

UNOFFICIAL OFFICE CONSOLIDATION
VIRDEN-WALLACE PLANNING DISTRICT
DEVELOPMENT PLAN

AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION

By-Law No.	Date Approved	Amendment Description
19	Oct 1993	Pt. Sec. 15-10-26WPM FROM: "AR" Agriculture Restricted TO:"MH" - Industrial Heavy
20	Jan/1994	Parcels 3,4 & 5, Plan 1440 Agriculture Restricted to Commercial Highway
32	May/98	Expansion of Bruce's Four Seasons Agriculture Restricted to Commercial Highway
37	July/2000	SW 35-10-26 Agriculral General to Industrial
39	February/2001	NW1/4 and S ½ 12-11-27 Agricultral General to Industrial Rural
42	Jun/2002	NW1/4 13-10-26 Agricultural General to Industrial- Rural
43	Jun/2002	Lots 11 to 25, Block 100, Plan 2088 Commercial to Residential
4	Aug 2005	Large area north of P.R. # 257 and east of gov't road allowance (recently annexed) from Rural Residential to Residential
8	October 2005	Text amend. To provide for rural residences in small areas not easily farmed.
10	June 2006	Pcl's 3, 4 and 5, Plan 1440 from Commercial - Highway Area to Agriculture – Restricted Area (reverses by-law No. 20
15	June 2006	Pt Lot 10, Plan 773 from Agriculture – Restricted Area to Commercial – Highway Area.
20	Sept 6, 2007	Map 2 Change - Pt. S.W. 21-10-26WPM located east of P.T.H. No. 83 and north and west of the easterly limit of Lot 1, Plan 21936 BLTO re-designated from "Agriculture-Restricted Area to Commercial highway Area
24	October 2, 2008	Map 2 Change - Pt. N ½ SEC. 21-10-26WPM from Agriculture – Restricted Area to Pt. Residential Area (Pt. N.E. ¼ Sec. 21-10- 26W) and Pt. Industrial – Rural Area (Pt N.W. ¼ Sec. 21-10- 26W).
26	June 4, 2009	Map 2 Change – Pt. S ½ 27-10-26WPM lying north of P.T.H. No 1 and east of Scallion Creek is re-designated from "AR" Agricultural-Restricted Area to "CH" – Commercial-Highway Area.

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Notice: All persons making use of this Consolidation are reminded that it has no legislative sanction; that the Amendments have been embodied only for the convenience of reference; and that the original By-law and Amendments should be consulted for all purposes of interpreting and applying the law.

An Office Consolidation Of
Viriden-Wallace Planning District
Development Plan
By-law No. D-2

Note:

[AMENDED TEXT WITH PARENTHESIS HAS BEEN ADDED FOR CONVENIENCE AND MAY INCLUDE SOME INTERPRETATION.

BY-LAW NO. D-2
VIRDEN-WALLACE PLANNING DISTRICT
DEVELOPMENT PLAN

BEING A BY-LAW of the Virden-Wallace Planning District to adopt a DEVELOPMENT PLAN.

WHEREAS, Section 24(4) of The Planning Act provides authority for preparation of a DEVELOPMENT PLAN;

AND WHEREAS, Section 27(1) of The Planning Act provides authority for adoption of a DEVELOPMENT PLAN by by-law;

NOW THEREFORE, The Virden-Wallace Planning District Board, in meeting duly assembled enacts as follows:

1. That the Virden-Wallace Planning District Development Plan, attached hereto and marked Schedule "A", be and the same is hereby adopted.

DONE AND PASSED BY THE BOARD OF THE VIRDEN-WALLACE PLANNING DISTRICT in meeting duly assembled, in the TOWN OF VIRDEN, MANITOBA, this 24TH day of SEPTEMBER A.D., 1990.

Chairman

Secretary-Treasurer

Read a first time this 26TH day of MARCH A.D. 1990.

Read a second time this 18TH day of JUNE A.D. 1990

Read a third time this 24TH day of SEPTEMBER A.D. 1990.

I, Chris Dunning, Secretary-Treasurer of the Virden-Wallace Planning District Board, do hereby certify the above to be a true and correct copy of the By-law No. D-2.

Secretary-Treasurer

SCHEDULE "A"
THE VIRDEN-WALLACE PLANNING DISTRICT
DEVELOPMENT PLAN

Attached to and forming part
of By-law No. D-2 of the
Virden-Wallace Planning District

**VIRDEN-WALLACE PLANNING DISTRICT
DEVELOPMENT PLAN
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I. INTRODUCTION

1. Planning Authority

The authority for the Virden-Wallace Planning District to prepare a Development Plan is found in Section 24(4) of The Planning Act, R.S.M. 1987, c. P80, which provides in part as follows:

Subject to the provisions of this Act, the board of a District ... may, after advising the Minister, prepare a development plan ...

2. Purposes

Section 25(1) of The Act outlines the main purposes of the Development Plan:

- (1) To serve as a framework whereby the community as a whole may be guided in formulating development policies and decisions;
- (2) To identify factors relevant to the use and development of land;
- (3) To identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects thereof;
- (4) To set forth the desired timing, patterns and characteristics of future development of land, and to determine the probable social, environmental and economic effects thereof;
- (5) To establish and specify the programs and actions necessary for the implementation of the Development Plan;
- (6) To identify those matters of government concern which affect the use and development of land and other resources within the community.

3. History

The Town of Virden and Rural Municipality of Wallace recognized the need for joint planning of land use and development over 12 years ago. This need was formally expressed with the adoption by both councils of The Wallace District Planning Scheme, 1975. Since that time many amendments have been made to the Planning Scheme by both municipalities.

An annexation by the Town of Virden in 1977, to provide much needed residential land, was intended as an interim measure only until such time as a Planning District could be established and policies and regulations adopted to address the longer-term urban expansion requirements.

Discussions to form the present Virden-Wallace Planning District commenced in March, 1982 and the District Board held its Inaugural Meeting June 7, 1984.

