

Agricultural Land Use Planning in Canada

**Case Study of Brandon and Area
Planning District, MB**

FINAL REPORT

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Executive Summary

In this report we present the results of a case study of agricultural land use planning for the Brandon and Area Planning District (BAPD), located in southwest Manitoba. The case study of the Brandon Area involved an assessment of the breadth and quality of the legislative framework that governs agricultural land use planning, including policies, legislation, and governance. The case study also involved an assessment of the political context within which agricultural land use planning takes place and decisions are made. This part of the assessment included documentation and analysis of three policy regimes: farmland preservation, global competitiveness, and food sovereignty. A policy regime refers to the combination of issues and ideas that are involved in formulating policy and for governing after policies are devised.

The aim of the case study is to contribute to three areas of knowledge. The case study lends insight to the state of agricultural land use planning in the BAPD. It contributes to an understanding of the state of agricultural land use planning in Manitoba. Finally, the case study is part of a broader national project to identify principles and beneficial practices that represent land use planning solutions that protect farmland.

Overall, the legislative framework for protecting farmland within the BAPD is somewhat moderate overall with important weak elements. What appears to be a strong desire to protect farmland is undermined by a stronger desire to accommodate non-farm developments on agricultural lands. The strongest language for protecting the agricultural land base is most applicable to rural agricultural land that experiences lower levels of pressure for non-farm development. In contrast, the interest in protecting agricultural land is lowest for the fringe lands adjacent to the City and rural settlement centres, where the pressure for non-farm development is highest. This interest to support urban expansion over protecting farmland is consistent with provincial interests. Strengths of the local framework lie in its ability to minimise uncertainty and, to a lesser extent, accommodating flexibility.

Principles of Land Use Planning

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Brandon and Area Planning District	**	*	****	***

* = Very weak, ***** = Very strong

The stability of the local legislative framework to protect farmland comes from the BAPD Development Plan, in which supporting agriculture and its related activities are evident in the goals, objectives, and policies. The Plan is supported by rural zoning bylaws. Throughout these documents, additional policies address fragmentation and encroachment. However, the Plan clearly states that expansion of the City and of rural settlement areas will take priority over farmland protection. The additional absence of an agricultural plan and an agricultural land use inventory reduce the level of stability for protecting farmland.

Integrating provincial policies and priorities within the local framework is a foundation for strengthening local policy. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government

plans and strategies. Overall, we found that the level of integration of provincial public priorities in the local framework is very low. The most important elements of the local framework refer frequently to *The Planning Act*, however there are no explicit references to the PLUP Policy Area 3: Agriculture. Given the importance of the PLUPs, and the Policy Area dedicated to agriculture, the absence of these opportunities for integrating provincial interests in protecting farmland is notable. Furthermore, there are no references to other relevant provincial legislation, such as the right to farm legislation that protects farmers from nuisance complaints.




The presence of uncertainty, typically introduced via ambiguous language, exceptions, or gaps, is an important indicator of the weakness of an agricultural land use planning framework. The BAPD does a very good job of minimising uncertainty. Most importantly, as a means to clarify expectations about future land use, the BAPD's Growth Strategy for the fringe areas of the City provides a clear plan for potential future development and identifies specific areas for development, albeit, including agricultural lands and help to contain development. However, the absence of a stronger commitment to contain urban and rural residential development will contribute to uncertainty about the future use of 'new' fringe lands.

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. The means to accommodate flexibility is typically done through governance mechanisms. For the BAPD, the primary governance mechanism is its Board, which is responsible to adopt, administer, and enforce its land use planning bylaws and those of its member municipalities. Although this structure provides some degree of separation between the municipal governments and land use decisions, an external mechanism would be further removed from local pressures, which are almost always aligned with more development. Within the legislative documents, specific policies help to accommodate local interests without contributing unnecessarily to uncertainty by establishing conditions that uphold the importance of maintaining agricultural lands and activities. The policy that sets conditions for a non-farm dwelling parcel is an example.

In addition to assessing the strength of the local legislative framework, we also assessed the presence of issues and ideas associated with three policy regimes. The two policy regimes of farmland preservation and global competitiveness have influenced agricultural land use policy and legislation for over forty years. Food sovereignty, and its associated concerns with food security and demand for local food, is relatively new. To complete the assessment of the presence and importance of the policy regimes we examined the documents that comprise the legislative framework. We found that farmland preservation is the most prevalent by a significant degree. The primacy of themes related to global competitiveness in important City documents suggest that this is an influential policy regime in the region. Food sovereignty is mostly absent from the framework documents, with only a few minor appearances.

Overall Influence of Policy Regimes, Brandon and Area Planning District

	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Global Competitiveness				
Farmland Preservation				
Food Sovereignty				

Low  Medium  High 

In conclusion, the BAPD is under significant pressure to accommodate urban expansion and residential development in rural areas. On the urban side, the framework clearly supports the conversion of agricultural land for non-farm development. There are more limits on non-farm developments in rural areas, but these are still permitted. The local legislative framework is consistent with these needs, whereby its primary effect is to address uncertainty associated with urban expansion and a willingness to convert farmland. Notwithstanding these weaknesses, the framework can be strengthened by formally delineating urban growth boundaries, integrating the provincial interest in protecting farmland within policies, completing an agricultural land use inventory, and adopting an agricultural plan.

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Abbreviations

AAFC	Agriculture and Agri-Food Canada
AIA	Agricultural Impact Assessments
BAPD	Brandon and Area Planning District
DPA	Development Permit Areas
FLOA	<i>Farm Lands Ownership Act</i>
FPPA	<i>Farm Practices Protection Act</i>
FFPA	<i>Family Farm Protection Act</i>
LMMM Reg	Livestock Manure & Mortalities Management Regulation
MAFRD	Manitoba Agriculture, Food and Rural Development
MFIB	Manitoba Farm Industry Board
MAFRA	Manitoba Alternative Food Research Alliance
PLUPs	Provincial Land Use Policies

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About the project

The national project is a three-year study to identify principles and beneficial practices that represent integrated land use planning solutions that protect farmland in Canada. We have three objectives related to this purpose:

1. To undertake case studies to fill strategic gaps in our understanding of how agricultural land use planning policies and processes at a local level protect farmland while also integrating public priorities across jurisdictions.
2. To analyse three inter-related policy regimes within Canada's agri-food system: the long-standing policy regimes of global competitiveness and farmland preservation; and the nascent regime of food sovereignty. The aim is to understand how these three policy regimes influence agricultural land use planning at local, provincial, and national levels of policy. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.
3. To mobilise knowledge gained from the research by hosting a series of regional workshops across Canada. Workshop results will culminate in a national forum to formulate policy recommendations for protecting farmland.

The relation between agriculture, food, and social priorities is connected to the society we want and the place of food and farmers within it. Historically, the decline in the economic and social role of agriculture has accompanied a significant loss and degradation of the agricultural land base. This trend appears to be reversing. The growth of the local food movement, as evident by the increasing number of farmers markets and citizen-based initiatives like community gardens and local food councils, has been the forerunner of recent calls at the national level for a Canada-wide food policy. Although drastic policy changes are not likely to happen immediately at the national level, changes are already occurring at local and regional levels, with all of Canada's major metropolitan regions having launched food plans and policy councils (Vancouver, Calgary, Toronto, Ottawa and Montreal). These changes suggest that the place of agriculture and food within Canadian society has shifted to be much more aligned with public priorities.

Sorting out relations between agriculture, food, and society falls, in part, within the domain of land use planning because every act of producing and consuming food has impacts on the land base. Yet, in spite of forty years of farmland protection policies, the agricultural land base still faces growing pressures from urban development and the pursuit of other economic priorities, with few indications that this trend will be significantly curtailed. Will this trend be halted if Canada adopts a national food policy that gave citizens more influence over domestic food supplies? If Canada adopted such a policy, do governments have the ability to protect the agricultural land base in order to support these new public priorities?

We anticipate that the greatest potential benefit of the research is to make a positive contribution to the development of agricultural land use plans, planning processes, and policies in Canada to protect farmland and promote farming as the highest and best use of these lands. Our assessment will be of benefit to land use decision makers, planning practitioners, to non-government organisations, industry groups, farmer organisations, farmers, and the general public.

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Principles for guiding agricultural land use planning

An agricultural land use planning legislative framework provides the context and constraints for what local governments must and can do to protect its agricultural lands. An effective framework of policies, legislation, and governance structures presents an opportunity for local governments, which can then choose how much it wants to take advantage of this opportunity. Within this context it is helpful to be able to assess the quality of an agricultural land use planning framework and understand how well it works and why. For this purpose we have identified the following four principles, which are described below:

- Maximise stability
- Minimise uncertainty
- Integrate across jurisdictions
- Accommodate flexibility

The concepts of stability and uncertainty must be understood with a view of the world as unpredictable and essentially unknowable. This contrasts with a rationale view of the world as something that we can understand fully – if only we had all of the right data and the ability to process the information. This worldview of an open future presents challenges because planning, by its very function, is focussed on making a desirable future a visible part of today's land use decision-making processes (Connell, 2009). The aim of planning is not to predict the future or claim to be all-knowing but to envision a desirable future with the information available. The functions of planning are to maximise what we can know about the future and to minimise what we do not know, thereby establishing a domain of understanding within which to make the best possible land use decisions in the present. This leads to the first two principles of agricultural land use planning.

Maximise stability

Something that is stable is difficult to topple; it stands strong and cannot be easily moved. Likewise, a stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. It is something that people can count on to secure the land base for agriculture and to know what the rules are. In this sense, a measure of stability is a measure of the thing itself – the legislative framework – as it is written in its present form. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

Minimise uncertainty

In addition to maximising the stability of a legislative framework through clear rules and regulations we must also consider how the framework will be implemented and applied to land use decisions. People want to know they can rely on these rules and regulations to be applied consistently and to know how it will be applied under different circumstances. In this sense, people want not only a stable land base for agriculture but also a legislative framework that provides some certainty about how it will be used to make agricultural land use decisions. However, what we do not know is boundless so we must accept that we cannot eliminate uncertainty. What governments can do is to minimise uncertainty by eliminating loop-holes, ambiguous language, and open-ended conditions. Perhaps more importantly, uncertainty can be minimised through consistent interpretations and applications of the legislative framework. In this sense, a measure of uncertainty is a future-oriented measure of expectations about how the legislative framework will be applied to land use decisions. Thus, the presence of uncertainty is a critical measure of the weakness of an agricultural land use planning framework.

Integrate across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. This principle of integration can be viewed as a “policy thread” that weaves together traditional areas of responsibility (Smith, 1998). One can also think of integration as a formal “linkage” between policies that provides consistency among them. Such formal linkages can come in the form of a provincial policy that requires a lower-level policy “to be consistent with” provincial statements. The aim of such vertical mechanisms is to ensure that lower-level policies are set within the context of broader public priorities. The same principle of integration applies horizontally, too, so that plans and strategies are co-ordinated and consistent across local governments. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

Accommodate flexibility

Creating an effective legislative framework is an act of balance without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimising uncertainty. The principle is to enable decision-makers to accommodate a controlled level of flexibility without compromising the primary functions of the legislative framework to provide stability and reduce uncertainty. The means to accommodate flexibility is typically done through governance mechanisms, such as quasi-judicial provincial commissions, advisory committees, and application processes.

Political context and policy regimes

To understand how political contexts and multiple public priorities influence agricultural land use planning in Canada, and to what extent it has already had an impact, we will examine the interaction of three current policy regimes: global competitiveness, farmland preservation, and food sovereignty. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved. Actors of agricultural policy regimes include a wide range of interests represented by citizens, all levels of government, local organisations, professional organisations representing producers, farmers and ranchers themselves, unions, industry trade associations and environmental groups, among others. In Canada, the two policy regimes of global competitiveness and farmland preservation have influenced policies for several decades. The recent emergence of food sovereignty as a policy regime reflects growing public concerns about the security and safety of Canada's domestic food supply, and may have significant implications for Canada's global competitiveness and the conservation and use of agricultural land. In this section we described each of these three policy regimes. A description of the criteria we used to determine the level of influence of each policy regime is provided in the appendix.

Global competitiveness

A policy regime of global competitiveness has strengthened over the past forty years at both the national and provincial levels, usually in the context of pressures on industry viability in the face of freer trade. An interest in global competitiveness often requires policies and strategies to successfully integrate into the global economy. A recent report on competitiveness by the House of Commons Standing Committee on Agriculture and Agri-Food focussed on access to new markets, barriers to trade, food safety and product labelling, and market concentration within sectors. Input to this report was provided by national and regional commodity trade associations, meat and other food processors, transportation associations, and policy institutes, among others. Scholars in this field, such as Grace Skogstad, have noted that, although the membership of the agri-food policy community in Canada is strong individually, the community is nationally fragmented and organisationally divided, as national policies do not always serve all members or geographic regions equally. For example, export-oriented policies may promote the export of raw food products at the risk of higher prices for domestic food processors. Such policies also have regional differences, where policies may benefit one region (food processing in central Canada) to the disadvantage of food producers in another region (food producers in the prairies). Notwithstanding these internal challenges, the competitiveness policy regime continues to strengthen, as evident in the Growing Forward 2 (GF2) policy framework announced on September 14, 2012.

Key ideas from GF2:

- Competitiveness and Market Growth: The sector needs to continually increase productivity, to reduce costs and to respond to consumer demands, such as for high-value products with specific attributes. Competitiveness also means increasing our share of domestic and international markets.
- The key drivers are:

- Innovation: The sector adopts and implements new technologies and innovations, creating and using knowledge to develop new products, technologies and business management practices that drive down costs, increase productivity and respond to consumer demands.
- Institutional and Physical Infrastructure: Effective rules, regulations, standards, organizations, and physical infrastructure allow firms to operate and markets to function efficiently for a profitable sector and the well-being of Canadians.
- Competing on cost: One factor in assessing the competitiveness of Canadian agriculture and agri-food sector is how cost-efficient Canadian agricultural producers, manufacturers and exporters are in relation to competitor suppliers. This is influenced by a number of factors, including natural resource availability and use, input prices, labour availability and cost, and scale of operation.
- Innovation is critical for improved cost competitiveness. Innovation can lead to improved productivity and reduced costs. However, despite significant agricultural research, the sector could be more effective in applying knowledge and innovating along the supply chain.
- Focus on the role of innovation for productivity growth and the ongoing efforts to access emerging growth markets.
- Continual innovation and adaptation has contributed to increased yields and the creation of new products and production methods
- Increased trade, globalization of supply chains, and more exacting consumer demands have increased the importance of rules, regulations, and other market infrastructure
- Additional industry capacity and infrastructure investments, such as information and communication technologies, will be required to enable producers, processors, buyers, and government agencies to adjust effectively to new food safety regulations and buyer assurance standards.
- Bilateral and multilateral trade agreements and trade promotion efforts are essential.

Food sovereignty

For our purposes, food sovereignty is a broad term that focusses on the right of citizens to have greater control over its food supply. The term encompasses food security and food safety. Food security is concerned about the availability, accessibility, and affordability of food.

