

PLANNING THE URBAN FRINGE:
PROSPECTS FOR WINNIPEG'S ADDITIONAL ZONE

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By
Wade Gordon Kastes

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ABSTRACT

An urban community operates within the environment as a complex organism with physical, social, and economic features and activities, functioning in both a related and interdependent manner. It is the task of the planning process to supply foresight, coordination, and integration of these separate components. The ultimate goal being, the creation of a more effective and balanced community capable of operating within the environment to the highest degree possible.

One such component in the planning process involves the land space immediately surrounding cities, where urbanized society comes into contact with its rural counterpart. This area, referred to as the urban fringe, is in a constant state of transition and change with urban uses displacing rural uses. If not properly planned, this displacement has the potential for creating dissonance in both the community and the environment.

This thesis explores the planning and land use control mechanisms used to guide development in the urban fringe which surrounds the City of Winnipeg. Presently, a change in these mechanisms is in progress, however, recognition has not yet been given to ascertaining the effects this change will have on overall urban fringe planning. This thesis is designed to study this transition by providing a comprehensive background to the issue, determining the inadequacies of the current planning system, assessing the impact of proposed changes, and recommending avenues for reform.

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CHAPTER 1.

INTRODUCTION

Anyone who wishes is able to capture the setting for this thesis by travelling from the built-up environment of an urban centre out to its surrounding countryside. In all cases, such a journey will take the traveller through tracts of land which are in a constant state of transition and change. He or she will note that the city's surroundings are geographically dominated by rural uses and activities, such as farms, swamps, and grassland. However, other land uses will also appear, such as the country residence, the heavy industrial plant, the mining pit or quarry, and the large regional recreation facility. These latter uses are less frequent however, and seem to punctuate the more traditional rural uses. To the unknowing traveller, this environment may look peaceful, maybe even inviting; however, to the trained eye this mixing of different land uses has the potential for generating conflicts and problems. For instance, the traveller would be hard pressed to recognize, that the relatively recent increase in the occurrence of country residences,

strung out in ribbon fashion along the highway, is causing new demands for services. He or she would also have difficulty in relating these new residences to the adjacent farmer who because of rising taxes (to meet new service demands) finds that agricultural production is not as profitable as it once was. This problem is just one of the many unseen issues which characterize the fringe areas surrounding our cities. Thus, an otherwise tranquil environment, the urban fringe land space is the setting for a dynamic struggle between urban related land uses and rural uses.

One researcher has portrayed the importance of this space by stating that "some of the most vexing land problems facing Canadian cities today are occurring in their fringe areas".¹ It is this sector of a community's structure, one which extends beyond the built-up city into the surrounding countryside, which forms the setting for the following study. Before further examination however, a firm foundation for the inquiry process must be established.

1.1 DEFINITIONAL BACKGROUND

It seems generally accepted by Canadian researchers who concern themselves with this particular issue of urban process and form, to refer to geographer Lorne Russwurm* for at least initial terms of reference. Russwurm, who has completed numerous studies of the land space surrounding urban centres, defines and delineates the spatial patterns associated with urban expansion in the following manner. He first clarifies the

*Lorne H. Russwurm is a professor with the Department of Geography, University of Waterloo.

confusion which exists in popular and professional literature concerning the large number of terms applied to the same land space. Expressions such as suburban zone, slurbs, exurbia, scatteration, sprawl, fringe, country-city fringe, urban fringe, rural-urban fringe, commuting zone, dispersed city, urban shadow and urban field are all used to refer to areas surrounding urban centres. Russwurm states that only four terms, suburban zone (or ring), commuting zone, urban fringe, and urban shadow are required to usefully and comprehensively describe both the direct and indirect outward expansion of the life space and the influence of cities.² These zones are schematically represented in Figure 1.

The suburban zone or ring consists of the familiar type of relatively low-density residential subdivision development which proliferated after the Second World War. This zone usually has a definitive outer boundary represented by the latest suburban development.

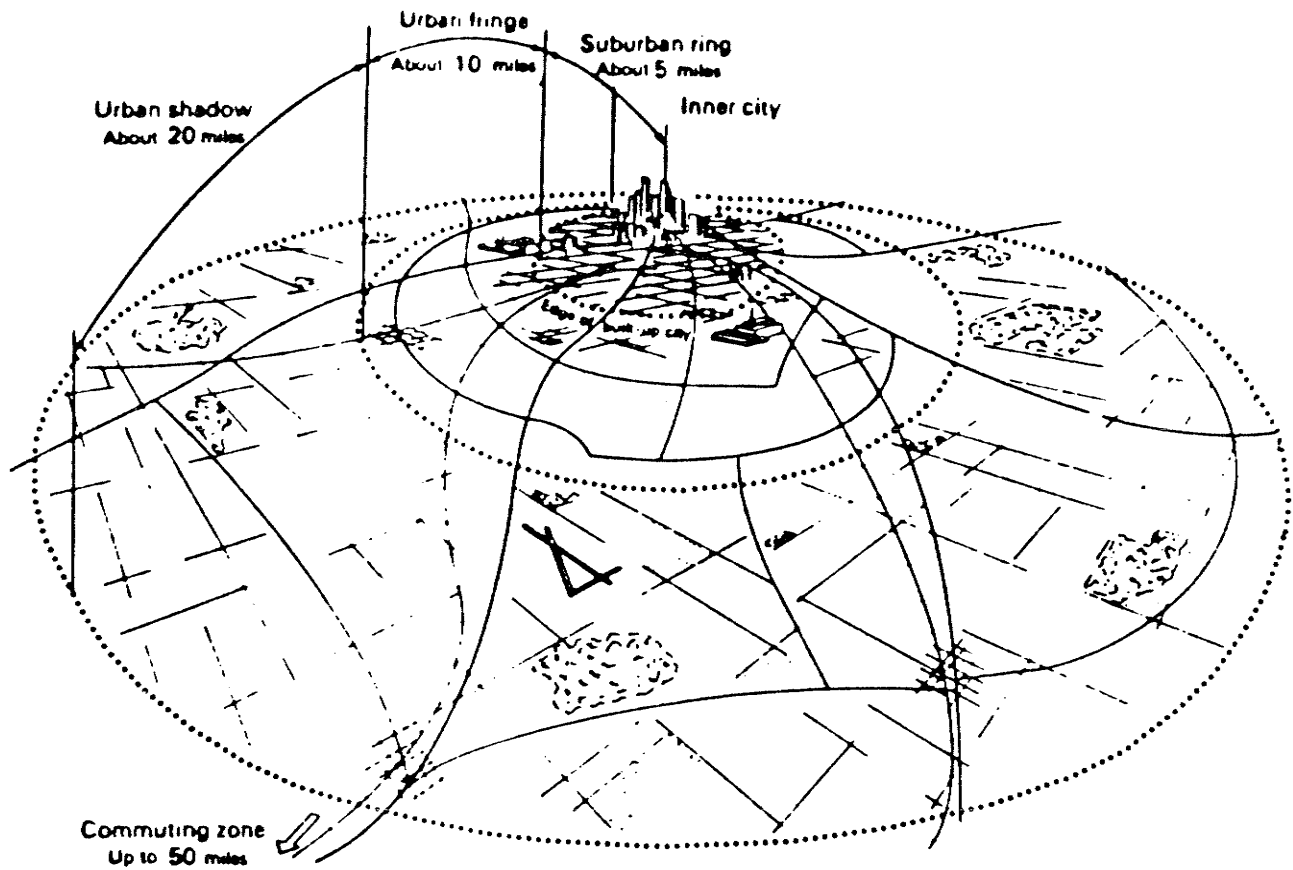
The next distinguishable land space is the urban fringe which is juxtaposed to the built-up edge of the city. Russwurm delineates this area by providing the following definition:

"The urban fringe should be viewed as a zone of rural countryside extending beyond the continuous suburbs and under active competition from urban land uses and activities. More than fifty percent of the population on the fringe should consist of non-farm people."³

The outer boundary of the urban fringe varies from five miles for small cities of 10,000 - 25,000 population to about 30 miles for Toronto, Montreal, and Vancouver.⁴ In a conceptual sense it is an area where urban and urban associated land uses are mixed with rural uses. Table 1 provides a listing of those urban uses which are usually associated with the urban fringe.

FIGURE 1

Spatial Pattern of the Outward Expansion of a City
of About 250,000 People.



Source: R. C. Bryfogle and R. R. Kruger, Urban Problems (Toronto: Holt, Rinehart and Winston, 1975), p. 151.

TABLE 1.

Common Urban-Associated Land Space-Resource Activities
of the Urban Fringe.

<u>RESIDENTIAL</u>	<u>INDUSTRIAL</u>	<u>MINERAL EXTRACTION</u>
Single-Family	Animal slaughtering	Ground water
Isolated subdivision	Automobile assembly plants	Sand & gravel pits
Crossroad clusters	Cement plants	Stone quarries
Ribbons	Construction equipment & storage	
Isolated	Chemical plants	
	Masonry products	<u>RECREATION</u>
Multiple	Meat processing plants	Amusement centres
Ribbons	Oil & gas storage	Auto racetracks
Isolated	Oil refineries	Beaches
	Silos	Campgrounds
Mobiles & Trailers	Tents, trailers, mobile homes	Fish & game clubs & farms
Courts	Trucking terminals	Go-cart tracks
Isolated		Golf courses
	<u>WASTE DISPOSAL</u>	Horse race tracks
<u>COMMERCIAL</u>	Incinerators	Parks
Animal hospitals	Sanitary land fill sites	Snowmobiling areas
Antiques	Sewage lagoons	Ski resorts
Auction barns	Sewage treatment plants	Swimming places
Auto body repair shops		Walking trails
Auto wreckers		
Cabins	<u>TRANSPORTATION, COMMUNI-</u>	<u>AGRICULTURE</u>
Carpets, rugs & flooring	<u>CATION, UTILITIES</u>	Amenity
Dance & banquet halls	Airports	Dog kennels
Drive-in eating places	Gas & oil pumping stations	Fur farms
Drive-in theatres	Hydro stations	Game farms
Farm equipment	Microwave towers	Nurseries
Farm & garden supplies	Radio towers	Riding stables & ranches
Fertilizer supplies	Railroad switching yards	Sod farms
Fruit & vegetable stands	Sewage treatment plants	Other
Furniture	Television towers	Flowers
Lumber yards	Water supply reservoirs	Greenhouses
Marine sales & supplies	Water wells	Market gardening
Meat markets		Mushroom farms
Monuments	<u>INSTITUTIONAL</u>	Poultry
Motels	Educational	Stockyards
Motorcycle sales & service	Community colleges	
Night clubs & taverns	Monasteries	
Ornamental & building stone	Schools for emotionally	
Restaurants	disturbed children	
Service stations & garages	Universities	
Trailers & mobile homes		
Used car lots	Other	
Wholesale groceries	Churches	
	Ethnic community halls	
	Mental hospitals	
	Rod & gun clubs	

Source: Lorne H. Russwurm, The Surroundings of Our Cities: Problems and Planning
Implications of Urban Fringe Landscapes, (Ottawa: Community Planning Press, April, 1977),
pp. 14-15.

To better understand this land space, it is useful to divide it into two areas - the inner fringe and the outer fringe. The inner fringe, or the area immediately adjacent to the suburban ring, is the area where continuous rural-to-urban conversion takes place. It is also within this area, which rarely extends more than a few miles from the built-up edge of the city, that most of Canada's future urban population growth will be accommodated.⁵ The remaining portion is called the outer urban fringe and is the area where scattered urban and urban associated land uses intermingle with rural uses. It should be noted that the urban fringe which consists of both these zones, is the area which will be examined in the following chapters.

The urban fringe, which "provides an interface zone between concentrated and dispersed populations",⁶ merges into the urban shadow which is the next distinguishable land space. It is in this area where the first signs of urban influence can be detected. Non-farm owned land used for summer residences and large lot residential estates are two examples of urban associated land uses. Russwurm differentiates the urban shadow from the urban fringe by referring to them respectively as semi-rural and semi-urban.⁷

Lastly, the commuting zone represents the threshold distance from which people are willing to commute to work on a daily basis. This zone overlaps both the urban fringe and urban shadow. Given Canadian society's current mobile status its boundary will extend outwards for more than 50 miles, restricted only by a one-hour one-way commuting time limit.

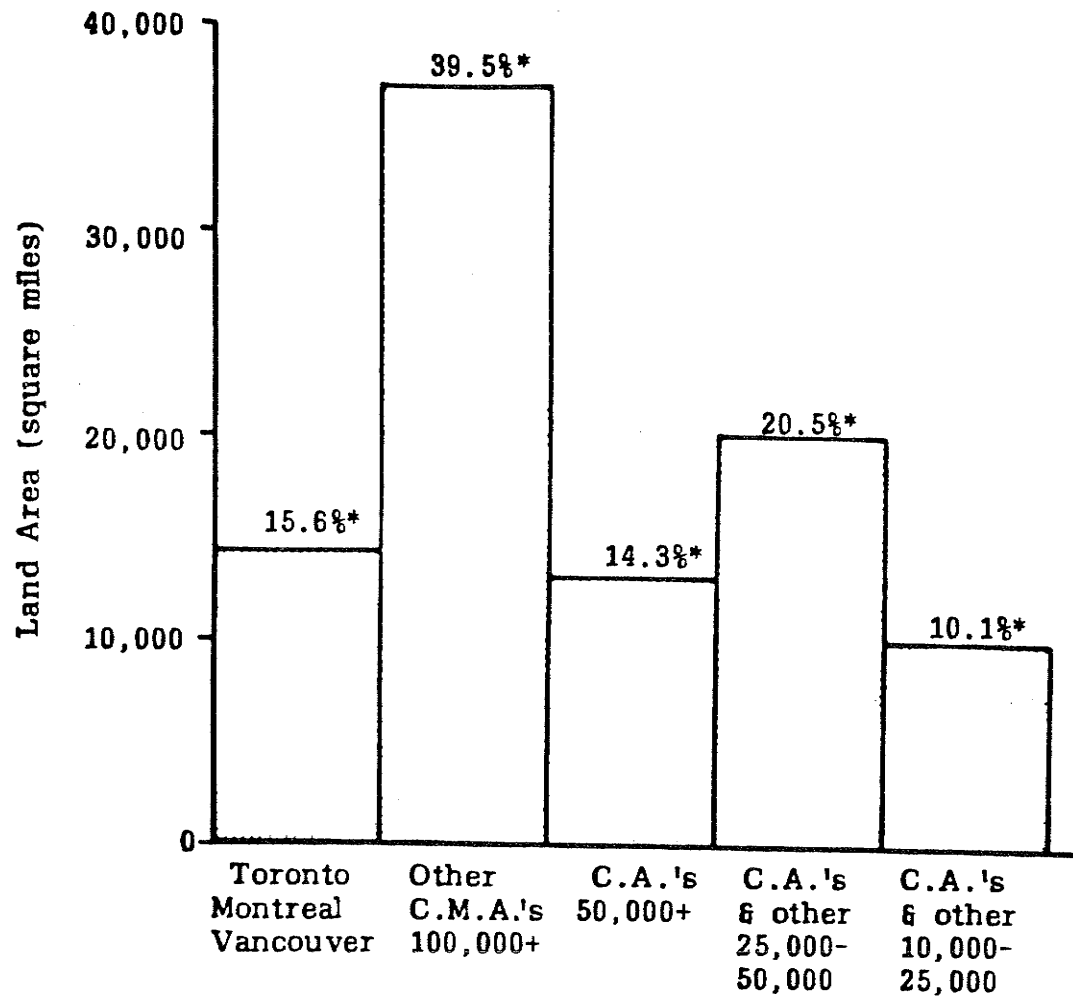
Most urban centres exhibit the foregoing spatial pattern, however, it is important to put this land space into perspective by clarifying the amount of land which exists in the urban fringes of Canadian cities. Figure 2 illustrates both the extent of this land mass and its relative location compared with city size. Taken as a sum, over 85,000 square miles or approximately one-third of Canada's total farmland is represented in the urban fringe.⁸ The three largest cities, Toronto, Montreal, and Vancouver account for approximately 16 percent of the total. Nineteen other metropolitan centres with populations of between 100,000 and 600,000 possess close to 40 percent of Canada's total urban fringe land, while metropolitan areas with less than 100,000 population make up the remainder.

The extent of urban fringe land in any region will naturally depend on the number and size of urban centres. Thus, Figure 3 which illustrates the distribution of this land by province, shows Quebec, Ontario and British Columbia as dominating regions. This graph however, should not be misinterpreted as meaning concern for urban fringe land is restricted to these regions. All provinces have equal responsibility for their respective urban fringe areas.

Using a national population growth increment of 250,000 people per year, Russwurm has estimated that within the urban fringe 60,000 acres of land (or approximately 100 square miles) will be converted from rural to urban uses each year. This demand estimate includes about 30,000 acres for direct inner urban fringe conversion and 30,000 acres for conversion to uses such as recreational areas, country residences, sand/gravel extraction, and transportation and other infrastructure needs in the outer urban fringe.⁹

FIGURE 2

Land in the Urban Fringe, a National Estimate by City Size

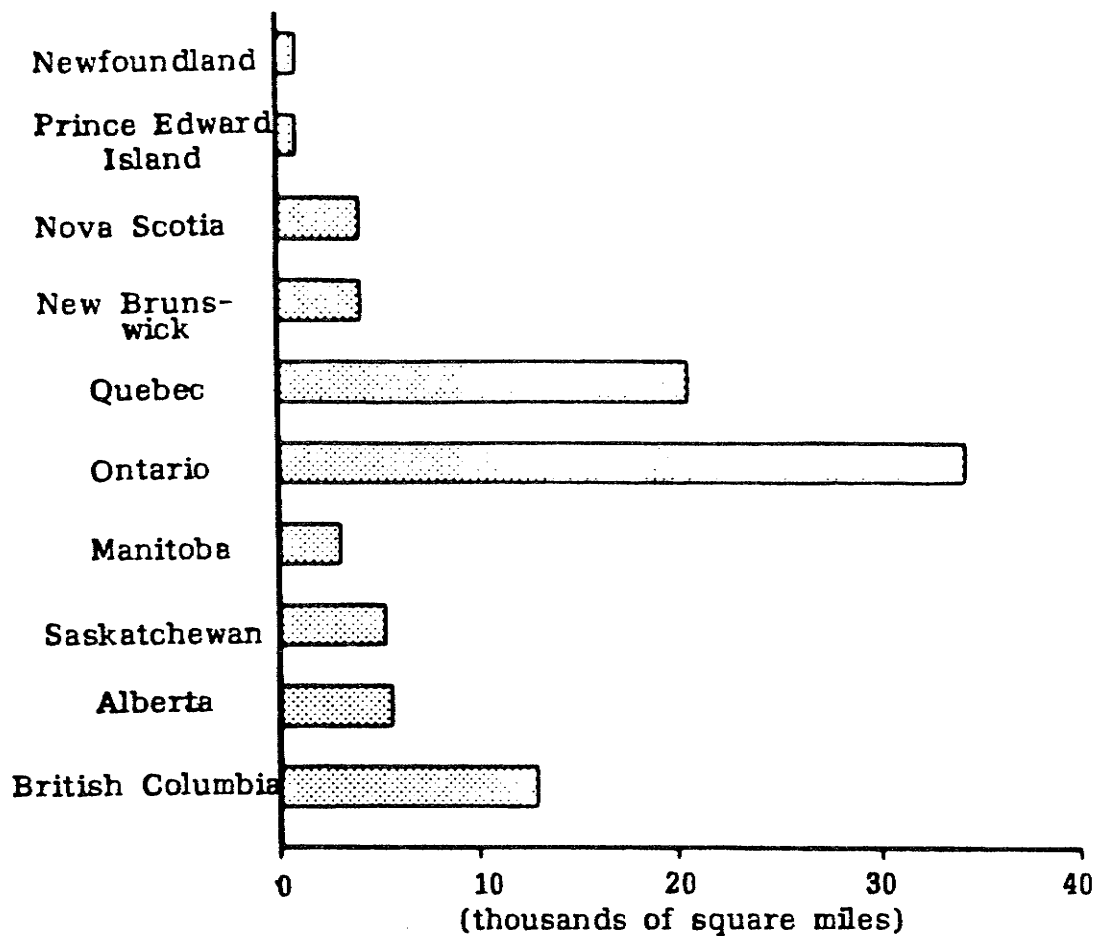


*Expressed as a percentage of total (approximately 85,000 square miles) of "National Urban Fringe Land."

Source: L. H. Russwurm, "The Urban Fringe as a Regional Environment" (Waterloo: Department of Geography, University of Waterloo, June, 1975).

FIGURE 3

Distribution of Urban Fringe Land, by Province



Source: L. H. Russwurm, "The Urban Fringe as a Regional Environment" (Waterloo: Department of Geography, University of Waterloo, June, 1975).

In order to complete the foundation for the this study another factor must be introduced. An important distinction is required, separating the two types of development which occur in the urban fringe. Firstly, accretionary or typical city growth represents the natural expansion of urban centres through continuous development. Secondly, scattered growth describes the non-farm urban or urban associated developments in the urban fringe and urban shadow of a city.¹⁰

This study will concentrate more on scattered rather than accretionary development. However, the latter will not be entirely excluded due to the indirect effects it has on the former.

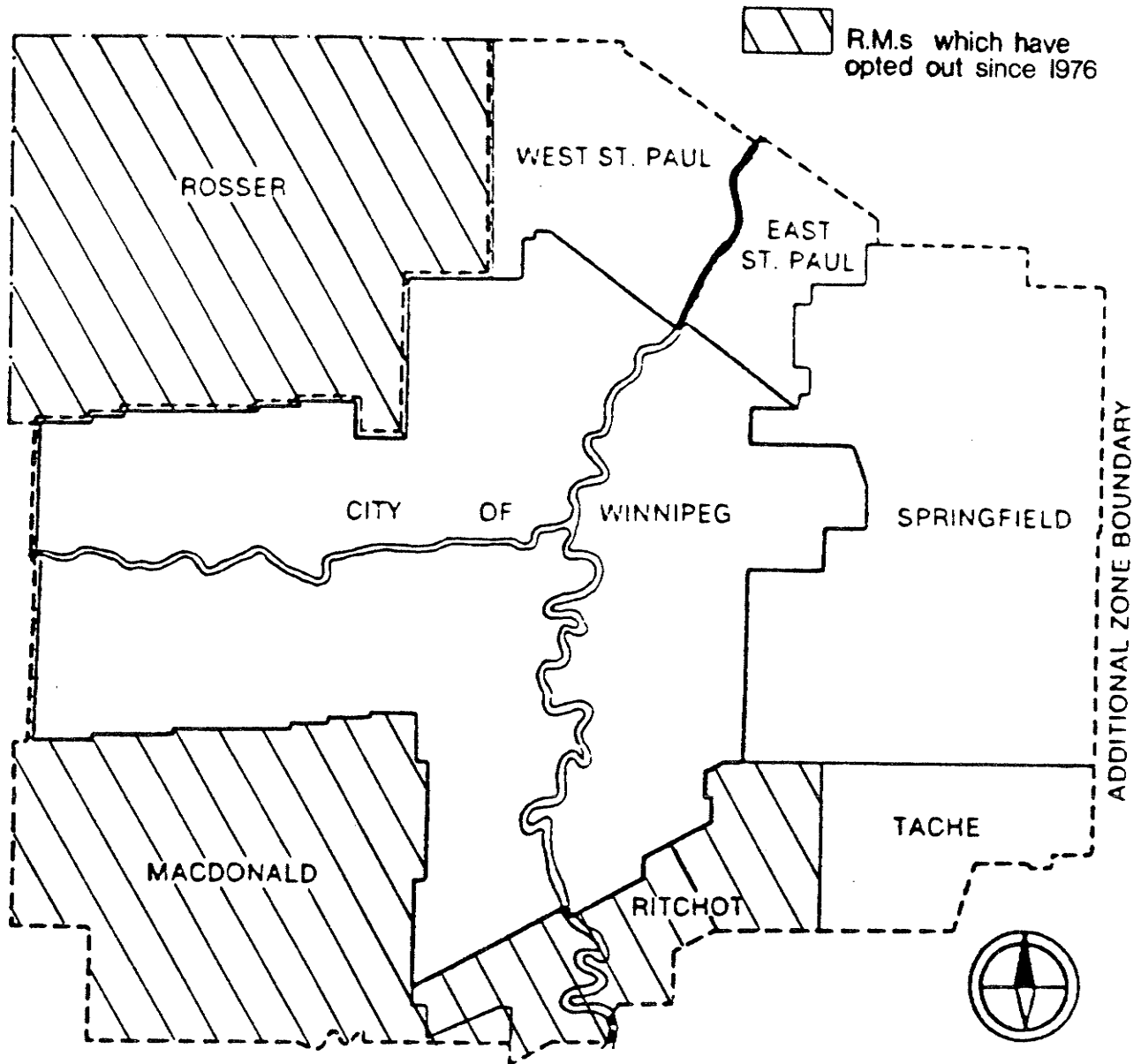
Thus, the required definitional basis for further study concerning the urban fringe has been established. Background information has been given providing the location, the amount of land space involved, the demand for this land space, and the types of growth which are under examination. Given the scope of this thesis however, a second foundation outlining the City of Winnipeg's situation is required to complete the necessary background.

1.2 WINNIPEG'S POSITION

The Province of Manitoba attempted to control development in Winnipeg's urban fringe by providing Metropolitan Winnipeg and subsequently the City of Winnipeg with planning jurisdiction over a five-mile strip of land surrounding the urban centre. This area, referred to as the Additional Zone, was established in 1960 at the same time the Metropolitan Corporation of Greater Winnipeg was created. Figure 4 illustrates Winnipeg's Additional Zone. The Greater Winnipeg Investigating Commission, which provided the impetus for Winnipeg's Metropolitan Government, outlined the need for regional planning in the fringe to avoid "development mistakes". As such, planning for the Additional Zone was placed under the jurisdiction of the Metropolitan Government with the three objectives of controlling and guiding development, preventing fringe or sprawl development, and providing ample open space within a reasonable distance of the city.¹¹

FIGURE 4

Winnipeg's Additional Zone.



Since inception, a number of changes have occurred in the legislation which have undermined the original objectives of the Additional Zone concept. The most significant alteration occurred in 1976 when the Provincial Legislature passed a revised Planning Act which, among other things, called for the formulation of Planning Districts throughout the province. This new Act included provisions for those rural municipalities adjacent to Winnipeg and involved in the Additional Zone concept to opt out and become part of a planning district. Since assented to, three of the seven rural municipalities with some property in the Additional Zone have chosen to plan for and administer their own land use control by-laws (see Figure 4).

The result is that planning and land use decision making for Winnipeg's urban fringe is presently divided into two systems. Firstly, the original Additional Zone concept operates in four adjacent rural municipalities. The City's Department of Environmental Planning provides professional regulatory services, while City Council's Committee on Environment shares land use decision making authority with the rural councils.* Secondly, the Planning District system is used in the remaining three adjacent rural municipalities. This system is administered through the Province's Department of Municipal Affairs and incorporates the creation of planning district boards comprised of representatives from each jurisdiction involved, which in turn coordinate the creation of a district plan. Once the plan is adopted the district board may be given approving authority over land use and planning decisions.

*This sharing of responsibility refers to a cooperative process, however final authority lies with the City.

In its current state, planning in Winnipeg's urban fringe is done in a disjointed manner and is apparently in a state of transition. Serious consideration has not yet been given, however, to how recent changes will effect overall planning for the City's urban fringe and to the modifications which may be required to ensure that development of this vitally important resource is managed in such a way as to promote the consistently effective and efficient use of land. The current situation, which is beset with uncertainty, poses a significant problem for all parties involved.

1.3 THESIS OBJECTIVE

In a situation where farmers and urbanites share the same geographical space, normal interactions have the potential for generating conflict. Differences in goals, motives, values, and attitudes exist, not only within the population of the urban fringe but also between different governing bodies. The purpose of this study is to understand and record these differences so that a modified and enlightened planning mechanism can be created for Winnipeg's urban fringe. To further define the study's objectives, the following list of interrelated goals is presented. The thesis intends to:

- develop a comprehensive understanding of the general forces, problems and solutions associated with urban fringe development;
- explain the initial reasoning behind the establishment of the Additional Zone as well as analyzing and recording the different features which affected its evolution;
- define the strengths and weaknesses of the Additional Zone concept and compare them with the Planning District concept

- which seems to be replacing it;
- interpret and record the different attitudes and opinions of Provincial, City, and fringe municipality officials towards the City's regional planning problems; and,
- propose the necessary modifications to the existing planning and land use decision making system which have the capacity of achieving consistently effective and efficient planning, being acceptable to most parties involved, and having sufficient practical application to the current situation.

1.4 STUDY METHODOLOGY

To satisfy these objectives, a general to specific examination process, divided into three steps and reflected in corresponding chapters, is used.

Firstly, the urban fringe is studied on a broad scale using information gathered through a review of pertinent and recent North American literature. Focus is given to the area's existence, problems and policy solutions. The purpose of this step is to build a general understanding of the forces and issues which usually plague urban fringe areas creating a comprehensive background for further study.

Secondly, past urban fringe planning experience for the City of Winnipeg is divided into four components and analysed. The original form, purpose and size of the Additional Zone concept used for controlling fringe development is explained, followed by an analysis of past development trends and pressures. Next, the current land use planning and decision making processes operating in Winnipeg's urban fringe are

separated and discussed individually. The Additional Zone concept and the Planning District system are studied independently by distinguishing land use planning from land use decision making. The purpose of this section is to build upon the foundation set out in the first section by narrowing the focus to the Winnipeg scene. An historical review and an analysis of the current situation concerning the control of urban fringe lands sets the stage for the concluding section.

Finally, the prospects for planning and land use control in Winnipeg's urban fringe are discussed. Information provided in previous sections is combined with the results from interviews conducted with officials involved in the controlling of land use in this area to determine where inadequacies exist. The end product being, a series of guiding statements and recommended modifications to the existing planning system.

FOOTNOTES - CHAPTER 1

¹Ira M. Robinson, "Trends in Provincial Planning, Control and Management", Plan Canada, Vol. 17/3, (September, 1977), p. 173.

²Lorne H. Russwurm, The Surroundings of Our Cities: Problems and Planning Implications of Urban Fringe Landscapes, (Ottawa: Community Planning Press, 1977), p. 16.

³Lorne H. Russwurm, "Urban Fringe and Urban Shadow" in Urban Problems, R. C. Bryfogle and R. R. Krueger, eds., (Toronto: Holt, Rinehard and Winston, 1971), p. 108.

⁴Lorne H. Russwurm, 1977, op.cit., p. 13.

⁵Lorne H. Russwurm, "Land in the Urban Fringe: Conflicts and Their Policy Implications", in Essays on Canadian Urban Process and Form II, R. E. Preston and L. H. Russwurm, eds. (Waterloo, Ontario: University of Waterloo, Department of Geography, 1980), p. 458.

⁶Lorne H. Russwurm, 1977, op.cit., p. 16.

⁷Ibid., p. 18.

⁸Ibid., p. 13.

⁹Ibid., p. 43.

¹⁰C. R. Bryant and L. H. Russwurm, "The Impact of Non-Farm Development on Agriculture: A Synthesis", Plan Canada, Vol. 19/2, (June 1979), p. 122.

¹¹Province of Manitoba, Greater Winnipeg Investigating Commission, Report and Recommendations, J. L. Bodie, Chairman, (Winnipeg: Manitoba Queen's Printer, 1959), p. 220.

CHAPTER 2

THE URBAN FRINGE - ITS EXISTENCE, PROBLEMS, AND POLICY SOLUTIONS

One of the great phenomena of our time is the seemingly unrestricted increase in the size and extent of urban settlements. Relatively speaking however, this process is new to the human race, which can trace its urban history back some five and one-half millennia. In fact, urban settlements have only recently been allowed the freedom of virtually unlimited expansion. Rigorous constraints, limiting the size of cities, have characterized approximately 97 percent of the total urban history. Due primarily to reasons of protection and food supply, early cities could not possibly grow beyond walking or hearing distance. As Lewis Mumford, an internationally acclaimed urban historian states, during "the middle ages, Bow Bells defined the limits of the City of London; and until other systems of mass communication and transportation were invented in the nineteenth century, these were among the effective limits of urban growth".¹

New forms of industrial power, based on the ability to harness steam, touched off a myriad of inventions during the 1800's and early 1900's that effectively lifted the old restrictions and introduced a new urban settlement pattern. By 1960, vast developments of houses, factories, shopping centres, and institutional buildings spread outwards from urban centres. Such development seemed unlimited, with demand greatly exceeding supply.

This process of expanding urban uses not only effected areas immediately adjacent to cities but also land in areas many miles away. Repercussions related to urban expansion were felt far into the countryside creating what many term as urban regions.