The following Background Reports were prepared for the District:

1. Population Municipal Planning
2. Financial Municipal Planning
3. Land Use Municipal Planning
4. Virden Fringe Municipal Planning
5. Engineering Reid Crowther and Partners
6. Fringe Development Reid Crowther and Partners
7. Aggregate Resources Manitoba Energy and Mines
8. Petroleum Resources Manitoba Energy and Mines
9. Agricultural Resources Manitoba Agriculture
10. Natural Resources Manitoba Natural Resources
11. Transportation Manitoba Highways and Transportation
12. Heritage Resources Manitoba Historic Resources
13. Environment Manitoba Environmental Control

These studies provided insight into the existing situation in the Planning District. They were later synthesized into a report entitled "Background Concerns" which was presented at a Public Meeting on September 22, 1987. This report was used as a starting point for preparation of the policies contained in this Development Plan for the Virden-Wallace District.

4. Format of the Development Plan

The Development Plan is divided into five (5) parts:

- I. Introduction: outlining the authority for and history of planning in the district.
- II. Rural Area:
 1. Objectives
 2. 15 Policy Topics
- III. Town of Virden Fringe Area: Infill development and urban expansion.
- IV. Urban Area:
 1. Objectives and Policies.

2. Four Land Use Areas.

- V. Implementation: How Zoning By-laws, development permits, subdivision approval and development agreements will be used to implement the Development Plan.

At the end of the Development Plan are Land Use Area Maps of the Town of Virden, R. M. of Wallace and the Town of Virden Fringe Area. All of these sections together will provide a solid policy framework to guide land use and development in the Virden-Wallace Planning District.

II. RURAL AREA

1. Objectives

(1) Principal Objective

The principal objective of rural development is:

To ensure that development (including construction, and use and subdivision) is done in a manner which preserves the natural, agricultural and built resources of the District by minimizing conflict between developments and by locating developments on lands with the capability of supporting the proposed activities.

(2) Supporting Objectives

The supporting objectives of rural development are:

- a) To protect the agricultural economy and its land resource.
- b) To direct non-agricultural development to areas where they will have the least negative impact on agricultural activities.
- c) To conserve and enhance those areas of aesthetic, scenic, recreation, wildlife or historic significance.
- d) To avoid natural hazards such as may be created by flooding and bank instability.
- e) To discourage practices which tend to create soil erosion and pollution of soil, water or air.
- f) To provide for the orderly development of non-renewable resources.
- g) Settlement Centres: To preserve the settlement centres, Hargrave, Kirkella and Kola, as residential areas and as central places for the surrounding rural population.
- h) R.M. of Wallace - Town of Virden Fringe: To guide development within a one mile fringe area of the Town of Virden in order to minimize the need for expanded services and to facilitate the economical and efficient expansion of the urban development of the Town.

2. Policies

All general non-area specific rural policy sections (i.e. water resource policies, etc.) are applicable to all specific Rural Land Use Area designation policy sections (i.e. Agriculture General Area).

(1) Agricultural Areas Policies

(A) All Areas

- a) Areas should be preserved for a full range of agricultural activities where agriculture is in the dominant position on prime agricultural land and where agricultural activities are dominant on lower class lands and it is desirable to protect such activities.
- b) Prime agricultural lands are considered to be Canada Land Inventory Agricultural Class 1, 2, 3 and 4 lands.
- c) Development of these prime agricultural lands should be for agricultural purposes only.
- d) Agricultural activities are divided into three use categories:
 - (i) General: farming, cropping, pasturing, cattle wintering operations, pasturing of livestock (including some dairies) where the collection of waste is not necessary;
 - (ii) Specialized: greenhouses, agriculture, market gardening, nurseries, livestock auction marts, agricultural fairs, livestock yards where livestock are kept for sale or trans-shipment for a maximum of ten (10) days; and
 - (iii) Livestock Production Operations: feed lots, poultry or hog barns and some dairies (where livestock are confined, fed and raised);
- e) Livestock Production Operations are special cases:
 - (i) Livestock Production Operations can have negative effects on residential and recreational areas and urban settlements. Residential and recreational development and urban settlements can also limit the

activities of Livestock Production Operations. The R.M. of Wallace Zoning By-law will therefore establish a mutual separation distance between livestock operations and these other types of land uses which will act as a buffer thereby reducing any negative impacts which may occur.

- (ii) Residential or recreational developments following the policies in this By-law and the R.M. of Wallace Zoning By-law and located within urban boundaries or hamlets will not be limited by any established separation distance for livestock production operations.

(B) Agricultural - General Area Policies

- a) This Agriculture - General designated area is identified on Map No. 1 of this Development Plan.
- b) Areas shall be preserved in large parcels (generally 80 to 160 acres in size) for a full range of agricultural activities where agriculture is in the dominant position on prime agricultural land and where agricultural activities are dominant on lower class lands and it is desirable to protect such activities.
- c) Specialized Agricultural activities, oil industry activities, and Livestock Production Operations can be accommodated on smaller parcels than those necessary for general agricultural activities.
- d) Certain sizes and locations of Livestock Production Operations may be dealt with as Conditional Uses in the R.M. of Wallace Zoning By-law.
- e) Certain types of agricultural industries such as; seed plants, abattoirs, auction marts, grain elevators and fertilizer sales provide important support services to all agricultural activities and may be located in the agricultural areas they serve. Because of the impact of these industries on surrounding uses, these industries shall be Conditional Uses in the general agricultural zoned area R.M. of Wallace Zoning By-law. Oil industry activities (well structures and associated buildings) may also be located in this land use

designation. All other industries and commercial uses must be located on land designated either Industrial - Rural or Commercial - Highway.

