road systems within the Municipality to move traffic safely and efficiently.
2. Minimize the public costs of construction and maintenance of road networks through the application of land use tools.
3. Avoid the creation of hazardous situations between the transportation systems and adjoining uses.
4. Encourage active transportation as a viable means of travel for utilitarian and recreational means.

3.4.2 Policies

1. In areas where residential (including seasonal residential), commercial or industrial uses are to be allowed in close proximity to a Provincial Highway, the following development criteria shall be applied:
 - a. Strip development along the highway, whereby direct connections to the highway are continuously relied upon for providing access to abutting properties, shall not be permitted;
 - b. Development that would generate traffic in an amount or of a type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently, shall not be permitted;

- c. The local road or street network associated with any type of proposed development shall be designed to be in accordance with both the existing and planned road and street system of neighbouring areas; and
 - d. Manitoba Infrastructure should be consulted regarding any development proposed near a provincial highway or that may affect any potential future highway improvements. Proponents who wish to development near a provincial highway may be required to prepare traffic impact studies, concept plans, or other studies as required by the department.
- 2. Explore public transportation options, including shuttles and park and ride options;
 - 3. Encourage multi-modal transportation (including active transportation trails and walking paths) by creating interconnected transportation networks;
 - 4. Developments and related uses that may generate hazards, such as anhydrous ammonia storage, shall not be allowed within 100 metres (328 feet) from the edge of a right-of-way of a provincial highway;
 - 5. The RM of Stuartburn will consult with the applicable provincial departments if development is being proposed where a known road widening or intersection improvement on a PR is required;
 - 6. Subdivisions or development will not be permitted in areas designated for highway widening or expansion unless provisions acceptable to Manitoba Infrastructure are made to accommodate future highway widening or expansion;
 - 7. For new development that requires upgrading of local roads or provincial highways to accommodate truck traffic, the developer will be required to pay for the cost of road improvements;
 - 8. Require developers to build new municipal roads to municipal standards at their cost;
 - 9. New development shall be located so as to have access onto an all-weather road, or where the road is not of all-weather status, the Municipality may require the developer to construct the road to municipal standards.
 - 10. Where the level of road maintenance and/or standard must be increased as a result of increased traffic load generated by aggregate or peat extraction, topsoil removal or major construction activity, the company or agency contributing to said increase may be required to contribute wholly, or in part, to the increased cost;
 - 11. Commercial uses outside of Settlement Areas shall require re-designation to a Highway Commercial Area via an amendment to this development plan, and shall adhere to policies under section 4.7 of this plan.
 - 12. Council will review municipal road development standards to consider non-motorized transportation options.
 - 13. The expansion of existing development that is bordered on one side of a transportation corridor such as a provincial highway should be kept to the developed side of the corridor so as not to jeopardize user safety and efficiency.

3.5 Utilities

The RM of Stuartburn relies on the provision of a range of services from utility companies. The municipality shall strive to ensure that the provision of these services is done in a manner that minimizes incompatibility with surrounding land uses. Furthermore, the RM shall also strive, where possible, to support the provision of cell phone towers, fibre optic cable, and high-speed internet access for its residents.

3.5.1 Objectives

The RM shall strive to:

1. Encourage cooperation between Bell MTS, Manitoba Hydro, and other utilities, in order to ensure that their services are provided in the most efficient manner.
2. Ensure the safe and economical disposal of solid and liquid wastes.
3. Protect existing utilities, whether public or private, from incompatible land uses, or those which may negatively affect their operations.
4. Protect local and regional investments in infrastructure and utilities.

3.5.2 Policies

1. Waste disposal sites shall be established and maintained for use by ratepayers. These sites shall be developed in a manner that will minimize conflict with adjoining uses and will meet the requirements of the appropriate provincial department.
2. Waste disposal sites shall be listed as a conditional use in the Zoning By-Law.
3. The Municipality will continue to work co-operatively with utility companies to ensure the provision of safe, economic and efficient service to its ratepayers. Utility companies will be encouraged to develop facilities that will support local planning policies. Council will endeavour to keep the utility companies advised of development trends.
4. Council recognizes the importance of developing alternative energy strategies and as such, provisions for the establishment of Wind Energy Generating Systems (WEGS) may be established as an allowable use in rural areas and be subject to specific siting and setback requirements as outlined in the Zoning By-law and the following criteria:
 - a. WEGS shall be setback sufficiently from habitable buildings, property lines, public roads, and provincial highway right-of-ways to mitigate noise and visual impacts, as well as ensure safety for residents, the public, and property should the structure fail. The Zoning By-law will provide setback development standards for all WEGS proposed for development in the RM of Stuartburn; and

3.6 Heritage Resources

The RM is home to a number of heritage and historic sites. Generally, heritage and historic sites consist of farms, cemeteries, museums, schools, plaques, and any sites deemed significant or worth preserving due to their unique cultural or historical significance. An example of one of these sites is St. Michael's Ukrainian Orthodox church, consecrated in 1899. As the first permanent Ukrainian Orthodox Church in Canada, the church stands as a symbol of the Ukrainian heritage of the region.

With the rich cultural heritage present in the region, only a handful of these sites are designated at the national, provincial, or municipal level. As local heritage sites illustrate the rich history of the Municipality, it is important that efforts are made to maintain, protect, and enhance these sites for the benefit of future generations. The municipality recognizes the importance of the preservation and protection of heritage resources and encourages the public awareness of, understanding of, and appreciation for such resources.

Known heritage resources have been mapped in the background study (see Background Study Map 6: Heritage Resources. Refer to Table 1 in Appendix “B” of the RM of Stuartburn Background Study for a list of heritage and historic sites in the RM.

3.6.1 Objectives

The RM shall strive to:

1. Protect and enhance heritage resources by documenting their location and considering the impact of development with each application. If adverse impacts are unavoidable, the impacts must be minimized and mitigated by using appropriate measures to preserve, create, or restore the value of the heritage resource.
2. Promote awareness and continued use of structures that illustrate unique or interesting architectural form and design, or that are connected with historically significant people, groups, places, events, or themes.

3.6.2 Policies

1. Any proposed development, subdivision, change in land use, demolition or alteration affecting a building or site which has been designated as a municipal, provincial, or federal heritage site, shall be referred to the Province of Manitoba Historic Resources Branch for review and comment.
2. Should a municipal heritage committee exist, the Municipality may request that they, along with the Manitoba Historic Resources Branch, identify and commemorate sites with high historic potential and ensure that heritage resources are not lost.
3. The municipality may, via a municipal by-law, designate municipal sites as Municipal Heritage Sites, as provided under *The Heritage Resources Act*.
4. As a condition for the approval of any development, Council may, in consultation with the responsible government department, require the applicant to show that a historically, architecturally, or archaeologically significant site or structure is not being endangered.
5. The Municipality shall consider erecting commemorative markers, prepare information material, and support education programs to encourage the public awareness and appreciation for historic resources in the area.

3.7 Natural Areas and Environmental Conservation

The RM of Stuartburn’s natural areas and environment should be protected and conserved to maintain key habitat and ecosystem areas for a variety of aquatic and terrestrial species. Land in the RM carries strong intrinsic value to both Indigenous people and long-time residents as part of the natural heritage of the RM. The RM’s natural areas and environment are also an asset to the tourism industry and its economy (refer to Reference Map 2: Protected Areas and Crown Land found in Appendix “A” for the distribution of Crown lands and Private Lands).

3.7.1 Objectives

The RM shall strive to:

1. Discourage incompatible or potentially incompatible development in or near to natural areas and habitats.
2. Recognize, protect, and ensure the sustainability of natural assets such as marshlands, fens, parks, open spaces, wildlife protection zones, and protected areas.
3. Minimize the impacts of development upon aquatic ecosystems, wetland environments, riparian areas, and natural grassland and prairie habitats in Tall Grass Prairie and Crown Lands which are not municipal drains.
4. Support the protection and conservation of rare or endangered flora and fauna on Tall Grass Prairie and Crown Lands that have received designation and protection under the Manitoba Endangered Species and Ecosystems Act and the federal Species at Risk Act.

3.7.2 Policies

1. Protect ecologically significant areas such as riparian areas, wetlands, and species-at-risk habitat, using tools such as tax credits, conservation easements, and partnerships with the Seine-Rat River Watershed District, land dedication, and development agreements. The Province will consult with the RM of Stuartburn before the approval of privately initiated habitat conservation land leases or land transfers proposals.
2. The RM of Stuartburn shall strive to:
 - a. Consult and partner with Seine-Rat River Watershed District and watershed residents on conserving and restoring wetland;
 - b. Adopt development restrictions that require the retention and management of existing vegetation along waterways; and
 - c. Work cooperatively with the Seine-Rat Watershed District to consider the development of water retention projects for flood management, drought mitigation, water quality protection, and wildlife habitat enhancement.
3. Protect natural areas and habitats from incompatible adjacent land uses using the Zoning By-Law and development permit process to mitigate any adverse effects of proposed development, where:
 - a. Rare or endangered flora and fauna have received provincial designation and protection under either the Manitoba Endangered Species and Ecosystems Act or the federal Species at Risk Act and are on Tall Grass Prairie Preserve and Crown Lands;
 - b. Lands have received provincial designation, e.g. Wildlife Management Area;
 - c. Lands have been designated as 'Protected' under the Protected Areas Initiative;
 - d. Private lands are voluntarily protected by landowners under the Conservation Agreements Act; and

- e. Lands have been identified or designated as supporting ecologically significant/sensitive habitat(s).
- 4. The fragmentation of critical and significant wildlife habitats should be avoided whenever possible, and the establishment and protection of wildlife corridors is to be supported. Development that results in the fragmentation of these habitats should be minimized and suitably mitigated.
- 5. The retention of tree and grassland cover on land having low agricultural capability and unused road allowances shall be encouraged as a means of preserving natural habitat area and as a soil conservation technique to control erosion and minimize wind damage. Land clearing also changes the runoff regime of a landscape and is usually accompanied by requests for improved drainage thus adding more runoff pressure to the area drainage network.
- 6. The clearing, draining, or filling in of natural marshes, ponds or significant wetland areas should be discouraged, and only proceed if licensed by Manitoba Conservation and Climate.
- 7. Key habitat areas such as wetlands and lands along the edges of waterways in the Municipality which could serve as waterfowl staging areas should be preserved in their natural state.
- 8. Noxious activities that discharge pollutants into groundwater pollution areas and near water bodies shall be regulated. It shall be required that precautionary safeguards be built into the development activity to control any pollutants which may be released. The establishment of setbacks or development controls should take place in consultation between the Municipality and appropriate provincial governmental departments.
- 9. Co-ordination among landowners, local governing bodies, First Nations, watershed management associations and the Manitoba government regarding drainage should be encouraged.
- 10. Consider the development of drainage plans locally, within the context of the watershed and in consultation with the Seine-Rat Watershed District, and consider watershed rehabilitation, potential impacts, wetland conservation and fish habitat.