"Hence, we now have a regional city form extending outward 50 to 80 kilometers that is equally as permanent a part of the city as the built-up area. Though the urbanization of the suburbs is still being discussed...we have to include urbanization of large areas of the countryside in order to truly comprehend our regional city of today."²

These urban regions have been characterized by the general process of urban fringe development which consists of scattered houses, then small subdivisions usually in scenic areas, then larger subdivisions on flat, well-drained formerly agricultural land adjacent to the built-up area.³ In the 1950's and early 1960's this type of 'exurban' development was characterized by both the wealthy who sought out high amenity sites and the poor who sought cheap land, lower taxes and less stringent building codes. During the 1960's however, increasing planning controls which demanded minimum lot sizes, a minimum house value and/or a minimum square footage, steadily eliminated the poorer segments of the population from the urban fringe.⁴

Four stages of urban fringe development have been identified to describe its ongoing evolution. These stages are outlined below and are derived from J. V. Punter's* study on exurban development in the Toronto centered region:

1. Before World War Two, the urban fringe consisted of a few wealthy country estates.
2. After 1945, all income groups were taking up residence in the fringe.
3. The 1960's brought about planning controls which effectively eliminated the poorer income groups.
4. The current stage is one of country estate subdivision development.⁵

If these stages are viewed as forming a continuum of development, different regions of Canada can be appropriately placed on the continuum. From extensive field experience, Russwurm interprets the current position of Canadian urban fringe development as being;

"...the provinces east of Ontario are still largely in stage two; Alberta is approaching stage four...; and British Columbia, Saskatchewan, Manitoba and the rest of Ontario are in stage three."⁶

Many problems stem from this diffused urban settlement pattern and many ideas have been proposed to answer them. This chapter will analyze the urban fringe, the reasons for its existence, the problems which traditionally characterize the area, and the solutions which have been both used and proposed by the planning community. The chapter's objective is a general understanding of the urban fringe and the mechanisms and processes which effect it. City of Winnipeg examples will be used whenever possible to illustrate points made.

*Punter's study was conducted for the Central Mortgage and Housing Corporation in 1974.

2.1 REASONS FOR EXISTENCE

Unquestionably, the most persuasive factor contributing to urban fringe development is its geographical location. Proximity to a major urban centre, with its many services and job opportunities, is a key factor in residential preference decisions. However, geographic location is not the only factor contributing to the existence of the urban fringe. Four other important reasons can be identified, namely; population trends, technological advancements, economic factors, and individual rights and desires. The following discussion explains how these four factors have contributed to urban fringe development.

2.1.1 Demographic Trends

Recently, three important changes have affected the population structure of North American society. These changes include:

- the increasing prevalence of population decline in entire metropolitan areas;
- the seismic waves passing through the age composition of the population as a result of the baby boom which followed World War Two and the more recent drop in fertility; and
- the radical changes in life styles which are reflected in the shifting composition of households and their economics.⁷

Within the first change, three factors including a declining birth rate, net migration outflow from metropolitan areas to non-metropolitan areas, and migratory exchanges between metropolitan areas have contributed to the decline of metropolitan populations. Of particular concern to the urban fringe is the second factor, net migration outflow, which is significant considering its unprecedented past. Ever since the industrial revolution in the eighteenth century, western society has been characterized by a net rural-to-urban migration of people. For

instance, in Canada the urban portion of the total population increased continuously from 19.6% in 1871 to approximately 76% in the early 1970's. However, since the mid 70's North American statisticians have recorded a slight reversal in this trend. Termed 'ruralization' by some authors, a paradoxical flow of people from urban to rural areas seems to be taking place. In the United States for example, the rate of population growth between 1970 and 1974 was 4.2% for non-metropolitan areas compared with a 2.9% increase in metropolitan populations.⁸ Moreover, metropolitan populations in the United States were found to have lost 400,000 people in a single year between 1975 and 1976.⁹ One researcher has suggested that at least one-half of the non-metropolitan growth consists of overspill from metropolitan areas. As he states:

"These are not people who have gone back to the land, but people who work in the suburban ring or in economic activities which can thrive at a modest distance from metropolitan centres ...a net migration towards non-metropolitan areas will probably be a frequent if not continuing condition."¹⁰

In Canada a similar trend is identifiable. The rural portion of the total population increased from 24% in 1971 to 24.5% in 1976.¹¹ This very slight change is significant considering that it is the first time in the nation's history that the rural portion of the population has increased. This finding is somewhat tempered with the more recent 1981 figures which indicate that the rural portion of the total population has slid back to 24.3%.

The point being made however, is that North American society seems to have reached a plateau of rural-urban population distribution. The relentless trend towards urbanization has finally subsided;

seemingly ending one of the most significant trends spawned by the industrial revolution. Undoubtedly, the urban fringe areas surrounding metropolitan centres have been affected by this situation. Increasing numbers of people are consciously choosing to live and work in fringe areas. However, there are many other demographic factors to consider when referring to the existence of the urban fringe.

In addition to the above broad population change, there are a number of more defined demographic trends which are presently affecting fringe development. These trends can be seen as either supporting fringe development (a dispersed urban form) or sustaining a more concentrated form of urban structure, depending on how they are perceived. They include:

- the increasing number of new household formations due to the continued impact of the post-war baby boom;
- the increasing proportion of elderly persons, also resulting from the baby boom generation and improved health care which effectively extends the human life cycle;
- household structure changes - smaller family sizes, increased numbers of single-person and single parent households, increases in divorce rates, larger numbers of childless couples, higher average age of family formation and childbearing, increased incidence of co-habitation among unrelated individuals and the increasing number of families with two or more workers.¹²

These demographic factors will have an impact on, among other things, housing investment decisions and the desire or capacity to commute long distances. However, as Russwurm states, these factors may be somewhat irrelevant:

"Whether or not a steady state situation is now developing for country residential development is a moot point. While no studies exist which provide firm evidence, I suggest that no more than 20% of the populace ever desires to live in the open countryside."¹³

2.1.2 Technological Advances

The technological advances of the 20th century have, among other things, lessened the effects of distance by reducing the inconveniences of travel and communication. The proliferation of such technologies as the telephone and automobile, with its corresponding elaborate highway system, have contributed to making the various work, shopping and cultural attractions of the city more accessible to fringe populations.

More recent technological trends have helped people living in the surroundings of our cities receive the services of mail, newspapers, television, radio and the telephone for only marginally higher costs than urban dwellers. In fact, residents of the city usually subsidize the costs of these services by paying slightly more; effectively helping to reduce the high costs of fringe living by spreading the burden throughout the entire community.¹⁴

Moreover, the ability and desire to live in fringe areas has been further enhanced by a trend towards the development of suburban industrial, retail and office districts. This trend has helped diffuse the traditional concentration on the downtown urban work place focus towards more peripheral areas of the city. By doing so, it has allowed potential and current urban fringe residents even greater accessibility to employment, shopping and entertainment. In some cases the accessibility is greater for fringe populations than for urban residents.

Recent innovations in computer and telecommunications technologies have added new variables to the factors which contribute to urban fringe development. The effects of these have yet to be determined; however,

because they are designed to reduce the inconveniences of distance and time, it is likely they will join all the previously mentioned technologies in increasing the assessability of fringe locations.

2.1.3 Economic Factors

The existence of urban fringe areas is also tied to the economic aspects of rural to urban land conversion. It has been suggested by one researcher that the interplay between the actors (farmers, businessmen, speculators, developers and non-farm residents) and the resulting competition for land generated by demand, actually accelerates urban fringe development.¹⁵

As in all land development, including urban fringe land, the overriding economic factor involved is the location function.¹⁶ This function, which involves declining values of land per unit area outward from the inner city, is the basis upon which wave models, such as that proposed by Hans Blumenfeld in 1954¹⁷ and Boyce in 1966,¹⁸ have been developed. Russwurm has interpreted these models as affecting the urban fringe in the following manner:

"Boyce and Blumenfeld use the analogy of tidal waves to represent the growing edge of the built-up city. This is the area of accretionary new subdivision development where urban fringe land is being continuously converted to developed urban land. Boyce, by analogy, further suggests a precession wave 15 to 30 minutes travel time beyond the built-up edge. This wave...represent(s) the discontinuous developments of the urban fringe..."¹⁹

In a recent study entitled "Land Markets at the Urban Fringe" in which the authors surveyed over 700 owners of undeveloped land outside six North American metropolitan areas*, the competitive activity over

*The six metropolitan centres included Atlanta, Boston, Buffalo, Calgary, Sacramento, and Toronto.

land was detected long before actual development occurred. This is indicated by the following conclusion arrived at in the article:

"This study shows that because of the opportunity for speculative profits from appreciation in land values, the character of both rural land and its ownership begin to change more than twenty years before an area is actually urbanized, and long before public policy efforts to influence urban development typically take form."²⁰

The effects of this competition for land on urban fringe farmers and residents can be seen in both a positive and negative fashion. On the negative side, rising land prices make it more difficult for farmers to expand, and rising taxes caused by new service demands made by an increasing population make farming a less viable operation. On the positive side of the competition however, are factors which actually support development in the urban fringe. Controlling political bodies in fringe areas foresee increased property tax revenue from new urban associated developments. Therefore, they may be inclined to encourage development. Moreover, rising land values provide fringe farmers with the opportunity of selling parts or all of their holdings to subsidize financial problems or retirement. Farmers themselves derive many benefits from increased competition for land and in fact sometimes resist many of the planning controls designed to preserve good agricultural land.

Recently, national economic trends have altered development pressures in the urban fringe. It seems that the exurban growth which occurred in the late 60's and early to mid 70's has been undermined by high energy costs, high mortgage rates, and the repercussions of the late 70's recession.²¹ The effects of these new trends on fringe development are still undetermined. However, with recessions and mortgage rates tradi-

tionally geared to cyclical intervals of highs and lows, concentration would best be placed on the potential impacts of rising energy costs. Two schools of thought have emerged from the literature on this subject.²² First is the suggestion that higher prices will cause a concentration of the population. Second, a contradictory suggestion, foresees rising energy costs having little effect on the population's spatial structure. Supporting the second school of thought is a pragmatic analysis completed by G.I. Thrall* which suggests that even though the price of gasoline has increased, the contemporary portion of median income required to purchase a given quantity of fuel is similar to that required when substantial suburbanization occurred in the United States.²³ Clearly however, the effects of these and other economic variables have yet to be determined.

The economic factors which stimulate urban fringe development, such as proximity to the city and relatively low land costs and taxes, attracts a complex set of potential land owners and contributes a significant factor supporting and encouraging the existence of the urban fringe.

2.1.4 Individual Rights and Desires

Canada is a democratic society in which individual rights are sacrosanct within the populace. The insistence on and the protection of these rights, particularly property rights, is the basis of a "free" society. These rights also ensure the continuation of fringe areas surrounding our cities. More and more people however, are becoming

*At the time his article was completed Grant Ian Thrall was a professor at the State University of New York at Buffalo.

aware of the fact that many individual decisions based on individual rights, produce a collective phenomenon which may be harmful to the population as a whole.

One of the most important rights of Canadian society is fee simple ownership of property, or the right to enjoy and exploit any income producing capability the land might have. Under the current framework of law however, fee simple ownership of a block of land has certain restrictions, including several facets of tort law (civil wrongs) and a myriad of legislative regulations. These restrictions, in turn, provide the tools for planners to control and guide development. Moreover, since governments have recognized the right of individuals to develop rural residential areas,²⁴ potential problems created by collective phenomenon can only be mitigated through proper and consistent planning.

Individual preferences for urban fringe residential living have also played a major role in exurban development. In fact, as the following quote indicates, Russwurm suggests that peoples' desire to live in a rural setting is the paramount reason for the existence of the urban fringe.

"...most people seeking a lot in the country, in the urban fringe, or beyond in the urban shadow are not moving out for economic reasons but because they (simply) prefer a house in the country."²⁵

Rural residential preference decisions based on the quality of life factors have been classified by one author into 'pull' and 'push' factors.²⁶ The most frequently cited attractive qualities (pull factors) of the urban fringe include the physical setting, the quiet, the friendly people, more privacy, less crowding, immediate access to recreational space, and

a better place to raise children.²⁷ Concurrent push factors most frequently cited as repelling people from urban living include crime, pollution, crowding, noise, and the hectic pace of life.

In a paper authored by Michael Bunce, a noted Canadian geographer, he questions the validity of these factors:

"In general the attraction is to an idealized rather than real environment; to a product of a mythology which has grown as genuine rural experience fades from our memories. Rural sentiment is, in fact, a manifestation of an underlying reverence for rural environment and culture...a nostalgic, sentimental and romantic...view of country (life) which has prevailed in so many cultures."²⁸

Whether or not these factors are formed on nostalgic memories is a moot point. What is relevant is that they actually do exist and thus contribute a major component advancing the cause of exurban development.

When these attractive and repelling factors are combined with increased assessibility (discussed previously under technological advancements) and lower taxes and land values (discussed previously under economic factors) a significant amount of pressure is exhibited for urban fringe development. Moreover, given the rights attached to fee simple ownership of property, planning with its legislated control mechanisms such as zoning, remains the only way to guide fringe development. However, as Russwurm warns, "the weaker the planning controls applied..., the greater will be the extent of the urban fringe".²⁹

2.1.5 Public Policy and the Inadequacy of Past Planning Practices

Support for the existence of urban fringe areas surrounding our cities comes in a variety of forms, as noted above. However other forms which help encourage development are less noticeable. For example,

hidden government subsidies in the shape of extensive and well-maintained highways, and cost-reduced public utilities combine to make the fringe a more amiable place for development.

The lack of adequate planning controls, is also an important factor contributing to the existence of the urban fringe. Although many types of initiatives have been devised by planners and other public officials their effects are questionable. As Russwurm states:

"It is evident from various research studies and comments received across Canada that the lack of unitary and consistent planning controls is a major reason for the existence of an urban fringe zone..."³⁰

Russwurm later suggests that public officials have failed to use the measures available to them to control development in the urban fringe.

He states:

"We have sufficient legislation on the books in most provinces to control land space resource activities in the urban fringe to almost any degree desired. We have basically not chosen to do so because of two factors related to land viewed primarily as a commodity rather than a resource. One is the attitude that private land ownership carries with it the right to develop land. The other is that individual owners should be compensated should this right to develop be denied..."³¹

The lack of adequate planning controls serves only to accentuate the previously mentioned four elements (demographic trends, technological advancements, economic factors, and individual rights and desires); contributing to an urban fringe which is a complex yet attractive area for development. The consequences of this development however, can produce many problems which are a detriment to the orderly functioning of the community.

2.2 THE EFFECTS AND PROBLEMS OF URBAN FRINGE DEVELOPMENT

Understanding the multitude of interrelated issues effecting land use and activities in the urban fringe is a difficult and complex task. In his research, Russwurm has attempted to ease this understanding by developing a conceptual framework which organizes the myriad of possible cognate effects of uncontrolled development. His concept distinguishes three "overlapping and interfingering" environments - the natural environment, the economic environment, and the cultural environment.³²

The natural environment includes the subsystems of air, water, landforms, soils and biota. It can be seen as forming the stage upon which the other two environments, which comprise all the human elements, act and effect. Traditionally, the natural environment has been viewed in a horizontal fashion with each subsystem seen as an entity in itself. Past and present experience with special purpose bodies such as water supply districts, air pollution control agencies, and wildlife preservation groups indicates this lack of integration between subsystems. However, as Russwurm points out, "the behaviour of [a] system as a whole may well be different from that expected through considering [each] part one by one".³³ Development, in any form, will invariably effect more than a single subsystem. Thus, the natural environment is better understood in a vertical fashion, which recognizes the integration between subsystems.

The economic environment is comprised of firms and individuals who exploit natural and human resources expecting to profit for their efforts. In a private enterprise system it is assumed that they operate independently, assuring the most efficient and least costly provision of goods

and services through competition. The placement of many urban and urban associated land uses in the urban fringe is based on the economic aspects of location, 'highest' use and individual action. Economic decisions however, can cause irreversible damage to both the natural and cultural environments; therefore, potential impacts on the other two environments must also be considered when deciding where to locate uses.

The cultural environment includes all those elements of human actions which are primarily done for motives other than profit making such as political actions, attitudes, morals and values.

Resources offered by the natural environment of the urban fringe, including land, are utilized in a fashion which reflects cultural and economic decisions. Depending on personal perspectives, the effects of these decisions can be seen in many different forms. For example, land fragmentation may be viewed by a developer or speculator as undesirable because it makes it more difficult to assemble property; conversly, the farmer may think it is desirable because it gives him a chance to sell-off part of his farm or give it to a family member (family split). As a further example, the potential non-farm rural resident may think fragmentation is desirable because it enables the purchase of appropriately sized rural-residential property; while the current non-farm rural resident, on the other hand, may see it as undesirable because the rural atmosphere which initially induced his/her movement to the fringe is slowly decaying due to increasing numbers emulating the urban to rural shift. Many more combinations could be hypothesized; however, the point made is that given any distinguishable effect of urban fringe develop-

ment, such as land fragmentation, many different perspectives, of both a positive and negative nature, can be identified.

A greater understanding of the effects and problems of urban fringe development can be had by applying the concept of the three interrelated environments - natural, economic, and cultural - to potential developments. The following discussion on the effects of urban fringe development should be read with this interrelated concept in mind.

2.2.1 Conflicting Land Use Activities

Due to its very nature, the urban fringe land space surrounding our cities accommodates many different property owners. Each of these owners have individually designed objectives for the use of their respective parcels of land.

"The gravel pit operator, the farmer, the non-farm household, the industry unwanted in the built-up city, the high-oriented business, the space using industry, the wildlife habitat, the outdoor recreation facility, all exist and often side by side."³⁴

Naturally, when a grouping of land use activities as diverse as the one mentioned above are located in close proximity to one another, land use conflicts are inevitable.

Russwurm suggests that three areas of land use activity conflicts can be identified as affecting urban fringe activities.³⁵ The first distinguishable conflict arises between individual versus collective desires. For example, the proliferation of scattered country residential development (individual actions) versus the rising costs of servicing them (collective effect). The second discernible conflict arises between present uses and potential uses. Building upon natural resources such

as sand and gravel deposits (e.g. Winnipeg's Bird's Hill area) and prime agricultural land is an example of sacrificing future uses for present uses. In 1975 the Honourable Jeanne Sauve, Minister for Environment Canada, stated:

"...by 2050 our descendents may bemoan our lack of wisdom in building on class one agricultural land which comprises only one-half percent of Canada's land area, or 5 percent of the land usable for improved farmland."³⁶

Lastly, conflicts arise between the private enterprise economic system based on profits and 'highest use', and the natural ecological environment. The destruction of wildlife habitats through the indiscriminate building of urban and urban associated uses serves as a prime example of this conflict.

The extent and influence of land use conflicts in the urban fringe was extensively analysed by A.G. Phipps in studying the fringe areas surrounding the cities of Saskatoon and Regina. He qualified the extent of land use conflicts somewhat by concluding that:

"Even though many potentially serious conflict areas were inferred...the country residents and agricultural land users surveyed did not perceive the existence of localized externalities between adjacent users. Thus, a tentative conclusion is that land use conflicts based on localized externalities are not as serious at present as had been supposed, and that a threshold level of nonfarm development which induces those externalities has yet to occur."³⁷

Each of the remaining four effects of urban fringe development described below are in some way connected to land use conflicts. Thus, land use conflicts as described above, underlie many of the problems occurring as a result of urban fringe development.

2.2.2 Effects on the Natural Environment

The fringe land surrounding our cities offers the entire range of environmental concerns. Each element of the natural environment - water, vegetation, soil, wildlife, scenery and aesthetic amenity - is under stress in the urban fringe.³⁸ The effects of urban development on the natural environment can be categorized into ecological consequences and landscape amenity issues.

Activities such as the protection of airshed, watershed, landform, soil, vegetation and wildlife are of prime concern in the urban fringe where man's disruptive activities are most acute. Russwurm has identified the following twelve types of ecological protection areas as being prevalent in urban fringe areas:

- "-areas subject to strong temperature inversions
- watershed supply sources
- groundwater recharge areas
- estuaries
- marshes
- shorelines
- floodplains
- eroding slopes
- areas subject to landslides
- areas subject to soil pollution
- unusual natural ecosystems
- wildlife breeding areas"³⁹

Each urban fringe would naturally incorporate a selective grouping of these elements; one which is relevant to its own unique landscape.

The consequences of urban fringe development must also include the negative effects of air, water and soil pollution. Originating from a variety of sources, both urban and rural, pollution and its effects are of particular importance in fringe areas. The pollution generated by urban uses within and surrounding cities is primarily absorbed in the urban fringe, where nature works to counter the residuals of urban activity.

The ecological consequences of urban fringe development are summarized by Lyon* in the following statement:

"Pollution and other types of ecological damage are ever present possibilities in fringe areas. Disuse or misuse of farm land can lead to physical or chemical damage to soil (erosion and loss of nutrients), resulting in substantial rehabilitation costs. Rural subdivisions can contribute to problems such as loss of slope stability, altered drainage courses, depletion of groundwater, and ground or surface water pollution from septic tanks. Waste disposal sites, industrial pollution, and problems associated with vehicular traffic also put pressure on the environment."⁴⁰

The urban fringe is also perceived as an amenity space with natural scenic features and man-made elements. Scenery, which provides a broad social amenity for nearby urban populations, can be irreversibly damaged by uncontrolled development which naturally seeks the most visually pleasing locations. This point is exemplified in the issue of country residential development where a limited number of residences can enhance the landscape, while large numbers can serve as a detriment.

2.2.3 Effects on Agricultural Land and Activities

During the past two decades much concern has been raised over the effect urbanization has on the agricultural sector. This concern has been based on two important observations. First, since most of Canada's cities are built on prime agricultural land, physical urban expansion will undoubtedly have an effect on the food production capabilities of the country. Secondly, because much of Canada's total land resource is not suitable for agricultural purposes, a large portion (approximately one-third) of the nations total land with production capabilities is

* Deborah Lyon is a researcher with the Institute of Urban Studies, University of Winnipeg.

within urban fringe zones. When combined, these two facts indicate a need to control the conversion of land from rural to urban uses in areas surrounding our cities.

The direct rural-to-urban land conversion process is of particular concern in areas such as British Columbia's Fraser Valley and Ontario's Niagara Peninsula where most agricultural uses take place in the urban fringe - urban shadow areas surrounding cities. To a certain extent however, all regions have some responsibility for preserving better quality farmland. For example, in the Winnipeg region 1,295 hectares of CLI (Canada Land Inventory) class 2 and 3 farmland were converted to urban uses between 1971 and 1976.⁴¹

In addition to the ramifications from direct rural-to-urban land conversion, agriculture is also affected by two other important consequences of urbanization pressures - recreation facilities and land fragmentation.

It is generally accepted in western society that leisure time is becoming more and more prevalent to increasing numbers of people. Thus, Canadian urban centres, which accommodate approximately 75 percent of the total national population, are receiving increasing pressures to provide more and a greater variety of recreational activities and spaces. As a response, large-scale recreational facilities have been located in the urban fringe areas surrounding most larger cities. These initiatives have altered the landscape somewhat and have generated new conflicts between recreationalists and farmers. Problems arise when property is used without permission, when taxes rise due to increased service

demands, and when country roads suddenly accommodate large amounts of traffic which they were not initially designed for.⁴² In Winnipeg's urban fringe for example, traffic on the gravel road leading south to La Barriere Park has drastically increased, causing large amounts of dust to fall on nearby crops and causing road conditions to rapidly deteriorate.

Another important consequence of urban pressure is the fragmentation of farmland caused by existing and expected country residential development and family splits. If uncontrolled, this process could result in a considerable amount of under-utilized farmland. This problem was noted by David Palubeskie during his recent research into Springfield (one of Winnipeg's fringe municipalities) where 1,371 vacant rural residential building lots of 80 acres or less affected 25 percent of the municipality's prime agricultural land.⁴³ Palubeskie suggests that during times of slow growth these acres are a source of frustration and uncertainty.

Four other urban associated land use activities can be identified as directly affecting fringe area farmland. These include; the extraction of sand, gravel, and stone, the removal of water and the building of reservoirs, the use of land for urban waste disposal, and the use of land for transportation and communication facilities.⁴⁴ All four require the acquisition and use of non-renewable farmland.

In addition to being severely limited by climate and soil capability, Canada's prime farmland is fighting a losing battle against urban pressures. The country's future role as a food producing nation depends to a large extent on how our prime agricultural land is treated. As Russwurm observes:

"Land in the urban fringes of our cities is not yet fixed as is much of our built-up land. It can meet most demands of our cities if it is treated as the crucial resource that it is."⁴⁵

2.2.4 Effects on Land Values and Property Taxes

In connection with the previous section, the economics of farming can also be affected by urbanization pressures. Fueled by demand, the competition for land in the urban fringe is in most cases based on the economic principles of 'highest use' and land treated as a commodity rather than a resource. This effectively reduces agricultural uses to a secondary role. As the economic system generates higher land values in the urban fringe and urban shadow areas, farmers face the following list of problems.

- The ability of farmers to expand operations, or to effect intergenerational transfers of farm land may be reduced because they are unable to afford the higher land prices.
- There are added pressures placed on farmers to sell because of the opportunity costs of keeping the land in agriculture.
- In order to maintain a viable operation or to help finance intergenerational land transfers, farmers may be induced to subdivide at least part of their land.⁴⁶

Those farmers who choose to repel urbanization pressures and remain committed to agriculture in the urban fringe also face increased costs. Due to rising land values, the farmers' property may be reassessed at a higher value; thus increasing property taxes. Moreover, as Russwurm notes, tax increases are also due to new demands on services such as water, sewers, garbage collection, roads, education, fire and police protection, health, and welfare,

"Generally, urbanites living in the country receive more than they pay for, while the farmer pays for more than he receives. Within the built-up city, commercial and industrial land uses take up the slack, in the urban fringe the farmers as the prime property owners tend to bear the burden."⁴⁷

Realizing the problems present at the urban fringe, planners and policy makers have directed much attention to the issues of rising land values and taxation. This attention will be discussed in the next section on land use policies.

2.2.5 Effects on the Existing Social Structure

The fringe areas surrounding our cities consist of a unique social environment, incorporating an interface between urban and rural attitudes, morals and values. Although researchers like Russwurm believe it is a permanent part of our current city structure, many distinguishable social problems exist because of urban development pressures. As Lyon notes, much of the available literature suggests that there are many areas where conflicts between exurbanites and longer established residents occur.

"Some of these result from incompatible land uses; others from different perspectives of land as an amenity or as an economic resource; still other conflicts stem from individuals seeking to assert their property rights regardless of the externalities that may result from adjacent property owners."⁴⁸

The influx of newcomers into the rural countryside and into pre-existing settlements in the urban fringe produces a mixture of different social groups. Lyon notes that the effects of this mixing are as yet undetermined. Studies have been done with differing results. However, given that exurban non-farm residential living has become commonplace in the urban fringes of all cities, differences seem to be abating.

2.3 POLICY RESPONSES

The previous discussion suggests that a number of undesirable consequences of urban fringe development exist. These are predominantly problems of what people do with and on the land. As public officials become more and more aware of the fact that the use of land generates environmental, economic and cultural repercussions, which are not always in the best interest of the public at large, land use policies are slowly being developed. These policy responses have focussed on:

- "efforts to protect agricultural land and the viability of farm operations;
- attempts to engage in more comprehensive land-use planning;
- a search for the most appropriate geo-political and administrative structures to implement more coherent planning policies; and
- acknowledgement of rural residential development as a legitimate land use but, given the problems that such development can entail also proposals and plans to control more carefully the pattern of such settlement and, if possible, to direct it to existing centres or more concentrated forms of settlement."⁴⁹

This section examines a variety of widely used land use policies and their ability to mitigate urban fringe development problems.

2.3.1 Preferential Taxation

Preferential tax assessment is one of the most common public sector policy responses. It is used to retain prime farm land, to preserve the open rural character of the urban fringe, and to assist financially pressed farmers. The idea involves a reduced property tax, reflecting actual land usage rather than potential usage. Thus, land being

utilized for agricultural purposes is taxed at a rate which is based on its current use rather than its potential value. Some preferential schemes impose a recapture provision, whereby recipients must reimburse a portion of the saved tax dollars to the municipality upon conversion of the property to urban uses.

Preferential tax programs are based on the theory that urban fringe areas are populated by a large number of farmers experiencing financial problems due to rising property taxes. Brown et al. however, terms this view as faulty and cites several reasons why the impact of such a policy is limited.

- Since investors and developers own approximately one-quarter of fringe land presently used for agriculture, much of the subsidy is assisting owners holding the land primarily for future capital gains.
- Targeted at agricultural land, preferential tax treatment does not include vacant and residential property which if subdivided and developed can eliminate the rural character of an area just as clearly as developing agricultural land.
- Most importantly however is the fact that tax burdens are not responsible for most land turnover. The offer of a good price, resulting from rising land values, motivates as many sellers as rising taxes.⁵⁰

Brown et al. tempers his argument with an observation which notes that many (approximately one-third) of urban fringe land owners surveyed cited real estate taxes as an important reason for selling.⁵¹

Currently Manitoba does not have a preferential tax system. However, one has been recommended by the Manitoba Assessment Review Committee (1982).⁵²

2.3.2 Land Speculation Taxes

Land speculation taxes are designed to discourage speculators by taxing capital gains earned from the short term rapid sale or turnover of land. This method of controlling speculation in the urban fringe is currently used in a number of U.S. states and Ontario. The tax is usually geared to a timetable whereby as the length of time the land is held increases the tax penalty decreases, eventually being reduced to zero after five or six years. This type of public policy is based on the assumption that land speculators in the urban fringe are receiving an unnecessarily high return on their investment while causing land prices to rise faster than usual.

However, as Brown et al. found, this type of policy has little effect on the behavior of most fringe land investors, because speculators;

"that is owners who buy land for short-term capital gains, are a relatively small owner group; investors who acquired their parcels since 1970 own less than 10 percent of the total fringe land surveyed."⁵³

At best a speculative tax can only affect a small portion of urban fringe land.

2.3.3 Other Policy Responses

There are a number of other policies used to control land development in the urban fringe, including: growth controls, which direct land development to certain well defined areas; agricultural zones or districts, prohibiting the conversion of farmland to other uses through zoning; and the transfer of development rights, which sees the public sector purchase development rights from the property owner effectively

separating the right to develop from the right to use, thereby freeing the landowner from the inevitable pressure of urbanization. These methods have met with varying degrees of success and contribute to a growing portfolio of public sector policy responses.

As Brown et al. notes, the two major faults with such strategies are that they do not respond to the complete picture of the fringe land market and that they simply seek to forestall urban growth rather than directing its form, location and timing.⁵⁴ The absence of these two objectives for policy makers, combined with the continuation of strong pressures for metropolitan expansion will inevitably result in the continuation of urban fringe development problems.

Naturally, the method used to control urban fringe development will depend to a large extent on the region's political, environmental and economic characteristics. A policy or system of land use control designed for one metropolitan region may not be applicable to another. In Winnipeg for example, a unique type of inter-jurisdictional concept has been applied to its urban fringe since 1960. Its success is questionable; however, its presence and evolution have contributed to the growth of a certain type of sentiment among those affected. An understanding of this situation is an important factor forming the basis for future policy directions concerning Winnipeg's urban fringe.

FOOTNOTES - CHAPTER 2

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- ²⁶Deborah M. Lyon, 1983, op.cit., pp. 24-5.
- ²⁷Ibid., p. 24.
- ²⁸M. Bunce, "Rural Sentiment and the Ambiguity of the Urban Fringe", in The Rural-Urban Fringe: Canadian Perspectives, K.B. Beesley and L.H. Russwurm, eds., (Downsview, Ontario: Department of Geography, York University, 1981), p. 110.
- ²⁹Lorne H. Russwurm, 1977, op.cit., p. 79.
- ³⁰Ibid., p. 80.
- ³¹Ibid., p. 97.
- ³²Lorne H. Russwurm, 1980, op.cit., pp. 457-505.
- ³³Ibid., p. 459.
- ³⁴Lorne H. Russwurm, 1977, op.cit., p. 39.
- ³⁵Ibid., p. 39.
- ³⁶Honourable Jeanne Sauve, Minister, Environment Canada, Canada Needs a National Land Use Policy, Statement, National Environment Week, October 5-11, 1975, (Ottawa: Environment Canada, 1975),

³⁷A.G. Phipps, "Land-Use Conflicts in Urban-Rural Fringe Areas", in The Rural Urban Fringe: Canadian Perspectives, K.B. Beesley and L.H. Russwurm, eds., (Downsview, Ontario: Department of Geography, York University, 1981), p. 370.

³⁸Lorne H. Russwurm, 1980, op.cit., p. 476.

³⁹Ibid., p. 477.

⁴⁰Deborah M. Lyon, 1983, op.cit., p. 31.

⁴¹C.L. Warren and P.C. Rump, The Urbanization of Rural Lands In Canada: 1966-71 and 1971-76, Land Use in Canada Series No. 20, Lands Directorate, Environment Canada (Ottawa: Minister of Supply and Services Canada, 1981),

⁴²Lorne H. Russwurm, 1977, op.cit., p. 50.

⁴³David O. Palubeskie and Associates Ltd., Towards the Formulation of Goals for Springfield: An Evaluation of the Community Survey Conducted February 1979, Background Report No. 1 for the Springfield Development Plan Study, April, 1979.

⁴⁴Lorne H. Russwurm, 1977, op.cit., p. 52.

