

# **RURAL MUNICIPALITY OF OAKLAND**

**DEVELOPMENT PLAN  
BY-LAW NO. 1261-06**

 **Landmark**  
Planning & Design Inc.

Suite 200 – 661 Pembina Highway  
Winnipeg, Manitoba R3M 2L5  
Phone: 204.453.8008  
Fax: 204.453.6626  
e-mail: [landmkpd@mts.net](mailto:landmkpd@mts.net)

**THE RURAL MUNICIPALITY OF OAKLAND**  
**BY-LAW NO. 1261-06**

BEING a By-law of the Rural Municipality of Oakland, in the Province of Manitoba,  
to adopt a Development Plan within the Municipal limits of the Rural Municipality of Oakland.

**WHEREAS** *The Planning Act* provides authority for the preparation of a Development Plan;

**AND WHEREAS** *The Planning Act* provides that a Council shall by by-law adopt a  
Development Plan;

**NOW THEREFORE** the Council of the Rural Municipality of Oakland, in meeting duly  
assembled, enacts as follows:

1. *The Rural Municipality of Oakland Development Plan, attached hereto and marked as  
"Schedule A", is hereby adopted.*
2. *The Rural Municipality of Oakland Development Plan shall take force and effect on the date of  
Third Reading of this By-law.*

**DONE AND PASSED** in Council assembled in Council Chambers, in Nesbitt, Manitoba,  
this 10<sup>th</sup> day of May, A.D. 2006.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 26<sup>th</sup> day of January, A.D. 2006.

Read a second time this 15<sup>th</sup> day of March, A.D. 2006.

Read a third time this 10<sup>th</sup> day of May, A.D. 2006.

Certified a true copy of By-law No. 1261-06 of the Rural Municipality of Oakland.

\_\_\_\_\_  
Chief Administrative Officer

**THE RURAL MUNICIPALITY OF OAKLAND  
DEVELOPMENT PLAN**

**BEING *SCHEDULE "A"***

**ATTACHED TO BY-LAW NO. 1261-06**

**OF**

**THE RURAL MUNICIPALITY OF OAKLAND**

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## **PART 1 INTRODUCTION**

### **1.1 Area Covered by the Development Plan**

As shown on Development Plan Map 1 in Appendix “A”, this Development Plan applies to all lands located within the Rural Municipality (RM) of Oakland.

### **1.2 Legal Authority**

*The Planning Act* provides authority for the preparation of a Development Plan by a Planning District or municipality and states that a Planning District Board or municipal Council shall adopt a Development Plan by By-law.

### **1.3 Purpose of the RM of Oakland Development Plan**

The RM of Oakland wishes to adopt a Development Plan in order to provide the public with a set of fundamental planning policies, which the RM of Oakland will apply in the development of its lands. The general objectives seek to preserve and develop what is desirable in the RM of Oakland. The policies are courses of action to be followed by the RM of Oakland to attain the general objectives.

*The Planning Act* outlines the multi-faceted purposes of a Development Plan, which are as follows:

- (1) To set out the plans and policies of the Planning District or Municipality respecting its purposes and its physical, social, environmental and economic objectives.
- (2) To direct sustainable land use and development in the Planning District or Municipality.
- (3) To set out measures for the implementation of a Development Plan.
- (4) To establish a livestock production operation policy that will serve to guide Zoning By-law regulations dealing with livestock production operations.

## **1.4 Interpretation of Requirements**

- (1) The general land use designations indicated on the Development Plan Maps in Appendix “A” illustrate the long-term land use and development strategy for the RM of Oakland. The achievement of the land use objectives and policies will take place over a period of years. The RM of Oakland Zoning By-law will provide one of the principal means to effect the transition.
- (2) The boundaries for the various land designations shown on the Development Plan Maps in Appendix “A” and any lot size, distance and area requirements mentioned throughout this Development Plan are meant to serve as guidelines only. Situations may arise that will necessitate a degree of flexibility in the application of these standards, provided the intent of the Development Plan is not compromised. These standards will provide general guidelines for the preparation of the more specific performance standards and requirements of the RM of Oakland Zoning By-law.
- (3) Individual policies of this Development Plan should not be viewed or interpreted in isolation. Rather, they should be interpreted within the overall spirit and intent of all other objectives and policies of this Development Plan.

## **1.5 Background Information**

As shown on Development Plan Map 1 in Appendix “A”, the RM of Oakland (2001 Census population of 1,111) is located southeast of the City of Brandon. It is bordered by the RM of Cornwallis to the north, the RM’s of Whitewater and Riverside to the south, the RM of South Cypress to the east and the RM of Glenwood to the west. The RM of Oakland also completely surrounds the Village of Wawanesa. The RM of Oakland has a total area of 559 square kilometres (216 square miles). The rural settlement centres of Nesbitt and Carroll are located along provincial trunk highway (PTH) No. 2. In addition to PTH No. 2, the RM of Oakland is served by PTH No. 10, provincial road (PR) Nos. 340, 344, 346, 348 and 453 as well as numerous provincial access roads. Hamlet areas include Rounthwaite. Historically, the rural settlement centres and hamlet areas developed to serve the surrounding region. Over the years, the rural settlement centres have assumed a greater role in providing services to local residents and the travelling public.

Based on the Canada Land Inventory (CLI) system, the lands in the RM of Oakland are rated predominantly as Class 1 to Class 5 for agricultural capability. In particular, 1,558 hectares (3,850 acres) or 3 percent of lands in the RM of Oakland are rated as Class 1 for agricultural capability, while 29,324 hectares (72,459 acres) or 51 percent of RM lands are rated as Class 2. There are 14,961 hectares (36,968 acres) of Class 3, 3,259 hectares (8,053 acres) of Class 4 and 5,757 hectares (14,225 acres) of Class 5 lands. Of special note, there are no soils

in the RM of Oakland classified as organic, which have no capability for agriculture in their non-drained state.

The west-central portions of the RM consist of a stony, glacial till upland area that is represented by portions of the Brandon Hills and the Tiger Hills. The soils found in the Brandon Hills and the Tiger Hills range in agricultural capability from Class 2 to Class 6, depending on the slope conditions, as steeper areas pose a severe risk of water and wind erosion. Medium to fine textured soils occur throughout extensive areas in the eastern portion of the RM of Oakland, which also have a high capability for annual crop production (i.e. CLI Class 2 and some CLI Class 1). Areas with a sandy and/or a gravelly subsurface are found in the northeastern portion of the RM and are generally rated as CLI Class 4 and CLI Class 5, due mainly to their very droughty characteristics. These soils are best suited for use as permanent pasture and have a severe risk of wind erosion if disturbed.

The major land uses in the RM of Oakland are agriculture, outdoor recreational activities and various residential, commercial, light industrial, institutional and recreational uses associated with the rural settlement centres of Nesbitt and Carroll as well as the hamlet areas, but to a more limited extent. The RM of Oakland has also supported sand and gravel extraction over the years. Aggregate resources in the RM of Oakland are required to facilitate construction-related activities, including road construction, upgrading and repair. Several small pits produce aggregate on an intermittent basis for local consumption. Mining activity in the RM of Oakland is otherwise very limited due to the large distance to major aggregate markets.

Additional characteristics of the RM of Oakland are profiled in the RM of Oakland Background Study, which has been used extensively in the preparation of the RM of Oakland Development Plan. For ease of reference, the Background Study maps are provided in Appendix “B”.

#### 1.6 Deadline for the Development Plan Review

As per the requirements of *The Planning Act*, the RM of Oakland will complete a review of the RM of Oakland Development Plan within nine (9) years of its adoption.



## **PART 2 COMMUNITY VISION, GENERAL OBJECTIVES AND POLICIES**

### **2.1 Community Vision**

To provide direction for future land use and development in the RM of Oakland that minimizes conflicts and is in the best interests of the RM of Oakland and its residents so that the economy, resource use and the environment are sustained, existing rural settlement centres are enhanced and public services are provided in an economical manner.

### **2.2 General Objectives**

- (1) To provide well planned areas for living, working, shopping and recreation that minimizes land use conflicts.
- (2) To ensure development occurs in a manner which is harmonious with surrounding land uses.
- (3) To protect and support the agricultural economy in the RM of Oakland.
- (4) To protect and enhance the natural resources of the RM of Oakland.
- (5) To ensure that development does not occur on lands not suitable for the proposed development.
- (6) To encourage and promote the use and development of land in a manner that is consistent with the principles and guidelines of sustainable development.
- (7) To protect rural settlement centres from incompatible agricultural activities.
- (8) To provide a measure of protection for 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.
- (9) To encourage that development review processes include careful consideration of the short and long term costs and benefits that may result from proposed developments.
- (10) To encourage and promote community economic development initiatives that utilize the land base in a manner that contributes to the physical, social and economic vitality of the RM of Oakland.

### **2.3 General Policies**

The policies outlined in this subsection address issues that may arise from evaluating development proposals in the land use policy areas of the RM of Oakland Development Plan, specifically, the Agriculture Limited Areas and Agriculture General Areas (Part 3), Rural Settlement Centre Area (Part 4), Rural Commercial-Industrial Area (Part 5) and Rural-Seasonal Residential Area (Part 6).