While the control of food supplies were among the earliest drivers of nation-building and human settlements, food sovereignty, as defined by the International Planning Committee for Food Sovereignty, is about the right of peoples to define, protect and regulate domestic agricultural production and land policies that promote safe, healthy and ecologically sustainable food production that is culturally appropriate. Within Canada, the growth of the local food movement, as evident by the increasing number of farmers markets and citizen-based initiatives like community gardens and local food councils, has been the forerunner of recent calls for citizens having greater control over national agri-food policies. The National Farmers Union, Canadian Federation of Agriculture, and Food Secure Canada are some of the national actors calling for changes. Adopting agri-food policies that promote greater food sovereignty could easily reach into people's daily lives, with economic, social and environmental implications,

both positive and negative. Such policy will be regarded quite differently depending on a person's values and priorities, and where agriculture fits among them.

Farmland preservation

Different terms are used in this policy regime including farmland conservation, farmland preservation, and farmland protection. For our project we will use farmland protection and farmland preservation in two specific ways:

- Farmland protection: a narrower term that we will use to refer specifically to land use planning policies that aim to *protect* farmland so that it is available for farm uses; we will use farmland protection in relation to the contents of a legislative framework.
- Farmland preservation: is a broader term that concerns all aspects of policies related to farmland including policies that not only protect farmland but are also concerned with soil and landscape conservation, etc.; can be synonymously with farmland conservation; we will refer to all that is related to farmland preservation as a policy regime.

As a policy regime, preserving farmland first garnered serious public attention in Canada in the early 1970s with most provincial and local jurisdictions having some form of legislation or guidelines in place by the end of the 1970s. The historical development of farmland policies in Canada were accompanied by a wide range of economic, environmental, and social issues that were associated with and re-inforced tensions among different land uses, such as residential, commercial, industrial, and natural resource development.

Correspondingly, motivations for preserving farmland are influenced by factors such as food production, market value for land, environmental issues, amenity of rural landscapes, agrarian ideals and land use conflicts on the urban fringe. In spite of efforts over the past forty years, Canada has experienced a continual loss of prime farmland across the country. The issue is especially acute in Ontario, which contains the country's largest supply of prime agricultural lands, but concerns for the preservation of farmland exist across the country, albeit to varying degrees. But is also acute in other jurisdictions due to a much more limited and declining agricultural land base, such as in British Columbia and Quebec.

Concern about the loss and fragmentation (parcelisation) of farmland continues to be an issue in the face of continued urban sprawl and alienation of farmland (i.e., farmland that is not being farmed or no longer suitable for farming). These issues often lead to further problems, such as conflicts or tension with residential, recreational, infrastructure, and industrial land uses. Loss of farmland is often associated with concerns about the supply of local food and, increasingly, it is concerned with "land grabbing" through foreign or out-of-province ownership of land.

Strength of Manitoba's provincial legislative framework

The strength of Manitoba's legislative framework for protecting farmland is moderate with important weak elements. As summarised in Table 1, the strongest aspect of the framework is its stability, with a moderate rating for integrating the public interest in protecting farmland between the province and local governments. The principles of minimise uncertainty and accommodate flexibility received a weak rating.

Table 1. Strength of Provincial Legislative Framework

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Province of Manitoba	****	***	**	**

* = Very weak; ***** = Very strong

With regard for maximising stability, the strength of the provincial legislative framework rests upon *The Planning Act* and, most importantly, the regulation pursuant to the Act, the Provincial Planning Regulation. The stated Scope and Application of the regulation is included in the appendix. The Act establishes the legal obligation for local (municipal) governments and planning districts to prepare comprehensive land use plans for their jurisdiction. As well, under s42(2), a development plan must include a livestock operation policy that guides zoning by-laws dealing with livestock operations.

The Provincial Planning Regulation enacts the Provincial Land Use Policies (PLUPs), which are explicit statements of public interest to ensure that a number of planning and development practices are applied consistently to all development plans, including farmland protection. Policy Area 3 is for agriculture (see the appendix for a full text of this policy area). Part 5 of the Regulation enacts introductory provisions for livestock operations, which cover total animal units and siting standards and setback requirements.

The PLUP Policy Area 3: Agriculture contains strong, clear language that expresses the provincial interest to protect farmland, as evident in the following statements:

- Agricultural land is a valuable and limited natural resource and is the foundation of all agricultural activities in Manitoba.
- Prime agricultural land and viable lower class land can be considered non-renewable, as once taken out of production, they are seldom returned to agriculture.
- Planning for the agricultural use of these lands and protecting them from conversion to non-farm use is vital to the future of Manitoba's agricultural sector.
- Agricultural lands face increasing pressure from residential and recreational development, but also from competing resource-related uses. The resulting fragmentation of the land base can make it difficult for producers to farm by increasing the potential for conflict between farm and non-farm uses and inflating the cost of farmland.
- The Province encourages local authorities to support the farming community by setting policies that reduce the fragmentation of the agricultural land base and protect the viability of agricultural operations.

- Land use policies that protect working agricultural landscapes can also facilitate general public benefits such as clean air and water, open space, wildlife habitat and reduced downstream flooding.

In addition to the above statements in the PLUP for agriculture, there are many clear considerations for protecting farmland in several other policy areas. For example, under Policy Area 1: General Development, a planning policy is to direct rural residential, cottage, and non-resource-related uses to areas where agriculture is not dominant and away from prime agricultural land, viable lower class land, and existing agricultural operations whenever possible. Policy Area 2: Settlement Areas explicitly recognises that the cumulative effects of low density and scattered residential development in rural areas can create conflict with agricultural operations.

In spite of strong language and policies in PLUP Policy Area 3: Agriculture, the legislative framework for protecting farmland in Manitoba would be stronger if agricultural land was listed explicitly as a type of land to be protected in *The Planning Act*. In section 4(3)b), the Act lists types of lands and resources to be protected and enhanced, including water sources, sensitive lands, renewable resources, and areas of natural or historic significance; the transportation system and other infrastructure, and mineral development. Agricultural land is not identified here as needing to be protected or enhanced. In contrast, the Policy Area for minerals in the Provincial Planning Regulation requires mineral lands to be identified and protected, which effectively sets them aside as reserved lands.

Specific statements of *The Planning Act* establish the level of required integration across jurisdictions, which is moderate. First, as per s47(1), all development plans must be submitted to the minister for approval. This approval process is the only legislative mechanism that ensures that local governments adhere to the PLUPs. On this basis, and per s62(1), provincial land use policies no longer apply to a planning district or municipality that has adopted a development plan by-law. The PLUPs apply to all future amendments to and the re-enactment or replacement of a development plan by-law. The wording for required integration in *The Planning Act* (s41) is that a development plan “must be generally consistent” with the PLUPs. This wording could be stronger.

The provincial legislative framework, especially the PLUPs, is designed specifically to accommodate flexibility. The legal requirements of a development plan are minimal and general. Under s42(1)a,b, these requirements include plans and policies that respect the local government’s “purposes and its physical, social, environmental and economic objectives.” Land use and development are to be directed through maps and statements of objectives.

The Provincial Planning Regulation re-inforces the intent to allow local governments to determine their public priorities for land uses. As stated under Scope and Application (see the appendix for the full text),

The PLUPs by their nature are general and cannot account for all local situations, special circumstances and exceptions. In recognition of this variability it is intended that they be applied to reflect local needs, so long as provincial interests are not undermined. The PLUPs will be strictly applied in areas of the Province experiencing more growth or change, such as the capital region, and may be applied with more flexibility in areas experiencing limited growth or change, and where there is little potential for land use conflict.

This statement recognises that different conditions exist in which development plans are made and, in particular, that a greater level of flexibility is permitted only in areas where the potential for land use conflicts is lowest.

The principle to accommodate flexibility is to empower decision-makers without compromising the primary functions of the legislative framework to provide stability and reduce uncertainty. Ideally, a provincial-level governance mechanism (e.g., a planning commission) ensures that provincial interests are upheld across jurisdictions in a decision-making process that is free from (or less susceptible to) political pressures and processes. In Manitoba, there is no commission that is responsible for agricultural land use planning. Instead, the minister has authority to approve development plan; thereafter, the PLUPs are presumed to be enacted through the by-law. In this context, the absence of a provincial-level governance structure for agricultural land use planning can undermine the flexible elements of the framework, such that the balance favours local priorities over provincial interests.

There are several elements of the legislative framework that introduce uncertainty and weaken protection for farmland in Manitoba. Although the importance of protecting farmland is evident in the framework, there is no legislation to reserve lands for agricultural use, i.e., there is no agricultural land reserve, as there is in British Columbia and Québec.

In the absence of a land reserve, several statements in the legislative framework are more relevant in relation to uncertainty. Among these, and as noted above, there is also no provincial-level governance mechanism that can manage a flexible planning process. Instead, the authority to approve development plans rests with the minister, which exposes land use plans to political influences and changes in political interests. This aspect of uncertainty is further exposed by weaker language. One example is the legal requirement for integrating the provincial land use interests in local development plans. Whereas other jurisdictions often use the term, “must be consistent with,” the term used in *The Planning Act* is “must be generally consistent,” wherein, ‘Generally consistent’ means that development plan by-laws will embody the principles of sound land use planning as expressed in the PLUPs, and the goals, plans and policies contained in development plan by-laws will reflect the spirit and intent of the PLUPs. This is important because once a development plan by-law is adopted, the PLUPs no longer apply to the planning area until a plan is being amended or reviewed. As such, a development plan by-law is ultimately jointly approved and endorsed by both the planning authority and the Province.

Furthermore, from a legal perspective, the term “spirit and intent” can be problematic because it introduces uncertainty as to whether one should rely on broad concepts versus the text of laws.

The policy related to urban expansion provides an example of how conditions used in the PLUPs introduce uncertainty. Whereas Policy Area 2: Settlement Areas (s2.2.6) states that the expansion of an urban centre must be directed away from prime agricultural land and agricultural operations, it also states, “where factors such as servicing and land availability make urban expansion into these areas the best option, urban expansion may take precedence over other uses.” In effect, this policy gives priority to urban development over protecting farmland.

Overall, the absence of reserve lands and a provincial planning commission for agricultural lands, together with the prevalence of weak language in key areas and the priority to urban expansion in growth areas, introduce levels of uncertainty that can undermine the stability of the legislative framework.

Introduction

Purpose and scope of case study

In this report we present the results of a case study of agricultural land use planning in the Brandon and Area Planning District (BAPD), which includes the City of Brandon and its surrounding areas, the Regional Municipality of Elton and Regional Municipality of Cornwallis. The area is located in southwest Manitoba. This case study contributes to three areas of knowledge. The case study is part of a national project to identify principles and beneficial practices that represent land use planning solutions that protect farmland. For our purposes, the case study contributes to an understanding of the state of agricultural land use planning in Canada, where farmland protection faces particular pressures from industrial, residential, and natural resource developments. Finally, the case study lends insight to the state of agricultural land use planning in the BAPD.

The case study of the BAPD involved an assessment of the breadth and quality of the legislative framework that governs agricultural land use planning, including the documentation of policies, legislation, and governance structures and a detailed analysis of the contents of these documents. The case study also involved an assessment of the political context within which agricultural land use planning processes are completed and decisions are made. Our assessment of the political context included documentation and analysis of three policy regimes: farmland preservation, global competitiveness, and food sovereignty (see the appendix for a description of each policy regime).

Methods

Legislative framework:

The methods used to complete the assessment involved several activities:

- Document agricultural land use planning legislative framework:
The legislative framework consists of policies, legislation (and by-laws), and governance structures related to agricultural land use planning at local, regional (or upper-tier), and provincial levels of government. The policies and legislation were identified as enforceable, aspirational, or enabling. Refer to the appendix for definitions of these and other terms.
- Content analysis of legislative framework documents:
After identifying the relevant documents the next step was to analyse the level of detail of each document's contents. The aim of the content analysis is to assess the breadth and quality of the legislative framework.

Political context:

- Policy regimes
We analysed the contents of documents with regard for the presence and importance of policy regimes. The documents included those identified in the legislative framework. The aim is to assess the extent to which agricultural land use planning

accommodates the three policy regimes, influences land use decisions, and encompasses a comprehensive view of food systems planning, activities, and issues.

Overview of site

The case study examines the City of Brandon and its surrounding area, including the Rural Municipality of Cornwallis and the Rural Municipality of Elton. Located in southwest Manitoba (Figures 1 and 2), these are three separate municipalities that share responsibilities for land use planning under the authority of the Brandon and Area Planning District (BAPD). The purpose of the BAPD “is to provide for an increased level of co-ordination and co-operation among the participating municipalities, primarily with regard to land use and land development issues” (BAPD, home page). The BAPD (Figures 1 and 2) serves as the case study site, which encompasses approximately 1,114 km².

The City of Brandon is the second largest city in Manitoba with a population of 46,061 (2011). The five-year growth rate between 2006 and 2011 is 11% (Table 2). The two regional municipalities are much smaller in comparison. Cornwallis experienced positive five-year growth in its population (7.9%) while Elton declined by 2.2%.

Table 2. Total Population (2006-2011)

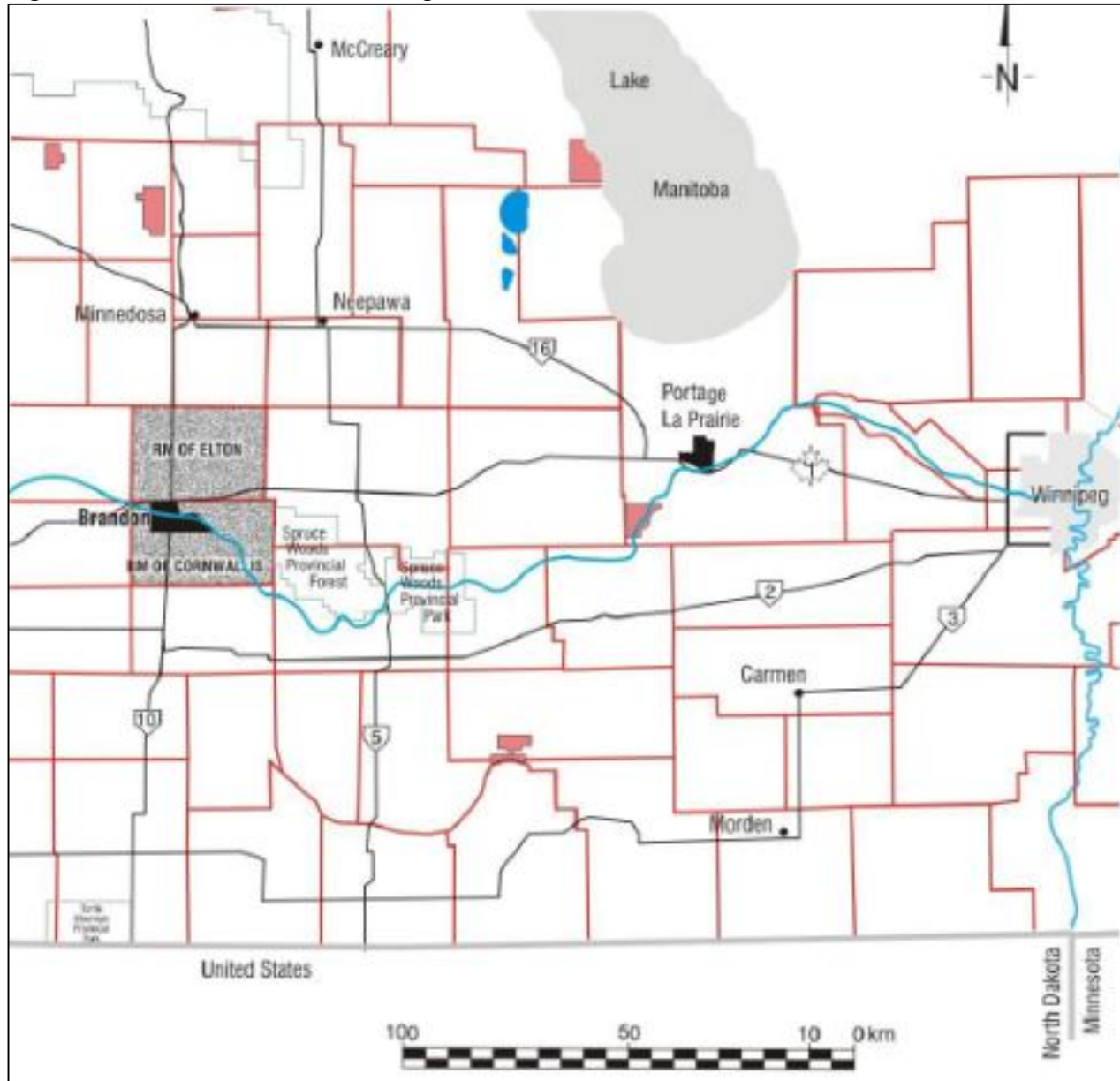
	Brandon	RM of Cornwallis	RM of Elton
2006	41,511	4,058	1,285
2011	46,061	4,378	1,257
Population change (%)	11.0%	7.9%	-2.2%

Source: Statistics Canada

As a regional centre for southwest Manitoba and southeast Saskatchewan, with an estimated trade area population of 180,000, the City provides a full range of amenities, including a university and community college, a health care centre, and a variety of recreational facilities.

