

RURAL MUNICIPALITY OF ROLAND

BY-LAW NO. 5-2008

Being a By-law of the R.M. of Roland To Amend Development Plan By-law No. 5-2001, as Amended.

WHEREAS, Section 56(1) of *The Planning Act* gives the council of a municipality the power to amend a development plan by-law;

NOW THEREFORE, the Council of the R.M. of Roland, in meeting duly assembled enacts as follows:

THAT: PART 4 of Development Plan By-Law No. 5-2001 for the RM of Roland is amended to replace Policy 4.3.2 Livestock of the Development Plan By-Law No. 5-2001 with the following:

4.3.2 Livestock

4.3.2.1 For the purpose of this by-law a livestock operation means a permanent or semi-permanent facility or non-grazing area where at least ten (10) animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities.

4.3.2.2 Proponents, owners and operators of livestock production operations must develop facilities and conduct their operations in a manner which minimises the production of offensive odours and minimises the potential for pollution of soils, groundwater and surface water.

4.3.2.3 Livestock production operations must be located where they will be compatible with surrounding land use and where they will not pose a pollution risk to soils, groundwater or surface water.

4.3.2.4 The RM of Roland will be divided into the following areas for the purposes of accommodating and evaluating livestock operations:

- (1) General Agriculture Area: New or expanding livestock operations will be allowed within the agricultural area, shown on Map 1. In general, new or expanding livestock operations must be sited so as to minimize conflict with existing or planned urban, recreational or residential developments. All proposed new or expanding livestock operations involving 30 or more animal units must be processed as a conditional use.
- (2) Settlement Centre: New or expanding livestock operations will not be allowed within the Settlement Centre areas. The Settlement Centre areas are intended to prevent the establishment of new livestock operations and will apply to the following areas:

within the settlement centre of the village of Roland shown on Map 1
within the settlement centre of Myrtle shown on Map 3

- 4.3.2.5 Within the Agricultural area, the replacement (modernisation or fire replacement) of livestock operations, established prior to the adoption of this by-law, at the same size and location may be permitted and the expansion of existing livestock operation will be considered based on the size and separation distances established in the Zoning By-Law.
- 4.3.2.6 In accordance with Section 92 (1) (b) of *The Planning Act*, Council is unable to approve a variance to increase the number of animal units in a livestock operation, if it is an existing non-conforming use.
- 4.3.2.7 A mutual separation distance will be maintained between major livestock production operations and residences not accessory to the operation. These mutual separation distances will be established in the Zoning By-Law and will be consistent with those identified in the Provincial Land Use Policies (PLUPs). Council may, pursuant to Section 169 (4) of *The Planning Act*, vary the separation distance provided in the Zoning By-Law. Additionally, all livestock operators must be generally consistent with the siting and setback requirements from property lines, designated development areas, watercourses and wells as outlined in the Provincial Land Use Policies (PLUPS) and *The Environment Act*.
- 4.3.2.8 No person shall develop or expand a livestock operation unless Council or the designated employee or officer has approved the establishment or expansion.
- 4.3.2.9 An application for approval of the establishment or expansion of a livestock operation must be made to Council, by the owner of the operation or by a person authorized by the owner, in a form and accompanied by any material and any fee established by Council.
- 4.3.2.10 Council shall refer all applications involving 300 or more animal units to the Minister and request that a Technical Review Committee be appointed to review the proposed application. For applications involving between 30 and 300 animal units, a Technical Review may be requested at Council's discretion. Once the Technical Review Report has been received a hearing date shall be set consistent with the provisions contained in *The Planning Act*. After the hearing, the Council may approve the application with or without conditions, only if:
- (1) the Technical Review Committee has determined, based on the available information, that the proposed operation or expansion will not create a risk to health, safety or the environment, or that any risk can be mitigated through the use of appropriate practices, measures and safeguards;
 - (2) that the land that the proposed livestock operation or expansion is being located on has a soil suitability for agricultural rating of Class 1 through 5 based on detail soil survey information;