- f) (i) A single-lot rural residence shall be a Conditional Use in the Agricultural - General Zone of the R.M. of Wallace Zoning By-law. This use shall not occur if it does not meet the site criteria found in Section 2 and all other pertinent policies of this Development Plan. Where there is deemed to be no conflict with adjacent agriculture and all Section 2 policies can be met, subdivision for this use may occur under one of the following conditions. Single-lot rural residential subdivision is limited in this manner as to not create unplanned nodes of settlement or limit the full potential of agricultural production.
- 1) existing farmstead with habitable buildings;
 - 2) family or staff involved in the farming activity;
 - 3) Canada Land Inventory for Agriculture Class 5 and 6 land not presently being used for agricultural production;
 - [4) where a proposed parcel is a small area of land which is substantially isolated from the balance of an individual's holdings and not easily farmed due to man made or topographic features.](B/L 8)
- (ii) There shall be no more than two (2) single-lot rural residences per quarter section.
- (iii) Areas may be selected, on the basis of site criteria found in Section 2 and all other pertinent policies of this Development Plan, to be redesignated from Agricultural - General to Rural - Residential to accommodate multiple lot planned rural residential development.
- g) Subdivision for rural non-farm uses shall not exceed two (2) lots per quarter section. For calculation purposes, the present land division

shall be considered. After two (2) lots have been created on a quarter section, any further lot proposals shall require re-designation to a more intensive type of land use.

(C) Agricultural - Restricted Area Policies

- a) This Agricultural - Restricted designated area is identified on Map No. 2.
- b) The following policies shall govern Livestock Production Operations in the Agricultural - Restricted Area of the R.M. of Wallace Zoning By-law.
 - (i) Livestock Production Operations will not be allowed to locate within that area shaded on Map 2 as an "Economical Development Area".
 - (ii) Notwithstanding (i) above livestock production operations shall be provided for in the remainder of the Agricultural-Restricted designated area subject to the following provisions:
 - New operations developed after the adoption of this By-law shall be deemed to be conditional uses in the R.M. of Wallace Zoning By-law
 - the By-law shall establish a maximum size of operation based on a number of Livestock Waste Units, and
 - any separation distances established in the Zoning By-law shall apply.
 - existing livestock operations shall be deemed permitted uses with maximum size operation limits established, in the Zoning By-law, above which conditional use orders will be required for further expansion.
- c) Specialized agricultural activities shall be Conditional Uses in the Agricultural - Restricted Zone of the R.M. of Wallace Zoning By-law.
- d) General agricultural activities and oil industry activities shall be permitted uses.

- e) Areas may be selected on the basis of the policies of this Development Plan to be re-designated from Agricultural - Restricted to Industrial - Rural or Commercial - Highway to accommodate limited amounts of certain industrial and commercial uses which are planned and are compatible with future urban expansion.
- f) (i) Provided there are no land use conflicts with adjacent agricultural or other use of the land and all pertinent policies of this Development Plan are met, the only type of allowable single-lot rural residential subdivision shall be redundant farmsteads with habitable buildings and/or mature treed shelter belts, existing at the date of adoption of this Development Plan, as conditional uses.
 - (ii) Areas within this designation shall not be selected for re-designation from Agricultural - Restricted to Rural - Residential Area.
- g) Subdivision of land for agricultural purposes shall be permitted.
- h) Parcel size for general agricultural activities required in the Agricultural - Restricted Zone within the R.M. of Wallace Zoning By-law shall be generally similar to that of the Agricultural - General Area to limit the number of property holdings and activities to ensure that future urban development is efficient and economical.

(2) Rural - Residential Area Policies

Rural residential development can consume agricultural land, limit farm practices that conflict with residential activities and result in demands for increased services or levels of services. Limitations on the amount of subdivision that can occur for single-lot and multiple-lot planned rural residential development are found in the policies for the Agricultural - General Area and the Agricultural - Restricted Area designations.

Policies

- a) Two types of residential development are recognized in the rural area:
 - i) Single-lot rural residence = resulting from either an unneeded farmstead being subdivided from the farm or a new site being created where none existed before. These developments will be handled as

Conditional Uses in the appropriate agricultural zone of the R.M. of Wallace Zoning By-law.

- (ii) Multiple-lot planned rural residential area = as an alternative to urban or rural lifestyles these are large lots without municipal services and in a planned setting. New developments will require a change in designation from an Agricultural - General designation to a Rural - Residential designation. These new designated areas shall be identified on Map No. 1 as they are determined and approved.
- b) All Rural residential development shall be located so that they do not have a negative effect on land:
- (i) that should be preserved for agricultural activities, including livestock production operations
 - (ii) suitable for mineral extraction activities
 - (iii) best suited for parks or natural areas
 - (iv) of historical or archeological value or
 - (v) that may be affected by ecological hazards.
- c) A new single-lot rural residence or a new multiple-lot planned rural residential area may be established provided that the following requirements are met:
- (i) Items mentioned in The Planning Act Subdivision Regulation No. 364/87.
 - (ii) A minimum and maximum lot size shall be required in order to maintain the rural character of the land. Due to various physical situations this lot size may be increased or decreased, through a variation order at the approval of the Council. Where the keeping of livestock is proposed for recreational purposes, the animal waste production shall not exceed 0.5 livestock waste units per two acres of site.
 - (iii) The number of sites established shall be governed by the demand for rural residences.
 - (iv) Multiple-lot planned rural residential areas shall not be located where they may limit the expansion of the urban centre or result in the expansion of urban services to the rural residences.
 - (v) Services, including school busing, snow removal, fire and police protection must be provided with reasonable efficiency and without undue cost to the municipality.

- (vi) Must be adjacent to an all-weather road and the dwelling on said site must have direct access to the road.
- (vii) An adequate supply of water of a quality as may be required by the Department of Health must be readily available and the installation of the sewage disposal system shall not pollute the groundwater or surface water.
- (viii) A development agreement which may include: the clearing, constructing, grading and gravelling of all roads, the construction of drainage ditches, installation of culverts and bridges to the specifications and standards established by the Council or District Board.
- (ix) A development agreement at the discretion of the Council to safeguard against the destruction of existing desired natural features, such as wooded areas, sloughs and other resources, which in the opinion of the Council would be required to retain the amenity and rural character of the development.