The dominant industries, by labour force (Chart 1), are health care and social services; retail trade, manufacturing, and public administration. According to Brandon Economic Development, the most significant manufacturing outputs include farm fertiliser production, industrial and commodity chemical production, metal fabrication, and pork processing. The sources of employment are evident in the list of Brandon’s largest employers, as shown in Table 3. Of note, the area is home to the Canadian Forces Base Shilo, which employs approximately 1,750 military and civilian personnel, and for Agriculture and Agri-Food Canada’s Brandon Research and Development Centre.

Figure 1. Brandon and Area Planning District



Source: BAPD Development Plan (2015)

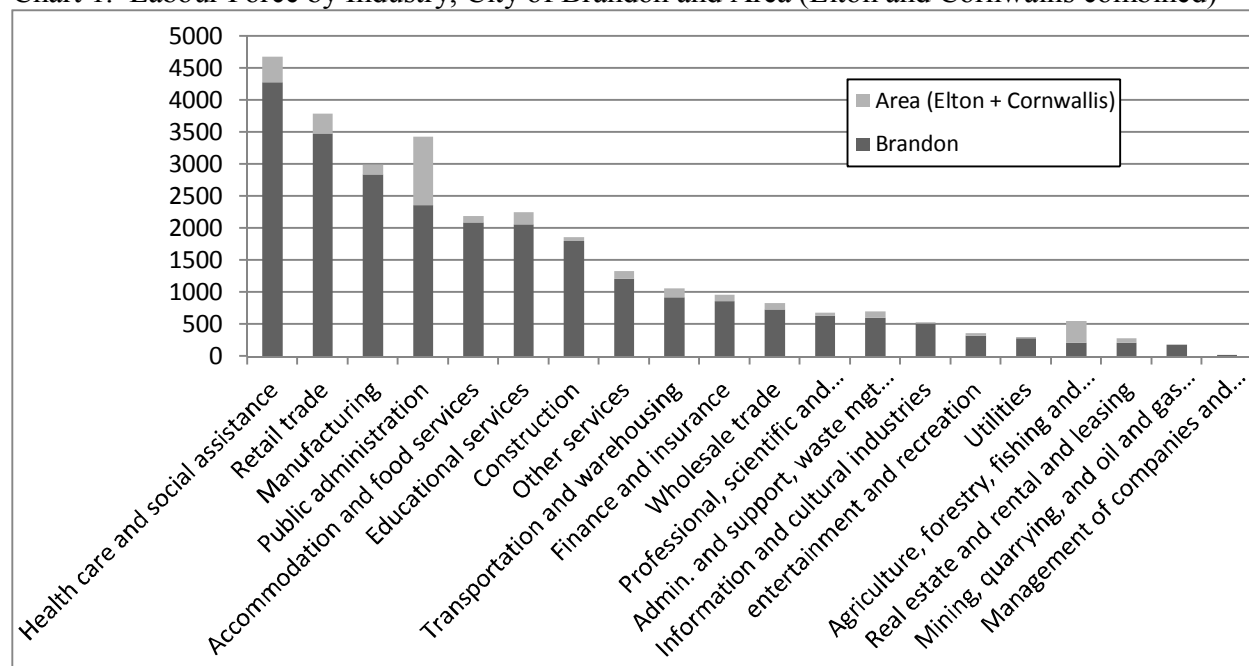
Figure 2. Brandon and Area Planning District: Study Area



Source: BAPD Development Plan Review: Background Report (2010)

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Chart 1. Labour Force by Industry, City of Brandon and Area (Elton and Cornwallis combined)



Source: Statistics Canada, National Household Survey, 2011

Table 3. Largest Employers in Brandon

Employer	Total Employees	Employer	Total Employees
Manufacturing Companies Over 50 Employees		Public Sector over 100	
Maple Leaf Consumer Foods	2,100	Prairie Mountain Health	2,680
Behlen Industries	300	Canadian Forces Base Shilo	1,750
Koch Industries	300	Brandon School Division	1,150
Saputo Dairy Products	140	Province of Manitoba	688
Cancade Company	100	Assiniboine Community College	500
Atom Jet Group	100	City of Brandon	500
Pfizer	80	Brandon University	447
Trican Well Service	75	Manitoba Hydro	338
Canexus Chemicals	73	Government of Canada	225
Brandon Sun	56	Child & Family Services Westman	150
Leech Printing	56		
Modern Industrial Structures	50		
Non-Manufacturing Companies over 100			
Paul's Hauling	250		
Mazer Group	216		
MTS AllStream	175		
Westman Communications Group	150		
Westman Laboratory	135		
Westoba Credit Union	130		

Source: Economic Development Brandon, Community Profile 2016

http://economicdevelopmentbrandon.com/images/pdf/communityProfile/Brandon_Community_Profile_2016.pdf

In the background report for the Development Plan, the BAPD (2010) highlights the important economic role of the region's agricultural base, noting that its presence supports a strong agri-business sector and has resulted in significant growth in new businesses and residential construction. The City's Economic Growth Strategy (2014) identifies agribusiness and food processing as one of five targetted areas for economic growth.

Brandon's ties to the agricultural sector are firmly established with over 350 businesses and their 4,000 plus employees directly serving the agricultural sector. The city offers an attractive location for the agribusiness sector with tremendous potential in value added food, nutraceuticals and bioenergy industries (p. 12).

Maple Leaf Foods Inc. employs 2,100 people and is a critical piece of the agribusiness sector. The sector is also supported by post-secondary institutions and the Brandon Agriculture Research Centre.

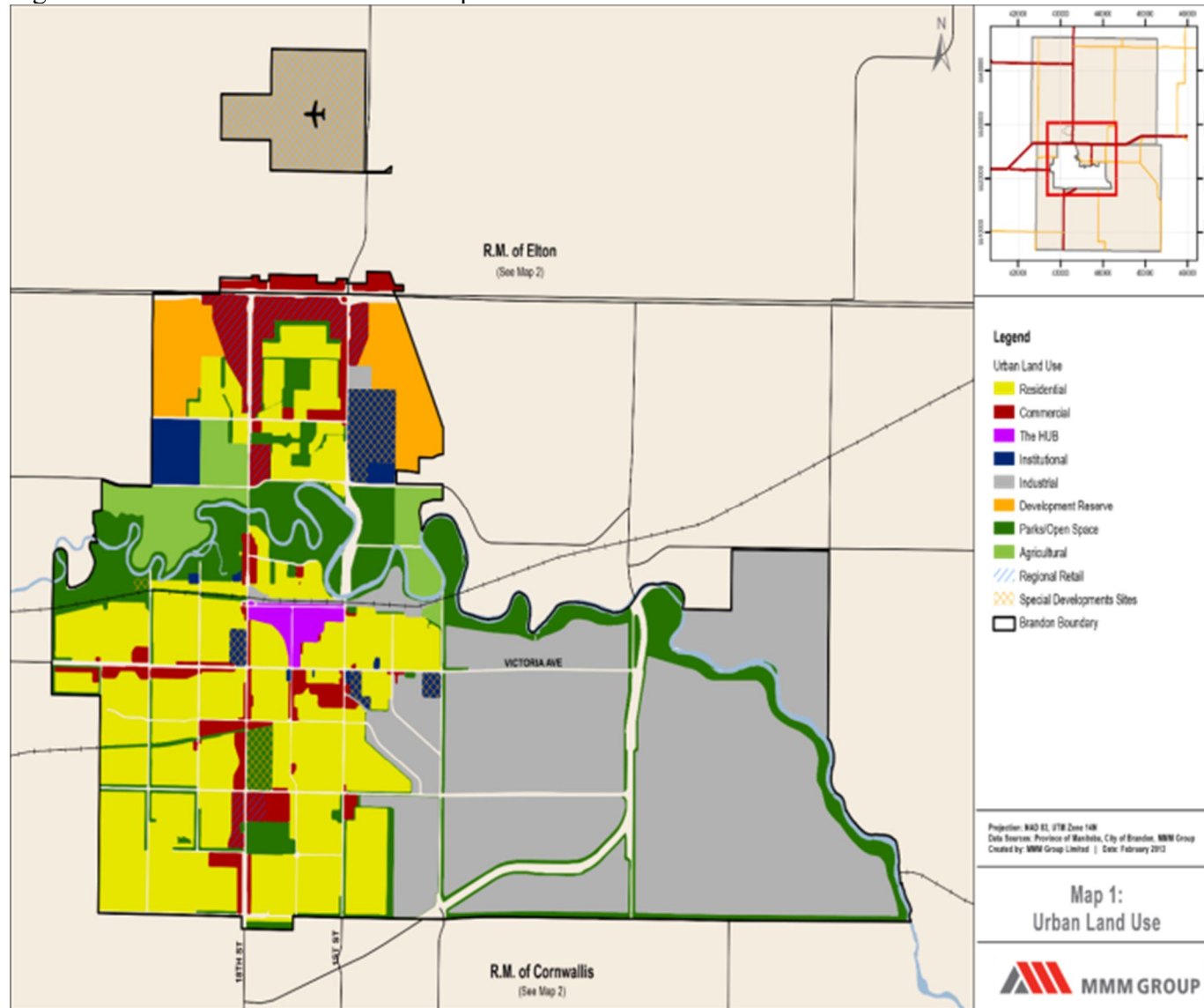
The population of the BAPD is expected to grow. According to the BAPD Growth Strategy (2013), much of this growth will come from the continued arrival of immigrants seeking work at Maple Leaf Foods Inc. and other industries. As stated in the planning document,

At the current rate of growth, urban growth within the fringe area is expected to result in 27,000 new residents within the next 50 years. This population growth will require approximately 900 hectares of land to accommodate future residential, commercial, institutional and industrial uses (p. 1).

This expected growth in the area population is the premise for the Growth Strategy and the corresponding need to convert agricultural land for expanded urban development. The series of maps below illustrate both the current and future land uses. The Urban Land Use map (Figure 3) shows limited parcels of agricultural land within a fully developed City boundary. Figure 4 shows current designations for rural land uses, which includes a substantial land base in agricultural use. The Rural Land Use map also shows the locations of rural settlement centres and rural residential areas.

Future urban expansion will be accommodated in the fringe areas of the City. In this context, the BAPD Development Plan identified the need to complete and formally adopt a Growth Strategy for the fringe area. This Growth Strategy was completed in 2013 and included a land evaluation exercise in order to identify priority areas for future development. The outcome of the evaluation process, and the corresponding lands identified for priority development, is shown in Figure 5. The process was based on a comprehensive evaluation framework that weighted a broad range of criteria that included transportation and wastewater infrastructure, land uses, as well as economic, physical, and environmental factors. The capability of agricultural land was among the criteria, but had the weighted rating of least importance. The parcels identified for future development include prime agricultural lands.