### 2.3.1 Overall Land Use Policies

- (1) Prior to development approval a development proponent may be required to provide information in order to establish:
  - (a) That the land is physically suited for the purpose intended and in particular that the soil and drainage conditions are adequate for the proposed development.
  - (b) That satisfactory arrangements have been made for the provision of water supply, sewage disposal, solid waste disposal, storm drainage and any other necessary services.
  - (c) That the land fronts on a public road with legal access or has another means of legal access satisfactory to the RM of Oakland.
  - (d) That the land is not subject to an environmental hazard or that appropriate remedial measures have been or will be taken to protect life and property to the satisfaction of the RM of Oakland Council.
  - (e) That consideration has been given to the current and projected demand for that particular type of use.
- (2) Essential activities of government and public and private utilities shall be allowed in any land use designation subject to the requirements of the RM of Oakland Zoning By-law. Such uses should be located and developed in a manner that minimizes any conflict with neighbouring land uses.
- (3) Mutual cooperation shall be provided to Manitoba Hydro, Centra Gas, Manitoba Telecom Services and other similar utilities to ensure the provision of their services in the most economical and efficient manner possible. Special consideration will be given to reviewing site requirements associated with such uses as communications towers and maintenance compounds to ensure they will not have adverse impacts on adjacent lands.
- (4) Public and private utilities shall be protected from incompatible land uses that could adversely affect their operations.
- (5) Facilities or developments, exclusive of railways and highways, which manufacture, handle, store or distribute hazardous materials as defined in Manitoba Regulations such as but not necessarily limited to Regulation 282/87 and 236/89 as amended, will be governed by the following:
  - (a) New facilities should not be located within or in close proximity to existing rural settlement centres and buildings used for human occupation.
  - (b) The proposed expansion of an existing facility shall require Council approval as provided in the RM of Oakland Zoning By-law.
  - (c) Anhydrous ammonia facilities shall not be located closer to residential areas (i.e. dwellings used permanently or occasionally including cottages) than permitted or recommended by provincial regulations and guidelines.
  - (d) A site-specific groundwater pollution hazard appraisal may be required prior to approval of a proposed new or expanded facility or development.

- (e) Information may be required relating to the nature of any discharges into the air, soil or water; the nature of outside storage requirements; and the compatibility of surrounding land uses together with any plans for buffering such activities from adjacent uses.
- (6) Development or activities that could cause pollution under normal operating conditions or by accident, e.g., livestock operations, liquid fuel dealers, etc., may not be permitted in an identified groundwater pollution hazard area unless:
  - (a) It can be proven by adequate engineering or hydro-geological investigation that the proposed activity will not cause pollution of the groundwater supply; or
  - (b) Appropriate precautionary measures have been or will be taken to sufficiently mitigate the risk of endangering the potability of the water supply.
- (7) The *Provincial Land Use Policies*, as set out in the regulations to *The Planning Act*, will be utilized as broad policy guidelines when undertaking amendments or statutory reviews of the RM of Oakland Development Plan.
- (8) No subdivision of land shall be permitted unless it conforms to the general intent and provisions of the RM of Oakland Development Plan and *The Planning Act*.
- (9) In reviewing development applications, the RM of Oakland will encourage the most appropriate use and development of land and other resources by:
  - (a) Protecting and strengthening the agricultural industry.
  - (b) Protecting and strengthening the viability of existing rural settlement centres.
  - (c) Discouraging urban-related uses in the Agriculture Limited Areas and Agriculture General Areas that would compete with uses in the rural settlement centres or create potential land use conflicts.
  - (d) Promoting sound management practices for all resource development.
- (10) The RM of Oakland Council shall work closely with those provincial authorities having jurisdiction in regards to ensuring that the permitting or leasing of Crown land is in accordance with the objectives and policies of the RM of Oakland Development Plan.

### 2.3.2 Transportation

#### A. Concerns

- (1) Potential strip development along provincial and municipal highway systems.
- (2) Efficient and safe movement of traffic on provincial highways and municipal roads.
- (3) Cost of constructing new roads.

B. Objectives

- (1) To maintain a safe, convenient and efficient network of roads capable of moving people, goods and services.
- (2) To protect the provincial investment in highways already in place and prevent premature obsolescence of the existing transportation network.
- (3) To minimize disruption to local development in the future, and reduce public costs for land acquisition when highway upgrading is required.

C. Policies

The following criteria apply to all developments located adjacent to the provincial highway and municipal road systems:

- (1) Existing and proposed aircraft landing fields and aerial approaches in the RM of Oakland shall be protected from incompatible land uses that may adversely impact their operation or endanger public safety.
- (2) Development which contributes to the evolution of a row of lots with highway frontage where each lot requires direct access onto the highway shall not be permitted.
- (3) Developments that would generate traffic in an amount and/or type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently, shall not be permitted unless adequate measures are taken to mitigate the problem(s), suitable to the provincial authority having jurisdiction.
- (4) Any improvements required to upgrade the existing provincial highway system deemed necessary by the provincial authority having jurisdiction, which are directly associated with a development, shall be the responsibility of the development proponent.
- (5) The local road or street network associated with any type of proposed development shall be designed to conform to both the existing and planned road and street system of the neighbouring areas.
- (6) Highway commercial developments may be permitted where interference with other resources is minimized and the safe and efficient operation of the highway is maintained. Direct private access to the highway shall be minimized by means of service or internal roads where appropriate.
- (7) Municipal roads shall be improved at the discretion of the RM of Oakland Council and cost-sharing of the improvement of unimproved road allowances or upgrading of existing improved roads may be required if the road is intended primarily for non-agricultural land uses.

- (8) Public roads shall be maintained for public access. Any clearing, cultivation or cropping of unimproved road allowances shall be subject to approval of the RM of Oakland Council.
- (9) The location and construction of accesses to municipal roads shall be subject to the approval of the RM of Oakland Council.
- (10) Anhydrous ammonia facilities in the vicinity of provincial roads and provincial trunk highways should be located in accordance with provincial regulations and guidelines. These facilities should have access from a municipal road.
- (11) Any development that is to occur within the control areas of provincial roads and provincial trunk highways under provincial authority will be subject to approval by the provincial authority having jurisdiction.
- (12) The location and construction of an access to a provincial road or provincial trunk highway will be subject to approval by those provincial authorities having jurisdiction.
- (13) New development should have legal access to an all-weather road of sufficient standard and capacity, unless the development proponent makes an agreement with the RM of Oakland Council to upgrade an existing road or develop new road access to a standard agreed upon by the said Council. The development proponent may be responsible for part or all the costs of this roadway construction.
- (14) Land uses which generate significant amounts of regional vehicle traffic and/or significant truck traffic shall be located in proximity to major roadways, including provincial roads and provincial trunk highways, if appropriate. Direct access to the provincial highway system will be discouraged, whereby access to the provincial highway system should be via the municipal road system.
- (15) New development which has the potential to generate significant vehicle traffic shall be directed away from those areas and land uses where such levels of traffic could endanger public safety. Proposed developments that may be adversely affected by noise, dust and fumes from roadways and railways shall be located where there is adequate separation from these corridors or shall incorporate measures such as sound barriers or landscaped buffers to mitigate the conflict.
- (16) Where an area of development is bordered on one side by a major transportation corridor or facility such as a highway or rail line, any new development shall be directed to the same side of a corridor to maintain maximum safety conditions by eliminating unnecessary cross-corridor movements.

- (17) The subdivision of land or development of existing land parcels in areas designated for highway widening or expansion shall incorporate provisions suitable to the provincial authority having jurisdiction to accommodate future road widening or expansion projects.
- (18) The draining of any water into the highway drainage system shall require the approval of the provincial authority having jurisdiction. Any improvements required to upgrade the existing highway drainage system, which are directly associated with a development, shall be the responsibility of the development proponent.

D. Implementation

- (1) All developments shall conform to the statutory requirements of those provincial authorities having jurisdiction, as well as the RM of Oakland.

2.3.3 Recreation and Natural Environment Areas

A. Concerns

- (1) Incompatible land uses in proximity to existing recreational and natural areas.
- (2) Quality of recreation experience provided by recreation facilities.
- (3) Threat to natural environment areas.
- (4) Portions of the Brandon Hills and the Assiniboine Corridor Wildlife Management Areas are located within the RM of Oakland. These provincial Crown Lands have been designated as protected area(s) under the province's *Protected Areas Initiative* and have been established by the province for a specific purpose and are governed by an order-in-council or regulation.

B. Objectives

- (1) To encourage the protection of scarce recreational and scenic resources. Development policies can anticipate future recreational needs through proper recognition and zoning of high quality recreational lands. In addition to offering needed opportunities for recreational experiences, such areas can add to the general environmental quality by providing visual buffers and wildlife habitat and by pre-empting undesirable uses of marginal land or land with high amenity potential.
- (2) To prevent overuse and consequent degradation of recreational resources. Overuse is a major threat to outdoor recreation, particularly where there are a limited number of sites within close proximity to Rural Settlement Centre Areas, or at or near significant provincial natural resource areas. Where such situations occur, there is a tendency to over-develop existing recreation areas which results in damage to the physical resource and a decline in recreational quality.
- (3) To ensure that land uses adjacent to Crown Land are compatible with provincial recreation and resource areas.

- (4) To protect significant natural features or areas which may be degraded or eliminated by certain types of development.
- (5) To help sustain threatened or endangered plants and animals.