(3) Industrial - Rural Area Policies

- a) These Industrial - Rural designated areas are identified on Map No. 1 and 2.
- b) Except for those agro-industries allowed in the Agricultural - General designation (Part II, Section 6. B. f)), all industries shall be located in areas designated as Industrial - Rural.
- c) New areas designated Industrial - Rural and found in the Virden Fringe Area but outside the "Economical Development Area" identified on Map 2 of this By-law shall contain only rural industries of a type that meet the following criteria:
 - (i) industries that require large sites (1 acre minimum as defined in the R.M. of Wallace Zoning By-law), provide a service to local agricultural producers and have small labour requirements; and/or
 - (ii) industries that are too obnoxious or hazardous in character to be economically located in an urban centre.
- d) New areas designated Industrial - Rural within the "Economical Development Area" identified on Map 2 may be developed with various types of industries but only after

a careful review is undertaken for each application to determine if the industry could be located on suitably serviced land within the urban centre until all such land within the urban centre, is occupied.

- e) Rural industrial development should be located in close proximity to an urban centre but not located where it may limit the expansion of the urban centre or result in the unplanned expansion of urban services to the development prior to the development area becoming a part of the urban centre.
- f) Individual industrial development proposals shall be assessed by the Department of Transportation and Highways to identify any transportation problems at an early stage and to recommend adequate measures to remedy the problems.

Generally, industrial development will be encouraged to locate such that it does not have direct access or frontage road access onto the Trans-Canada Highway. Those sites will be encouraged to be retained for highway commercial development.

- g) The Industrial - Rural Area designated east of Elkhorn shall apply only to the existing land use and will not be allowed to expand into adjacent agricultural lands in order to protect the by-pass function of the Trans-Canada Highway through this area.
- h) New areas designated Industrial - Rural shall be located on sites that do not create an environmental or safety hazard for land uses in the surrounding area.
- i) Any uses which may produce excessive amounts of noise, dust or that may be unsightly shall be buffered from adjacent uses or be developed so that the nuisance factor is minimized.
- j) All new rural industrial uses must meet the following requirements:
 - (i) All new or expanding industrial uses that generate waste which must be emitted into the environment shall meet, on a continuing basis, the applicable Provincial pollution guidelines, standards and regulations.
 - (ii) Proposed industries may be required to conduct environmental impact studies to determine the extent and the possible mitigative measures for any perceived pollution problem.

- (iii) Any industry may be required to monitor its waste emissions and submit the results to the local Council and/or Provincial Government for their consideration.

(4) Commercial - Highway Area Policies

- a) These designated areas are identified on Map 1 and 2 of this Development Plan. All highway commercial uses shall locate in areas designated Commercial - Highway.
- b) In general, the Commercial - Highway Area should be limited to those uses which serve the travelling public such as service stations and motels but provisions should also be made for uses which require large areas, high visibility, highway access and mainly serve a rural population.
- c) A residence may be permitted in conjunction with a Commercial use for the owner or custodian and may be part of the principal building or a separate detached building, as regulated in the R.M. of Wallace Zoning By-law.
- d) The following principles shall apply to commercial developments on highways:
 - (i) a concept plan may be required.
 - (ii) cluster developments with internal streets are preferred over development relying on individual accesses to a highway.
 - (iii) a service road may be employed as an alternative as approved by the Department of Highways and Transportation.
 - (iv) except for some strictly agricultural uses such as anhydrous ammonia the majority of commercial uses on highways should be located close to urban centres but not located in the Wallace-Virden fringe where the possibility exists to limit the expansion of the urban centre or result in the expansion of urban services into the development prior to the development becoming part of the urban centre.
 - (v) where possible commercial development should only be located on one side of an all-weather road.
 - (vi) the development should be designed to allow public services to be provided efficiently.
- e) The Commercial - Highway Area designated east of Elkhorn shall apply only to the existing land use and will not be allowed to expand east of the Trans-Canada Highway in order to protect the by-pass function of the Trans-Canada Highway through this area.

(5) General Development Hamlet Area Policies

The three unincorporated hamlets of Hargrave, Kirkella and Kola are home to approximately 100 people (22, 13 and 65, respectively in 1981). The hamlets also act as central places for the surrounding area with a rink in Hargrave, post office, store, hall and church in Kirkella and church, school, rink, service station, post office, lumber yard and fertilizer and feed sales in Kola. Land uses are mixed in all three centres.

Policies:

- a) All urban uses shall be permitted in the settlement centres under one all-encompassing designation - General Development which is identified on Map 1. Uses which may have an adverse effect on adjacent uses shall, however, be dealt with as Conditional Uses in the R.M. of Wallace Zoning By-law.
- b) All lots shall be of sufficient size to permit the effective on-site disposal of sewage and to minimize the risk of groundwater pollution.
- c) Infilling of existing lots should, where feasible, take precedence over new subdivisions.
- d) The growth of settlement centres bordering on one side of a provincial highway should, where feasible, be directed to that side of the highway. In the case of Hargrave, the General Development Area designated shall occur only along the south side of the Trans-Canada Highway so as to protect the by-pass function of the Trans-Canada Highway through this area.
- e) Council may require any information it deems necessary in its consideration of a development proposal and, where a proposal involves a subdivision, may require that a development agreement be entered into between the Municipality and the development proponent which specifies the responsibilities of each party in providing services, landscaping and other matters pursuant to the pertinent section of The Planning Act.

(6) Highway Protection Policies

Roads in the Provincial System as well as those under Municipal jurisdiction represent a substantial investment and their efficiency must be protected. New roads represent an extremely costly expenditure and should only be developed if there are absolutely no alternatives.

Policies

- a) Provincial Truck Highways Number 1 and 83 have been identified and designated as Major Provincial Highways (see Provincial Land Use Policies, Manitoba Regulation 217/80, Policy 12) and, as such, development that would cause significant interference (industrial, commercial and residential except farmstead subdivisions) in the opinion of the Board based on an opinion from the Department of Highways should not be allowed within 1000 feet of the centreline or within 1/2 mile of the centreline intersection with any other Provincial Road or Trunk Highway.
- b) The following criteria apply to all developments located adjacent to a provincial highway:
 - (i) 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.
 - (ii) The kind of 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.
 - (iii) The local road or street network associated with any type of proposed development shall be designed to conform with both the existing and planned road and street system of the neighbouring areas.
- c) Municipal roads will be improved at the discretion of Council and cost-sharing of the improvement of unimproved road allowances or up-grading of existing improved roads may be required if the road is proposed primarily for non-agricultural land uses.
- d) Public road allowances shall be retained for public access, therefore any clearing, cultivation or cropping of unimproved road allowances shall be subject to the approval of Council.
- e) The location and construction of accesses to Municipal Roads shall be subject to the approval of Council.
- f) All developments shall conform to the appropriate statutory requirements of the Department of Highways and Transportation, The Highway Traffic Board, the

Virден-Wallace Planning District and the Municipalities
of Virден and Wallace.

