

THE MUNICIPALITY OF
EMERSON FRANKLIN

DEVELOPMENT PLAN

16M-02299-01

AUGUST 2017

PREPARED FOR:



SUBMITTED BY:



The Municipality of Emerson-Franklin Development Plan

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Section I - Introduction

Section I of this document introduces the **Development Plan**, its purpose, context, and goals.

1 INTRODUCTION

1.1 Context and Location

The Municipality of Emerson-Franklin was established in 2015 by the amalgamation of the Town of Emerson and the Rural Municipality (R.M.) of Franklin. The newly formed Municipality is bounded by the R.M. of De Salaberry to the north; the R.M. of Stuartburn to the east; the Canada – United States (U.S.) International border to the south; and the R.M of Montcalm to the west. The Municipality is 88,786 hectares in size, with a population of approximately 2,500 residents (Statistics Canada, 2016).

The Local Urban District (LUD) of Emerson is the largest urban centre in the Municipality, with an approximate population of 678 (Statistics Canada, 2016). Dominion City is the second most populous settlement centre with an approximate population of 353 (Statistics Canada, 2016). Other settlement centres include Arnaud, Rosa, Roseau River, Tolstoi, and Ridgeville. The Municipality also includes the Glenway, Green Ridge, and Ridgeville Hutterite colonies and the Roseau River Anishinabe First Nation, which consists of two separate areas of treaty land.

Mainly agricultural in nature, the Municipality is characterized by a landscape of high quality agricultural land and an active livestock industry. The Emerson-Pembina Border Crossing plays a significant role in the local economy. This crossing is the fifth busiest Canada-United States land port, and the busiest border crossing west of the Great Lakes, providing numerous jobs for the community and accommodating over a million travelers and commercial vehicles each year. Flooding remains a major constraint to development throughout the Municipality, as large areas are located within the flood zones of both the Red and Roseau Rivers.

1.2 Background Research

A background report was produced as part of the Emerson-Franklin **Development Plan** review process, which provides a comprehensive overview of the Municipality and helped inform this **Development Plan**. The background report provides a clear picture of the current state of the Municipality by reviewing its physical environment, population trends, economy and labour force, municipal services and infrastructure, and land use patterns. It also outlines current challenges and opportunities related to land development and population growth in the Municipality, as well as the needs of its residents. Key highlights from the report have been incorporated throughout the **Development Plan** and a complete copy of the report may be obtained from the Municipality.

1.3 Intent of the Development Plan

Provisions outlined in *The Planning Act* establish the authority of the preparation and adoption of a **Development Plan**. A **Development Plan** is a statement of objectives and policies written

and designed to promote the orderly physical, social, economic, and environmental development of land within individual municipalities, towns, cities, and planning districts, accompanied by appropriate mapping. A **Development Plan** is adopted and endorsed by Council and aligns with the **Provincial Land Use Policies (PLUPs)**.

The amalgamation of the former Town of Emerson and the R.M. of Franklin requires a consolidation of two existing development plans, including:

- **The Town of Emerson Development Plan By-law No. 85-91**
- **The R.M. of Franklin Development Plan By-law No. 10-09**

The former Town of Emerson's most recent **Development Plan** was adopted in 1986 and the former R.M. of Franklin's most recent **Development Plan** was adopted in 2011. The consolidated **Development Plan** will replace these two existing documents and provide the newly amalgamated Municipality with a cohesive vision and regulatory document moving forward. The Municipality of Emerson-Franklin will ensure that all future development is in accordance with the policy statements and land use designations outlined in the **Development Plan**. The **Development Plan** is intended to act as a long-range planning document, meaning that it should guide land use and development for many years to come.

The day-to-day decisions of Council will be based on the goals and objectives of the **Development Plan**, will endeavour to implement the policies of the **Development Plan**, and promote the intent of the **Development Plan**. This will reduce uncertainty in both the public and private sectors with respect to future development of land and will ensure the timing of such development coincides with the progressive provision of public services.

As outlined in the **PLUPs**, the **Development Plan** will undergo periodic reviews , providing Council and the public with an opportunity to adjust policies, as necessary. In the future, policies may need to be amended in order to more accurately reflect new conditions or unanticipated changes to local lifestyles and values.

1.4 General Policy Statement

It shall be the policy of the Municipality of Emerson-Franklin to ensure that all development will take place in accordance with the land use designations and policy statements of the adopted plan. The **Zoning By-law** shall generally conform to the **Development Plan**.

1.5 General and Non-Conforming Uses

In general, where a land use (that is in existence at the time of adoption of this plan) does not conform to the designation, and where such use is not deemed to be undesirable by virtue of safety hazard, traffic or pollution, or where such use is not detrimental to fulfilling the general intent of the Document, the property may be zoned in the subsequent **Zoning By-law** to reflect its existing use. However, any change in land use shall be in conformity with the Plan.

1.6 Development Plan Maps

Map 1: Emerson-Franklin Land Use Map illustrates the future land use designations and general development patterns for the Municipality of Emerson-Franklin. **Map 2: LUD of Emerson Land Use Map** illustrates the future land use designations and general development patterns within the LUD of Emerson. **Map 1** and **Map 2** form part of this by-law.

Map 1 and **Map 2** should be considered a long range planning guide and used in conjunction with the objectives and policies outlined in the **Development Plan**. The maps should not be used as a means of accurately locating boundaries, but should be considered primarily for serving the purpose of providing a general spatial relationship among the various land use districts. Resolution of exact boundary limits will occur at a more detailed planning level, such as through sector planning, subdivision design, and the **Zoning By-law**.

The general land use pattern, as shown on **Map 1** and **Map 2**, is based on:

- a. Existing land use patterns;
- b. Anticipated needs;
- c. Existing patterns of municipal services; and
- d. Natural directions and trends for growth.

In order to determine a desirable future land use pattern and allocation of land among various land uses, numerous objectives and policies, as discussed for each land use category within this document, have been taken into account.

1.7 Goals of the Development Plan

The Municipality of Emerson-Franklin will endeavor, through the formulation of **Development Plan** objectives and policies, to:

1. Encourage development to occur in a manner that is consistent with the needs of a predominantly rural municipality. This includes protecting the Municipality's prime agricultural lands from fragmentation and encouraging the continued growth of the livestock industry and other non-farm development in a manner that is compatible with the environment and other land uses.
2. Recognize the value of agriculture, tourism, and recreation to the Municipality's economy and encourage the continued development and improvement of these sectors in a manner where the enhancement of one sector does not result in a detrimental impact on the others.
3. Encourage the Municipality's urban centres to grow and expand in a manner that promotes efficiency in terms of servicing, compatibility between land uses, flexibility to adapt to future change and development, amenity in terms of quality of life, such as an adequate range of recreational, educational, cultural, entertainment, health and welfare services and facilities.

4. Reinforce the communities of Emerson, Dominion City, Arnaud, Ridgeville, Rosa, Roseau River, and Tolstoi as targeted areas for development in the Municipality.
5. Provide for controlled, well-planned development to serve the needs of those who choose to live and work in the Municipality's LUD and settlement centres and balance this with the preservation and enhancement of the natural environment and the traditional rural and agricultural lifestyles common to other residents throughout the Municipality.
6. Protect, preserve, and encourage improvements to the natural, scenic, and historical amenities of the Municipality, including those along the Red and Roseau Rivers in recognition of their importance to residents and visitors alike.
7. Protect the health and well-being of people by minimizing incompatible land uses and property damage due to environmental hazards such as flooding, erosion, and bank instability by identifying and restricting further development in hazard areas, and by implementing appropriate buffers and appropriate remedial measures to protect existing development from hazardous conditions.
8. Minimize conflicts between incompatible land uses by reducing the possibility that such land uses may locate in the same area and/or by providing for appropriate buffering between incompatible land uses.
9. Encourage infill growth along existing municipal services so that greater utilization of infrastructure takes place and capital expenditures are minimized.
10. Promote cooperation, coordination, and involvement of planning responsibilities between the Municipality of Emerson-Franklin, adjacent municipalities, the Province of Manitoba, and the public, through consultation on planning matters in the Municipality which, in the opinion of Council, are of a regional concern.

Section II – Rural & Agricultural Policies

Section II of this document includes all of the policies applicable to the Municipality of Emerson-Franklin outside of the LUD of Emerson. These policies pertain to the vast agricultural area of the Municipality, and its rural settlement centres.

2 RURAL SETTLEMENT CENTRE

The following objectives and policies are intended to guide future development in the designated **Rural Settlement Centres** located throughout the Municipality, including: Dominion City, Arnaud, Ridgeville, Rosa, Roseau River, and Tolstoi. **Rural Settlement Centres** serve an important function by allowing the Municipality's residents an opportunity to live in a residential community in close proximity to commercial and industrial uses.

Areas designated as **Rural Settlement Centre** on **Map 1: Emerson-Franklin Land Use Map** are intended to be strengthened as the focal points of residential and urban-related uses, such as commercial and industrial uses, throughout the Municipality.

2.1 Rural Settlement Centre Objectives

- 2.1.1 To sustain and strengthen the Municipality's existing **Rural Settlement Centres** by encouraging new planned development, revitalization, and renewal that makes efficient use of land, infrastructure, and public services in these centres.
- 2.1.2 To provide designated land to accommodate a range of residential, commercial, industrial, recreation, parks and recreation facilities and services to the residents of the **Rural Settlement Centres** and the region.
- 2.1.3 To accommodate, as much as possible, residential demand in the Municipality by making available designated lands for the establishment of large lot **Rural Residential** development in those **Rural Settlement Centres** lacking municipal services and for additional lands to provide for smaller lot serviced residential development where services are available or may be viable in the future.
- 2.1.4 To ensure the economic and efficient installation of municipal services, where feasible, in the **Rural Settlement Centres**.

2.2 Rural Settlement Centre Policies

- 2.2.1 Residential, commercial, industrial, parks, and recreation uses will be permitted within **Rural Settlement Centres**.
- 2.2.2 Wherever possible, encourage the clustering of similar uses, to promote the development of commercial centres within **Rural Settlement Centres**.
- 2.2.3 **Rural Settlement Centres** that have municipal wastewater and/or water systems, other than Dominion City:
- a. Shall develop residential uses at higher densities than unserved centres;
 - b. Shall develop on lots large enough to reflect the general character of the area, but small enough to assist in the efficient and affordable development of the community up to a maximum of one half acre;
 - c. If the connection to a municipally approved wastewater collection system is not available at the time of development an on-site holding tank may be utilized for wastewater collection in accordance with the provincial onsite wastewater management regulation until such time that a municipally approved system is available;
 - d. Approval of on-site holding tanks must consider available capacity of the intended treatment facility; and
 - e. Lot and building configurations that allow for the further subdivision of lots will be encouraged to allow for infill development in the future.
- 2.2.4 **Rural Settlement Centres** that do not have developed municipal wastewater and/or water systems:
- a. Shall build on a minimum two acre lot size which must be in accordance with the provincial onsite wastewater management regulation; and
 - b. Lot and building configurations that allow for the further subdivision of lots will be encouraged to allow for infill development in the future.
- 2.2.5 New development within areas designated **Rural Settlement Centre** shall connect to municipal services where those services are provided. However, in the **Rural Settlement Centre** of Dominion City:
- a. On-site servicing will be prohibited in areas within the community dike; and
 - b. On-site servicing will be permitted in areas outside of the community dike.

- 2.2.6 Council may require proponents of development proposals to provide conceptual plans to identify how their proposals would connect with existing development and accommodate future development. Council may also endorse conceptual plans to help guide future urban development in these communities.
- 2.2.7 Pedestrian and cycle friendly innovations will be encouraged within **Rural Settlement Centres**, such as controlled cross-walks, separate cycle paths, sidewalk, and intersection designs, etc.
- 2.2.8 Home-based businesses will generally be accommodated in the **Rural Settlement Centres**, subject to the appropriate approvals and in accordance with the **Zoning By-law**, provided they are of a type that is compatible with nearby properties and the residential character of the property is preserved. If these uses reach a size that they are intrusive, they should relocate to more appropriate areas within the Rural Settlement Centre.
- 2.2.9 Commercial development will be permitted within the designated **Rural Settlement Centres**, provided that the commercial use and density of development are reasonably compatible with other nearby development. Every effort should be made to cluster these uses in the **Rural Settlement Centres** and form a commercial node or commercial centre for the area. Commercial developments within **Rural Settlement Centres** should consider factors such as:
- a. Hazardous storage or processing operations which may endanger nearby residents or the natural environment;
 - b. Nuisance factors such as noise and excessive truck traffic; and
 - c. Aesthetic factors, particularly with regard to exterior processing or storage.
- 2.2.10 Any commercial activity that may be hazardous or cause nuisance should be directed to appropriate areas away from residential development. Otherwise, the appropriate mitigation measures that reduce the incompatibility or nuisance should be part of the condition of approval for these uses. The Municipality of Emerson-Franklin's **Zoning By-law** outlines the buffering regulations for commercial development in designated **Rural Settlement Centres**.

2.2.11 Industrial development will be permitted within the designated **Rural Settlement Centres**, provided that the industrial use and density of development are reasonably compatible with other nearby development. Industrial developments within **Rural Settlement Centres** should consider factors such as:

- a. Hazardous storage or processing operations which may endanger nearby residents or the natural environment;
- b. Nuisance factors such as noise and excessive truck traffic; and
- c. Aesthetic factors, particularly with regard to exterior processing or storage.

2.2.12 Any industrial activity that may be hazardous or cause nuisance should be directed to appropriate areas away from residential development. Otherwise, the appropriate mitigation measures that reduce the incompatibility or nuisance should be part of the condition of approval for these uses. The Municipality of Emerson-Franklin's **Zoning By-law** outlines the buffering regulations for industrial development in designated **Rural Settlement Centres**.

2.2.13 Lands designated as **Rural Settlement Centre** within the N ½ of the NW ¼ 17-2-3E and the N ½ of the NE ¼ 17-2-3E (south of PR 201) on **Map 1: Emerson-Franklin Land Use Map** are recognized as a strategic location with the intersection of key highway and rail infrastructure, which provides for economic development opportunities. Development of these lands shall be reserved for commercial and industrial uses.

3 RURAL RESIDENTIAL

It is the intent of the Municipality of Emerson-Franklin Council to identify specific areas to accommodate future **Rural Residential** development in the Municipality. These areas are intended to accommodate future **Rural Residential** development in recognition of their existing/potential rural residential character and their proximity to municipal and public services. **Rural Residential** development should occur in a cluster pattern and may include conventional houses, as well as mobile homes. Areas designated for **Rural Residential** development are outlined on **Map 1: Emerson-Franklin Land Use Map** and are subject to the following objectives and policies:

3.1 Rural Residential Objectives

- 3.1.1 To preserve the rural character of the Municipality.
- 3.1.2 To ensure the development of **Rural Residential** areas occurs in a well-planned, logical, and economical manner.
- 3.1.3 To provide for clustered non-farm **Rural Residential** development within a rural environment unassociated with any existing urban centre and utilizing on-site sewer and water services.
- 3.1.4 To allow for the development of home occupations, non-offensive light manufacturing activities, and small businesses may be permitted as a secondary use, where the demand may exist.
- 3.1.5 To locate **Rural Residential** development in areas where the future or continued operation of agriculture or agricultural resource related industries will be least affected.
- 3.1.6 To ensure that all **Rural Residential** developments are accessible by municipal all-weather roads.
- 3.1.7 To ensure that all **Rural Residential** developments are located where services can be provided with reasonable efficiency and without undue cost to the Municipality.