C. Policies

- (1) Subdivision or development on or affecting lands with significant capability for recreation shall only be allowed after the proponent has proven to Council's satisfaction that there will be no adverse affects on those lands or that it cannot practically be located elsewhere. The advice of provincial government specialists may also be considered by the RM of Oakland Council.
- (2) Land near an area of high recreational capability or a significant recreation use should be developed in a manner compatible with the recreational capability or use.
- (3) Development of a recreation area shall be limited to a level of intensity that permits the sustainable use of the recreational resource.
- (4) Design and development of extensive outdoor recreational resource opportunities shall be sensitive to such considerations such as crowding and resource degradation so that the intended recreational experience is achieved.
- (5) Intensive recreational development such as recreational facilities in Rural Settlement Centre Areas shall be planned to be compatible with the natural environment, resource-related uses and other adjacent uses.
- (6) Intensive recreational development shall not preclude public access to, and use of public resources, provided such access does not lead to levels of activity that will exceed the capability of the area to sustain the environment and ecosystem integrity. Provision of public land should be adequate to accommodate anticipated use.
- (7) The primary function of recreation and resource areas shall be permanently maintained through the implementation of performance standards that will affect the use of lands adjoining said areas. The subdivision or development of lands adjoining recreation and resource areas may be considered only after the RM of Oakland Council is satisfied that the integrity of the said recreation and resource areas would not be endangered.
- (8) Areas that have been identified by the province as critical to sustaining threatened or endangered plants and animals or as having significant natural features, heritage resources, or other flora and fauna may require protection from recreational and other uses that may negatively affect them.



- (9) The province may identify areas that are representative of major natural regions and may protect them from land uses that would negatively affect their natural characteristics. Natural areas and habitats shall be protected from incompatible or potentially incompatible uses where they have received designation or protection under federal or provincial statutes or regulations, as may be amended from time to time.
- (10) The RM of Oakland shall encourage landowners to seek advice from those provincial authorities having jurisdiction with respect to the on-going activities of adjacent Conservation Districts, habitat removal and wildlife depredation and will support educational programs undertaken by the province.

D. Implementation

- (1) These objectives and policies shall be implemented by subdivision approval procedures pursuant to *The Planning Act*.
- (2) Additional rules and regulations may also be established from time-to-time by the RM of Oakland in co-operation with appropriate provincial and/or federal government departments.

2.3.4 Water and Shoreland

A. Concerns

- (1) Surface water resources serve a number of important uses.
- (2) Availability and quality of the groundwater supply.
- (3) Public access to waterways situated in the RM of Oakland.
- (4) Shoreland, in many instances, may be flood prone.
- (5) Protection of fish bearing watercourses.

B. Objectives

- (1) To maintain the natural capacity of waterways and waterbodies to convey flows.
- (2) To preserve and maximize the capability of waterways and waterbodies to be used for a variety of purposes.
- (3) To maintain and manage key shorelands to meet domestic water supply, recreation, erosion protection and water table retention requirements and to ensure the viability of critical environments for local flora and fauna. In addition to these specific reasons, certain shorelands may be designated for protection solely to ensure the right of the public to fully utilize major waterways and waterbodies.

C. Policies

- (1) Land should be developed in a manner which ensures that waterways, waterbodies, groundwater and shoreland areas are sustained.



- (2) Identification of waterways, waterbodies, groundwater and shorelands requiring protection will be achieved through land use planning programs at the provincial, RM of Oakland and local levels. The extent of protection required will be directly related to the characteristics of the local situation. The size and configuration of the waterway, waterbody, shoreland or groundwater, the need for public access, erosion rate, the recreation potential, etc. will all have a bearing on the mode of protection adopted. Public reserves may be created to protect shoreland, waterways, or waterbodies. Where appropriate, public acquisition may occur by direct purchase, dedication through the subdivision approval process, easement or lease.
- (3) Development shall occur in a manner that sustains the yield and quality of water from aquifers.
- (4) Groundwater pollution hazard areas identified by the province should be taken into account in development proposals. Provisions required to safeguard such areas should be applied through these plans in respect of land uses and structures that could potentially pollute groundwater.
- (5) The preservation and rehabilitation of native vegetation will be encouraged in sensitive environmental areas such as along the shorelines of rivers, creeks and streams in order to protect and enhance wildlife and fisheries habitat, stabilize banks, filter run-off and to promote surface water quality.
- (6) In the case of development proposals which require significant volumes of surface water and/or groundwater, the proponent shall be required to investigate the need for a *Water Rights License*. Development approval shall be withheld until such time as the need for a *Water Rights License* has been finalized.
- (7) Ditching and stream modifications should not be permitted in areas identified as important fish habitat. The construction of dykes shall be encouraged as opposed to channel deepening and straightening. Stream alterations and in-stream works shall not be undertaken without the approval of those provincial and federal authorities having jurisdiction. In-stream works and alterations shall be designed and timed in a manner that avoids or mitigates any negative habitat impacts.
- (8) Development shall occur in a manner that protects shorelines from excessive erosion and organic loading.
- (9) Development or activities that could cause pollution under normal operating conditions or by accident shall not be permitted along water and shoreland areas unless:
  - (a) Where requested by Council, it can be proven by adequate engineering or hydro-geological investigation that the proposed activity will not cause pollution; or

- (b) Appropriate precautionary measures have been or will be taken to sufficiently mitigate the risk of endangering water and shoreland areas.
- (10) Where a development is proposed within the vicinity of a waterway or water body, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment. As part of this review, the province may seek the advice from federal government departments or agencies, if necessary.

D. Implementation

- (1) These objectives and policies shall be implemented by subdivision approval pursuant to *The Planning Act*.

2.3.5 Hazard Lands, Flooding and Erosion

A. Concerns

- (1) Minimizing risks associated with public health, the environment and land uses.
- (2) Costs associated with providing aid and additional protection to individuals located in hazard lands.

B. Objectives

- (1) Development within hazard areas may accelerate environmental damage, interfere with natural processes, necessitate public and private expenditures for remedial works or emergency assistance, waste resources and cause personal loss and hardship. Wise land use is required in these areas to avoid unnecessary risk, expense and damage. The objectives of this Section are:
- (a) To minimize personal hardship and inconvenience, adverse effects on public health, and loss of life and safety.
  - (b) To minimize property damage and public expenditures for relief or protection.
  - (c) To restrict activities which would accelerate or promote environmental damages arising from causes such as erosion or bank instability.
  - (d) To maintain the natural capability of streams to convey flood flows.
  - (e) To restrict activities which could negate the benefits derived from existing flood control works.

C. Policies

- (1) Low intensity uses such as some agriculture or open space recreational activities may be acceptable within hazard areas, but any other use involving higher intensity of development shall be restricted, if warranted. Hazard areas include lands subject to flooding, water erosion, bank instability, landslides or subsidence. More specific criteria are as follows:

- (a) Lands subject to flooding are all lands which would be flooded by a 100-year flood, or a flood specified by those provincial authorities having jurisdiction in areas of protected flood control works.
  - (b) Lands subject to water erosion are all 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 waterbody.
  - (c) Lands subject to other hazards such as landslides or subsidence are those lands where actual effects of such hazards have occurred or have been predicted by an accredited source such as a provincial and/or federal government agency.
- (2) It may not be practical or desirable for economic or social reasons to prohibit all development in hazard areas. Developments shall, however, be carefully controlled to ensure that they mitigate to the greatest extent possible any potential adverse impacts associated with the development. Where such exceptions are made, the following criteria should be applied:
- (a) Except where authorized by those provincial or federal authorities having jurisdiction, development shall not adversely alter, obstruct or increase water flow, flood velocities or flood stages and should only be allowed if the cumulative effects of all foreseeable development in the flood prone area is within limits specified in regulations or by-laws.
  - (b) There shall be no added risk to life, health or safety.
  - (c) All structures and services shall be protected against damage and shall be functional under hazard conditions.
  - (d) Except where authorized by those provincial or federal authorities having jurisdiction, activities such as filling, excavation and clearing, which would accelerate or promote damages due to causes such as erosion or bank instability, shall be prohibited.
  - (e) Wherever possible, natural tree and vegetative cover shall be preserved to reduce erosion and assist in maintaining bank stability.
  - (f) Potential damages to any permitted open space uses shall be minimal in hazard conditions.
- (3) Council may require proponents of development in hazard areas to complete engineering studies, including recommendations regarding preventative and mitigative measures which reduce risks to an acceptable level and remedial measures which restore or rehabilitate damage which may occur.
- (4) In areas where the specific hazard has not been determined, buildings shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 30 metres (98 feet), whichever is greater, unless an engineering investigation shows that these setbacks may be reduced.

D. Implementation

- (1) These objectives and policies shall be implemented by the RM of Oakland Zoning By-law, subdivision control, development agreements, the issuance of development permits and such programs as determined by the RM of Oakland Council.

2.3.6 Heritage Resources

A. Concerns

- (1) Lack of awareness of the unique and significant environmental, cultural and historical characteristics in the RM of Oakland. There is a need to attempt to preserve these heritage resources for future generations.

B. Objectives

- (1) To identify sites and structures having historic, architectural or archaeological significance and to protect these sites and structures from uses or activities that would endanger them.
- (2) To encourage public awareness, understanding and appreciation of these historic and cultural sites.

C. Policies

- (1) The subdivision or development of those areas or sites that either have been formally identified by the province, or are in the process of receiving municipal or provincial heritage designation, may be considered only after consultation with those provincial authorities having jurisdiction and an examination of the site or area to determine if the heritage resources would be endangered.
- (2) Council may take any steps warranted to preserve the character of sites and structures of significance including, but not necessarily limited to using the provisions of *The Heritage Resources Act*.
- (3) The development, designation and preservation of heritage resources shall be coordinated with other heritage and recreational resources in the RM of Oakland to maximize interpretive and tourism potential.

D. Implementation

- (1) These objectives and policies shall be implemented by subdivision approval pursuant to *The Planning Act*.
- (2) Additional rules and regulations may also be established from time-to-time by the RM of Oakland Council and appropriate provincial government departments.

### 2.3.7 Mineral Resources

#### A. Concerns

- (1) Local use of aggregate resources is crucial for road building and other construction since transportation costs can be prohibitive over long distances.