(7) Utilities Policies

The provision of services to new development or redevelopment areas by agencies of the government such as Manitoba Hydro, Manitoba Telephone System and by Natural Gas Companies necessarily requires a certain amount of lead-time especially when large areas are concerned. As well, since these utilities must be located on streets, lanes, public reserves and easements over private property the design of developments is particularly important.

Policies

- a) That all subdivision applications or development agreements shall fulfill the requirements of the utility services involved.
- b) The design of all subdivisions or the redevelopment of established areas shall ensure that electrical, telephone and natural gas services can be provided in the most economical and efficient manner possible and also that the transmission of these services into and through the District shall be facilitated in the same manner.

(8) Development near Waste Disposal Grounds and Sewage Lagoons

Waste disposal grounds and sewage lagoons have the capacity to adversely affect the quality of life in areas surrounding them. This is especially true where the production and migration of methane gas is a problem.

Policies

- a) Habitable buildings shall not be located within approximately fifteen hundred (1,500) feet of an operating waste disposal grounds or sewage lagoon.
- b) Habitable buildings shall not be located within approximately 1500 feet of abandoned waste disposal grounds unless the developer can conclusively prove through an engineering study that any environmental problems will not injuriously affect the development. In determining the suitability of development the Council may consult with the Environmental Management Division.

(9) Heritage Resources Policies

The Virден-Wallace Planning District Heritage Report prepared in 1986 by the Historic Resources Branch outlined many of the

historical sites of the District. The significant features are also listed in the Background Concerns to this Development Plan.

It is important that these links to the past are preserved for the future.

Policies

- a) The Planning District will encourage the formation of municipal heritage committees in order to identify, commemorate and protect heritage resources and to provide advice on heritage issues.
- b) Proposed development, subdivision, change in land use, demolition, alteration or similar activity which may affect an identified site or an area delineated as having high heritage resource potential may be referred to the Municipal Heritage Committee or to the Historic Resources Branch of the Provincial Government.

(10) Petroleum Resource Development Policies

The petroleum industry is a major sector of the Planning District's economy. Petroleum installations can, however, create land use conflicts affecting adjoining property. While the Petroleum Regulations do prescribe minimum separation distances between petroleum installations and developments such as municipal road allowances, Provincial Trunk Highways and dwellings, fresh water wells and other surface improvements, these distances may not provide adequate protection under specific circumstances.

Policies:

- a) Development permits will be required for petroleum installations other than oil wells.
- b) Permits will be issued subject to the condition that the installation does not cause environmental pollution and does not interfere with the activities associated with a private home or with the ability to attain economic return from the affected land. Information necessary to assess permit applications maybe requested from various experts including Government Departments and Agencies. All permits for this type of Development will be reviewed by the Board and their decision shall be passed by resolution.

(11) Recreation Resources and Crown Land Policies

Recreation Resources in the District are not intensive in nature (Canada Land Inventory Classifications 4 and 5) but the opportunities provided for hiking, hunting and viewing are

important to the District. Similarly there is only one Wildlife Management Area of 160 acres and two operating Provincial Wayside Parks that are intended for use by the general public.

Policies:

- a) Areas adjacent to Crown Lands will not generally be considered for intensive development or any development that would rely on the Crown Land for the provision of recreation or commercial opportunities.
- b) Access to recreation resources, in this case mostly creeks, should be preserved and increased where possible.

(12) Hazard Lands Policies

Hazard Lands are those areas where flooding, erosion or bank instability may create a risk to life, health, safety or property and may result in public expenditures for relief or protection. These policies apply to all rural and urban land use designations.

Policies:

- a) Hazard lands shall generally be limited to agricultural or open space uses. Under special circumstances more intensive development may be permitted if the hazard is eliminated or protected against.
- b) All permanent structures located within Virden and the Wallace- Virden Fringe Area shall be located on land raised by fill to an elevation at least 2 feet above the 1976 flood contour. Where the land is subject to flooding, all permanent structures located within the remaining portion of the R.M. of Wallace shall be set back a minimum of 200 feet from the crest of the natural channel bank and raised 2 feet above the known flood level.
- c) Land which may be eroded away within 50 years shall be excluded from development unless it is demonstrated that the erosion process has been halted.
- d) All structures and services shall be protected against damage and shall be functional under hazard conditions.
- e) Development shall not be permitted on lands subject to bank instability, landslides or subsidence unless it can be demonstrated that the hazard has been eliminated.
- f) Development shall not be permitted if, as a result of the development.

- (i) There is an added risk to life, health, or safety, or
 - (ii) Water flow, flow velocities or flood stages are adversely altered, obstructed or increased on lands prone to erosion or instability.
- g) Activities such as dumping, excavation, cultivation, or excessive grazing which would accelerate or promote erosion or bank instability shall be discouraged.
 - h) The retention of natural vegetation along the banks of all significant waterways in the Planning District shall be encouraged, as a means of stabilizing the bank and minimizing the destructive forces of erosion.
 - i) Where it deems appropriate, Council may require the establishment of a contour elevation or an engineering investigation prior to approval of any development proposal in close proximity to the banks of any waterway in the Planning District.

(13) Water Resources Policies

It is important in areas such as the Virden-Wallace Planning District where the groundwater supply varies considerably from place to place, to carefully manage the groundwater resource. This includes not only the availability of water but its quality as well. There are also some quite shallow aquifers in the District especially around the Town of Virden that may be susceptible to pollution. Surface water can also be polluted from a variety of sources.