3.2 Rural Residential Policies

- 3.2.1 A minimum **Rural Residential** parcel shall be a minimum of two acres.
- 3.2.2 **Rural Residential** areas will be developed, as required, with internal roads which provide access to a developed all weather roads.
- 3.2.3 **Rural Residential** development shall occur in a manner that would accommodate the efficient and economical provision of piped water and sewer services should these services become available in the future.

- 3.2.4 Lot and building configurations that allow for the further subdivision of lots will be encouraged to allow for infill development in the future.
- 3.2.5 Individual on-site sewage disposal and water supply systems will be utilized. If, in the future, piped sewer systems become available, no future wastewater disposal fields will be permitted. Development density will be determined in the **Zoning By-law** and reflect the environmental tolerance of the site to accommodate these systems and shall be organized in a manner consistent with the **Flood Prone Areas & Hazard Policies** outlined in **Section 13.0**.
- 3.2.6 The construction or re-construction of any on-site wastewater management system must be registered with responsible government department who will evaluate proposals against the current Onsite Wastewater Management Systems Regulation and Nutrient Management Regulation. Septic fields will not be permitted on lands classified as Canada Land Inventory agricultural capability Class 6 or 7 soils or unimproved organic soils. As a result, applicants may be required to provide information on soil suitability.
- 3.2.7 Home occupations, non-offensive light manufacturing activities, and small businesses may be permitted as a secondary use, in addition to the principal use, on a **Rural Residential** site. In order to accommodate the limited demand for such uses, the **Zoning By-law** shall provide for this use, subject to the following criteria:
- a. The principal use on the site shall be **Residential** and shall be the permanent residence of the owner-operator of the proposed use;
 - b. The proposed use shall be the secondary use on the site;
 - c. The proposed use will not generate unacceptable amounts of noise, odor, or traffic;
 - d. The proposed use will not create unsightly appearances or other disturbances that may be deemed unsuitable in a **Rural Residential** area;
 - e. The proposed use will not create a potential for conflict with activities that would normally occur in a **Rural Residential** area; and
 - f. All necessary permits shall be obtained from responsible government department when the affected land is adjacent to a Provincial Road (PR) or a Provincial

Trunk Highway (PTH) prior to establishment of such use.

- 3.2.8 **Rural Residential** development located in areas subject to flooding shall be constructed at a suitable level as determined by the responsible government department, be subject to the issuance of a Designated Flood Area permit, if required, and conform to the **Flood Prone Areas & Hazard Policies** outlined in **Section 13.0**.
- 3.2.9 Establishment of new **Rural Residential** areas would be required to meet the following criteria:
- a. An indication of potential demand would be required so that such development does not result in vacant, unused lots;
 - b. Lots created for this use should be large enough to accommodate sustainable on-site sewage disposal systems, being a minimum of 2 acres in site area. In cases where piped services are proposed to service development, smaller sized parcels will be allowed and will be zoned accordingly as per the **Zoning By-Law**;
 - c. Areas considered for such designation would be guided by an overall conceptual plan prepared by the developer. Such a conceptual plan should show the proposed road network infrastructure layout, staging and other requirements for the overall area, and how it would interconnect with existing development (if any exists) and the local road network;
 - d. Design of the street and lot layout shall be in keeping with good design and safety principles in accordance with acceptable standards to Council for **Rural Residential** purposes and should allow for the future development of adjacent land or expansion of the subdivision onto abutting land;
 - e. **Rural Residential** areas should maintain mutual separation distances from livestock production operations, aggregate resource areas, waste disposal areas, and be at a sufficient elevation, when alongside water courses, to minimize potential adverse effects. Minimum mutual separation distances may be set out in the **Zoning By-Law** and will take heed of provincial regulations and guidelines;
 - f. Proposed **Rural Residential** areas shall be directed away from prime agricultural land, viable lower class agricultural land, and livestock operations. Such developments shall be directed towards sites with low potential for agriculture, adverse topography, or other physical constraints where there is extensive land fragmentation; and
 - g. Development that may be permitted adjacent to provincial highways should be designed so that access is restricted through the use of an internal road system that accesses, where possible, a municipal road. Where adjacent to the provincial highway system, such development shall comply with statutes

regarding access and control areas as per *The Highways Protection Act* and *The Highways and Transportation Act*.

4 AGRICULTURAL AREAS

The economy of the Municipality is quite diverse, yet a significant number of residents are employed in the agriculture industry, evident by a rural countryside populated by grain farms and mixed farming. Many of the farms include specialized crops and livestock operations.

Based on existing residential and agricultural land uses, soil and topographic variability, and the waterways, two designations of rural land have been established in the Municipality, as shown on **Map 1: Emerson-Franklin Land Use Map**. The **Agricultural Policy Area** has been assigned to most agricultural areas of the Municipality and the **Limited Agricultural Policy Area** has been assigned to the areas extending approximately half a mile around each **Rural Settlement Centre**. See **Appendix D – Agricultural Capability** for soil classes in the Municipality.

4.1 Agricultural Area Objectives

- 4.1.1 To encourage economic development, growth, and diversification in the **Agricultural Policy Areas** in an orderly and efficient manner.
- 4.1.2 To maintain and protect the viability and potential for the future development of agriculture and other resource-related activities in the **Agricultural Policy Areas**.
- 4.1.3 To protect prime agricultural land (Canada Land Inventory - Class 1, 2 & 3 soils) for agricultural uses and protect lower class land which is used or has the potential to be used for different types of mixed farming enterprises, including livestock and poultry production operations.
- 4.1.4 To ensure that development the **Agricultural Policy Areas** is compatible with adjacent existing and anticipated land uses.
- 4.1.5 To encourage growth and development in **Agricultural Policy Areas** in a manner that is compatible with the objectives and policies for the **Rural Settlement Centres**.

- 4.1.6 To maintain the character and quality of life presently enjoyed in the **Agricultural Policy Areas**.
- 4.1.7 To provide opportunities for the limited creation of non-farm residential parcels in areas of poorer soils and where the creation of such uses would not cause incompatibility with agricultural and other resource-related activities.
- 4.1.8 To encourage sustainable development that makes efficient use of land and existing roads, utilities, and other infrastructure.
- 4.1.9 To protect and enhance the land and resource base that support agriculture and other resource related activities.
- 4.1.10 To provide opportunities for residents in the Municipality to establish commercial/ industrial uses in the **Agricultural Policy Areas** where the location of such uses is not practical in a **Rural Settlement Centre** or LUD and which can be accommodated without significant impact on the adjacent provincial highway transportation system.
- 4.1.11 To ensure that the necessary supportive services such as bulk fertilizer sales, farm implement dealers, and similar uses are located in areas where the agricultural industry requires these services.
- 4.1.12 To encourage the consolidation of existing small parcels where the consolidation is for agricultural purposes or limited property boundary adjustments.
- 4.1.13 To support the development and extraction of valuable aggregate and peat mineral resources.
- 4.1.14 To recognize and protect existing non-agricultural uses.

4.2 General Agricultural Area Policies

- 4.2.1 In accordance with the Goals of the Emerson-Franklin **Development Plan**, Council will organize the rural lands in the Municipality in a manner which will preserve farmland, protect prime agricultural land and viable lower class lands, protect agricultural operations from the encroachment of incompatible land uses, and maintain the open space and rural character of the countryside.
- 4.2.2 Two **Agricultural Area** designations have been identified on **Map 1: Emerson-Franklin Land Use Map**. The guiding policies and associated map boundaries for each of these designations will help protect the Municipality's agricultural economy and rural character; support the local desire to retain the small family farm; provide buffering to residential developments, including **Rural Settlement Centres**; and identify areas in the Municipality not suitable for a full range of agricultural uses due to soil class limitations, proximity to the waterways, and other limitations. The two Rural Areas include the **Agricultural Policy Area** and the **Limited Agricultural Policy Area**.
- 4.2.3 Special provisions with respect to livestock operations in these areas are established in **Section 4.3** of this document.
- 4.2.4 Measures will be adopted to preserve the open space nature of the Municipality. In general, the subdivision of land will be limited to parcel sizes of approximately 80 acres in all rural/ agricultural areas or as permitted under **Section 4.4** of this By-law. For agricultural purposes, the limited subdivision of land will be considered to create smaller parcels of land to accommodate specialized agricultural uses (such as apiaries, nurseries, berry farms, etc.). Specific requirements will be listed in the **Zoning By-law**.
- 4.2.5 The Municipality will promote and encourage participation in programs designed to improve the efficiency and productivity of agriculture in the Municipality of Emerson-Franklin.
- 4.2.6 In order that the business initiatives of the residents are not unreasonably discouraged, home occupations, non-offensive light manufacturing activities,

and small businesses may be permitted as a secondary use in addition to the principal use, on a site in the two agricultural designations (**Agricultural Policy Area** and **Limited Agricultural Area**). To accommodate the limited demand for such uses, the **Zoning By-law** shall provide for these uses, subject to the following criteria:

- a. There shall be an established residential/agricultural use on the affected land holding;
- b. The proposed use is intended to primarily serve the rural population, including, but not limited to: farm-related machinery and auto repair, welding, carpentry and other trades;
- c. The establishment of this use would not lead to land use conflict by creating excessive dust, noise, vibration, smoke, odor, litter, or pose a physical or environmental hazard;
- d. The site provides for sufficient on-site parking and loading areas for all vehicles associated with the use, including the principal use; and
- e. All necessary permits shall be obtained from Manitoba Infrastructure when the affected land is adjacent to a PR or a PTH prior to establishment of such use.

4.2.7 To conserve the agricultural and rural land base in the Municipality and to minimize public expenditure on servicing and infrastructure, commercial and industrial uses shall be encouraged to locate within areas designated **Rural Settlement Centre**. However, certain commercial and industrial uses that require a rural location may be allowed to locate within the Rural Areas. The establishment of such uses may be considered for the following reasons:

- a. A particular resource related industry may need to be located in close proximity to a specific resource or facility (e.g. gravel crushing operation near a quarry, etc.);
- b. A proposed development may need to be separated from settlement areas due to potential danger to public safety or nuisance associated with the operation of the proposed development (e.g. anhydrous ammonia storage facility, etc.);
- c. Some commercial or industrial uses require larger site areas not available in settlement areas or may be better suited in an agricultural area (e.g. bulk oil, chemical, and fertilizer storage facilities);
- d. Commercial or Industrial uses in the **Agricultural Policy Areas** should adhere to the **Transportation** policies identified in **Section 10.0** of the **Development Plan**;

- e. Sites proposed for commercial or industrial uses in the **Agricultural Policy Areas** shall require re-zoning to an appropriate commercial/industrial zone identified in the **Zoning By-law**;
 - f. Prior to final approval, a site(s) proposed for commercial or industrial development will require, as part of the re-zoning process, a full review by the responsible government department when adjacent to a PR or PTH;
 - g. Commercial and industrial uses should be directed away from prime agricultural land or areas where a conflict could arise with agricultural uses; and
 - h. Commercial and industrial uses should only be considered on sites with direct access to existing all weather roads.
- 4.2.8 Mutual separation distances between dwellings and livestock operations shall respect the minimum setback requirements pertaining to the siting of a new or expanded livestock operation established in the **Zoning By-law**, and based on the Provincial Land Use Policy Regulation.
- 4.2.9 The mutual separation between dwellings and livestock operations shall not apply to associated dwellings and livestock operations.
- 4.2.10 Non-farm dwellings in the **Agricultural Policy Area** and the **Limited Agricultural Policy Area** outlined on **Map 1** will be subject to the approval of a conditional use permit by Council.
- 4.2.11 Resource related industrial uses shall be permitted in the **Agricultural Policy Area** and the **Limited Agricultural Policy Area** outlined on **Map 1**, however will be subject to the appropriate re-zoning.
- 4.2.12 As per the Federal *International Boundary Commission Act*, no person shall construct or place within ten feet of the Canada – United States boundary any work or any addition to a work except with the permission of the International Boundary Commission.
- 4.2.13 Consolidation of small holdings into large size holdings shall be encouraged along with reconfiguration of property boundaries, in accordance with the objectives of this section. The Municipality may also consider creating small parcels on the condition that large residual holdings are consolidated.

4.2.14 Secondary agriculturally related activities, such as agri-tourism and accessory on-site industries should be permitted throughout the agricultural areas to encourage and enable on-farm diversification.

4.2.15 The keeping of livestock on non-agricultural parcels, may be accommodated to a maximum of one animal unit (AU) per acre, up to but not including a maximum of 10 AU.

4.3 Livestock Operation Policies

According to *The Planning Act*, a “livestock operation” refers to a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.

The Municipality of Emerson-Franklin recognizes the important role that agriculture and the livestock industry have on the economic well-being of the Municipality and the Province of Manitoba. The Municipality also recognizes the potential land use conflicts that may arise between the livestock industry and urban, recreational, and tourism related uses. To ensure the long-term economic and environmental sustainability of the Municipality and to minimize the potential for land use conflict, a series of policies, including siting requirements for livestock production operations, have been identified in this section.

As indicated in **Section 4.2.2**, two designations of agricultural land have been established in the Municipality. Each **Agricultural Policy Area** has its own unique **Livestock Operation** policies, livestock operations located in these policy areas shall be guided by the following:

4.3.1 Within areas designated **Agricultural Policy Area**, new or expanding livestock operations may be established (no maximum) subject to a favourable Technical Review from the Technical Review Committee where applicable and in accordance with the requirements and setbacks established in the **Zoning By-law** based on the **PLUPs**.

4.3.2 Within areas designated **Limited Agricultural Policy Area**, livestock operations legally existing prior to the adoption of this **Development Plan**, may be allowed to expand to a maximum of 400 AU in accordance with the requirements and setbacks established in the **Zoning By-law** based on the **PLUPs**.

- 4.3.3 Minor variations to mutual separation distance requirements, as permitted under *The Planning Act*, may be considered by Council based on unique circumstances of an individual application.
- 4.3.4 Temporary increases in the size of a livestock operation due to natural or market factors, up to a maximum of 10 percent of the approved maximum size, shall be considered normal and not require additional approval provided the increase does not result in an overall size of 300 AU's or greater.
- 4.3.5 Proponents, owners, and operators of livestock operations will be required to develop their facilities and conduct their operations in a manner that minimizes offensive odours and the potential for pollution of soils, groundwater, and surface water. All new and expanding livestock operations may be required to incorporate the following:
- a. Treed shelter belts surrounding the entire livestock operation facility, including the manure storage facility;
 - b. A cover for a manure storage facility;
 - c. Confirmation of separation distances and setbacks by a Manitoba Land Surveyor, if determined necessary by Council; and
 - d. Submission of a copy of any required annual manure management plan as required by the Livestock Manure and Mortalities Management Regulation to Manitoba Environment.
- 4.3.6 The siting of new operations will require prior review by Council to ensure the facilities are located to achieve minimum separation distances as outlined in the **Zoning By-law** as based on the **PLUPs**.
- 4.3.7 All proposed livestock operations of a size of 300 AU or greater, including expansions, will require a review and report by the Technical Review Committee. Should this review identify additional specific requirements, these requirements shall be satisfied prior to the issuance of a Development Permit and be included as part of a Development Agreement, which may be required by the Municipality.

