

APPENDIX C

CAPITAL REGION PLANNING FRAMEWORK: A BRIEF HISTORICAL PERSPECTIVE

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Pre-1870

Before 1870 the lands, rivers, lakes and forest of the Capital Region were owned, and occupied or used by several First Nations peoples, including Cree, Saukteaux, Assiniboine and Dakota.

By the early part of the 19th Century the lands along the banks of the Red and Assiniboine Rivers had been settled by English and French speaking Métis and retired fur traders and their families. Occupancy of the long river lots rested in principal upon a Treaty signed in 1817 between Lord Selkirk and several First Nations and, in practice, upon the willingness of Aboriginal people to share the resources of the country and to trade and make alliances with the newcomers.

The Europeans laid out a pattern of parishes, both Anglican and Catholic, many of whose names survive today. These parishes formed both a land use system and a system of local government. After 1870, much of the province was surveyed by the Dominion into one-mile squares known as the Township and Range System. This combination of aboriginal, fur trade and Canadian practice gave the legal and land use shape that the Capital Region reflects today.

1870 -1900

It is estimated that the population of the area, known then as the District of Assiniboia, was about 12,000 in 1870 - more than 80% of whom were Métis. Almost everyone in the area lived within a few hundred metres of the Red or Assiniboine Rivers.

The first major waves of new settlers, mainly from Eastern Canada, Europe and the United States, started arriving in the mid-to-late 1870s and continued in large numbers until the First World War. A significant settlement had established near (Upper) Fort Garry (starting at what is now the intersection of Portage Avenue and Main Street) would eventually become Winnipeg. Settlement / service nodes also began to appear at other geographic points in the area, such as: St. Boniface, Kildonan, St. Vital, St. James, Selkirk, etc.

The Provincial Government of Manitoba (as with all provinces in Canada), was given the responsibility for local / municipal government. In 1873 the Manitoba Government introduced legislation to create municipalities and to set the “rules” under which

municipalities were to conduct their affairs. The Province appointed a Municipal Commissioner to deal with municipal issues and administer *The Municipalities Act* (later known as *The Municipal Act*). The area in and around the modern day Capital Region was divided into incorporated municipalities between 1873 and 1880.

What is now modern day Winnipeg was originally divided into four municipalities: the City of Winnipeg (incorporated 1873) and the Municipalities of Kildonan (1876), Assiniboia (1880) and St. Boniface (1880). But over time, the original three municipalities split several times, creating new municipalities, towns and villages in the area. For example, St. Boniface was incorporated as a municipality in 1880, but in 1903 the RM of St. Vital was formed out of part of it. In 1912, the RM of Fort Garry was formed out of part of St. Vital. Meanwhile, in 1883, part of St. Boniface became a town and later in 1908 it became a city. The remainder was left as the RM of St. Boniface and was eventually absorbed into the City of St. Boniface. Similar kinds of processes occurred in all three of the original RMs.

In 1875, only two years after it was incorporated, the City of Winnipeg annexed land from the neighbouring municipality of Kildonan. This process of annexation by the City occurred numerous times in subsequent decades.

With a few exceptions, the other municipalities in the Capital Region were incorporated throughout the 1880s and 1890s: Springfield 1873, Rockwood, Belcourt, the original Cartier, St. Paul's, St. Norbert, St. Andrews, St. François Xavier and Taché were all incorporated under *The Municipalities Act* of 1880. Macdonald incorporated in 1881 (partially out of the original RM of Cartier), Selkirk 1882, St. Clements 1883 (formed out of part of St. Andrews), Ritchot 1890 (out of part of St. Norbert and the original RM of Cartier), Rosser 1893 (formed out of St. François Xavier and St. Paul's), Stonewall 1906, and the new RM of Cartier 1914 (formed out of parts St François Xavier and Belcourt).

Several of these municipalities changed in area over time. For example, the RM of St. Paul's split into two municipalities, East St. Paul and West St. Paul in 1915; the RM of Taché expanded eastward taking 3 townships from the RM of Ste. Anne; St. Norbert later joined Fort Garry; Belcourt disappeared altogether, becoming parts of the new RM of Cartier and the RMs of St. François Xavier, Portage la Prairie and Grey; Macdonald expanded westward taking part of the RM of St. François Xavier; and the original RM of Cartier disappeared entirely - the current RM of Cartier was established later (1914) in its current location.

In 1877, a County system was imposed on Manitoba. The former counties in what is now the Capital Region were: Selkirk County (Winnipeg, Springfield, Town of St. Boniface, RM of St. Boniface, Assiniboia, St. Paul's and Kildonan), Marquette County (Belcourt, St. François Xavier and others), Lorette County (Taché, Ste. Anne and Hespeler) and D'Iberville County (Macdonald, Cartier, and St. Norbert). In 1886 the Province introduced the rural municipality as an administrative unit to replace Counties which had proved too large. Most municipalities in Manitoba thus became rural municipalities.

