

TOWN OF CARMAN
BY-LAW NO. 10/1946

Being a by-law of the Town of Carman to amend
the Town of Carman Development Plan By-Law
No. 89/1633, as amended.

WHEREAS Section 56(1) of The Planning Act gives the council of a municipality the power to amend an adopted Development Plan; and

WHEREAS according to Section 42(2) of The Planning Act, a municipality must include a livestock operation policy; now

THEREFORE the Council of the Town of Carman, in meeting duly assembled enacts as follows:

1. That Policy 7.2.13, Livestock Operations, be added to the development plan with the following parts:
 - (1) There shall be no livestock operations permitted within the corporate boundaries of the Town of Carman.
 - (2) In instances where a livestock operation existed within the Town boundaries prior to the adoption of this Plan, the operation will be permitted to continue operating, but under no circumstances shall it be allowed to expand. This policy does not relieve an operator from complying with any other relevant provincial regulations.

And

2. Numbers 27 and 28 be added to the Definition Section of the Town of Carman Development Plan as:

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

Livestock Operation: means a permanent or semi-permanent facility or non-grazing area where at least .1 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.

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3. THAT By-law No. 06/1891 of the Town of Carman is hereby repealed.

DONE AND PASSED by the Council of the Town of Carman, in open council duly assembled, this 12th day of August A.D. 2010.

Mayor

Chief Administrative Officer

Read a first time this 8th day of July A.D. 2010.
Read a second time this 12th day August A.D. 2010.
Read a third time this 12th day of August A.D. 2010.

DATE: August 9, 2010

TO: Evelyn Holley
Morden Region
Community and Regional
Planning
Morden, MB

FROM: Grant Melnychuk
Provincial Planning Section
Community and Regional
Planning
Winnipeg, MB

PHONE: 945-2594

FAX: 945-5059

SUBJECT: Town of Carman Development Plan By-law 10-1946

The Provincial Planning Section of Community and Regional Planning has reviewed the above-noted By-law in the context of *The Planning Act* and the Provincial Land Use Policies (PLUPs).

By-law 10-1946 proposes amending the existing livestock operations policy in the Carman Development Plan by changing the definition of 'livestock operation' so that it would include all facilities producing 0.1 animal units of manure as opposed to the current threshold of 10 animal units. We understand that Council's intent is to eliminate the possibility of urban chicken coops establishing within the town.

Please be advised the term 'livestock operation' is defined in *The Planning Act* and that definitions established in provincial legislation cannot be altered within local development plans. Therefore, we recommend Council not proceed with this By-law.

We recommend that you consult MAFRI to discuss options for achieving Council's intended goal that do not involve redefining terms established in legislation.

Thank you for the opportunity to comment.

Original sent by email

Grant Melnychuk

c: Chris Leach
Sheri Grift

Cheryl Young

From: "Holley, Evelyn (MLG)" <Evelyn.Holley@gov.mb.ca>
To: "Carman, Town " <townofcarman@mts.net>
Sent: Tuesday, August 10, 2010 1:32 PM
Attach: Memo-PPStoCPS-BL10-1946-August2010.doc
Subject: DP Amendment 10-1946

Attention: Cheryl Young,

Attached is a comment from Provincial Planning recommending not to proceed with the above noted by-law 10-1946.

I will send an e-mail for zoning amendment 10-1948 tomorrow with agency comments. Thanks for your patience. E.

Evelyn Holley, MCP, Planner

Local Government
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