3.8 Lands at High Risk to Flooding, Erosion and Drought Sensitivity

Like most areas in southern Manitoba, some of the lands in the RM are subject to challenges from flooding, erosion, and drought. At this time, the 200-year flood levels have not been established for the Roseau and Rat River within the municipality. Furthermore, 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 water body are a concern.

3.8.1 Objectives

The RM shall strive to:

- 1. Protect and enhance the riparian areas adjacent to natural waterways and water bodies within the Municipality.
- 2. Ensure development does not occur in lands at high risk to flooding, erosion and drought. Development may occur in areas where the hazard can be protected against when adequate mitigation measures are taken to reduce negative impacts or increase the capability of the land to support the proposed development. Adequate mitigation measures may be determined by Manitoba Infrastructure for flooding, a geotechnical engineer for erosion, and Conservation and Climate for drought.

3. Coordinate with the province to determine acceptable levels of risk and adequate mitigation areas for development within lands at high risk to flooding, erosion and drought.

3.8.2 Policies

1. Land subject to significant flooding, erosion or bank instability should be left in their natural state or only developed for low intensity uses such as open space recreation, grazing, forestry, and wild habitat.
2. No development will be permitted on land, which would be inundated by the 1:200 year flood or by a recorded flood exceeding the 1:200 year flood, or lands subject to other hazards such as landslides or subsidence – those lands where actual effects of such hazards have occurred or have been predicted, or which would, within a 50 year period, be eroded or become unstable due to the action of water contained in an adjacent waterway or water body unless it has been demonstrated to Council by an approved third party Engineering or Geotechnical report that the erosion process has been halted or that the hazard has been (or can be) protected against;
3. Development permitted on, or near, lands at high risk to flooding, erosion, and drought sensitivity shall:
 - a. Minimize property damage, public expenditures, and dangers to public health and safety;
 - b. Be protected against damage and shall be functional under hazardous conditions;
 - c. Prevent acceleration or promotion of environmental damage;
 - d. Be required to build above the 200-year flood elevation or such other elevation as established by the applicable Provincial authority; and
 - e. Existing tree and vegetation cover shall be preserved where appropriate to reduce and maintain riverbank instability.
3. Council will refer development proposals in suspected flood prone or poor drainage areas to the applicable Provincial authority for review and recommendation.
4. Development proposals on Lands at high risk to flooding, erosion and drought require the completion of environmental, geotechnical, or hydrological engineering studies to determine if the land has potentially hazardous slopes or could be subject to other hazards.
5. Council may require the applicant to complete a professional environmental, geotechnical, or hydrological study, including recommendations regarding preventative and mitigation measures to eliminate or reduce the risk to an acceptable level. The said studies shall address means to eliminate risks or reduce risks to acceptable standards.
6. The RM will consider the creation of firebreaks in areas that may be particularly susceptible to drought and/or wildfires.

3.9 Surface and Groundwater Management

3.9.1 Objectives

The RM shall strive to:

1. Ensure drainage issues are addressed in a coordinated manner and take into consideration integrated, watershed-based approaches which consider the relationships that exist between riparian areas, aquatic ecosystems, water quality, recreational areas, and flood protection with input from government departments and agencies, adjacent municipalities, neighbouring landowners, and the Seine-Rat River Watershed District.
2. Consider options to offset drainage stresses on municipal infrastructure, provincial waterways, roads, etc. with water retention projects and, where possible, natural capital or green infrastructure projects.
3. Protect development and investments from overland flooding.
4. Protect surface and groundwater resources, such as rivers and aquifers, within the Municipality.
5. Encourage drainage improvements which help ensure:
 - a. The protection of land, property, and infrastructure; and
 - b. That the potential negative impacts of irresponsible or excessive drainage (cumulative impacts) faced by the municipality in the future are mitigated.
6. Maintain the natural capacity of waterways and waterbodies to convey flows.
7. Consider the creation of new water retention projects which could serve multiple benefits such as forest/wildfire mitigation and prevention and enhanced surface water management.

3.9.2 Policies

1. Council will work cooperatively with the applicable Provincial authority, Seine-Rat River Watershed District, and adjacent municipalities to address any regional drainage issues through best management practices, water retention projects, and integrated surface water management recommendations in the Rat-Marsh and Roseau River IWMPs.
2. Drainage plans for undeveloped areas may be required prior to development. Where development may increase storm flows and drainage into the Provincial highway system, Manitoba Infrastructure must provide authorization. Where development may impact municipal drainage infrastructure Council must provide authorization. Costs associated with drainage into a Provincial highway drainage system will be the responsibility of the developer.
3. The Municipality will encourage the development of retention ponds to act as a buffer for stormwater management where feasible and when drainage influences development.
4. To preserve and maximize the capability of waterways and waterbodies to be used for a variety of purposes including drinking water, irrigation, and recreation.
5. To ensure that developments do not impact fish habitat, aquatic ecosystems, or water quality within rationale so as not to impede development.
6. Developments shall adhere to the *Water Protection Act* and any other pertinent Provincial and Federal policies and regulations and will be encouraged in a manner that ensures waterways, riparian areas, aquatic ecosystems, and groundwater resources are sustained.

7. All proposed developments adjacent to waterways which may have an impact on said waterways will be forwarded to the applicable Provincial or Federal authority for review.
8. Natural vegetation shall be retained or rehabilitated within riparian setbacks, where possible and shoreline alteration (e.g. pathways, docks, and boat houses) should cover less than twenty-five (25) percent of the land area.
9. Developments requiring significant water consumption shall only be permitted in areas where they will not cause a reduction in water supply for existing users. If groundwater is to be used as a source of water supply, it shall be done sustainably and comply with *The Water Rights Act* and *The Groundwater and Water Well Act* and any other applicable Provincial and Federal regulations.
10. In areas where soils are capable of being irrigated, and where water sources for irrigation may be available, Council shall encourage the retention of parcel sizes which can be irrigated most efficiently and economically.
11. Development proposals, including irrigation and livestock operations, requiring more than 25,000 litres/day of self-supplied water require a water rights licence under the provisions of *The Water Rights Act*. All self-supplied industrial and community well distribution systems also require a water rights license.
12. Sources of public drinking water as well as aquifers shall be protected by limiting certain uses and activities that could include, but are not limited to, agricultural fertilizer or pesticide application, cattle accessing the area, on-site wastewater systems, and industrial and residential development, subject to appropriate Provincial regulation.
13. Wells shall meet all Provincial standards and regulations and be developed in a manner that will not have a detrimental impact on aquifers. Abandoned wells shall be capped and sealed to all Provincial standards and regulations.

3.10 Parks, Recreation, and Tourism

3.10.1 Objectives

The RM shall strive to:

1. Encourage the development of tourism and recreation opportunities in the RM of Stuartburn's urban and rural areas.
2. Support ecologically sensitive recreation along the Roseau, old Roseau, and Rat Rivers, such as hiking and cycling trail systems and canoeing and kayaking launch points.
3. To allow for the development of the RM's tourism and recreational industries while sustaining the RM's natural features.

3.10.2 Policies

1. Public access to recreation and natural areas shall be encouraged to foster an appreciation for and enjoyment of nature. However, such access shall not lead to levels of activity that will exceed the capability of the area to sustain the ecosystem and recreation integrity.

2. The creation of community parks and additional recreational opportunities such as campgrounds, fields, splash pads, etc. will be encouraged where feasible.
3. To promote economic diversification, Council shall continue to coordinate with the RM of Piney to promote the Sunrise Corner Tourism strategy.

3.11 Aggregate and Mineral Resources

3.11.1 Objectives

1. To protect natural resources, including known sand and gravel deposits, from conflicting land uses which may prevent the economic extraction of minerals.
2. Plan for the extraction and successive reclamation of aggregate and quarry mineral (including peat) deposits to minimize conflicts with and disturbances to the environment and public or private property; to reduce safety hazards during and after extraction and to enhance the potential for alternate land uses after extraction.