⁴⁵Lorne H. Russwurm, 1980, op.cit., p. 479.

⁴⁶Deborah M. Lyon, 1983, op.cit., p. 35.

⁴⁷Lorne H. Russwurm, 1977, op.cit., p. 57.

⁴⁸Deborah M. Lyon, 1983, op.cit., p. 38.

⁴⁹Ibid., p. 39.

⁵⁹Brown et.al., 1981, op.cit., p. 140.

⁵¹Ibid., p. 40.

⁵²Manitoba Assessment Review Committee, A Fair Way to Share: Report of the Manitoba Assessment Review Committee, Walter Weir, Chairman, (Winnipeg: The Committee, 1982),

⁵³Brown et.al., 1981, op.cit., p. 141.

⁵⁴Ibid., p. 143.

CHAPTER 3.

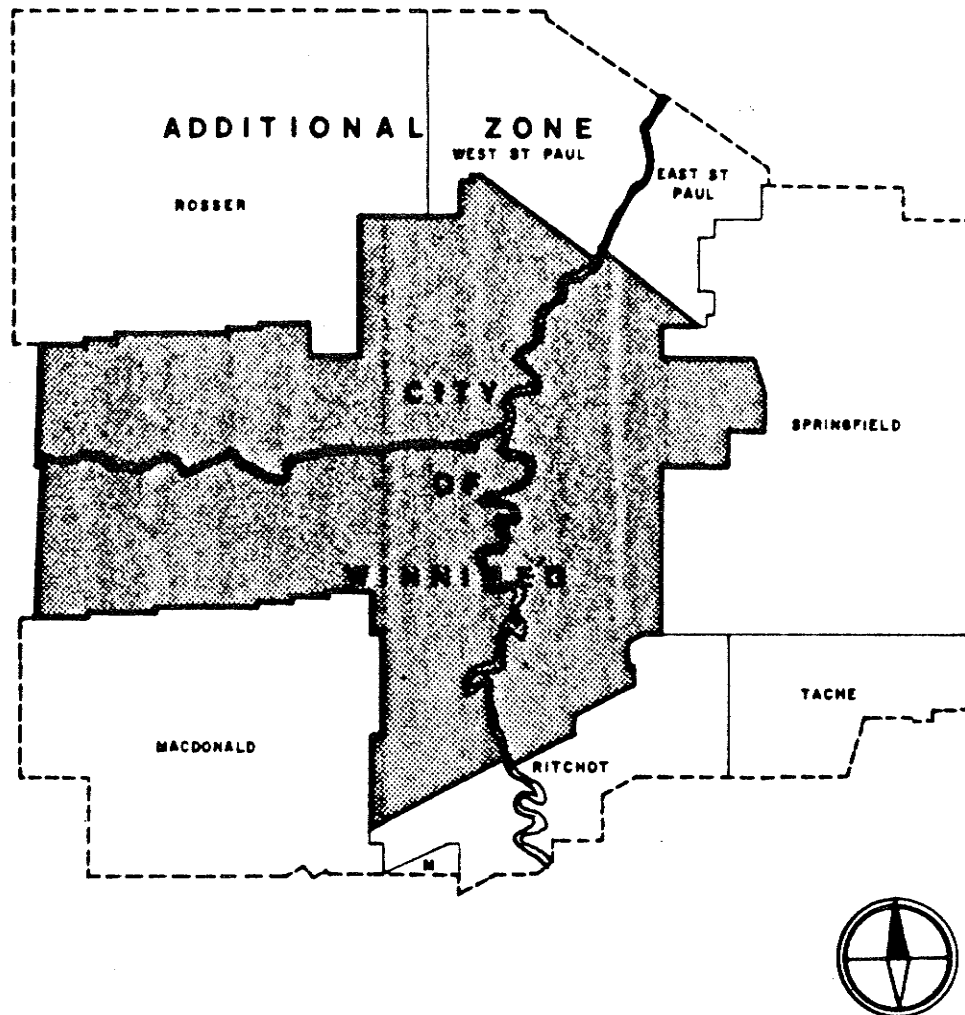
WINNIPEG'S URBAN FRINGE PLANNING EXPERIENCE

Within the land space immediately surrounding Winnipeg a unique type of planning and land use control mechanism has regulated and guided urban related fringe development for the past twenty-four years. Until very recently this mechanism, which was initiated and brought into being by the Provincial Government in 1960, granted planning jurisdiction to Metropolitan Winnipeg (and subsequently the City of Winnipeg) for an area which extended out into the countryside approximately five miles beyond its official boundaries. The 1979 boundaries of this area, termed the Additional Zone, included the entire rural municipalities of West and East St. Paul and portions of Springfield, Tache, Ritchot, MacDonald and Rosser municipalities. This area is illustrated in Figure 5.

Within the past four years however, the Additional Zone concept has received irreparable damage due to the loss of three participating

FIGURE 5

The Boundaries of the Additional Zone, 1979



THE CITY OF WINNIPEG AREA	220.29	SQ MILES
THE CITY OF WINNIPEG ADDITIONAL ZONE AREA	400.40	SQ MILES
AREA OF PLANNING JURISDICTION	620.69	SQ MILES

Source: Department of City Planning, City of Winnipeg
(Revised)

municipalities from its jurisdiction. Enabling this release were revisions to the 1976 Provincial Planning Act which, among, other things, called for the formulation of Planning Districts throughout the province. This new Act included specific permissive legislation which allowed those municipalities involved in the Additional Zone to opt out and participate in a planning district. Since assented to in the Legislature, the Act has allowed the rural municipalities of Rosser, MacDonald and Ritchot to terminate their planning ties with the City of Winnipeg.

The result of these recent events is a disjointed situation, where two planning systems are currently operating within Winnipeg's urban fringe. The original Additional Zone concept functions in four adjacent rural municipalities, while the Planning District system operates in the remaining three. This situation has led one researcher to conclude that:

"[recent] events have left planning jurisdiction in the Greater Winnipeg area fragmented...Although most all parties involved agree that the present situation is unacceptable, there have been no formal proposals for reorganizing the planning mechanism in the Greater Winnipeg area..."¹

While it may be stated that the current situation is simply an unavoidable consequence of incremental change from one system to another, there remains a significant inadequacy concerning the thought given to the effects of this change on overall fringe planning for the city.

This chapter is designed to provide an information package on the history of urban fringe planning for Winnipeg as well as a thorough study of the current situation by analysing development trends and the legislative mechanisms which authorize land use control in the areas

immediately surrounding the city. The chapter is divided into four sections which include; the original form of the Additional Zone concept, development trends and pressures in the urban fringe, land use planning and decision making for the Additional Zone, and land use planning and decision making for Planning Districts. This analysis is intended to provide an understanding of the forces which guide development in Winnipeg's fringe area; forming a foundation from which changes can be considered and evaluated.

3.1 THE ADDITIONAL ZONE - FOUNDING YEARS

Like most large Canadian urban centres, Winnipeg experienced a substantial growth period during the post-war years of the 1950's and early 1960's. However, unlike previous urban development which had been characterized by simple accretionary growth, this new expansion took place outside Winnipeg's boundaries. Adjacent municipalities became the focus for much of the residential development which occurred after the Second World War. Whole new communities of low density, large lot, single-family detached homes were built within easy commuting distance of the "old" City of Winnipeg.

This new pattern of urban development, termed suburbanization, not only affected the physical form of the urban environment, but also caused conflict and disorder to occur between local governments. A number of serious inter-jurisdictional problems between the City of Winnipeg's government and governments for the surrounding municipalities, contributed to what became known as the "metropolitan problem". Technological advances in the areas of transportation and communication which lessened

the negative effects of distance, required different municipalities to co-operate in order to plan for and provide adequate services.

Collectively, the entire population of Greater Winnipeg was dependent on a number of key facilities, such as the public transit system, the water supply and sewage disposal systems, and the streets and bridges, which could not stop for political boundaries. In the Winnipeg region, no less than fourteen separate jurisdictions were involved in Greater Winnipeg. In order to accommodate these cross-jurisdictional problems a number of special-purpose bodies and commissions were established. Some of these included; the Greater Winnipeg Water District (1913), Mosquito Abatement District (1927), Greater Winnipeg Sanitary District (1935), St. James-Winnipeg Airport Commission (1937), Metropolitan Planning Commission (1949), and the Greater Winnipeg Transit Commission (1953).

3.1.1 Original Form and Purpose of Winnipeg's Additional Zone

The above briefly explains the position Greater Winnipeg was in, due primarily to the effects of suburbanization. It was within this ambience of disorder that Manitoba's Provincial Government established the Greater Winnipeg Investigating Commission to review the problems with Greater Winnipeg and recommend solutions. The Commission's comprehensive report published in 1959, proposed that all the special purpose bodies and commissions be replaced by a new unified level of metropolitan government to counteract "Winnipeg's metropolitan problem". In addition, the Commission provided the first official recognition of the need to control development in the fringe areas of Greater Winnipeg. The report noted the inefficiency of fringe and ribbon development by stating that the "consequences are unfavorable for Greater Winnipeg as a whole".²

Issues such as; traffic problems, the high costs of services, damages to the scenic value of highways, and the interference of poor quality - ill planned residences to the orderly spread of the built up areas, were all referred to as avoidable consequences of urban growth.³ Moreover, the Commission predicted that the population of Greater Winnipeg would grow by some 300,000 over the next 25 years, reaching a total of 760,000 by the year 1981.⁴ It expected that "virtually the entire amount of additional housing" that was required to accommodate this growth would be constructed beyond the perimeter of present development.⁵ As a result of this analysis the Commission recommended the following.

"For the purposes of over-all planning and development the Metropolitan Council shall not only have jurisdiction and control within the boundary set above (which included the City of Winnipeg and 13 adjacent municipalities) but also for a distance of five miles in all directions beyond its boundary, and for such purpose be given authority to establish zones in such extended area, and no subdivision plans or changes in zoning shall be approved by the local authorities unless approval for such change has first been obtained, in writing, from the Metropolitan Council."⁶

Thus, the first recognition of the urban fringe problem, and a proposed solution, were communicated to the Provincial Government.

As a direct consequence of the Greater Winnipeg Investigating Commission Report, the Metropolitan Winnipeg Act of March, 1960 was assented to in the Manitoba Legislature. This Act, which created the second* Metropolitan Government in Canada, also introduced a new and unique district termed the Additional Zone. This area, which had its boundaries strictly defined in section 3(4) of the Act, resembled the

*The first metropolitan government was established in Ontario with the passage of the Municipality of Metropolitan Toronto Act in 1953.

Commission's recommended five mile ring extending outwards from the newly established Metropolitan boundary.

The original purpose of the Additional Zone however, was not stated in the legislation. The Investigating Commission had previously made some ambiguous references concerning "ample parks", "breathing space", "green-belts", and "an outer fringe area where future land uses should be predominately agricultural",⁷ but the goals and methods proposed to achieve them, were not presented until a year later.

Supplement #5 to the Development Plan for the Metropolitan Corporation of Greater Winnipeg included the following statement which provided a more precise definition:

"The purpose of the Additional Zone is to contain the urban area of Metropolitan Winnipeg and to prevent 'fringe' or 'sprawl' development. A further important purpose of the Additional Zone is to provide open space within a reasonable distance of the urban area. This has been described by some as a 'greenbelt', but it differs from the conventional green-belt concept as it has been developed around Ottawa where 'greenbelt' land has been purchased by the Federal Government in order to control development. It is unlikely that any substantial part of the Additional Zone is going to be purchased by the Metropolitan Corporation."⁸

The report also stated the desirability of promoting a reasonably compact urban area through encouraging urban development inside the Perimeter Highway, while discouraging the sprawl of urban development in the Additional Zone. To achieve this, the report recommended that urban development be restricted outside the Perimeter Highway, except in two cases. The first being in areas adjoining or forming part of existing village communities, and the second being in areas adjoining the principal intersections of the Perimeter Highway and major thoroughfares or "Highway Service Areas".⁹

This recommended policy of essentially no urban expansion in the Additional Zone was to continue until 1973 when a new direction was advanced.

Thus, the Additional Zone concept became Winnipeg's answer to controlling urban fringe development. However, one of the major concerns which permeated this first period of development and which has only received brief mention thus far, relates to the boundaries of the Metropolitan Area and the Additional Zone.

3.1.2 Original Size of Metropolitan Winnipeg and the Additional Zone

Special consideration must be given to this issue because the delineation of boundaries was the root cause of much dispute and concern particularly during the first decade of the Additional Zone's history. As stated previously, the initial boundaries were suggested by the Greater Winnipeg Investigating Commission. Thus, the following remarks made by the Commission pertaining to the Additional Zone and the Metropolitan boundaries are worth noting.

"While the administration of the Metropolitan Community must be confined within rational clearly defined boundaries, there must be some form of liaison with, or control over, authorities of the surrounding area. Developments may occur just outside the Metropolitan boundaries which may be prejudicial to the interests of the Metropolitan community. Provision must be made whereby the communities' authorities have the power to prevent such developments from taking place.

There is no hard and fast rule by which to define an area or a city as being of optimum size in order to achieve the maximum efficiency, economy and service. The Commission endeavoured to obtain an acceptable yardstick, but was finally driven to the conclusion that it would have to establish its own opinion as to the desirable size of the area or of any unit thereof.

The Commission is of the opinion that each 'metropolitan problem' must be judged on its own merits, and that a solution which may be acceptable in one instance, may not necessarily be acceptable in another.

In the case at hand, the Commission arrived at its conclusions based on its own intimate knowledge of the problems, and on the evidence and statistical information which was available, and used its own judgement in arriving at what it hopes will be a practical and useful area for effective co-ordination of services as well as ample 'breathing space' for the present population and planned expansion for many years to come."¹⁰

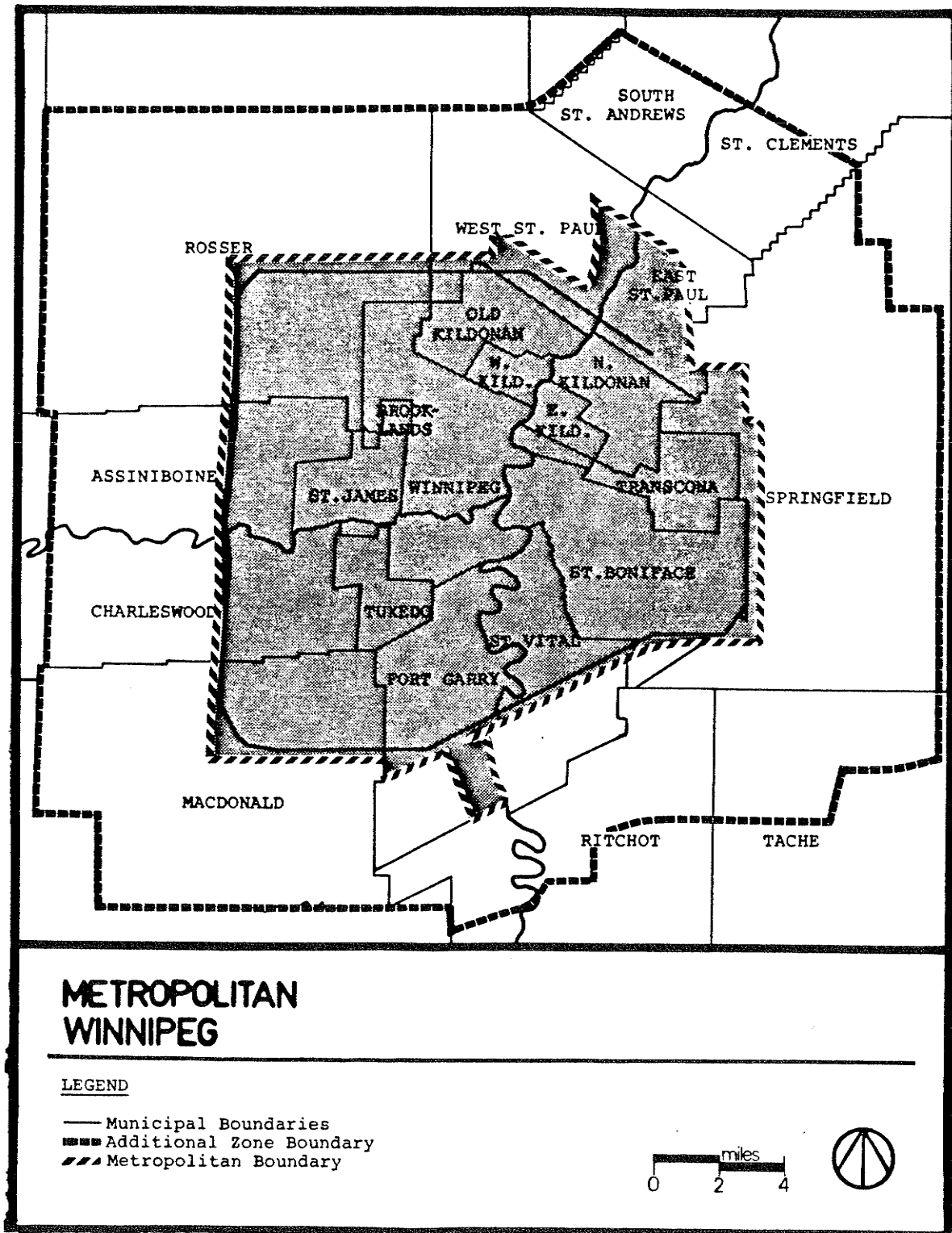
This lengthy but necessary statement provides the basis from which the original Additional Zone and Metropolitan boundaries emerged. Figure 6 illustrates these original boundaries as they were adopted by the Metropolitan Winnipeg Act of 1960.

Four years after the Act was passed it came under review by the Metropolitan Corporation of Greater Winnipeg Review Commission. The Metropolitan and Additional Zone boundaries were one of the areas the Commission was asked to investigate. After hearing a number of briefs presented by the municipalities and after examination of reports completed by consulting engineers concerning the extension of sewer and water, the Review Commission decided to recommend the contraction of both the Metropolitan and Additional Zone boundaries. Two reasons were given to support these proposed changes. First, the rural municipalities of MacDonald, Springfield, East St. Paul, Rosser, and West St. Paul submitted that;

"In view of the predominantly agricultural nature of their communities, the probability that metropolitan services would probably not be available to serve their portions of the metro area for a very long time and the fact that the limited number of electors in the portions of these municipalities within the metro area could hardly hope to have any influence in the election of members of the council, they should be entirely excluded from the metropolitan area and much smaller portions of their municipalities should be included in the Additional Zone."¹¹

FIGURE 6

The Metropolitan and Additional Zone Boundaries as Originally Defined in the Metropolitan Winnipeg Act, 1960.



The second reason for proposing that the boundaries be changed, concerned the Review Commission's desire to bring the metropolitan boundaries in line with the municipal boundaries to reduce the number of municipalities which were partly in the metropolitan area and partly within the Additional Zone.¹²

Relating specifically to the Additional Zone the Review Commission differed with the Greater Winnipeg Investigating Commission concerning its size.

"With respect to the present Additional Zone, we find it difficult to justify its size, while fully recognizing the need for adequate controls of future fringe development immediately beyond the limits of the metropolitan area in the best interests of the present and future residents of the entire area. Moreover, the actual location of the site of the Greater Winnipeg Floodway around the southeastern and eastern boundaries of the area has introduced a new and important factor in the determination of the proper outer limits of the Additional Zone...when completed this project will interpose an extremely wide physical barrier to urban and suburban development beyond the floodway."¹³

The boundaries recommended by the Metropolitan Corporation of Greater Winnipeg Review Commission are illustrated in Figure 7.

The Provincial Government however, did not entirely agree with the changes proposed by the Review Commission. Revisions to the Metropolitan Winnipeg Act included the alteration of the Metropolitan boundary but not the Additional Zone boundary. Apparently, the Government was convinced that the original size of the Additional Zone, as proposed by the Investigating Commission in 1959, was still necessary. Figure 8 illustrates the new boundaries adopted by the Provincial Government in 1964.

FIGURE 7

The Metropolitan and Additional Zone Boundaries as Proposed by the Metropolitan Corporation of Greater Winnipeg Review Commission, 1964.

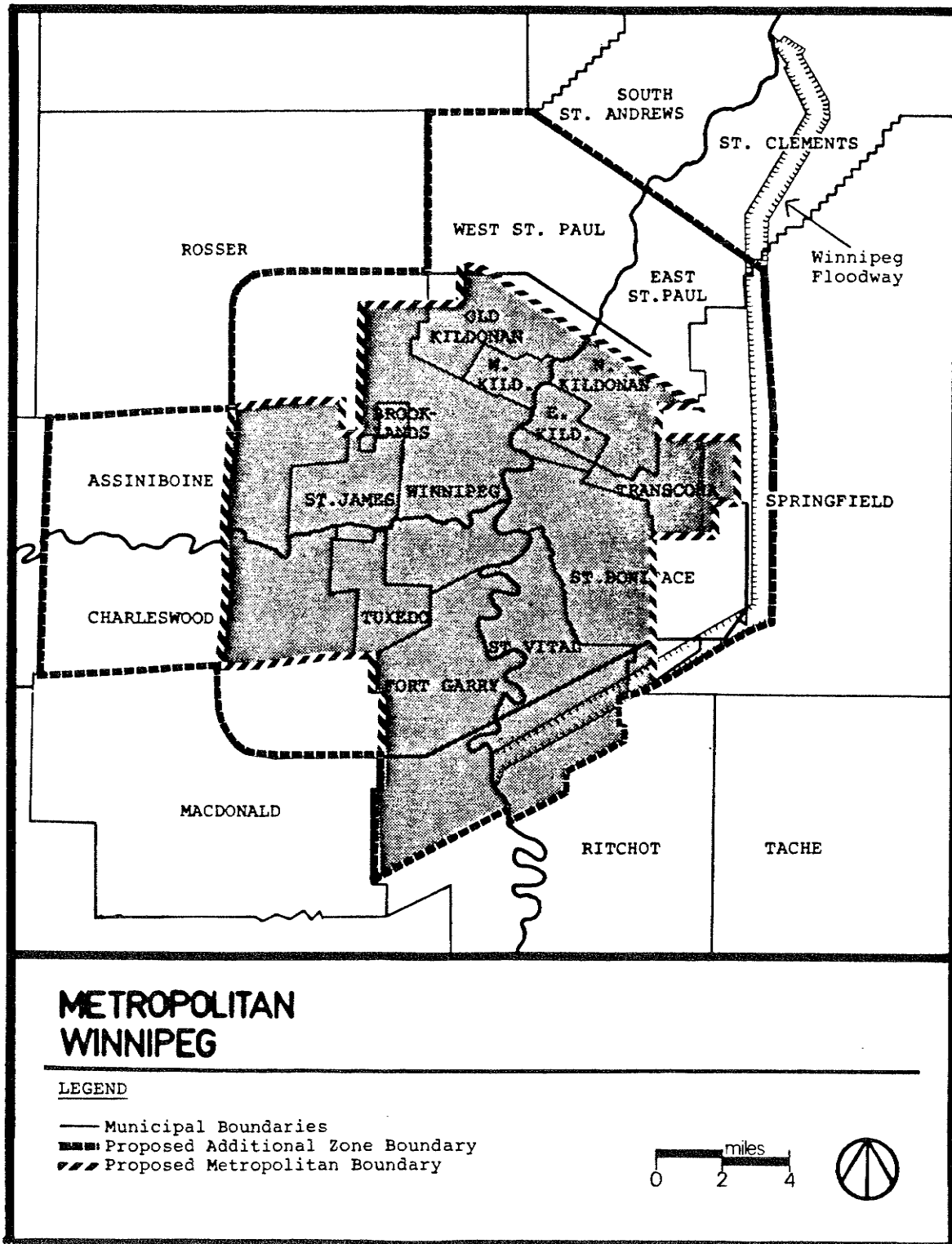
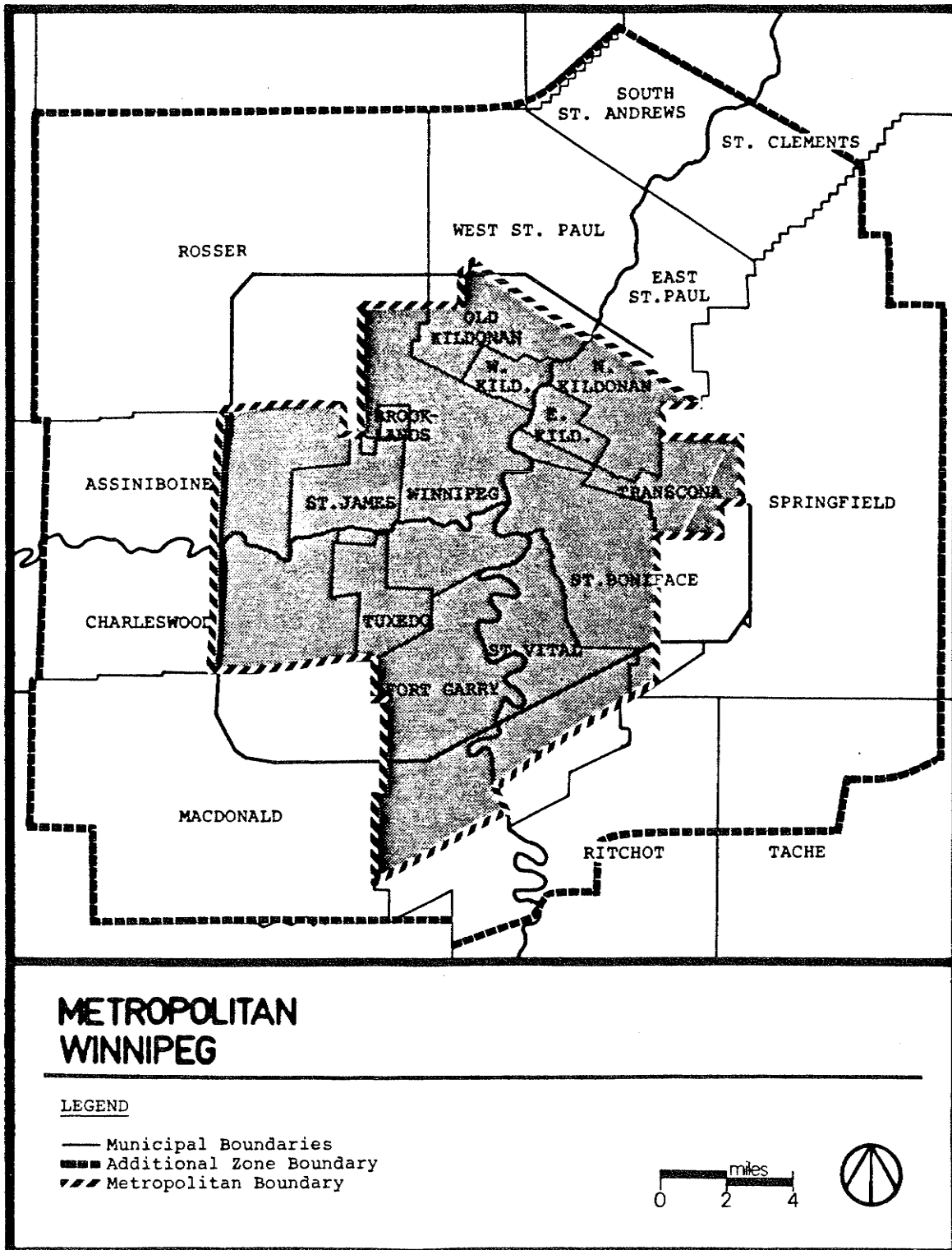


FIGURE 8

Existing Metropolitan Area and Additional Zone Boundaries, 1964.



These new boundaries, which excluded East and West St. Paul from the metropolitan area, created a "buldge" in the northeast sector of the Additional Zone. Instead of having the boundary extend five miles from the Metropolitan limits, the boundary now extended approximately nine miles. There are two possible reasons why the Province decided to retain the municipalities of St. Andrews and St. Clements. First, it may have simply been an oversight by the Provincial Government, or second, the Province knowing the attractive qualities of the area for future urban development decided it should remain under the control of the Metropolitan Council. In either case, this protrusion in the Additional Zone only lasted until 1969, when the Province again decided a readjustment was necessary. Bill 44, passed by the Legislature, realigned the boundary to coincide with the northern boundaries of East and West St. Paul; this is illustrated in Figure 9.

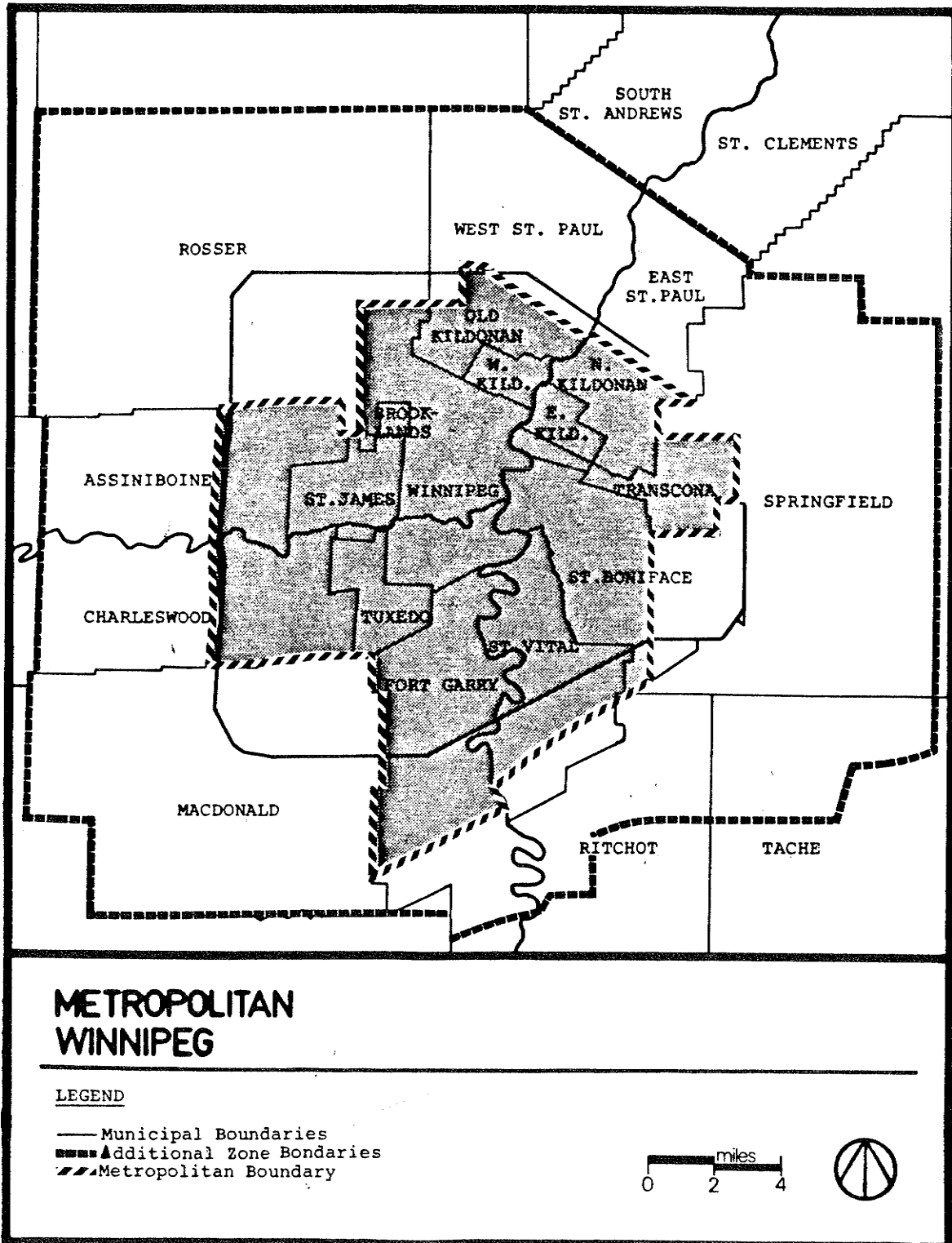
The Planning Division for Metropolitan Winnipeg viewed this provincial action in the following manner:

"The Provincial Government (has) rectified this situation (the north-west boundary being more than nine miles in depth), not because of the anomaly in the boundary at this location but to permit development in this part of the former Additional Zone..."¹⁴

The development that has occurred subsequently in these parts of the "former Additional Zone", is the very type that the Additional Zone policies were trying to prevent. Thus, the first indication that the strict "no urban expansion" policy was excessively rigid and required some moderation, was expressed indirectly by the Provincial Government through the passage of this Bill.