- 4.3.8 The Municipality of Emerson-Franklin shall contact property owners located within three kilometres of a site proposed for the establishment or expansion of a large-scale (300 or more AU) livestock operation, to provide notice of the public hearing date as per the requirements of *The Planning Act*, by regular mail. This notice shall include an opportunity for written comment to be received by Council and shall be provided as soon as possible after an application has been made. The costs of such a mailing may be allocated to the applicant as part of the application fee, as determined by Council.
- 4.3.9 All proposed livestock operations, 200 AU or more in size, including expansions, shall be listed as a conditional use in the **Zoning By-law**.
- 4.3.10 All proposed livestock operations, 199 AU or less in size, including expansions, that meet respective setback and separation requirements and which have received Council approval for siting (as per **Section 4.3.7**), shall be allowed to establish without the need for a conditional use hearing.
- 4.3.11 Livestock operation facilities located in areas subject to flooding shall be constructed at a suitable elevation as determined by the responsible government department, be subject to the issuance of a Designated Flood Area permit, and conform to the **Flood Prone Areas & Hazard Policies** in **Section 13.0**.
- 4.3.12 The siting of all structures associated with a new livestock operation, being more than 75 AU, in the vicinity of the Red or Roseau Rivers, shall maintain a setback of one (1) kilometre (3,280 feet) from the Ordinary High Water Marks (OHWM) or the rivers. Structures in the vicinity of other designated waterways shall maintain a setback of 500 feet from all other OHWMs.
- 4.3.13 Livestock operations shall be prohibited on soils with a dry land agricultural capability rating of Canada Land Inventory - Class 6, Class 7, and unimproved organic soils based on detailed soil surveys (at a scale of 1:50,000 or better).
- 4.3.14 Livestock operation setback distances (identified in the **Zoning By-law**) for settlement centres and designated areas shall be measured from the edge of **Rural Residential** and **Rural Settlement Centre** designated areas and the

edges of designations identified in **Section III - LUD Policies** as shown on **Maps 1 and 2**.

4.3.15 To provide for additional protection of settlement centres and **Rural Residential** development in adjacent municipalities, setback distances (identified in the **Zoning By-law**), shall be measured from the designated area's boundary as defined by the adjacent Municipalities Development Plan maps.

4.3.16 For the establishment of new, or the expansion of existing livestock operations, Council (or as otherwise required by *The Planning Act*) may choose to meet with the applicant prior to accepting an application for a conditional use, to review the details of the proposed operation. At this meeting, Council can:

- a. Review the details of a proposed operation, as provided by the applicant, which outline the size of the operation, number and type of animals to be produced, location, and acreage of lands available for the application of manure produced by the operation. This meeting will enable Council to ensure all relevant information is provided so that a Technical Review can be initiated by the Technical Review Committee; and/or
- b. To provide opportunity for input on locational attributes.

4.3.17 No new livestock operations shall be permitted to establish and no existing livestock operations shall be permitted to expand within those areas designated as a **Rural Settlement Centre** or as **Rural Residential**.

4.4 Agricultural Area Subdivision Policies

4.4.1 Within the **Agricultural Areas**, a limited amount of non-farm residential use may be permitted. In each circumstance, the site shall be large enough to accommodate the on-site requirements for sewage disposal and potable water; shall generally be 2 to 10 acres in size; and shall minimize the amount of agricultural land removed from production. The subdivision of land in areas designated **Agricultural Policy Area** and **Limited Agricultural Policy Area** will only be considered for the following reasons:

- a. Subdivision of land for a residential site may be permitted for an individual who significantly participates in the agricultural operation on an ongoing basis and derives an income from it;
 - b. To create a site for a retirement residence of the farm owner. The site being created may be the existing farmstead or an alternate parcel from the same holding when the farmstead is being sold and/or transferred as part of the farm unit. Where possible, the alternate parcel should be on land not used for agricultural production or on land adjoining the existing farmstead; or
 - c. To create a yard site for an existing farm dwelling:
 - i. Where, due to farm consolidations or similar circumstances, the dwelling and yard site is surplus to the agricultural operation; or
 - ii. Where it is necessary to create multiple ownerships or separate the farm dwelling and yard site from the agricultural operation for financing purposes.
- 4.4.2 Only one subdivision per 80 acre title may be permitted for the circumstances as described in **Section 4.4.1**, however must meet the following requirements:
- a. The proposed subdivision must not be wasteful of agricultural land;
 - b. The proposed parcel should, if possible, be directed away from prime agricultural land and existing livestock operations; and
 - c. If applicable, the proposed parcel must be confined to the existing shelterbelt that forms part of a farmstead site.
- 4.4.3 To dispose of an excess yard site no longer required as part of the farm unit. For this purpose, a yard site may be defined as including not only active or abandoned farmsteads, but also active or abandoned sites of schools, churches, etc., that cannot reasonably be converted back to agricultural production.
- 4.4.4 To create an additional parcel from land that has been physically isolated by a transportation route, utility corridor, waterway, and is of a size, shape and/or nature that makes farming physically impractical. Such subdivisions may be permitted subject to the following criteria:

- a. The approval of the subdivision will not create a potential for land use conflict with agricultural activities that would normally take place in the area.
 - b. The proposed site is located where all necessary services, such as all-weather roads, are available.
- 4.4.5 All subdivisions for residential purposes will be expected to meet the minimum mutual separation distances for livestock operations, and be set out in the **Zoning By-law**.

Section III – LUD of Emerson

The following sections: **Section 5.0 Residential**; **Section 6.0 Commercial**; **Section 7.0 Industrial**; and **Section 8.0 Agricultural Resources** pertain only to the Local Urban District (LUD) of Emerson, as these land use designations are located solely within the boundaries of the LUD.

5 RESIDENTIAL

The LUD of Emerson is the largest urban centre in the Municipality, with an approximate population of 678 (Statistics Canada, 2016). **Residential** lands in Emerson are identified on **Map 2: LUD of Emerson Land Use Map**. According to Statistics Canada (2016), the Municipality's largest age cohort consists of individuals in their 40's to mid-60's. Representative of the Municipality as a whole, including Emerson's current population base, this statistic suggests a high proportion of the Municipality's working population is currently moving towards retirement age. This may result in a number of implications for the Municipality, including an increased demand for alternative forms of housing, i.e. multi-family dwellings (apartments, condominiums, duplexes, etc.), supportive housing, and nursing homes.

Emerson currently has two seniors' apartment buildings, three rental apartment buildings, and a 20-bed personal care home, which help to meet the existing need; however, it is important to plan for the future and the increasing demand for alternative housing. By providing and supporting a variety of housing options, the Municipality will enable residents who desire to "age-in-place" to remain in their home community for as long as possible. Moreover, a change in development densities and patterns within Emerson could help to accommodate future growth within the dyked area over the upcoming years. This would alleviate any need in the short term to expand the dyke.

5.1 Residential Objectives

- 5.1.1 To identify a residential land supply to meet the needs of all residents of the community and accommodate anticipated growth.
- 5.1.2 To provide municipal services, schools, and parks.
- 5.1.3 To provide opportunities for a range of residential development in the community.
- 5.1.4 To encourage the provision of an adequate supply of affordable housing.

5.2 Residential Policies

- 5.2.1 The orderly growth of Emerson should encourage infilling of available vacant serviced lots and priority should be given to the development of lands already serviced.
- 5.2.2 No additional land shall be designated for new residential purposes (beyond that indicated on **Map 2: LUD of Emerson Land Use Map**) until such time as approximately 80% of the development stock has been depleted.
- 5.2.3 Provision should be made for a variety of housing types, including single-detached dwellings, duplexes, triplexes, four-plexes, and multi-family dwellings such as apartment buildings.
- 5.2.4 Multi-family residential dwellings may be permitted in areas designated for residential or commercial use, subject to the considerations and approval of Council. Districts for multi-family residences and the applicable standards may be established as a conditional use in the **Zoning By-law**. When evaluating an application for a multi-family residence, consideration shall be given to factors such as impacts on traffic patterns, existing neighbourhood character, lighting, and the availability and capacity of existing services.
- 5.2.5 Multi-family residential dwellings should be located close to community facilities and commercial areas with access to major roads where possible.
- 5.2.6 Where conflict occurs between land uses in close proximity to one another, appropriate measures, such as setbacks or buffering, should be employed to reduce the conflict.
- 5.2.7 The Municipality shall encourage tree plantings and other forms of landscaping in residential areas to enhance the aesthetic quality of the surrounding area.
- 5.2.8 Residential lots shall be regulated in the **Zoning By-law** so that they will have a minimum frontage and site area which reflects the LUD's existing lot structure.

- 5.2.9 Uses such as parks and daycare centres, which are supportive of, or auxiliary to residential land use, may be located in a residential area.

6 COMMERCIAL

Emerson is considered the commercial hub of the Municipality. Commercial development within the LUD is divided into two land use designations: **Central Business District Commercial** and **Highway Commercial**. **Central Business District Commercial** uses generally occur along Main Street, spanning from PR 200 to the south to Dominion Street to the north (see: **Map 2: LUD of Emerson Land Use Map**). **Highway Commercial Development** is focused along PTH 75, spanning from the Canada-U.S. border to the south, up to the PTH 75 and PR 200 intersection to the north.

The LUD includes commercial development that supports the local community and numerous entities generated and supported by the location of the Canada-U.S. border crossing, including multiple custom broker firms and a duty-free store. The border crossing generates a number of government and private-spinoff jobs for the community, and is a significant source of employment within the community.

At the time of writing, Manitoba Infrastructure is planning future northbound and southbound improvements to PTH 75 near the Pembina-Emerson Port-of-Entry, including a realignment of PR 200 and a future interchange at the intersection of PTH 75/PR 200/PR 243 north of the existing PTH 75/PR 243 location. This project will change the current access into Emerson from PTH 75 and may include a parcel of land that may be surplus to Provincial needs. This land may become available for development, and would be ideal for highway commercial and or regional scale development, given its proximity to PTH 75 and the Canada-U.S. border crossing. This could become an important economic driver for the Municipality, creating local employment opportunities and revenue for the Municipality and nearby communities.

6.1 Central Business District Commercial Objectives

- 6.1.1 To provide for future commercial areas that will be adequate to meet the LUD's commercial needs as they arise.
- 6.1.2 To strengthen the existing **Central Business District** so that it will be an even more efficient and attractive commercial centre for the community and its trading area.
- 6.1.3 To encourage the infill of existing centrally located commercial sites.

6.1.4 To enhance and promote opportunities for a diversity of commercial development, thereby providing the business community with a high degree of flexibility to respond to changes in the marketplace.

6.2 Central Business District Commercial Policies

6.2.1 The **Central Business District (CBD)** shall be recognized as the main commercial, business, and cultural centre of the LUD (see: **Map 2: LUD of Emerson Land Use Map**).

6.2.2 Commercial developments will be appropriately landscaped to the satisfaction of Council.

6.2.3 There shall be adequate provision for loading and unloading in the **Zoning By-law** and adequate off or on street parking should be provided to make the **CBD** easily accessible to users.

6.2.4 The **Zoning By-law** may provide for residential (particularly multi-family) uses as a conditional use in the **CBD** area.

6.2.5 The **Zoning By-law** shall establish and regulate commercial development by taking into consideration the following items:

- a. Parking requirements;
- b. Site area requirements;
- c. Identification and advertisement signs; and
- d. Building appearance.

6.3 Highway Commercial Objectives

6.3.1 To provide for **Highway Commercial** development, including the provision of goods and services, to meet the needs of the travelling public, the transportation industry (such as auto service stations, restaurants, and motels), and regional scale development in a convenient manner.

6.3.2 To ensure that **Highway Commercial** areas develop in such a manner that they will not impede the safety of highway users or the primary function of the highway to which the commercial area is oriented.

6.4 Highway Commercial Policies

6.4.1 **Highway Commercial** uses such as auto service stations, restaurants, motels, and other regional activities as approved by Council shall be located in areas that are adjacent to and well-served by a provincial corridor and must not detract from the **Central Business District (CBD)**.

6.4.2 Capitalizing on the Provincial highway network, RTAC (Regional Transportation Advisory Committee) route improvements, and its proximity to the Canada-U.S. border, **Highway Commercial** development should be encouraged and promoted along PTH 75.

6.4.3 Clustering of **Highway Commercial** development shall be encouraged with access provided through frontage roads or internal road systems.

6.4.4 Where more than one development is proposed, access will be located at a common access point.

6.4.5 The **Zoning By-law** shall establish and regulate future **Highway Commercial** development by taking into consideration the following items:

- a. Parking requirements;
- b. Site area requirements;
- c. Identification and advertisement signs;
- d. Entrance and exit approaches;
- e. Landscaping; and
- f. Building appearance.

6.4.6 **Highway Commercial** development will be directed away from prime agricultural land, wherever possible.

- 6.4.7 Development should have a low impact on and be compatible with the surrounding agricultural area.
- 6.4.8 Any road and/or intersection modifications required as a result of the development shall be the responsibility of the developer.
- 6.4.9 The development of the **Highway Commercial** area as identified on **Map 2: LUD of Emerson Land Use Map**, located along the east side of PTH No. 75, and north of PR No. 200, and west of the municipal lagoon must be supported by a planning process with its scope determined by Council.
- 6.4.10 The elements required as part of the planning process referenced in Policy 6.4.9 may include:
- a. A definition of the study area;
 - b. Public engagement to identify local character and community needs;
 - c. Assessment of service capacities;
 - d. Assessment of infrastructure conditions and capacities;
 - e. The development of a vision and sustainability principles;
 - f. Development densities;
 - g. The location of transportation infrastructure and connectivity;
 - h. Development phasing, staging, and public investment;
 - i. Implementation;
 - j. Other policies or context-specific guidelines as deemed appropriate; and
 - k. A cost-benefit analysis.

7 INDUSTRIAL

At the present time, only small-scale industrial uses are located within Emerson, and at the time of writing, there are no known proposals for any major industrial investment in the near future. Emerson contains two industrial areas, one is located on the west side of the Red River in West Lynne, and is used as a storage yard, and the other is located within the LUD, along the rail line (see **Map 2: LUD of Emerson Land Use Map**).

7.1 Industrial Objectives

- 7.1.1 To promote the development of new industries, and encourage the expansion and re-development of existing industries.
- 7.1.2 To ensure the development of safe, attractive, and efficient **Industrial** areas.
- 7.1.3 To direct new industries to the LUD's **Industrial** area, as identified on **Map 2: LUD of Emerson Land Use Map**.
- 7.1.4 To enhance and promote opportunities for a diversity of **Industrial** development, maximizing employment opportunities for local residents.
- 7.1.5 To ensure that **Industrial** development does not create any unacceptable health or environmental risks.

7.2 Industrial Policies

- 7.2.1 **Industrial** development shall not be mixed with any other land use.
- 7.2.2 **Industrial** traffic shall have convenient access to major highways and shall not be encouraged to traverse residential areas.
- 7.2.3 **Industrial** areas shall be readily serviceable by extension of the existing sewer and water system. Certain types of industrial uses, such as warehousing and fertilizer sales, may be permitted without piped service, subject to health and environmental regulatory requirements.
- 7.2.4 Industries presently located in non-industrial areas should be encouraged to relocate to the appropriate **Industrial** areas.
- 7.2.5 Development applications for proposed **Industrial** developments must be accompanied by appropriate engineering studies to demonstrate the proposed developments effect on the capacity of local infrastructure systems.

- 7.2.6 Where an industrial area abuts a more restrictive land use such as residential or commercial, a buffer may be required to minimize the impact on the affected land use.

8 AGRICULTURAL RESOURCES

The **Agricultural Resources** designation includes objectives and policies to guide agriculture and livestock operations related to managing these uses within the urban context of Emerson. The majority of the **Agricultural Resources** designated land is located outside of Emerson's ring dykes, and is therefore subject to flooding (see: **Appendix A - Flood Area**).

8.1 Agricultural Resources Objectives

- 8.1.1 To prevent the premature termination of viable agricultural enterprises until such time as they are required for urban expansion.
- 8.1.2 To prevent premature and random fragmenting of farm land.
- 8.1.3 To ensure that intensive agricultural operations are compatible with the abutting urban land use.