3.11.2 Policies

1. Appendix "A" Map 3 in the RM of Stuartburn Background Study identifies areas within the Rural Municipality of Stuartburn with "**High**" or "**Medium**" aggregate designations. Land uses in these areas shall be limited to general agricultural practices. Temporary occupation or uses that will permit access to the resource until such time that the resource has been exhausted, determined to be uneconomical to extract or subsequently rehabilitated, will be permitted. Land containing a valid mineral disposition that is in good standing under *The Mines and Minerals Act* will be considered to be a "**Medium**" mineral designation.
2. Where a non-resource related development is proposed for an area designated for aggregate extraction, a site-specific analysis shall be conducted by the development proponent in order to determine the quality and extent of the aggregate or quarry mineral (including peat) deposits and the feasibility of extraction.
3. Aggregate and quarry mineral (including peat) extraction operations shall be considered as conditional uses in the Zoning By-Law and the granting of Development Permits for new operations shall take into account *Manitoba Regulation 65/92 (Quarry Minerals Regulation, 1992)*.
4. A Development Permit will be issued for the extraction operation after consultation with the Mines Branch to ensure consistency in approaches between provincial and municipal levels of government with regard to critical areas of concern such as use of right-of-way, soil pollution, land reclamation, buffering, etc.
5. An application for a commercial aggregate or quarry mineral (including peat) extraction operation should include the submission of a site plan showing the manner in which extraction or development will occur.
6. In any area where an aggregate or quarry mineral (including peat) deposit lies adjacent to an existing development which would clearly be sensitive to the impact of extraction (including noise, dust or traffic), the establishment of suitable buffers, and/or additional setback requirements in order to limit the extent

of the operation, shall be considered in consultation with appropriate government bodies, such as the Mines Branch.

7. Land uses (such as residential, commercial, institutional and recreational uses) which may be sensitive to and conflict with the inherent characteristics of aggregate extraction shall not be allowed within an appropriate distance of the extraction operation.
8. If the extraction of minerals, oil or natural gas ceases on land, the surface of which was previously prime agricultural land before the extraction began must be rehabilitated to the same average soil quality for agriculture as is found on the surrounding lands.

4.0 RURAL AREAS

This section of the Plan outlines objectives and policies for rural areas within the Rural Municipality of Stuartburn where agriculture and other resource-related activities provide the basis for economic activity in the rural area and are the predominant land uses. The industry is not confined to any one activity as grain cropping, pasturing and livestock production operations can be found throughout the Municipality. Agricultural land use patterns generally follow the soil types in the Municipality with cropping activities occurring on the better soil types. Most dairy, beef and other livestock operations, on the other hand, do not require high-quality soils and these tend to locate on the poorer soils. A significant portion of the Municipality is made up of organic, marshy soils that are seasonally flooded and have little agricultural capability.

Objectives and policies for Rural Areas build upon and are inclusive of the community vision, guiding directions, and General Objectives and Policies for Transportation, Utilities, Heritage Resources, Natural Areas, Lands at High Risk to Flooding, Erosion and Drought, Surface Water and Groundwater, Parks and Recreation, and Aggregate and Quarry Minerals as outlined in sections 3.1 to 3.11.

To protect the Municipality's agricultural economy, rural character, provide buffering to residential developments, including Town Areas, and identify areas in the municipality not suitable for a full range of agricultural uses, the following five areas are identified on Map 1: Rural Municipality of Stuartburn Development Plan:

- a. **Agriculture;**
- b. **Agriculture Limited;**
- c. **Agriculture Restricted;**
- d. **Rural Residential (no areas designated yet); and**
- e. **Highway Commercial (no areas designated yet)**

These designations shall provide for a range of agricultural uses which are appropriate to the specific conditions of each area, not including livestock operations. Special provisions with respect to livestock operations in these areas are established in Section 4.4 of this document.

4.1 General Objectives

The RM shall strive to:

1. Encourage economic development, growth and diversification in rural areas in an orderly, efficient manner.
2. Maintain and protect the viability and the potential for the future development of agriculture and other resource-related activities in the rural area.

3. Ensure that development is compatible with adjacent existing and anticipated land uses.
4. Protect and enhance the land and resource base that supports agriculture and other resource-related activities.
5. Maintain the character and quality of life presently enjoyed in rural areas.
6. In general, commercial and industrial uses shall be directed to the Town Areas in order to conserve the rural resource base, to maximize the utilization of public services, and to enhance the viability of the Town Areas.

4.2 General Policies

1. Generally, the uses allowed and their requirement for development shall be in keeping with the objectives and policies of the Development Plan and adhere to specific provisions as may be established in the Zoning By-law.
2. Secondary suites may be accommodated in Rural Areas and must meet the requirements as addressed in the Zoning By-law.

Economy

3. Rural areas will be planned to 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 countryside.
4. Provide opportunities for residents to establish agriculture-related commercial/industrial uses in the rural area where the location of such uses is not practical in either Vita or the Hamlets and which can be accommodated without significant impact on the adjacent provincial highway transportation system.
5. So that the business initiatives of the residents are not unreasonably discouraged, home occupations and home industries may be permitted as a second use, in addition to the principal use, in Rural Areas. Such uses are subject to the issuance of a Development Permit. These businesses are generally modest in scale and investment, and should not generate significant levels of traffic or have adverse effects on neighbouring land uses. Home based settings may appear appropriate when starting up, but businesses may grow to a level of activity more appropriate to an urban area, and this should be considered from the outset. Businesses established under these provisions may not be subdivided from the parcel on which they are established. To accommodate the limited demand for such uses, the Zoning By-law shall contain the following criteria:
 - a. There shall be an established residential use on the affected land;
 - b. The proposed use directly serves the rural population and can include farm-related machinery and auto repair, welding, carpentry and other trades and similar uses;
 - c. It is limited to those indoor and outdoor uses which do not interfere with the rights of other residents to enjoy their area;
 - d. The creation of dust, noise, vibration, smoke, odour, litter, light or heat shall be limited so that these effects do not extend beyond the limits of the subject site so as to cause interference with

adjacent property and uses; nor shall it create or cause any fire hazard, electrical interference or other hazardous effect;

- e. The site provides for on-site parking and loading areas for all vehicles associated with the dwelling and the home occupation; and
 - f. All necessary permits are obtained from Manitoba Infrastructure for purposes of access, etc. when adjacent to a Provincial Road/Provincial Trunk Highway.
- 6. Protect and enhance the land and resource base that supports agriculture and other resource-related activities.
 - 7. Encourage growth and development in rural areas in a manner that is compatible with the objectives and policies for the Town Areas.

Agriculture

- 8. Protect prime agricultural land for agricultural uses and lower class land which is used or has the potential to be used for different types of mixed farming enterprises, including livestock, grazing, and poultry production operations.
- 9. Ensure that the necessary supportive services such as bulk fertilizer sales, farm implement dealers and like uses are located in areas where the agricultural industry needs these services.

Infrastructure

- 10. To encourage sustainable development that makes efficient use of land and existing roads, utilities and other infrastructure.
- 11. Encourage on-site servicing for development in Rural Areas.
- 12. Developers shall pay the cost of new roads that are created from new developments.

Environment and Sustainability

- 13. Coordinate with the Seine-Rat Watershed District for drainage and watershed management.
- 14. Recognize and protect existing non-agricultural uses.
- 15. Any proposed development that has the potential to alter, disrupt or destroy fish habitat shall require consultation with the appropriate provincial department.

Recreation

- 16. Encourage and enhance recreation opportunities in Rural Areas
- 17. Recreational uses in Rural Areas designated for agricultural use shall be limited to those recreational pursuits requiring extensive land areas which cannot be easily located in Town Areas, such as golf courses, campgrounds, power toboggan or trail parks, or those recreational pursuits which could be hazardous to concentrated populations, such as shooting ranges. Recreational uses having a transient residential component may be deemed appropriate in the municipality on lands suitable for such purposes and may

include, but not be limited to, recreational vehicle (RV) trailer parks. The establishment of such uses will require a site-specific re-zoning to the Open Space Recreational Zone. These uses can only be considered if:

- a. The land has not been improved for agricultural production and had moderate to severe limitations for agricultural purposes;
- b. Where possible, lands are located on soils having a Canada Land Inventory for Agriculture rating of class 4 to 7;
- c. The approval of the use will not create a potential for land use conflict with agricultural activities which would normally take place in the area; and
- d. The proposed site is located where all necessary services such as all-weather roads, hydro, school bussing, etc. are available. To ensure municipal services are available, a proponent may be required to enter into a Development Agreement with the Municipality for the provision of any needed services such as upgrading of roads, etc.

Where such areas border a provincial highway, an appropriate review by Manitoba Infrastructure will also be required.

4.3 Subdivision

1. To preserve the open space and agricultural nature of the municipality, the subdivision of land designated **Agriculture, Agriculture Restricted, and Agriculture Limited** will generally be limited to parcel sizes of approximately 80 acres unless otherwise listed in sections 4.3.2 to 4.3.7.
2. The subdivision of land to accommodate specialized agricultural operations requiring smaller parcels of land including apiaries, nurseries, or berry farms, may be permitted on smaller parcels of land. Specific site requirements will be listed in the Zoning By-law and the proponent may be required to submit a business plan that supports the proposal for a specialized agricultural operation prior to subdivision.
3. Consolidation of small holdings into large size holdings shall be encouraged along with reconfiguration of property boundaries, in accordance with the objectives of this section. The Municipality may consider creating small parcels on the condition that large residual holdings are consolidated. Furthermore, the subdivision of land for reconfiguration of property boundaries in agricultural areas should only be considered when necessary to accommodate agricultural practices and should not result in opportunities to create additional rural residential lots or new titles.
4. The subdivision of land in **Agriculture, Agriculture Restricted and Agriculture Limited** Areas for non-farm residential use may be considered for the following purposes:
 - a. To permit the subdivision of an existing farmstead for a retiring farmer;
 - b. To permit the subdivision of one new lot for a retiring farmer when the farm is sold as an operating unit and the farmer wishes to live nearby;
 - c. To permit the subdivision of an excess farmstead which is no longer required as part of the farm unit due to farm consolidation or in situations where additional lands being acquired by a farming operation contain a farmstead not required as part of the farm unit;