Policies:

- a) Intensive development involving large water consumption and high capacity wells shall be permitted only in areas where they will not cause a reduction in water supply for existing users.
- b) Activities that may cause pollution under normal operating conditions or by accident should not be permitted in areas susceptible to groundwater pollution unless it can be proven through field investigation that the proposed activities will not cause pollution of existing or potential groundwater supplies in the area.
- c) Only developments that fulfill the Manitoba Surface Water Quality Objectives, as verified by the Environmental Control Branch of the Provincial Government, may be considered for approval.

14) Aggregate Resources Policies

Aggregate Resources are not renewable and there are no effective substitutes for most end uses. Aggregate resources have a low value-to-weight ratio and so are very sensitive to transportation costs. (SEE MAP 4 FOR DEPOSIT STATUS)

Policies

- a) Deposits assigned "STOP" status are valuable and land uses that would conflict with utilization of the resource such as residential subdivisions, highways and utility corridors shall not be permitted on the deposit.
- b) Deposits assigned a "CAUTION" status have not had their potential proven or have quality that is not high but is of value to the local area. These deposits may be allocated for a conflicting land use such as residential subdivisions, highways or utility corridors after reviewing local needs and alternate sites in consultation with the Mineral Resources Division of the Provincial Government.
- c) Deposits assigned a "GO" status are of no recognized value and land uses need not be restricted on the deposit.
- d) Aggregate extraction shall be a conditional use subject to the provisions of The Zoning By-law and The Planning Act and the acquisition of a permit under the Mines Act. Conditions may include a plan showing the staging of extraction, a rehabilitation plan, or cost-sharing of municipal investments.
- e) There shall be a separation distance or buffering established between adjoining uses and extraction operations. The status of the extraction operation, after consultation with the Mineral Resources Division, will determine if on-site buffering or a separation distance, and the type and distance of each respectively, are the most appropriate.

III. R.M. OF WALLACE - TOWN OF VIRDEN FRINGE AREA

1. Introduction

The fringe area of The Town of Virden, the 8 square miles surrounding Section 22-10-26 W.P.M., as identified on Map No. 2 is heavily developed with 171 non-farm rural residences, 43 industrial/ commercial enterprises and 13 farm residences (273 property holdings).

The following table summarizes the creation of lots in the R.M. of Wallace - Virden Fringe during the last 10 years.

TYPE	VIRDEN	WALLACE-VIRDEN FRINGE	TOTAL
Residential	86	19	105
Commercial/Industrial	21	11	32
TOTAL	107	30	137

The Town of Virden has been encircled with development which makes the orderly expansion of the urban area quite difficult.

2. Policies:

- a) The R.M. of Wallace-Virden Fringe Area is subject to all applicable "Rural Area" policies including both specific designated area policies and general rural resource and service policies.
- b) Within the fringe area, as identified on Map No. 2, subdivision and development may occur as follows and in accordance with the R.M. of Wallace Zoning By-law:
 - (i) In those areas designated Rural - Residential , Commercial - Highway or Industrial - Rural development on undeveloped parcels will be permitted.
 - (ii) Further subdivision within the Rural - Residential designated lands shall be permitted only after a subdivision concept plan for all lands contained within the parcel to be subdivided has been prepared and approved by the Board and Council. Any lot created by subdivision in this area must be approximately five (5) acres in size.
 - (iii) Subdivision for single-lot rural residential sites within the Agricultural - Restricted designation may be created only from existing farmsteads with habitable buildings. Any new lot must be approximately five (5) acres in size.

- (iv) Further designation of multi-lot Rural - Residential land within this Fringe Area shall not be permitted.
 - (v) Further designation of Commercial - Highway and Industrial - Rural land within the Fringe Area shall be permitted.
 - (vi) Further subdivision within Commercial - Highway and Industrial - Rural designated land shall be permitted.
 - (vii) Existing and proposed areas shall be permitted to be designated as Parks and Recreation Areas. This designation is described in Part IV, Section 4.
- c) When considering any proposal to designate new Commercial - Highway or Industrial - Rural lands or develop sites within the fringe area, all pertinent policies found in the Development Plan, particularly PART II, shall be applicable.
- d) Any infill development that does occur must be considered in light of its capacity to be developed to urban standards. Items to be considered include:
- (i) size and orientation of lots
 - (ii) siting of buildings and private sewage disposal systems
 - (iii) efficient and economical provision of Municipal sewer and water services and all other utilities
 - (iv) road patterns and private accesses
 - (v) the provision of appropriate lands for parks, schools, etc.
- e) Those areas shown shaded in Map 2 and designated as "Economical Development Area" are shown for reference purposes only. These areas are the next most likely directions for expansion of the urban development of the Town of Virden.
- (i) The area North of the present boundary of the Town of Virden shall be reserved for Commercial and Industrial uses.
 - (ii) The area South and West of the present boundary of the Town of Virden shall be reserved for Residential uses.
 - (iii) Urban Development shall occur as required to facilitate the provision of services and the protection of land for urban uses keeping in mind that in light of recent history 120 residential and 32 industrial/commercial lots may be required every 10 years.

- f) The "Hazard Land" policies of PART II Section 3 "Rural Area" shall apply to the Virden Fringe Area.
- g) As parts of the "Economical Development Area" become part of the Town of Virden, appropriate changes will be made to the Development Plan and Zoning By-laws. Amendments for proposed urban uses will depend upon the land use proposals satisfying the Development Plan policies and Zoning By-law requirements for the urban uses.

IV. URBAN AREA

1. Objectives

(1) Principal

To provide direction to land use and development to maximize the physical, social, cultural and economic well-being of the residents of the Town of Virden.

(2) Supporting

- a) To minimize conflicts between adjacent uses.
- b) To maximize the efficient use of existing resources.
- c) To provide well-planned areas for living, working, shopping, and recreation.
- d) To ensure the efficient and economical utilization, maintenance and expansion of municipal infrastructure.

2. Policies

All general urban policy sections are applicable to all specific urban designated area policy sections.

(1) Design

The following policies establish the principles to be followed when designing either development in any given area or subdivision of land.

a) Redevelopment

Unless circumstances dictate otherwise, redevelopment of unused or underused properties within any given land use shall be undertaken before expansion of that area is considered. This will increase the efficiency of existing services and ensure compact development.

b) Contiguous Development

When a land use area must be expanded the newly developed land should be contiguous to existing development. This will increase the efficiency of existing services and ensure compact development.

c) Subdivision Design

Subdivision proposals must conform to accepted subdivision design principles appropriate to the use

or uses proposed. More specifically, the following principles must be taken into consideration.