- (3) that Council is satisfied that:
- a) the proposed operation or expansion will be compatible with the general nature of the surrounding area;
 - b) the proposed operation or expansion conforms with the Development Plan;
 - c) approval of the proposed operation or expansion would be consistent with the Livestock Operating Policies contained in the Development Plan; and
 - d) the proposed operation or expansion conforms with the applicable provisions contained in the Municipality's Zoning By-Law;
- (4) As part of the conditions of approval of a livestock operation or expansion application, Council may impose the following:
- a) Measures to ensure conformity with the applicable provisions of the Development Plan and Zoning By-Law of the Municipality;
 - b) Measures to implement recommendations made by the Technical Review Committee such as obtaining all necessary approvals from the appropriate authorities;
 - c) Measures intended to reduce odours from livestock operations which could involve requiring covers on manure storage facilities, and / or requiring that shelter belts be established; and
 - d) Requiring the applicant to enter into a Development Agreement which may deal with one or more of the following matters:
 - i. The timing of construction of any proposed building or structure;
 - ii. The control of traffic;
 - iii. The construction and maintenance of roads, fencing, landscaping, shelter belts and covers on manure storage facilities or site drainage works by or at the expense of the owner or applicant;
 - iv. The payment of a sum of money to Council to be used by Council to construct anything mentioned in clause (iii);
 - v. As part of any Development Agreement, Council may require that no development takes place until all approvals and conditions have been met. Council may revoke their approval for violation of the Development Agreement on any condition imposed by it.

- 4.3.2.11 New or expanding livestock operations shall be prohibited on lands with a soil suitability rating of Class 6 and 7 and unimproved organic soils based on detailed soil survey. These lands may be used for grazing and / or haying and agricultural uses consistent with the carrying capacity of the land.
- 4.3.2.12 Applications for the expansion of existing livestock operations involving less than 30 animal units may be considered throughout the Agricultural area provided they meet the siting and setback requirements consistent with PLUPs and that the siting and management of the operation will not create an unacceptable risk to health, safety or the environment, and that any risk can be mitigated through the use of appropriate measures, practices and safeguards. Proponents may be required to provide any information Council deems necessary to make this decision.
- 4.3.2.13 On sites where the Technical Review Committee or the Province has identified a potential risk of pollution of soils, groundwater and / or surface water, proposed livestock operations should be required to incorporate measures that will lower the risk to acceptable levels.
- 4.3.2.14 In addition to the provisions contained in the Livestock Operation Policies, when evaluating the establishment, expansion or subdivision of livestock production operations, the following factors shall be taken into consideration:
- (1) The PLUPs separation setback distances necessary to minimize potential conflicts with non-agricultural land uses will apply;
 - (2) The amount and type of soil conditions and classification, the water source and water quality, the direction of prevailing winds, surrounding natural landscape features, and neighbouring land uses;
 - (3) The potential for groundwater pollution, and the means by which ground and surface water will be protected from possible contamination;
 - (4) The necessary mutual separation distances between the livestock facility / manure storage facility and single residences and designated residential / recreational areas. These should be consistent with the recommendations in the PLUPs, and shall be applied to new and expanding livestock production operations;
 - (5) Non-farm developments shall be sufficiently separated from existing agricultural operations to ensure they will not cause conflicts. The Zoning By-Law will establish separation distances consistent with those specified in the PLUPs;
 - (6) Technical Reports of the Technical Review Committee;
 - (7) Environmental requirements must be met as per the Province's Livestock Manure and Mortalities Management Regulation of *The Environment Act* (MR 42/98).

- 4.3.2.15 The establishment of livestock production operations on sites created by farmstead subdivisions shall not be permitted.
- 4.3.2.16 Where any livestock operations larger than 300 animal units are proposed within the vicinity of a provincial highway, a copy of the proposal should undergo a review by Manitoba Infrastructure and Transportation.

DONE AND PASSED this 8th day of September A.D. 2009.

W.M.(Bill) Whitehead, Reeve

Dianne Toews,
Chief Administrative Officer

READ A FIRST TIME this 11th day of March A.D. 2008

READ A SECOND TIME this 12th day of May A.D. 2009

READ A THIRD TIME this 8th day of September A.D. 2009