- d. To permit the subdivision of a residential lot for an individual who procures a full-time income from the farming operation. Generally, the site area should not exceed 5 acres;
- e. To establish a separate residential site to accommodate farm incorporations;
- f. To allow the creation of a single non-farm residential parcel on land which has been physically separated by such things as a major drain, transportation route, etc., providing that public road access and utility services are available. The site should be suitable for an on-site septic field, not be subject to flooding and generally have a site area of at least 2 acres;
- g. In order to create opportunities for living in a rural environment without creating conflict or restricting the possibility for agricultural operations to establish or expand, non-farm residential parcels may be created from an existing holding on land which has a Canada Land Inventory Soil Capability for Agriculture rating of Class 4 to 7 subject to the following criteria:
 - i. the land has not been cleared and/or improved for agricultural production in the past nor does it have the potential to be reasonably used for agricultural purposes.
 - ii. 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;
 - iii. dwellings meet separation distances to livestock operations;
 - iv. the proposed site is located where all necessary services such as all-weather roads, hydro, school bussing, etc. are available. To ensure municipal services are available, a proponent may be required to enter into a Development Agreement with the Municipality to provide any needed services such as building or upgrading roads;
 - v. lot sizes will be generally 2 to 10 acres in size, with a minimum frontage of 500 feet; and
 - vi. a maximum of 2 lots per 80 acres may be created along a dominion survey mile road or up to 5 lots per 80 acres if the applicant builds an internal public road to municipal standards.
- h. To reduce the potential for excessive fragmentation of land, the number of parcels that can be created under policies 4.3.4.a through 4.3.4.f shall be a maximum of one parcel per 80 acre;
- i. To reduce the potential for conflict with adjacent agricultural operations, residential development on parcels created under policies 4.3.4.a to 4.3.4.f shall respect separation distances as established in the Provincial Planning Regulation;
- 5. In general, commercial and industrial uses shall be directed to the Town Areas in order to conserve the rural resource base, to maximize the utilization of public services, and to enhance the viability of the Town Areas. Nevertheless, certain commercial and industrial activities, not associated with an agricultural operation as a home occupation/home businesses, which require a rural location, may be permitted for the following reasons:
 - a. Certain commercial or industrial uses that may require larger sites than what is available in urban centres. To maximize accessibility, such uses should be directed to areas located within close proximity to areas designated as Town Areas without impeding the orderly expansion of that area;

- b. Certain industries that may need to be near a specific resource or facility (ex. gravel crushing operation near a quarry, etc.);
 - c. The need to separate a specific development from Town Areas because of the potential danger to public safety or nuisance associated with the operation of the proposed development (ex. anhydrous ammonia storage facility, etc.); and
 - d. Commercial or industrial uses that are agriculturally related (uses including bulk oil, bio-diesel and similar fuel manufacturing facilities, chemical and fertilizer storage, agro-commercial services and dealerships and like uses) and would be better suited in an agricultural area.
6. Areas contemplated for uses listed above should conform to the transportation policies identified in Section 3.4 of this Plan and shall require a re-zoning to an appropriate zone and shall generally be directed away from prime agricultural land. Agriculture-related uses in agriculture zones may be listed as a conditional use in the Zoning By-Law. Prior to development permits being issued, site(s) proposed for commercial or industrial development (and zoning) will require a full review by Manitoba Infrastructure when adjacent to a Provincial Road or Provincial Trunk Highway.

4.4 Livestock

Stuartburn recognizes the important role that agriculture and the livestock industry have on the economic wellbeing of the Municipality. The Municipality also recognizes the potential land use conflicts that may arise between the livestock industry and urban, recreational, tourism and other agricultural related uses. To ensure the long term economic and environmental sustainability of the Municipality and to minimize the potential for land use conflict, a series of policies for livestock production operations in the Rural Municipality of Stuartburn, have been identified in this section.

- 1. The RM of Stuartburn will adopt the mutual separation distances from the Provincial Planning Regulation in its zoning By-law.
- 2. Livestock operations in **Rural Areas** are guided by the following criteria (see Table 4-1):
 - a. Within areas designated **Agriculture**, the following will apply:
 - i. The establishment of new or expansion of existing operations to between 10 and 400 AU will be permitted;
 - ii. The establishment of new or expansion of existing operations to above 400 AU will be considered as a conditional use; and
 - iii. The limited keeping of livestock on a hobby farm basis will be considered and regulated under the zoning by-law.
 - b. Within areas designated **Agriculture Limited**, the following will apply:
 - i. The establishment of new or expansion of existing operations to between 10 and 200 AU will be permitted;
 - ii. The establishment of new or expansion of existing operations to above 200 AU will be considered as a conditional use²; and
 - iii. The limited keeping of livestock on a hobby farm basis will be considered and regulated

² Livestock operations 300 AU or greater in size and requiring a conditional use approval must be referred to the Technical Review Committee as per Sections 111(1) and 113(2) of *The Planning Act*.

under the zoning by-law.

- c. Within areas designated **Agricultural Restricted**, due to the proximity to Town Areas, and the need to protect and minimize potential land use conflicts, the following will apply:
 - i. The establishment of new operations shall not be permitted;
 - ii. The expansion of existing operations up to 400 AU will be considered as a conditional use²; and
 - iii. The limited keeping of livestock on a hobby farm basis, including recreational enterprises such as riding stables, and including (existing) sites having a site area less than the minimum listed in the Zoning By-law, will be considered and regulated under the zoning by-law on the basis of one animal unit per acre and should be limited to less than 10 AU.
- d. Within areas designated **Rural Residential**, the following will apply:
 - i. The establishment of new operations shall not be permitted;
 - ii. The expansion of an existing operation shall not be permitted; and
 - iii. The limited keeping of livestock on a hobby farm basis shall not be permitted.
- e. Any new and expanding livestock operations of 400 animal units or larger will be listed as a Conditional Use in the Zoning By-Law as well as require a technical review from the Provincial Technical Review Committee.

Table 4-1: Livestock Operation Permitted/Conditional Use Classifications

Use	Designation			
	A	AL	AR	RR
Livestock operations producing between 10 and 200 AU – new	P	P	-	-
Livestock operations producing between 10 and 200 AU – existing	P	P	C	-
Livestock operations producing between 200 and 400 AU – new	P	C	-	-
Livestock operations producing between 200 and 400 AU – existing	P	C	C	-
Livestock operations producing 400 or more AU – new and existing	C	C	-	-

- 3. Livestock operations in **Town Areas** are guided by the following criteria:
 - a. Within areas designated “**Hamlet**”, the following will apply:
 - i. The establishment of new operations shall not be permitted;
 - ii. The expansion of an existing operation shall not be permitted,
 - iii. The zoning By-law may contain provisions to accommodate accessory livestock as a permitted or conditional use when limited to less than 10 AU. The number of accessory livestock permitted will be relative to the size of the site.
 - b. Within areas designated “**Settlement Centre**”, the following will apply:
 - i. The establishment of new operations shall not be permitted;
 - ii. The expansion of an existing operation shall not be permitted,
 - iii. The limited keeping of livestock on a hobby farm basis shall not be permitted.

4. Proponents, owners and operators of intensive livestock operations will be required to develop their facilities and conduct their operations in a manner that minimizes offensive odours and the potential for pollution of soils, groundwater and surface water. Through the approval of a conditional use for livestock operations, new and expanding intensive livestock operations may be required to incorporate the following:
 - a. Treed shelter belts surrounding the entire livestock operation facility, including the manure storage facility;
 - b. Covers on manure storage facilities; and
 - c. Confirmation and compliance with mutual separation distance.
5. The siting of new operations may be addressed in a conditional use order approval 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.
6. Livestock operation facilities located in areas subject to flooding, as determined by the Province, shall be constructed in accordance with flood protection measures required in the Livestock Manure and Mortalities Management Regulation.
7. The siting of a new livestock operation in the vicinity of the Rat River and the Roseau River shall maintain a setback of 1,000 feet from the Ordinary High Water Mark (OHWM). Structures in the vicinity of other designated waterways shall maintain a setback of 328 feet from the OHWM (or as otherwise required by regulation).
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). However, where soil survey information at a scale of 1:50,000 is not available, Council may require that the proponent confirm, through soil analysis, the suitability of a chosen site for the establishment of an operation.
9. For any new or expanding livestock operation, Council may choose to meet with the applicant prior to accepting an application for a conditional use to review details of a proposed operation what outline the size of the operation, the number and type of animals to be produced, the location and acreage of lands available for the application of manure produced by the operation, and to provide the opportunity for input on locational attributes.

4.5 Agriculture Limited Area Objectives & Policies

Many areas of the RM are treed and otherwise best left in their natural state. The Tall Grass Prairie Reserve, the Rat River Wildlife Management Area and the Stuartburn Wildlife Management Area are all located within the **Agriculture Limited Area**. Some of these areas are suited to support the natural plant, animal and fish species; other areas exhibit low and extensive wetland areas that may have value to waterfowl as staging areas for migrating birds. The Roseau and Rat Rivers run through the area, providing a natural environment for aquatic flora and fauna. Some of these areas may be able to support a limited amount of agricultural activity. The majority of Agriculture Limited areas are owned as Crown Land. Privately held lands often have agreements with conservation agencies for the protection of wildlife habitat.