1900 - 1950

As the population of the communities within the immediate vicinity of Winnipeg grew, a number of inter-jurisdictional problems arose. As a result, various boards and commissions were set up to deal specifically with some of the matters which crossed municipal boundaries, including:

- Greater Winnipeg Water District (1913);
- Mosquito Abatement District (1927);
- Greater Winnipeg Sanitary District (1935);
- St. James-Winnipeg Airport Commission (1937);
- The Rivers and Streams Protection Authority (1940);
- Metropolitan Planning Commission (1949);
- Metropolitan Civil Defence Board (1951); and
- Greater Winnipeg Transit Commission (1953).

Municipalities, including the City of Winnipeg, originally adopted various forms of land use control under *The Municipalities Act*. However, their authority to regulate land use was not clearly defined under that Act, and their land use authority was also spread among several other Acts. In order to address the problem, the Province adopted one of the first pieces of planning legislation in Canada. The 1916 *Town Planning Act* gave municipalities (including the City of Winnipeg) clear authority to regulate land use by adopting “planning schemes” which were essentially, what we know today as zoning by-laws.

After World War II, planning studies were undertaken by the Metropolitan Planning Committee and the Winnipeg Town Planning Commission. They had agreement to work with 10 of the 12 municipalities that were later included in Metropolitan Winnipeg.

1950 - 1960

As a result of the creation of the Metropolitan Planning Commission in 1949 (and based partially on the earlier work of the Winnipeg Town Planning Commission and the Metropolitan Planning Committee), the Metropolitan Plan for Greater Winnipeg was adopted in 1950.

In 1953, the Municipal Commissioner’s office was replaced by a new Provincial Government Department - Municipal Affairs. Among other things, it took on the role of implementing a unified property assessment system.

Many municipalities outside of the immediate Winnipeg area did not have the resources to undertake a local land use planning program. As a result, during the early to late 1950s, through an agreement with the Province, Winnipeg’s Metropolitan Planning Commission lent its planning expertise to municipalities outside Greater Winnipeg. A number of such municipalities subsequently adopted Planning Schemes (zoning) to implement local land use control.

In 1959, the Municipal Planning Branch was created within the Department of Municipal Affairs to provide professional land use planning service to municipalities outside Greater Winnipeg. Many of the new Branch's staff came from the Metropolitan Planning Commission. Subsequently, a number of municipalities outside of Winnipeg adopted planning schemes to implement land use control in their jurisdictions.

A major study was undertaken between 1955 and 1959 by the Greater Winnipeg Investigating Commission. In its final Report, that commission recommended that a form of metropolitan government be implemented for Greater Winnipeg.

1960 - 1970

Partially in response to the Greater Winnipeg Investigating Commission report, Metropolitan Winnipeg was created by the Province under the 1961 *Metropolitan Winnipeg Act*. Under the "Metro" system, individual municipalities within Metropolitan Winnipeg maintained authority for taxing, libraries, fire services, police and a number of other matters deemed "local" under the Act; while the Metropolitan Corporation looked after and/or coordinated a number of services deemed as "regional" in nature, such as: sewer and water, arterial streets and bridges, transit, land use control (planning), assessment (but not taxes), municipal golf courses, regional parks, etc. This in effect, was a two-tier system of local government.

Metro Winnipeg included 12 municipalities (with their original incorporation dates shown in brackets):

- Charleswood (1913)
- East Kildonan (1915)
- Fort Garry (1912)
- North Kildonan (1925)
- Old Kildonan (1921)
- St. Boniface (1880)
- St. James-Assiniboia (1880)
- St. Vital (1903)
- Transcona (1912)
- Tuxedo (1913)
- West Kildonan (1915)
- Winnipeg (1873)

As a part of the 1961 Act, the Winnipeg Additional Zone was also created. This so-called "Add-Zone" gave the City of Winnipeg a form of land use control over a 5-7 mile (8-11 km) radius around Metro's north, east and south boundaries into the adjacent Rural Municipalities of: Rosser, Springfield, Taché, Ritchot and Macdonald, and including all of West St. Paul and East St. Paul.

In 1964, a new *Planning Act* was adopted by the Province replacing the 1916 Act.

In 1968, the Metropolitan Development Plan was adopted to provide long range direction for urban growth. Development Plans were still a new concept at that time, and they differed from the old planning schemes (which were essentially zoning by-laws) in that they were intended to provide medium-to-long term policy direction for land development decisions by council. In 1969, a Metro Downtown Plan was also adopted to assist in the development of downtown Winnipeg.