- (i) The design must provide for efficient and cost-effective servicing by utilities, water and sewer and roads following Provincial, district and municipal regulations.
- (ii) The design must conform to existing and proposed patterns for development.
- (iii) The design should establish appropriate densities of development or mixture of densities as regulated in the Zoning By-law.
- (iv) It may be necessary to provide for buffering (in whatever form) to minimize the negative effects of uses such as major roadways or certain industrial activities.
- (v) The design of developments and subdivisions should include concept plans for future stages of development that would allow for easy servicing and an adequate stock of developable and/or serviced land to meet the growth needs of the community.
- (vi) Where a subdivision proposal includes lands that are deemed by the Municipality to be unsuitable for the proposed development, the Municipality may require that the unsuitable lands be dedicated to the Municipality as public reserve pursuant to The Planning Act.

d) Compatibility

Development or subdivision proposals shall be compatible with existing or proposed adjacent developments. Compatibility may be ensured where possible through site design elements as itemized below.

e) Site Design

Site design elements such as separation distances, buffering, landscaping, open areas, circulation, fences, lighting, signs and parking and loading specifications, requirements and locations may need to be implemented or controlled through the Zoning By-law to minimize negative effects of one land use or land use area on adjacent uses.

f) Historic Resources

- (i) The Planning District shall refer any proposed development, subdivision, change in land use, demolition, alteration or similar activity which may affect an identified site or an area delineated as having high heritage resource potential to the Municipal Heritage Committee or to the Historic Resources Branch of the Provincial Government.
- (ii) The Planning District will support the efforts of the Virden Municipal Heritage Committee in identifying, commemorating and protecting heritage resources and in providing advice on heritage issues.

(2) Municipal Services and Transportation

- a) The Town of Virden shall undertake a long-term program to maintain and upgrade Municipal Services using the information contained in various reports prepared by consulting engineers.
- b) In considering new areas for development, conceptual plans shall be provided by the developer, and shall illustrate the tentative location of all utilities and services. Where new streets are proposed, the developer shall engage the services of a qualified engineer to design the proposed drainage system, including lot grades, street grades and drainage ditches. The length of streets shall be kept to a reasonable minimum in order to minimize the costs of services and utilities. The new street system shall correspond to the location, type and design of existing roads adjacent to the development.
- c) The following criteria apply to all developments located adjacent to a provincial highway:
 - (i) 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.
 - (ii) the kind of 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.

- d) The installation or development of all services and roads, including accesses, shall be completed to the specifications of Council.
- e) Council may require that a development agreement be entered into with a development proponent. The agreement would outline the various responsibilities, costs and timing with regard to the installation of various services and utilities.
- f) The design of all subdivisions or the redevelopment of established areas shall ensure that electrical, telephone and natural gas services can be provided in the most economical and efficient manner possible and also that the transmission of these services into and through the District shall be facilitated in the same manner.
- g) The Town of Virden Zoning By-law may specify uses that shall be connected to Municipal Services when they are available and uses that may retain private systems and any time limits that are applicable.

(3) Hazard Lands

- a) The "Hazard Land" policies of PART II Section 3 "Rural Area" shall apply to all land located within the Town of Virden that are susceptible to flooding and/or erosion.

4. Land Use Areas

(1) Residential Area

- a) The Residential designated areas are identified on Map No. 3.
- b) Residential development shall minimize conflict with existing and future adjacent land uses.
- c) The preservation, renovation, infill and redevelopment of existing residential areas shall be encouraged by the Council of the Town of Virden and The Planning District Board.
- d) The Town of Virden Zoning By-law shall provide for a variety of housing types and densities including single-family, multiple-family and mobile homes with attention given to the unique characteristics and needs of each type of development and its impact of the immediate neighbourhood.

- e) Uses which are compatible with residential uses, such as churches, day cares, parks and playgrounds and community centres, will also be permitted in the Residential Zones of the Town of Virden Zoning By-law.

(2) Commercial Area

- a) The Commercial designated areas are identified on Map No. 3.
- b) The Town of Virden Zoning By-law shall recognize three Commercial Zones: a Commercial - Central Zone, a Commercial - Linear Zone and a Commercial - Highway Zone.
- c) The Central Commercial area shall be the centre of financial, retail and service activities in the Town of Virden.
- d) The first priority in the central commercial area will be the infilling and redevelopment of the existing area.
- e) At such time as infill and redevelopment is no longer possible Council and the District Board may consider expansion of the Central Commercial Area.
- f) Residential Dwelling Units may be permitted on floors above the commercial use or behind the commercial use and shall be Conditional Uses in the Town of Virden Zoning By-law.
- g) Buildings completely used for multi-tenant developments may be permitted as a conditional use within the Central Commercial Area except along Seventh Avenue between King Street and Queen Street where land should be entirely used for financial, retail and service commercial establishments.
- h) The Commercial - Linear Zone is limited to development along major streets providing a variety of services while minimizing adverse affects on adjacent residential development. Uses may include furniture stores, small multi-tenant developments and automobile dealerships.
- i) The Commercial - Highway Zone occurs along the Trans-Canada Highway and is intended for uses which serve the travelling public including restaurants, service stations and motels and those other uses

which require visibility and large site areas including farm implement dealerships.

- j) Proposals for shopping malls shall be examined under the following criteria:
 - (i) that the development not jeopardize existing commercial development.
 - (ii) that the development will not have a negative effect on parking and traffic pattern.
 - iii) that the development will not have a negative effect on adjacent land uses.