4.5.1 Objectives

The RM shall strive to:

1. Effectively manage and protect forested lands, and to maintain and enhance the overall benefits accruing from the forest resource.
2. Protect existing water quality in the Municipality.
3. Maintain proper habitat conditions for all wildlife species so that no species becomes close to extinction, to encourage wildlife habitat maintenance, and, to encourage the preservation of wetland habitat.
4. Minimize public expenditure and property damage for relief and protection in areas subject to hazards and to minimize personal hardship, inconvenience and adverse effects on public health and safety.
5. Conserve and protect areas of natural environmental significance, prevent the intrusion or development of incompatible uses, and to maintain their aesthetic appearance, including areas where rare or endangered flora and fauna have received designation and protection under Federal or Provincial legislation.
6. Ensure that new developments are compatible with existing uses and that the development potential does not exceed the capability of the land to support such activities and/or threaten the ecological integrity and/or sustainability.

4.5.2 Policies

1. Agricultural uses shall be limited to forage, cropping, grazing, or open space uses, and where appropriate, the siting of livestock operations. Non-farm residential development may be permitted, in consultation with the responsible provincial government agency, if any hazard can be eliminated or protected against. Provisions of Policies 4.3.4 shall apply in these cases. In areas where a specific hazard has not been defined or fully determined, preventative measures should be undertaken to:
 - a. Eliminate pollution of existing or potential groundwater supplies;
 - b. Minimize the effects on the creation or aggravation of erosion, bank instability and drainage problems; and
 - c. Restrict activities that would adversely alter, obstruct or increase flow, flood velocities or flood stages.
2. Lands identified through mining claims or quarry mineral leases are subject to the policies of the aggregate and quarry minerals provisions.
3. Uses of Crown Land in the Municipality are to be consistent with the intent and policies contained in the Crown Land Plan prepared by the Crown Land Classification Committee. Crown lands are identified in the background study on Map 7: Protected Areas and Crown Land. If Crown land is transferred to the RM, private individuals, a company, etc., the land will be subject to the Development Plan land use designation as outlined on Map 1.

4.6 Rural Residential Area Objectives & Policies

Rural residential development is a term used to define clustered, non-farm residential development situated in a rural area, and includes seasonal residential development. Lots generally incorporate a dwelling and sufficient land area to maintain a sense of privacy between neighbours as well as provide for on-site sewage and water systems. The major land use issue associated with rural/seasonal residential development in a municipality is the avoidance of the adverse conflicts which may result when different uses locate near each other. Very little rural residential/seasonal residential development has occurred in the Municipality. Due to this inactivity, it is also difficult to predict where future clustered rural residential/seasonal residential development would take place in the Municipality.

Objectives and policies for Rural Areas build upon and are inclusive of the community vision, guiding directions, and General Objectives and Policies for Transportation, Utilities, Heritage Resources, Natural Areas, Lands at High Risk to Flooding, Erosion and Drought, Surface Water and Groundwater, Parks and Recreation, and Aggregate and Quarry Minerals as outlined in sections 3.1 to 3.11.

4.6.1 Objectives

The RM shall strive to:

1. Provide for clustered non-farm rural residential development within a rural environment unassociated with any existing hamlet or town and utilizing on-site sewer and water services. "Rural Residential" areas will be designated on an as needed basis by way of amendments to this Development Plan.
2. Ensure that the development of rural residential areas occurs in a well-planned and logical manner and on an economically sound basis.
3. Locate rural residential development in areas where the future or continued operation of resource =- related industries will be least affected or restricted.
4. Preserve the rural character and open spaciousness of the Municipality.
5. To ensure that the public health of the Municipality's residents is protected by locating subdivisions where the soil, groundwater and drainage conditions are such that this type of development utilizing on-site sewage and water systems can be accommodated.
6. Ensure that adjacent municipal roads providing access to such developments can accommodate all weather travel and where services such as school bussing, snow removal, fire protection and like services can be provided with reasonable efficiency and without undue cost to the Municipality.

4.6.2 Policies

1. Areas considered for rural residential development of four or more lots must be designated **Rural Residential** via an amendment to the Development Plan. Non-farm residential development in **Agriculture** areas created per policy 4.3.4 do not need a re-designation. In order to receive re-designation, proposed new rural residential areas must meet the following criteria:
 - a. Areas considered for such designation would be guided by an overall conceptual plan prepared by the developer. Such a conceptual plan should show the proposed road network infrastructure layout, staging and other requirements for the overall area and how it would interconnect with existing development if any, and the local road network;

- b. Design of the street and lot layout shall be in keeping with good design and safety principles in accordance with acceptable standards to Council for rural residential purposes and should allow for the future development of adjacent land or expansion of the subdivision onto abutting land;
 - c. An indication of potential demand would be required so that such development does not result in vacant, unused lots;
 - d. Lots created for rural residential use should be large enough to accommodate sustainable on-site sewage disposal systems, being a minimum of 2 acres in site area;
 - e. Rural residential designations shall be located at sufficient distance from livestock production operations and industrial areas, aggregate resource, waste disposal areas and at a sufficient elevation when alongside water courses, to minimize potential adverse effects. They shall also comply with mutual separation distances for designated areas to livestock operations.
 - f. Proposed rural residential developments should be directed towards areas where there would be a minimal impact on prime agricultural lands and existing agricultural activities. Such developments shall be directed towards sites with low potential for agriculture due to poor soil conditions (Canada Land Inventory – Class 4 to Class 7), adverse topography or other physical constraints where there is extensive land fragmentation; and
 - g. Development adjacent to provincial highways should be designed so that access is restricted through the use of an internal road system that accesses, where possible, a municipal road. Where adjacent to the provincial highway system, such development shall comply with statutes regarding access and controlled areas as per provincial regulations and guidelines.
2. Home occupations may also be situated within “Rural Residential” areas. However, home occupations within rural residential areas should generally be non-agricultural in nature and shall not occur in a manner (or intensity) that would have a detrimental effect on adjacent residential holdings. A specific range of permitted uses will be established within the Zoning By-Law.

4.7 Highway Commercial Area Objectives & Policies

4.7.1 Objectives

- 1. To provide opportunities for highway commercial uses to meet the needs of the travelling public in strategic locations along PTH 12 in the RM; and
- 2. To protect the integrity of Provincial highway infrastructure and the safety of highway users in the RM.

4.7.2 Policies

- 1. The following land uses may be accommodated in the *Highway Commercial Area* as detailed on Map 1, and shall be subject to the use and site requirements of the Zoning By-law:
 - a. Highway commercial developments that provide services to the travelling public such as service stations, restaurants and cafes as well as hotels and motels; and
 - b. Other regionally-oriented activities as approved by Council shall be located in areas that are adjacent to and well-served by a provincial corridor and must not detract from the Settlement Centre and Hamlets.

2. To ensure orderly and well integrated rural business development, Council may request that a Concept Plan be prepared prior to subdivision or development approval for new rural business uses, or expansion to existing uses.
3. Appropriate buffers between highway commercial development and incompatible uses will be required as determined by Council. Buffers may include: fencing, landscaping, green space, or minimum building setbacks.³
4. Commercial and industrial uses that may cause pollution to land or groundwater shall not be permitted.
5. Heavy industrial uses that are deemed to create nuisance or conflicts with adjacent lands should be directed to locate in appropriate areas, and shall be listed as Conditional Uses in the Zoning By-law.
6. All developments within the *Highway Commercial Policy Areas* shall not negatively impact Provincial highway infrastructure or its safe operation and shall adhere to the Transportation Policies of this Development Plan. As part of the subdivision approval process, Council and/or the Province may require development proponents to prepare traffic impact analysis reports to determine impacts to the Provincial highway system and recommend road improvements such as internal roads, acceleration/de-acceleration lanes, etc. to mitigate any anticipated negative roadway impacts. These costs will generally be the responsibility of the development proponent.
7. The subdivision of lands designated *Highway Commercial Areas* may be considered provided the new lots conform to the policies above, and the requirements of the Zoning By-law.
8. Any designation of new *Highway Commercial Policy Areas*, or expansions to existing *Areas*, will require a re-designation and must be directed away from prime agricultural land and viable lower-class land, and existing agricultural operations whenever possible.

5.0 TOWN AREAS

To provide a range of living options to the residents of the RM of Stuartburn, Town areas feature a mix of urban and rural amenities. In order to effectively and wisely plan for the RM's town areas, they been separated into two land use designations:

- a. **Hamlets; and**
- b. **Settlement Centre (Vita).**

A Hamlet is predominantly characterized by clustered, unserviced rural residential development and relies on nearby urban centres for amenities and services. A Settlement Centre is characterized as a higher density service centre that supports a variety of urban land uses, including residential, institutional, commercial, and limited industrial. A Settlement Centre provides a variety of housing types, public services, recreation amenities, and municipal infrastructure.

Objectives and policies for Town Areas build upon and are inclusive of the community vision, guiding directions, and General Objectives and Policies for Transportation, Utilities, Heritage Resources, Natural Areas, Lands at High

³ Please note: any structures or plantings within the controlled area of a provincial highway will require a permit from Manitoba Infrastructure.

Risk to Flooding, Erosion and Drought, Surface Water and Groundwater, Parks and Recreation, and Aggregate and Quarry Minerals as outlined in sections 3.1 to 3.11.

5.1 General Objectives

The RM shall strive to:

1. Promote wise, well-planned uses of land in both Settlement Centres and Hamlet Areas.
2. Accommodate residential demand by designating lands for rural residential development in Hamlets and designating lands in Vita to provide for serviced residential development.

5.2 General Policies

1. Commercial development adjacent to a Provincial Trunk Highway or Provincial Road shall, as much as possible, utilize internal roads to serve industrial and commercial development. Furthermore, if any type of development requires highway access, the development will require approval by the applicable Provincial government authority.
2. Home occupations within Town Areas should generally be non-agricultural in nature and shall not occur in a manner or intensity that would have a detrimental effect on adjacent residences.
3. Where potentially conflicting uses are located adjacent to each other, buffers may be established to separate and protect the surrounding land uses from noise, smoke, odour, dust, or visual aspects of adjacent properties.
4. Infill development should be encouraged as a means to accommodate new development prior to consideration of additional new residential areas where feasible.
5. New or expanding development, including proposed subdivisions, shall not be approved unless there are appropriate facilities and capacity in place to adequately manage the waste (i.e. solid, liquid, septage, etc.) generated.
6. Where feasible, the creation of public docks to promote recreational use shall be considered.
7. Appropriately located parks and green space that support a variety of passive and active recreation activities will be provided.