#### B. Objectives

- (1) To protect mineral resources, including known sand and gravel deposits, from conflicting land uses which may prevent the economic extraction of minerals.
- (2) To rehabilitate, in accordance with applicable provincial government regulations, lands disturbed by mineral exploration, development and production to a condition that is environmentally safe, stable and compatible with adjoining lands.

#### C. Policies

The province designates areas of “High”, “Medium” and “Low” mineral, quarry mineral, metallic mineral and oil and gas potential on maps for all regions of Manitoba. The following development status criteria shall be used.

- (1) Within an area designated as “High”, no potentially incompatible land uses shall be allowed. Uses shall be limited to general agriculture, temporary uses or other uses that will permit access to the resource.
- (2) Within an area designated as “Medium”, with approval of the provincial authority having jurisdiction, a potentially incompatible land use may be permitted.
- (3) Within an area designated as “Low”, potentially incompatible land uses are permitted.
- (4) Aggregate and other quarry mineral deposits shall be protected from conflicting and potentially conflicting land uses.
- (5) Minimum yard regulations shall be established in the RM of Oakland Zoning By-law for extraction operations and adjacent land uses.
- (6) Lands disturbed by mineral, quarry mineral or metallic mineral exploration or development should be rehabilitated in accordance with provincial government legislation to a condition that is environmentally safe, stable and compatible with adjoining lands.
- (7) A development permit issued under authority of *The Planning Act* shall be required for commercial extraction operations.

- (8) Mineral extraction shall be a Conditional Use subject to the provisions of the RM of Oakland Zoning By-law, *The Planning Act* and the acquisition of a permit under *The Mines and Minerals Act*. Conditions may include a site plan showing the staging of extraction, a rehabilitation plan, or cost-sharing of municipal improvements.

D. Implementation

- (1) These objectives and policies shall be implemented by the RM of Oakland Zoning By-law.
- (2) Other by-law(s) or regulations prepared in consultation with the provincial or federal governments.

## **PART 3      AGRICULTURE LIMITED AREAS AND AGRICULTURE GENERAL AREAS**

### **3.1      Concerns**

- (1)      Maintain a long-range view of the preservation of resources that contribute to agricultural productivity (i.e. groundwater, drainage, etc.).
- (2)      The amount and quality of land withdrawn from agriculture and consumed by uses unrelated to the agricultural industry.
- (3)      The effects that some modern farming practices may have on rural settlement centres, other farms and residences and the Village of Wawanesa.
- (4)      Providing farming families with the opportunity to supplement their incomes.
- (5)      Maintain the rights of agricultural producers to use sound agricultural practices.

### **3.2      Objectives**

- (1)      To protect the agricultural industry in the RM of Oakland.
- (2)      To foster the sustainable growth and development of the agricultural industry.
- (3)      To protect prime agricultural land and lower class agricultural land (where agriculture is the dominant land use) for a full range of agricultural activities and livestock operations, in accordance with all other policies of the RM of Oakland Development Plan and Zoning By-law.
- (4)      To ensure flexibility for farm operators to engage in a full range of agricultural activities and livestock operations.
- (5)      To encourage the efficient use of land resources.
- (6)      To provide buffer areas between potentially incompatible land uses.
- (7)      To maintain the rural character and quality of life presently enjoyed in Agriculture Limited Areas and Agriculture General Areas.
- (8)      To recognize that within the Agriculture Limited Areas and Agriculture General Areas of the RM of Oakland a variety of legitimate rural uses associated with agricultural, natural resources activities as well as residential, agri-commercial, agri-industrial and recreational uses that cannot be suitably located in a rural settlement centre shall be accommodated in a manner which not only supports and enhances the continued viability of the RM of Oakland but also minimizes the potential for land use conflicts.
- (9)      To ensure that farmers are able to supplement their incomes while maintaining agriculture as their principal activity.

### 3.3 Policies

The following policies are adopted to achieve the above objectives:

- (1) The Agriculture Limited Areas and Agriculture General Areas shall be preserved and protected for a full range of agricultural activities and livestock operations, in accordance with all other policies of the RM of Oakland Development Plan and Zoning By-law, on:
  - (a) Prime agricultural lands.
  - (b) Lands where agricultural activities are dominant or could be viable on lower class agricultural land and where it is desirable and feasible to provide protection to such activities.
- (2) The unnecessary fragmentation of large land parcels will be minimized as a means of protecting the long-term viability of large-scale agricultural activities and livestock operations in the Agriculture Limited Areas and Agriculture General Areas of the RM of Oakland.
- (3) The subdivision of land for the realignment of farm boundaries around rivers, streams, highways, drains and other features may be permitted if deemed necessary for agricultural purposes.
- (4) The subdivision of land for farm residential purposes may be allowed as a Conditional Use in the Agriculture Limited Areas and Agriculture General Areas in accordance with one or more of the following options and shall be subject to Section 3.3.6 of the RM of Oakland Development Plan:
  - (a) Where a farm is incorporated and it is necessary to establish a separate residential site from the company holdings for business or mortgage purposes.
  - (b) Where a building site for a home is required by an individual actively participating in the farm operation and deriving significant income from it.
- (5) The subdivision of land for small-scale (1 to 3 lots) non-farm residential purposes may be considered as a Conditional Use in the Agriculture Limited Areas and Agriculture General Areas in accordance with one or more of the following options and subject to Section 3.3.6 of the RM of Oakland Development Plan:
  - (a) Where an existing farmstead, which contains a livable dwelling or which will be located within a well-defined yard-site that is normally characterized by a well established shelterbelt, is no longer required as part of a farm operation and has become surplus.
  - (b) Where a retiring farmer wishes to subdivide his or her residence from the farm and retain the non-farm dwelling for retirement purposes.
  - (c) Where a retiring farmer wishes to construct a new non-farm residence on a separate parcel, provided a lot has not already been created for retirement purposes under Section 3.3.5(b) above, as of the date of the adoption of this By-law.



- (d) Where a remnant parcel of land has been created through the development of a transportation, drainage or utility corridor and where the said parcel cannot be viably used for agricultural purposes.
  - (e) Where a site proposed for a non-farm residence has a low potential for agriculture due to poor soil conditions (Canada Land Inventory – Soil Classes 4, 5 and 6), adverse topography or other physical constraints or where existing fragmentation of farmland in the immediate area has occurred to the point that the site can no longer be used for agricultural purposes.
  - (f) In infill situations, where the existing subdivision of land is such that small remnant parcels exist that are impractical to use for agricultural purposes and where unused road frontage exists between existing lots.
- (6) The subdivision of land in the Agriculture Limited Areas and Agriculture General Areas for residential purposes as outlined in Sections 3.3.4 and 3.3.5 of the RM of Oakland Development Plan shall be subject to all of the following criteria:
- (a) Municipal services (e.g. legal access to all-weather roads, drainage, school busing, fire protection or other infrastructure services) shall be available to the proposed subdivision or can be provided without undue cost to the RM of Oakland.
  - (b) The proposed subdivision shall accommodate the proper function of a septic field or other acceptable method of domestic effluent disposal, and a potable water supply, as per applicable provincial regulations.
  - (c) The proposed subdivision shall comply with the minimum mutual separation distances between new or expanding livestock operations, including barns and manure storage facilities, and those residences not accessory to the operation, as set forth in the RM of Oakland Zoning By-law. Said mutual separation requirements shall also generally be consistent with recommended provincial setbacks for livestock operations. The RM of Oakland Council may, pursuant to *The Planning Act*, vary the mutual separation distances as provided for in its Zoning By-law.
  - (d) The proposed subdivision shall, wherever possible, be directed away from prime agricultural land, livestock operations and other resource-related uses to avoid incompatibilities and so that land is not prematurely taken out of production or its use prematurely inhibited.
  - (e) All rural residential lots shall be of such dimensions so as to maintain the rural character of the land. A minimum lot size of 0.8 hectares (2 acres) is required with a maximum lot size of 4 hectares (10 acres). Where it can be demonstrated that the minimum or maximum figures are either deficient or excessive for their purposes due to the physical characteristics of the site such as topography, existing shelterbelts or fence lines, they may be altered at the discretion of the approving authority.
- (7) Proposed rural non-farm residential subdivisions involving four or more lots may be considered as an alternative to urban residential or small-scale (1 to 3 lot) non-farm residential development and shall:

- (a) Require an amendment to the RM of Oakland Development Plan by redesignating the subject lands to Rural-Seasonal Residential Areas.
  - (b) Require a rezoning of the subject lands, pursuant to applicable provisions in the RM of Oakland Zoning By-law.
- (8) Within the Agriculture Limited Areas, as identified in Appendix “A” (MAP 2A) of the RM of Oakland Development Plan, the following livestock and related uses shall be considered as follows:
- (a) Non-Commercial Farms, which shall be a permitted accessory use when associated with conditionally approved non-farm dwellings or farmstead dwellings and limited to 1.33 Animal Units per 0.8 hectares (2 acres) of land to a maximum of 9.00 Animal Units (cumulative across the species).
  - (b) New or expanding livestock operations to a maximum of 50 Animal Units (cumulative across the species) shall be allowed as a Permitted Use.
  - (c) New or expanding livestock operations greater than 50 Animal Units and up to and including 200 Animal Units (cumulative across the species) shall be considered as a Conditional Use.
- (9) Within the Agriculture General Areas, as identified in Appendix “A” (MAP 2A) of the RM of Oakland Development Plan, the following livestock and related uses shall be considered as follows:
- (a) Non-Commercial Farms, which shall be a permitted accessory use when associated with conditionally approved non-farm dwellings or farmstead dwellings and limited to 1.33 Animal Units per 0.8 hectares (2 acres) of land to a maximum of 9.00 Animal Units (cumulative across the species).
  - (b) New or expanding livestock operations of less than 300 Animal Units (cumulative across the species) shall be allowed as a Permitted Use.
  - (c) New or expanding livestock operations of 300 Animal Units or greater (cumulative across the species) shall be considered as a Conditional Use.
- (10) Non-Commercial Farms in the Agriculture Limited Areas and Agriculture General Areas shall comply with the following development criteria:
- (a) Non-Commercial Farms shall be located and developed on a site in such a manner that the keeping of animals does not interfere with the use and enjoyment of adjacent land uses.
  - (b) All animal confinement facilities and any manure storage facilities associated with Non-Commercial Farms shall be setback a minimum mutual separation distance of 152 metres (500 feet) from any designated Recreation Area, Rural Settlement Centre Area or Rural-Seasonal Residential Area in the RM of Oakland and 152 metres (500 feet) from any lot line of an existing residence, excluding the residence of the owner or operator of the Non-Commercial Farm. The RM of Oakland Council may, pursuant to *The Planning Act*, vary these separation distances, pursuant to its Zoning By-law.