FIGURE 9

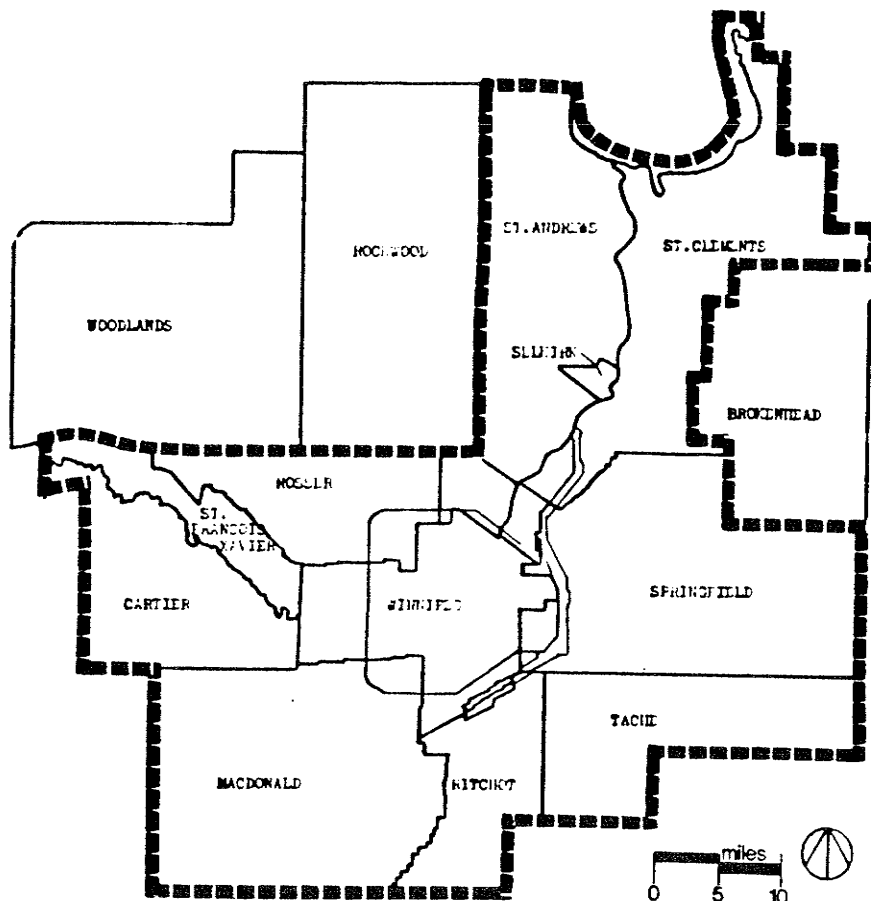
Metropolitan and Additional Zone Boundaries as Determined
by Bill 44 of the Provincial Government, 1969.



One more early proposal to change the boundaries of the Additional Zone was presented in 1970 by the Local Government Boundaries Commission. This Commission, which advocated a regional government for Winnipeg, proposed a massive enlargement of the Additional Zone.¹⁵ This proposal is illustrated in Figure 10. Unfortunately for advocates of the regional planning concept this report was superseded by another report which proposed that the original Additional Zone be retained.¹⁶

FIGURE 10

Government Boundaries Commission Proposal, 1970.



WINNIPEG REGION

Although a significant westward expansion of the City's boundaries took place in 1971, the size of the Additional Zone remained roughly the same until the recent withdrawal of three member municipalities.

3.2 URBAN FRINGE DEVELOPMENT PRESSURES

Before undertaking further analysis of urban fringe planning for Winnipeg, it is important to note the extent of pressures for development this area has experienced in the past. A necessary and interesting background perspective can be developed from this type of information, from which further more detailed analysis of policies and amendments can be viewed.

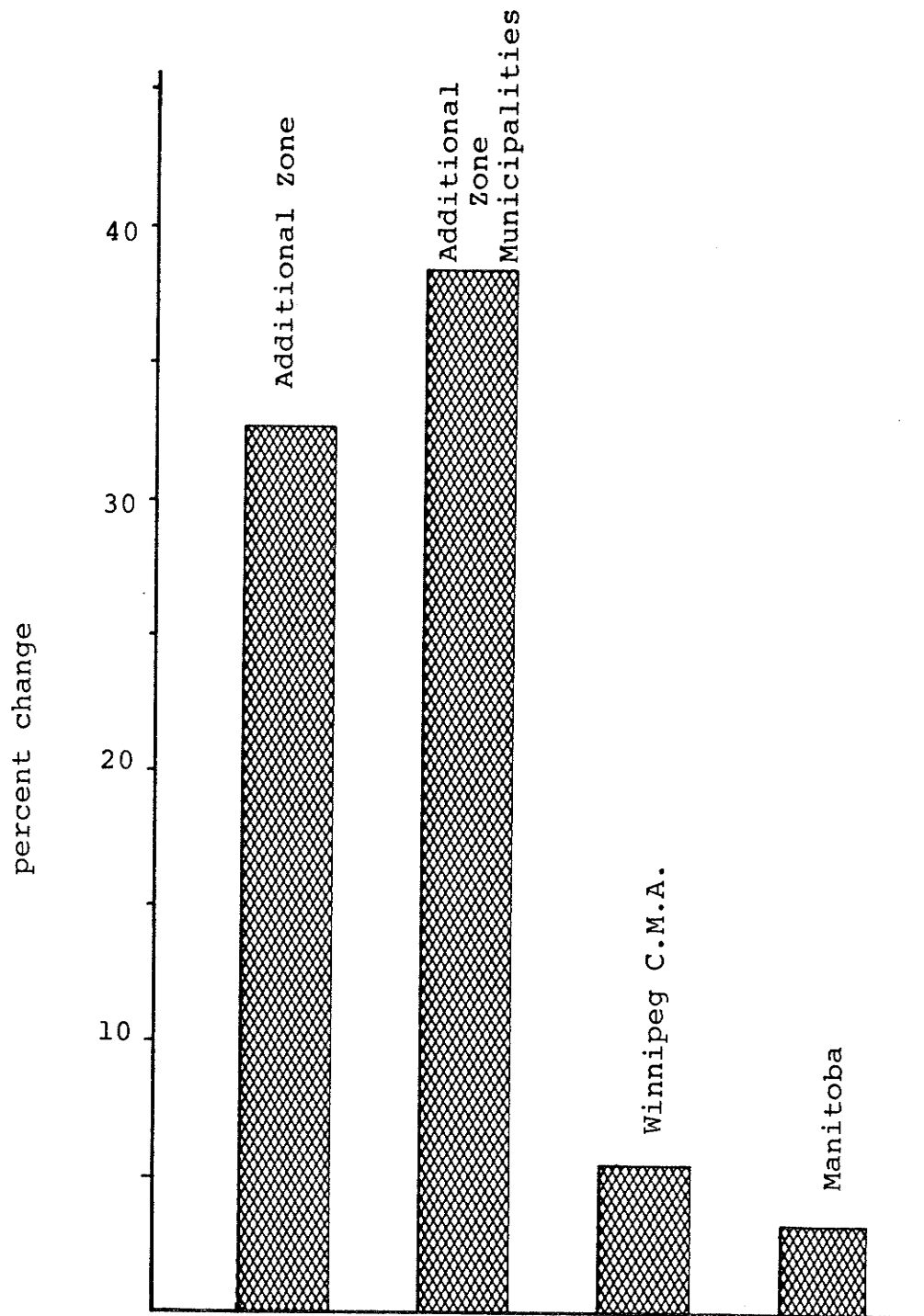
The data utilized to form the following section was acquired from an unpublished study conducted for the Provincial Government's Department of Urban Affairs and completed in August 1983. Given that the study was undertaken three years after the Rural Municipality of Rosser chose to opt out of the Additional Zone its figures exclude this municipality. Because the objective of this section however, is to describe overall development pressures, this deficiency has little effect on the broad conclusions which will be drawn.

The data used to explain development pressures is divided into three components which include; population, building permits issued, and lots created through subdivisions.

The population growth experienced in Winnipeg's urban fringe during the ten year period between the two censuses taken in 1971 and 1981 is illustrated in Figure 11. When compared with overall growth for the City of Winnipeg and the Province of Manitoba the fringe municipalities surrounding the city experienced significantly higher population increases.

FIGURE 11

Additional Zone - Population Change, 1971-81.



Source: Province of Manitoba, Department of Urban Affairs, Winnipeg Additional Zone Review, (unpublished report, August 1983).
(revised)

To better understand where this growth is taking place, the percentage of population change for the Additional Zone portions of each rural municipality are illustrated in Figure 12. A noteworthy trend is indicated in this bar chart which has the eastern portion of the Additional Zone, which is comprised of the rural municipalities of East St. Paul, Springfield and Richot, experiencing substantially higher rates of growth than their western counterparts.

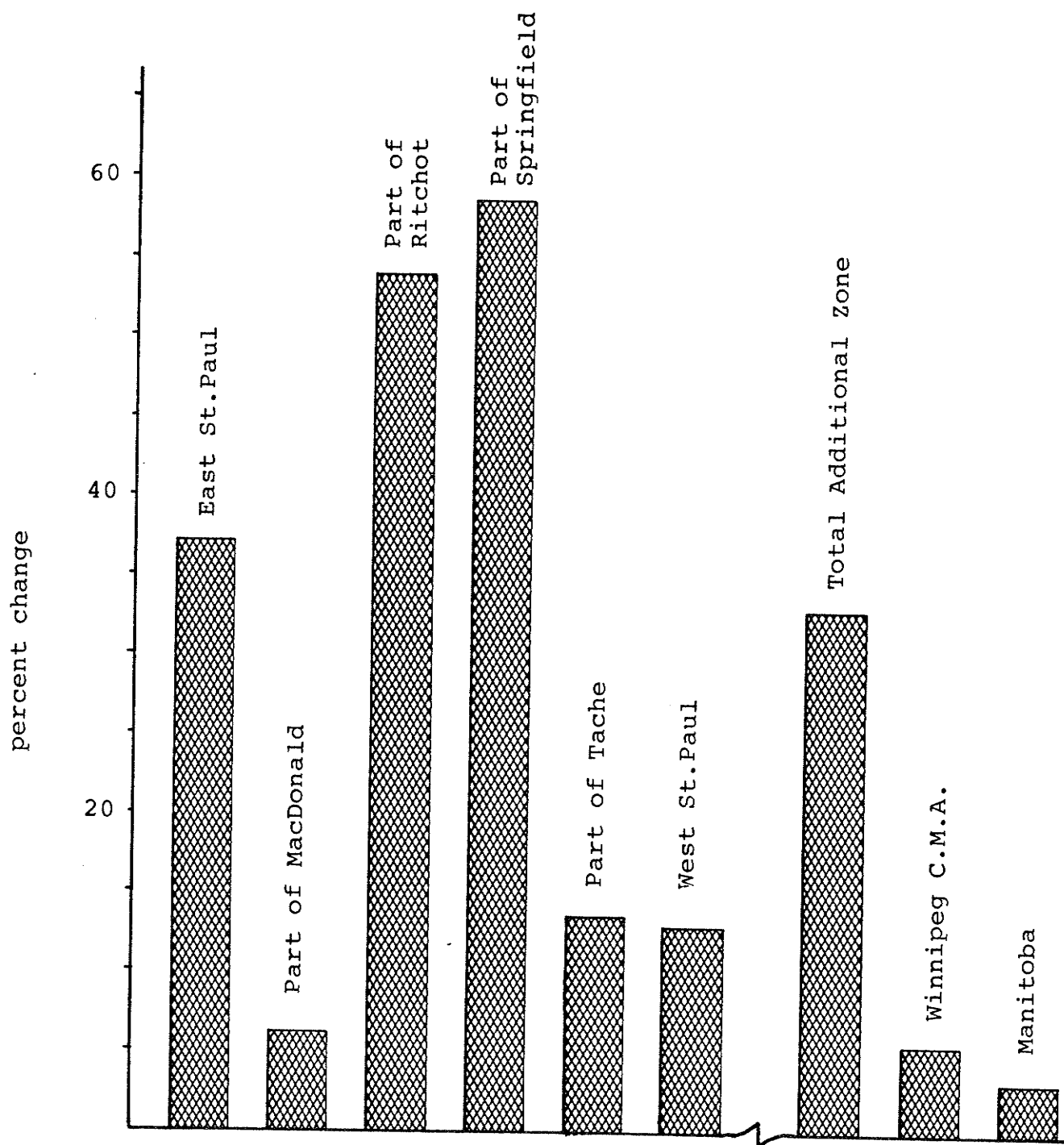
Because these aggregate population figures are based on a census increment of ten years they naturally fail to record the fluctuations in growth which occur between countings. Thus in order to completely understand the development trends, a further breakdown is required.

Figure 13 illustrates the number of building permits issues each year for a twelve year period between 1971 and 1982. This graph provides evidence of a peak period of development activity between 1975 and 1977. Subsequent to this peak, the number of permits issued declined drastically until 1980 when a leveling off of activity seems to have occurred. To further substantiate this "peak and valley" trend, subdivision activity illustrated in Figure 14 shows a similar, albeit slightly delayed, type of behavior.

To summarize, the above analysis indicates that during the decade of the 70's the municipalities adjacent to Winnipeg experienced substantial population increases. Further study however, indicates that most development activity occurred in the mid to late years of that decade and that this activity has leveled off to what could be termed a low level plateau.

FIGURE 12

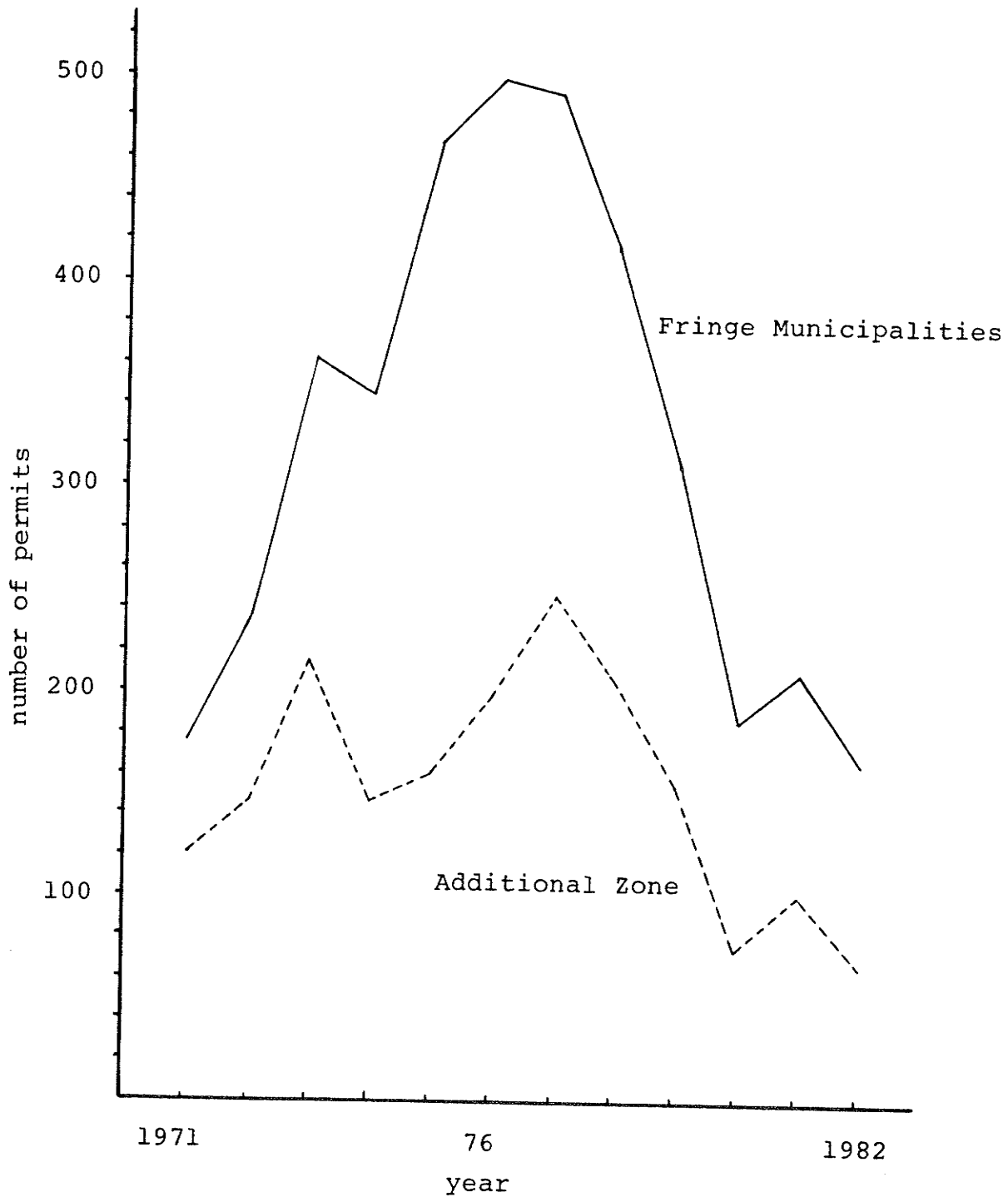
Additional Zone - Population Change by Municipality, 1971-81.



Source: Province of Manitoba, Department of Urban Affairs
Winnipeg Additional Zone Review, (unpublished report,
August 1983). (revised)

FIGURE 13

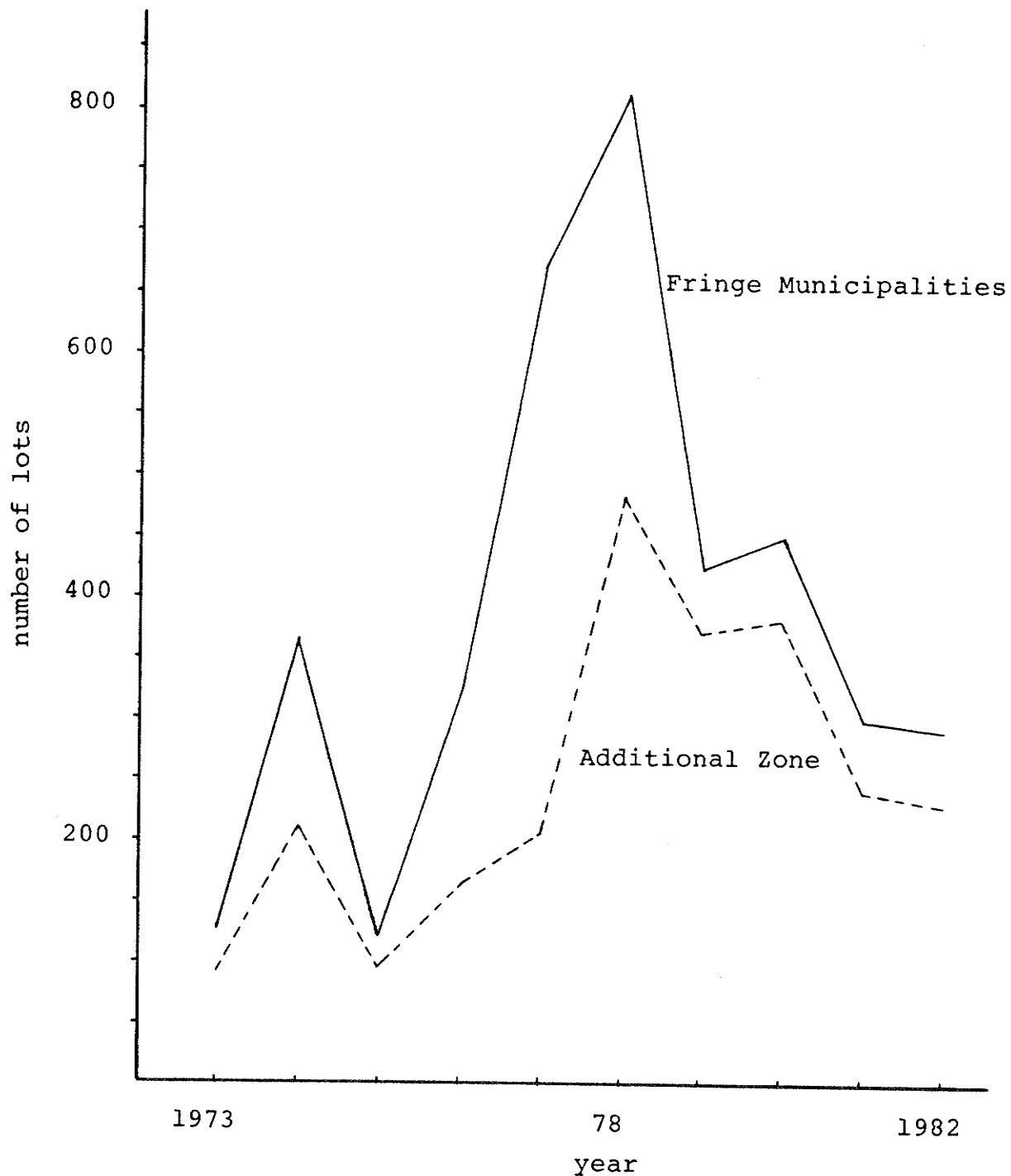
Additional Zone and Municipalities - Total Number of Building Permits Issued, 1971 - 82.



Source: Province of Manitoba, Department of Urban Affairs, Winnipeg Additional Zone Review, (unpublished report, August 1983). (revised)

FIGURE 14

Additional Zone and Municipalities - Total Number of Lots
Created Through Subdivision, 1973-82.



Source: Province of Manitoba, Department of Urban Affairs,
Winnipeg Additional Zone Review, (unpublished report,
August 1983). (revised)

Thus, the question remaining for planners of this land space becomes; how long will this low level plateau continue? Canadian research seems to indicate a consensus that this diminished level of demand will continue and probably decline even further.¹⁷ Moreover, the following statement from Russwurm, quoted previously in Chapter Two, becomes a relevant guiding axiom.

"Whether or not a steady state situation is now developing for country residential development is a moot point. While no studies exist which provide firm evidence, I suggest that no more than 20% of the populace ever desires to live in the open countryside."¹⁸

Related to this statement and with specific reference to Winnipeg, the Institute for Social and Economic Research at the University of Manitoba has found that (when asked) 26% of the city's population indicate a preference for living in a rural setting.¹⁹ This finding indicates that there exists a substantial unrealized demand for the type of residential accommodation provided in urban fringe areas.

In relation to planning for this area, the uncertain future requires that land use control systems be sufficiently flexible to accommodate varied amounts of development

3.3 LAND USE PLANNING AND DECISION MAKING FOR THE ADDITIONAL ZONE

In this section the evolution of the Additional Zone concept is reviewed and evaluated. The information is divided into two parts which separate the land use planning aspect with its stated policies and objectives from the land use decision making structure and process used for assessing development applications.

3.3.1 Land Use Planning

For the past twenty-four years lands within the Additional Zone boundaries have been administered by the City of Winnipeg (previous to 1971 Metropolitan Winnipeg) through three successive municipal by-laws. These pieces of City legislation, which are elaborated upon below, indicate the City's general planning objectives and policies for land in the Additional Zone.

The 1968 Metropolitan Development Plan adopted the original policy of essentially no urban expansion in the Additional Zone which was first prescribed in the 1961 Supplement #5 to the Metropolitan Corporation of Greater Winnipeg Development Plan.* The following 1968 policy was the first time the objectives of the Additional Zone had been noted in a formal by-law (1117):

"A.2.32 OBJECTIVE - areas of no urban expansion

To further the principle of a compact economically-serviced urban area and to prevent semi-urban fringe development.

A.2.33 POLICIES - areas of no urban expansion

- .1 To prepare as a feature of the plan detailed area plans for those village communities where some future growth is expected.
- .2 To limit in the land use control by-laws, the five-acre minimum agricultural zone to those locations suitable for this category and currently being utilized, and to designate the remainder of the 'areas of no urban expansion' for agricultural purposes within a minimum site area of 140 acres."²⁰

This policy of prohibiting urban associated development in the fringe continued until 1974 when the City of Winnipeg bowed to increasing pressures for rural residential living.

* Refer back to page 53 for an elaboration of the policies within Supplement #5.

In November 1974, the City of Winnipeg amended sections A.2.32 and A.2.33 of By-law 1117, the Greater Winnipeg Development Plan*. The following amendments record the City's objectives and policies for the use of land within the Additional Zone.

"A.2.32 OBJECTIVES - rural areas and areas of limited urban expansion

- .1 To maintain and protect the productive agricultural areas surrounding the city.
- .2 To protect the natural resources of the city and the Additional Zone from erosion and pollution.
- .3 To further the principle of a compact economically-serviced urban area and to prevent uncontrolled urban fringe development.
- .4 To organize and direct non-farm development in order to achieve orderly and efficient growth in the fringe area of the city.

A.2.33 POLICIES - rural areas and areas of limited urban expansion

- .1 To prepare district plans for those areas where future limited urban expansion is expected, and for the following village communities; Oak Bank, Dugald, Oak Bluff, Headingly, Rosser, Grosse Ile, Middlechurch and Bird's Hill.
- .2 To prevent urban expansion in the areas not intended for this type of development by means of development control and land-use control by-laws.
- .3 To direct and control limited urban expansion in suitable areas into which the extension of the existing water supply and sewage collecting system of the City of Winnipeg is not anticipated; and that Plate 15 be used as a guide for the enactment of land-use control by-laws. (subject to revisions for zoning variances under the City of Winnipeg Act).
- .4 To develop subdivision requirements which are designed to maintain a basic development standard ensuring that all local services are available at a reasonable cost to the municipalities and that in particular there is potable water available; that adequate sewage disposal facilities will be provided which will not cause or be a contributing factor to pollution of water resources; and that there is adequate surface drainage and no periodic flooding.
- .5 To locate only compatible uses as determined by land-use control by-laws or development permission, in areas designated as limited urban areas. This would require

*Previously the Metropolitan Development Plan but renamed in 1971.

generally that such obstusive operations and industries as found in fringe areas be controlled by land-use control by-law.

- .6 To establish by-law standards for all private waste disposal systems in order to ensure that the required facilities will have adequate capacity and function properly, applicable to all development in the rural areas and areas of limited urban expansion."²¹

The adoption of this By-law by City Council indicates a significant change in the previous philosophy, or belief, that urban development should be essentially prohibited in the Additional Zone. The concept of "limited urban expansion" areas, as advocated in the new policy, was based on a more liberal position which recognized the fact that some persons wish to live in a semi-rural area, and do not require forty acre holdings.²²

Thus, in order to offer more suitable alternatives for this rural/urban living, a "variation of the existing development control standards in the form of small minimum lot sizes (was) required".²³

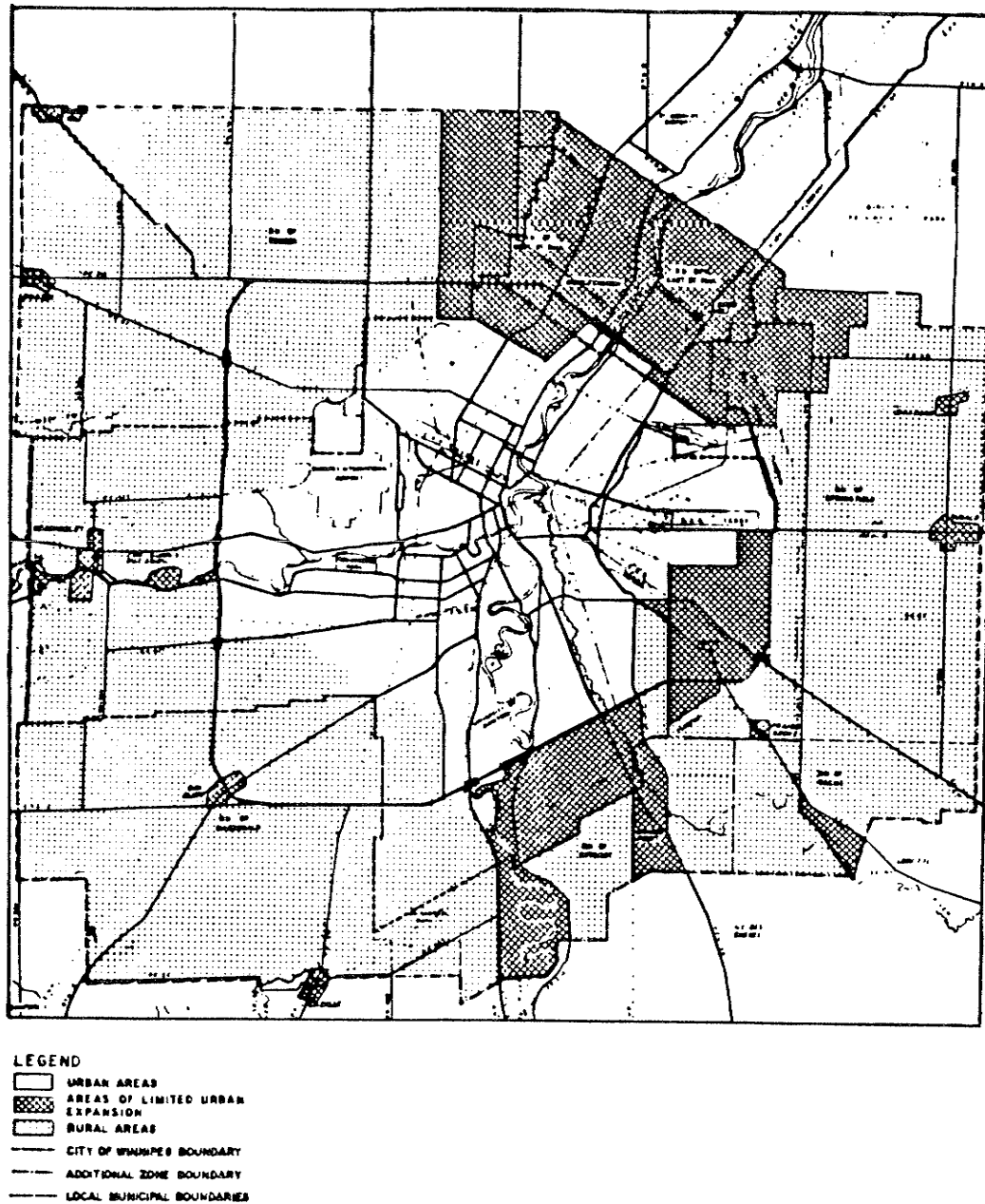
By-law 422/73 separated the lands designated "no urban expansion" into two types, namely, "rural areas" which are primarily agricultural in character, and "limited expansion areas" which allowed development of a "rural/urban residential character". Some sixty-eight square miles or approximately one sixth of the Additional Zone was designated "limited urban expansion". These sites are illustrated in Figure 15.

Thus, the original intention of containing the urban area and preventing fringe or sprawl development outlined previously was superseded by a more moderate permissive approach.

Since implemented however, the motives for this By-law have been questioned. Planning consultants charged with reviewing the policies in

FIGURE 15

By-law No. 422/73 - Limited Urban Expansion Areas



Source: Department of Environmental Planning, City of Winnipeg.

1979 reported that the true reasons for the designation of "areas of limited urban expansion" were to:

- "(i) satisfy mounting public and political pressure to lessen development restrictions in some of the Additional Zone municipalities;
- (ii) salvage what it could from the previous Development Policy; and,
- (iii) retain for the City of Winnipeg continuing planning input in the Additional Zone."²⁴

The By-law has also been criticised for creating increased expectations among property owners within the Additional Zone. The lack of adequate or obvious criteria illustrating why some areas were designated "Limited Urban Expansion" resulted in unnecessary difficulties when the municipalities tried to attain approval from constituents for district plans which were required in the By-law.²⁵ The cause of this difficulty stemmed from built-up and misleading expectations of future development among landowners in areas designated for limited urban expansion. The district plans, founded on the necessary background information, called for a reversal of this designation in some areas causing some landowners to feel that they were being unjustly affected by the plan.

However, the policy of dividing Additional Zone lands into rural areas and areas of limited urban expansion has continued and is currently in use within Winnipeg's urban fringe.

Draft by-law 2960/81, referred to as Plan Winnipeg, has been in completed form since June 1981. Although it has yet to receive approval*, the proposed By-law reflects little change and has essentially adopted the

*Final approval of the Plan has been postponed due to a disagreement between the City and the Province over suburban development controls.

same objectives and policies as those represented in the previous By-law, 422/73. This similarity is readily apparent in the following excerpt of policy taken from Plan Winnipeg and its attached illustration (Figure 16).

"Chapter: Additional Zone
Section: Settlement Pattern
Subject: Designation of Policy Areas

- 95(1) Policy
(a) The City hereby designates on the map attached to this by-law and marked "Additional Zone Policy Areas" specific policy areas as follows:
(i) Areas of limited urban expansion; and
(ii) Rural areas.

(b) Boundaries of policy areas not defined on that map by roadways or other precise boundaries will be determined by land use control or other appropriate by-laws.
- 95(2) Objective
To clearly identify the location of policy areas."²⁶

A complete accounting of the remainder of the policies and objectives concerning the Additional Zone is provided in Appendix A.