5.3 Hamlet Areas

Existing hamlets in the RM of Stuartburn are Stuartburn, Sundown, and Gardenton. The hamlets are characterized predominantly by limited service rural residential development. The Roseau River runs through the hamlets of Gardenton and Stuartburn but has not been surveyed. As a result the land along and under the River is privately owned.

5.3.1 Objectives

1. To promote well-planned areas in the hamlets and recognize their importance and history within the region.

2. To support opportunities for the development of limited commercial services and employment while recognizing the character of the area.
3. To ensure that a sufficient supply of residential land is available to meet present and future needs in each hamlet.
4. To encourage compact and connected residential development to maximize the potential development of existing designated lands while retaining the appeal of rural living.

5.3.2 Policies

Residential Development

1. Residential development in the Hamlet Policy Areas shall accommodate adequate surface drainage and on-site water and wastewater services, as determined by the applicable Provincial regulations.
2. Residential development shall protect natural features such as creeks, tributaries, riparian areas, and retain existing tree cover wherever possible.
3. The minimum residential parcel size shall generally be 2 acres to minimize the risk of contamination to wells and to allow for the installation of suitable types of sustainable private sewage disposal systems in accordance with regulations under *The Environment Act*.
4. 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.

Commercial Development

5. Commercial development shall occur in such a manner as to minimize conflicts with adjacent land uses.
 - a. Where commercial uses are adjacent to residential developments, adequate buffering and screening shall be required as stipulated in the Zoning By-law;
 - b. Where commercial development is proposed, Council may request and/or encourage:
 - i. appropriate buffers between commercial development and incompatible uses. Buffers may include fencing, landscaping, green space, or minimum building setbacks.
6. Commercial development requiring highway access will require approval by the applicable Provincial government authority.

Livestock and Accessory Livestock

7. New livestock operations shall not be permitted and existing operations will not be allowed to expand.
8. The Zoning Bylaw may contain provisions to accommodate livestock as accessory to a permitted/conditional use up to a maximum of 10 AU. The number of livestock permitted will be relative to the size of the site.

Subdivision

9. The subdivision of lands within Hamlet Policy Areas may be considered, provided the new lots conform to the policies above, and the requirements of the Zoning By-law.

5.4 Settlement Centre Area (Vita)

This section of the Plan outlines objectives and policies for the area of Vita.

5.4.1 Objectives

The RM shall strive to:

1. Provide designated land to accommodate a range of commercial, industrial, recreation and community facilities and services for the residents of the settlement area and of the region
2. Sustain and strengthen Vita by encouraging new planned development, revitalization and renewal that makes efficient uses of land, infrastructure and public services.
3. Ensure the economic and efficient installation of municipal services, where feasible.
4. Ensure that Vita is a livable, age-friendly, and safe community for its residents and visitors.
5. Provide suitable areas for a diverse range of employment opportunities for the RM.

5.4.2 Policies

1. Active transportation will be encouraged in Vita through the provision of conveniently located and connected sidewalks, crosswalks (especially at intersections experiencing high volumes of traffic), trails, and pathways.
2. All new development shall make provisions for active transportation options where applicable.
3. A full range of residential uses will be allowed in Vita. This development should be located to avoid potential conflicts with incompatible uses (such as industrial uses that generate noise, dust, odours, heavy traffic and other potential nuisances; sewage lagoons; highways).
4. Evaluate residential development proposals on the basis of:
 - a. The costs of servicing and infrastructure;
 - b. Transportation networks;
 - c. Drainage; and
 - d. Access to amenities and compatibility with adjacent uses.
5. Council shall encourage the development of additional housing options in a range of types and sizes. For example, secondary suites may be accommodated as a way of increasing residential options, affordable housing, and extending family living options, as addressed in the Zoning By-law.
6. Consideration shall be given, by Council, to the development of additional seniors housing.

7. The preparation of an overall conceptual plan, approved by Council, may be required for a development proposal of more than 5 lots. The concept plan should illustrate the general arrangement of future roads, building lots, open spaces, piped services, area drainage, and other major features. The design of the roads, piped services and building lots should be integrated with existing roads and services, and should generally conform to recognized engineering and planning standards.
8. Where commercial or industrial development is proposed, Council may request and/or encourage:
 - a. A concept plan, traffic impact study, active transportation connections, building design information, or any other information deemed necessary to ensure high-quality development;
 - b. Appropriate buffers between commercial development and incompatible uses. Buffers may include fencing, landscaping, green space, or minimum building setbacks; and
 - c. A high-quality streetscape and pedestrian environment.
9. Council will encourage a full range of commercial services be available in Vita.
10. The creation of additional amenities such as grocery and hardware stores shall be supported.
11. Institutional uses shall be directed to locations where similar uses have been established or in those areas where it would not conflict with adjacent uses. In order to strengthen and diversify existing settlement areas, the development of institutional, recreational or cultural facilities is deemed appropriate.
12. Industrial development will be encouraged to locate in Vita, preferably in areas where direct access to an existing municipal road is available and in those areas where it will not create a conflict with neighbouring uses.
13. When municipal services are extended in Vita, all abutting uses shall be required to connect to these services within five years or as determined by Manitoba Conservation and Climate.
14. Where new development is proposed, infrastructure such as roadways or piped services will be installed to municipal standards. The developer may be required to pay for the cost of new or existing infrastructure requirements.
15. Council will strive to enhance recreational and cultural facilities in Vita such as gyms, libraries, and museums.
16. Council shall strive to seek out opportunities to expand and collaborate regarding the provision of emergency services such as police, fire, and medical.
17. Council shall consider the creation of one or more public parks in Vita having such uses as play structures, baseball diamonds, soccer fields, and public washrooms.
18. New livestock operations shall not be permitted and existing operations will not be allowed to expand.

6.0 IMPLEMENTATION

Various means for implementation of the policies and provisions contained in the Development Plan are provided below. Some or all of them may be employed by the Council of the Rural Municipality of Stuartburn.

6.1 Development Plan Maps

The boundaries of the land use classifications shown on the Development Plan maps should not be construed as being exact but should be considered primarily as serving the purpose of providing a general spatial relationship among the various land use classifications. The Zoning By-Law may zone land to reflect existing uses and land ownership. New development must conform to the Development Plan. Some features are displayed on the Development Plan maps for reference only. These features are not “designations” and do not require a development plan amendment to be updated or changed.

6.2 Zoning By-Law

The most commonly used tool to implement a Development Plan is the Zoning By-Law. It is a regulatory document that categorizes land in the RM of Stuartburn into land use zones, displays them on a map, and sets site-specific guidelines for the development of those lands. Zones generally group like uses together and are established so that adjoining zones present a minimum of conflict with each other. Each zone in the Zoning By-Law is described in the text as well as on the map or maps and details the type of land uses permitted for each designation. It also sets the minimum standards for development with respect to lot and yard requirements.

Zoning differs from the Development Plan in that a Zoning By-Law may reflect the existing use of the land while a Development Plan designates lands for future uses. For example, although land may be designated for future rural residential use in this Plan, the Zoning By-Law may zone the land for agricultural purposes based on its current use. The Zoning By-Law can be changed by an amending by-law to accommodate growth and expected developments in the Municipality. Zoning changes must conform to the policies outlined in the Development Plan.

6.3 Subdivision Approval

A subdivision must occur in order to divide a parcel of land into two or more lots. Under *The Planning Act*, a subdivision of land shall not be approved unless it conforms to an approved Development Plan and / or Zoning By-Law. The subdivision process allows the Municipality to maintain control over the gradual growth of their community in accordance with the adopted Development Plan guidelines and Zoning By-Law standards.

Subdivision regulations adopted under *The Planning Act* are sometimes utilized to provide guidance for the development of land in those instances where the Zoning By-Law does not address a particular issue.

6.4 Conceptual Plans

Council may require a developer to prepare conceptual plans to illustrate future stages of a development proposal. Conceptual plans generally consist of a design layout, transportation network plan, drainage system plan, municipal servicing plan, an indication of the density of the development and staging of the proposal. Such studies are requested when the Development Plan does not provide sufficient guidance or information on a particular type of proposal or a specific area of the Municipality.

6.5 Secondary Plans

Council may require a developer to prepare secondary plans or intensive planning studies of a specific area in the Municipality. These studies may include analyses of socio-economic, land use, demographic, municipal servicing or financial factors and are normally requested prior to an area being considered for development. In some cases, they may be required as background information prior to a Development Plan amendment or re-zoning.

6.6 Permit System

The Planning Act requires no development may take place unless a Development Permit has been issued by the RM. In order for a permit to be issued, the proposed development must conform to the Development Plan and/or Zoning By-Law. Building permits may also be required by the Building Code and may be combined with development permits.

6.7 Building By-Law

The preparation and adoption of a Building By-Law will assist the Municipality in applying building construction standards in the Municipality. A Building By-Law applies to the construction, alteration or demolition of any building or structure and adopts the Manitoba Building Code, a regulation under *The Buildings and Mobile Homes Act*. The By-Law is administered and enforced by a building inspector hired by the Municipality. The adoption and enforcement of a Building By-Law will ensure that buildings in the community are constructed to safe and equitable standards to protect the safety and health of residents and occupiers.