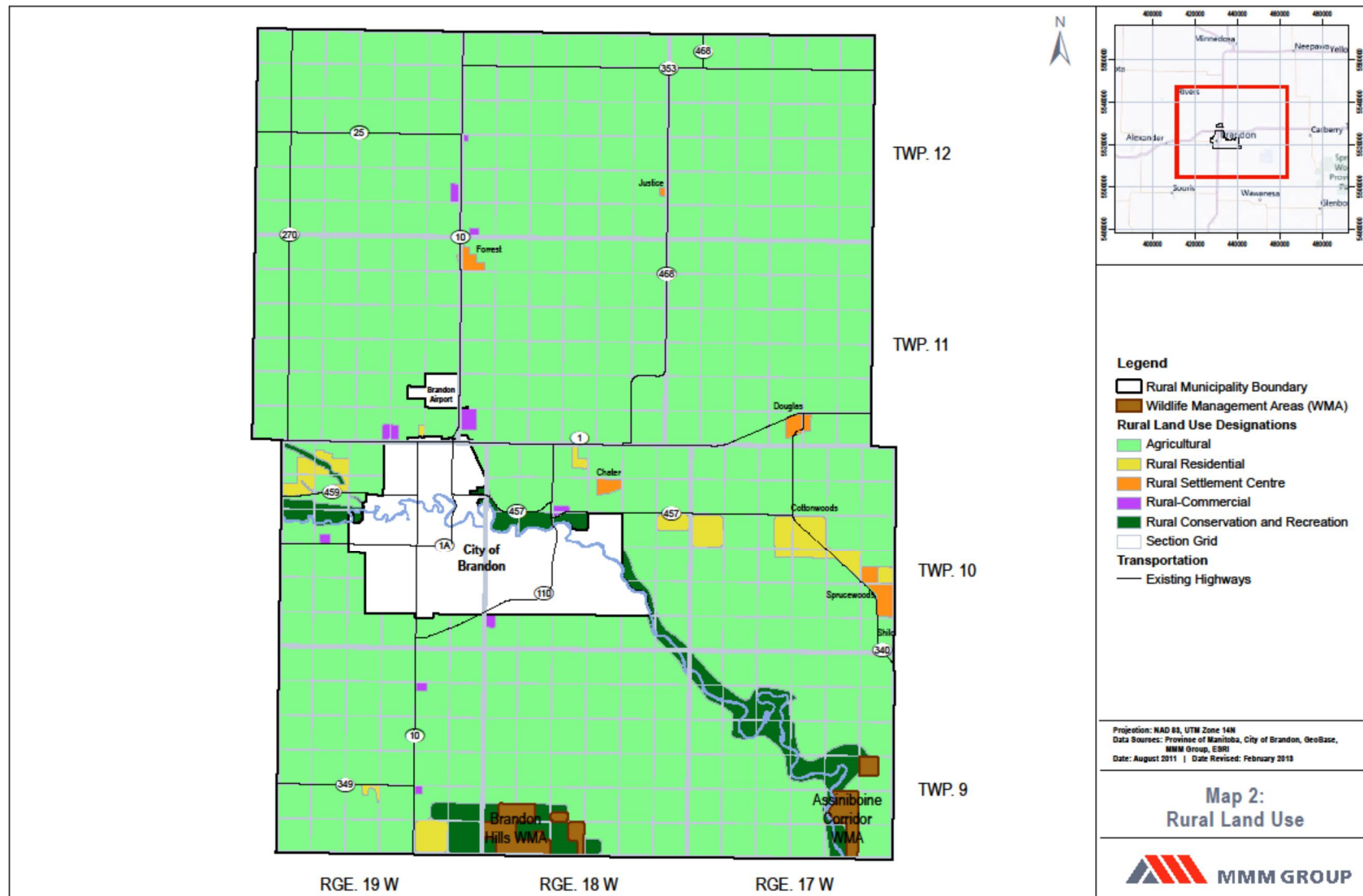
Figure 3. Brandon Urban Land Use Map



Source: BAPD Development Plan

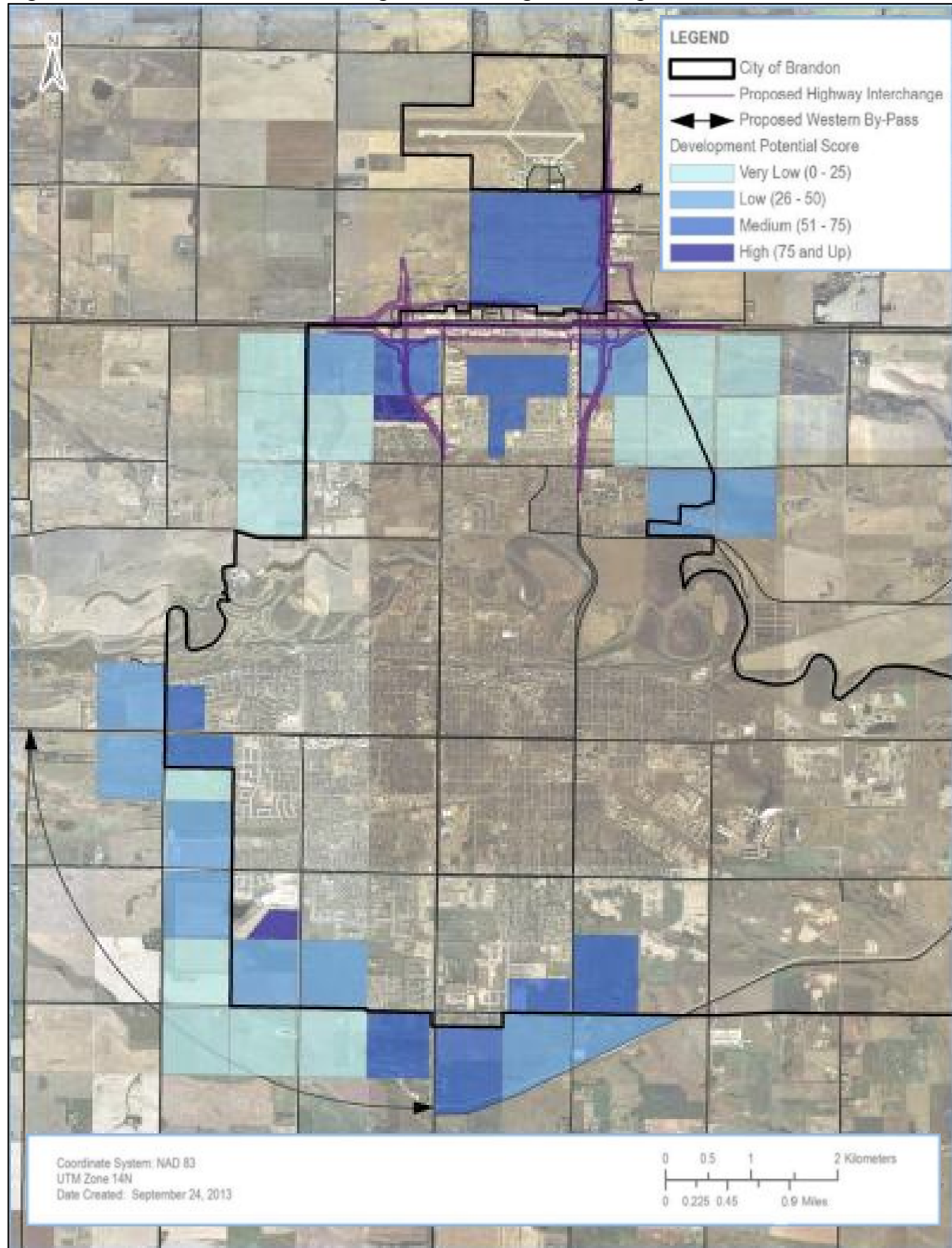
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Figure 4. Brandon Rural Land Use Map



Source: BAPD Development Plan

Figure 5. Brandon and Area Planning District Fringe: Development Potential



Source: BAPD Fringe Area Growth Strategy

Agricultural profile

The rural landscape and heritage of southern Manitoba is dominated by agriculture, and this is the same for the rural area surrounding Brandon (Figure 2, above), which consists of rich soils. However, there is very little designated agricultural land within City limits (Figure 3), and some of the available agricultural lands are designated for future urban development.

The types of land use by area are shown in Table 4 for Agricultural Region 2, which includes the BAPD. The table shows that the land uses in the region are similar to the province as a whole, with a high proportion of the area as improved land and most of that growing crops. The size and number of farms in Agricultural Region 2 is shown in Table 5, which indicates that the average size of farms in the region are slightly larger than the average farm in the province.

Table 4. Land Use by Area (000 hectares)

	Improved Land				Unimproved Pasture	All Other Land	TOTAL LAND
	Crops	Fallow	Pasture	Total			
Ag Region 2	512	22	72	605	169	76	850
Manitoba	4,701	127	498	5,326	1,548	844	7,719

Source: Statistics Canada, Census of Agriculture 2006.

Table 5. Size and Number of Farms

	Census Farms 2006			Number of Census Farms (with sales > \$50,000)			Number of Census Farms (with sales > \$100,000)		
	Number	Average size		Number	% of Farms	% of all Farms	Number	% of Farms	% of all Farms
		ha	ac						
Ag Region 2	1,945	437	1,080	1,130	10.90%	5.90%	819	10.90%	4.30%
Manitoba	19,054	405	1,001	10,333	100.00%	54.20%	7,520	100.00%	39.50%

Source: Statistics Canada, Census of Agriculture 2006.

Results

In this section we present the results for the case study of the Brandon and Area Planning District. We begin with the results of our assessment of the legislative framework of the case study site within the context of provincial policies and legislation. We then present the results of the content analyses of local government policies and legislation followed by the results of the political context, which includes our assessment of the influence of the three policy regimes (farmland preservation, food sovereignty, and global competitiveness). We discuss the significance of these results in the next section.

State of agricultural land use planning

The primary focus of land use planning in the BAPD is to accommodate growth and the expansion of urban and rural development. Within the urban and fringe areas, lands designated as agricultural are often referred to as greenfields for future development. The rural municipalities of Elton and Cornwallis express a stronger interest in preserving agricultural land.

The BAPD Development Plan formalises the area's commitment to a stronger presence near the Trans-Canada Highway by directing residential development to greenfield lands in the area directly north of the city. The secondary plan for the southwest area of Brandon, adopted in April 2014, focusses on re-zoning agricultural land for residential and economic uses. Current land use in this area includes large-lot residential, horse barn, elementary school, and a landscaping business. Similarly, the purpose of the North Brandon Gateway Secondary Plan is to focus residential and commercial development in the North Hill area of Brandon. The area includes greenfield agricultural land that is in close proximity to commercial land. These development priorities indicate the BAPD's support of economic development over agricultural uses.

The issues identified among the agricultural policies of the Development Plan are comprehensive, including controlling adverse impacts of non-farm development, strengthening the sector, fragmentation of the land base, non-farm dwellings, encroachment, and agricultural practices and improvements that conserve valuable soil and water resources. However, there are no discussions about these issues or indications of the extent to which they are concerns, or about the loss of farmland. The lack of discussion may be related to the absence of an agricultural plan for the area or an agricultural land use inventory.

Significant attention is given to livestock operations in the BAPD Development Plan and implementing bylaws. The relevant policies aim to address matters of locating livestock operations on appropriate sites, minimising conflicts with neighbouring uses, and managing manure and other operational aspects of the farms.

Legislative framework

The legislative framework consists of policies, regulations, and governance structures related to agricultural land use planning at local, regional, and provincial levels of government. Policy

documents were identified as enforceable, aspirational, or enabling (refer to the appended glossary for definitions of these and other terms). Table 6 displays the three tiers of agricultural land use planning policies and legislation.

At the provincial level, the foundation of Manitoba's legislative framework for land use planning consists of *The Planning Act* and the regulation pursuant to the Act, Provincial Planning Regulation. These are the primary legislative documents. The *Farm Practices Protection Act* (FPPA) and *Family Farm Protection Act* (FFPA) are important acts of legislation that govern farming operations primarily with implications for agricultural land use planning and farmland protection. The FPPA protects farmers from nuisance complaints with implications for land use controls (e.g., setbacks). The primary objective of the FFPA is to protect farmers against unwarranted loss of their farming operations during periods of difficult economic circumstances. Although there are no specific references to land use controls in the FFPA, another stated objective is to preserve the agricultural land base during periods of difficult economic circumstances.

The *Farm Lands Ownership Act* (FLOA) is not directly related to land use controls and farmland protection but has indirect effects. The purpose of the FLOA is to limit foreign interests in Manitoba farmland. Non-eligible persons cannot have interest in more than 40 acres of farmland in Manitoba without permission.

Additional provincial acts and regulations are relevant to agricultural land use planning. *The Environment Act* deals with environmental protection and management systems, which includes aspects of livestock operations and subsequently covered by the Livestock Manure and Mortalities Management Regulation. *The Water Protection Act* protects and stewards Manitoba's water resources and aquatic ecosystems in order to ensure a supply of high quality water to sustain all ecological processes, including agricultural.

The only policy document we included at the provincial level is Planning Resource Guide: Planning for Agriculture. Although this planning guide is not a formal policy, due to its importance as a resource to support agricultural land use planning in the province, we have included it as equivalent to an aspirational policy.

The Brandon and Area Planning District (BAPD) fulfills the land use planning function at the regional level. At this level, the legislative framework includes one legislative document, the Brandon & Area Planning District Development Plan, which is discussed below in more detail. This Plan is supported by a background report, the BAPD Development Plan Review: Background Report, and an enforceable policy, the BAPD Fringe Area Growth Strategy (adopted by the BAPD).

At the municipal level, land use planning functions within the legislative framework of the BAPD. Supporting zoning bylaws include Brandon Zoning Bylaw, Regional Municipality (RM) of Elton Zoning Bylaw and RM of Cornwallis Zoning Bylaw. The City also has two sub-area bylaws, the Southwest Brandon Secondary Plan and North Brandon Gateway Secondary Plan. Several aspirational policy documents are also included in the local legislative framework, including the City of Brandon Strategic Plan, City of Brandon Greenspace Master Plan, City of Brandon Environmental Strategic Plan, and Brandon Community Food Assessment. The latter was included given its primary focus on food security.

Table 6. Legislative Framework for Brandon and Area Planning District

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	Planning for Agriculture	<i>The Planning Act</i> Provincial Planning Regulation <i>Farm Practices Protection Act</i> <i>Family Farm Protection Act</i> <i>The Water Protection Act</i> <i>The Environment Act</i> Livestock Manure & Mortalities Management Regulation	Manitoba Farm Industry Board
REQUIRED INTEGRATION	<i>Planning Act</i> s47(1) ...the board or council must submit the by-law to the minister for approval. <i>Planning Act</i> s41 A development plan must be generally consistent with provincial land use policies. <i>Planning Act</i> s62(1) ... provincial land use policies no longer apply to a planning district or municipality that has adopted a development plan by-law.		
REGIONAL (Planning District)	BAPD Development Plan Review: Background Report BAPD Fringe Area Growth Strategy	<i>Brandon & Area Planning District Development Plan</i>	Brandon and Area Planning District Board
LOCAL (municipalities)	Brandon Strategic Plan 2015-18 Economic Growth Strategy Brandon Greenspace Master Plan Brandon Environmental Strategic Plan Brandon Community Food Assessment	<i>Southwest Brandon Secondary Plan</i> <i>North Brandon Gateway Secondary Plan</i> Brandon Zoning Bylaw RM of Elton Zoning Bylaw RM of Cornwallis Zoning Bylaw	City of Brandon Planning Commission

Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]

Enforceable policy, regulations pursuant to acts [bold]

Aspirational policy at all levels [plain text]

The level of required integration across jurisdictions is enacted through specific statements of *The Planning Act*, as shown in the legislative framework (Table 6, above). All development plans and bylaws must be submitted to the minister for approval. This approval process is the only legislative mechanism that ensures that local governments adhere to the PLUPs. On this basis, and per s62(1), provincial land use policies no longer apply to a planning district or municipality that has adopted a development plan by-law. The PLUPs apply to all future amendments to and the re-enactment or replacement of a development plan by-law. The wording for required integration in *The Planning Act* (s41) is that a development plan “must be generally consistent” with the PLUPs.

With regard for governance, there is no provincial agency that is responsible for agricultural land use planning. The legislative framework does include the Manitoba Farm Industry Board (MFIB), which has the mandate to administer the FFPA, FPPA, FLOA, and *Farm Machinery & Equipment Act*. For the FFPA, the MFIB serves as a mediator to work with farmers and creditors to identify settlement options and avoid legal action. For the FPPA, the Board adjudicates nuisance complaints about agricultural operations. For the FLOA, the Board accepts and adjudicates applications from non-Canadian residents to own more than 40 acres of farmland in Manitoba.

At regional and municipal levels, governance is carried out by two bodies, respectively: the Brandon and Area Planning District Board; and City of Brandon Planning Commission. The BAPD Board is the decision-making body of the planning district and is responsible to enforce land use planning bylaws of its member municipalities. *The Planning Act* enables local governments to establish planning commissions. The City’s Planning Commission is responsible to hold hearings; make decisions respecting applications for variances and applications respecting conditional uses; zoning; secondary plan amendments; and subdivision. The Planning Commission acts as an advisory board to the City Council on land use and zoning matters; the Council has the final ruling.

BAPD Development Plan

A development plan, as enforceable legislation implemented through zoning bylaws, is a key element of stability for a local framework. The purpose of a development plan is to establish a long-term vision for an area and its residents; it sets objectives and policies that guide decisions on land use management. Given its importance, we reviewed the BAPD Development Plan to understand the importance of agriculture among other priorities of public interest and land use policies.