8.2 Agricultural Resources Policies

- 8.2.1 The minimum site area of an agricultural operation in the **Zoning By-law** shall reflect the policies and objectives of this section and the existing land use ownership pattern.
- 8.2.2 Subdivision of surplus farmsteads may be permitted to create a yard site for an existing farm dwelling:
- a. Where, due to farm consolidations or similar circumstances, the dwelling and yard site is surplus to the agricultural operation; or
 - b. Where it is necessary to create multiple ownerships or separate the farm dwelling and yard site from the agricultural operation for financing purposes.
- 8.2.3 Subdivision of land for a **Residential** site may be permitted:
- a. Where it is necessary to create multiple ownerships or separate the farm dwelling and yard site from the agricultural operation for financing purposes.

- b. For an individual who significantly participates in the agricultural operation on an ongoing basis and derives an income from it; or
 - c. To create a site for a retirement residence of the farm owner. The site being created may be the existing farmstead or an alternate parcel from the same holding when the farmstead is being sold and/or transferred as part of the farm unit. Where possible, the alternate parcel should be on land not used for agricultural production or on land adjoining the existing farmstead.
- 8.2.4 Subdivision of land for a **Residential** site may be permitted to create an additional parcel from land that has been physically isolated by a transportation route, utility corridor, waterway, and is of a size, shape and/or nature that makes farming physically impractical. Such subdivisions may be permitted subject to the following criteria:
- a. The approval of the subdivision will not create a potential for land use conflict with agricultural activities that would normally take place in the area.
 - b. The proposed site is located where all necessary services, such as all-weather roads, are available.
- 8.2.5 Subdivision of land may be permitted to dispose of an excess yard site no longer required as part of the farm unit. For this purpose, a yard site may be defined as including not only active or abandoned farmsteads, but also active or abandoned sites of schools, churches, etc., that cannot reasonably be converted back to agricultural production.
- 8.2.6 All subdivisions for residential purposes will be expected to meet the minimum mutual separation distances for livestock operations, and be set out in the **Zoning By-law**.
- 8.2.7 Specialized agricultural operations such as nurseries, horticulture, marketing gardening etc. activities may be permitted on sites of less than the general agricultural site provision in the **Zoning By-law**.
- 8.2.8 Urban expansion outside the dyking system into agricultural designated areas shall only occur once adequate flood protection has been provided to the satisfaction of the responsible government department.

- 8.2.9 Uses such as but not restricted to the following shall be considered as conditional uses and shall be subject to the provisions of **Section 59** of *The Planning Act*:
- a. Sand, gravel, and mineral extraction operations (including quarrying and land fill);
 - b. Aircraft landing facilities;
 - c. Sewage disposal lagoons;
 - d. Garbage disposal sites;
 - e. Communication installations and facilities;
 - f. Exhibition grounds;
 - g. Public utilities; and
 - h. Cemeteries.
- 8.2.10 Within the LUD of Emerson, livestock operations and all livestock related land uses shall be guided by the following criteria:
- a. Livestock operations are not allowed within the LUD of Emerson other than in areas designated Agricultural Resources and Parks, Open Areas, and Recreation;
 - b. Within areas designated Agricultural Resources, new and expanding livestock operations, including the limited keeping of livestock on a hobby farm basis and for recreational enterprises such as riding stables, may be allowed up to a maximum of 20 AU as conditional use; and
 - c. Within areas designated Parks, Open Areas, and Recreation, provisions will be made in the **Zoning By-law** to allow for the limited keeping of livestock, as a conditional use, for recreational purposes such as trail riding and stables up to a maximum of 20 AU.
- 8.2.11 Within the LUD of Emerson, mutual separation distances between dwellings and livestock operations shall respect the minimum setback requirements pertaining to the siting of a new or expanded livestock operation established in the **Zoning By-law**, and based on the *Provincial Land Use Policy Regulation*. Minor variations of the setback requirements listed in the **Zoning By-law** may be considered by Council based on unique circumstances of an individual application.

8.2.12 Livestock operation facilities located in areas subject to flooding shall be constructed at a suitable elevation as determined by the responsible government department, be subject to the issuance of a Designated Flood Area permit, and conform to the **Flood Prone Areas & Hazard Policies** in **Section 13.0**.

8.2.13 For the establishment of new, or the expansion of existing livestock operations, Council (or as otherwise required by *The Planning Act*) may choose to meet with the applicant prior to accepting an application for a conditional use, to review the details of the proposed operation. At this meeting, Council can:

- a. Review the details of a proposed operation, as provided by the applicant, which outline the size of the operation, number and type of animals to be produced, location, and acreage of lands available for the application of manure produced by the operation. This meeting will enable Council to ensure all relevant information is provided so that a Technical Review can be initiated by the Technical Review Committee; and/or
- b. To provide opportunity for input on locational attributes.

Section IV – Transportation, Infrastructure, Natural Resources, & Aggregate

This section outlines policies and provisions pertaining to transportation, infrastructure, and natural resources, applicable to all areas within in the R.M., within and outside of the LUD of Emerson. This section also includes policies on the responsible and sustainable management of aggregate resources within the Municipality.

9 UTILITIES AND SERVICES

Currently, the only serviced communities in the Municipality are Emerson, Dominion City, and Arnaud. Emerson and Dominion City are both serviced with sewer and water, and Arnaud is serviced by piped water. All other communities are not serviced; however, if and when they become serviced, they will be subject to the following objectives and policies.

9.1 Utilities and Services Objectives

- 9.1.1 To maximize use of existing municipal infrastructure prior to extending a system, and maintain capacity in the municipal services systems to readily accommodate new development.
- 9.1.2 To ensure new municipal wastewater and/or water services are incorporated in existing **Rural Settlement Centres** in a cost-effective and efficient manner.
- 9.1.3 To ensure that the provision of various utilities and services conforms to acceptable health and environmental standards, and to ensure that the operating facilities and services are compatible with nearby development.
- 9.1.4 To provide sufficient space for the networks and operating plants of the Municipality's utilities and services.
- 9.1.5 To ensure appropriate measures of protection for the various components of the utilities and service networks in order to safeguard the extensive public investment in these facilities.
- 9.1.6 To promote the establishment and use of renewable and non-renewable resources in a manner that future residents enjoy the same quality of life as present day residents. This could be through the adoption of new

technologies within the Municipality that complement lifestyles and do not pose any hazards or risks.

- 9.1.7 To consider and evaluate the impact of development in relation to stormwater drainage systems.
- 9.1.8 To extend the life of existing landfill sites by encouraging sustainable waste management practices.

9.2 Utilities and Services Policies

- 9.2.1 No new or expanded development, including proposed subdivisions, will be approved unless there are facilities and the capacity to adequately manage the waste (i.e. solid, liquid, septage, etc.) that will be generated.
- 9.2.2 Where municipally operated wastewater and/or water systems are provided within any developed area, new developments will be required to connect to these services at the time of development. Existing development must connect to a municipal water and wastewater system within two years from the day it became available or upon the transfer of land (whichever is first).
- 9.2.3 Where municipally operated wastewater and/or water systems are implemented in a **Rural Settlement Centre**, a water and/or wastewater management plan shall be prepared by a qualified professional. This servicing management plan should:
 - a. Identify the type of service proposed and its capacity;
 - b. Identify where the services are planned to be located;
 - c. Identify areas that will not be serviced (if any and provide reasons);
 - d. Locate the areas and timing of any phased in development;
 - e. Estimate the cost of implementing the services; and
 - f. Indicate how the infrastructure will be implemented and how the costs would be recovered for the servicing.

- 9.2.4 Within the LUD of Emerson, groundwater of artesian aquifer water supply shall not be used through individual or group wells due to in-salinity.
- 9.2.5 Within the LUD of Emerson, well and test holes should be allowed only if they are completed and abandoned in a manner that would not weaken the natural confining layer that exists above the saltwater zone and in consultation with the responsible government department.
- 9.2.6 The Municipality's existing natural drainage systems, such as wetlands, should be maintained and preserved.
- 9.2.7 Where possible, the Municipality should invest in drainage infrastructure to support future growth, particularly within the **Rural Settlement Centres**.
- 9.2.8 Future development proposals should include an on-site drainage plan to ensure that the development does not contribute to peak flows or increase water runoff on adjacent properties.
- 9.2.9 As new development occurs within the LUD of Emerson, the existing ditch drainage system shall be examined and upgraded to the desired standard prior to or during development, to prevent swelling and provide adequate surface runoff to the Red River.
- 9.2.10 Efficient and environmentally sound methods of waste management shall be pursued, including reduction, reuse, recycling, and recovery of waste materials. Composting of vegetable and yard waste will be encouraged in a manner that minimizes odour, rodent, and pest problems.
- 9.2.11 The Municipality will encourage the development and use of on-site alternative energy technologies (such as solar panels, green roofs, geothermal systems, etc.) that reduce the reliance on non-renewable energy sources in a manner that does not negatively impact adjacent uses or development. Further site specific provisions may be established in the **Zoning By-law**.

9.2.12 Council recognizes the importance of developing alternative energy strategies and as such, Wind Energy Generating Systems (WEGS) may be established as a conditional use in the **Agricultural Areas**. The establishment of WEGS shall be subject to specific siting and setback requirements as outlined in the **Zoning By-law** and the following criteria:

- a. WEGS shall be directed away from **Residential** areas and directed to lands where sufficient setbacks can be provided to mitigate potential safety, noise, and visual impacts;
- b. The siting of WEGS shall endeavor to minimize impacts on avian and wildlife habitat; and
- c. WEGS shall be situated in a manner which minimizes impacts on agricultural operations.

10 TRANSPORTATION

The transportation network within the Municipality of Emerson-Franklin is composed of provincial highways, municipal roads, rail lines, and active transportation corridors. Provincial Trunk Highway (PTH) 75 and PTH 59 provide regional connections to and from the Municipality, Provincial Roads (PR) provide connections between communities, and Municipal roadways accommodate local traffic. The Municipality's highway and road network is illustrated on **Appendix B - Highway Network**.

The Municipality includes the two largest border crossings in the Province. The Emerson-Pembina border crossing on PTH 75 is the largest border crossing in Manitoba, links PTH 75 with US Interstate 29 (I-29), and is open 24 hours a day. The Tolstoi-Lancaster border crossing on PTH 59 is the second largest border crossing in Manitoba. The crossing links PTH 59 with US Route 59 and is open year round, but only from 8 A.M. to 10 P.M. each day.

The CPR Emerson Subdivision Rail Line runs through multiple communities within the Municipality, including Emerson and Dominion City. The line runs from Winnipeg to the Canada-U.S. border along the east side of the Red River and provides a connection to the Burlington Northern Santa Fe (BNSF) line in North Dakota. The CN Letellier Subdivision Rail Line also runs from Winnipeg to the Canada-U.S. border and connects to the BNSF line in North Dakota; however, it runs west of the Red River and through the southwest corner of the Municipality.

There are limited active transportation facilities within the Municipality. Only the larger communities of Emerson and Dominion City include sidewalks and crosswalks.

The Crow Wing Route of the Trans Canada Trail runs through the Municipality. The Crow Wing Route is 191 kilometres and the longest section of the Trans Canada Trail in Manitoba. This

trail is used by various types of active transportation users including those that walk, run, off-road bike, and cross-country ski.

10.1 Statutory Controls

10.1.1 Both PTH 75 and PTH 29 are Limited Access Highways. Under *The Highways Protection Act*, no access to these highways may be constructed without a permit from the Highway Traffic Board. Permits are also required from the Board for the placement of any structure within the following control areas:

- a. 76.2 metres (250 feet) adjacent to the right-of-way of PTH 75 and within the following Control Circles;
- b. 457.2 metre (1500 foot) radius control circle centered at the intersection of PTH 75 and PR 200; and
- c. 304.8 metre (1000 foot) radius control circles centered at the intersections of PR 200 and PR 200 (just east of PTH 75) and PTH 75 and PR 243.

10.1.2 PR 243 and PR 200 (excluding the section north of PR 200 (Main Street) north to the west boundary of Section 6-1-3 EPM) are “declared” provincial roads. Under *The Highways and Transportation Act*, no access to these highways may be constructed without a written permit from Manitoba Infrastructure.

10.2 Transportation Objectives

10.2.1 To promote a safe, convenient, efficient, and economical road transportation system for the movement of people and goods by ensuring the nature and location of development takes into account the availability of suitable transportation facilities and does not impair the safe and efficient operation of the transportation facilities.

10.2.2 To relate the transportation systems within the LUD of Emerson and the Municipality’s **Rural Settlement Centres** to the provincial system.

10.2.3 To ensure that developments adjacent to provincial highways and arterial streets do not adversely affect the safe and efficient movement of traffic.

10.3 Transportation Policies

10.3.1 The design and organization of development should minimize disruptions to the flow and to the present or potential capability of the adjoining highway to carry traffic safely and efficiently.

10.3.2 The local road or street networks associated with approved developments are designed to be compatible with both the existing and planned road and street system of the neighbouring areas.

10.3.3 Notwithstanding the provisions of this **Development Plan**, development adjacent to, and/or with access onto, a PTH and/or PR shall comply with provincial regulations adopted under *The Highways and Transportation Act* and *The Highways Protection Act*. Municipal roads are subject to the regulations and standards adopted by the Municipality of Emerson-Franklin.

10.3.4 The Municipality recognizes the primary function of PTH 59 and 75 is the high speed movement of traffic and will accordingly limit access in a manner which consolidates local traffic at major points of entry.

10.3.5 For PTH 59 and 75, permits must be obtained from the Highway Traffic Board; for PR's, including PR 200, 201, 217, 218 and 243, permits must be obtained from Manitoba Infrastructure.

10.3.6 In areas where development is to be allowed in close proximity to the provincial highway system, the following development criteria shall be applied:

- a. Strip development along the highway, whereby direct connections to the highway are continuously relied upon for providing access to abutting properties, shall not be permitted;
- b. Development that would generate traffic in an amount or of a type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently shall not be permitted;

- c. The local road or street network associated with any type of proposed development shall be designed to be in accordance with both the existing and planned road and street system of neighbouring areas; and
- d. Developments and related uses that may generate hazards, such as anhydrous ammonia storage, shall not be allowed within 100 metres (328 feet) from the edge of a right-of-way of a provincial highway.

10.3.7 Where possible, **Highway Commercial / Industrial** uses shall be directed to areas within or in the immediate vicinity of existing **Rural Settlement Centres**, the LUD of Emerson or to areas where similar uses have already been established (see also **Section 4.2.7** in the **Agricultural Areas** for further detail). However, the following developmental criteria will apply when reviewing applications for **Highway Commercial / Industrial** developments:

- a. **Highway Commercial** uses include service stations, roadside restaurants and cafes, motels and hotels, and uses of like character that provide essential services to the provincial highway system;
- b. Where a developed area is bordered on one side by a major transportation corridor such as a highway or railway, new development should (where appropriate) be directed to the same side to avoid the need for local traffic to cross the facility;
- c. The kind of **Highway Commercial / Industrial** development that would generate traffic in an amount or of a type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently, shall not be permitted unless adequate measures are undertaken to remedy the problem and a conceptual plan has been prepared for the area;
- d. Because development of this type has been declining and, in some cases, non-existent in recent years, the Municipality has taken the approach that any such type of development should be given consideration in the Municipality, within the parameters of other sections of the **Development Plan**. Although it would be preferable to have these uses located in existing **Rural Settlement Centres**, consideration will be given to establishing such uses in other areas of the Municipality. As any such uses in areas designated for agricultural uses will require an appropriate re-zoning, Manitoba Infrastructure will have the opportunity to review each proposal to ensure that access and other highway issues can be dealt with on a case by case basis;
- e. Subdivisions or development will not be permitted in areas designated for highway widening or expansion unless provisions acceptable to Manitoba Infrastructure are made to accommodate future highway widening or expansion;
- f. It shall be the responsibility of the landowner/developer to arrange for an agreement with Manitoba Infrastructure to utilize the highway ditch system as a

means of providing storm drainage for adjacent development. The cost of any revisions required to the existing drainage system, which are directly associated with the development, shall be the responsibility of the developer; and

- g. New development shall be located so as to have access onto an all- weather road, or where the road is not of all-weather status, the Municipality may require the developer to enter a development agreement to construct the road to municipal standards. In addition, where the level of road maintenance and/or standard must be increased as a result of increased traffic load generated by aggregate of peat extraction, topsoil removal or major construction activity, the company or agency contributing to said increase may be required to contribute wholly, or in part, to the increased cost.