6.8 Development Agreements

A development agreement is a written arrangement entered into between the Municipality and a developer of land whereby certain contractual obligations are addressed relating to the payment of costs, the staging of development, the servicing of an area, subdivision design, as examples, in order to ensure the appropriate development of an area. It may be prepared at the time of re-zoning or at the time of subdivision and is registered as a caveat against the title so that it can be applied to subsequent owners if the conditions of the agreement have not yet been fulfilled.

6.9 Land Acquisition

A Municipality may acquire by gift, purchase or expropriation, any interest in land and may sell, lease or otherwise dispose of land or development rights so acquired or held if the land is no longer required, for the purpose of implementing any feature of a Development Plan based upon Section 34 of *The Planning Act*. Any expropriation would be subject to the provisions of *The Expropriation Act*. Land acquisition would occur at the discretion of Council.

6.10 Public Consultation Process

An integral part of the Development Plan preparation and adoption process is public consultation. The Plan is a document formulated to provide guidance to the Council on land use matters to assist them in making decisions. As all residents and landowners in the Municipality are affected by the goals, objectives and policies contained herein, it is essential that the people of the community be appropriately advised of its contents and be given ample opportunity to comment on its direction prior to approval. *The Planning Act* provides for formal public participation after preparation of a draft plan, however, Council may go beyond these minimum requirements to obtain input from the citizens of the Rural Municipality of Stuartburn. Any changes to the plan require a public process that includes a public hearing.

6.11 Capital Expenditure Program

Capital works include any projects constructed by the Municipality to serve the public interest. Municipal Act provisions make it mandatory for every Municipality to prepare a 5-year capital expenditure program to establish spending priorities and provide estimates of the proposed sources of funds and their application to implement the

program. The preparation of these programs is an implementation tool for the policies contained in this Plan and in no case shall a capital project be undertaken or proposed which contravenes the Development Plan.

6.12 Review and Amendment

The Development Plan is a consequence of Council's intent to prepare a document which the community's vision of its future. Although put into force at one particular point in time, it is meant to be flexible to the changing needs and wants of society. Therefore, amendments to the Plan and its policies may be proposed at any time. The Plan is not static and not "carved in stone". As the provisions of the Plan become out-dated or unrealistic, changes will be made to accommodate the growth and desires of the community. *The Planning Act* provides for the mandatory periodic review of the Development Plan or by the Council not later than 5 years after adoption. In the 5 year review or other major amendments, the following matters need to be considered:

1. To evaluate the efficiency of existing policies with respect to established objectives;
2. To measure existing policies against current circumstances; and
3. To update and upgrade the plan to meet current needs.

7.0 GLOSSARY

Words, phrases, and terms used throughout this plan are defined in this section. Where a word or phrase is not defined in this plan but is defined in *The Planning Act* and/or the Provincial Land Use Policies, that definition will apply.

Act, the: *The Planning Act*, as amended.

Buffer Area: an area designed to separate and protect incompatible land uses from one another such as appropriate plantings, fencing, land areas, etc. to insulate the surroundings from noise, smoke, dust, odours, or visual aspects of adjacent properties or uses.

Conditional Use: a conditional use as defined in the *Act*.

Crown Land: provincially owned land which is administered under *The Crown Lands Act*, *The Forest Act*, *The Wildlife Act*, *The Fisheries Act* or *The Provincial Parks Act*.

Development: means:

- a. The construction of a building on, over or under land;
- b. A change in the use or intensity of use of a building or land;
- c. The removal of soil or vegetation from land (unless it is for cropping or forage production); and,
- d. The depositing or stockpiling of soil or material on land and the excavation of land.

Farmstead: the land area which includes the existing residence of the farm operator and associated farm buildings normally found in a cluster and surrounded by a shelterbelt of trees.

Full Range of Agricultural Uses: any agricultural activity permitted within the laws of the Province of Manitoba including all types and sizes of agricultural field and livestock operations.

Hobby Farm: agricultural use incidental to the main residential use of a parcel, compatible with the density of development, and on which animals can be kept for personal use, only including limits on the number of animal units per acre.

Home Occupation / Business: means a non-offensive occupation, trade, profession, light manufacturing activity or craft that may be permitted as a secondary use to the principal residential use of a dwelling.

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.

Livestock: means cattle, swine, horses, poultry, sheep, rabbits or any other animals not kept exclusively as pets.

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 nor the pasturing and or grazing of cattle. .

Rural Municipality (RM): refers to the Rural Municipality of Stuartburn, except as otherwise indicated.

Rural Residential: means the establishment of rural non-farm residences, including seasonal residential dwellings and cottages.

Zoning By-Law: means a By-Law passed by the Council of a municipality pursuant to the provisions of *The Planning Act*.

8.0 APPENDIX A

Attached to and being part of

Schedule “A”

**Rural Municipality of Stuartburn
Development Plan**

Policy Maps

Map 1

Maps 2-5

and

Reference Maps

Reference Map 1: Road Hierarchy

Reference Map 2: Protected Areas and Crown Lands

Reference maps 3: Aggregate Resources

RURAL MUNICIPALITY OF STUARTBURN
DEVELOPMENT PLAN BY-LAW 157-2019

MAP 1

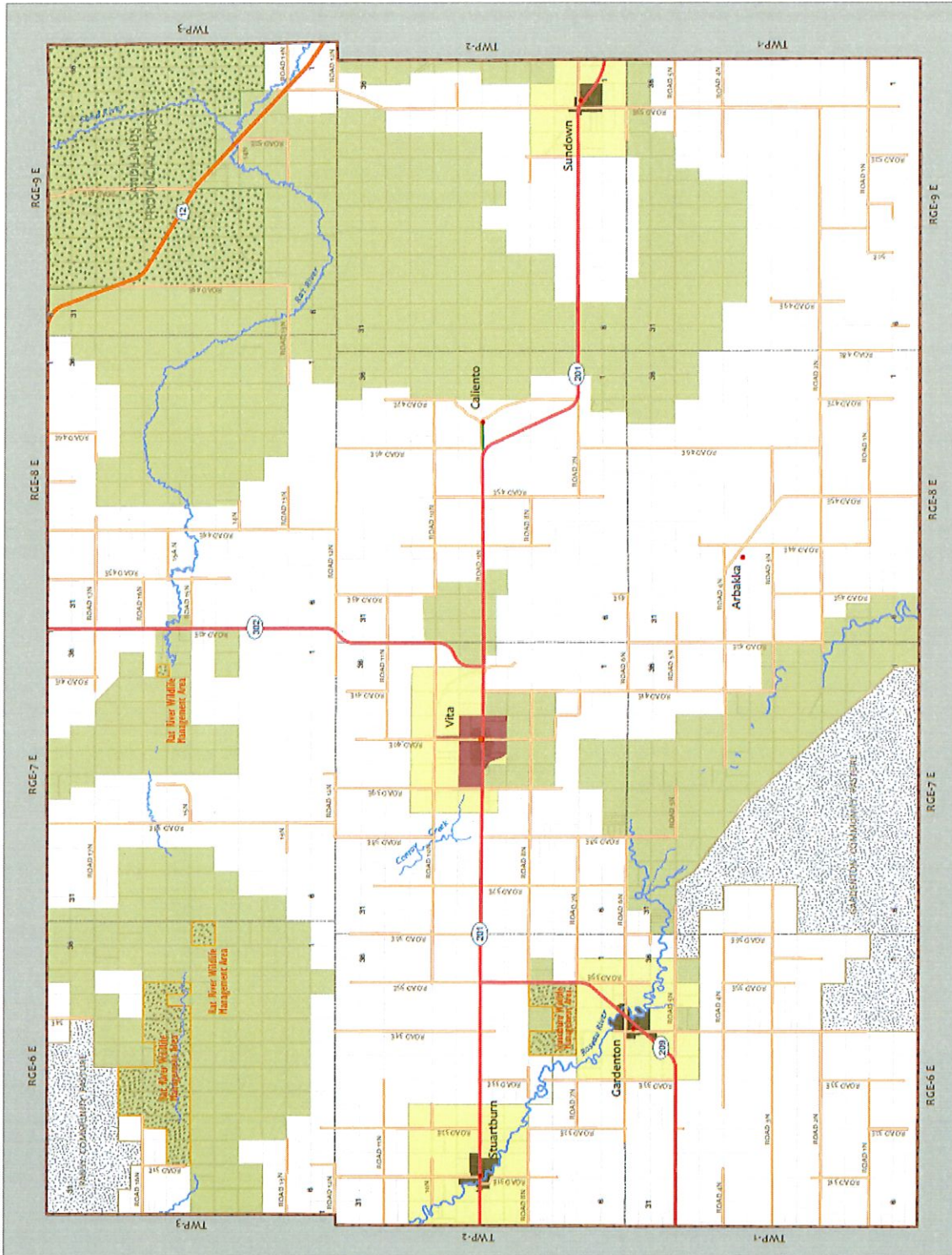
- DESIGNATIONS**
- Agriculture
 - Agriculture Limited
 - Agriculture Restricted
 - Hamlet
 - Settlement Centre
 - Rural Residential* (not on map)
 - Highway Commercial* (not on map)

- OTHER FEATURES**
- Provincial Forest
 - Community Pasture
 - Wildlife Management Area
 - Provincial Trunk Highway
 - Provincial Road
 - Access Road
 - Municipal Road
 - Township Range
 - Local Urban District
 - Community

Date: June 4, 2021



Projection: NAD 83 UTM Zone 14N
Data source: Provincial Government



RURAL MUNICIPALITY OF STUARTBURN
DEVELOPMENT PLAN BY-LAW 157-2019

MAPS 2-5

DESIGNATION	
Agriculture Limited	
Agriculture Restricted	
Hamlet	
Settlement Centre	
Rural Residential* (not on maps)	
Highway Commercial* (not on maps)	