The importance of agriculture to the area is evident. At the start of the plan, it states that agricultural protection is one of four goals and objectives that have remained unchanged since the previous plan, along with affordable housing, environmentally sensitive development, and economic development. This position is re-inforced under General Objectives (1.6.2), as follows (emphasis added):

General Objectives

The following objectives are established to provide direction to growth and development in the BAPD. These objectives form the basis for land use planning and development

decisions and a basis for the actions of the public and private agencies in making location, investment and other development decisions.

- b) *To protect and to strengthen agriculture and its related activities as a major economic activity and use of land within the BAPD* and to preserve the rural character of the Rural Municipalities of Cornwallis and Elton.

Most importantly, this general objective is supported by a specific section on Land Preservation (8.2.2) under Agricultural Area Policies. The section states:

Intent: To encourage continuous blocks of agricultural land, which will enhance the benefits of farm consolidation and diversification, and to minimize fragmentation and encroachment by nonfarm uses.

Policy: Lands that have the capability to support a full range of agricultural activities should be preserved in large parcels including those lands where agricultural activities are on prime agricultural land (C.L.I. Class 1, 2 and 3 soils), and viable lower class lands.

In addition, the interest in protecting agricultural lands is reinforced by the following policies:

2.4 Rural Residential Policies

2.4.1 Location

Intent: In order to minimize scattered residential development and interference with resource-based economic activities, such as agriculture and aggregate extraction, and in order to minimize municipal servicing requirements, residential development in rural areas shall be clustered in designated areas on large lots and avoid lands needed for resource related uses.

2.4.4 Creating New Non-Farm Dwelling Parcels

Intent: To protect agricultural land from fragmentation and limit the number of non-farm dwelling parcels in agricultural areas.

2.4.5 Non-Farm Dwelling Parcel Characteristics

Intent: To manage the development of non-farm residential uses in [designated] Agricultural areas.

Policy: All of the following criteria shall apply to all non-farm dwelling sites:

- b) Existing and future expansion of agricultural and livestock operations in the surrounding area would not be adversely affected by the presence of a non-farm dwelling and vice versa.
- f) The new parcel, if possible, should be directed away from prime agricultural land or viable lower class land in agricultural use.

However, in spite of the above policy statements to protect agricultural land, it is clear that some development priorities over-ride the interest in protecting agricultural land. In setting out the

“future direction” of the Planning District, the Development Plan includes the following statements that either remove or open agricultural lands for development:

1.1.6 Future Growth Areas of Brandon

In the fringe areas of the City, agricultural lands are designated for rural residential development: “other fringe areas will be preserved in large agricultural parcels and land fragmentation is not encouraged until further study is completed.”

1.1.7 Balancing Development Pressures in Rural Areas

An appropriate amount of non-agricultural development in the rural areas will be balanced with the goal of preserving prime agricultural land and ensuring compatible land uses. Intensive uses will generally be directed away from prime agricultural lands.

1.1.9 Accommodating Livestock Operations

“Agricultural preservation, non-farm development and livestock operations in the rural areas will be accommodated *where appropriate*.” [emphasis added]

Furthermore, in setting out twelve areas of responsibility of the BAPD, the plan states that the BAPD will “Protect valuable agricultural lands for continued agricultural enterprise.” This statement introduces a distinction of “valuable” from other agricultural lands that are deemed less valuable and, presumably, less worthy of protection. For example, recreational uses (2.4.9) are directed away from prime agricultural lands but can be provided on lower class agricultural land. Similarly, rural industrial development is directed away from prime agricultural lands, “where possible.”

The blend of priorities for protecting agricultural lands provides the context for the section dedicated to Agricultural Area Policies (8.0). (The full text of this section is provided in the appendix.) The purpose of these policies, as follows, clearly states the importance of agriculture to the area while also acknowledging the need to balance protection of agricultural lands with the need to accommodate other developments:

Agriculture has traditionally been the cornerstone of the BAPD’s economy. Protection of this valuable industry is necessary for the ongoing success of the municipalities, and for the City of Brandon. While it is recognized that non-agricultural rural development is present in the municipalities, high quality agricultural lands must be protected from the encroachment of incompatible uses. This protection must be balanced with the opportunity to expand development of settlement centres, and rural residential areas at appropriate locations.

The intent to protect agricultural lands is evident in several of the Objectives (8.1) of the Agricultural Area Policies, as follows:

- b. To preserve prime agricultural lands (Canada Land Inventory [C.L.I.] Class 1, 2 and 3 soils), for farming activities, and to preserve those lower class lands where farming is dominant or is potentially viable.
- c. To protect agricultural lands and activities from encroachment and fragmentation by nonfarm uses which would be detrimental to long-term farming operations.

At the same time, the desire to accommodate non-farm development on agricultural land is also evident, as it is in the Location policy (8.2.1), as follows (emphasis added):

- a. A diversity of agricultural activities will be encouraged in the designated Agricultural Area, particularly on prime agricultural lands and at locations where conflicts with nearby development can be minimized. Conversely, prime agricultural land should not be developed for non-agricultural land uses, *unless the development meets an important public need*. Such non-agricultural land uses should be directed away from prime agricultural land or viable lower class land in agricultural use.

One clearly stated other “public need” is to accommodate the urban expansion of the City of Brandon and of rural settlement areas, which the section Community Expansion (8.2.13) addresses. The stated intent of the policy is as follows:

To provide for the logical expansion of the City of Brandon or any of the rural settlement centres. Where the growth of the City of Brandon or of a rural settlement centre warrants the expansion onto adjacent agricultural lands, the land requirements of these communities will take precedence over any existing agricultural use of these lands.

Finally, the Agricultural Area Policies section provides significant attention to livestock operations. The related policies allow livestock operations to situate in the Rural Municipalities of Cornwallis and Elton. The aims of the policies are to direct livestock operations to appropriate areas within the BAPD, ensure that livestock operations do not establish in inappropriate areas, reduce the potential effect of livestock operations on nearby development, and establish criteria to be considered when reviewing new or expanding livestock operation, among other aims.

Content analysis of documents

After documenting the legislative framework we assessed the contents of the documents. The results of this content analysis reflect the breadth and quality of the legislative framework. For this we used a three-point (check mark) scale indicating different levels of detail from minimal (✓) to moderate (✓✓) to high (✓✓✓). The criteria we used for this part of the assessment are included in Appendix: Criteria for Evaluating Content of Legislative Framework.

Local government legislation documents

The results of the content analysis of the local legislative documents are shown in Tables 7 and 8. Six documents were reviewed as part of this analysis, The BAPD Development Plan, two secondary plans, and four supporting zoning bylaws. Combined, these six documents provide minimal coverage of the legislative context with few details about agriculture, including background on agriculture; statements covering the vision, goals, and objectives for agriculture; regulations; and maps. For the latter we looked specifically for maps of agricultural land designation and soil capability. The details of the coverage of the legislative context are shown

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Table 7. Contents of local agricultural land use legislative documents

	Legislative Context	Background	Vision, Goals, Objectives	Regulations (enforceable policies, procedures)	Maps
<i>BAPD Development Plan</i>	✓	✓	✓✓	✓✓✓	✓✓✓
Southwest Brandon Secondary Plan	✓		✓	✓	✓
North Brandon Gateway Secondary Plan	✓		✓		✓
Brandon Zoning Bylaw	✓		✓	✓	✓
RM of Elton Zoning Bylaw	✓			✓✓✓	✓
RM of Cornwallis Zoning Bylaw	✓			✓✓✓	✓

Table 8. Breadth and depth of legislative context

	Legislative context (legislation and policies)							Land use planning tools			Gov.
	Planning Act	PLUPs	FPPA	FFPA	Water Act	Env. Act	LMMM Reg	Covenant	AIAs	DPA	
<i>BAPD Development Plan</i>	✓✓✓	✓			✓		✓			✓	✓✓
Southwest Brandon Secondary Plan	✓										
North Brandon Gateway Secondary Plan	✓	✓									
Brandon Zoning Bylaw	✓									✓	
RM of Elton Zoning Bylaw	✓										
RM of Cornwallis Zoning Bylaw	✓										

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Table 9. Contents of local land use policy documents

	Legislative Context	Background	Vision, Goals, Objectives	Regulations (enforceable policies, procedures)	Maps
BAPD Fringe Area Growth Strategy	✓	✓	✓	✓✓	✓✓
Brandon Strategic Plan 2015-18					
BAPD Development Plan: Background Report	✓	✓	✓✓		✓
Economic Growth Strategy		✓	✓		
Brandon Greenspace Master Plan					
Brandon Environmental Strategic Plan	✓				
Brandon Community Food Assessment		✓	✓		

Table 10. Breadth and depth of legislative context: policy documents

	Legislative context (legislation and policies)							Land use planning tools			Gov.
	Planning Act	PLUPs	FPPA	FFPA	Water Act	Env. Act	LMMM Reg	Cove nant	AIAs	DPA	
BAPD Fringe Area Growth Strategy	✓										✓
Brandon Strategic Plan 2015-18											
BAPD Development Plan: Background Report	✓✓	✓									
Economic Growth Strategy											
Brandon Greenspace Master Plan											
Brandon Environmental Strategic Plan					✓✓	✓✓					
Brandon Community Food Assessment											

in Table 8. Here we can see that the BAPD provides the most details with the supporting documents focussed on regulatory details of agricultural land use planning. *The Planning Act* is the most frequently noted legislative, but usually without references to specific sections. When mentioned, there are only general references to PLUPs and no specific references to Policy Area 3: Agriculture. A weak element of the legislative context is the absence of references to agriculture-related provincial legislation, e.g., FPPA, FFPA, and FLOA. Overall, the primary focus is on urban development, including residential, commercial, and industrial land uses, rather than agricultural land use.

Local government policy documents

The results of the content analysis of the local policy documents are shown in Tables 9 and 10, above. Seven documents were reviewed as part of this analysis, including two enforceable policies and four supporting documents. The two enforceable policies are the BAPD Fringe Area Growth Strategy and the City of Brandon Strategic Plan for 2015-18. The supporting documents include the background report for the development plan, economic development strategy for Brandon, the greenspace plan, environment plan, a food security assessment report. Combined, these documents provide very little information related to agricultural land use planning. The Growth Strategy is the most important document that relates to agricultural land use planning and provides specific direction to protect farmland and manage conflicts. However, this strategy is managing urban growth that sometimes refers to prime agricultural lands as greenfields or undeveloped areas.

Policy regimes

The two policy regimes of farmland preservation and global competitiveness have influenced agricultural land use policy and legislation for over forty years. Food sovereignty, and its associated concerns with food security and demand for local food, is a nascent policy regime that is influencing agricultural land use planning. Within this context, the aim of our analysis was to assess how issues and ideas associated with the three policy regimes influence local agricultural planning processes, including decisions about zoning, official plans, boundary adjustments, land division and servicing, and, as well, to assess the extent to which agricultural land use planning encompasses a comprehensive view of food systems planning, activities, and issues.

To complete the assessment of the presence and importance of the policy regimes we examined the documents that comprise the legislative framework. Presence and importance were measured as a function of both the level of influence of words, concepts, and statements that appear in the documents and of the placement of these words, concepts, and statements within each document. The criteria for measuring the policy regime statements are presented in Appendix: Criteria for determining level of influence of policy regimes.

All three policy regimes are present in the local legislative framework (Tables 11 through 19), however farmland preservation is the most significant (Tables 12, 15, and 18). Preserving the agricultural land base is well-integrated in the BAPD Development Plan and rural zoning bylaws. For example, a General Objective of high influence in the BAPD Plan states, “To protect and to strengthen agriculture and its related activities as a major economic activity and

use of land.” The related issues are comprehensive, including controlling adverse impacts of non-farm development, strengthening the sector, fragmentation of the land base, non-farm dwellings, encroachment, and agricultural practices and improvements that conserve valuable soil and water resources. However, there is a notable difference between the rural and urban-adjacent lands, whereby the language to protect rural agricultural land is much clearer and stronger. Also, the regulations frequently prioritise the prime or “most valuable” agricultural lands. For example, the BAPD Development Plan states, “Prime agricultural land should not be developed for non-agricultural land uses.” Additional information about farmland preservation is included in the background report for the development plan. Minor references related to community gardens appear in the greenspace plan and environmental plan.

Neither Global competitiveness (Tables 11, 14, and 17) nor food sovereignty (Tables 13, 16, and 19) are well represented among all of the documents. The ideas and interests of global competitiveness are most clearly represented in the Brandon Economic Growth Strategy prepared by the City’s economic development agency and the City’s Strategic Plan. Both of these types of documents are usually highly influential within the political decision-making process. The global competitiveness regime is strongly tied to the agri-business sector (e.g., Maple Leaf Foods) and the AAFC Brandon Agriculture Research Centre. The focus is building upon the area’s competitive advantages and also the challenges of a dynamic global economy. Food sovereignty appears weaker than global competitiveness because the relevant statements are in less influential documents and the statements are quite limited. Most notably, the food assessment completed by the regional health authority is the only document that focussed on food security. However, the scope of the assessment is limited to health. Given the growing interest in local food and food security as part of ‘healthy communities’ across North America, it is surprising not to see these terms and related concepts among the planning documents. The greenspace plan and environmental plan refer to the multiple benefits of community gardens.