10.3.8 Although “frontage roads” are at times essential in the elimination of existing direct access connections onto a highway, it is felt that they should not be encouraged when planning the overall development of an area. Frontage roads constructed adjacent to the right-of-way of another road are uneconomical both in terms of initial capital investments and annual maintenance costs. Higher benefits could be derived if the same road could provide access to the adjoining land. It is, however, realized that there are some developments in the **Highway Commercial** category for which a frontage road could be beneficial. It is felt that some exceptions could be made in these instances.

10.3.9 In accordance with the **Zoning By-law**, all buildings, major structures, shelterbelts, and other obstructions must be adequately set back from all roadways and intersections.

11 NATURAL RESOURCES AND CONSERVATION AREAS

The Municipality of Emerson-Franklin is home to a wide variety of natural resources including the Red and Roseau Rivers, wildlife and aquatic life, wildlife and aquatic habitat, as well as small pockets of aggregate resources. The protection and wise use of these resources will ensure that they remain available and undamaged for future use.

11.1 Natural Resources and Conservation Areas Objectives

11.1.1 To protect the Municipality’s farmlands by discouraging subdivision and land use changes in designated **Agricultural Areas**.

- 11.1.2 To protect the Municipality's high quality aggregate resources from incompatible surface land uses by identifying significant resource locations and by limiting surface land uses in these areas to agricultural or open space uses as per **Section 12.0**.
- 11.1.3 To preserve the rural character of the Municipality and the small town atmosphere of its communities by ensuring the form, pace, and location of development does not diminish these attributes.
- 11.1.4 To protect natural areas and habitats from incompatible or potentially incompatible land use activity/development where rare or endangered flora and fauna have received designation and protection under Federal or Provincial legislation.
- 11.1.5 To minimize impacts of development on aquatic ecosystems, wetland environments, and riparian areas.
- 11.1.6 To recognize, protect, and ensure the sustainability of provincial Crown lands that have been designated as provincial parks, wildlife management areas, ecological reserves, and protected areas.
- 11.1.7 To ensure that new developments are compatible with existing land uses and that the development potential does not exceed the lands capability to support such activities and/or threaten the ecological integrity and/or sustainability.

11.2 Natural Resources and Conservation Areas Policies

- 11.2.1 The Municipality shall endeavor to ensure the sustainability of the environment and natural resources and promote compatible relationships between the environment, resources, and the use of land.
- 11.2.2 Natural areas and habitats shall be protected from incompatible or potentially incompatible land use activity/development where:
 - a. Rare or endangered flora and fauna have received provincial designation and protection under either the provincial *Endangered Species Act* or the federal *Species at Risk Act*,

- b. Lands have been designated as protected under the Province of Manitoba's Protected Areas Initiative;
 - c. Lands have been identified as wildlife management area, Provincial Park, ecological reserve, or wildlife refuge;
 - d. Other sensitive wildlife or aquatic habitat, or other ecologically significant areas (including lands adjacent to vulnerable water bodies such as the Red River or Roseau River) that have been identified; or
 - e. Private lands that have been voluntarily protected by landowners under the provincial *Conservation Agreements Act* and/or other formal agreements.
- 11.2.3 Proposed developments located near waterways and water bodies that have the potential to alter, disrupt, or destroy aquatic habitat, including the riparian area, will be referred to the responsible government department for review.
- 11.2.4 Developments and the use of land adjacent to designated Provincial Parks, wildlife management areas, or other protected areas will be referred to the responsible government department for review to ensure that future development or changes in land use will not adversely affect the sustainability of the area or the resident flora and fauna.
- 11.2.5 Significant natural areas and sensitive environmental areas shall be identified and protected, where there is potential for human activities to stress these areas where activities/developments should be identified as conditional uses in the **Zoning By-law**.
- 11.2.6 Where privately initiated habitat conservation land leases or land transfers are proposed, the responsible government department will be encouraged to consult with the Municipality prior to approving the designation of a private habitat conservation area.
- 11.2.7 Inter-municipal co-operation is encouraged in the application and implementation measures to protect the Municipality's natural environmental resources.

- 11.2.8 Public access to natural areas will be encouraged; where feasible, to foster an appreciation for the enjoyment of the natural world.
- 11.2.9 Access to natural areas should not lead to levels of activity or development which will exceed the capability of the area to sustain the environment and ecosystem integrity. Where private land holdings are involved, access to these areas will be subject to the approval of the landowner.
- 11.2.10 Remaining wooded lands will be developed in a manner consistent with their wildlife potential, particularly in the areas adjacent to wildlife management areas, Provincial Parks, ecological reserves, or any other sensitive/important ecological areas.
- 11.2.11 Quality wetland habitats, including riparian areas, shall be protected to ensure continued waterfowl production.
- 11.2.12 Council shall recognize, protect, and ensure the sustainability of designated parks, wildlife management areas, and protect these areas by identifying them on **Map 1: Emerson-Franklin Land Use Map** and on corresponding **Zoning By-law** maps.
- 11.2.13 The Municipality shall endeavour to minimize impacts of development on fish and fish habitat and aquatic ecosystems. Proposed developments adjacent to waterways and water bodies shall be forwarded to the responsible government department for their review and comment. If necessary, the responsible government department will consult with the appropriate Federal Government department regarding the potential for harmful alteration or disruption of fish habitat protected under *The Fisheries Act*. The following policies shall help ensure that this objective is met:
- a. Ditching and stream modification should not be permitted in areas identified as important spawning sites and nursery areas. The construction of dykes as opposed to channel deepening and straightening shall be encouraged;
 - b. Land clearing, cultivation, and development to the shore of any natural water body shall be prohibited;
 - c. Excessive nutrient loading of natural waters as a result of agricultural, municipal, and private sources shall be discouraged;

- d. The development or maintenance of vegetation adjacent to waterways shall be encouraged to prevent erosion, siltation, and to reduce run-off along spawning streams, creeks, and lakes; and
- e. Public and private co-operation in meeting these objectives through management and development agreements will be encouraged.

11.2.14 To ensure the continued protection of major waterways within the Municipality, where appropriate, Council may request that any subdivision adjacent to a major waterway (i.e. the Red River or Roseau River) include either a Public Reserve or a riparian area adjacent to the watercourse.

12 AGGREGATE

Aggregate resources are non-renewable and are an essential commodity required to support local infrastructure (roads, foundations, sewer, and water), as well as provide the basic raw materials (concrete, asphalt, and sub-base) needed for construction activities. There is currently no cost-effective substitute for aggregate resources.

The potential for land use conflicts arise where areas of potential mineral extraction are identified (see: **Appendix C - Aggregate Resources**). The major concern centres around the issue of developing land now for a variety of purposes, versus waiting until demand warrants the extraction of the identified mineral deposits. While this is occasionally a problem in areas where urban development, or at least developments of an urban nature are occurring, this problem is most often encountered in **Agricultural Areas** where valuable agricultural land overlays known deposits of aggregate or other potentially valuable minerals. To simply designate these areas as extraction areas and impose land use controls may prematurely and needlessly remove agricultural lands from production. On the other hand, to permit intensive agricultural operations or other types of land use to develop in areas of potentially valuable minerals, may lead to a major conflict in the future.

12.1 Aggregate Objectives

12.1.1 To preserve important aggregate deposits for future extraction and use by the construction industry.

12.1.2 To encourage extraction of aggregate resources in an environmentally sound manner and to provide for the rehabilitation of depleted extraction areas.

12.2 Aggregate Policies

12.2.1 In accordance with the goals of the **Development Plan**, medium and high quality aggregate and mineral resources shall be protected from conflicting surface land uses. Areas of significant aggregate potential and valid mineral disposition are identified on **Appendix C - Aggregate Resources**. To minimize the potential for land use conflict, the responsible government department will review all development proposals in these areas under the authority of *The Mines and Minerals Act*.

12.2.2 The **Zoning By-law** will identify aggregate extraction as a conditional use and be subject to a Development Agreement with Council. The conditional use process and the Development Agreement shall consider the rehabilitation of the site after resource extraction has been completed. This will ensure the land is left in a useful condition, reduce health and safety hazards, and prevent the lowering of adjoining property values.

12.2.3 The **Zoning By-law** will specify the separation distance required between mining activity and conflicting land uses such as residential and recreational development.

Section V – Flood Prone Areas & Hazards, Parks, Open Space and Recreation, & Heritage Resources

This section contains policies and provisions pertaining to the Municipality's flood prone and hazard areas. These policies were written to mitigate risk to developed and cultivated lands within the district. Policies pertaining to the protection and promotion of parks, open space, recreational areas, and heritage resources are also contained in this section.

13 FLOOD PRONE AREAS & HAZARDS

Throughout history, the Municipality has experienced several great floods, specifically within the Red River Valley. Extensive flood damage along the Red River occurred in 1948, 1950, 1966, 1979, 1996, 1997 ("The Flood of the Century"), 2009 and 2011. Minor flooding also occurred along the Roseau River in the fall of 2000. To mitigate flood-related damage, the urban centres of Emerson and Dominion City are protected by ring dykes. The dykes are designed to provide protection against floods of magnitude up to and including the 1997 flood. The Province of Manitoba now assesses flood hazard to the 200 year flood, which exceeds levels of the 1997 Flood. Flood protection levels at the 200 year level will be determined by Manitoba Infrastructure, Water Management and Structures Division. The flooding extent of the 1997 flood is illustrated on **Appendix A - Flood Area**. This map includes any quarter section that was fully or partially affected by the flood, and reflects the regulatory boundary of the Red River Valley Designated Flood Area, in accordance with the Manitoba Designated Flood Area Regulation.

Development of flood prone lands may lead to acceleration of environmental damage, interference with natural processes, public expenditures for remedial works or assistance, waste of resources, and personal loss and hardship. The protection of people, property, and buildings from potential flood damage is necessary. In addition to flooding, other environmentally related hazards could include: hazardous goods, waste disposal, and air pollution. Each of these hazards has the potential to create serious health risks, and must therefore be mitigated throughout the Municipality.

13.1 Flood Prone Areas Objectives

- 13.1.1 To minimize personal hardship and inconvenience, adverse effects on public health, and loss of life.
- 13.1.2 To minimize property damage and public expenditures for relief or protection in areas subject to flooding, water erosion, bank instability, landslide, or subsidence.
- 13.1.3 To acquire access to all waterways in order to carry out public work projects, when required.

13.1.4 To maintain the natural capacity of the waterways to convey floodwaters.

13.1.5 To encourage the preservation of natural vegetation along the banks of waterways.

13.1.6 To provide appropriate safeguards in areas where hazardous subsoil conditions or other hazards may exist.

13.2 Flood & Erosion Prone Area Policies

13.2.1 Development in **Rural and Agricultural** areas subject to flooding and/or erosion shall be generally limited to agricultural uses or open space uses, unless appropriate flood protection and mitigation measures are provided. In settlement centres, Council may permit more intensive development if the hazard is eliminated or development is protected against.

- a. Development in lands subject to flooding and/or erosion shall be subject to the following flood protection levels:
 - i. For land subject to flooding, a minimum of 0.67 metres is maintained of free board at a flood level equaling the design flood, and
 - ii. For land adjacent to lakes and large reservoirs, incorporate the effects of wind set-up and wave uprush;
- b. The set-back of permanent structures from water bodies must be at least 10 times the height of the bank above normal summer water level or 30 metres, whichever is greater unless a geotechnical engineering investigation shows that the set-back may be altered without creating any individual risks;
- c. Development that may accelerate or promote erosion or bank instability and the removal of natural vegetation should be minimized and is not permitted within a riparian area;
- d. Development shall preserve its natural vegetative cover within riparian areas to reduce erosion and maintain bank stability; and
- e. Public access roads to these developments must be maintained at the static water level in areas of land subject to flooding, unless roads are designed and constructed in such a manner that they will not impeded river flows and will maintain a minimum 0.67 metres of free board at a flood level equaling the design flood.

13.2.2 Notwithstanding the preceding **Policy 8.2.1**, development will not be permitted if the development:

- a. Creates an added risk to life or safety;
- b. Adversely alters, obstructs, or increases water flow, flow velocities, or stages; or
- c. Includes activities such as dumping, excavating, clearing, cultivation, or excessive grazing which would accelerate or promote dangerous erosion or bank instability.

8.2.3 In areas where the specific hazard has not been defined, permanent structures shall be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 60 metres, whichever is greater, unless an engineering investigation shows that these limits may be reduced.

8.2.4 Within the Red River Valley Designated Flood Area, the construction, erection, addition to, or reconstruction of any building or structure is subject to a permit issued under the authority of *The Water Resources Administration Act*. Council will not issue a Development Permit for any development or use of land within the Red River Valley Designated Flood Area until such time that the necessary Designated Flood Area permit, specifying the conditions under which the proposed use can be allowed, has been obtained from the Province.

14 PARKS, OPEN SPACE AND RECREATION

The Municipality of Emerson-Franklin contains a significant amount of parks, two public golf courses, as well as natural/open space areas. Many of the natural/open space areas are located along waterways throughout the Municipality, most notably along the Red and Roseau Rivers. Within these areas, the Municipality offers plenty of recreation and tourism opportunities including: camping, fishing, boating, canoeing, and golfing. It has been expressed by Council that it is a priority to foster and grow these recreational opportunities throughout the Municipality.

The Municipality also contains a portion of the Crow Wing Trail, which is the longest section of the Trans Canada Trail in Manitoba, connecting Winnipeg to Emerson. The portion of the Crow Wing Trail within the Municipality contains points of interest such as the Senkiw Suspension Bridge, Ceremonial Grounds in Roseau Rapids, and various cultural and heritage assets within Emerson. The trail is popular for hiking and cycling, and is a valuable asset providing the opportunity to connect people with the natural environment and heritage sites within the Municipality.

Differentiation between Parks and Open Space:

- Open spaces are considered to be areas whose size, shape, location or physical characteristics are such that their primary use is restricted to passive activities or visual effects, and are therefore used as such. These would include environmental areas, buffer strips separating and providing visual barriers between conflicting land uses, and other incidental amenity areas. Open spaces could be treed or allowed to experience re-growth.
- Parks are open areas primarily used for the provision of a variety of activities, but may include passive recreational pursuits. In order to qualify as a park, an area must be specifically developed as such. Thus, a park site would not be considered a park unless designated and developed for park purposes.