- (c) Where a Non-Commercial Farm is proposed within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (11) Minimum mutual separation distance(s) will be maintained in the Agriculture Limited Areas and Agriculture General Areas between new or expanding livestock operations, including confinement facilities and manure storage facilities, and the Village of Wawanesa, designated Rural Settlement Centre Areas, Recreation Areas, Rural-Seasonal Residential Areas, watercourses, wells and recreation areas as well as those residences not accessory to a livestock operation. These separation distances shall be established in the RM of Oakland Zoning By-law and shall generally be consistent with recommended provincial setbacks for livestock operations. The RM of Oakland Council may, pursuant to *The Planning Act*, vary the separation distances as provided for in its Zoning By-law.
- (12) Proponents of any new or expanding livestock operation shall be subject to the following development criteria:
- (a) The operation shall not locate in areas identified by detailed soil survey information at a scale of 1:50,000 or better to have an agricultural capability of Class 6, 7, or unimproved organic soils. In an area identified as Class 6, 7 or unimproved organic soils based on reconnaissance scale mapping, the applicant may be required to submit detailed soil survey information indicating the suitability of the soils if the Technical Review Committee request it.
  - (b) Disposal of livestock manure and mortalities shall comply with all applicable provincial statutes and regulations.
  - (c) Where the operation is within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (13) Where an application for Conditional Use approval for a new or expanding livestock operation in the Agriculture Limited Area or Agriculture General Area is required, the said application shall be accompanied by the following information:
- (a) A detailed description of the proposed operation.
  - (b) The corporate identity and proof of property ownership.
  - (c) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
  - (d) The owner's (and applicant if different from owner) name, address, signature and interest in the land.
  - (e) A site plan showing the location of housing, storage and other facilities relative to the boundaries of the site.
  - (f) Servicing needs.
  - (g) The appropriate application fee.

- (14) A report on proposed new or expanding livestock operations involving the production of 300 Animal Units or more (cumulative across the species) is required and shall be prepared by the Southwest Region Technical Review Committee (or a similarly constituted body) and submitted to the RM of Oakland Council. The said report shall be made available to the public for a minimum of 30 days prior to the date of the Conditional Use hearing.
- (15) When considering approval of new or expanding livestock operations that require a Conditional Use permit, the RM of Oakland Council will consider the following:
- (a) Based on the information provided by the Technical Review Committee:
    - (i) The type (i.e. cattle, hogs, etc.) and size (i.e. the total number of Animal Units, cumulative across the species) of the operation and its location in relation to neighbouring land uses.
    - (ii) Water supply (i.e. its source and consumption levels).
    - (iii) The proposed manure storage system (i.e. earthen lagoon, above ground storage tank, etc).
    - (iv) The proposed manure application strategy (i.e. spreading, injection, etc).
    - (v) The nature of the land base (i.e. soils, crop practice, proximity to surface water, etc).
    - (vi) Provincial guidelines and regulations governing livestock operations.
  - (b) Reports from appropriate provincial review agencies
  - (c) Local resident concerns.
  - (d) The potential impacts generated by the operation on the provincial highway and municipal road systems.
  - (e) The need for a development agreement to be entered into between the proponent and the RM of Oakland dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters;
    - (i) the timing of construction of any proposed building,
    - (ii) the control of traffic,
    - (iii) the construction or maintenance - at the owner's expense or partly at the owner's expense - of roads, traffic control devices, fencing, landscaping, shelter belts or site drainage works required to service the livestock operation,
    - (iv) the payment of a sum of money to the RM of Oakland to be used to construct anything mentioned in subclause (iii).
- (16) Proponents, owners or operators of approved new or expanding livestock operations involving the production of 300 Animal Units or more (cumulative

across the species), shall submit a copy of the manure management plan to the RM of Oakland Council upon request.

- (17) Agri-commercial/industrial uses should locate within or in close proximity to Rural Settlement Centre Areas. Circumstances could arise however where agri-commercial/industrial developments may be permitted as Conditional Uses in the Agriculture Limited Areas and Agriculture General Areas, the regulations of which shall be specified in the RM of Oakland Zoning By-law. In such cases, the RM of Oakland Council shall be satisfied that the proposed development meets the intent of the following criteria:
- (a) Section 2.3.2 of the RM of Oakland Development Plan.
  - (b) The compatibility with surrounding development in terms of land use function and scale of development.
  - (c) The relationship to municipal land, rights-of-way or easement regulations.
  - (d) The effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area.
  - (e) The relationship to the documented concerns and opinions of area residents regarding the application.
  - (f) The use is located wherever possible on lower class land.
  - (g) The site is large enough to meet the needs of the intended use, but is not wasteful of agricultural land.
  - (h) Direct access to the provincial highway system will be discouraged, whereby access to the provincial highway system should be via the municipal road system.
  - (i) The site is located close to, but shall not impede the orderly expansion of, a Rural Settlement Centre Area.
  - (j) Water, drainage, sanitary disposal, hydro, telephone and road access can be economically provided.
  - (k) Where the development is proposed in the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (18) The use of Crown Land shall be in accordance with provincial regulations and requirements.
- (19) Small land holdings for small-scale or specialized commercial agricultural operations such as, but not necessarily limited to, tree nurseries, apiaries, market gardens and other bona fide agricultural practices shall be allowed as a Permitted Use, provided that such proposals are compatible with other existing agricultural operations, and that the size of the proposed parcel is appropriate for the intended use.
- (20) New solid waste disposal sites and sewage lagoons shall comply with the following development criteria:
- (a) Sites shall comply with provincial environmental site and design standards.

- (b) Sites shall not adversely affect the recreational amenities of the area.
  - (c) Sites shall not be located in close proximity to residential areas and other non-compatible uses.
  - (d) Sites shall be designed and operated in such a manner so as to ensure that waste is not scattered onto adjacent properties.
  - (e) In order to minimize human exposure to the undesirable effects of such uses as sewage lagoons and solid waste sites, development in the vicinity of these facilities should be limited to open space, agricultural and industrial uses.
  - (f) Existing and proposed solid waste disposal sites and sewage lagoons shall be considered as a Conditional Use.
- (21) Wind turbine generator stations may occur in the Agriculture General Areas as a means to encourage and promote the development of a renewable energy resource that is consistent with the principles and guidelines of sustainable development. Wind turbine generator stations shall:
- (a) be compatible with surrounding developments;
  - (b) have a collective nameplate rating of 0.75 megawatts or greater; and
  - (c) be connected to the transmission grid or a local distribution grid.
- Wind turbine generator stations shall be further regulated by the RM of Oakland Zoning By-law. Where a wind turbine generator station is proposed within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (22) Home-based businesses may occur in the Agriculture Limited Areas and Agriculture General Areas. Home-based businesses shall be considered as secondary to the primary residence and shall be regulated by the RM of Oakland Zoning By-law. Where a home-based business is proposed within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (23) The RM of Oakland may request recommendations from such government agencies as it deems necessary when a proposed use or development of land may have a detrimental effect on the environment. If it is determined that a proposed use or development may have a detrimental effect on the environment, said use or development may not be permitted unless measures satisfactory to Council have been undertaken to mitigate potential adverse impacts associated with the development.
- (24) For sites where there is a potential of pollution of soils, groundwater or surface water, operators will be required to incorporate appropriate mitigative measures that will reduce the risk to acceptable levels, or shall be precluded from operating.

### **3.4 Implementation**

- (1) These objectives and policies shall be implemented by the RM of Oakland Zoning By-law, subdivision control, development agreements, the issuance of development permits and such programs as determined by the RM of Oakland Council.
- (2) The areas to which the above policies apply are designated as “Agriculture General” and “Agriculture Limited Areas” as shown on the Development Plan Maps in Appendix “A”.



## **PART 4 RURAL SETTLEMENT CENTRE AREAS**

### **4.1 Concerns**

- (1) The Rural Settlement Centre Areas of Nesbitt and Carroll act as important centres for the rural areas they serve.

### **4.2 Objectives**

- (1) To maintain and strengthen the viability of Rural Settlement Centre Areas both as places to live and as service centres for the surrounding rural population.
- (2) To accommodate a variety of residential, commercial, industrial, recreation and institutional uses within the Rural Settlement Centre Areas of the RM of Oakland.
- (3) To ensure that uses located within the Rural Settlement Centre Areas do not adversely affect adjacent uses.
- (4) To ensure that the Rural Settlement Centre Areas remain compact and are not adversely affected by the uses on their periphery.
- (5) To identify suitable areas for future development in keeping with the anticipated demand for land and efficient servicing strategies.