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Table 11. Analytical framework for policy regime at local level: global competitiveness documents

		GLOBAL COMPETITIVENESS			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	Brandon Strategic Plan Economic Growth Strategy	Economic Growth Strategy		
	Medium Influence				
	Low Influence		Economic Growth Strategy		

Table 12. Analytical framework for policy regime at local level: farmland preservation documents

		FARMLAND PRESERVATION			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	BAPD Development Plan		BAPD Development Plan Cornwallis Zoning Bylaw Elton Zoning Bylaw	
	Medium Influence	BAPD Development Plan	BAPD Development Plan BAPD Background Report	BAPD Development Plan	
	Low Influence	BAPD Background Report Brandon Greenspace Master Plan	Environmental Strategic Plan	BAPD Development Plan	BAPD Background Report

Table 13. Analytical framework for policy regime at local level: food sovereignty documents

		FOOD SOVEREIGNTY			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	Food Security Assessment	Food Security Assessment		
	Medium Influence				
	Low Influence	Greenspace Plan			Greenspace Plan Environmental Strategic Plan

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Table 14. Analytical framework for policy regimes at local level: global competitiveness themes

		GLOBAL COMPETITIVENESS			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	<p>Economic Prosperity Brandon has been fortunate over time to consistently experience positive economic growth by positioning itself as a North American hub for business</p> <p>The city offers an attractive location for the agribusiness sector with tremendous potential in value added food, nutraceuticals and bioenergy industries.</p>	<p>Trends in the global economy: shift in economic power to key emerging nations; globalization of services; evolving trade barriers; new sources of investment, innovation and talent; increased competition for investment attraction; volatile economies</p>		
	Medium Influence				
	Low Influence		<p>Competition for investment attraction is fierce. New global trade linkages emerge daily, both capital and talent are highly mobile, technology and new international economic power houses are transforming the global economy. All these new realities hold the potential to challenge Brandon's opportunities for future growth.</p>		

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Table 15. Analytical framework for policy regimes at local level: farmland preservation themes

		FARMLAND PRESERVATION			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	<p>Protect valuable agricultural lands for continued agricultural enterprise. Control potential adverse impacts of non-farm development</p> <p>To protect and to strengthen agriculture and its related activities as a major economic activity and use of land</p> <p>To protect agricultural land from fragmentation and limit the number of non-farm dwelling parcels in agricultural areas.</p> <p>To protect agricultural lands and activities from encroachment and fragmentation</p> <p>To encourage agricultural practices and improvements which conserve valuable soil and water resources</p>		<p>Prime agricultural land should not be developed for non-agricultural land uses, unless the development meets an important public need. Such non-agricultural land uses should be directed away from prime agricultural land or viable lower class land in agricultural use.</p> <p>To encourage continuous blocks of agricultural land to minimize fragmentation and encroachment</p> <p>Lands should be preserved in large parcels</p> <p>Maximize the use of agricultural land and minimize conflicts with non-agricultural uses.</p>	
	Medium Influence	<p>Goals and objectives: agricultural protection.</p> <p>An appropriate amount of non-agricultural development in the rural areas will be balanced with the goal of preserving prime agricultural land</p> <p>Reduce the effect rural residential development on agricultural activities.</p> <p>Agricultural preservation, non-farm development and livestock operations in the rural areas will be accommodated where appropriate.</p>	<p>Protection of this valuable industry is necessary.</p> <p>High quality agricultural lands must be protected from the encroachment of incompatible uses. This protection must be balanced with the opportunity to expand development.</p> <p>There is concern that non-farm residents are purchasing large 80 acre parcels to build one home</p> <p>Need to designate additional agricultural areas for rural residential development</p>	<p>Residential developments are separated from potentially incompatible uses, such as agriculture</p> <p>The establishment of 40 acre rural residential parcels is generally recognized as being wasteful of land</p>	
	Low Influence	<p>All non-agricultural industrial should be located within the existing settlement centres and that agricultural lands remain in large parcels.</p> <p>A city wide urban growth boundary should be defined.</p>	<p>Future commercial development should not be located on land currently used for food production/agricultural land</p> <p>Future development should first be directed to infill sites before expanding onto agricultural lands</p>	<p>Rural residential development shall be clustered</p> <p>Proposed recreational development should be directed away from prime agricultural land.</p>	

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Table 16. Analytical framework for policy regimes at local level: frequency of food sovereignty themes

		FOOD SOVEREIGNTY			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	Recommendations in the following categories: Food Choices (availability); Food Access (affordability); Food Skills (program delivery); Public Awareness (policy & program awareness).	Key themes about food security in Brandon: food affordability & availability; public awareness; program design & deliver; policy		
	Medium Influence				
	Low Influence	Policy – Urban Agriculture Community garden opportunities on public and private lands should be promoted.			<p>The overall vision of the Network is to make gardening a safe, easy and accessible alternative source of food production</p> <p>Community Gardens offer people the opportunity to grow fresh, local produce and, additionally, provide a venue for community interaction. They also promote the ideals of fresh, healthy eating and provide the opportunity for children and adults to learn gardening skills and to appreciate the value of local agriculture.</p>

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Table 17. Analytical framework for policy regimes at local level: frequency of global competitiveness

		GLOBAL COMPETITIVENESS			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	2	2	0	0
	Medium Influence	0	0	0	0
	Low Influence	0	1	0	0

Table 18. Analytical framework for policy regimes at local level: frequency of farmland preservation

		FARMLAND PRESERVATION			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	4	0	4	0
	Medium Influence	5	2	2	0
	Low Influence	2	2	6	3

Table 19. Analytical framework for policy regimes at local level: frequency of food sovereignty

		FOOD SOVEREIGNTY			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence	1	1	0	0
	Medium Influence	0	0	0	0
	Low Influence	1	0	0	2

Discussion

Our overall aim for the project is to identify principles and beneficial practices that represent land use planning solutions that protect farmland. As a step toward this final aim we identified four principles that guided our analysis: maximise stability, minimise uncertainty, integrate across jurisdictions; and accommodate flexibility. In this section we discuss the strength of the legislative framework for the Brandon and Area Planning District.

Assessment of Principles

Our assessment of the four principles is summarised in Table 20. As supported through the results discussed in this report, the sources of strength for the local legislative framework are its ability to minimise uncertainty and accommodate flexibility. The framework is somewhat weak regarding stability and does not effectively integrate public priorities across jurisdictions.

Table 20. Principles of Land Use Planning, Brandon and Area Planning District

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Brandon and Area Planning District	**	*	****	***

* = Very weak, ***** = Very strong

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

A development plan plays a very important role to express the public interest in agriculture and farmland protection. In this regard, the BAPD Development Plan contributes substantially to the stability of the local legislative framework. Supporting agriculture and its related activities are identified clearly as a public priority and the goals, objectives, and policies include language and commitment to protect the area's farmland. The Plan is supported by rural zoning bylaws. Throughout these documents, in addition to protecting agricultural land, the related concerns about minimising fragmentation and encroachment are also addressed, as well as alienation of farmland by building non-farm dwellings on large parcels.

However, the strong language to protect farmland is undermined by a clear interest to use agricultural lands for other uses. The Plan clearly states that expansion of the City and of rural settlement areas will take priority over farmland protection. At no point is the loss of farmland considered explicitly. To the contrary, in the land evaluation criteria developed for the Growth

Strategy, agricultural capability of the land was among the ‘least important’ criteria. These priorities reflect what appears to be a two-tier approach to protecting farmland. The strong language for protecting the agricultural land base is most applicable to rural agricultural land that experiences lower levels of pressure for non-farm development. In contrast, the interest in protecting agricultural land is lowest for the fringe lands adjacent to the City and rural settlement centres, where the pressure for non-farm development is highest. Furthermore, whereas protecting both prime and lower class agricultural lands is prevalent, prime farmland is given a greater priority in several instances where non-farm development is accommodated. The absence of an agricultural plan and an agricultural land use inventory reduce the level of stability for protecting farmland.

By these terms, the stability of the BAPD legislative framework for agricultural land use planning and farmland protection is somewhat moderate. Overall, what appears to be a strong desire to protect farmland is undermined by a stronger desire to accommodate non-farm developments on agricultural lands.

Integrate across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal “linkage” that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies. By this measure of integration, we found that

Altogether, the elements of the local legislative framework for BAPD provide a very low level of integration between local and provincial policies and legislation. The most important elements of the local framework refer frequently to *The Planning Act*, especially the Development Plan, where it is important. However, there are no explicit references to the PLUP Policy Area 3: Agriculture and only general references to the PLUPS. Given the importance of the PLUPs, and the Policy Area dedicated to agriculture, the absence of these opportunities for integrating provincial interests in protecting farmland is notable. Furthermore, there are no references to other relevant provincial legislation, such as the right to farm legislation (FPPA) that protects farmers from nuisance complaints.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions or gaps, is a critical measure of the weakness of an agricultural land use planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

The BAPD does a very good job of minimising uncertainty, which is particularly important given the weaker aspects of the local legislative framework. Three aspects are most relevant to minimising uncertainty. First, the BAPD is transparent about its intentions to accommodate non-farm developments on agricultural lands. As per the Development Plan, the Agricultural Area Policies section explicitly recognises that “protection [of high quality agricultural land] must be balanced with the opportunity to expand development of settlement centres, and rural residential

areas at appropriate locations.” Clearly stating one’s intentions helps to minimise uncertainty. Second, uncertainty that might arise from a clear desire to accommodate non-farm development on agricultural land is offset significantly by the approved Fringe Area Growth Strategy. Although this enforceable policy is not intended to protect agricultural land, it provides a clear plan for potential future development and identifies specific areas, including prime agricultural lands, to where future development will be directed. Ideally, this delineation of future growth areas will limit speculation on agricultural parcels. And ideally, the plan for future growth is followed, assuming that development unfolds as expected. However, an issue not addressed is that there will always be a fringe area around the City and rural settlement areas; the fringe just moves further from the centre as the developed centres expand. Thus, the absence of a stronger commitment to contain urban and rural residential development will contribute to uncertainty about the future use of the ‘new’ fringe lands. Third, the land use planning documents demonstrate a high level of internal consistency. The priorities and policies are consistent across internal documents such as the Development Plan, Growth Strategy, and zoning bylaws are consistent. As well, the documents clearly state how the documents support each other when making land use decisions.

Overall, minimising uncertainty is a strong aspect of the local legislative framework.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimising uncertainty. The means to accommodate flexibility is typically done through governance mechanisms.

For the BAPD, the primary governance mechanism is its Board, which is the decision-making body of the Planning District and is responsible to adopt, administer, and enforce its land use planning bylaws and those of its member municipalities. A Board of a Planning District can establish a Planning Commission only if it has adopted a district-wide zoning bylaw. Within the BAPD, each municipality has its own zoning bylaw, so a Planning Commission for the whole area cannot be established. Only the City of Brandon has a Planning Commission, which is not pertinent to the area’s need for agricultural land use planning. Although BAPD Board provides some degree of separation between the municipal governments and land use decisions, an external mechanism would be further removed from local pressures, which are almost always aligned with more development.

Flexibility can also be accommodated within the legislative documents. For example, where non-farm development will be considered on agricultural land there are policies that explain the intent and set conditions under which development will be considered. The land evaluation criteria used for the Growth Strategy help in this regard. As well, specific policies in the Development Plan establish conditions that uphold the importance of maintaining agricultural lands and activities. For example, a non-farm dwelling parcel on agricultural land may be created only under stated conditions. These conditions help to accommodate specific local interests without contributing unnecessarily to uncertainty.

Overall, the local legislative framework is moderate regarding accommodating flexibility.




In addition to assessing the each of the four land use planning principles, we also discuss issues that have come up in our project that we believe deserve specific attention, including the influence of policy regimes, foreign ownership of farmland, alienation of farmland, and natural resource developments.

Influence of policy regimes

The legislation and policy documents of the local legislative framework of the BAPD cover all three policy regimes (Table 21), however only farmland preservation is significant. Based on our analysis, farmland preservation is considered the only influential regime given its presence in the BAPD Development Plan and rural zoning bylaws, which include multiple statements of high influence. The strong presence of global competitiveness themes in the City's strategic plan and economic development strategy suggests that it has more influence than indicated by its limited quantity. The policy regime of food sovereignty is not prevalent, representing a limited scope and appearing only in some documents of lower influence.

Table 21. Overall Influence of Policy Regimes, Brandon and Area Planning District

	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Global Competitiveness				
Farmland Preservation				
Food Sovereignty				

Low  Medium  High 

Foreign ownership of farmland

Although the Province of Manitoba has legislation governing foreign ownership of farmland, the legislation is not cited in the documents and the topic is not discussed.

Alienation of farmland

The Background Report for the Development Plan includes comments raised by residents during the consultation process. Although all of the comments are stated in terms of where the BAPD should direct non-farm developments in rural areas, it is reasonable to assume from the nature and extent of the comments that they reflect concerns about alienation of farmland. These concerns are reflected in the Development Plan policy (2.4.5) to manage non-farm residential uses in agricultural areas. For example, the policy accommodates conditional non-farm dwellings and mentions that they “shall not be wasteful of agricultural land.”

Natural Resource Developments

Agricultural land use planning is most often associated with urban development pressures. In some parts of Canada, pressures also come from natural resource developments, such as aggregates, forestry, and oil and gas. The expected increase in industrial activities and forecasted water issues arising from climate change both suggest a greater need for integrated land use planning.

The pressure of competing resource-related uses of agricultural land is acknowledged in the PLUP Policy Area 3: Agriculture. The policy identifies the resulting fragmentation of the land base can increase the potential for conflicts and inflate the costs of farmland. Both of these potential issues can make it difficult for producers.

In the case of the BAPD, the Development Plan has a section (14.0) on Natural Resource Policies. These policies recognise that the area is home to the following variety of natural resources: the Assiniboine River, the Assiniboine-Delta aquifer that provides drinking water for a number of residents, wildlife and wildlife habitat, Wildlife Management Areas, and aggregate resources. The policy states, “The protection and wise use of these resources ensures that they will remain available and undamaged for future use.” The supporting objectives and policies are focussed on providing highest possible water quality of natural water systems and preserving and enhancing the natural systems of wildlife habitat and its wildlife, as well as preserving important aggregate deposits for future extraction and use by the construction industry. Among these, there are two references to agriculture. Under Wildlife Habitat (14.2.4), the re-establishment of wildlife habitat should be encouraged on lands that are marginal for agricultural use. Under Protection of Aggregate Deposits (14.2.6), in order to protect aggregate resources from incompatible uses until such time as they have been extracted, development should be limited to general agricultural activities or other uses that would not interfere with or restrict future extraction of the resource.

In addition, under Alternative Energy (12.2.4), the BAPD supports the development of wind energy systems for electricity production and that wind turbines are permitted as conditional uses on agricultural lands.

Conclusion

The primary aim of this study is to assess the state of agricultural land use planning and farmland protection in the Brandon and Area Planning District. We found that the local legislative framework is somewhat moderate overall with important weak elements. Although supporting agriculture and its related activities are identified clearly as a public priority, the strong language to protect farmland is undermined by a stronger interest to use some agricultural lands for other development. Furthermore, although fragmentation and encroachment are included among policy aims, there is no discussion of or concern expressed about the loss or alienation of farmland in any of the documents.

The Development Plan clearly states that expansion of the City and of rural settlement areas will take priority over farmland protection. These priorities reflect what appears to be a two-tier approach to protecting farmland. The strong language for protecting the agricultural land base is most applicable to rural agricultural land that experiences lower levels of pressure for non-farm development. In contrast, the interest in protecting agricultural land is lowest for the fringe lands adjacent to the City and rural settlement centres, where the pressure for non-farm development is highest. Overall, what appears to be a strong desire to protect farmland is undermined by a stronger desire to accommodate non-farm developments on agricultural lands. In spite of a lack of integration of provincial interests in protecting farmland in the local legislative framework, the preferential treatment of urban expansion over protecting farmland is consistent across jurisdictions.

Although the legislative framework for the BAPD lacks stability for protecting farmland, or perhaps because of the lack of stability, the framework is strongest with regard for minimising uncertainty and, to a lesser extent, accommodating flexibility. The Growth Strategy contributes substantially to minimising uncertainty.

With regard to land use planning, farmland preservation appears to be the most influential of the three policy regimes by a significant degree. Global competitiveness appears to be an influential policy with regard to economic development of the region. The policy regime of food sovereignty is absent, which is somewhat surprising given the general interest in local food and food security across North America.

Overall, the legislative framework for land use planning in the Brandon and Area Planning District privileges urban development and expansion of rural residential settlements over protecting farmland. Notwithstanding its weaknesses, the framework can be strengthened by formally delineating urban growth boundaries, integrating the provincial interest in protecting farmland within policies, completing an agricultural land use inventory, and adopting an agricultural plan.

