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Statutory Review of Planning and Development Legislation

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Keystone Agricultural Producers, Manitoba Beef Producers, and Manitoba Pork are pleased to provide feedback on the Government of Manitoba's consultation on planning and development legislation (i.e., bills 19, 34, and 37). We support the periodic review of *The Planning Act* to ensure the legislation remains relevant and practical for agricultural producers. The Manitoba livestock sector is a key economic driver for the provincial economy. The sector employs more than 8700 people and contributed \$3.3 billion in direct output in 2023.

Bill 19

Bill 19 made important amendments to *The Planning Act* involving zoning by-laws, appeals, notices, and deadlines. Livestock producers value timeliness, predictability, and accountability when it comes to land and building development. Allowing appeals for large-scale livestock operations, along with a 30-day decision deadline for the Municipal Board, benefits producers by creating fairness and predictability within the application process. Additionally, we strongly support the amendments that allow for minor renovations and alterations to existing livestock buildings without requiring additional approval. These provisions are essential in ensuring that producers can modernize their facilities to incorporate new animal care space requirements and environmental efficiencies without requiring a new conditional use hearing and technical review.

We also strongly support the provision introduced by Bill 19 that enables livestock producers to incorporate minor herd expansions (15 per cent) when upgrading their facilities. This provision serves as an incentive to help accrue the capital required for building upgrades. Regarding the changes involving notice provisions and public appeals, we support changes to the notice requirement (websites rather than newspapers), but we have concerns about the 25-person objection threshold. This threshold creates neither timeliness, nor predictability. Instead, lengthy delays can occur with complaints having little to do with the proposed zoning by-law. We recommended increasing the eligible-person threshold and limiting objections to a specified radius within the proposed zoning by-law.

Bill 34

Decisions made by council, board, or planning commissions required producers to file an appeal within 30 days for large-scale livestock operations. The recent amendment reduced the deadline for appeals to 14 days. Since we have heard no serious challenges from producers regarding this change, no additional changes are needed.

Bill 37

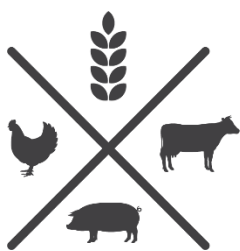
Bill 37 resulted in substantive changes to *The Planning Act*. One of the changes involved appeals concerning conditional uses. Previously, producers could appeal decisions made by the board, planning commission or council, but an appeal depended on the decision of the local authorities. Without a decision, applicants waited before an appeal could be made. The revised changes to *The Planning Act* emphasize timeliness with conditional uses. Deadlines and financial penalties—as introduced in the amendments—encourage local authorities to make timely decisions on important development projects.

Municipalities still retain local decision-making authority, as long as they deal with applications in a timely manner. The requirements set out in *The Planning Act* limit when applicants can appeal to the Municipal Board—applicants cannot file appeals in all circumstances. We support the ability for producers to file an appeal to the Municipal Board if applications are not handled in a timely manner; additionally, we support having the Municipal Board make final decisions of appeals. While recognizing the challenges municipalities encounter with the recent amendments (e.g., meeting deadlines, understanding new policies), we recommend the provincial government provide municipalities with adequate support and resources to ensure municipalities can meet the requirements of *The Planning Act*. Lastly, given the Municipal Board’s increased workload, we recommend the province hire additional Municipal Board staff to enable prompt decision-making.

The other major change to *The Planning Act* involved the creation of planning regions. In principle, we support this change as coordinated planning across municipal boundaries would help reduce the likelihood that agricultural land is prematurely designated and developed for non-agricultural uses and minimize encroachment of incompatible uses from existing agricultural operations. Currently, the amendments allow for one planning region, which comprises Winnipeg and several surrounding municipalities. Bill 37 focussed on setting goals within a regional plan: economic, social, physical, environmental, and fiscal. Given the size and scope of agriculture in the province, producers certainly have an interest in development of regional plans. The province recognizes this importance—in *The Planning Act*—by requiring regional plans “to protect agricultural land and agricultural operations” (10.3(2)(ii)). Furthermore, the regional planning mandate highlighted in *The Planning Act* focuses on important principles, such as cost-effective development, collaboration, leadership, and a shared strategy. We have provided feedback to the Winnipeg Metropolitan Region in the development of their regional plan—Plan 20-50. But Plan 20-50 still awaits ministerial approval. As such, we cannot comment on the plan’s effectiveness in practice.

We recommend that the province implement the above recommendations in a timely manner. We look forward to providing additional comments when amendments are presented in the Legislature.

Sincerely,



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