### **4.3 Policies**

- (1) All urban uses, as determined by the RM of Oakland, shall be allowed in the Rural Settlement Centre Areas, which shall be regulated by the RM of Oakland Zoning By-law.
- (2) All new development shall occur in such a manner so that it is compatible with adjoining land uses and potential conflict between uses is minimized.
- (3) Minimum lot sizes shall be established in the RM of Oakland Zoning By-law to permit effective on-site disposal of sewage and to minimize the risk of groundwater pollution, in accordance with all applicable provincial regulations.
- (4) Where new municipal water or sewer services are supplied within any of the Rural Settlement Centre Areas, all abutting uses shall be encouraged to connect to these services.
- (5) The growth of Rural Settlement Centre Areas bordering one side of a provincial highway shall be directed to that side of the highway.
- (6) Infilling and revitalization of existing built-up areas shall be encouraged as a means to accommodate new development in Rural Settlement Centre Areas. Where suitable vacant land is not available, new development shall be encouraged to locate adjacent to built-up areas where public services can be efficiently and economically expanded.



- (7) Expansion of Rural Settlement Centre Areas shall, wherever possible, be directed away from prime agricultural land, livestock operations and other resource-related uses to avoid incompatibilities and so that land is not prematurely taken out of production or its use prematurely inhibited.
- (8) Where large undeveloped areas are being considered for future development, an overall concept plan shall be prepared for the area, in order to provide for an efficient, well-planned development. The concept plan should illustrate the general arrangement of future roadways, building lots, open spaces, area drainage and other major features. The design of the roadways and building lots shall be integrated with existing roadways and services, and generally conform to recognized engineering and planning standards.
- (9) All new developments shall be evaluated based on:
  - (a) The cost and feasibility of providing municipal and utility services.
  - (b) Local and regional impacts regarding pedestrian safety, traffic volumes and movement.
  - (c) Storm drainage patterns and groundwater conditions.
  - (d) The availability and convenience of public open space and recreational facilities.
  - (e) Buffers between incompatible land uses.
- (10) Commercial and industrial lot sizes shall be of a sufficient size to provide adequate space for the needs of the development, particularly with respect to exterior display, storage and service areas. This shall be regulated through the RM of Oakland Zoning By-law.
- (11) Commercial and industrial uses, which are incompatible or potentially incompatible with other Rural Settlement Centre Area uses, shall be developed at suitable locations where they will not endanger public health and safety. If selection of such a site is not possible, a suitable location outside the boundaries of Rural Settlement Centre Areas may be considered. Where proposals are within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (12) Home-based businesses are secondary to a primary residential use and should not have adverse effects on neighbouring land uses, and shall be regulated by the RM of Oakland Zoning By-law. Where proposals are within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.

#### **4.4 Implementation**

- (1) These objectives and policies shall be implemented by the RM of Oakland Zoning By-law, subdivision control, development agreements, the issuance of

development permits and such programs as determined by the RM of Oakland Council.

- (2) The areas to which the above policies apply are designated as “Rural Settlement Centre Areas” as shown on the Development Plan Maps in Appendix “A”.

## **PART 5 RURAL COMMERCIAL-INDUSTRIAL AREAS**

For the purposes of this Section of the RM of Oakland Development Plan, the term “rural commercial-industrial” refers to non-agriculture related highway commercial and industrial uses.

### **5.1 Concerns**

- (1) The need to diversify the RM of Oakland’s local economy.
- (2) Managing rural commercial-industrial uses that respect the needs and values of the RM of Oakland regarding odour, noise, traffic and scale of development.
- (3) Rural commercial-industrial developments weakening the socio-economic role of Rural Settlement Centre Areas.
- (4) Rural commercial-industrial developments removing agricultural land from development.
- (5) The need to minimize conflict with existing and future agricultural activities in the RM of Oakland.

### **5.2 Objectives**

- (1) To provide for future employment opportunities in the RM of Oakland.
- (2) To minimize incompatible land uses from intermixing.
- (3) To ensure that proposed developments can be serviced to an appropriate rural standard and in a cost-effective manner with respect to road access, water supply and wastewater disposal.
- (4) To minimize potential adverse impacts that may be associated with proposed developments.

### **5.3 Policies**

The following policies are adopted to achieve the above objectives:

- (1) Rural commercial-industrial uses should locate within Rural Settlement Centre Areas. However, such uses may locate outside the boundaries of Rural Settlement Centre Areas in Rural Commercial-Industrial Areas in cases where:
  - (a) They will not conflict with agriculture or the provincial highway system; and/or
  - (b) They cannot locate within Rural Settlement Centre Areas due to:
    - (i) Their requirement for larger parcels of land for parking, loading or storage areas; or
    - (ii) The lack of suitable sites; or
    - (iii) A need to provide essential services to highway users.
- (2) Proposed rural commercial-industrial developments shall have regard for the following criteria:
  - (a) Section 2.3.2 of the RM of Oakland Development Plan.

- (b) The compatibility with surrounding development in terms of land use function, emissions (i.e. gases, noise, light) and scale of development.
  - (c) The relationship of the proposed development to municipal land, rights-of-way or easement regulations.
  - (d) The effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area.
  - (e) The relationship to the documented concerns and opinions of area residents regarding the application.
  - (f) The use is located wherever possible on lower class land.
  - (g) The site is large enough to meet the needs of the intended use, but is not wasteful of agricultural land.
  - (h) Direct access to the provincial highway system will be discouraged, whereby access to the provincial highway system should be via the municipal road system.
  - (i) The site is located close to and on the same side of a highway as a Rural Settlement Centre Area.
  - (j) Where the development is proposed in the vicinity of a provincial highway, a copy of the proposal shall be circulated to those provincial authorities having jurisdiction for review and comment.
  - (k) Potable water, drainage, sanitary disposal, hydro, telephone and road access can be economically provided.
  - (l) The storage, treatment and discharge of all effluent and emissions and disposal of all waste shall satisfy all applicable local, provincial and federal regulatory requirements.
- (3) The RM of Oakland Zoning By-law shall provide for a Rural Commercial-Industrial zoning district on the zoning district maps. The Zoning By-law shall also identify and regulate the permitted and conditional uses that can take place in the Rural Commercial-Industrial zoning district.

#### **5.4 Implementation**

- (1) These objectives and policies shall be implemented by the RM of Oakland Zoning By-law, subdivision control, development agreements, the issuance of development permits and such programs as determined by the RM of Oakland Council.
- (2) The areas to which the above policies apply are designated as “Rural Commercial-Industrial Areas” as shown on the Development Plan Maps in Appendix “A”.

## **PART 6 RURAL-SEASONAL RESIDENTIAL AREAS**

### **6.1 Concerns**

- (1) Rural-seasonal residential development removing agricultural land from development or reducing farming efficiency and unnecessarily fragmenting agricultural land.
- (2) The economic, social and political costs to the agricultural industry and Rural Settlement Centre Areas.
- (3) The need to minimize conflict with existing and future livestock operations or agricultural activities in the RM of Oakland.

### **6.2 Objectives**

- (1) To plan rural-seasonal residential development in such a manner so as to minimize potential adverse effects on agriculture and existing Rural Settlement Centre Areas while offering an alternative to the urban lifestyle.
- (2) To preserve the rural character and open spaciousness of the RM of Oakland.
- (3) To ensure that the development of rural and seasonal residential areas occurs in a logical manner and on an economically sound basis.
- (4) To ensure that proposed developments can be serviced to an appropriate rural standard and in a cost-effective manner with respect to road access, potable water supply and wastewater disposal.

### **6.3 Policies**

- (1) Rural-seasonal residential developments as provided for in this PART and involving four or more lots shall be subject to the policies of this Section of the RM of Oakland Development Plan.
- (2) Rural-seasonal residential developments shall be:
  - (a) directed towards sites with low potential for agriculture due to adverse topography, poor soil conditions, or other physical constraints; and
  - (b) sited in a manner that minimizes potential conflicts with existing or proposed livestock operations or agricultural activities.
- (3) Rural and seasonal residential development shall be planned in a manner that will not produce unacceptable social or economic costs. Council and the approving authority shall consider the impact of such development based on the provision of such public services as schools, school busing, hydro, telephone, potable water and wastewater disposal, road access, police and fire protection, health care and recreational facilities, snow removal, fire protection and refuse collection.
- (4) Rural-seasonal residential lots shall be of such dimensions so as to maintain the rural character of the land. A minimum lot size of 0.8 hectares (2 acres) is required with a maximum lot size of 4 hectares (10 acres). Where it can be

demonstrated that the minimum or maximum figures are either deficient or excessive for their purposes due to the physical characteristics of the site such as topography, existing shelterbelts or fence lines, they may be altered at the discretion of the approving authority.

- (5) Rural-seasonal residential development shall provide adequate municipal services (e.g. legal access to all-weather roads, drainage, the proper function of a septic field or other acceptable method of domestic effluent disposal, and potable water supply), as per applicable provincial regulations and without undue expense to the RM of Oakland.
- (6) Uses that are incompatible with the residential use shall not be allowed in rural and seasonal residential developments.
- (7) Where development is proposed in areas of treed land, the design should protect or enhance existing treed acreage.
- (8) In order to minimize the needless fragmentation of land, it will be the responsibility of the development proponent to provide sufficient evidence in a form acceptable to Council that demonstrates that there is sufficient demand for developed lots to justify subdivision of land.
- (9) Rural-Seasonal Residential Areas should not be developed on the fringe or periphery of existing Rural Settlement Centre Areas.
- (10) It shall be demonstrated by the development proponent that a development is not incompatible with existing land uses and natural areas in the vicinity. Existing Rural Settlement Centre Areas or rural and seasonal residential development in the vicinity shall not be adversely affected in terms of environmental and economic impact.
- (11) All new rural-seasonal residential developments shall comply with the minimum mutual separation distances between new or expanding livestock operations, including barns and manure storage facilities, and those residences not accessory to the operation, as set forth in the RM of Oakland Zoning By-law. Said mutual separation requirements shall also generally be consistent with recommended provincial setbacks for livestock operations. The RM of Oakland Council may, pursuant to *The Planning Act*, vary the mutual separation distances as provided for in its Zoning By-law.
- (12) Rural and seasonal residential developments shall be directed away from sensitive environmental areas, and shall be adequately protected from hazards associated with flooding and erosion.
- (13) Where large undeveloped areas are being considered for future development, an overall concept plan shall be prepared for the area, in order to provide for an

efficient, well-planned development. The concept plan should illustrate the general arrangement of future roadways, building lots, open spaces, area drainage and other major features. The design of the roadways and building lots shall be integrated with existing roadways and services, and generally conform to recognized engineering and planning standards.