(3) Industrial Area

- a) The industrial designated areas are identified on Map No. 3.
- b) The first priority in the industrial sector of the Town of Virден is to establish new sites which can accommodate future industrial development.
- c) The infill and redevelopment of existing industrial areas should be a priority over expansion of the existing area or the creation of a new area for industrial uses.
- d) Industrial development shall be permitted following these criteria:
 - (i) industrial development should be separated from adjacent incompatible uses by a separation distance or by an appropriate buffer.
 - (ii) the provision of municipal services shall be economical and efficient.
 - (iii) parking, loading, accesses, street networks and traffic patterns shall be carefully planned to eliminate any potential problem areas.
- e) Industrial proposals which may create a health hazard or a nuisance (dust, noise, odours) may be required by Council to undertake an impact study, at the expense of the developer, which would determine the extent of the threat and measures necessary to eliminate the threat.
- f) Any expansion of the industrial area outside of the present Town of Virден boundary shall occur, firstly, in S.E. 27-10-26 W.P.M., as shaded on Map 2.

(4) Parks and Recreation Area

- a) The Parks and Recreation designated areas are identified on Map No. 3.
- b) This area includes open spaces and parks such as Scallion Creek and Victoria Park, recreational uses such as the Arena, Curling Rink and Agricultural Society Grounds as well as institutional uses such as the four schools and the Virden Hospital complex.
- c) The Town of Virden shall continue to implement the Scallion Creek development guidelines and to encourage and support the development and upgrading of recreational facilities.
- d) New residential subdivisions shall include parks and provisions for schools as necessary.
- e) The shorelands of Scallion Creek may be subject to the taking of a public reserve, by Council, as a condition of subdivision approval pursuant to the Planning Act.

V. IMPLEMENTATION

1. Adoption

Sections 27 to 31 of The Planning Act (R.S.M. 1987, C.P80) describe the detailed procedures which are to be followed in the enactment of a by-law adopting a Development Plan. The procedure is quite complex, but it is important to note some of the more important steps. The Planning Act requires that after first reading, the Development Plan shall be made available for public inspection, and that a public meeting shall be held to discuss the proposed Development Plan. Where there is an objection to the contents of a Development Plan, an appeal may be made to the Minister of Municipal Affairs within a prescribed period after second reading of the by-law. Upon suitable notification from the Minister after second reading, the Development Plan by-law can be given third reading by The District Board. It is then submitted for final approval by the Lieutenant Governor in Council, at which time it will come into full force and effect. Further particulars of these procedures may be found in The Planning Act.

2. Review

Section 26 of The Planning Act stipulates that a Development Plan must be reviewed:

- (a) When the Minister considers it necessary; or
- (b) When the Board considers it necessary; or
- (c) When five years have elapsed since its adoption or since the last review, as the case may be.

3. Amendments

From time to time, The District Board may determine that it is necessary or desirable to amend this Development Plan, in order to accommodate changing circumstances in the community. Such amendments may be made by adopting an amending by-law, in accordance with Sections 27 to 31 of The Planning Act. The procedure for adopting an amending by-law is identical to the procedure which is briefly outlined in Section 1. above.

4. Land Use Controls

The objectives and policies contained in this Development Plan are intended to be general guidelines for land use control and future development of the District. Specific regulatory requirements will be implemented through one or more of the following planning instruments:

- (a) Zoning by-law;
- (b) Subdivision controls;
- (c) Building code;
- (d) Development agreements;
- (e) Land Acquisition;
- (f) Public Works, etc.

5. Zoning By-Law

Section 32(2) of The Planning Act stipulates that within 12 months of the date of adoption of the Development Plan or such further period of time as the Minister may prescribe, Member Municipalities shall adopt a Zoning By-law to carry out the intent of the Development Plan.

"The Zoning By-laws establish various zones within each municipality and specify the uses permitted in each zone. The zoning maps will generally be consistent with the maps of this Development Plan. However, it must be recognized that the Development Plan is intended to offer a long-term arrangement of land use in the District, while Zoning By-laws are regulating the existing land uses. Some deviations in land use designations between the Development Plan and the Zoning By-laws may occur, particularly in undeveloped areas.

For example, the Development Plan may designate certain land for residential development, said land may be zoned for agricultural use for the time being until, in Council's opinion, it is ready for residential development. In addition, some areas may be intended and designated for a certain use (e.g. commercial) which are now occupied by another use (e.g. industrial). It is therefore also recognized that it may be many years before the existing uses are redeveloped to conform to that goal. Until that time, it would be unreasonable to excessively restrict the use, maintenance and improvement of these existing uses. Therefore, certain lands may be zoned to reflect the existing land use status. However, when it comes to rezoning, the affected land can only be rezoned in accordance with the Development Plan land use designation."

The various provisions and requirements in the zoning by-laws are to some extent, built upon the objectives and policies of this Development Plan. In addition, the Zoning By-laws will also establish certain development standards, with regard to matters such as the separations between buildings and property lines, and the provision of off-street parking areas for vehicles.

6. Subdivision Control

Part VI of The Planning Act as well as the Subdivision Regulations (Manitoba Regulation 364/87) set forth certain procedures and requirements pertaining to the subdivision of land. Section 69 of The Act stipulates that a subdivision of land shall not be approved unless it conforms to the Development Plan. Part VI of The Act also contains the authority for the dedication of land for public streets and public reserves. The Subdivision Regulations contain specific standards with regard to the subdivision of land, and in particular, the design of public streets. Thus, the policies of this Development Plan will also be implemented through the subdivision approval process.

7. Building Code

In order to protect the health and safety of the public, all new buildings and alterations to existing buildings in the community shall conform to the Manitoba Building Code.

8. Development Agreements

The development of new areas of the District can result in considerable expenditures for features such as sewer and water services, roads, culverts and ditches. In cases where major expenditures are involved, it may be desirable for a Council to enter into a development agreement with the developers. Such an agreement could contain specific provisions regarding the types of services and improvements to be provided, the timing of such services, and also a cost-sharing formula, among other things. Section 70 of The Planning Act authorize a Council or District Board to enter into a development agreement with a developer as a condition of approving a subdivision of land. Section 49(1) of The Planning Act authorizes a Council to enter into a development agreement with a developer as a condition of rezoning property.

9. Land Acquisition

"Section 34 of The Planning Act provides that a district or municipality may acquire by gift, purchase or expropriation, any interest in land and may sell, lease or otherwise dispose of land or development right so acquired or held for the purpose of implementing any aspect of a Development Plan."