OTHER FEATURES:

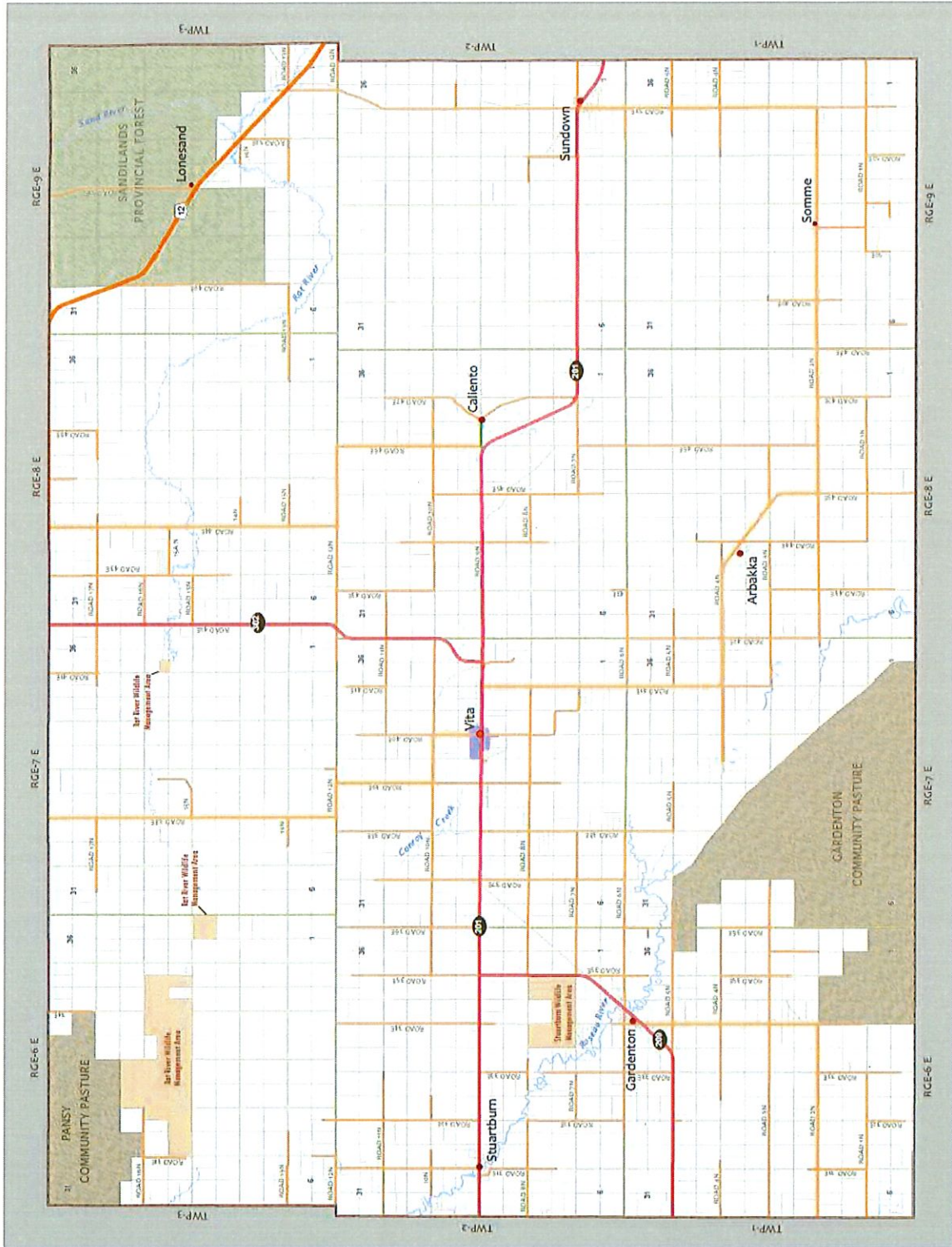
White areas indicate unassessed or undeveloped lands including:
well, ways, water works, etc.

Date: June 4, 2021

Projection: NAD 83, UTM Zone 14N
Data source: Provincial Government
Service Layer Credits: World Imagery: Mapbox



RURAL MUNICIPALITY OF STUARTBURN
DEVELOPMENT PLAN BY-LAW 157-2019
REFERENCE MAP 1
ROAD HIERARCHY



RURAL MUNICIPALITY OF STUARTBURN
DEVELOPMENT PLAN BY-LAW 157-2019

REFERENCE MAP 2

PROTECTED AREAS AND CROWN LAND

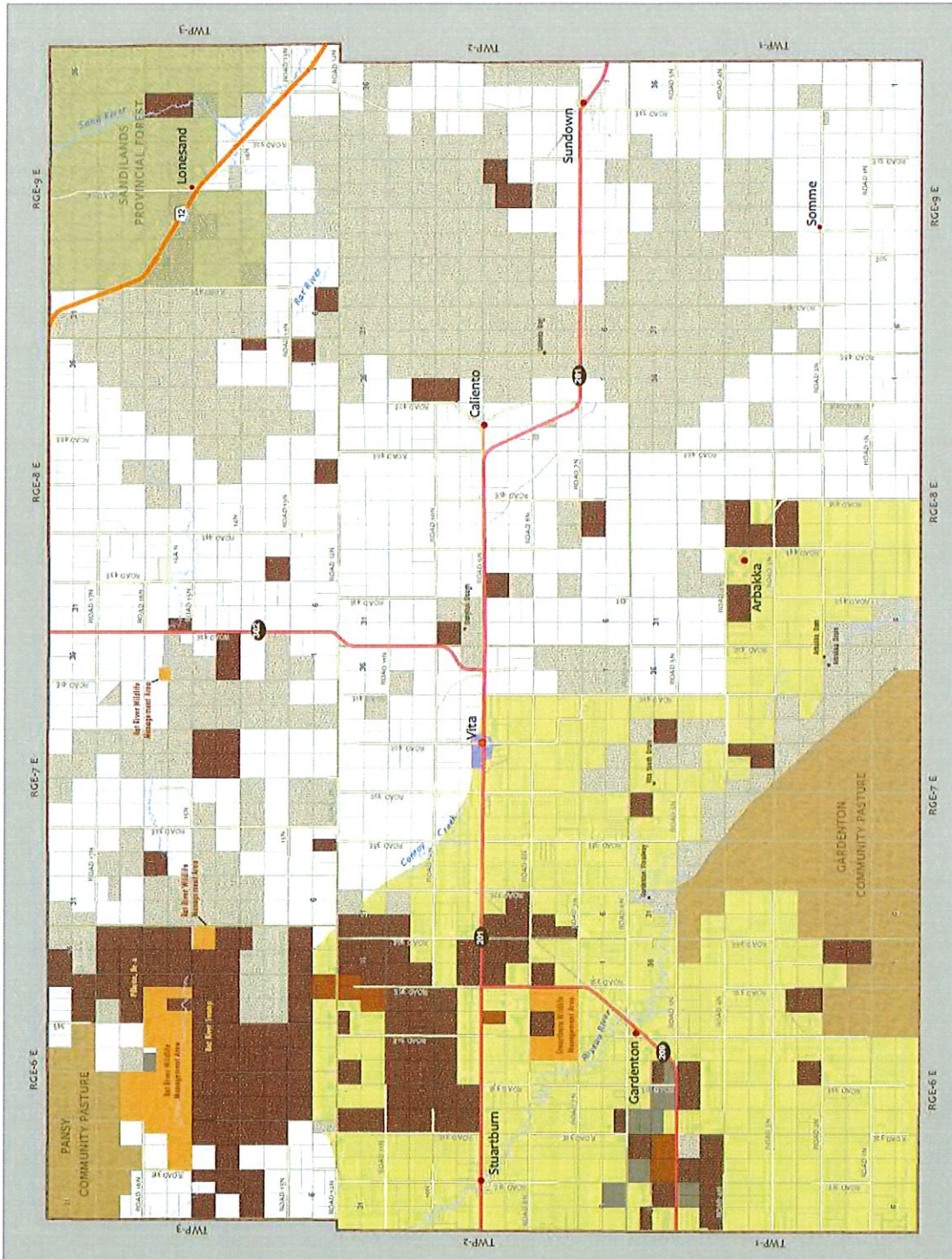
CROWN LAND	
	Provincial Forest
	Community Pasture
	Wildlife Management Area
	Other Crown Land
CONSERVATION ORGANIZATION LAND	
	Nature Conservancy of Canada
	Nature Manitoba
	Manitoba Habitat Heritage Corporation

OTHER FEATURES	
	Tall Grass Prairie Habitat
	Private Land in Provincial Forest
	LUD of Vita
	RM Boundary
	Assessment Parcel
	Provincial Trunk Highway
	Provincial Road
	Access Road
	Municipal Road
	Local Urban District
	Community
	Locality
	Topographic Feature

Date: July 12, 2019

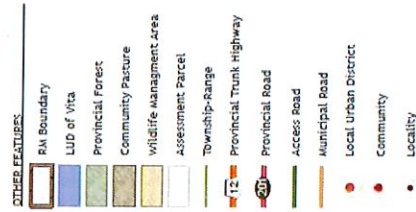
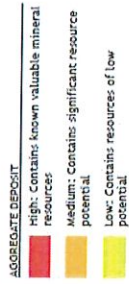


Projection: NAD 83, UTM, Zone 14N
Data source: Provincial Government



RURAL MUNICIPALITY OF STUARTBURN
DEVELOPMENT PLAN BY-LAW 157-2019

REFERENCE MAP 3
AGGREGATE RESOURCES



Date: July 12, 2019



Projection: NAD 83 UTM Zone 18N
Data source: Provincial Government



Community and Regional Planning