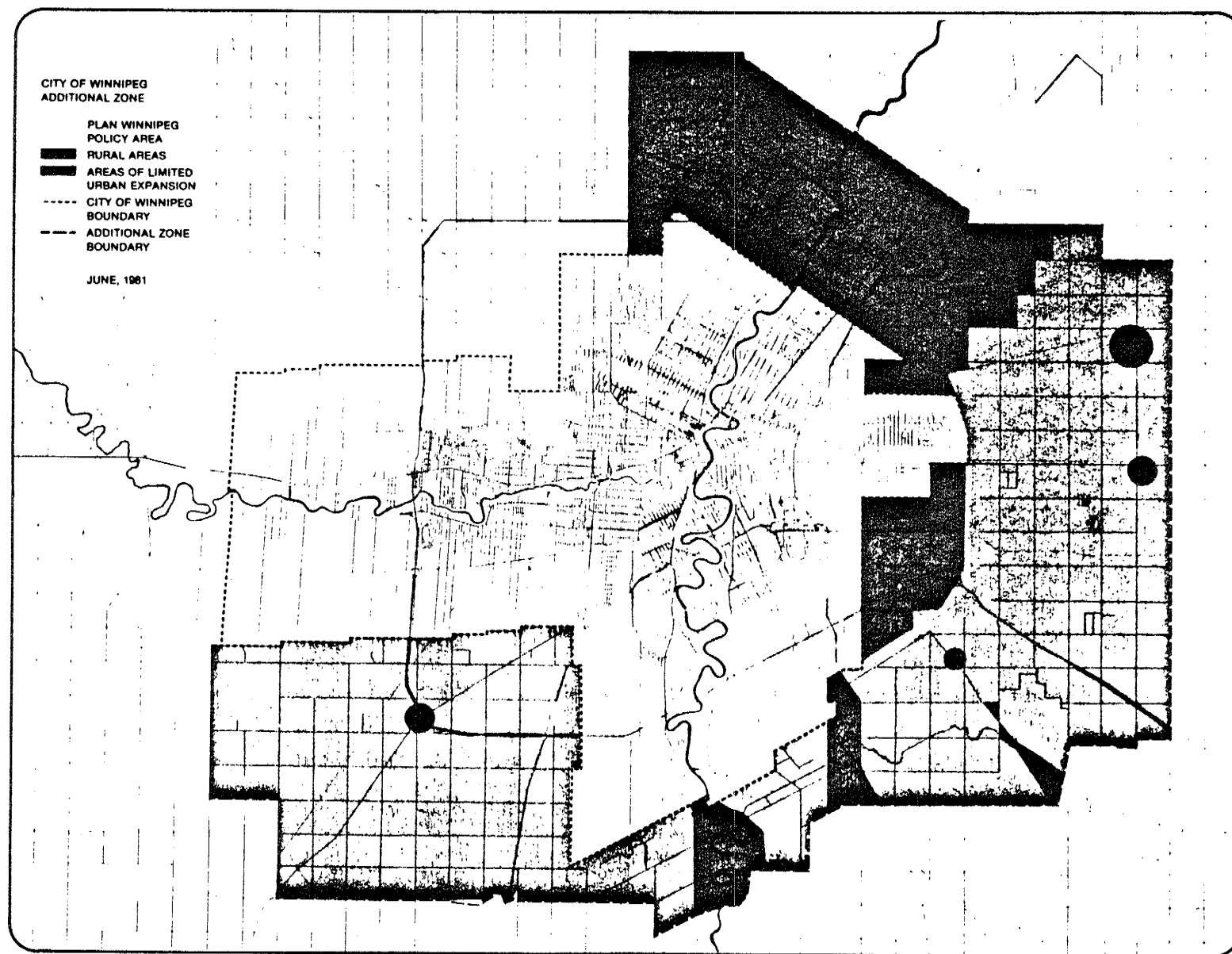
3.3.2 Land Use Decision Making

The 1960 Metropolitan Winnipeg Act, which established the Additional Zone and made provisions (under Section 79) for the creation of a development plan for this land space and the metropolitan area, provided the Metropolitan Council with complete planning and land use decision making authority over the Additional Zone. The Act did not allow for any formal input from elected officials of member councils or their constituents.

This centralized decision making process continued uninterrupted for over a decade until the Province, once again, used its authority to restructure Winnipeg's local level of government. The 1971 City of Winnipeg Act amalgamated the powers of the Metropolitan Council with the

FIGURE 16

Additional Zone Development Policy, June 1981.



Source: City of Winnipeg, Plan Winnipeg: Draft By-law 2960/81, June 1981.

fourteen separate municipalities to create one concentrated level of government, referred to as Unicity. This Act, among other things, provided for changes in the relationship between the City and the Additional Zone municipalities. The Act made provisions for formal input by member rural municipalities into the decision making process. Section 655(1) of the Act required the City to obtain consent in the form of a resolution passed by the municipal council before making decisions concerning "a zoning by-law, a subdivision by-law, or an Action Area Plan by-law"²⁷ which would have the effect of changing land use in that particular Additional Zone municipality. Land use changes proposed under the Greater Winnipeg Development Plan, a community plan, or through a by-law passed to implement these plans, however, were the one exception to this requirement.²⁸ In addition to formal consent, input was also provided through the Committee on Environment which represents one of the four standing committees of City Council. When dealing with matters relating to the Additional Zone the Committee's membership would be expanded to include three members from the adjacent rural municipal councils. These additional members were selected using a format prescribed in Section 655.1(2) which stated that one additional member would be appointed to the Designated Committee (a term used to describe the expanded Environment Committee) from the membership of the councils of each of the following municipal groupings:

"Group 1

West St. Paul
Rosser

Group 2

East St. Paul
Springfield
Tache

Group 3

MacDonald
Ritchot"²⁹

Approximately one year subsequent to the establishment of Unicity, the City's Committee on Environment recommended that Council establish an Ad-Hoc Committee for the Additional Zone. The Committee, whose membership consisted of three City Councillors and the same three Additional Zone members as established under Section 655.1(2), was created "for the purpose of reviewing the development plan and various matters with respect to subdivision, building permits, etc., for the Additional Zone which said Committee is to report to the Committee on Environment".³⁰

Being a product of the City, the Ad-Hoc Committee has no jurisdiction under the City of Winnipeg Act, however, it has performed a valuable role for the Designated Committee.

"The Ad-Hoc Committee has evolved into the working Committee of the Committee on Environment regarding Additional Zone matters relating to fringe development. This Committee, being made up of both Councillors of the Committee on Environment and Additional Zone representatives, provides a unique forum for discussion, and a blending of City interests and interests of the rural municipalities."³¹

This committee/sub-committee structure for making land use decisions in the Additional Zone remained unchanged until very recently. Amendments to the City of Winnipeg Act, Section 655.1, have been designed to provide for a reduced number of member municipalities caused by three municipalities opting out of the Additional Zone to take part in planning districts. The Act now provides for the inclusion of one representative from each of the four remaining member municipalities to be appointed to the Designated Committee. The Act now reads:

"655.1(2) One of the additional members of the designated committee shall be appointed from the members of the councils of each of the following municipalities:

The Rural Municipality of East St. Paul
The Rural Municipality of West St. Paul
The Rural Municipality of Springfield
The Rural Municipality of Tache."³²

This amendment is also reflected in recent changes to the Ad-Hoc Committee on the Additional Zone, which now consists of four City Councillors who are members of the Committee on Environment and the same four rural councillors who sit on the Designated Committee.

The above text describes how the political decision making bodies for the Additional Zone have evolved and what structure presently exists. However, another component in the decision making structure, that being the administrative process, must also be analysed to comprehensively understand the Additional Zone concept.

The administration of development applications for lands within the Additional Zone is carried out by the City of Winnipeg's Department of Environmental Planning. All applications for development are received and processed by branches within this department much the same way as development applications for lands within the City's own boundaries are processed.

The City of Winnipeg Act makes provisions for five types of development applications for lands in the Additional Zone. These include applications for re-zoning, subdivision, zoning variance, conditional use and short form subdivision. The decision making process concerning these five procedures however, can be divided into three groups.

Firstly, for re-zoning and subdivision applications, the rural municipal council performs a role much like that of a Community Committee

except for having to give their initial consent before the application proceeds. The municipal council holds hearings to receive public submissions and forwards its comments and recommendations to the Designated Committee who in turn forwards the application to City Council. Thus, for re-zoning and subdivision applications ultimate authority lies with City Council. This procedure is illustrated in Figure 17.

Secondly, for zoning variances and conditional uses, the municipal council itself has been given the authority to make decisions. However, this authority is qualified somewhat by the ability of the applicant, and all those persons who have made representations, to appeal the municipal council's decision to the Designated Committee; whose decision is final. This process is illustrated in Figure 18.

Finally, for short form subdivision applications, the Designated Committee retains the power of approval and except for initial consent, the municipal council is not consulted (see Figure 19 for procedure).

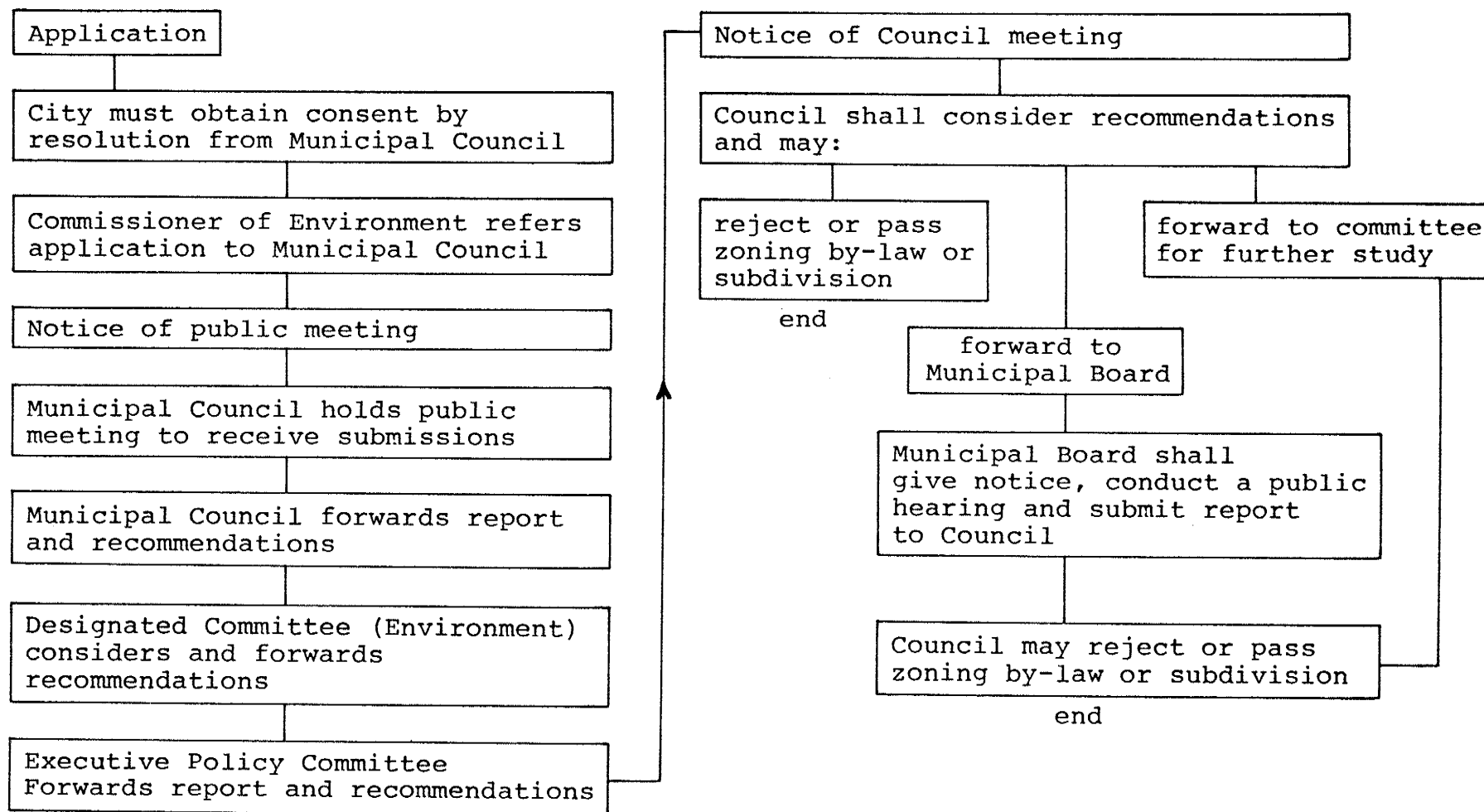
Specific references to pertinent legislation within the City of Winnipeg Act which outline the statutes for each process can be found in Appendix B.

3.3.3 Summary

A number of important observations are apparent in the previous discussion which enable broad trends to be detected. Concerning land use planning for the Additional Zone, the pre-1974 policy of prohibiting development in areas surrounding the city represented the original view of the concept as a belt of rural land free from urban development. This view changed however, as pressures from adjacent rural municipalities and

FIGURE 17

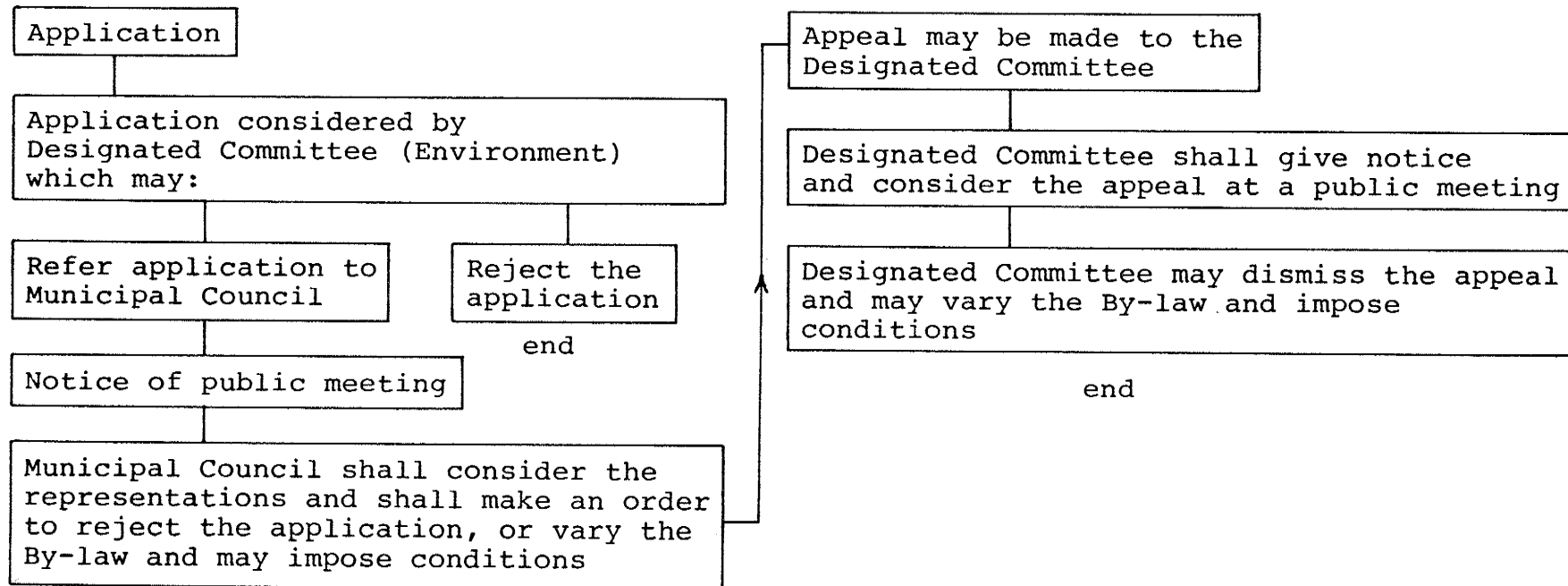
Rezoning and Subdivision Flowchart for Lands in the Additional Zone



Source: Province of Manitoba, Department of Urban Affairs, The Additional Zone: Background Paper on the Operation of the City of Winnipeg Act, (unpublished report, 1984). (revised)

FIGURE 18

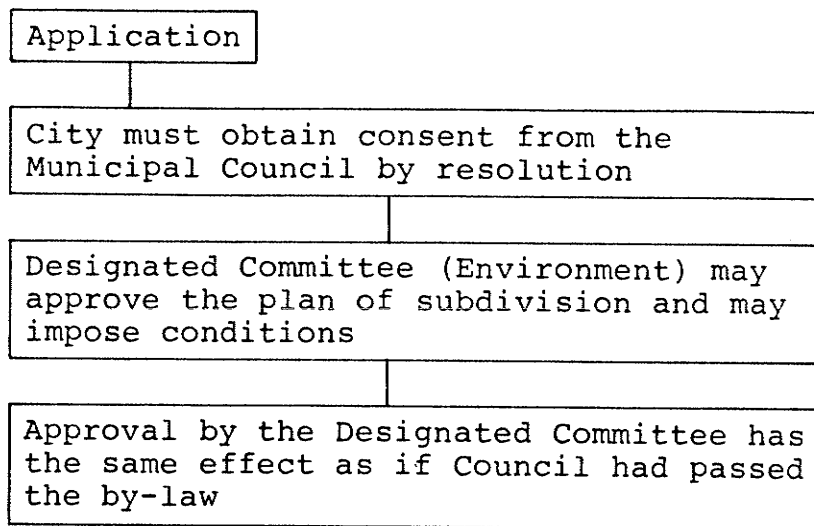
Zoning Variance and Conditional Use Flowcharts for Lands in the Additional Zone



Source: Province of Manitoba, Department of Urban Affairs, The Additional Zone: Background Paper on the Operation of the City of Winnipeg Act, (unpublished report, 1984). (revised)

FIGURE 19

Short Form Subdivision Flowchart for Lands in the Additional Zone



end

Source: Province of Manitoba, Department of Urban Affairs, The Additional Zone: Background Paper on the Operation of the City of Winnipeg Act, (unpublished report, 1984). (revised)

citizens wishing to live in these areas, mounted. The City subsequently adopted a different perspective on fringe development and developed policies for limited urban expansion, which remain in effect today.

Concerning the land use decision making process, the general trend has been towards allowing more and more input from the Additional Zone municipalities. However, when the current process is closely scrutinized, much authority remains with City Council and its Committee on Environment.

3.4 LAND USE PLANNING AND DECISION MAKING FOR PLANNING DISTRICTS

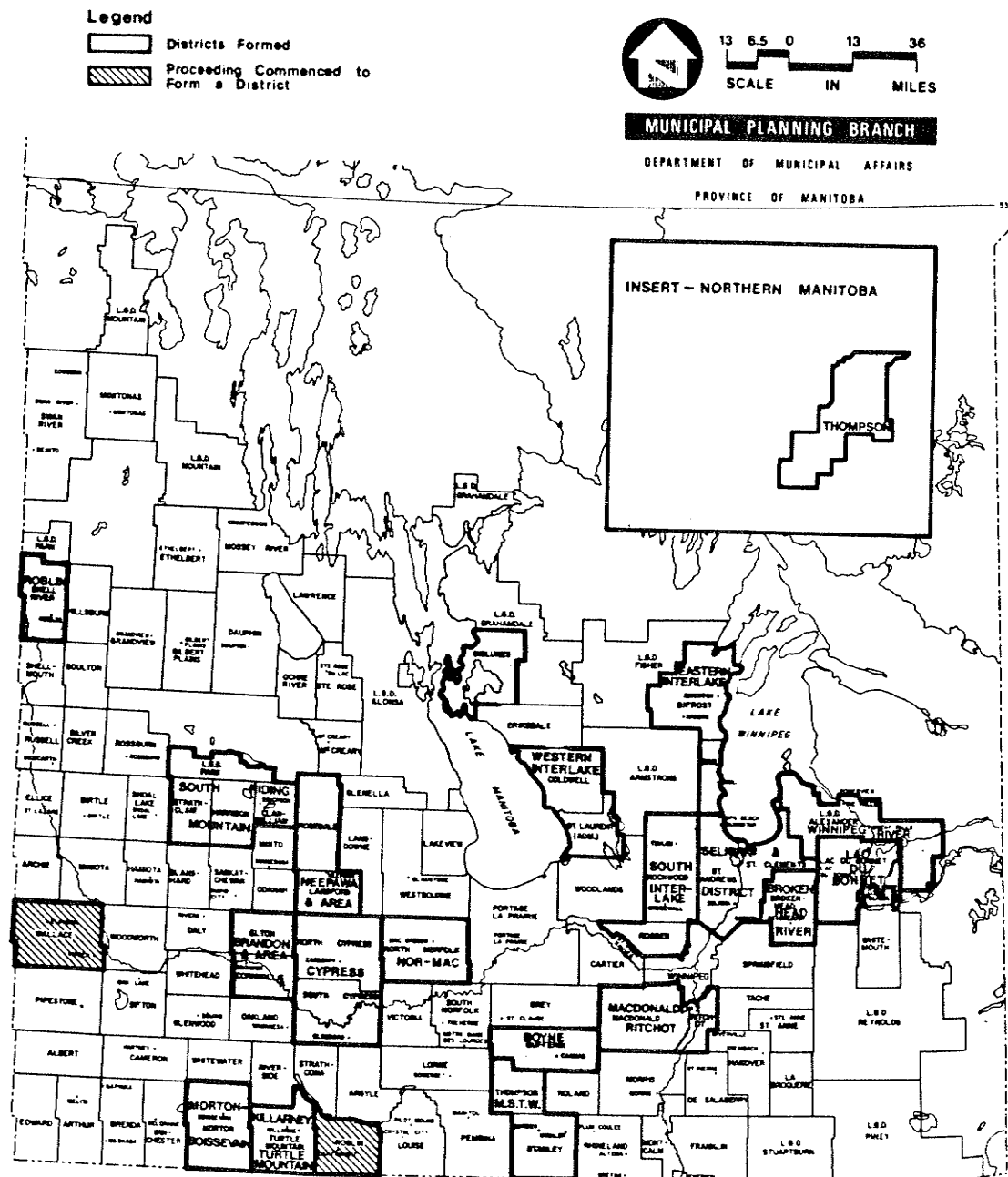
On January 1, 1976, a new Provincial Planning Act came into effect. One feature of this Act, which has since drastically effected the Additional Zone concept, concerns the power granted to the Minister of Municipal Affairs to create Regional Planning Districts. This authority was provided for in Section 13(1) of the Act, and states;

"There may be established...planning districts, consisting of the whole or parts of 2 or more municipalities and in respect of each district, a planning board having the powers and duties set out in this act."³³

The Planning Act, which applies to all land in Manitoba with the exception of land within the jurisdiction of the City of Winnipeg, calls for the formation of planning districts comprised of incorporated cities, towns, villages, rural municipalities and local government districts. These planning districts are inturn charged with creating development plans and appropriate zoning by-laws for their areas. Planning district boards are subsequently formed with representation from each local governing body, to administer the policies and by-laws of the plan. Figure 20 illustrates the most recent accounting of Planning Districts and where they are located within the province.

FIGURE 20

Planning Districts in Manitoba, November 1983.



Source: Province of Manitoba, Municipal Planning Branch.

An interesting anomaly exists in the Provincial Planning Act however, which has significantly clouded the jurisdictional authority of this Act in relation to the City of Winnipeg Act. Both pieces of Provincial Legislation include statutes for the Additional Zone. As it relates specifically to Additional Zone municipalities, the Planning Act includes permissive authority for them to opt out of the Additional Zone to become part of a planning district. This authority is provided in Section 14(8), and states in part:

"...where any part of the area included in a planning district is within the Additional Zone...the jurisdiction of the City of Winnipeg shall cease..."³⁴

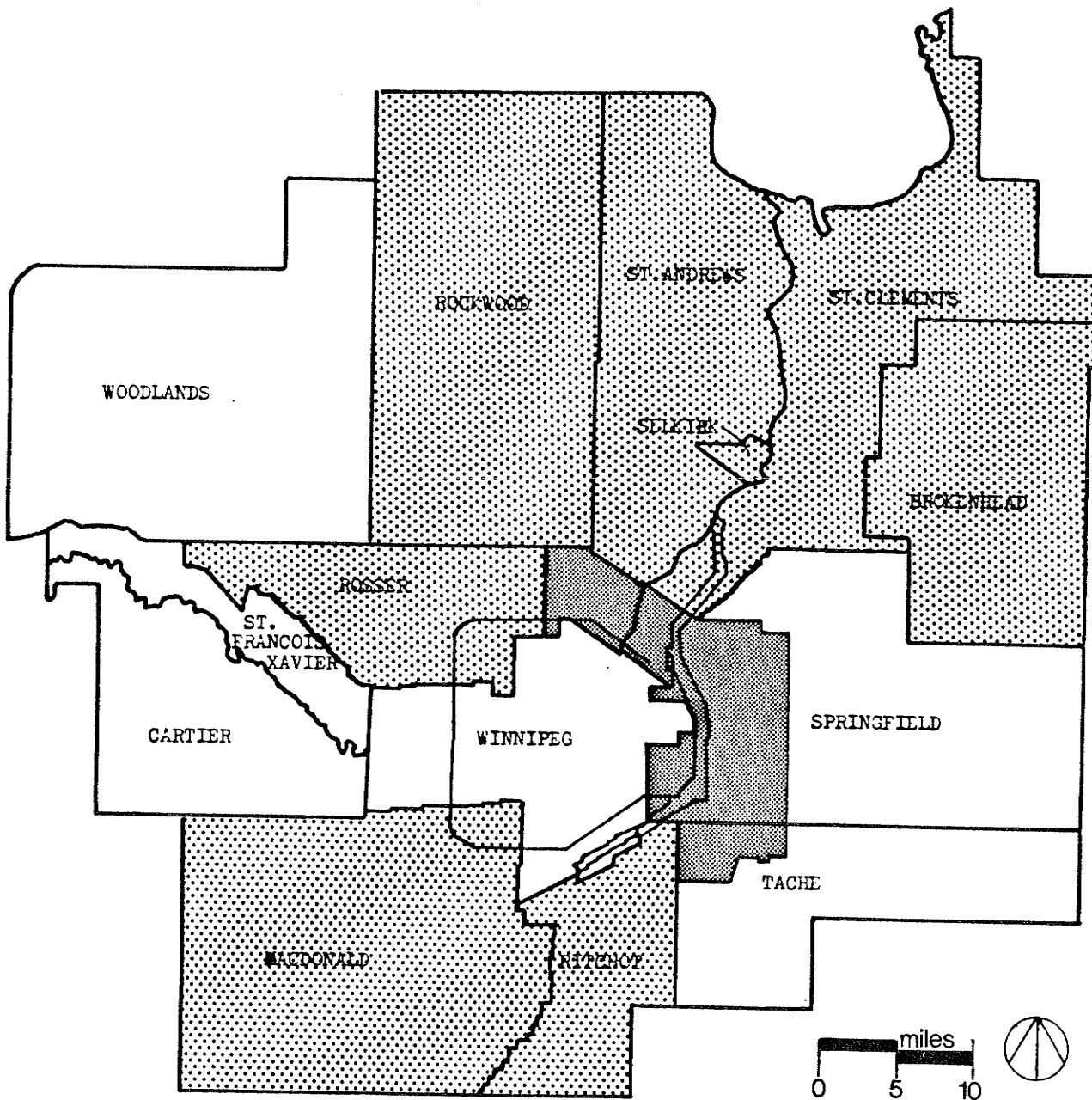
Since assented to in the Legislature, this Act has been used by three of the seven rural municipalities included in the Additional Zone to opt out, thus terminating the City's planning and land use control in these areas.

The first such incident occurred in 1980 when the Rural Municipality of Rosser joined with the Rural Municipality of Rockwood and the Towns of Stonewall and Teulon to form the South Interlake Planning District. The second, occurred in 1983 when the Rural Municipalities of MacDonald and Ritchot joined forces to form the MacDonald-Ritchot Planning District.

As a result of this abdication, the Additional Zone now incorporates less than half of the land area it held previous to 1980. The effects of the Planning Act can be seen in Figure 21. In addition, the Rural Municipality of Springfield has recently (October, 1984) made an official inquiry to the Rural Municipality of Tache concerning the formation of a planning district.³⁵

FIGURE 21

The Boundaries of the Additional Zone and the Surrounding Planning Districts as They Exist Today.



WINNIPEG REGION

-  Municipalities involved in Planning Districts
-  Remaining Additional Zone

Even if this new initiative taken by the Rural Municipality of Springfield is unsuccessful, the future of the Additional Zone concept as a planning mechanism used for controlling urban fringe development is precarious at best. There seems to be a slow but relentless trend towards the demise of the Additional Zone concept in favor of Planning Districts, therefore, an analysis of the Planning District land use planning and decision making process must be added to the previous Additional Zone process to fully comprehend the dual system currently controlling urban fringe development in the land space immediately surrounding Winnipeg.

3.4.1 Land Use Planning

Before the Provincial Planning Act's adoption in 1976, planning for lands outside the City of Winnipeg's jurisdiction was undertaken in a haphazard manner with little conformity between plans of different municipalities. Some plans incorporated objectives and policies which set out strict land use controls while other municipal plans were so general that they were subject to many interpretations, while still others had no plan.³⁶ Thus, one of the objectives of the Act was to set a minimum standard whereby plans would be developed for all municipalities throughout the province.³⁷

In order to facilitate this minimum standard and in order to supply some coordination while these plans were being adopted, the Provincial Government drafted and passed a set of general development guidelines termed the Provincial Land Use Policies (1980). These policies were to apply to all land in Manitoba with the exception of lands within the

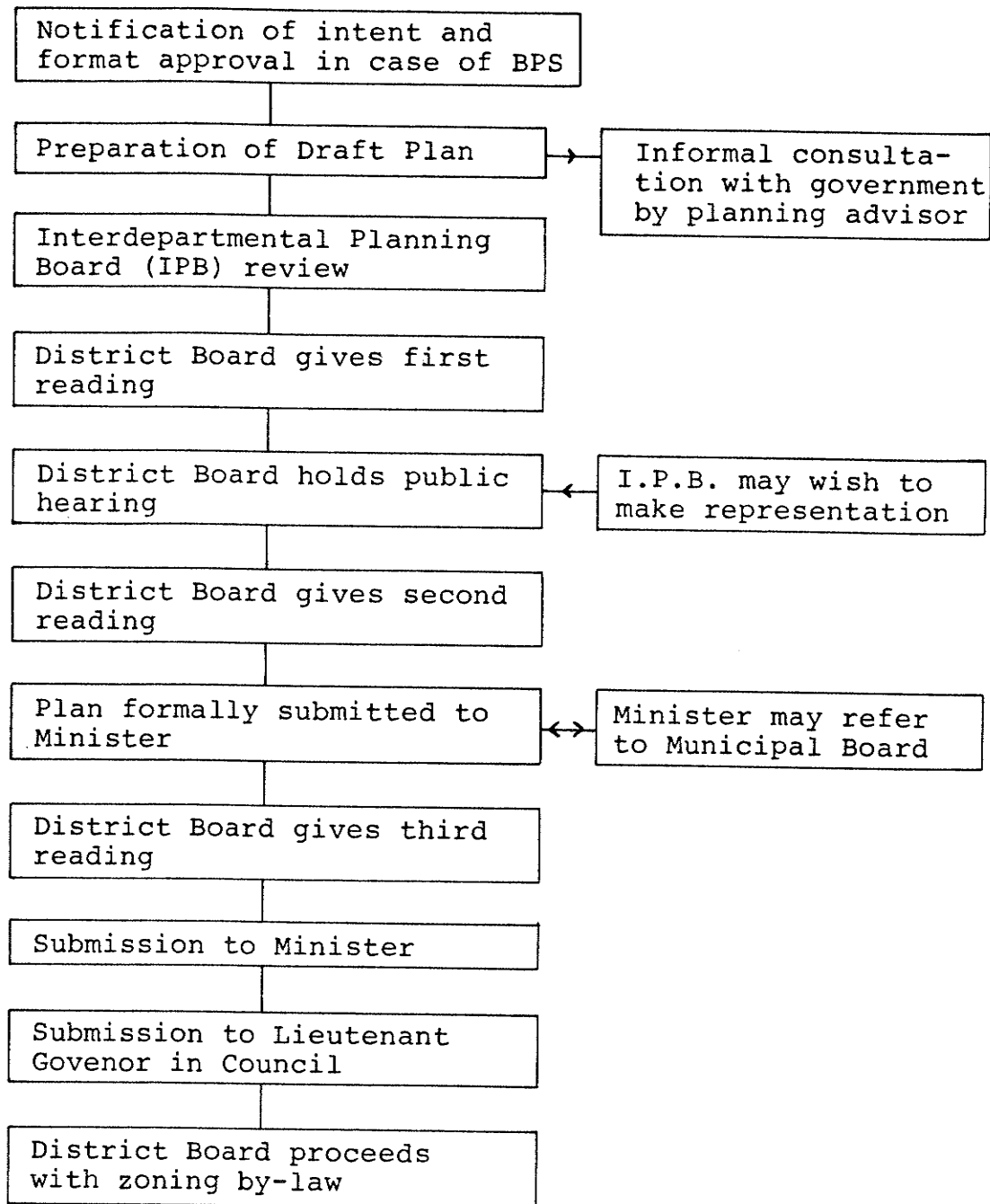
jurisdiction of the City of Winnipeg. They were designed with two major purposes in mind; firstly, to control development in areas without an adopted development plan, and secondly, to serve as a broad guide for the creation of Basic Planning Statements and Development Plans.³⁸ However, once planning documents are prepared and adopted by the local authority and approved by the Province they would replace the Land Use Policies as the instrument for controlling development.³⁹ A summary of the Provincial Land Use Policies can be found in Appendix C.