14.1 Parks, Open Space and Recreation Objectives

- 14.1.1 To ensure availability of an adequate amount of land designated for **Parks, Open Space and Recreation**, in appropriate locations, to meet the ongoing needs of the Municipality.
- 14.1.2 To ensure parks, open space and recreational uses are developed in order to contribute towards the recreational needs and enhancement of the environment, as well as the livability and attractiveness of the Municipality.
- 14.1.3 To preserve for the enjoyment of present and future residents of the Municipality, those areas which have aesthetic value and scenic characteristics.
- 14.1.4 To integrate the use of open space and landscaped buffer areas to assist with the separation of non-compatible uses and protect each use from adverse and undesirable effects, and particularly adjacent to the Red River in the LUD of Emerson.
- 14.1.5 To strengthen and promote connectivity between the Municipality's **Parks, Open Space and Recreation** areas, particularly within the LUD of Emerson.

- 14.1.6 To allow the development of those rural lands within the Municipality which exhibit a high capability for wildlife, natural resource activities, and extensive recreational use.
- 14.1.7 To help meet the increasing land use demands for recreational and shore land development.
- 14.1.8 To allow the establishment of recreational uses, such as golf courses, shooting ranges, trailer parks, campgrounds, and resort and recreational residential development, which require extensive land areas and cannot be easily located in **Rural Settlement Centres** or the LUD of Emerson.

14.2 Parks, Open Space and Recreation Policies

- 14.2.1 Treed and maintained buffer strips should be used for the protection of **Residential** areas abutting non-compatible uses such as **Industrial** areas and major traffic arteries.
- 14.2.2 The joint use of school playgrounds and park sites shall be encouraged.
- 14.2.3 The set-back of permanent structures from water bodies must be at least 10 times the height of the bank above normal summer water level or 30 metres, whichever is greater unless a geotechnical engineering investigation shows that the set-back may be altered without creating any individual risks, except facilities related to agricultural operations or public access points (see **Map 1: Emerson-Franklin Land Use Map**).
- 14.2.4 Existing vegetation along the Red River should be maintained and protected.
- 14.2.5 Recreation areas will ensure the provision of further outdoor recreation opportunities and not diminish the attributes of the area which attracted people in the first place, by:
- a. Using the physical site features, the relationship of the site to adjoining land uses, and the development of alternatives to water oriented recreation as a guide for the establishment of development densities;

- b. Meeting the needs of the two main recreation activity groups of: camping and day use; and
- c. Ensuring that new developments are compatible with existing uses and that the development proposals do not exceed the land's capability to support such activities and/or threaten the ecological integrity and/or sustainability of the area.

14.2.6 The Municipality will support the development of Provincial and National trail systems, and where possible, trail connections to community services centres and amenities should be encouraged to:

- a. Provide better access for trail users;
- b. Encourage and support tourism within the Municipality; and
- c. Contribute to the positive economic development within the Municipality.

Please refer to **Figure 1** for the location of existing Provincial and National trails within the Municipality.

14.2.7 Council recognizes the increasing demand by Manitobans for outdoor recreation opportunities. To accommodate some of this demand, Council will permit limited new seasonal resort and recreational developments within the Municipality. In order to allow for the development of resort and recreational residential uses, campgrounds, and trailer parks, these lands must be re-designated to **Parks, Open Space and Recreation**, and also be appropriately re-zoned.

14.2.8 New recreational uses, such as resort and residential recreational uses, golf courses, shooting ranges, trailer parks, and campgrounds will be directed to areas designated **Parks, Open Space and Recreation** and would be required to meet the following criteria:

- a. Areas considered for such uses would be guided by an overall conceptual plan prepared by the developer. Such a conceptual plan should illustrate the proposed road network infrastructure layout; staging; other requirements for the overall area; and how it would interconnect with nearby existing development, if any, and the local road network;

- b. Design of the layout shall be in keeping with good design and safety principles in accordance with acceptable standards to Council for recreational purposes and should allow for the future development of adjacent land or expansion of the subdivision onto abutting land;
- c. An indication of potential demand would be required so that such development does not result in vacant, unused lots;
- d. Lots created for this use should be large enough to accommodate sustainable on-site sewage disposal systems, being a minimum of 2 acres in site area. In cases where piped services are proposed to service development, smaller sized parcels will be allowed and will be zoned accordingly in the **Zoning By-Law**;
- e. **Parks, Open Space and Recreation** designations shall be located at a sufficient distance from livestock production operations and industrial areas, aggregate resources, waste disposal areas, and at a sufficient elevation when alongside water courses, to minimize potential adverse effects. Minimum mutual separation distances may be set out in the **Zoning By-Law** and will take heed of provincial regulations and guidelines;
- f. Proposed recreational developments shall be directed away from prime agricultural land, viable lower class agricultural land, and livestock operations. Such developments shall be directed towards sites with low potential for agriculture, adverse topography, or other physical constraints where there is extensive land fragmentation;
- g. Proposed recreational developments will be subject to the **Flood Prone Lands & Hazard Policies** identified in **Section 13.0**; and
- h. Development that may be permitted adjacent to provincial highways should be designed so that access is restricted through the use of an internal road system that accesses, where possible, a municipal road. Where adjacent to the provincial highway system, such development shall comply with statutes regarding access and control areas as per *The Highways Protection Act* and *The Highways and Transportation Act*.

15 HERITAGE RESOURCES

The Municipality of Emerson-Franklin contains approximately 47 historic sites, including historic plaques, churches, schools, cemeteries, and centennial farms. Many of these historic sites are designated municipally or provincially and a record of each is maintained by the Manitoba Historical Society, the Canadian Register of Historic Places, and the Manitoba Historic Resources Branch.

Local heritage sites illustrate the rich history of the Municipality, and it is important that efforts are made to maintain, protect, and enhance these sites for the benefit of future generations. The Municipality recognizes the importance of the preservation and protection of heritage

resources and encourages the public awareness of, understanding of, and appreciation for such resources.

15.1 Heritage Resources Objectives

15.1.1 To identify, preserve, and enhance sites and structures that have historic, architectural, and archaeological significance, thereby helping to promote heritage-related tourism and recreational opportunities in the Municipality.

15.1.2 To protect historic, architectural, and archaeological resources from uses or activities that would endanger them.

15.1.3 To promote awareness and continued use of structures that illustrate unique or interesting architectural form and design, or that are connected with historically significant people, groups, places, events, or themes.

15.2 Heritage Resources Policies

15.2.1 The Municipality shall encourage and facilitate the identification of local heritage resources.

15.2.2 The Municipality shall commemorate and protect heritage resources.

15.2.3 Should a municipal heritage committee exist, the Municipality may request that they, along with the Manitoba Historic Resources Branch, identify sites with high historic potential to ensure that heritage resources are not lost.

15.2.4 The Municipality may, via a municipal by-law, designate municipal sites as Municipal Heritage Sites, as provided under *The Heritage Resources Act*.

15.2.5 No development of land shall be permitted that will endanger any site, building or other structure of historic, architectural, or archeological significance as established by an inventory of heritage resources by the responsible government department.

- 15.2.6 The Municipality shall refer any proposed development, subdivision, change in land use, demolition, or alteration affecting areas having high historic resource potential to the responsible government department for their review and comment.
- 15.2.7 As a condition for the approval of any development, Council may, in consultation with the responsible government department, require the applicant to show that a historically, architecturally, or archaeologically significant site or structure is not being endangered.
- 15.2.8 The Municipality shall explore erecting commemorative markers, prepare information material, and support educational programs to encourage the public awareness and appreciation for historic resources in the area.
- 15.2.9 An update to the Rivers West 2004 report entitled *Tourism Destination Conceptual Plan for Fort Dufferin, Fort Dufferin Campground, and the Town of Emerson* should be encouraged by the Municipality.

Section VI – Implementation

16 IMPLEMENTATION

The purpose of this section is to describe the actions and tools that will help facilitate adoption and implementation of the Municipality of Emerson-Franklin **Development Plan**. Full adoption and implementation will involve official steps legally required under *The Planning Act*, as well as several unofficial steps and conditions.

16.1 Adoption

Adoption of this **Development Plan** by the Municipality of Emerson-Franklin Council will give the Plan legal authority. Once the Plan is formally adopted, a proposed development or change in land use will be evaluated against the Plan, and no development or change in land use may proceed which is inconsistent with the objectives or policies outlined in the Plan.

16.2 Land Use Controls

The **Development Plan** serves as a guide for making day-to-day decisions regarding land use planning and development matters; however, it is not a complete planning tool. Rather, it must be used in conjunction with other planning controls, which are made available to the Municipality under *The Planning Act* and other legislation. Enforcement of the **Development Plan**'s policies will be carried out using the following land use controls:

16.2.1 Zoning By-law

A zoning by-law is the principal regulatory tool to control land use. It classifies all land within a municipality into specific areas (zones), determines permitted and conditional uses for each zone, and identifies specific standards and requirements for all uses.

Following the adoption of this **Development Plan**, the Municipality will adopt a zoning by-law that will set out specific standards and requirements for land use and development that generally conform with the objectives and policies outlined in the **Development Plan** (as per **Section 68** of *The Planning Act*). Therefore, the **Development Plan** also serves as an important guide when preparing or amending a zoning by-law.

16.2.2 Subdivision Regulations

The Planning Act contains detailed provisions and regulations governing the form and approval of subdivision applications. **Section 121(1)** of *The Planning Act* indicates that a subdivision of land shall not be approved unless the Council of the municipality in which the land proposed for subdivision is located, has by resolution given its approval, with or without conditions.

The Municipality of Emerson-Franklin Council should only approve a subdivision application if and when the application is in compliance with the objectives and policies of the **Development Plan**, as well as all other applicable laws and by-laws.

16.2.3 Building By-laws, Regulations, and Development Permits

Development of a building site requires compliance with all applicable building by-laws and regulations. These by-laws and regulations should complement the **Zoning By-law** and outline the terms, conditions, and procedures by which building permits may be issued. Through the building by-laws and regulations, Council may establish minimum standards for construction, maintenance, and occupancy. New and renovated buildings will be required to meet these standards in order to protect the health and safety of the public and help contribute to an aesthetically pleasing and environmentally conscious community. The Manitoba Building Code, which governs certain types of buildings and structures throughout the Province of Manitoba, may be adopted in whole or in part, or may be modified for adoption purposes by the Municipality of Emerson-Franklin.

16.2.4 Public Works

Through its policies regarding the provision and quality of public infrastructure, services, and facilities, the Municipality may control the rate and direction of future growth. For example, public services (e.g. sewer and water) may only be extended into vacant land if the intended development requiring these services will conform to the objectives and policies set out in the **Development Plan**.

16.2.5 Development Agreements

A development agreement is another land use control available to Council to assist with the implementation of the objectives and policies established in the **Development Plan**. **Sections 150 and 135(3)** of *The Planning Act* permit the Council of a municipality to enter into development agreements with a developer in order to ensure the provisions of suitable services in any proposed development. Therefore, wherever applicable, a developer may be required by Council to enter into an agreement under the provisions of *The Planning Act* to install such services or provide such amenities, as are considered desirable by Council and the public.

16.2.6 Land Acquisition

Section 66 of *The Planning Act* indicates that a municipality may acquire by gift, purchase or expropriation, any interest in land and may sell, lease or otherwise dispose of land or a development right so acquired or held for the purpose of implementing any feature of a **Development Plan**. This would enable the Municipality to secure land for the implementation of the **Development Plan**, if this was considered to be necessary.

16.3 Future Plans & Studies

The **Development Plan** provides a broad concept for land use planning and development within the Municipality of Emerson-Franklin. As the document is general and broad in nature, in the future, it may be necessary to require the preparation of a secondary plan for an area where substantial development is anticipated to occur.

A secondary plan shall be detailed in nature and scope and prepared within the framework of the objectives and policies of the **Development Plan**. A secondary plan may indicate where and how future development and re-development of residential, commercial, and industrial areas will take place. It may also present in detail the desired subdivision pattern and street layout; the location of facilities such as schools, parks, and shopping areas; and the proposed mix and densities of housing development.

Where Council considers it appropriate, a developer may also be required to submit special studies for review prior to the approval of certain types of development. For example, developments proposed for certain areas, such as the flood prone areas, urban fringe areas, or former industrial sites, may be required to submit an engineering study outlining special development or construction requirements necessary to respond to any unusual site conditions. Studies dealing with matters such as environmental impacts, pre-treatment facilities required for wastewater, traffic, or other matters deemed appropriate by the Council may also be required. Where additional studies are required, it will be at the developer's expense unless other arrangements are made to the satisfaction of Council.

16.4 Review and Amendment

The **Development Plan** is not intended to be a static document. **Section 43** of *The Planning Act* indicates that a development plan may set out the date by which the Council must complete a review under **Section 59(1)(a)**.

The Emerson-Franklin **Development Plan** shall be formally reviewed no more than 10 years from the date of adoption in order to determine whether it is effectively achieving the Municipality's land use goals and adequately responding to evolving land uses and land use pressures throughout the Municipality. If the **Development Plan** is not effectively achieving these results, a formal amendment(s) to the **Development Plan** will be required.

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MUNICIPALITY OF EMERSON-FRANKLIN LAND USE

MAP 1

DESIGNATIONS

- Agricultural Policy Area
- Limited Agricultural Policy Area
- Parks, Open Space and Recreation
- Rural Residential
- Rural Settlement Centre

OTHER FEATURES

- Municipal Boundary
- Township-Range
- LUD of Emerson
- Wildlife Management Area
- Community Pasture
- Provincial Trunk Highway
- Provincial Road
- Municipal Road

Date: February 12, 2018



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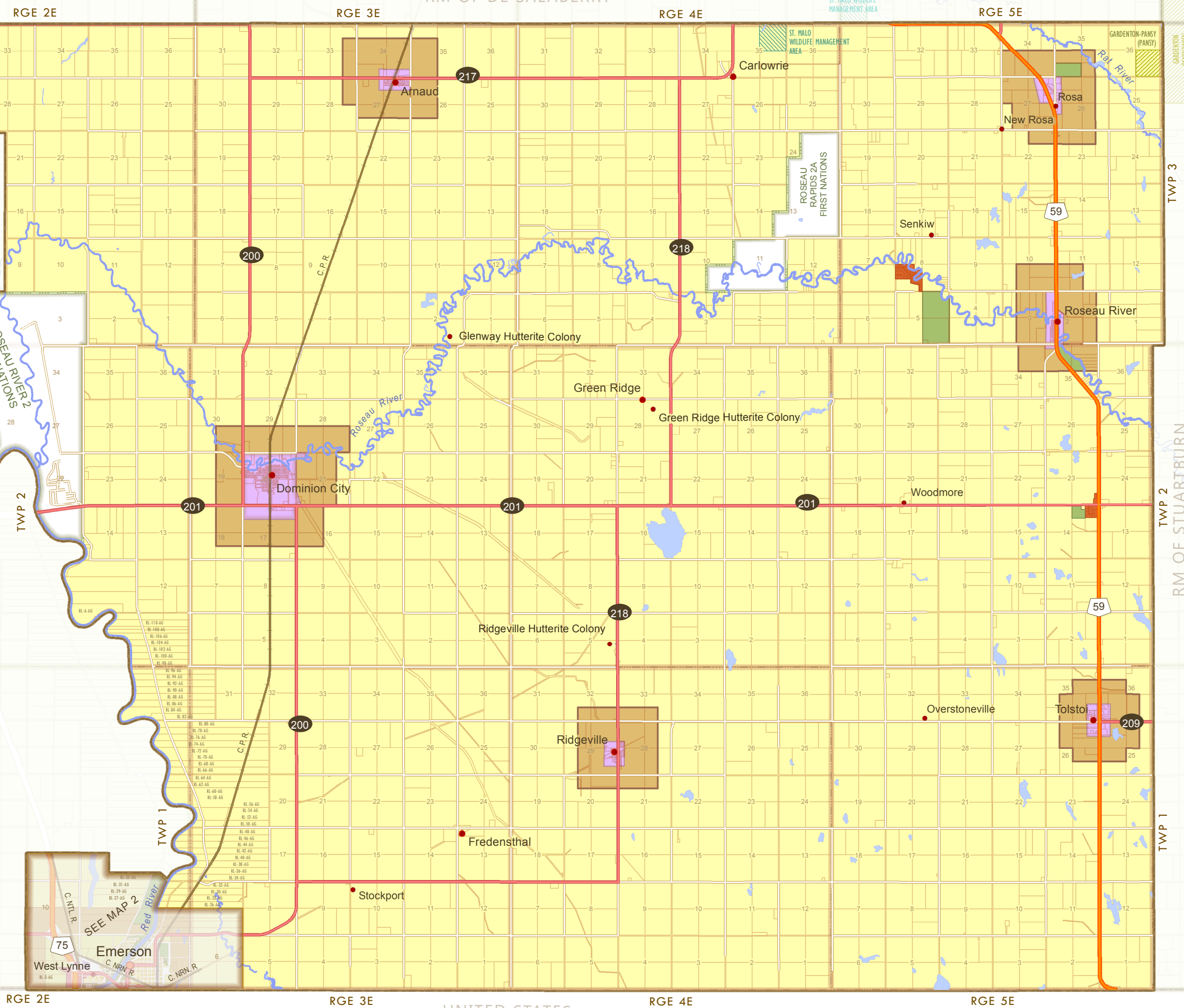
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Data source: Provincial Government