- (14) Home-based businesses are secondary to the primary rural and seasonal residential use and shall not have adverse effects on neighbouring land uses, and shall be regulated by the RM of Oakland Zoning By-law. Where proposals are within the vicinity of a provincial highway, a copy of the proposal shall be sent to those provincial authorities having jurisdiction for review and comment.
- (15) Mobile home parks and mobile home subdivisions should locate within Rural Settlement Centre Areas. However, such uses may locate outside the boundaries of Rural Settlement Centre Areas in Rural-Seasonal Residential Areas in cases where:
  - (a) They will not conflict with agriculture or the provincial highway system; and/or
  - (b) They cannot locate within Rural Settlement Centre Areas due to:
    - (i) Their requirement for larger parcels of land; or
    - (ii) The lack of suitable sites.

Mobile home parks and mobile home subdivisions shall be regulated by the policies of this Section and the RM of Oakland Zoning By-law.

#### **6.4 Implementation**

- (1) These objectives and policies shall be implemented by the RM of Oakland Zoning By-law, subdivision control, development agreements, the issuance of development permits and such programs as determined by the RM of Oakland Council.
- (2) The areas to which the above policies apply are designated as “Rural-Seasonal Residential Areas” as shown on the Development Plan Maps in Appendix “A”.

## **PART 7 ADMINISTRATION**

### **7.1 Basic Implementation Measures**

The intent of the Implementation section is to outline the actions that are required in order to facilitate the overall RM of Oakland growth objectives and development policies of the RM of Oakland Development Plan. The Development Plan is based on short and long range policies, regulations and criteria for the area to grow and prosper in a sustainable manner that reflects a diversity of interests and needs. However, a Development Plan does not in itself manage and control development. Rather, it is used in conjunction with other planning controls such as Zoning By-laws, development agreements, and subdivision plans. With this in mind, the policies outlined in the Development Plan will be implemented by the measures and methods provided below.

### **7.2 Adoption of this Development Plan**

Adoption of this Development Plan by the RM of Oakland Council by by-law will give the plan the force of law. Once adopted, no development or land use change may be carried out within the area affected by the Development Plan that is inconsistent or at variance with the proposals or policies set out in the Development Plan. *The Planning Act* also states that adoption of a Development Plan does not require the RM of Oakland Council to undertake any proposal suggested or outlined in the Development Plan.

The Development Plan should be reviewed periodically and revised if necessary to anticipate and respond to changing conditions within the RM of Oakland. The Development Plan may be amended at any time when considered appropriate or necessary by the RM of Oakland Council. Should it be necessary to amend the Development Plan, the public should be given adequate notice to respond to the proposed changes. *The Planning Act* provides notification procedures for informing the public regarding Development Plan amendments.

### **7.3 Zoning By-law**

A major planning tool to implement Development Plans is Zoning By-laws. *The Planning Act* provides that communities can enact Zoning By-laws following the preparation and approval of a Development Plan. A Zoning By-law establishes various Zoning Districts, determines both permitted and conditional uses, and provides details regarding the appropriate development standards and applicable Zoning District regulations. This can include minimum lot sizes, maximum building heights, sign controls, landscaping, and home occupation regulations. A Development Plan is used as a guide in preparing, amending or varying the regulations of the Zoning By-law. For instance, when dealing with a Zoning By-law amendment, the RM of Oakland Council should base its decision on the objectives, policies and development regulations as laid out in the Development



Plan. However, the Development Plan outlines a long-term growth strategy and there are situations where the RM of Oakland Council may allow the Zoning By-law to reflect current uses until specific needs or demands change or if land use conflicts arise. Having stated this, any proposed Zoning By-law amendments shall be in general conformance with the Development Plan.

#### **7.4 Subdivision Approvals**

Subdivision is the process of altering legal property boundaries. Most often this involves splitting larger tracts of land into separate legal properties. Proposals involving the subdivision of land for individual or multiple lot development will be subject to a review and approval process involving the RM of Oakland Council, utility companies and certain provincial government departments. This process provides an opportunity for development proposals to be evaluated in accordance with the provisions of the Development Plan and other related legislation. A subdivision proposal cannot proceed without the approval of the RM of Oakland Council and the provincial government Approving Authority. Council and/or the provincial government Approving Authority may attach conditions to a subdivision approval in accordance with *The Planning Act*.

#### **7.5 Concept Plans**

Development Plans primarily deal with general land use and development within the RM of Oakland, while concept plans show how specific areas may develop. Concept plans are required in primarily undeveloped areas that are experiencing development pressures where landowners have not developed a strategy for the long-term development of their properties. Concept plans provide general information dealing with road layout, lot structure, parkland dedication, and servicing and topographical features. Prior to new development taking place in a concept plan area, the landowner or development proponent has to subdivide his/her land holdings and meet municipal and provincial government regulations, including legal and site surveys as well as engineering studies.

#### **7.6 Development Agreements**

Municipal approval of subdivisions and zoning amendments can be conditional on development agreements which will protect both the applicant and the RM of Oakland. The development agreement on subdivisions deals with the responsibilities of the applicant and the RM of Oakland in providing services to the land in question. A development agreement on a zoning amendment may deal with such issues as the use of the land, the location of buildings on the site, the installation of services and the provision of open space.

### **7.7 Development Permits**

New development generally requires a development permit issued by the RM of Oakland. Before a permit is issued, proposals should be reviewed to determine their conformance with the Development Plan, the RM of Oakland Zoning By-law and other related development regulations.

### **7.8 Development Officer**

The RM of Oakland may authorize its Development Officer to issue development permits, zoning memoranda, non-conforming certificates and other similar documents and allow minor variations to the requirements of the RM of Oakland Zoning By-law.

### **7.9 Conditional Use Approvals**

Within a Zoning By-law, there will be provisions for the approval of various types of development as a conditional use in each zone. This will provide the RM of Oakland Council with the flexibility to review specific development proposals, to receive public input and to make decisions either approving or denying the proposals. In addition, this process provides the RM of Oakland Council with the opportunity to establish conditions of approval, which could include requiring the applicant to enter into a development agreement with the Municipality. In utilizing the conditional use process, the RM of Oakland Council will have an opportunity to influence the location of certain types of development, as well as to implement measures to ensure that the development occurs in a manner that is acceptable to the RM of Oakland. The Development Plan policies and objectives provide guidance for the conditional use approval process.

### **7.10 Variation Orders**

*The Planning Act* enables the RM of Oakland Council to issue variation orders for the purpose of varying or altering the application of its Zoning By-law. The various ways that a zoning by-law may be varied are outlined in *The Planning Act*. The RM of Oakland Council may attach conditions of approval to a variation order, which could include requiring the applicant to enter into a development agreement with the Municipality in order to maintain the intent and purpose of the Development Plan or the Zoning By-law. The RM of Oakland may authorize its Development Officer to grant or refuse a minor variation as set out in *The Planning Act*.

## 7.11 Additional Measures

In addition to the measures outlined above, the RM of Oakland may also utilize the measures provided below.

### (a) Acquisition and Disposal of Land

The RM of Oakland may acquire an interest in land or sell, lease or otherwise dispose of land for the purpose of implementing the Development Plan.

### (b) Adoption of Other By-laws

The RM of Oakland Council may adopt and administer other by-laws concerning the use, development and maintenance of land. This would include measures such as the adoption of a building by-law, property maintenance by-laws, access approval by-laws, drainage by-laws and other types of by-laws affecting the use of land.

### (c) Special Studies

While the RM of Oakland wants to encourage growth and development to provide opportunities for its residents, it also wants to ensure that consideration is given to the possible effects of a development proposal. For this reason, proponents may be required to undertake and submit special studies as part of the approval process for certain types of development proposals. Engineering or other professional studies may be required for development proposals affected by traffic issues along provincial highways and municipal roads, flooding hazards, endangered species, potential for groundwater and surface water pollution, and general risk to health and the environment.

### (d) Public Works

The capital works program and public improvements of the RM of Oakland shall conform to the policies set out in this Development Plan. This is an important implementation tool since a municipality may influence the rate and direction of growth through the provision of municipal services to land.

### (e) Capital Expenditure Program

The RM of Oakland Council shall consult the Development Plan when revising the annual five-year capital expenditure program.

### (f) Strategic Plans for Economic Development

As outlined in Section 258 of *The Municipal Act* as amended, the RM of Oakland Council may adopt a strategic plan for economic development. Strategic plans

should be consistent with the Development Plan. The RM of Oakland can also consider preparing vision statements and action plans as part of a round table process to ensure consistent objectives, policies and programs.

(g) Municipal Cooperation

Implementation of the Development Plan may benefit from or require cooperation between one or more municipalities. Sections 259, 260 and 295 of *The Municipal Act* as amended, provide for tax sharing agreements, service sharing agreements and cost sharing agreements between municipalities.