The Act stipulates that the preparation of a plan be undertaken by two or more jurisdictions (incorporated cities, towns, villages, rural municipalities and local government districts) to ensure that long-range policy planning is done on an area-wide basis. This required joint effort "provides a mechanism for sharing ideas, solving and avoiding problems and dealing with such mutual concerns as the settlement pattern for an area, the relationship between rural and urban municipalities,[and] the conservation and protection of non-renewable resources...."⁴⁰

Once a planning district is formed it is bound by the plan adoption procedure outlined in the Planning Act. This procedure, illustrated in Figure 22, follows a rigid process of provincial direction to ensure that all plans follow the general guidelines outlined in the Provincial Land Use Policies as well as containing unique area specific development policies. Subsequent to the successful completion of this process the District Board then proceeds with the preparation and adoption of a zoning by-law. This procedure is illustrated in Figure 23.

FIGURE 22

Development Plan/Basic Planning Statement Adoption
Procedure for Planning Districts

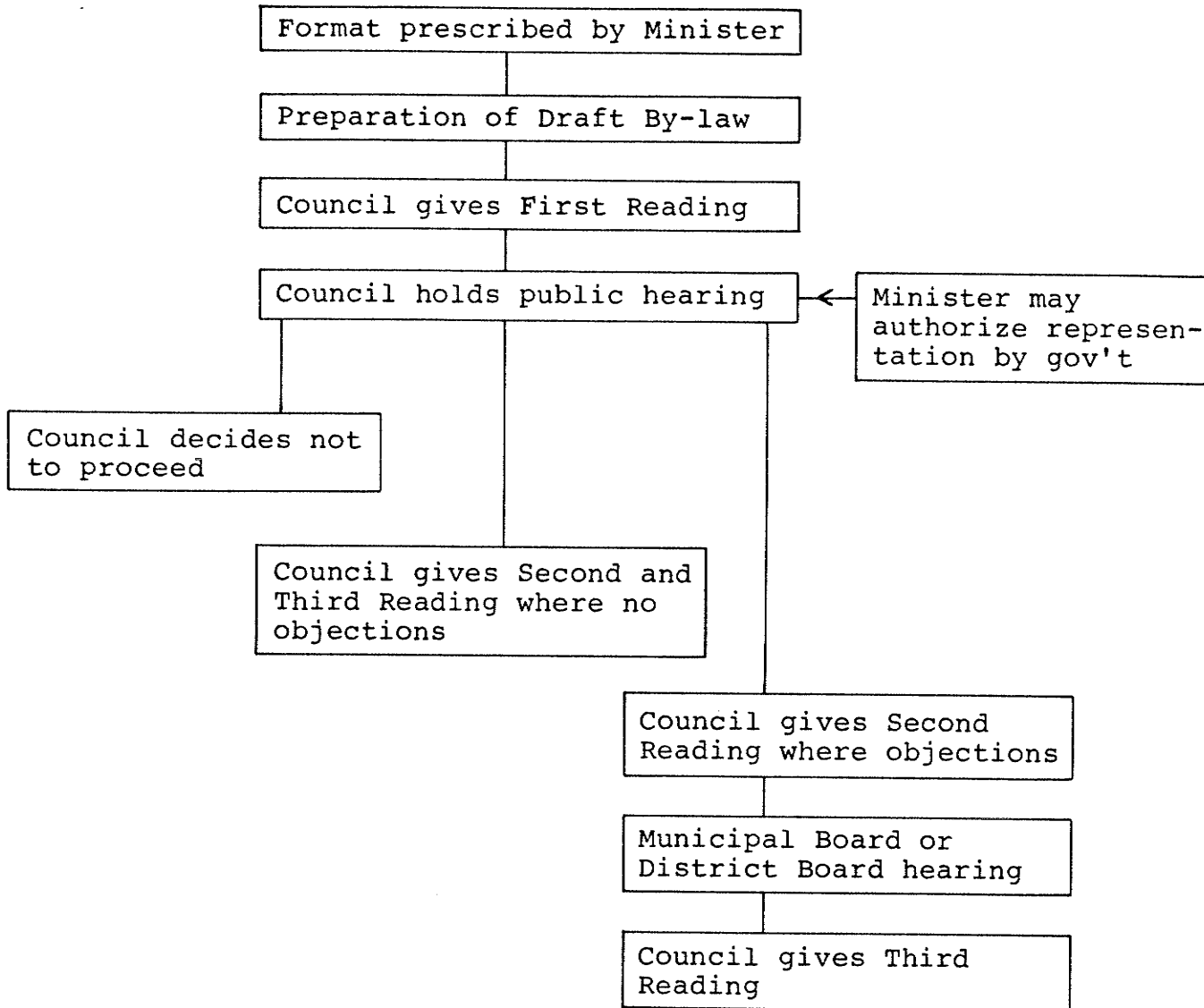


I.P.B. - The Board is comprised of six Deputy Ministers from provincial departments and three representatives from crown corporations.

Municipal Board - The Board is comprised of members appointed by the government and serves as an apolitical body charged with various overseeing powers.

FIGURE 23

Zoning and Re-zoning By-laws Adoption Procedure
for Planning Districts



Source: Province of Manitoba, Municipal Planning Branch, (revised).

3.4.2 Land Use Decision Making

Once the Development Plan has been adopted the process of land use control then becomes an on-going series of decisions concerning development applications. Four types of applications including rezoning, subdivision, zoning variance and conditional use are applicable. The adoption procedures are outlined in Figures 23, 24 and 25 while the corresponding statutes can be found in Appendix D. The procedure for re-zoning follows the same format as the zoning by-law with the municipal council retaining authority to reject or approve draft by-laws. Council's authority is subject to question only when objections are presented. When objections* surface at the required public meeting the authority of council is subject to an appeal system which ensures approval of subdivisions is not given without due consideration to its total possible effects. However, once a planning district has applied for and been granted approving authority more land use control rests within the local district. For zoning variance and conditional use procedures the municipal council retains final and binding decision making authority.

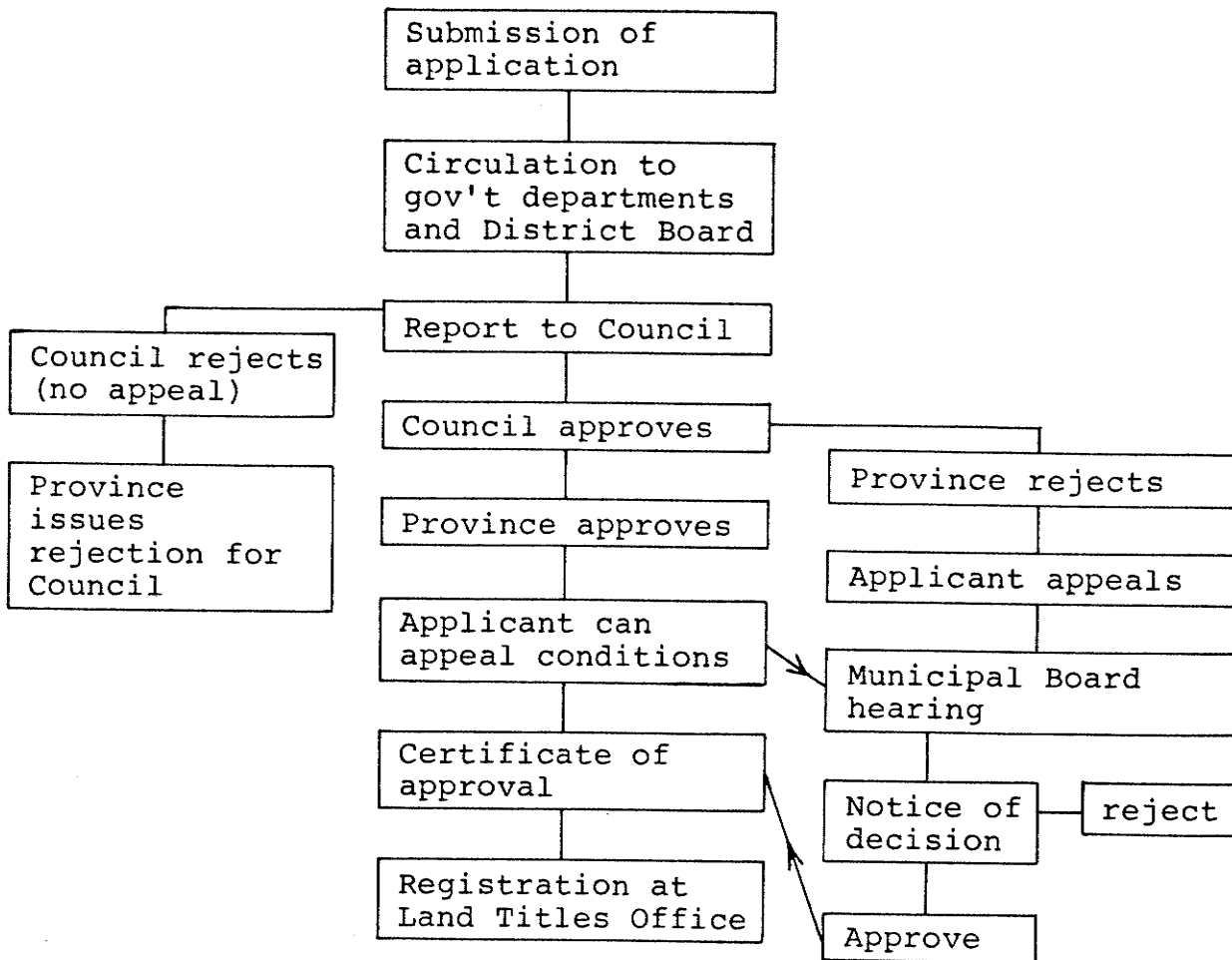
3.4.3 Summary

When compared with the Additional Zone concept the land use planning and decision making procedures outlined for planning districts provide rural municipal councils with significantly more control over development. Moreover, if and when the planning district board decides to apply for approving authority a substantial amount of local control will result. There are however, very significant qualifications to council's authority

*Objections may be heard from the general public, adjacent jurisdictions, or the Province.

FIGURE 24

Basic Subdivision Procedure for Planning Districts

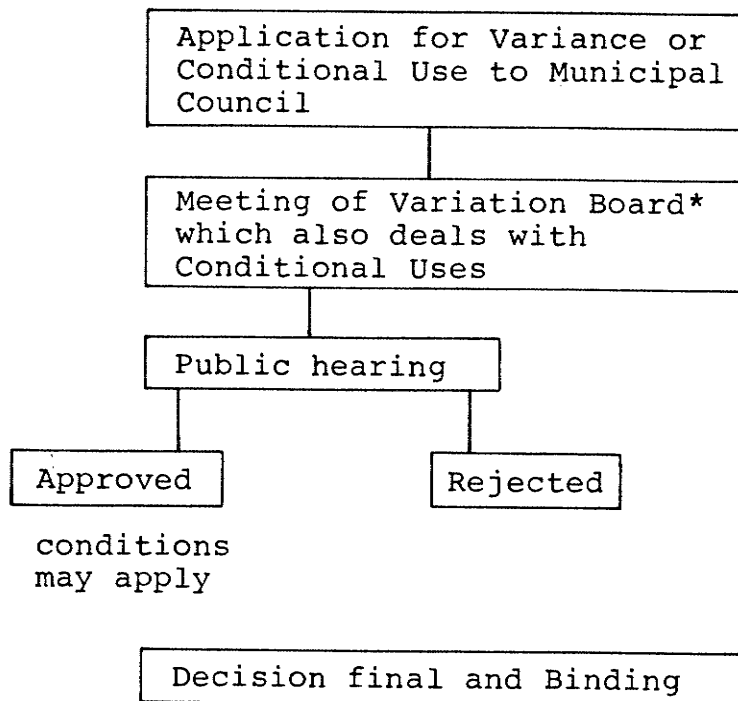


ADDENDUM: When a Planning District Board has been authorized to act as an approving authority under Section 61.1 of the Act, simply substitute on the chart the words "District Board" for "Province".

Source: Province of Manitoba, Municipal Planning Branch, (revised).

FIGURE 25

Zoning Variance and Conditional Use Adoption
Procedures for Planning Districts



* The Council of a municipality constitutes a Variation Board

Source: Province of Manitoba, Provincial Planning Act S.M. 1975,
c. 29 - Cap. p. 80.

which have the Province retaining supervisory control. This control is facilitated through three mechanisms which include the Provincial Land Use Policies, a series of checks required by legislation which have Provincially employed planners scrutinizing every step of plan design, and through the Municipal Board's authority to hear appeals.

For municipalities involved in the Additional Zone concept the two systems provide an interesting contrast. At first glance, Additional Zone councils may perceive that by opting out they will simply be transferring governing authority from the City to the province. Upon closer analysis however, this assumption remains true only in a very broad sense. When the two systems are analysed and compared, little doubt remains that the planning district system provides for much more local control. With the Province performing a custodial role, interfering in local affairs only when it sees general development guidelines being neglected.

FOOTNOTES - CHAPTER 3

¹Province of Manitoba, Department of Urban Affairs, The Additional Zone: Background Paper on the Operation of the City of Winnipeg Act, (unpublished report, 1984), p. 7.

²Province of Manitoba, Greater Winnipeg Investigating Commission Report and Recommendations, J. L. Bodie, Chairman, (Winnipeg: Manitoba Queen's Printer, 1959), p. 220.

³Ibid., p. 220 & 227.

⁴Ibid., p. 225.

⁵Ibid., p. 226.

⁶Ibid., p. 253.

⁷Ibid., p. 267.

⁸Metropolitan Corporation of Greater Winnipeg, Planning Division, The Additional Zone: Supplement #5 to the Development Plan, (Winnipeg: Planning Division, 1961), p. 1.

⁹Ibid., pp. 2-4.

¹⁰Province of Manitoba, Greater Winnipeg Investigating Commission, 1959, op.cit., p. 247.

¹¹Province of Manitoba, Metropolitan Corporation of Greater Winnipeg Review Commission, Report and Recommendations, (Winnipeg: Manitoba Queen's Printer, 1964), p. 29.

¹²Ibid., pp. 29-30.

¹³Ibid., p. 31.

¹⁴Metropolitan Corporation of Greater Winnipeg, Planning Division, The Additional Zone, (Winnipeg: Planning Division, 1969), p. 14.

¹⁵Province of Manitoba, Local Government Boundaries Commission: Provisional Plan for Local Government Units in the Greater Winnipeg Area, (Winnipeg: Manitoba Queen's Printer, 1970).

¹⁶Province of Manitoba, Proposals for Urban Reorganization in the Greater Winnipeg Area, (Winnipeg: Manitoba Queen's Printer, 1970).

¹⁷M. Bunce, "Rural Sentiment and the Ambiguity of the Urban Fringe" in The Rural-Urban Fringe: Canadian Perspectives, eds. K.B. Beesley and L. H. Russwurm. Downsview, Ontario: Department of Geography, York University, 1981.

¹⁸Lorne H. Russwurm, "Land Use in the Urban Fringe: Conflicts and Their Policy Implications", in Essays on Canadian Urban Process and Form II, R. E. Preston and L. H. Russwurm, eds. (Waterloo: Department of Geography, University of Waterloo, 1980), p. 469.

¹⁹Institute for Social and Economic Research, University of Manitoba, Winnipeg Area Study, 1981, response published in ISERNEWS Vol. 2, No. 1, February, 1983.

²⁰Metropolitan Corporation of Greater Winnipeg, Planning Division, The Metropolitan Development Plan, (Winnipeg: Planning Division, 1968), p. 14.

²¹City of Winnipeg, By-law No. 422/73, Supplement to the Greater Winnipeg Development Plan, 1974, pp. 2-3.

²²Ibid., p. 4.

²³Ibid., p. 4.

²⁴David O. Palubeskie and Associates, Review of City By-law 422/73, Planning Policies in the City of Winnipeg Additional Zone, 1979, p. 7.

²⁵David O. Palubeskie, Preliminary Report of the Additional Zone Review Committee on Planning and Decision Making in the Urban-Rural Fringe of Winnipeg, (Winnipeg: Department of Environmental Planning, City of Winnipeg, 1977), p. 15.

²⁶City of Winnipeg, Plan Winnipeg: The Greater Winnipeg Development Plan - Draft By-law 2960/81 with notes and explanation - June 1981, p. 165.

²⁷Province of Manitoba, City of Winnipeg Act, S.M.C. 105, 1971, Section 655(1).

²⁸Ibid., Section 655(1).

²⁹Province of Manitoba, City of Winnipeg Act, S.M.C. 105, 1971, Section 655.1(2) (former).

³⁰City of Winnipeg, Department of Environmental Planning, The Additional Zone and the Ad Hoc Committee, (unpublished report, 1982), p. 8.

³¹Ibid., pp. 8-9.

³²Province of Manitoba, City of Winnipeg Act, S.M. 1975, c. 29 - Cap. p. 80, Section 13(1).

³³Province of Manitoba, Provincial Planning Act, S.M. 1975, c. 29 - Cap. P80, Section 13(1).

³⁴Ibid., Section 14(8).

³⁵Eric Towler, Secretary-Treasurer, Rural Municipality of Springfield, Oakbank, Manitoba. Personal interview, 8 November 1984.

³⁶David Johns, Director, Provincial Planning Branch, Province of Manitoba, Winnipeg, Manitoba. Personal interview, 3 December 1984.

³⁷Ibid.

³⁸Province of Manitoba, Provincial Land Use Policies, November 1980, p. 3.

³⁹Ibid., p. 3.

⁴⁰Province of Manitoba, Department of Municipal Affairs, Planning Districts in Manitoba (brochure), March, 1981.

CHAPTER 4.

PROSPECTS FOR PLANNING AND LAND USE CONTROL IN WINNIPEG'S URBAN FRINGE

As described in the previous chapter, planning and land use control mechanisms employed to guide development in lands surrounding the City of Winnipeg seem to be in a state of transition; from being administered by the City in cooperation with adjacent rural municipalities to being managed by the Province with a similar cooperative relationship. This transition however, is occurring with little recognition of the ultimate consequences it will have on overall urban fringe planning. Once the Province's planning district system is analysed it becomes apparent that little prior consideration was given to addressing the land use problems (outlined in Chapter 2) inherent in urban fringe areas. If consideration was given, the situation currently developing in Winnipeg's urban fringe, which has been described as "chaotic" and "schizophrenic" by one planning official¹, could have been avoided.

Once this transition towards planning districts is complete, as many as five separate planning jurisdictions will surround the City's periphery. Because each planning district has its own unique set of problems and issues, the unavoidable result will be five distinct planning documents with little formal attention given to overall consistency and coordination of goals and objectives.*

Taking into consideration the City's past experience with urban fringe planning and the existing dual decision making processes outlined in the previous section, this chapter examines the need to modify the existing system. In order to determine the extent of change that is required, the information provided in the previous chapters is combined with the comments, opinions and suggestions of the major actors involved in planning and land use decision making for Winnipeg's fringe area. The primary method used to extract this information was the development and administration of a structured set of questions concerning the current status of urban fringe planning and its future role (see Appendix E). These questions were administered to a select group of eleven public officials directly involved with the urban fringe issue (see Appendix F for names and positions). The interviewees were selected following initial consultation with five planning officials involved at various levels in the urban fringe decision making process² and with a desire to interview officials from all jurisdictions involved.

This consultative type study method was chosen because the issue is both current and subject to a variety of interpretations and perspectives.

*Some attention is given to this matter through the Provincial Land Use Policies and through the Municipal Planning Branch, however, no overall strategy exists.

The necessary up-to-date information was not available in existing literature or statistics and could only be retrieved at its source. Moreover, even though urban fringe problems are generally considered universal among North American cities (all urban centres have a fringe area), precedent and experience dictate that each situation is unique; Winnipeg is no exception to this principle. Thus, the observations of those persons working on a day-to-day basis with the issue constitute a valuable source of information that should be utilized when deciding what type of modifications, if any, are required.

As a consequence, this chapter is divided into three components. Firstly, the results derived from the interviews concerning existing problems and possible future directions are presented in a condensed form which categorizes responses. Secondly, the reactions of the same interviewees to proposed modifications are followed by a series of consolidated observations and assumptions which summarize all of the information presented in previous chapters. Following these statements, the final section outlines recommended changes to the existing planning and land use control system now used in Winnipeg's urban fringe.

4.1 INTERVIEW RESPONSES

It is important to recognize that substantial differences in background responsibility and accountability exist among those interviewed. The most apparent division occurs between the three jurisdictions of government involved in the issue; the adjacent rural municipalities, the City, and the Province. This is not to say that each group itself is homogeneous, however, similar viewpoints within each outweigh differences making this

a logical and necessary classification. A less perceptible division occurs between the seven rural municipalities which once formed the Additional Zone. Each municipality is unique in terms of development pressures, land and soil characteristics, political direction, past planning experiences, etc. For example, the Rural Municipality of MacDonald is primarily agricultural in character and has relatively little urban associated development pressure (this is in part due to the lack of adequate potable water). Because of its agricultural nature the municipality's Council is dominated by the community's farming sector. Conversely, the Rural Municipality of East St. Paul, although still possessing large areas of agricultural land, serves primarily as a dormitory suburb for Winnipeg. It is currently experiencing intense pressures for residential development and its Council is no longer dominated by the agricultural community. Although these noteworthy differences exist among the rural municipalities responses obtained during the interviews were surprisingly similar. Thus, the responses given by representatives from the rural municipalities recorded below are usually categorized into a single homogeneous group.

The following responses are divided into three sections; problems with the existing system, alternative directions, and responses to test modifications.

4.1.1 Problems with the Existing System

When asked to comment on possible inadequacies of the existing, and in some cases former Additional Zone land use control system, the rural municipalities generally agreed that the system worked well except for one problem which fell under the general rubric of frustration. It was

reported that this sentiment was brought about by two issues. Firstly, the fact that five of seven adjacent rural municipalities had only a portion of their land included under the city's planning jurisdiction frustrated the rural municipal councils. Symptoms of this split jurisdiction included; "inconsistency and possibly incompatibility of land use policies, different and distinct decision making procedures and variations in building requirements (including public dedication) and development control standards".³ Secondly, most representatives from the rural municipalities noted that their constituents became frustrated when they appeared at municipal offices for development permits and were told that they had to make further application to the City's Planning Department in downtown Winnipeg. The general feeling amongst residents was that because they lived and paid taxes to "their" municipality they should not be required to deal with the City's indifferent bureaucracy. This frustration was further exasperated when problems arose or more information was required, as so often happens in applications of this type.

Concerning the administrative and political decision making processes involved in the Additional Zone system the rural municipal representatives were again in general agreement. Many expressed gratitude for the free planning services they received from the City and were almost unanimous in their approval of the advice and recommendations provided by its planning department. This approval however, failed to carry over into the political aspects of decision making. A few respondents were concerned about the political accountability of having city councillors and councillors (or reeves) from other municipalities "making decisions for land that they had never seen or even cared much about".⁴

In general however, the rural municipalities felt that the Additional Zone system operated fine. Their most significant complaint involved the lack of authority to make their own land use decisions. Most of the representatives noted, that although their relationships with the City were generally good, over the years a number of conflicts did occur. Each respondent was able to cite specific cases where the recommendations and/or decisions of the rural council were quelled by the City. Relatively speaking however, this type of jurisdictional expression was rare. The threat of being overruled was always present however, and in fact it was this precarious position which proved to be the primary factor stimulating municipalities to opt out of the Additional Zone.

When representatives from the Province and the City were asked to comment on the problems of the Additional Zone system most responses simply supported the claim made by the rural representatives. However, a general consensus was expressed concerning the obsolescence of the system itself. Interviewees noted that over the years since the Additional Zone concept had been introduced, circumstances had changed which contributed to making the system less viable and unnecessary. Two factors were cited as primary reasons for this change. Firstly, back in 1960, some of the rural councils did not have the necessary expertise to conduct sufficiently comprehensive planning. Since then however, they have greatly matured and are now competent enough to handle such a function. Secondly, as shown in the previous chapter, Winnipeg has not received the magnitude of development which the Greater Winnipeg Investigating Commission had, in 1959, used as a base for its original proposal initiating the Additional Zone. Thus, the necessity of having city councillors making or even contributing

to the decisions concerning property outside the city's boundaries has become obsolete. As one City representative stated "the Additional Zone system of land use control has out-lived its usefulness".⁵

Concerning the effectiveness of the Additional Zone as a land use control concept with defined (By-law 422/73) conservation based goals, respondents generally agreed that the system was successful in achieving its stated objectives. City representatives were quick to illustrate this success by noting the differences between the development that has occurred in the municipalities of East and West St. Paul compared with their northern neighbours St. Andrews and St. Clements. Under planning control from the City the two former municipalities developed in a generally orderly fashion while in the latter two municipalities, which were under Provincial control, development was allowed on less than one acre lots which adversely affected the supply and quality of the available potable groundwater.⁶ To counter this, however, a Provincial representative noted an example of poor planning in the Turnbull Drive area south of the city which was in the Additional Zone portion of the municipality of Ritchot. Here development was allowed to occur in a flood prone area. Although contradictory examples such as these were cited, it was generally agreed by most respondents that the system worked well from a land use planning standpoint.

4.1.2 Possible Future Directions

When asked to reflect on possible future directions for urban fringe planning most respondents agreed that the status quo or the continued existence of two planning systems should not continue.

When representatives from the rural municipalities were pressed for an alternative direction they generally agreed that a future course had already been decided upon and that it was only a matter of time before all the former Additional Zone municipalities chose to opt out. Thus, the municipalities seemed satisfied with the direction towards planning districts which has been evident since Rosser opted out in 1980.

As far as other possible directions were concerned, representatives from the rural municipalities were in complete agreement respecting their disapproval of heading towards a regional planning system or revision back to a City controlled fringe area. This view dominated despite some recognition of common issues and concerns among fringe municipalities. In fact, the continued existence of the Winnipeg Additional Zone Association* consisting of all former member municipalities (including the municipalities of St. Andrews and St. Clements as associate members) would seem to suggest the continued presence of common issues. This example, which was used frequently during the interviews to support claims for more coordination and dialogue, was somewhat undermined by the fact that some rural councils were questioning its usefulness.⁷ However, those that were questioning their roles in the organization are the two most agriculturally based municipalities, thus illustrating the dichotomy that exists between largely agricultural municipalities and those with more urban ties.

*The Association provides a forum for dialogue between fringe municipalities and sometimes acts as a lobby group.

Although seemingly supportive of the direction towards planning districts, a few respondents from the rural municipalities did express a cautionary observation. They indicated that the Province's planning district system may prove to be a convoluted way of achieving regional planning. They were wary of the possibility that this system was being falsely peddled to the municipalities with the intention of imposing more controls and eventually taking away some powers.⁸ This assertion; which may have some validity given the large number of Provincial departments who have influence in the the decision making process, was quickly dispelled by other municipal representatives who had no fear of this happening.

When representatives from the City were asked to respond to possible future directions they indicated their concern that the present transformation to planning districts had not been fully thought through by the Province. They questioned whether the Province had given enough consideration to the effects of the 1976 Planning Act and to unique urban fringe planning problems.

This position was reflecting in the preferred direction the City representatives chose for future urban fringe planning. Although differing in magnitude, respondents stated that some form of limited regional planning was required to assist in controlling and guiding land use in the City's fringe areas. A forum for dialogue between different jurisdictions within the Winnipeg Region and including the City was the extent of one suggestion. While another recommendation, based on the fear that

many cross jurisdictional problems would surface as a result of "independent" and "unconnected" district plans, indicated a need for an overall policy plan for the Winnipeg Region. An organization of politicians representing each municipality (or district) would not only provide a forum for dialogue but would also oversee the design of general development policies outlining constraints and reviewing such issues as potable water reserves, conservation of productive agricultural land and mineral resources, and future transportation requirements.

Although Provincial representatives realize that the present situation is undesirable, they generally agree that the present direction towards planning districts is the best possible alternative. A regional planning mechanism was discarded as being unnecessary given the present relatively low level pressure for development. Moreover, they were unanimous in their unwillingness to create "another level of government".

There was however, some recognition of the inadequacies of the planning district system concerning the cooperation and dialogue between the City and those districts which abut its boundaries. Some appreciation was also given to the possible need for a general regional planning strategy.

4.1.3 Test Alternative

During the interview, the respondents were asked to comment on a number of observations and proposed modifications to the existing land use planning and decision making system. Discussion took place on the following four basic observation/assumption statements:

- i) The pressures for urban associated development in the fringe areas of Winnipeg have continued to decline since the mid seventies reaching a current low level plateau. All indicators point to a continued low level of demand. Thus, there is no need for the creation of an elaborate regional planning system with all its associated requirements.
- ii) With two land use control systems operating in Winnipeg's fringe the principles of consistency, efficiency and effectiveness are being undermined. Thus, there is a need for a single land use control system designed to address particular problems in this area.
- iii) The Province has demonstrated a desire, through the 1976 Planning Act, to have more land use control shifted to the R.M. councils. Three of the adjacent municipalities have followed this direction. Thus, a replacement system will have to recognize and accommodate this recent shift.
- iv) Naturally, a large portion of development in adjacent R.M.'s is dependent on the areas proximity to the city. Moreover, if this development is not properly planned it can conflict with the City's long range strategy for growth. Thus, the City should have some formal input into land use decisions made close to its boundaries.

In an overall sense, most agreed with the stated observations, however, the following three important qualifications were advanced concerning the first statement which dealt with future pressures for development:

- a) Pressures for development may not continue indefinitely at the current low level. Concern pertaining to the urban fringe planning mechanism should be dealt with now, while pressures are low, because there is a good possibility that these pressures may increase in the future.⁹
- b) There is a need for a limited type of regional planning mechanism because the pressures for development still exist and cross jurisdictional problems are inevitable.¹⁰
- c) Although development pressures have declined during the past few years the pressures in East St. Paul remain intense.¹¹

Concerning statement number two, which referred to the need for a single land use control system, there was general agreement that the present situation has undermined the general principles of urban fringe

planning. However, most respondents disagreed with the need for a new system, stating that one has already been defined and that the present situation is transitional. They believed that in the end all municipalities will become involved in planning districts.

All respondents supported statement number three by agreeing that once power has been given to municipalities it is difficult to take it away.

Concerning statement number four, respondents unanimously agreed to the need for more and better communication and cooperation between the City and its adjacent rural municipalities. Provincial representatives noted however, that formal input from the City concerning some land use decisions is already provided for within the legislation and if the City wanted input it has a number of avenues open to it.¹²

Based on the above four observation/assumption statements the following modifications to the existing system were proposed and tested among the respondents.

- (i) The creation of a single system of land use control in Winnipeg's fringe by continuing the trend towards more self-determination and increased decision-making authority by fringe municipality councils.
- (ii) Encourage the remaining four Additional Zone municipalities to opt out by changing the Planning Act and/or the City of Winnipeg Act.
- (iii) Retain the previous (1980) Additional Zone boundary but rename the area "Mutual Development Control Zone" (MDCZ). Utilize this area in a different manner by requiring City input into all land use decisions made by rural councils.
- (iv) Compose a set of guidelines for the MDCZ and ensure that each municipality involved including the City of Winnipeg has input. Ensure all plans generated follow these guidelines.

Concerning the first proposal, respondents agreed that a single system of land use control was necessary however, they all felt that this was in the process of happening.

Proposal two, which supported the above trend produced a similar positive response, however, a number of interviewees noted that the municipalities of East and West St. Paul are anomalies among the others and may require a slightly different approach. In addition, boundary disputes were singled out as a likely consequence once the remaining four municipalities apply to opt out of the Additional Zone. The City feels that a boundary review is necessary - "the existing boundaries don't make sense"¹³ - and this will likely be brought about if/when further municipalities opt out and the City loses planning control over more land inside the Perimeter Highway and Floodway.

The third proposal, which is based on a need for more cooperation and joint decision making between the City and its adjacent municipalities, also received general approval. However, the use of the former Additional Zone boundary was dismissed by many as being too large. Moreover, many rural municipal representatives felt that the proposed MDCZ should also extend within the city's boundaries so that municipalities will be formally notified of land use decisions made by the City which might affect their own interests.

Proposal four, which concerned the design of development guidelines, failed to receive much support, particularly from the rural municipalities. However, a number of respondents from both the Province and the City did recognize some need for a "limited" regional development strategy. One

interviewee supported the design of policies as a good first step towards the development of a policy plan.¹⁴

It should be noted that these proposals were designed to generate responses and to help define more acceptable and necessary modifications. In this respect, they were successful, and provided insight into possible recommendations.

4.2 GUIDING STATEMENTS

The statements presented below are designed to perform two functions; firstly, to summarize the information presented in the previous sections of this study and secondly to provide a guide for determining possible recommended modifications to the existing system of fringe land use control.

- (i) The unique issues and problems inherent in the land space surrounding most North American cities have, during the past few years in Winnipeg, been dealt with in an overall inconsistent manner. Little consideration, if any, has been given to the effects the 1976 Planning Act on overall urban fringe planning for Winnipeg. This thesis has attempted to address this issue by analysing and comparing the former and prospective land use planning and decision making systems; with the primary objective of determining deficiencies and recommending modifications.
- (ii) Although no attempt was made in this study to discover the extent and frequency of urban fringe problems as described in Chapter Two, existing literature and knowledge gathered through the interview process supports the theory that they exist in areas surrounding most North American cities; Winnipeg proved to be no exception.