References

- BAPD (2010). Development Plan Review: Background Report. On-line:
http://brandonareaplanning.mb.ca/images/plan_review/BackgroundReport.pdf
- BAPD (2013). Fringe Area Growth Strategy. On-line:
<http://brandonareaplanning.mb.ca/images%5Cbylaws%5CadoptedGrowthStrategy.pdf>
- BAPD (2015). Development Plan. On-line:
<http://brandonareaplanning.mb.ca/images/bylaws/2015-developmentPlan.pdf>
- Brandon Economic Development (2014). Prosperity By Design: Economic Growth Strategy (2014-19). City of Brandon. On-line:
http://economicdevelopmentbrandon.com/images/pdf/EDB_Strategy_Booklet%202014-2019.pdf
- City of Brandon (2015). Zoning By-Law No. 6642. On-line:
<http://www.brandon.ca/images/pdf/bylaws/6642.pdf>
- City of Brandon (2015). Our Plan, Our City: 2015-18 Strategic Plan. City of Brandon. On-line: <http://www.brandon.ca/images/pdf/council/Strategic-Plan.pdf>
- Connell, D. J. (2009). Planning and Its Orientation to the Future. *International Planning Studies*, 14(1), 85-98.
- Regional Municipality of Cornwallis (2000). Zoning By-Law No. 1558/09/99. On-line:
http://brandonareaplanning.mb.ca/images/bylaws/cornwallis_zoning.pdf
- Regional Municipality of Elton. Zoning By-Law No. 1499 . On-line:
http://brandonareaplanning.mb.ca/images/bylaws/elton_zoning_by_law_no1499.pdf
- Smith, B. (1998). *Planning for Agriculture*. Victoria, BC: Agricultural Planning Commission.

Appendix: Glossary

Policy:

A formal statement of intent; principles, rules, or guidelines that are designed to determine or influence major decisions or actions and all activities that fall within the domain of the policy.

Enforceable policy:

Policy with clear statements of intent to enforce (often with penalty for failing to follow the policy)

Aspirational policy:

Policy without clear statements of intent to enforce (often with penalty for failing to follow the policy); a broad statement about desired outcomes, objectives, or activities

Enabling policy:

Policy with clear statements of intent to implement a policy (e.g., provide resources)

Policy regime:

A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.

Legislation:

A law (or Order in Council) enacted by a legislature or governing body; can have many purposes: to regulate, to authorize, to proscribe, to provide (funds), to sanction, to grant, to declare or to restrict.

By-law (bylaw):

Local laws established by municipalities as regulated by the provincial government. Note: for our purposes, a by-law is considered part of legislation.

Regulation (pursuant to Act):

Is a form of legislation (law) designed with the intent to regulate; a rule or law designed to control or govern conduct; creates, limits, constrains a right, creates or limits a duty, or allocates a responsibility.

Governance:

Methods, systems, or processes of governing; the act of implementing policy and legislation. For our purposes we are concerned with groups (e.g., commissions, advisory committees) that have the authority to apply, review, or enforce policy and legislation specific to agricultural land use planning.

Appendix: Provincial Planning Regulation: Scope and Application

The legislative authority for the establishment of PLUPs comes from subsection 4(1) of *The Planning Act*, which provides that the Lieutenant Governor in Council may, by regulation, establish provincial land use policies to guide sustainable land use and development in the province.

The PLUPs represents the provincial interest in land, resources and sustainable development. They provide policy direction for a comprehensive, integrated and coordinated approach to land use planning that emphasizes the importance the Province places on regular development plan reviews and updating planning policies and land use designations, rather than planning largely through ongoing incremental plan amendments.

The PLUPs apply to all land that is subject to *The Planning Act*. The Province will also give the PLUPs full consideration when undertaking planning activities and making land-use decisions on Crown lands.

The PLUPs serve as a guide to planning authorities in preparing, reviewing and amending development plans. They are intended to give general guidance and ensure that provincial interests are addressed. A development plan or regional strategy must be generally consistent with the PLUPs.

The PLUPs by their nature are general and cannot account for all local situations, special circumstances and exceptions. In recognition of this variability it is intended that they be applied to reflect local needs, so long as provincial interests are not undermined. The PLUPs will be strictly applied in areas of the Province experiencing more growth or change, such as the capital region, and may be applied with more flexibility in areas experiencing limited growth or change, and where there is little potential for land use conflict.

Ultimately, a development plan is a policy document approved by both the Province and the local planning authority that reflects the essence of the PLUPs as they pertain to the circumstances of the planning area. As such, once a development plan has been adopted, it replaces the PLUPs until the development plan undergoes a periodic review or is amended.

The PLUPs are divided into nine policy areas, each focussed on a specific area of provincial interest that can be supported by land use planning. The policy areas provide the policy "content" to be addressed by developments plans, taking into account local circumstances. Each policy area includes

- a statement of the provincial interest, which explains the provincial interest for a particular subject area and why and how land use planning and development is related to it – this outlines the intent of the PLUPs;
- a statement of a goal or goals, which identify what the Province hopes to achieve in this subject area to support the intent; and
- land use policies, which outline the general or specific actions that should be taken or measures put into effect to meet the goal and intent.

The PLUPs are to be read as a whole and the relevant policies are to be applied to the circumstance or consideration. While none of the policies have precedence over the others, those of Policy Area 1: General Development apply equally to all the other policy areas and should be read together with them. The PLUPs are to be interpreted so as not to derogate from treaty or aboriginal rights.

Appendix: PLUP Policy Area 3: Agriculture

PROVINCIAL INTEREST

Farms, today, range in size from small to moderate to very large modern business operations. These operations generate income for rural families, put millions of dollars and thousands of jobs annually into the local and provincial economy, provide a safe and high quality supply of affordable food and agricultural products, and contribute to the well-being of all Manitobans.

Agricultural land is a valuable and limited natural resource and is the foundation of all agricultural activities in Manitoba. **Prime agricultural land** and **viable lower class land** can be considered non-renewable, as once taken out of production, they are seldom returned to agriculture. Yet, **prime agricultural land** are necessary for Manitoba's annual crop production, while **viable lower class land** support forage and livestock production and grazing. Planning for the agricultural use of these lands and protecting them from conversion to non-farm use is vital to the future of Manitoba's agricultural sector.

Although only about 13% of the provincial land base has agricultural potential, it is this same portion of the land base that is often the most desirable for non-farm use. Agricultural lands face increasing pressure from residential and recreational development, but also from competing **resource-related uses**. The resulting fragmentation of the land base can make it difficult for producers to farm by increasing the potential for conflict between farm and non-farm uses and inflating the cost of farmland. The Province encourages local authorities to support the farming community by setting policies that reduce the fragmentation of the agricultural land base and protect the viability of **agricultural operations**. This will encourage long-term commitment and investment from producers and enable a strong future for the agricultural sector.

It is expected that rising fuel costs and climate change may place an increased demand on the production and protection of local food sources. Producing food for local consumption reduces food miles traveled, increases the nutritional content of the food, and ensures a more secure food source for Manitobans. The Province encourages local authorities to plan for agriculture by fostering an atmosphere conducive to agricultural production, specialization, diversification and value-added processing. This will contribute to the economic development of rural communities, reduce land use conflicts for **agricultural operations** and enhance the use of agricultural land for food and other agricultural production.

A competitive agricultural industry needs a healthy environment. **Agricultural producers** perform a multifunctional role as stewards of our resources and our cultural heritage. Land use policies that protect working agricultural landscapes can also facilitate general public benefits such as clean air and water, open space, wildlife habitat and reduced downstream flooding. The Province encourages a long-term stewardship approach to land management based on sustainable management practices.

3.1 PLANNING FOR AGRICULTURE

GOALS

To protect agricultural land for present and future food production and agricultural diversification opportunities.

To promote a strong agricultural sector by

- planning for agriculture and providing a stable environment for producers;
- protecting **agricultural operations** from encroachment by other land uses; and
- maintaining the ability of a producer to efficiently manage, expand or diversify an operation.

To encourage environmentally sound agricultural production and development in order to ensure a sustainable agricultural industry over the long term.

POLICIES

3.1.1 Agricultural lands must be identified and appropriately designated for agricultural use.

Agricultural lands include

- a) land with existing **agricultural operations**;
- b) **prime agricultural land**; and
- c) **viable lower class land** that is suitable for different types of mixed farming enterprises, including crop production, forage production and livestock grazing, provided that agricultural use of the land is consistent with its natural limitations and does not contribute to negative environmental impacts, such as soil degradation.

3.1.2 Land designated for agricultural use must be protected for **agricultural operations**, and from encroachment by new non-agricultural development which might unduly interfere with the continued operation or future expansion of **agricultural operations**.

3.1.3 Except as permitted under policy 3.1.5, **non-resource-related uses** must not be permitted on land designated for agricultural use.

3.1.4 To minimize fragmentation or further fragmentation of land designated for agricultural use, such land must be maintained in a minimum parcel size of at least 80 acres (32 hectares) (generally).

3.1.5 Land designated for agricultural use may be subdivided into a smaller parcel than what is permitted under policy 3.1.4 in the following circumstances:

- a) a specialized **agricultural operation** in which high value, lower volume, intensively managed agricultural products are produced, such as an apiary, a nursery or a greenhouse, requires a smaller land holding;
- b) in respect of an existing **farmstead site**,
 - i. the site is no longer required as part of an **agricultural operation** because the associated farmland has been acquired by another **agricultural operation**, or
 - ii. subdivision of the **farmstead site** is necessary to allow the **agricultural producer** to continue to reside in the existing farm residence upon retirement;
- a) a single lot subdivision for residential purposes is required for an individual who significantly participates in the **agricultural operation** on an ongoing basis and derives an income from it;
- b) a single lot subdivision is proposed for **rural residential** purposes, but only if the proposal is in a **planning area** that has experienced continuous population decline over the previous fifteen years;
- c) a single lot subdivision is proposed for a commercial or industrial use that is intended to
 - i. provide services, machinery, equipment or goods specifically required by **agricultural operations**, or
 - ii. store or process products grown or raised by an **agricultural operation**, but only if it is demonstrated that due to the nature or activity of the use it is essential that it be located in an agricultural area;
- f) a single lot subdivision is proposed for a parcel of land that has been physically isolated by such things as a transportation route or a water course, but only if the parcel is of a size, shape or nature that makes farming physically impractical.

3.1.6 Only one subdivision per 80 acre title may be permitted for the circumstances described in clauses 3.1.5(a) to (d).

3.1.7 Non-agricultural parcels created in accordance with clauses 3.1.5(b) to (e)

- a) must not be wasteful of agricultural land;
- b) should, if possible, be directed away from *prime agricultural land* and existing livestock operations; and
- c) if applicable, must be confined to the existing shelterbelt that forms part of a *farmstead site*.

3.1.8 The consolidation of existing smaller holdings of agricultural land into or with larger holdings of agricultural land is to be encouraged.

3.2 PLANNING FOR SUSTAINABLE LIVESTOCK OPERATIONS

GOALS

To support the sustainability of the livestock sector by planning for livestock development in order to minimize potential land use conflicts and protect the viability of *agricultural producers*.

To provide clarity to *agricultural producers*, rural residents and governments on siting considerations.

POLICIES

3.2.1 In a livestock operation policy, the identification of the areas that are required to be identified under clause 42(2)(a) of *The Planning Act* must be determined and rationalized in accordance with the following factors:

- a) the compatibility of livestock operations with existing land uses, *settlement areas* and *provincial natural land*;
- b) the appropriate proximity of a livestock operation to
 - i. *water bodies*, such as lakes, rivers and wetlands, and
 - ii. areas of groundwater vulnerability;
- c) an area's soil capability for agricultural production; and
- d) an area's risk of flooding.

The information used respecting groundwater vulnerability, flood risk and soil capability for dryland agricultural production must be the information identified by or acceptable to the province.

3.2.2 Mutual separation distances must be established between existing livestock operations and any new or proposed

- a) *settlement areas*;
- b) designated parks or recreational areas; or
- c) residential dwellings not associated with the livestock operation.

The separation distances must not be inconsistent with the separation distances prescribed in Part 5 – Livestock Operations.

3.2.3 New livestock operations should not be accommodated on land that has soils determined, by detailed soil survey acceptable to the province with a scale of 1:50,000 or better, to have an agricultural capability of Class 6, 7 or unimproved organic soils.

Appendix: BAPD Development Plan Agricultural Area Policies

8.0 AGRICULTURAL AREA POLICIES

Agriculture has traditionally been the cornerstone of the BAPD's economy. Protection of this valuable industry is necessary for the ongoing success of the municipalities, and for the City of Brandon. While it is recognized that non-agricultural rural development is present in the municipalities, high quality agricultural lands must be protected from the encroachment of incompatible uses. This protection must be balanced with the opportunity to expand development of settlement centres, and rural residential areas at appropriate locations.

8.1 Objectives

The agricultural area objectives are as follows:

- d. To encourage the development and diversification of farm operations as a major sustainable economic activity within appropriate areas of the BAPD.
- e. To preserve prime agricultural lands (Canada Land Inventory [C.L.I.] Class 1, 2 and 3 soils), for farming activities, and to preserve those lower class lands where farming is dominant or is potentially viable.
- f. To protect agricultural lands and activities from encroachment and fragmentation by nonfarm uses which would be detrimental to long-term farming operations.
- g. To prevent the development of incompatible agricultural uses in close proximity to other existing developments that would be adversely affected.
- h. To encourage agricultural practices and improvements which conserve valuable soil and water resources on all agricultural lands.
- i. To encourage development of a conservation or recreational nature on those lands where the benefit will exceed that of agriculture.
- j. To provide for non-agricultural developments, including non-farm residential development, certain types of agriculturally oriented businesses and industries and recreational or public works facilities at appropriate locations.
- k. To provide for appropriate types of agricultural activities within undeveloped areas of Brandon.
- l. To ensure that development occurs in accordance with the appropriate siting and setback distances to livestock operations.

8.2 Policies

The following policies shall apply to the use and development of all areas of the Rural Municipalities of Cornwallis and Elton, which are designated as AGRICULTURAL on MAP TWO.

Policies 8.2.14 and 8.2.15 apply to all undeveloped areas within the City of Brandon that are currently used for agricultural purposes.

8.2.1 Location

Development in the designated AGRICULTURAL area as shown on MAP TWO should be undertaken in accordance with the following criteria:

- b. A diversity of agricultural activities will be encouraged in the designated Agricultural Area, particularly on prime agricultural lands and at locations where conflicts with nearby development can be minimized. Conversely, prime agricultural land should not be developed for non-agricultural land uses, unless the development meets an important public need. Such non-agricultural land uses should be directed away from prime agricultural land or viable lower class land in agricultural use.
- c. Where non-agricultural developments are being considered for approval in the designated AGRICULTURAL AREA, sites should not be located on prime agricultural land, and should not interfere with farming operations in the area. Such non-agricultural developments should occur in a manner which will not create unacceptable hazards or risks for nearby rural residents or the natural environment. Non-agricultural development should be undertaken in a manner that will ensure the protection of natural resources such as groundwater resources, and aggregate deposits.
- d. New residences in the designated AGRICULTURAL AREA, including new farm residences, accessory housing, and additional dwelling units, will be adequately separated from developments which would represent a nuisance or hazard to future occupants of the residence, such as large livestock production operations, wastewater treatment lagoons, waste disposal sites, and chemical processing or storage facilities. Exceptions to these special separation requirements may be made in the case of residences which are directly associated with the farming operation.