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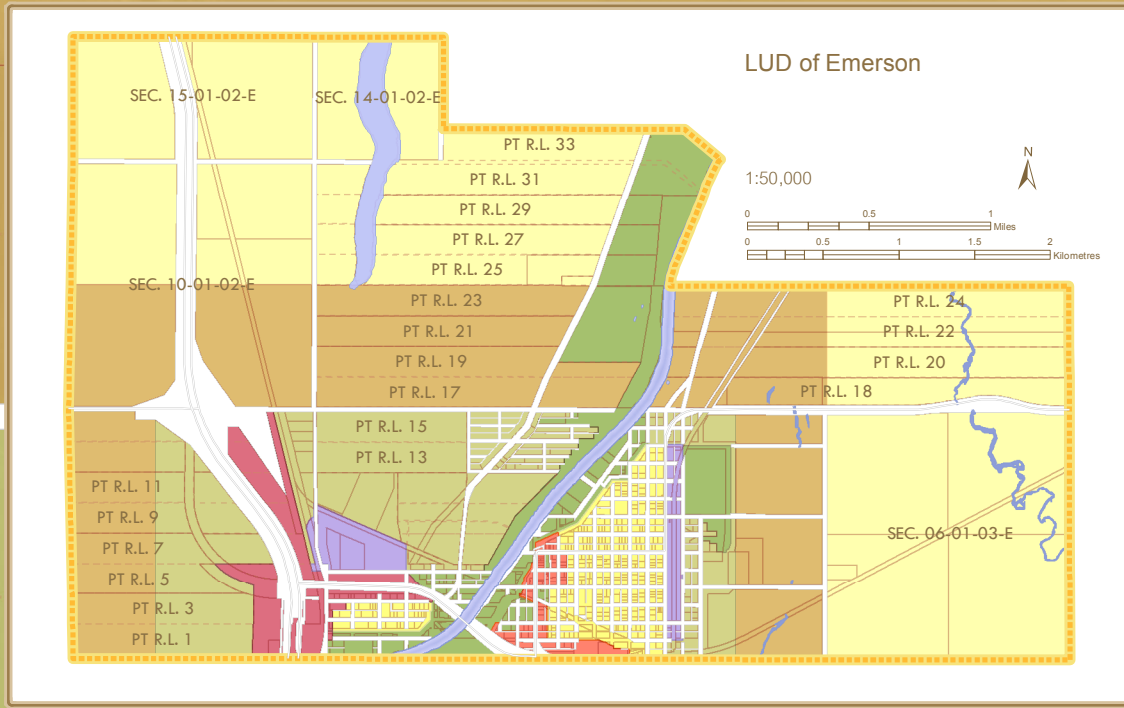
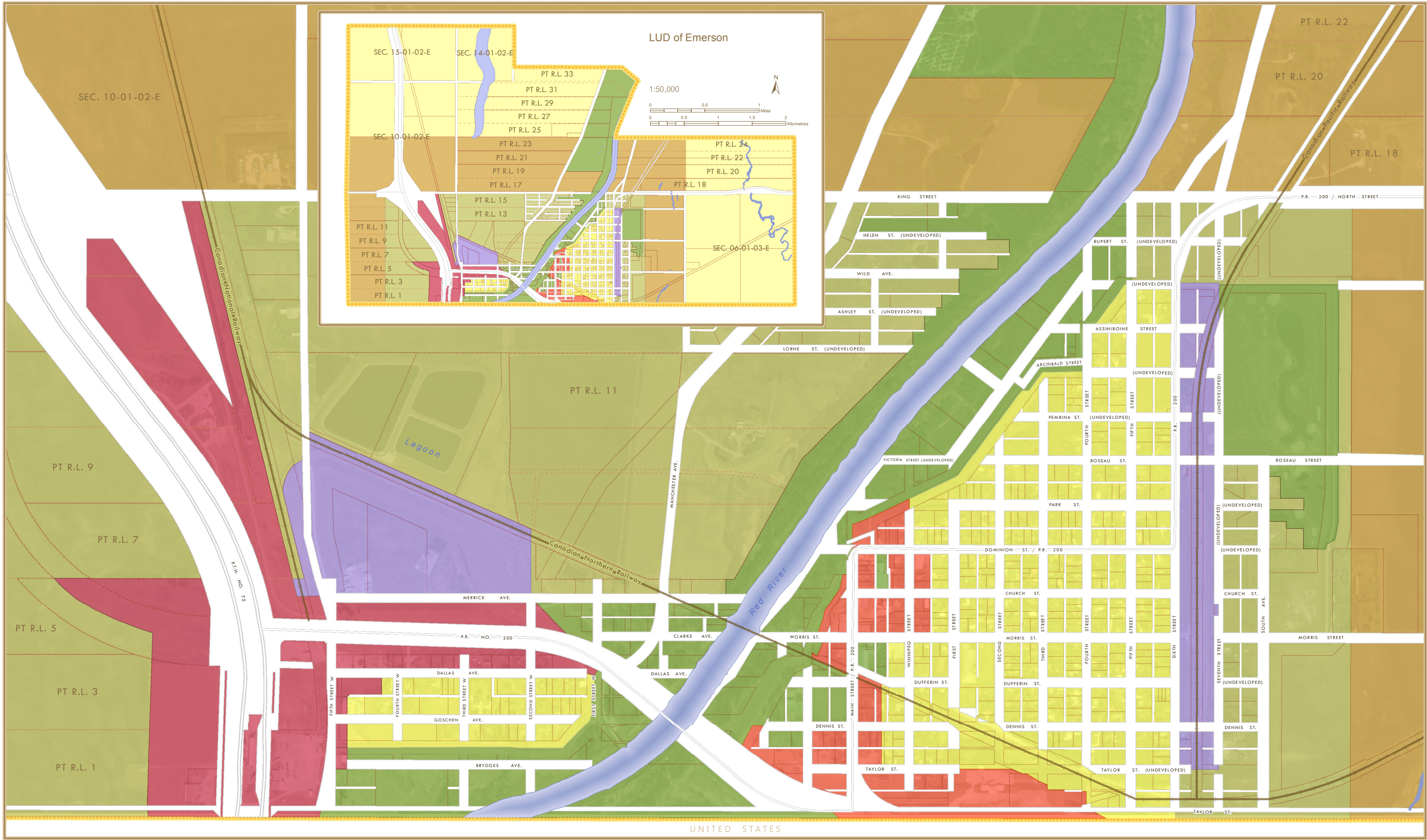
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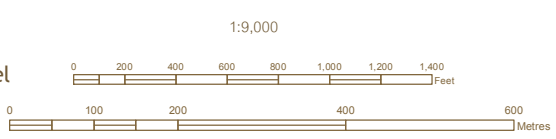
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LUD OF EMERSON LAND USE

MAP 2

- | | | | |
|--|--|--|---|
|  Agricultural Policy Area |  Highway Commercial Area |  Parks, Open Space and Recreation |  Assessment Parcel |
|  Agricultural Resources |  Industrial |  Residential |  Cadastral Survey Parcel |
|  CBD Commercial |  Limited Agricultural Policy Area | | |

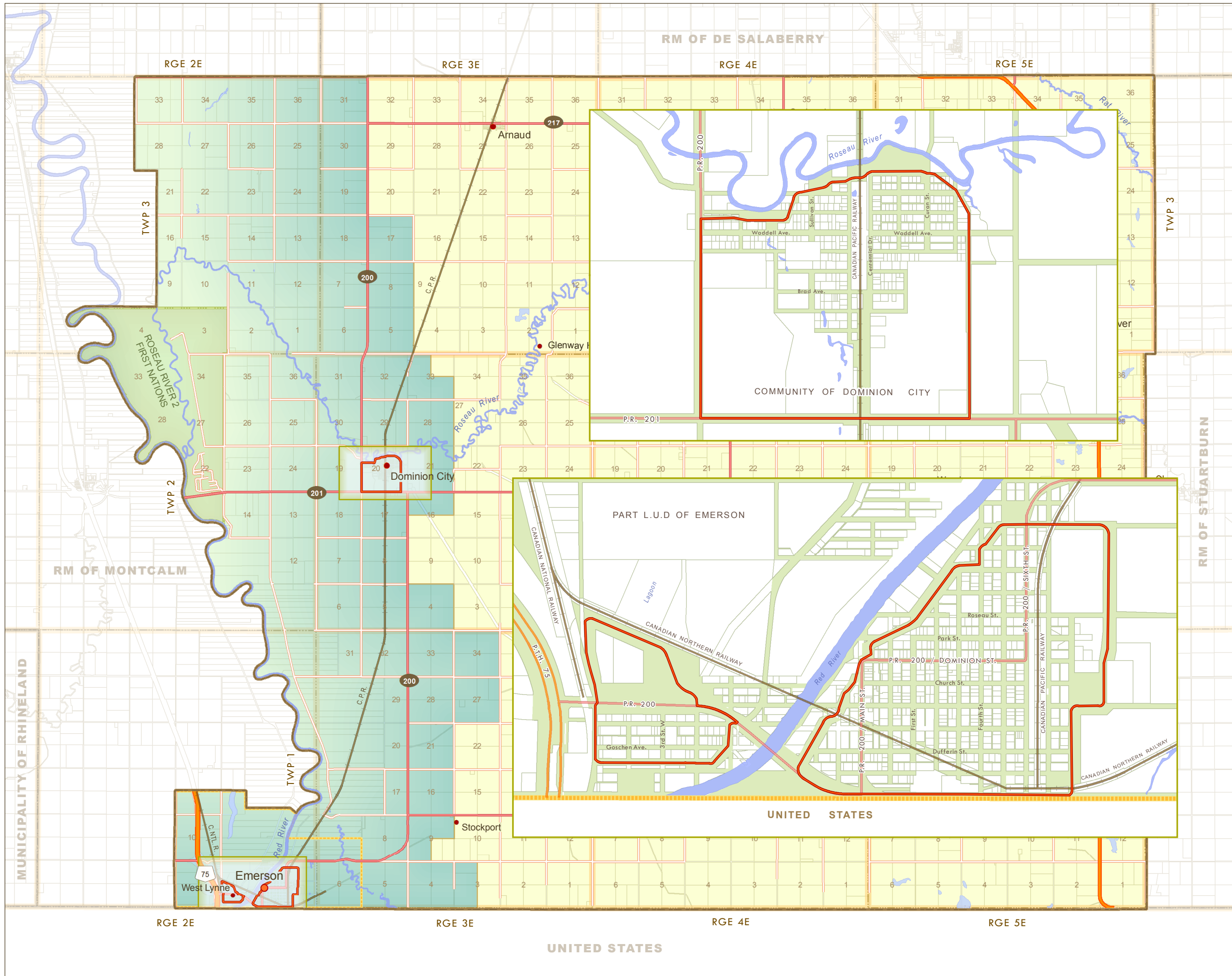


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 Data source: Provincial Government
 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



MUNICIPALITY OF EMERSON-FRANKLIN
DEVELOPMENT PLAN
BACKGROUND REPORT

APPENDIX A - FLOOD AREA



- Municipal Boundary
- Township-Range
- LUD of Emerson
- Designated Flood Area
- Community Dike
- Provincial Trunk Highway
- Provincial Road
- Railway
- Local Urban District
- Community
- Locality

Date: August 28, 2017



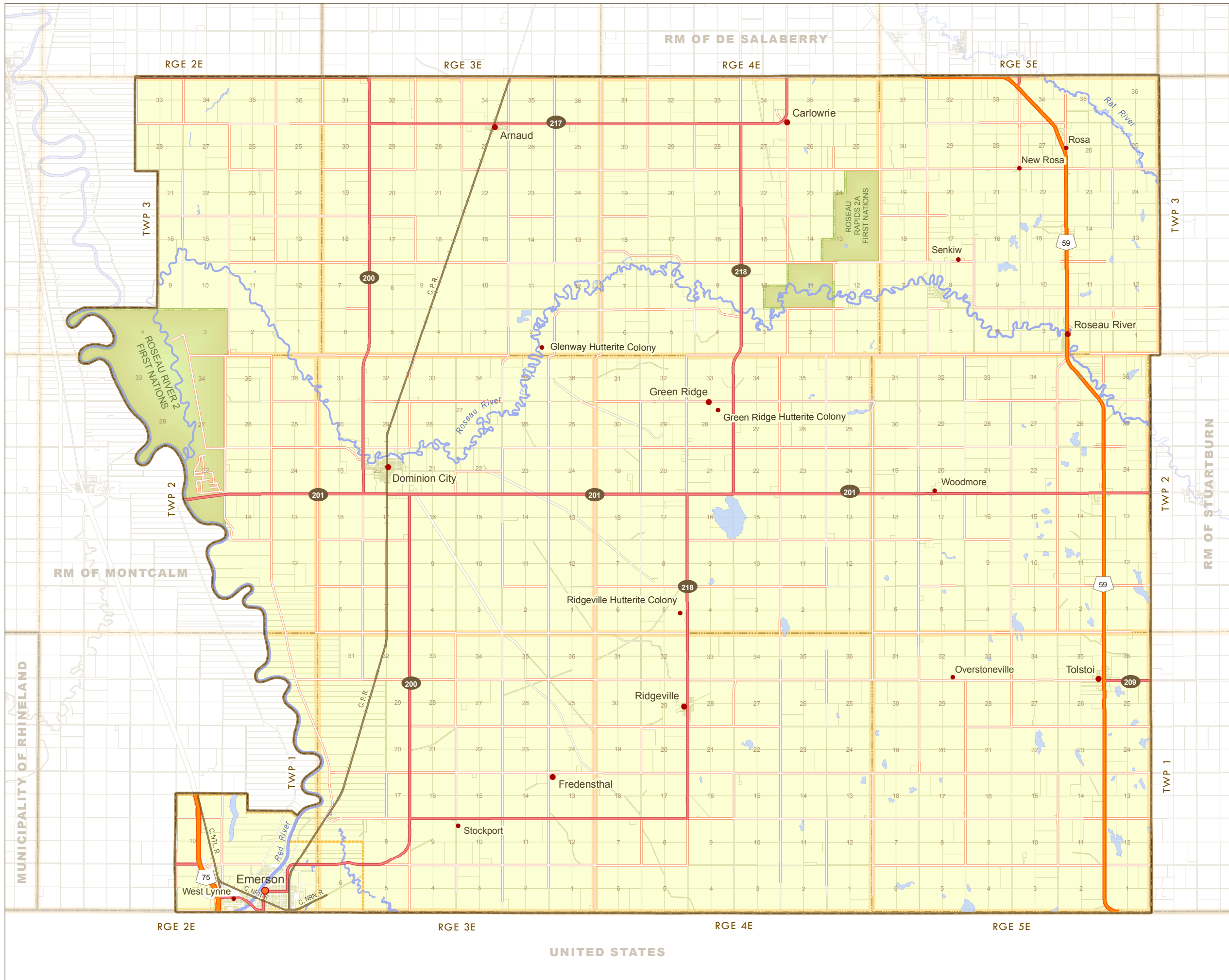
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Projection: NAD 83, UTM Zone 14N
Data source: Provincial Government