These problems will, however, become more pronounced as pressures for development increase. Thus, to prepare for unpredictable and usually extreme variations in fringe development pressures, the City's planning and land use control system should be designed with flexibility as a primary requisite. The system should be capable of accommodating varying degrees of development pressure while continuing a high level of consistency and efficiency.

- (iii) Development pressures in the fringe areas surrounding Winnipeg have, during the past decade, experienced an extreme peak-and-valley trend. Currently, pressures seem to be continuing at a low level plateau. Barring a significant change to the economics of living in fringe areas, this depressed level will likely continue. One exception to this trend has become evident however, the municipalities immediately north of the City continue to experience a high demand for development. This finding supports the existence and persistence of a Selkirk-to-Winnipeg urban corridor. It also indicates the possible need for special consideration in terms of future regional strategies.
- (iv) The Additional Zone concept, which was used for 24 years as the controlling mechanism guiding development in the city's urban fringe, is currently in its final stages of existence. As a planning and land use control system, it was considered by most officials interviewed as being successful in achieving its goals. As a decision making system however, recent factors have rendered it obsolete. Although a definite trend towards allowing more input from rural councils into land use decisions was evident, a replacement system or drastic modifications seem to have been inevitable.

- (v) The Provincial government's Planning District system holds the key to future urban fringe planning in the land space surrounding Winnipeg. There are however, two deficiencies in the system pertaining to urban fringe planning. Firstly, the issue of direct and formal communication between the City and its adjacent municipalities on both a City to individual municipality basis and on a regional basis, requires far more thought. Secondly, a definite void exists in the consideration given to the design of an overall regional strategy to control and guide development in the City's fringe areas.
- (vi) Generally, the planning aspect or objectives and policies of the Additional Zone did not surface as an issue. The few problems that did arise however, came from the administrative and decision making aspects of land use control and are recorded below.
 - a) Rural-Urban Dichotomy: The subjective differences between the rural and urban environments surfaced a number of times during conversations with rural municipal representatives. This difference was expressed to a greater extent by the more agriculturally oriented municipalities. It appeared to be one of the major reasons causing municipalities to opt out of the Additional Zone.
 - b) Apprehension Among Constituents: During the interviews of rural officials it was stated that constituents of their municipalities were dissatisfied with having to apply for development permits in both the rural municipal offices and the city. Naturally this discontentment was reflected by elected representatives.

- c) Decision Making Authority: This issue was easily the most significant problem with the Additional Zone concept. The lack of authority on the part of elected officials to make land use decisions in their own municipalities was and is the primary area of discontent among rural municipalities. The Planning District system seems to solve this dilemma.
- (vii) Finally, all those officials involved in urban fringe land use control, and interviewed for this study, agreed that a future direction had been chosen for fringe area planning. The Planning District system was to succeed the Additional Zone concept. Respondents were also unanimous in their feelings that some modifications to the Planning District system were required.

4.3 RECOMMENDATIONS

Reflecting upon the completed study process, it becomes apparent that practical and pragmatic realism has replaced the original academic idealism that formed the initiating inspiration for analysing this issue. Although the study process began as an examination of what seemed to be an uncontrolled and unplanned defection of rural municipalities from control under the Additional Zone concept, it actually turned out to be a comparison between it and the Planning District system. Once it became apparent that a future direction for urban fringe planning had been advanced by the Province and conditionally accepted by both the City and the fringe municipalities the study's final objective was amended from structuring a new fringe land use control system to modifying the agreed upon Planning District scheme. Thus, the following recommen-

dations for Winnipeg's urban fringe planning and decision making system are proposed:

- (i) The rural municipalities remaining in the Additional Zone should be encouraged by both the Province and the City to opt out and create planning districts. Changes to the City of Winnipeg Act should be considered as a possible method of promoting this, but only if informal persuasion fails.

Upon completion of this proposal, the Additional Zone concept, and City Council's control over land outside their jurisdiction, will finally come to an end. Planning Districts will replace this planning and land use control mechanism and allow full control of fringe municipalities by their elected representatives. Once completed, the Province, in consultation with the City and its adjacent Planning Districts, can undertake to determine inadequacies in the system concerning unique regional and cross jurisdictional issues and problems caused by Winnipeg's presence and growth.

- (ii) The Provincial Government should initiate through amendments to both the Planning Act and the City of Winnipeg Act, the creation of a Winnipeg Region Committee. This Committee should be comprised of elected officials from the City and each (existing and pending) Planning District abutting its boundaries. Other Districts within the region should also be considered. The major role of this Committee would be to provide a forum for dialogue on regional issues. In addition, the Committee should be charged with the following two coordinating responsibilities:

- a) Delineate a geographical zone surrounding the City of Winnipeg whereby development proposals for lands within its area are sent to the City's Department of Environmental Planning for their comments before decisions are rendered. This zone should also extend within the City's boundaries so that reverse consultation is required.

- b) Oversee the design of general development policies to guide growth in the Winnipeg Region. These policies would be based on a review of environmental issues, resources and future requirements for urban related land uses. They should be founded in the basic principles of urban fringe planning, presented in Chapter Two.

The creation of such a regional committee would answer most of the concerns raised by those interviewed for this study. It would provide a mechanism which would allow for structured and informal dialogue, the coordination of activities on a regional basis, and the required flexibility of control.

Without these proposed modifications, urban fringe planning will continue to flounder in uncertainty and inconsistency. If, in the future, pressures for urban associated development in the fringe were to increase it is doubtful whether the existing system provides enough coordination to prevent serious land use conflicts and cross jurisdictional problems from occurring.

FOOTNOTES - CHAPTER 4

¹Douglas J. Kalcsics, District Plan Coordinator, Environmental Planning Department, City of Winnipeg, Winnipeg, Manitoba. Personal interview, 31 October 1984.

²These planning officials included:

- a) Peter Diamant, Deputy Minister, Urban Affairs, Prov. of Manitoba.
- b) David Johns, Director, Provincial Planning Branch, Prov. of Manitoba
- c) Kevin Lalor, Additional Zone Planner, City of Winnipeg
- d) W.J. Lyons, Clerk, Committee on Environment, City of Winnipeg
- e) David Palubeskie, Former Additional Zone Planner, City of Winnipeg

³David O. Palubeskie, Preliminary Report of the Additional Zone Review Committee on Planning and Decision-Making in the Urban-Rural Fringe of Winnipeg. (Winnipeg: Department of Environmental Planning, City of Winnipeg, 1977), p. 12.

⁴Maynard Olson, Secretary-Treasurer, R. M. of East St. Paul, Bird's Hill, Manitoba. Personal interview, 7 November 1984.

⁵David Henderson, Commissioner of Environment, City of Winnipeg, Winnipeg, Manitoba. Personal interview, 27 November 1984.

⁶This example of good planning was used by both Douglas J. Kalcsics op.cit., and Kevin Lalor, Former Additional Zone Planner, Environmental Planning Department, City of Winnipeg, Winnipeg, Manitoba. Personal interview, 9 October 1984.

⁷The usefulness of the Winnipeg Additional Zone Association was questioned by both Lorne F. Erb, Secretary-Treasurer, R.M. of MacDonald, Sanford, Manitoba, Personal interview, 9 November 1984 and Betty Lindsay, Secretary-Treasurer, R.M. of Rosser, Rosser, Manitoba. Personal interview, 9 November 1984.

⁸Eric Towler, Secretary-Treasurer, R.M. of Springfield, Oakbank, Manitoba. Personal interview, 8 November 1984.

⁹Claudette Toupin, Senior Urban Development Planner, Department of Urban Affairs, Province of Manitoba, Winnipeg, Manitoba. Personal interview, 8 November 1984.

¹⁰Douglas J. Kalcsics, op.cit.

¹¹Maynard Olson, op.cit.

¹²The three primary avenues the City has for input into the Planning District system include:

- a) formal input during the design of a district plan
- b) formal input into decisions made by Districts and municipalities which surround the city

c) input through the Minister for Urban Affairs.

¹³Douglas J. Kalcsics, op.cit.

¹⁴Ibid.

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APPENDICES

APPENDIX A - Plan Winnipeg - By-law 2660/81
Proposed Additional Zone Policies and Objectives

BY-LAW 2960/81

CHAPTER: ADDITIONAL ZONE
SECTION: GENERAL LAND USE
SUBJECT: CONTROL OF THE LAND USE

- 96)1) **POLICY**
- (a) THE CITY SHALL ENDEAVOUR TO MAINTAIN AND PROTECT THE PRODUCTIVE AGRICULTURAL AREAS IN THE ADDITIONAL ZONE.
 - (b) THE CITY SHALL ENDEAVOUR TO PROTECT THE NATURAL RESOURCES OF THE ADDITIONAL ZONE FROM EROSION AND POLLUTION.

- 96)2) **OBJECTIVE**
- (a) TO FURTHER THE PRINCIPLE OF A COMPACT ECONOMICALLY SERVICED URBAN AREA AND TO PREVENT UNCONTROLLED URBAN FRINGE DEVELOPMENT.
 - (b) TO ORGANIZE AND DIRECT NON-FARM DEVELOPMENT IN ORDER TO ACHIEVE ORDERLY AND EFFICIENT GROWTH IN THE FRINGE AREA OF THE CITY.

SUBJECT: ACTION AREA PLANS

- 97)1) **POLICY**
- THE CITY AS DETERMINED BY THE COUNCIL SHALL PREPARE ACTION AREA PLANS FOR THOSE AREAS WHERE FUTURE LIMITED URBAN EXPANSION IS EXPECTED AND FOR THE FOLLOWING VILLAGE COMMUNITIES; OAK BANK, DUGALD, OAK BLUFF, MIDDLECHURCH AND BIRDS HILL.

- 97)2) **OBJECTIVE**
- (a) TO PREVENT URBAN EXPANSION IN THE AREAS NOT INTENDED FOR THIS TYPE OF DEVELOPMENT BY MEANS OF DEVELOPMENT CONTROL AND LAND USE CONTROL BY-LAWS.
 - (b) TO ENDEAVOUR TO DIRECT LIMITED URBAN EXPANSION INTO SUITABLE AREAS INTO WHICH THE EXTENSION OF THE EXISTING WATER SUPPLY AND SEWERAGE COLLECTION SYSTEM OF THE CITY OF WINNIPEG IS NOT ANTICIPATED AND TO CONTROL SUCH EXPANSION WITHIN THOSE AREAS.
 - (c) TO USE THE MAP TITLED "ADDITIONAL ZONE POLICY AREAS" AS A GUIDE FOR THE ENACTMENT OF LAND USE CONTROL BY-LAWS (SUBJECT TO PROVISIONS FOR ZONING VARIANCES UNDER THE CITY OF WINNIPEG ACT).
 - (d) TO DEVELOP AS DETERMINED BY THE COUNCIL SUBDIVISION REQUIREMENTS WHICH ARE DESIGNED TO MAINTAIN A BASIC DEVELOPMENT STANDARD ENSURING THAT ALL LOCAL SERVICES ARE AVAILABLE AT A REASONABLE COST TO THE MUNICIPALITY AND THAT IN PARTICULAR THERE IS POTABLE WATER AVAILABLE, THAT ADEQUATE SEWAGE DISPOSAL FACILITIES WILL BE PROVIDED WHICH WILL NOT CAUSE OR BE A CONTRIBUTING FACTOR TO POLLUTION OF WATER RESOURCES AND THAT THERE IS ADEQUATE SURFACE DRAINAGE AND NO PERIODIC FLOODING.

(e) TO LOCATE COMPATIBLE USES AS DETERMINED BY THE COUNCIL THROUGH LAND USE CONTROL BY-LAWS OR DEVELOPMENT PERMISSION, IN AREAS DESIGNATED AS LIMITED URBAN AREAS. THIS WILL REQUIRE GENERALLY THAT SUCH OBTRUSIVE OPERATIONS AND INDUSTRIES AS FOUND IN FRINGE AREAS BE CONTROLLED BY LAND USE CONTROL BY-LAWS.

(e) TO ESTABLISH AS DETERMINED BY THE COUNCIL BY-LAW STANDARDS FOR ALL PRIVATE WASTE DISPOSAL SYSTEMS APPLICABLE TO ALL DEVELOPMENT IN THE RURAL AREAS AND AREAS OF LIMITED URBAN EXPANSION IN ORDER TO ENSURE THAT THE REQUIRED FACILITIES WILL HAVE ADEQUATE CAPACITY AND FUNCTION PROPERLY.

SUBJECT: ADMINISTRATION

98(1) POLICY

THE CITY SHALL CONTINUE THE USE OF AN ADDITIONAL ZONE COMMITTEE CONSISTING OF MEMBERS FROM THE ADDITIONAL ZONE MUNICIPALITIES AND CITY COUNCIL.

98(2) OBJECTIVE

TO PROVIDE THE CITY AND THE ADDITIONAL ZONE RURAL MUNICIPALITIES THE OPPORTUNITY TO PARTICIPATE IN DEVELOPMENT DECISIONS CONCERNING THE ADDITIONAL ZONE.

APPENDIX B - The City of Winnipeg Act - Statutes
Authorizing Decision Making Procedures

Consent of council where land in additional zone.

655 (1) Notwithstanding any other provision of this Act, except by the establishment of the Greater Winnipeg development plan, a community plan, or by a by-law passed to implement them, the city shall not enact a by-law that would have the effect of changing the use to which any land in the additional zone might be put unless the council of the municipality in which the land is situated has, by resolution, consented to the change.

Am. S.M. 1972, c. 93, s. 91; Am. S.M. 1977, c. 64, s. 131.

Application for zoning by-law.

609 (1) An application for the enactment of a zoning by-law shall be made by the owner of the land, building or structure or by a person authorized in writing by him, and shall be in such form, and accompanied by such supporting material and the payment of such fee as the council deems advisable.

Referral of application or recommendation.

609(2) When an application in the required form and with the required supporting material is received by the city, or when the designated commissioner has recommended the enactment of a zoning by-law by the city, the designated commissioner shall refer the application or recommendation to the community committee for the community in which the land referred to in the application is located if the land is in the city, and to the council of the municipality if it is located in the additional zone, and public notice shall be given,

- (a) that on a day and at a time and place stated in the notice, a meeting will be held to receive representations from any person who wishes to make them in respect of the proposed zoning changes; and
- (b) stating that a copy of the application and supporting material and a statement of the proposed zoning changes may be inspected at times and in a place or places specified in the notice.

Am. S.M. 1972, c. 93, s. 79; S.M. 1974, c. 73, s. 54; S.M. 1977, c. 64, s. 88;
S.M. 1982-83-84, c. 96, s. 45.

Meeting to hear representations.

610 (1) On the day and at the time and place stated in the notice referred to in section 609, a meeting shall be held to receive representations from any person who wishes to make them in respect of the application or the alternative zoning changes.

Am. S.M. 1974, c. 73, s. 57

Report of community committee to be prepared.

612 (1) A report summarizing the representations and submissions made at the meeting and stating the community committee's recommendations with supporting reasons shall be prepared and forwarded by the committee clerk within thirty days following the completion of the meeting.

Am. S.M. 1974, c. 73, s. 58 & c. 74, s. 37.

Report to be forwarded to designated committee.

612 (2) The community committee's report shall be forwarded within thirty days following the meeting to the designated committee and made available for inspection by any person who appeared at the meeting.

Am. S.M. 1977, c. 64, s. 91.

Land in additional zone.

613 Where the land referred to in a proposed zoning by-law is located in whole or in part in the additional zone, the council of the municipality shall conduct the meeting referred to in section 610, and section 610 to 612 apply mutatis mutandis and every reference in those sections and sections 614 and 615 to a community committee shall be read as a reference to the council of the municipality.

En. S.M. 1982-83-84, c. 96, s. 48.

Forwarding of report.

614(1) After it receives the report of the community committee, or after the community committee is deemed to have made a report under subsection 612(3), the designated committee shall consider the report of the community committee and shall

- (a) forward the report with the designated committee's recommendation thereon to council;
- (b) forward a copy of the report with the designated committee's recommendations thereon by mail to all persons who submitted oral or written representations to or at the meeting referred to in subsection 610(1), which recommendations shall include the reasons for recommendations, if any, differing from those of the community committee;

Recommendations to council.

615(3) Where council has made a direction under subsection 615(1.1), the executive policy committee shall

- (a) consider the report of the community committee, or, if the land affected is in the additional zone, the report of the council of the municipality and the designated committee's recommendations or report; and
- (b) forward its recommendations thereon to the council.

En. S.M. 1978, c. 53, s. 31; Am. S.M. 1982-83-84, c. 96, s. 53.

Disposition by council.

615(4) Subject to section 616, the council shall consider the recommendation of the designated committee made under subsection 615(1) or of the executive policy committee made under subsection 615(3) and may

- (a) accept, reject or modify the recommendation and may pass one or more zoning by-laws with respect thereto; or
- (b) forward the proposed zoning change to The Municipal Board for its report and recommendations; or
- (c) refer the recommendation to a committee for a further meeting or consideration upon such terms as the council shall establish.

En. S.M. 1978, c. 53, s. 31.

Notice.

616 Where the council receives the recommendation of the committee made under subsection 615(1) or subsection 615(3), subject to subsection 576(1), the council shall

- (a) cause a notice to be prepared of the time and place when it will consider the zoning change and the recommendation thereon; and
- (b) forward a copy thereof by registered mail to those persons referred to in section 614.

En. S.M. 1978, c. 53, s. 32.

Application for plan approval.

637 (9) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward to the city at least 16 copies of a plan thereof drawn to scale not less than one inch equals two hundred feet, and in such form together with an application in such form, and the payment of such fee as the council deems advisable.

En. S.M. 1972, c. 93, s. 82; Am. S.M. 1974, c. 73, s. 72.

Reference of application for public meeting.

637(12) When an application for approval of a plan of subdivision is received, the designated commissioner shall refer it to the community committee for the community in which the land is located if the land is in the city, or to the council of the municipality if the land is in the additional zone, and public notice shall be given

- (a) that on a day and at a time and place stated in the notice, a meeting will be held to receive representations from any person in respect of the plan of subdivision; and
- (b) stating that a copy of the application and plan of subdivision may be inspected at times and in a place or places specified in the notice.

En. S.M. 1972, c. 93, s. 82; Am. S.M. 1974, c. 73, s. 73; S.M. 1977, c. 64, s. 112; S.M. 1982-83-84, c. 96, s. 57.

Notice under subsec. (12).

637 (15) The notice referred to in subsection (12) shall contain a description of the land to which the draft plan of subdivision applies, and shall be given

- (a) by publishing a copy thereof in at least two newspapers having a general circulation in the city in each of two successive weeks before the meeting;
- (b) by posting a copy of the notice on the land to which the draft plan of subdivision applies for at least two weeks before the meeting;
- (c) in any other manner the council deems advisable, which may include mailing notices to

- (i) the applicant, if any,
- (ii) subject to subsection (15.1), the owners of any land as shown on the assessment rolls of the city, or, if the land is in the additional zone, the assessment rolls of the relevant municipality as of the date of the compilation of a mailing list from those rolls for the purpose of mailing notices,
- (iii) any other organization that has filed a written request for a notice with the designated commissioner in the calendar year in which the meeting is to be held,
- (iv) "the occupant" of rental dwelling units, the address of which is ascertained and compiled in a mailing list by such reasonable means as council determines, and the mailing of those notices to those addresses on that list shall be deemed to be sufficient notice and in full compliance with this clause, and

- (v) any other person or organization that the council deems advisable.

En. S.M. 1972, c. 93, s. 82; Am. S.M. 1974, c. 73, s. 76 & c. 74, s. 41; S.M. 1977, c. 64, s. 114.

Meeting to be held.

637 (17) On the day and at the time and place stated in the notice referred to in subsection (12), a meeting shall be held to receive representations from any person in respect of the application or the plan of subdivision, and subsections (2), (3), (4) and (5) of section 610, sections 611 to 614 and subsections 615 (1) to (4) and section 616 apply mutatis mutandis.

En. S.M. 1972, c. 93, s. 82; Am. S.M. 1974, c. 73, s. 78; S.M. 1977, c. 64, s. 115.

Application for variance.

621 (1) Subject to subsection (2), any person who deems that a zoning by-law injuriously or unnecessarily affects him or his property or his rights may, at any time apply for an order altering the application of the by-law to him, his property, or his rights.

Am. S.M. 1974, c. 73, s. 61.

Consideration of application by designated committee.

621 (2) The application shall be made in such form and accompanied by such supporting material and the payment of such fee as the council deems advisable; it shall be considered by the designated committee which may refer the application to the community committee for the community in which the land affected by the application is located or the designated committee may determine that the application is beyond the jurisdiction of the community committee under this section and refuse it.

Am. S.M. 1977, c. 64, s. 94.

Action to be taken by community committee.

621(4) Subject to subsection (2), on receipt of an application under subsection (2), the community committee shall,

- (a) notify the applicant of the day on which, and the time and place at which it will hear his application;
- (b) by posting a notice describing the variance applied for and stating the time and place at which the community committee shall hear the application, on or near to the land, building or structure for which the variance is applied for at least 2 weeks before the meeting; and
- (c) give such other notice in any other manner that the council deems advisable.

Am. S.M. 1974, c. 73, s. 63; S.M. 1982-83-84, c. 96, s. 54.

Order of community committee.

621 (6) On completion of the meeting, the community committee shall consider the representations and evidence and shall make an order stating,

- (a) that the application is rejected; or
- (b) that the applicant has in the opinion of the community committee established that the zoning by-law injuriously and unnecessarily affects him, his property or his rights and that the conditions set out in clauses (3) (b), (c) and (d) are met or are dealt with by the conditions to which the order is made subject, and that
 - (i) the by-law is varied as stated in the order, or
 - (ii) the by-law is varied as stated in the order subject to such stated conditions as the community committee considers necessary or desirable to maintain the intent and purpose of The Greater Winnipeg Development Plan, the zoning by-law and any relevant provision of a community plan or action area plan and to protect the amenity and convenience of adjoining lands and of the adjacent area.

Am. S.M. 1974, c. 73, s. 65; S.M. 1977, c. 64, s. 97.

Appeal to designated committee.

621 (9) The applicant or any person who made representations at the meeting referred to in subsection (5), may appeal to the designated committee against an order made by the community committee by sending a notice of appeal by registered mail to the designated committee within fourteen days after the sending of the copies of the order referred to in subsection (8).

Am. S.M. 1977, c. 64, s. 98.

Consideration by designated committee.

621 (11) On an appeal under subsection (9) to the designated committee, it shall conduct a meeting to consider the appeal, of which notice shall be sent by registered mail to the persons to whom copies of the order referred to in subsection (8) were sent and to the community committee which conducted the meeting referred to in subsection (5).

Am. S.M. 1977, c. 64, s. 99.

Order of committee.

621 (12) The committee that hears the appeal under subsection (11) may dismiss the appeal and may make any order that the community committee could have made on the original application, but in the event of a tie vote, the order shall be made dismissing the appeal.

Am. S.M. 1974, c. 73, s. 67.1; S.M. 1977, c. 64, s. 100.

Where land within additional zone.

621 (16) Where an application is made under subsection (1) in respect of land within the additional zone, any reference made under subsection (2) of the application shall be made to the council of the municipality in which the land is situated rather than to a community committee and subsections (2) to (15) apply in respect thereof mutatis mutandis but any reference therein to a community committee shall be deemed to be a reference to the council of the municipality.

En. S.M. 1978, c. 53, s. 33.

S.M. 1971, c. 105, s. 621; Am. S.M. 1972, c. 93, s. 80.1; S.M. 1974, c. 73, ss. 61-67.1; S.M. 1975, c. 50, s. 15; S.M. 1977, c. 64, ss. 94-101; S.M. 1978, c. 53, s. 33; S.M. 1982-83-84, c. 96, ss. 54 & 55.

Application for conditional use.

622.1 (1) Where a zoning by-law provides for a conditional use, any application for approval of a conditional use shall be made by the owner of the land, building or structure or by a person authorized in writing by him and shall be in such form and accompanied by such material and payment of such fee as the council deems advisable.

En. S.M. 1974, c. 73, s. 68.

Notice of meeting.

622.1(2) The application shall be referred to the community committee for the community in which the land affected is located, and that community committee shall, on receipt of the application,

- (a) notify the applicant of the day on which and the time and place at which it will hear the application;
- (b) publish a notice describing the conditional use applied for at least 10 days before the meeting in 2 newspapers having a general circulation in the city stating the day on which and the time and place at which it will hear the application and stating briefly the nature thereof; and
- (c) give such other notice in any other manner that the council deems advisable.

En. S.M. 1974, c. 73, s. 68; Am. S.M. 1982-83-84, c. 96, s. 56.

Order.

622.1 (4) On completion of the meeting, the community committee shall consider the representations and evidence and shall make an order

- (a) rejecting the application, or
- (b) granting the application, or
- (c) granting the application subject to any conditions or restrictions the community committee considers necessary or desirable or which are required by the zoning by-law which provides for the conditional use.

En. S.M. 1974, c. 73, s. 68.

Order subject to provisions.

622.1 (6) The order of the community committee shall be subject to the provisions of subsections 621 (8) to (15), *mutatis mutandis*.

En. S.M. 1974, c. 73, s. 68.

Where land in additional zone.

622.1 (8) Where an application is made under subsection (1) in respect of land within the additional zone, the reference of the application under subsection (2) shall be made to the council of the municipality in which the land is situated and subsections (2) to (7) apply in respect thereof *mutatis mutandis* but any reference therein to a community committee shall be deemed to be a reference to the council of the municipality.

En. S.M. 1978, c. 53, s. 34.

S.M. 1974, c. 73, s. 68; Am. S.M. 1978, c. 53, s. 34;

S.M. 1982-83-84, c. 96, s. 56.

Approval of plan by designated committee.

637(33) Notwithstanding subsections (12) to (21), where the designated committee is of the opinion that,

- (a) the plan of subdivision conforms to the Greater Winnipeg development plan, relevant community and action area plans, adjacent plans of subdivision, if any, and to the zoning by-law which refers to the land within the plan of subdivision;
- (b) no condition referred to in clause (c) or (d) of subsection (23) should be imposed to the approval of the plan of subdivision; and
- (c) after considering the matters referred to in clauses (b) to (h) of subsection (22), the plan of subdivision should be approved,

the committee may approve it without public notice being given and a meeting being held in respect of the plan of subdivision by the community committee or the council of the municipality pursuant to subsections (12) to (18) but may impose the condition set out in clause (23)(a), (b) or (e), the condition set out in clause (23)(b.1) and a condition that land within the plan of subdivision be dedicated to the city to widen any existing street on land within the subdivision, but any agreement required under clause 23(e) shall not contain any provision for dedication of lands for the purposes described in clause (23)(c) or (d).

En. S.M. 1972, c. 93, s. 82; Am. S.M. 1974, c. 73, s. 84; S.M. 1977, c. 64, s. 122; S.M. 1980-81, c. 46, s. 26; S.M. 1982-83-84, c. 96, s. 60.

Effect of approval of plan.

637 (34) The approval of a plan of subdivision by the designated committee pursuant to subsection (33) has the same effect as if the council had given three readings to a by-law approving it pursuant to clause 615 (4) (a) or subsection 637 (21).

En. S.M. 1972, c. 93, s. 82; Am. S.M. 1974, c. 73, s. 85; Am. S.M. 1977, c. 64, s. 123.

APPENDIX C - Provincial Land Use Policies - Condensed

The following list represents a synopsis of the Provincial Land Use Policies, adopted by the Government of Manitoba in 1980, which apply to all land in Manitoba with the exception of the City of Winnipeg.

1. Areas should be preserved for a full range of agricultural activities where agriculture is in the dominant position on prime agricultural land and where agricultural activities are dominant on lower class lands and it is desirable to protect such activities.
2. Areas should be preserved for limited agricultural use, where because of the mixture of the land uses a full range of agriculture activities may no longer be possible.
3. Lands may be designated for rural residential development provided that the siting and design of such development reflects its role as an alternative to the urban life-style and not as an evolutionary step towards an urban environment. In addition, the development shall be planned to minimize conflict with resource-related industries and activities and to minimize public sector costs.
4. Proposed urban land uses shall strengthen existing urban centres rather than establish new competing centres. Growth of existing centres:
 - a) shall be planned in such a manner that water and sewer services can be made available at an economically feasible cost;
 - b) shall, if the centre is bordering on one side of a major highway, be restricted to the same side of that highway, wherever feasible; and
 - c) may necessitate urban expansion onto adjoining lands. In these instances the land requirements of the urban centre shall normally have priority over the existing use of that land.
5. Development plans should identify areas of high recreation capability and existing developments of regional and provincial significance.
6. Recreational developments shall be permitted only to the carrying capacity of the resource being utilized. Such developments should be planned in harmony with the natural environment. Public access to and use of key resource areas shall be preserved.
7. Waterways, water bodies and shorelands having environmental, recreational, or other general significance to the public, should be afforded protection.
8. Recreation and resource areas shall be afforded protection from adjacent uses that would degrade or endanger their primary function.

9. Areas critical to the existence of rare or endangered plants or animals, significant natural features, and cultural and historic sites of the region shall be identified and should be designated and preserved.
10. Areas shall be identified and reserved for renewable resource production, utilization and preservation by outlining:
 - a) areas of existing prime wildlife habitat;
 - b) existing exceptional forestry value areas;
 - c) areas of existing prime fish habitats; and
 - d) other areas of renewable resource significance.
11. Lands subject to hazards such as flooding or erosion should be retained for open space or agricultural cropping. More intensive development shall only be considered where the hazard can be eliminated or where the use would be compatible with the risk.
12. New development should be restricted in the vicinity of provincial highways so as to avoid any interference with the main function of this regional transportation network.
13. Economically valuable aggregate and quarry mineral deposits should be protected from surface land uses that would interfere with their ongoing and future exploitation.

Source: Manitoba Provincial Land Use Policies, Nov., 1980.

APPENDIX D - The Provincial Planning Act - Statutes Authorizing Decision Making Procedures

Preparation and amendment of plan.

26(4) Subject to the provisions of this Act, the board of a district or the council of a municipality may, after advising the minister, prepare a development plan or any amendment thereto.

S.M. 1975, c. 29, s. 26.

Purpose of a development plan.

27(1) The purposes of a development plan are

- (a) to serve as a framework whereby the district or the municipality and the community as a whole may be guided in formulating development policies and decisions;
- (b) to identify the factors relevant to the use and development of land;
- (c) to identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects thereof;
- (d) to set forth the desired timing, patterns and characteristics of future development of land and to determine the probable social, environmental and economic consequences thereof;
- (e) to establish and specify the programs and actions necessary for the implementation of the development plan;
- (f) to outline the methods whereby the best use and development of land and other resources in adjacent municipalities, districts, or affected areas immediately abutting thereto, may be co-ordinated;
- (g) to identify those matters of government concern which affect the use and development of land and other resources within the district or the municipality.

Advice and consultation.

27(2) In the preparation of a development plan, the board of a district or the council of a municipality, as the case may be, shall

- (a) seek advice and assistance of a qualified planning officer or consultant employed or appointed by the board or the council;
- (b) consult with any public authority concerned; and
- (c) hold public meetings and publish information;

for the purpose of obtaining the participation and co-operation of the inhabitants of the district or municipality, as the case may be, in determining the solutions of problems or matters affecting the development of the area.

Am. S.M. 1977, c. 35, ss. 14 & 15.

Contents of development plan.

27(4) A development plan shall contain,

- (a) statements of aims, objectives and policy with respect to some or all of the following matters
 - (i) the development and use of land and other resources,
 - (ii) the conservation, management and improvement of the physical and social environment,
 - (iii) the control and abatement of all forms of pollution or activities deemed to be detrimental to the natural environment,

- (iv) the establishment and maintenance of land banks to reserve land for future use and to ensure the orderly, economical, convenient and compatible development of land,
 - (v) the preservation, protection or enhancement of areas of land, buildings and structures by reason of their historical, archaeological, geological, architectural, environmental or scenic significance,
 - (vi) proposals relating to the use, changes in use or in the intensity of use of residential, commercial, industrial, recreational and open spaces, institutional, and other activities on or affecting land,
 - (vii) the provision of public services and facilities including,
 - (A) sewage collection, treatment and disposal,
 - (B) water supply and distribution,
 - (C) garbage disposal,
 - (D) educational and cultural institutions,
 - (E) recreational facilities, parks, playgrounds and other public open spaces,
 - (F) fire and police facilities,
 - (G) transportation and communication facilities,
 - (H) facilities for the provision of health and social services,
 - (I) preservation of buildings and sites of historical interest,
 - (viii) proposals dealing with
 - (A) the control of hazard areas such as flood plains, soil erosion areas, erosion prone slope lands, valleys and banks of waterways, marsh areas, head water areas, and similar conditions,
 - (B) the management and preservation of agricultural land and activities, forested areas, natural and wildlife areas and water storage areas,
 - (C) the protection, restoration, reclamation or use of shoreland,
 - (D) the subdivision of land in rural areas and the establishment of limited development areas for agriculture, water storage, wildlife,
 - (E) the fringe areas of cities, towns, villages, hamlets and other built-up areas,
 - (F) the location and creation of new communities and settlements,
 - (G) the development, control, rehabilitation and reclamation of top soil removal areas, gravel and sand pits, quarries and other mineral deposits,
 - (ix) the spatial distribution of residential development, and the renewal, rehabilitation and improvement of neighbourhoods, and urban cores,
 - (x) the co-ordination of programs of the board of a district or the council of a municipality, as the case may be, relating to the economic, social and physical development of the district or of the municipality, as the case may be,
 - (xi) the programming of public investment in respect of public and private development, in terms of cost and available financial resources, including the phasing of the development or redevelopment of various areas,
 - (xii) guideline for land use control measures and the subdivision of land,
 - (xiii) such matters other than those mentioned in this clause as are, in the opinion of the board, or council advisable;
- (b) a map or series of maps, showing the division of all or part of the land in the district or municipality, as the case may be, into areas of permitted land uses or permitted densities of population, or both, as the board or council as the case may be, considers necessary for the purposes of the development plan;
 - (c) such proposals as are, in the opinion of the board, or council, advisable for the implementation of policies contained in the plan; and
 - (d) a 5 year capital expenditure program in accordance with section 561 of The Municipal Act.