## **PART 8 INTERPRETATION**

Words, phrases and terms defined by this Development Plan shall be given the defined meaning. Where a word is not defined in this Development Plan but is defined in *The Planning Act*, the *Provincial Land Use Policies*, or any other provincial government statutes, regulations or guidelines, that definition shall apply. Where no definition can be found in any of these sources, the customary meaning shall stand except where, in the opinion of the Development Officer in consultation with Council, the context clearly indicates otherwise.

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

**Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, floriculture and horticulture but do not include livestock operations.

**Approving Authority** means the provincial authority having jurisdiction and responsibility for final approval of subdivisions.

**Buffer** means an area designed to separate and protect incompatible land uses from one another as through the use of buffers such as but not limited to appropriate landscaping to insulate the surroundings from noise, smoke, dust, odours, or visual aspects of adjacent properties or uses.

**Canada Land Inventory** means a series of maps prepared by the governments of Canada and Manitoba showing an evaluation of the capability of the land to support agriculture, forestry, wildlife (including ungulates and waterfowl) and recreation.

**Conditional Use** means those uses of land, buildings or structures that may be considered in a particular Zoning District of a Zoning By-law, but only at the discretion of Council in accordance with the *Act*.

**Council** means the Council of the Municipal Corporation of the RM of Oakland.

**Crown Land** means provincially administered land that is governed under provincial legislation through *The Crown Lands Act*, *The Forest Act*, *The Wildlife Act*, *The Fisheries Act*, *The Provincial Parks Act* and *The Ecological Reserves Act*.

**Development** means the carrying out of the construction, erection, structural alteration, placement or relocation of any building or excavation or other operation on, over or under land; or the making of any change in the use or intensity of use of any land or buildings or premises.

**Development Officer** means the Development Officer appointed by Council of the RM of Oakland in accordance with the *Act*.

**Erosion** means the process by which the earth's surface is worn away by the action of wind or water.

**Exploration** means a search for minerals or oil and gas by prospecting, by geological, geophysical or geochemical surveys, by trenching, stripping, excavating or drilling or by any other method.

**Farmstead Dwelling** means a single-family dwelling, mobile or modular home, which is the principal residence of the owner or operator of a permitted or conditionally approved agricultural activity or livestock operation and which is located on the same site or a new site taken from the said agricultural activity or livestock operation.

**Fish Habitats** means spawning grounds as well as nurseries, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life process.

**Gas** means natural gas that:

- (a) Contains methane and other paraffinic hydrocarbons, and might contain nitrogen, carbon dioxide, hydrogen sulphide, helium or minor impurities.
- (b) Is recovered or recoverable through a well from a reservoir.
- (c) Includes any fluid hydrocarbon, before and after processing, that is not oil or condensate.

**Groundwater** means water below the surface of the ground.

**Hamlet** means a centre in which the type and density of land uses no longer creates a recognized community and, as such, does not provide services to the surrounding rural area, but has a historic connection to the RM of Oakland.

**Hazard Land** means land that has become unstable as a result of flooding, water erosion, wind erosion, landslides or subsidence, or where the effects of same on the land have been predicted.

**Heritage Resource** means:

- (a) A heritage site.
- (b) A heritage object.
- (c) Any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof.

**Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.

**Incompatible Land Uses** means land use activities that cannot co-exist without creating undesirable effects or interferences.

**Infill** means the development of new lots with frontage on a public road allowance in an existing developed area to increase the density of development and maximize the utilization of existing infrastructure systems.

**Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a buffer between properties in order to mitigate objectionable features between them.

**Livestock** means farm animals kept for the use, propagation or profit and includes, but is not limited to, dairy and cattle, swine, hogs, bison, goats, horses, poultry, sheep, rabbits and other exotic animals not kept exclusively as pets.

**Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units (cumulative across the species) are kept or raised, either indoors or outdoors and includes all associated manure collection facilities, but does not include:

- (a) An operation for the slaughter or processing of livestock.
- (b) An operation for the grading or packing of livestock or livestock products.
- (c) An operation for transporting livestock or livestock products.
- (d) A livestock auction mart.
- (e) An agricultural fair.
- (f) A livestock sales yard where livestock are kept no longer than three days.

**Lower Class Land** means land that is not prime but which is used for farming or has the potential of being used for farming.

**Mobile Home Dwelling** means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and the *Buildings and Mobile Homes Act*. For the purpose of this Development Plan, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.

**Mobile Home Park** means a parcel or land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by Council.

**Mobile Home Site** means a site in a mobile home subdivision that may be purchased for the placement of a mobile home dwelling.

**Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites that may be sold for the placement of a mobile home dwelling.

**Municipality** means the RM of Oakland, except as otherwise indicated.

**Mineral** means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss and substances that are prescribed as minerals for purposes of The Mines and Minerals Act but does not include agricultural soil, oil, natural gas or



any other gas, any surface or ground water or other substance that for purposes of The Mines and Minerals Act is prescribed not to be a mineral.

**Natural Resource Development** means a development for the on-site removal, extraction and primary processing of raw material found on or under the site, or accessible from the site. Typical uses include gravel pits, sandpits and the stripping of topsoil, but do not include the processing of raw materials transported to the site.

**Non-Commercial Farm** means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses and shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder and shall be a maximum size of 9.00 Animal Units (cumulative across the species).

**Non-Farm Dwelling** means a single family dwelling or mobile home dwelling on a site used for residential purposes, regardless of the property owner's occupation, and located in the agricultural zoning districts of the RM of Oakland Zoning By-law.

**Nuisance** means anything outside of normally accepted farming practices that interferes with the use or enjoyment of property or endangers personal health or safety.

**100 Year Flood** means a flood that is likely to occur, on average, only once in 100 years, or more specifically, a flood that has a 1.0 percent chance of being equalled or exceeded in any year.

**Open Space** means parcels of land that are available for passive or active public recreation activities.

**Ordinary High Water Mark** means the level at which the water in a water body or waterway has been held for a period sufficient to leave a mark on the vegetation and / or soil along the bank; the line identified in a plan of survey as "O.H.W.M." or "Ordinary High Water Mark", or the line on a plan of survey delineating the bed of a water body or waterway.

**Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.

**Prime Agricultural Land** means land composed of mineral soil as determined by Manitoba Agriculture, Food & Rural Initiatives to be of dryland Agricultural Capability Class 1, 2 or 3 and includes a land unit of one-quarter section or more or a river lot, 60 percent or more of which is comprised of dryland Agricultural Capability Class 1, 2 or 3. In certain circumstances, land composed of organic soil determined by Manitoba Agriculture, Food & Rural Initiatives to be of dryland Agricultural Capability Class 1, 2 or 3 or land determined by Manitoba Agriculture, Food & Rural Initiatives to be of Irrigation Suitability Class 1A, 1B, 2A or 2B may also be considered as prime agricultural land.



**Rehabilitate** means, in respect of a project site or an aggregate quarry, the actions taken for the purpose of:

- (a) Protecting the environment against adverse effects resulting from operations at the site or quarry.
- (b) Minimizing the detrimental impact on adjoining lands of operations at the site or quarry.
- (c) Minimizing hazards to public safety resulting from operations at the site or quarry.
- (d) Leaving the site or quarry in a state that is compatible with adjoining land uses and that conforms, where applicable, to a land use plan and to the specifications, limits, terms and conditions of a license issued under applicable provincial statutes or regulations in respect to the project.

**Renewable Resources** includes living things such as fish, wildlife, trees and other plants, and surface and groundwater.

**Resource-Related Use** means a use or development that is directly dependent on the land's resource base including agricultural operations, mining, forestry, fishing and trapping.

**Shoreland** means land within 305 metres (1,000 feet) of the ordinary high water mark of a lake, sea or inlet thereof; or land within 91 metres (300 feet) of the ordinary high water mark of a river, stream, watercourse, creek, spring or other body of water.

**Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities.

**Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

**Subsidence** means the vertical settlement, lowering or falling of the earth's surface.

**Surface Water** means any body of flowing or standing water, whether naturally or artificially created and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, spring, swamp, slough, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural activity or livestock operation.

**Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

**Variation Order** means the altering of any of the regulations found in a Zoning By-law in accordance with the *Act*.

**Watercourse** means an open, defined, natural or made channel through which water flows either intermittently or continuously, and includes but is not limited to, a lake, river, creek, spring, swamp, wetland and marsh.

**Wetlands** means depressional lowlands 0.2 hectares (0.5 acres) or more in area including sloughs, potholes, marshes, oxbows and fringed open water containing temporary, seasonal or permanent water and supporting emergent vegetation such as cattails, bulrushes, bluejoint, whitetop and phragmites and submerged and floating aquatic plants such as water milfoil, bladderwort, pondweeds and waterlily.

**Wildlife** means a vertebrate animal of any species or type that is wild by nature in Manitoba, but does not include fish.

**Wildlife and Conservation Reserves** mean land that has been designated by provincial legislation for the protection and conservation of wildlife and includes Wildlife Management Areas.

**Wind Turbine Generator Station** means a development on a leased or owned site that is comprised of, but not limited to, one or more wind turbine generator towers that convert wind energy to electrical energy for private use or sale and may include research or meteorological towers, collector grids, substations and other associated or compatible accessory operations, including agricultural activities.

**Zoning By-law** means a By-law passed by the Council of a municipality in accordance with the *Act*.

**Zoning District** means a section of a Zoning By-law that regulates the use and development of land as depicted on a Zoning District Map.

**APPENDIX A  
RM OF OAKLAND  
DEVELOPMENT PLAN MAPS**

**APPENDIX B**  
**RM OF OAKLAND**  
**BACKGROUND STUDY REFERENCE MAPS**