MUNICIPALITY OF EMERSON-FRANKLIN
DEVELOPMENT PLAN
BACKGROUND REPORT

APPENDIX B - HIGHWAY NETWORK



- Municipal Boundary
- Township-Range
- First Nations
- LUD of Emerson
- Ownership Parcels
- 59 Provincial Trunk Highway
- 210 Provincial Road
- Municipal Road
- Railway
- Local Urban District
- Community
- Locality

Date: August 28, 2017



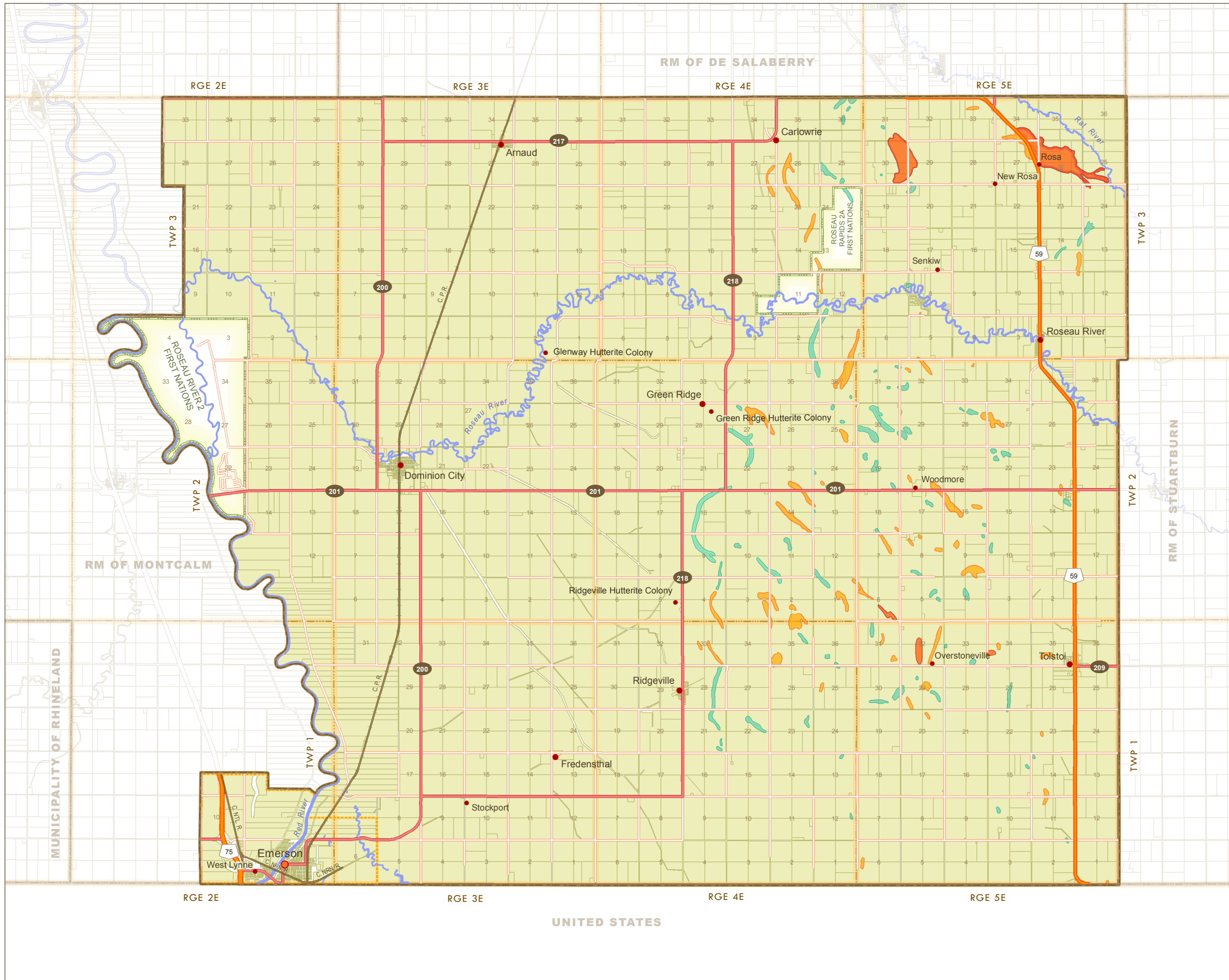
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Projection: NAD 83, UTM Zone 14N
Data source: Provincial Government

MUNICIPALITY OF EMERSON-FRANKLIN
 DEVELOPMENT PLAN
 BACKGROUND REPORT

APPENDIX C: AGGREGATE RESOURCES



- AGGREGATE DEPOSITS**
- High: Contains known valuable mineral resources
 - Medium: Contains significant resource potential
 - Low: Contains resources of low potential

- OTHER FEATURES**
- Municipal Boundary
 - Township-Range
 - LUD of Emerson
 - Provincial Trunk Highway
 - Provincial Road
 - Municipal Road
 - Railway
 - Local Urban District
 - Community
 - Locality

Date: August 28, 2017



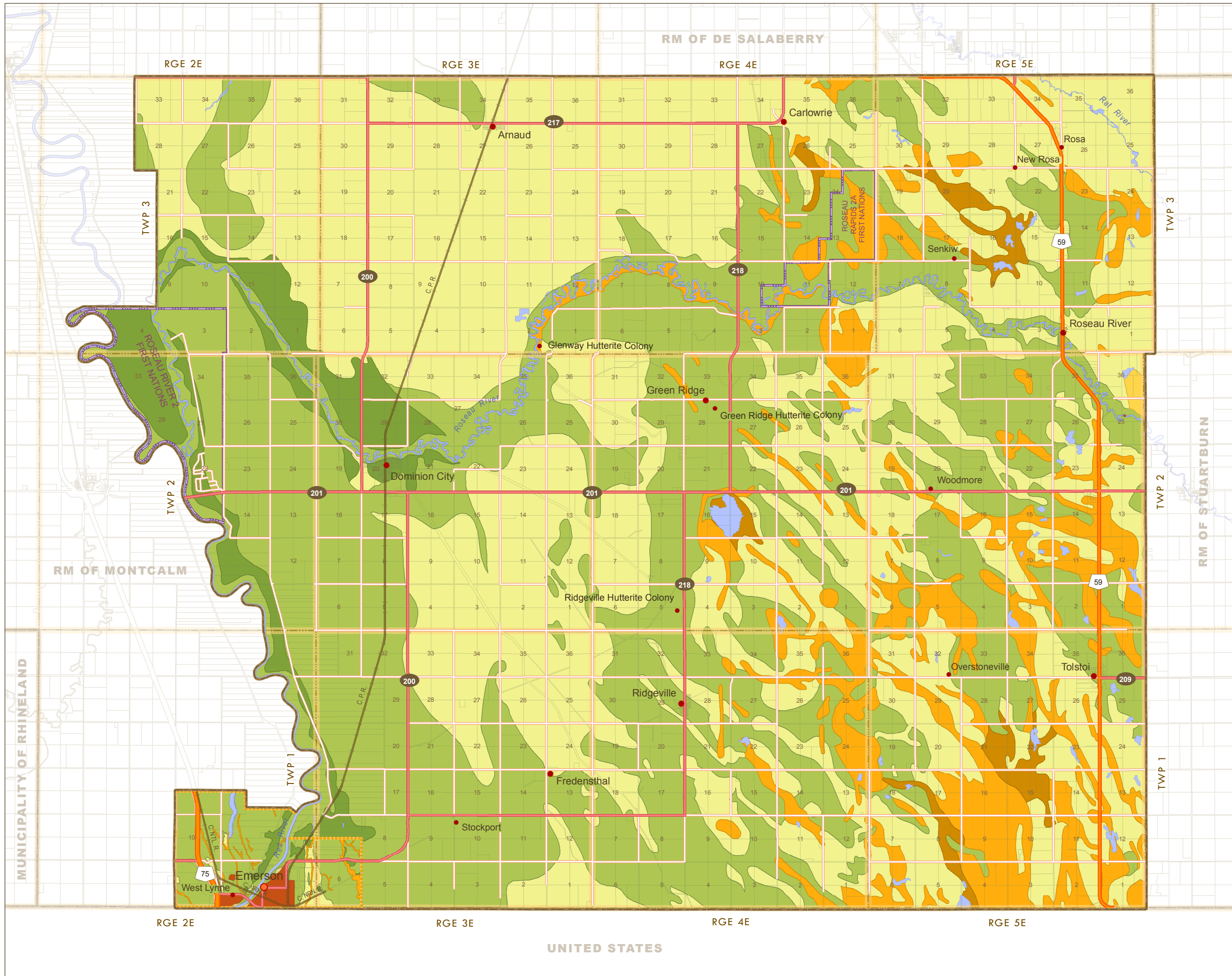
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Projection: NAD 83, UTM Zone 14N
 Data source: Provincial Government
 Municipal Aggregate Resource Inventory
 Map AR89-5, 1:50,000.

MUNICIPALITY OF EMERSON-FRANKLIN
 DEVELOPMENT PLAN
 BACKGROUND REPORT

APPENDIX D - AGRICULTURAL CAPABILITY



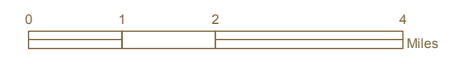
- AGRICULTURAL CAPABILITY CLASSES**
- Class 1 : No limitations
 - Class 2 : Moderate limitations
 - Class 3 : Moderate severe limitations
 - Class 4 : Severe limitations
 - Class 5 : Very severe limitations
 - Class 6 : Perennial forage only
 - Urban, modified or unclassified
 - Water

- OTHER FEATURES**
- Municipal Boundary
 - Township-Range
 - LUD of Emerson
 - Provincial Trunk Highway
 - Provincial Road
 - Municipal Road
 - Railway
 - Local Urban District
 - Community
 - Locality

Date: August 28, 2017





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








Projection: NAD 83, UTM Zone 14N
 Data source: Provincial Government
 Soil classification is based on SoilAID
 March 2003.

FIGURE 1 - THE TRANS CANADA TRAIL THROUGH THE MUNICIPALITY OF EMERSON-FRANKLIN

TRANS CANADA TRAIL

-  Crow Wing Trail
-  Altona-Gretna-Rhineland Trail

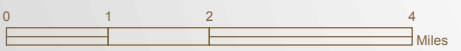
OTHER FEATURES

-  Municipal Boundary
-  Township-Range
-  First Nations Land
-  LUD of Emerson
-  Assessment Parcel
-  Waterbody
-  Provincial Trunk Highway
-  Provincial Road
-  Municipal Road
-  Railway

Date: August 28, 2017



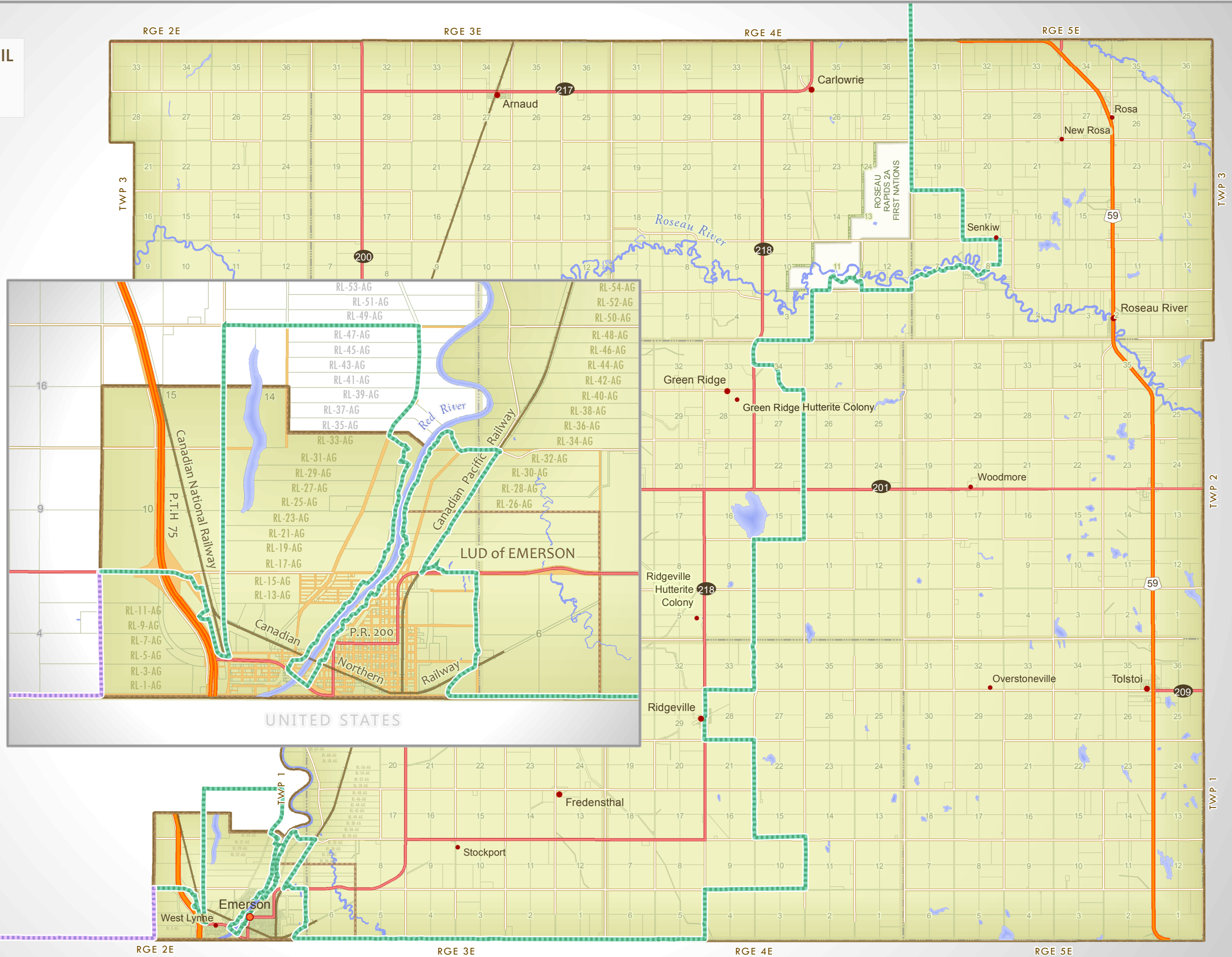
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Projection: NAD 83, UTM Zone 14N

Data source: Provincial Government and

Trans Canada Trail website: <https://thegreattrail.ca>



UNITED STATES