Am. S.M. 1977, c. 35, s. 16.

S.M. 1975, c. 29, s. 27; Am. S.M. 1977, c. 35, ss. 14-16.

Duties of the board.

11 The board shall

- (a) advise and assist the minister and government departments and agencies in formulating policies affecting the use and development of land;
- (b) advise and assist any public authority in the planning and regulation of use and development of land and co-ordinate the major land use planning activities of such public authorities;
- (c) review submissions from the minister for the establishment of special planning areas and planning districts and make recommendations thereon to the minister;
- (d) review special planning area, district and municipal development plans and make recommendations thereon to the minister;
- (e) perform any other duties assigned to it under this Act or any other Act or by the Lieutenant Governor in Council.

S.M. 1975, c. 29, s. 11; Am. S.M. 1977, c. 35, s. 2.

Adoption of development plan.

30(1) The board of a district or council of a municipality shall by by-law adopt a development plan.

Consultation with municipal councils.

30(2) Before giving a development plan by-law first reading, the board of a district shall consult with the councils of the member municipalities.

S.M. 1975, c. 29, s. 30.

Public notice of meeting.

31(1) The board of a district or council of a municipality shall after the first and before the second reading of a development plan by-law give public notice,

- (a) that, on the day, and at the time and place stated in the notice, a meeting will be held to receive representations from any person with respect to the proposed development plan; and
- (b) setting out the general intent of the development plan and stating that a copy of the proposed development plan may be inspected by any person at a place, and at times stated in the notice, and the person may make copies thereof or take extracts therefrom.

Representation by government.

31(6) Subsection 14(7) applies, mutatis mutandis, to a meeting held under this section.

Action of board or council.

31(7) On receipt of the representations referred to in subsections (4) and (5), the board of a district or council of a municipality shall decide upon the action to be taken and may without further notice amend the development plan, and thereupon give second reading to the by-law; but the development plan shall not be amended so as to refer to a classification of land use different from the classification of land use, to which reference was made in the development plan by-law when notice thereof was initially given unless a further notice is given and a meeting held in accordance with subsections (1) to (6).

Am. S.M. 1977, c. 35, s. 19.

Submission of plan for approval.

32 (1) Forthwith after giving 2nd reading to a development plan by-law, the board of a district or the council of a municipality shall submit to the minister

- (a) 5 certified copies of the development plan by-law;
- (b) a statutory declaration of compliance with the requirements of subsections 31 (1), (2) and (3) and subsections (2) and (3);
- (c) a copy of all written objections, if any.

En. S.M. 1979, c. 16, s. 3.

Action of minister.

32 (4) Upon receiving a development plan by-law from the board of a district or the council of a municipality under subsection (1), the minister may require such amendment to the by-law as he, in his discretion, considers necessary.

En. S.M. 1979, c. 16, s. 3.

Reference back to board or council.

32 (5) If, pursuant to subsection (4), the minister does not require any amendment or requires only an amendment which, in his opinion, is not of a substantial nature, he shall send the by-law back to the board or council, as the case may be, and the board or council, if it desires to proceed further with the by-law shall

- (a) make any amendment required by the minister;
- (b) forthwith give 3rd reading to the by-law; and
- (c) return 5 certified copies of the by-law to the minister.

En. S.M. 1979, c. 16, s. 3.

Reference to Municipal Board.

32 (6) Where after receiving a development plan by-law

- (a) the minister requires an amendment thereto which in his opinion is of a substantial nature; or
- (b) there are objections to the by-law that the minister believes should be considered by The Municipal Board;

he shall submit the by-law and objections thereto to The Municipal Board and direct that board to hold a hearing to consider the amendment and the objections.

En. S.M. 1979, c. 16, s. 3.

Hearing by Municipal Board.

32 (9) Where a development plan by-law is referred to The Municipal Board under subsection (6) The Municipal Board shall

- (a) on the date and at the time and place stated in the notice sit and hear any person who appears and desires to give evidence or make representations on his own behalf or on the behalf of another in the matter; and
- (b) submit its report and recommendation to the minister.

En. S.M. 1979, c. 16, s. 3.

Reference back to council.

32 (12) Upon receipt of the report and recommendations from The Municipal Board, the minister shall send the development plan by-law to the board of the district or the council of the municipality, as the case may be, and the board or the council, if it desires to proceed further with the by-law, shall

- (a) make any amendment required by the minister;
- (b) forthwith give 3rd reading to the by-law; and
- (c) return 5 certified copies of the by-law to the minister.

En. S.M. 1979, c. 16, s. 3.

L. G. in C. to approve by-law.

32 (13) Upon receipt of the by-law from the board of a district or the council of a municipality pursuant to subsection (5) or (12), the minister shall submit the by-law to the Lieutenant Governor in Council for approval.

En. S.M. 1979, c. 16, s. 3.

L. G. in C. decision not subject to appeal.

32 (14) Where the Lieutenant Governor in Council has approved a development plan by-law, the decision is final and binding on all persons and is not subject to appeal in any court of law.

En. S.M. 1979, c. 16, s. 3.

Zoning by-law.

34(2) Upon the adoption of a development plan the council of a municipality shall proceed to enact a zoning by-law within

(a) 6 months; or

(b) such longer period of time as the minister, after consultation with the municipality, may decide.

En. S.M. 1980-81, c. 21, s. 9.

Zoning by-law.

40(1) The council of a municipality may enact a zoning by-law but only where a development plan or a basic planning statement is adopted for the area, and that by-law shall generally conform to the development plan or basic planning statement adopted for the area.

Am. S.M. 1980-81, c. 21, s. 10.

Contents of zoning by-law.

40(2) A zoning by-law shall be in a form prescribed by the minister and shall

- (a) include a map or maps dividing the municipality into zones;
- (b) prescribe for each zone the permitted uses of lands, buildings and structures and the conditional uses thereof, if any;
- (c) provide for the issuing of development permits and the procedures whereby an application for a development permit is to be made and processed;
- (d) subject to subsection 24(3), prescribe the duties of the development officer and provide for the delegation of authority
 - (i) to issue development permits subject to such conditions and restrictions as council may impose, and
 - (ii) allow such minor variations to the requirements of the by-law as authorized under section 58;
- (e) provide the procedure to be followed and the fee to be paid by the owner of land or person acting under his authority who wishes to obtain an amendment to the by-law.

Am. S.M. 1976, c. 51, s. 10; S.M. 1978, c. 37, s. 9.

S.M. 1975, c. 29, s. 40; Am. S.M. 1976, c. 51, s. 10; S.M. 1978, c. 37, s. 9;

S.M. 1980-81, c. 21, s. 10.

General development standards.

41 (1) A zoning by-law shall prescribe as to each zone and as to any permitted or conditional use therein, general development standards; and in prescribing those standards council shall have due regard to the character of the zone, the nature of the existing or proposed uses of land and buildings in the zone, and the peculiar suitability of the zone for particular uses in relation to the most appropriate uses of land within the municipality.

En. S.M. 1979, c. 16, s. 7.

Development standard provisions.

41(2) For greater certainty and without limiting the generality of subsection (1), a zoning by-law may contain provisions

- (a) prohibiting the use of land except for such purposes as may be set out in the by-law;
- (b) prohibiting the erection or use of buildings or structures except for such purposes as may be set out in the by-law;
- (c) prohibiting the making or establishment of sand and gravel pits or quarries;
- (d) prohibiting the excavation or filling in of land or the removal or movement of soil or other material from land;
- (e) prohibiting the cutting and removal of trees or vegetation;
- (f) establishing the dimensions and area of lots or parcels of land that may be used in any locality for particular uses of lands or buildings;
- (g) establishing, for any locality, the number of buildings, and the maximum and minimum floor area of each building, that may be erected or placed on any unit of land of such area as is specified in the by-law;
- (h) establishing the location, size and number of access points to a parcel from adjoining highways or streets, but allowing at least one point of access to the parcel from an adjoining highway or street;
- (i) regulating the location, height, dimensions, and cubic contents of any building or other structure to be erected, constructed, reconstructed, altered, moved or repaired;
- (j) regulating the amount of land that, in any locality, may be covered by buildings or structures and the size of yards, lawns, courts, or other open spaces adjacent or appurtenant to any building;
- (k) specifying the minimum distance that must exist between any window in any building and any other building or structure, in order to ensure adequate air and light and fire protection;
- (l) requiring the owner, lessee, or other occupant of buildings, or other structures erected, placed, or used for a permissible purpose after the enactment of the by-law to provide and maintain, on property owned and occupied by him any loading or parking facilities appurtenant to any such building or structure that are deemed by the council to be necessary;
- (m) prohibiting public outdoor display in any form or manner of advertisements, or regulating the nature, kind, size, description, and contents, of any such advertisement permitted to be displayed;
- (n) prohibiting the altering of land levels for building or other purposes where it may affect surface drainage;
- (o) prohibiting the placement of fences, walks, hedges, shrubs and trees and other objects and where permitted regulate the height and maintenance thereof;
- (p) regulating or prohibiting the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other items and requiring outdoor storage sites to be screened by fences, hedges or buildings;
- (q) regulating the permissible densities of population which may be expressed on the basis of the number of dwelling units per unit of area;
- (r) regulating the flood lighting of any building or land;
- (s) regulating central waste storage and collection areas, and facilities and enclosures for storage of water;
- (t) regulating the placement and maintenance of walls, fences, hedges, trees and shrubs and other objects to provide a buffer between lands for different purposes;
- (u) regulating the hours of any use of land or buildings where the use if unregulated, may adversely affect the amenity of the area;
- (v) regulating the sequence of development, including commencement and completion;
- (w) establishing standards for "Planned Unit Development District".

Enactment of zoning by-law or amendment thereto.

43(1) The council of a municipality shall indicate its intention to enact a zoning by-law or amendment thereto by giving first reading to the by-law and proceed, forthwith, with public notice as set out in subsections (2), (3) and (3.1).
Am. S.M. 1980-81, c. 21, s. 11.

Public notice of meeting.

43(2) The notice mentioned in subsection (1) shall

- (a) state that, on the day, and at the time and place stated in the notice, a meeting will be held to receive representations and objections, if any, from any person with respect to the proposed by-law;
- (b) set out the general intent of the by-law and state that a copy of the proposed by-law may be inspected by any person at a place, and at times stated in the notice; and
- (c) where the by-law changes the uses or density of specific properties, include a sketch illustration by named streets or other identifying boundaries the general area within which the land affected is located; or
- (d) where the by-law is of general application and does not change the use or density of specific properties, describe the area affected by reference to zoning districts or to the municipality as a whole, if applicable

Am. S.M. 1979, c. 16, s. 8; S.M. 1980-81, c. 21, s. 12.

Representation by government.

43(8) Subsection 14(7) applies, *mutatis mutandis*, to a meeting held under this section.

Action by council where by-law not to be proceeded with.

44 (1) Where after the conclusion of the meeting referred to in subsection 43(6) the council of the municipality decides not to proceed with the by-law, the council shall not later than 90 days after the conclusion of the meeting or within such longer period as the minister upon the request of the council may allow, pass a resolution not to proceed with the by-law and shall give notice of the resolution to the minister and to those persons who filed objections or made representations at the meeting; and thereafter the by-law shall not be proceeded with, notwithstanding the provisions of section 120 of The Municipal Act.

En. S.M. 1980-81, c. 21, s. 15.

Action by council where by-law given 3rd reading.

44 (1.1) Within the time mentioned in subsection (1) after the meeting referred to in subsection 43(6), the council of the municipality shall, where there are no objections to the by-law, and it decides to proceed with the by-law, give second and third readings, subject to subsection 43(9), to the by-law and send a copy thereof to the minister and shall send by registered mail, postage prepaid, to all persons who appeared and made representations or appeared and filed written representations at the meeting, a notice stating that the council has given third reading to the by-law and indicating whether or not any changes have been made to the by-law.

En. S.M. 1980-81, c. 21, s. 15.

Action by council where by-law given 2nd reading.

44 (2) Within the time mentioned in subsection (1), after the meeting referred to in subsection 43(6), the council of the municipality shall

- (a) where there are objections to the by-law, give second reading, subject to subsection 43(9), to the by-law;
- (b) send a copy of the by-law to the minister; and
- (c) send by registered mail, postage prepaid, a notice to all persons who made or filed an objection to the by-law stating that they may within the time specified in the notice file a further objection with The Municipal Board or the board of a district, as the case may be;

and the person who filed a further objection with The Municipal Board, or the board of a district, shall send a copy of the further objection to the council.

En. S.M. 1980-81, c. 21, s. 15.

Action where objections received.

45(2) Where a copy of an objection is received under subsection 44(2) by the council on or before the date specified in the notice, the council shall not give third reading to the by-law unless

- (a) The Municipal Board or the board of the district, as the case may be, confirms those parts of the by-law to which objection was made; or
- (b) the by-law complies with the decision of The Municipal Board or the board of a district, as the case may be, under subsection (3) or (4).

En. S.M. 1980-81, c. 21, s. 18.

En. S.M. 1977, c. 61, s. 11; Am. S.M. 1980-81, c. 21, ss. 17 & 18; S.M. 1982, c. 51, s. 23.

Notice of hearing by Municipal Board or District Board.

46(1) On receipt of an objection under subsection 44(2) or subsection (6) The Municipal Board or the board of the district, as the case may be, shall,

- (a) fix a date, time and place for the hearing of the objection;
- (b) give not less than 14 days notice thereof, in writing, to the person objecting and to the municipality and such notice as it considers adequate to any other person whom it deems should receive notice thereof;
- (c) on the date, and at the time and place, stated in the notice, sit and hear any person who appears and desires to give evidence or make representations on his own behalf or on behalf of another in the matter.

Am. S.M. 1976, c. 51, s. 15.

Decision not subject to appeal.

47 The decision or order of The Municipal Board or the board of a district under section 46 is final and binding on all persons and is not subject to any appeal.

S.M. 1975, c. 29, s. 47.

Subdivision regulations.

61 For the purpose of carrying out the provisions of this Part according to its intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; and every regulation or order made under, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations and orders, not inconsistent with any other provision of this Act

- (a) controlling the subdivision of land;
- (b) providing that this Part does not apply to certain areas of the province;
- (c) fixing a time within which a proposed subdivision may be approved, modified, rejected or refused by the approving authority;
- (d) prescribing reasonable conditions respecting the submission of plans to the council, governmental agencies and public utility organizations, the information to be shown on plans or otherwise supplied, proof of the need for the subdivision and of the suitability of the land and its proposed subdivision;
- (e) prescribing conditions and standards respecting the manner of laying out streets, lanes, public reserves, lots, blocks and other units of land, the permissible minimum widths and maximum grades of streets and lanes, and the provision of service streets in proposed subdivisions abutting on controlled access highways;
- (f) prescribing the fees to be paid for the examination of the plan of a proposed subdivision and for inspecting the land to be subdivided and in respect of anything arising out of the administration of the regulations;
- (g) prescribing the locations where subdivisions intended for specific types of development and use are permitted or prohibited;
- (h) prescribing the types of development in which strips of land to act as buffers shall be provided and in which locations in a subdivision the strips shall be provided;
- (i) providing that an approving authority's approval is not required with respect to certain classes, types or areas of subdivisions as set out in the regulation;

- (j) prescribing the conditions, restrictions and limitations that a council of a municipality may impose, in addition to those authorized by the Act, in granting a subdivision approval;
 - (k) requiring a council of a municipality to pass by-laws to establish reserves in accordance with section 568 of The Municipal Act, with funds realized from the capital and general levies imposed by the municipality with respect to the subdivision of lands;
 - (l) authorizing an approving authority to modify or waive in whole or in part certain requirements of the regulations.
 - (m) requiring the council of a municipality to hold a public hearing for proposed subdivisions with respect to certain classes, types or areas of land as defined in the regulation;
 - (n) prescribing the requirements for notice to affect owners of property, governmental agencies and public utility organizations with respect to those subdivisions of land mentioned in clause (m);
- S.M. 1975, c. 29, s. 6; Am. S.M. 1978, c. 37, s. 16; S.M. 1980-81, c. 21, s. 22.

Board or council as approving authority.

61.1 Where the board of a district, or the council of a municipality not forming part of a planning district, has adopted a development plan or basic planning statement under this Act, the minister may, upon the application of the board or the council, by order authorize the board or the council, as the case may be, to act as an approving authority for the area under its jurisdiction subject to such conditions as he deems necessary.

En. S.M. 1979, c. 16, s. 17.

Requirements for approval.

- 62(1)** A subdivision of land shall not be approved unless
- (a) the proposed subdivision complies with this Act and the regulations made under section 61;
 - (b) the council of the municipality in which the land proposed for subdivision is located, has by resolution given its approval, with or without conditions;
 - (c) the land, in the opinion of the approving authority, is suited to the purpose for which the subdivision is proposed and may be expected to be used for that purpose within a reasonable period of time after the registration of the plan of subdivision or other instrument, as the case may be;
 - (d) the proposed subdivision conforms to an established provincial land use policy, an existing planning scheme, development plan, basic planning statement or zoning by-law, if any, and is in accordance with the spirit and intent of this Act;
 - (e) Repealed, S.M. 1980, c. 72, s. 12.
 - (f) all outstanding property taxes on the land proposed to be subdivided have been paid to the council of the municipality in which the land is situated or arrangements satisfactory to the council have been made for the payment thereof.

En. S.M. 1978, c. 37, s. 17; Am. S.M. 1980, c. 72, s. 12.

Resolution of council final.

62 (1.1) Where the council of a municipality has by resolution

- (a) approved a subdivision of land; or
 - (b) refused to approve a subdivision of land;
- the resolution is final and no further action shall be taken thereon notwithstanding section 120 of The Municipal Act,

En. S.M. 1980, c. 72, s. 11.

Approval of subdivision.

64 (1) Where a proposed subdivision of land complies in all respects with the applicable provisions of this Act and the regulations made under section 61, the approving authority shall give approval to the subdivision and shall forthwith notify the applicant of the approval and forward to the minister a copy of the application as approved by the approving authority.

En. S.M. 1979, c. 16, s. 20.

Issue of certificate of approval.

64 (2) Where 30 days have elapsed from the date of approval under subsection (1) and the approving authority has not received any notice of objection or notice of appeal under subsection 72 (1), the approving authority shall issue a certificate of approval for the subdivision; and the approval is valid for a period of 12 months from the date of issuance thereof and may be renewed prior to the expiry date for one additional period of 12 months at the discretion of the approving authority.

En. S.M. 1979, c. 16, s. 20; Am. S.M. 1980-81, c. 21, s. 23.

No decision by approving authority.

69 Where the council of a municipality that is not an approving authority has by resolution given its approval to a proposed subdivision and the approving authority fails or refuses to make a decision on the application for the subdivision within the time prescribed by the regulations, the applicant may consider the application as rejected and may within 30 days after the expiration of the time prescribed in the regulations appeal to The Municipal Board under subsection 72 (1).

En. S.M. 1979, c. 16, s. 24.

No appeal from rejections.

72 (1) Subject to subsection (1.1), where a person has applied for a proposed subdivision and

(a) the council of the municipality has by resolution rejected the application; or

(b) the council of the municipality, as the approving authority has rejected the application;

no appeal lies from those rejections.

En. S.M. 1980-81, c. 21, s. 25.

Appeal to Municipal Board.

72 (1.1) The applicant for a proposed subdivision, or the minister, may

(a) within 30 days after the receipt of the decision of the approving authority has been forwarded to them; or

(b) within the time permitted by a regulation referred to in section 69, where no decision is made by the approving authority;

appeal to The Municipal Board by sending a copy of the appeal by registered mail, postage prepaid, to the secretary of the Municipal Board and to the approving authority.

En. S.M. 1980-81, c. 21, s. 25.

Hearing of appeal.

72(3) Where an appeal is filed with The Municipal Board, under subsection (1) that board shall hold a hearing, notice of which shall be given to the minister, the applicant, the approving authority, the council and to such other persons and in such manner as that board may determine.

Persons appearing.

72(4) Any person authorized by the minister or the approving authority for that purpose, may appear before The Municipal Board at all hearings concerning the appeal, and has the right of a party to the appeal to submit evidence and present argument.

Am. S.M. 1979, c. 16, s. 28.

Decision of Municipal Board.

72(5) In the determination of an appeal under this section, The Municipal Board is bound by the provisions of this Act, and the subdivision regulations, except where it is of the opinion that compliance with a requirement of the subdivision regulations is impractical or undesirable, and that the non-compliance does not prevent the attainment of the objectives of an established provincial land use policy, a development plan, basic planning statement, a zoning by-law or a planning scheme.

Approval order of Municipal Board.

72 (6) Subject to subsection (5), The Municipal Board may, where it is of the opinion that the proposed subdivision of land is consistent with the general intent of an established land use policy, development plan, basic planning statement, zoning by-law, or planning scheme, order the approval of the subdivision of land, alter or cancel any condition subject to which the application was approved, or may order the approval of the application subject to such conditions as it considers appropriate.

En. S.M. 1980, c. 72, s. 13.

Refusal by Municipal Board.

72 (6.1) Where The Municipal Board is of the opinion that the proposed subdivision of land is not consistent with the general intent of an established land use policy, development plan, basic planning statement, zoning by-law, or planning scheme it may order that the refusal of the proposed subdivision be confirmed.

En. S.M. 1980, c. 72, s. 13.

Notice of decision of Municipal Board.

72(7) The Municipal Board shall render its decision within 30 days from the date on which the hearing was concluded, and shall mail a copy of its decision to

- (a) the appellant;
- (b) the approving authority;
- (c) the council;
- (d) the minister; and
- (e) any other person who was a party to the appeal.

S.M. 1975, c. 29, s. 72; Am. S.M. 1976, c. 51, s. 23; S.M. 1979, c. 16, ss. 27 & 28; S.M. 1980, c. 72, s. 13; S.M. 1980-81, c. 21, s. 25.

Establishment of variation board.

56(1) For the purpose of granting variation orders under this Act, the council of a municipality in which the property affected is located, constitutes a variation board.

Meetings of the board.

56(2) Meetings of the variation board shall be held at the call of the chairman and at such other times as the board may determine or as may be required to deal with an application under section 57.

Application for variation order.

57(1) Any person who is of the opinion that a zoning by-law or a planning scheme, as the case may be, injuriously or adversely affects him, his property or his rights, may at any time apply to the variation board in the municipality in which the property affected is located, in such form and

Types of variation order.

57(3) The variation board may reject an application made under subsection (1) or it may vary the application of the zoning by-law or the planning scheme, as the case may be, in one or more of the following ways:

- (a) By varying the height, site area, site width, site coverage, floor area and cubic contents of a building, front yard, side yard, rear yard, and dwelling unit density requirements as they apply to an individual site.
- (b) By permitting an existing building or use, which complies with the provisions of the zoning district in which it is located, to be extended into another zoning district, if
 - (i) the land into which the use or building is to extend is located adjacent to the existing building or use, and is not separated therefrom by a lane or public thoroughfare,
 - (ii) the land into which the use or building is to be extended is owned by the owner of the existing building at the time the zoning by-law or planning scheme in question came into force and effect,
 - (iii) the extension of the building or use encroaches no more than 60 feet into the adjacent district, and
 - (iv) the minimum yard and height requirements of the adjacent district are complied with.
- (c) By varying automobile parking space or loading space requirements where, in the particular instance, the variation will not be inconsistent with the purpose and intent of those requirements.
- (d) By permitting the waiver of the requirement that automobile parking space be provided on the same site as the building or use, if other suitable and convenient parking space is available.
- (e) By permitting, in connection with an authorized use in a zoning district designated in a zoning by-law or planning scheme as an "Agricultural District" or as a "Rural District", such commercial or industrial uses as are purely incidental to such authorized use.
- (f) By permitting in a zoning district designated in a scheme as a "one family dwelling district" or as a "single family dwelling district" the conversion of a one family dwelling into a two family dwelling, if
 - (i) the board is satisfied that the conversion is necessary to maintain the dwelling in a reasonable manner for the remainder of its economic life,
 - (ii) the minimum dwelling unit area standards for a two family dwelling district are maintained, and the minimum parking facilities are provided as required in such a zoning district,
 - (iii) the general design and the external appearance is maintained, and
 - (iv) when the useful life of the dwelling has terminated, or the dwelling is demolished or destroyed in part or completely, the site will revert to the zoning district requirements of the zoning district in which it is located.
- (g) By varying the requirements for walls, fences, hedges, trees, shrubs or other encroachments into yards as they apply to an individual site within a particular zone.
- (h) By varying the requirements for all types of signs as they apply to an individual site within a particular zone.
- (i) By permitting a proposed use of land, building or structure that is not listed as a permitted or conditional use in that zone, if in the opinion of the board, it is readily identifiable as being similar to the uses of land, buildings or structures defined in general terms in the by-law for that particular zone.

Hearing.

57(5) On the day and at the time and place stated in the notice, the variation board shall hold a hearing to receive the representations of the applicant and any other person, who desires to make representations either on his own behalf or on behalf of another.

Order of board.

57(6) On completion of the hearing, the board may by order,

- (a) reject the application; or
- (b) vary the application of the zoning by-law or planning scheme, as the case may be, subject to such conditions as the board considers necessary or desirable to maintain the intent and purpose of the development plan, or basic planning statement, if any, the zoning by-law or planning scheme, and any relevant provision thereof.

Decision final and binding.

57(9) The order of the variation board under subsection (6) is final and binding on the municipality and all persons.

Application for conditional use.

59(1) Where a zoning by-law provides for a conditional use, an application for approval of a conditional use shall be made to council by the owner of the land, building or structure or by a person authorized in writing by him and shall be in such form and accompanied by such material and payment of such fee as the council deems advisable.

Application of subsection 57(4).

59(2) Subsection 57(4) applies, mutatis mutandis to an application under subsection (1).

Hearing.

59(3) On the date, time and place stated in the notice, the council shall hold a meeting to receive representations of the applicant and any other person who desires to make representations either on his own behalf or on behalf of another.

Decision of council.

59(4) On completion of the hearing, the council of a municipality may,

- (a) reject the application; or
- (b) approve the application if the facts presented are such as to establish
 - (i) that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighbourhood, the community and the general environment; and
 - (ii) that such use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including but not limited to
 - (A) the nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
 - (B) the accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading,
 - (C) the safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odour,
 - (D) treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs, and

(iii) that such use or feature as proposed will comply with the applicable provisions of the zoning by-law or basic planning statement and will not adversely affect the development plan.

Decision final and binding.

59(9) The decision of council under subsection (4) is final and binding on the municipality and all persons.

APPENDIX E - Interview Questions

Thesis: PLANNING THE URBAN FRINGE: PROSPECTS FOR WINNIPEG

Questionnaire and Preferred Alternative Examination

Interviewee's name and position _____

Interview Date _____

Introduction to Questionnaire

In 1976, the Manitoba Legislature passed a revised Planning Act which, among other things, called for the formulation of Planning Districts throughout the province. This new Act included provisions for those municipalities involved in the Additional Zone to opt out and become part of a planning district. Since assented to, three of the seven rural municipalities with some property in the Additional Zone, have chosen to plan for and administer their own land use control by-laws.

Presently, two planning systems are operating in Winnipeg's urban fringe. Firstly, the original Additional Zone concept operates in four adjacent rural municipalities. The City's Department of Environmental Planning provides professional regulatory services, while City Council's Committee on Environment (including Additional Zone representatives) are delegated final decision making authority on a number of land use matters. Secondly, the Planning District system is used in the remaining three adjacent rural municipalities. This system is administered through the province's Municipal Planning Branch and incorporates the creation of comprehensive plans for each planning district which are based on both the Provincial Land Use Policies and the unique features within an area. Once this plan is passed, the rural municipal council makes all land use decisions.

Thus, in its current state, planning for Winnipeg's urban fringe seems to be in a state of transition. However, serious consideration has not yet been given to determining how recent changes will ultimately effect planning for this area. Moreover, questions persist concerning land use and administration problems and the type of land use control system best suited for Winnipeg's urban fringe. This questionnaire is designed to extract opinions concerning these issues.

A. Problems with the Existing System

- i) Land use control mechanisms
 - zoning
 - re-zoning
 - subdivisions
 - variances
 - conditional uses
 - short-form subdivisions
- ii) Administrative and political decision making processes
- iii) Appeal process
- iv) Effectiveness in achieving the goals of urban fringe planning as defined in the City of Winnipeg's By-law 422/73.
 - To maintain and protect the productive agricultural areas surrounding Winnipeg.

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- To protect the natural resources of the City and the Additional Zone from erosion and pollution.
- To further the principle of a compact economically-serviced urban area and to prevent uncontrolled urban fringe development.
- To organize and direct non-farm development in order to achieve orderly and efficient growth in the fringe area of Winnipeg.

B. Alternative Systems/Directions

- i) The status quo
 - continuation of two systems with uncertainty as to whether or not more R.M.'s will opt out
- ii) Regional planning system for the Winnipeg Region
 - creation of a regional planning strategy
 - a regional planning department to administer controls
 - regional planning commission as decision making authority
- iii) Revision back to city controlled fringe
 - controlled through the department of Environmental Planning
 - with appeal procedures to the Committee on Environment
- iv) Control by rural municipality through planning district plans
 - utilization of municipal planning branch offices
 - no formal lines of communication with city
 - no appeal procedures
- v) Other

C. Test Alternative

The alternative being tested has been derived from four basic observations and assumptions. These include:

- i) The pressures for urban associated development in the fringe areas of Winnipeg have continued to decline since the mid seventies reaching a current low level plateau. All indicators point to a continued low level of demand. Thus, there is no need for the creation of an elaborate regional planning system with all its associated requirements.
- ii) With two land use control systems operating in Winnipeg's fringe the principles of consistency, efficiency and effectiveness are being undermined. Thus, there is a need for a single land use control system designed to address particular problems in this area.
- iii) The province has demonstrated a desire, through the 1976 Planning Act, to have more land use control shifted to the R.M. councils. Three of the adjacent municipalities have followed this direction. Thus, a replacement system will have to recognize and accommodate this recent shift.

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- iv) Naturally, a large portion of development in adjacent R.M.'s is dependent on the areas proximity to the city. Moreover, if this development is not properly planned it can conflict with the City's long range strategy for growth. Thus, the City should have some formal input into land use decisions made close to its boundaries.

Proposal

- The creation of a single system of land use control in Winnipeg's fringe by continuing the trend towards more self-determination and increased decision-making authority by fringe municipality councils.
- Encourage the remaining four Additional Zone municipalities to opt out by changing the Planning Act and/or the City of Winnipeg Act.
- Retain the previous (pre 1980) Additional Zone boundary but rename the area "Mutual Development Control Zone" (MDCZ) and utilize it in a different manner.
- Compose a set of development guidelines for the MDCZ and ensure that each municipality involved including the City of Winnipeg has input. Ensure all plans generated follow these guidelines.
- Have all land use decisions in the MDCZ made by the rural municipal council involved, however, city input must be acquired before a decision is rendered.
- All land use decisions made in the MDCZ are subject to appeal to the Municipal Board. The Board will use the development guidelines as a basis for decisions.

APPENDIX F

Selected Interviewees:

1. Mr. Joseph Brodeur
Secretary-Treasurer
R. M. of Ritchot
2. Mr. Lorne Erb
Secretary-Treasurer
R. M. of MacDonald
3. Mr. David Henderson
Commissioner of Environment
City of Winnipeg
4. Mr. David Johns
Director, Provincial Planning Branch
Department of Municipal Affairs - Manitoba
5. Mr. Brian Kelner
Municipal Planner - Stonewall Office
Department of Municipal Affairs - Manitoba
6. Mr. Douglas J. Kalcsics
District Plan Co-ordinator
Environmental Planning Department - City of Winnipeg
7. Mrs. Betty Lindsay
Secretary-Treasurer
R. M. of Rosser
8. Mr. Maynard Olson
Secretary-Treasurer
R. M. of East St. Paul
9. Mr. Gerald Tencha
Urban Planner - Municipal Planning Branch
Department of Municipal Affairs - Manitoba
10. Ms. Claudette Toupin
Senior Urban Development Planner
Department of Urban Affairs - Manitoba
11. Mr. Eric Towler
Secretary-Treasurer
R. M. of Springfield