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- e. Rural Commercial and industrial developments which serve or support resource-related activities, or which process or store resource-related products, may be allowed within the designated AGRICULTURAL AREA, as provided for in this Section.

8.2.2 Land Preservation

Intent: To encourage continuous blocks of agricultural land, which will enhance the benefits of farm consolidation and diversification, and to minimize fragmentation and encroachment by nonfarm uses.

Policy: Lands that have the capability to support a full range of agricultural activities should be preserved in large parcels including those lands where agricultural activities are on prime agricultural land (C.L.I. Class 1, 2 and 3 soils), and viable lower class lands.

Other References: Reference Map 9 Soil Capability for Agriculture.

8.2.3 Specialized Agricultural Activities

Intent: To provide for specialized agricultural activities while minimizing any interference with traditional farming operations in the area, and minimizing the fragmentation of prime agricultural lands.

Policy: Certain specialized or small-scale agricultural activities such as but not limited to nurseries, horticulture, and beekeeping, should be directed to appropriate locations. Such uses should be considered as conditional uses, subject to conditions of approval that Council may deem appropriate to minimize any potential nuisance factors for nearby developments or any potentially adverse environmental impacts.

Council should determine if an agricultural activity is specialized and viable, with the potential of becoming an established and feasible enterprise.

8.2.4 Conservation Practices

Intent: To encourage sustainable agricultural practices.

Policy: Farm operations and practices which incorporate sound soil and water conservation techniques will be encouraged. On the other hand, farm operations and practices which accelerate the destructive processes of soil erosion and soil degradation will be discouraged, particularly in areas where factors such as poor soil characteristics, adverse topography, or erosion significantly reduce the capability for a sustained level of agriculture.

8.2.5 Livestock Operations

Intent: To allow livestock operations to situate in the Rural Municipalities of Cornwallis and Elton.

Policy: Livestock operations shall be directed to designated AGRICULTURE areas in the Rural Municipalities of Cornwallis and Elton. No person shall establish or expand a livestock operation unless it has been reviewed and approved by the member municipality Council of the BAPD.

A livestock operation is 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.

8.2.6 Location

Intent: Direct livestock operations to appropriate areas within the BAPD to allow producers some security to sustainably develop and expand their businesses while reducing the potential for nuisance and protecting the environment.

Policy: Livestock operations should be directed to appropriate areas and guided by the following considerations:

- a. Livestock operations shall be directed to areas that have soils with agricultural capability of C.L.I. Class 1 to 5.
- b. No new livestock operations shall be established within one mile of the City of Brandon (excluding the Brandon Airport) and existing livestock operations within this buffer may expand to 100 animal units.

- c. No new livestock operations shall be established within one mile of the settlement centre designation of Forrest. However, existing livestock operations may expand to 50 animal units within this one mile buffer.
- d. New or existing livestock operations in the Rural Municipality of Cornwallis may establish or expand in accordance with the mutual setback and siting provisions from individual dwellings not associated with the livestock operation, existing recreational uses, designated rural residential areas, settlement centres and the City of Brandon, which are consistent with provincial standards and outlined in the Zoning By-law.
- e. New or existing livestock operations in the Rural Municipality of Elton may establish or expand with twice the mutual setback distance for individual residences and existing recreational uses and one and a half times the provincial standard for designated areas (including rural residential, settlement centres and the City of Brandon), which are outlined in the Zoning By-law. These setback distances can easily be met and land fragmentation is limited in Elton with many large parcels present, therefore the impact of this provision is minimal.

Other References: Provincial Planning Regulation, The Planning Act and Livestock Mortalities and Manure Management Regulation, Water Protection Act, Nutrient Management Regulation.

8.2.7 Areas Not Appropriate for Livestock Operations

Intent: To ensure that livestock operations do not establish in inappropriate areas.

Policy: Livestock operations shall not locate (or existing operations may not expand):

- a. On soils with agricultural capability of Class 6 and 7 or unimproved organic soils (if detailed soil survey information is not available in an area where a new or expanded livestock operation is proposed, the applicant may be required to provide a soil survey for the site that is acceptable to the Province at a scale of 1:50,000 or better).
- b. In the City of Brandon but not including the Brandon Airport (for the purpose of this policy, the Brandon Research Station activities and the Maple Leaf processing facility are not considered livestock operations).
- c. In Rural Settlement Centre designations.
- d. In Rural Conservation, Recreation and Open Space designations.
- e. In Rural Highway Commercial designations.
- f. In Rural Residential designated areas that have less than a maximum lot size of five acres (see local Zoning By-laws).
- g. In Rural Commercial designations.
- h. In flood prone areas as identified by the province.
- i. In groundwater hazard areas identified by the Province that would pose a risk to aquifer contamination.

8.2.8 Ensuring Compatibility

Intent: To reduce the potential effect of livestock operations on nearby development.

Policy: In addition to any conditions recommended by the provincial technical review committee, a municipality may require that a shelterbelt be established as part of a livestock operation or require a cover to be installed on a manure storage facility to help reduce potential odours from a livestock operation.

Livestock operations of over 200 animal units shall be subject to a conditional use process. All livestock operations of 300 animal units or more must be reviewed by a provincial technical review committee.

As a condition of approval, a Municipality may require an applicant to enter into a development agreement regarding such matters as:

- a. The timing of construction.
- b. The control of traffic.
- c. The construction and maintenance of roads, fencing, landscaping, shelter belts or drainage works.
- d. The payment of a sufficient sum of money to be used to construct any of the items mentioned in clause (c) above.

8.2.9 Livestock Operation Considerations

Intent: To establish criteria to be considered when reviewing new or expanding livestock operation.

Policy: When evaluating the establishment, expansion or boundary adjustment of livestock operations, the following will be considered:

- a. Type and size of livestock operation.
- b. Compliance with provincial regulations and the requirements of this Development Plan.
- c. Available land base and proximity to environmentally sensitive areas.
- d. For expansion proposals, past record of the livestock operation (e.g., nuisance complaints, and environmental concerns).
- e. Conformance with municipal development by-laws and/or building permit requirements.
- f. Technical Review Committee report, when required or requested.
- g. Manure storage system (size and location).
- h. Proximity to and condition of the road systems, if proposed near the provincial highway system, the proposal will be reviewed by Manitoba Infrastructure and Transportation.
- i. Nature of surroundings and neighbouring land uses.
- j. The water usage requirements and proximity to and capacity of municipal water supply wells.

8.2.10 Farm Dwelling Location Criteria

Intent: To locate farm dwellings and supplementary farm dwellings on non-productive agricultural land, where possible.

Policy: A new farm dwelling or supplementary farm dwelling should be located, where possible, on a site with one or more of the following features:

- a. An area of land that is substantially unproductive agricultural land.
- b. A remnant area of land that has been physically isolated by such things as a transportation route or water course Included but not limited to a constructed drainage system, and which makes farming physically impractical.
- c. An existing parcel of land, such as an abandoned utility site or abandoned gravel pit.
- d. In addition to criteria a), b) and c) above, a farm dwelling or a supplementary farm dwelling
 - i. Must be located within the confines of the farm-yard as part of the farm unit; and,
 - ii. Must be occupied by individuals actively participating in the operation of the farm with the intent of deriving a significant income from it; and,
 - iii. Should be a mobile home that can be removed when not required.

8.2.11 Rural Industrial Subdivision Policy

Intent: To encourage rural industrial development to locate in clusters in order to minimize highway access points, and limit scattered development.

Policy: Where a rural industrial subdivision is being proposed, it should be located adjacent to existing commercial or industrial developments, and should be encouraged to utilize a common highway access location.

Other References: Section 4.3

8.2.12 Recreational Developments

Intent: To provide for recreational opportunities on lower class agricultural land in designated AGRICULTURAL areas, that are of a recreational nature and are of a character that is suitable for a rural area rather than an urban area, and that cannot be accommodated in designated RURAL CONSERVATION and RECREATION areas.

Policy: Recreational uses may be considered in the designated AGRICULTURAL area, on nonproductive land, as a conditional use subject to the policies set out in Section 2.4.9 and subject to the following:

- a. Areas where there is a significant risk of surface water or groundwater contamination will be avoided, unless adequate provisions are taken to mitigate the risk.
- b. Developments will be of a type that can be serviced with on-site water supply and sewage disposal systems, and will not require the extension of any piped services from Brandon unless an agreement is reached between, and to the satisfaction of the City of Brandon and the Rural Municipality.
- c. Developments proposed within these areas will be compatible with livestock operations and other agricultural uses.
- d. The area will be planned and developed in a manner which will minimize traffic impacts on adjoining roadways.
- e. In the case of development areas adjacent to significant tourist routes, highways and major roads, a high standard of site development and landscaping will be encouraged including special buffering features, such as appropriate separation distances, and/or perimeter shelterbelts, and well managed display areas and concealed storage and service areas.
- f. Special buffering features, such as appropriate separation distances, and/or perimeter shelterbelts should be required between the proposed developments and nearby developments, highways, and major roads.

Other References: Section 2.4.9

8.2.13 Community Expansion

Intent: To provide for the logical expansion of the City of Brandon or any of the rural settlement centres.

Where the growth of the City of Brandon or of a rural settlement centre warrants the expansion onto adjacent agricultural lands, the land requirements of these communities will take precedence over any existing agricultural use of these lands.

Policy: Where it is necessary to expand the boundaries of the City of Brandon or an existing rural settlement centre, community expansion should occur on a logical basis and should be well integrated with the existing community structure, and wherever possible, should be directed away from prime farmland and livestock operations. The need for community expansion should be demonstrated, to the satisfaction of the Board, including information such as the existing and projected supply of developable land, and the projected demand for developable land based on demographic and economic information.

8.2.14 Urban Agricultural Areas

Intent: To provide for agricultural activities and other types of compatible development as interim land uses within undeveloped areas of Brandon.

Policy: Land areas should remain in large acreages in order to facilitate future land assembly and development proposals, and agricultural activities will be of a type which will not create any unacceptable nuisance factors or hazards. The location and type of agricultural buildings and structures should be located in a manner that minimizes obstacles for future urban development.

8.2.15 Brandon Research Station

Intent: To provide for the expansion of the Brandon Research Station in a manner that is compatible with adjacent urban land uses.

Policy: The Brandon Research Station is an institutional use and not considered a livestock operation; therefore it is not subject to the livestock operation provisions in this Development Plan or zoning by-law. The expansion of various research and administration facilities at the Brandon Research Station will be encouraged, with the provision that any additional livestock confinement structures should be located as far as possible from designated residential development

Appendix: Criteria for Evaluating Content of Legislative Framework

Legislation documents

	Legislative Context (Provincial)	Background	Vision, Goals, Objectives	Local policies	Maps
0	None	None	None	None	None
✓	Brief statements that include at least one reference to the main provincial legislation or policy related to agricultural land use planning. Little too context provided other than perhaps a statement that acknowledges the local governments duty to uphold these acts and policies.	Very brief description of agriculture background. This may include a minimal section or statistics on historical context, background and issues, and demographics on agriculture/farming.	Includes a vision, goal, or objective for agriculture but with minimal explanation or rationale.	One or two brief statements about agricultural land use policies, perhaps with little context.	Provides at least one (1) general land use map(s) with agricultural land use shown.
✓✓	Expanded statements that reference more than one of the main provincial legislation and policies and provides added context to the above. Multiple statements that outline how provincial legislation and policies “fit” in the local context.	Includes multiple sections dedicated to information and statistics about agricultural background. May also reference an agricultural plan or report.	Includes a vision, goal, and objective for agriculture with a statement of explanation and some action items.	Several statements (three to five) about agricultural land use policy presented within local context. May also reference an agricultural plan.	Provides at least one (1) general land use map(s) showing agricultural land uses and at least one (1) agriculture specific map showing designated agricultural land.
✓✓✓	Comprehensive that outlines how provincial legislation and policies “fit” in the local context.. May include diagrams to help establish thread of consistency among different levels of government.	Comprehensive account of agricultural background . May also reference an agricultural plan or report.	Includes a detailed section on vision, goals, and objectives for agriculture that outlines a rationale and action items. May also document relations with other land uses and local priorities.	Detailed section of agricultural land use policy statements (more than five) or agricultural sub-area plan adopted as by-law. May also reference an agricultural plan.	Provides two (2) or more agricultural land use maps including a map showing designated agricultural land. May also include Other maps to illustrate specific issues or policies (future areas of study, development permit areas, current land tenure).

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Policy documents

	Legislative Context (Provincial)	Background	Vision, Goals, Objectives	Local Policies	Maps
	Same as above	Same as above	Same as above	Different	Same as above
0	None	None	None	None	None
✓	Brief statements that include at least one reference to the main provincial legislation or policy related to agricultural land use planning. Little to no context provided other than perhaps a statement that acknowledges the local governments duty to uphold these acts and policies.	Very brief description of agriculture background. This may include a minimal section or statistics on historical context, background and issues, and demographics on agriculture/farming.	Includes a vision, goal, or objective for agriculture but with minimal explanation or rationale.	Several statements (three to five) about agricultural land use policy presented within local context.	Provides at least one (1) general land use map(s) with agricultural land use shown.
✓✓	Expanded statements that references more than one of the main and policies and provides added context to the above. Multiple statements that outline how provincial legislation and policies “fit” in the local context.	Includes multiple sections dedicated to information and statistics about agricultural background. May also reference an agricultural plan or report.	Includes a good presentation of vision, goal, and objective for agriculture with a statement of explanation, a few recommendation items, and some action items.	Comprehensive section of agricultural land use policy statements (more than five).	Provides at least one (1) general land use map(s) showing agricultural land uses and at least one (1) agriculture specific map showing designated agricultural land.
✓✓✓	Comprehensive that outlines how provincial legislation and policies “fit” in the local context.. May include diagrams to help establish thread of consistency among different levels of government.	Comprehensive account of agricultural background. May also reference an agricultural plan or report.	Includes a detailed section on vision, goals, and objectives for agriculture with an extensive and detailed list of recommendations and/or action items.	Comprehensive agricultural plan. May also refer to background report.	Provides two (2) or more agricultural land use maps including a map showing designated agricultural land. May also include Other maps to illustrate specific issues or policies (future areas of study, development permit areas, current land tenure).

Appendix: Criteria for determining level of influence of policy regimes

		Placement (significance) within Document			
		Aims, Goals, Objectives	Mission, Vision, Mandate, Purpose	Driving issues, concerns	Action items
Level of influence	High influence	A clear, explicit statement as part of a short list (three to five) of items in an enforceable policy or regulation	A clear, explicit statement at the highest level of an enforceable policy or regulation		
	Medium influence	A clear, explicit statement as part of a short list (three to five) of items in an aspirational policy	A clear, explicit statement at the highest level of an aspirational policy	A clear, explicit statement as part of a short list (three to five) items in a policy	A clear, explicit statement as part of a short list (three to five) of items in a policy
	Low influence	A clear, explicit statement as part of a long list of items in an aspirational policy		A clear, explicit statement as part of a long list of items in an aspirational policy	A clear, explicit statement as part of a long list of items in a policy