1970 - 1980

In 1970, the Government released a White Paper entitled "Proposals for Urban Reorganization in the Greater Winnipeg Area". To implement the recommendations of the White Paper, the Government adopted *The City of Winnipeg Act*, which came into force on January 1, 1972. As a result of that Act, the 12 municipalities making up Metropolitan Winnipeg were amalgamated into one municipal corporation under the name, the City of Winnipeg (also known as "Unicity").

At the same time, the Provincial Government created the new Department of Urban Affairs to deal with City of Winnipeg issues of Provincial interest. The Department of Municipal Affairs remained to deal with issues for the rest of the approximately 200 municipalities outside of the new City of Winnipeg's boundaries. Planning authority in Manitoba was now split: Winnipeg's planning legislation came under the new *City of Winnipeg Act*, while the rest of the municipalities in Manitoba remained under the jurisdiction of the 1964 *Planning Act*. (However, it should be noted that Winnipeg always had some separate and distinct powers under its Charter, which was also amended from time to time by successive Provincial Governments).

Beginning in 1971, a major research project was undertaken by the Department of Municipal Affairs' Municipal Planning Branch - known as "The Winnipeg Region Study". The Study area included all or parts of 30 municipalities in the Winnipeg area. By 1974, the Winnipeg Region Study Group had produced some 17 volumes of reports (many provided by private consultants) on various issues, such as: groundwater, rural residential and exurban development, soil capability, etc.

Throughout 1974-75, there were several meetings of representatives from the municipalities of the Winnipeg Region and the Provincial Government, which resulted in a 1975 document called the "Winnipeg Region Study - Land Use Policy Proposals". That document recommended 20 "Settlement Pattern Policy Statements" for the Winnipeg Region.

On January 1, 1976, a new *Planning Act* came into force and replaced the 1964 Act. It applied to all areas outside of Winnipeg. The new Act allowed for the creation of planning districts in Manitoba (that is, two or more municipalities getting together for land use planning purposes). It also provided for the adoption of Provincial Land Use Policies, the creation of the Interdepartmental Planning Board (IPB), and the adoption of a system of municipal/district development plans and zoning by-laws to replace the old planning schemes.

The new *Planning Act* also introduced the subdivision approval system currently used outside Winnipeg. Before 1976, land subdivisions not requiring a survey plan (known as subdivision by "consent") did not require any approvals. This included the majority of land divisions in Manitoba. Subdivisions which did require a "plan of subdivision" (survey plan), were approved by the Municipal Board. Under the new Act, all land divisions required approval by the Minister of Municipal Affairs. The Municipal Board became the appeal body to the Minister's decisions. The Act also allowed the Minister to delegate subdivision approving authority (by agreement) to Planning Districts with adopted Development Plans.

In 1976, the Provincial Planning Branch was created within the Department of Municipal Affairs to review development plans and subdivisions and to monitor the application of the *Provincial Land Use Policies*. During that time, 13 *Provincial Land Use Policies* were drafted based largely upon the recommendations of the 1975 Winnipeg Region Study - "Settlement Pattern Policy Statements" document). Throughout the late 1970s, these *Policies* were used by the Province as interim guidelines for the review of development plans and subdivisions.

In 1979, the Department of Municipal Affairs and the Department of Urban Affairs were merged to form the Department of Municipal and Urban Affairs. However they remained as two distinct divisions within the department until they were later split again.

During the late 1970s and into the early 1980s, three planning districts, made up of a total of 10 municipalities, formed in the Winnipeg area:

- The Selkirk and District Planning Area (formed in June of 1977), including: the Town (now City) of Selkirk, the RM of St. Andrews, the RM of St. Clements, and later the RM of West St. Paul - plan adopted 1981;
- The South Interlake Planning District (formed in February of 1979), including: the Town of Stonewall, the Village (now Town) of Teulon, the RM of Rockwood and the RM of Rosser - plan adopted 1984; and
- The Macdonald-Ritchot Planning District (formed in December of 1983) including: the RM of Macdonald and the RM of Ritchot - plan adopted 1991.

The other municipalities in the area also began to adopt and consider adopting individual development plans.

1980 - 1990

The Provincial Land Use Policies were adopted as a regulation under *The Planning Act* in November of 1980. In a revised form, they are still used by the Province to review development plans, and subdivisions in areas without plans in place. Since *The Provincial Land Use Policies* were adopted under *The Planning Act* they have not applied to the City of Winnipeg.

Beginning in the late 1970s and continuing into the 1990s, the RMs of Taché, Springfield, Cartier and later St. François Xavier, East St. Paul and Headingley adopted individual municipal development plans. This meant that all municipalities in what is now called the Capital Region had land use plans in place.

Released in 1981, "Plan Winnipeg", the City of Winnipeg Development Plan, was adopted by the City and approved by the Province in 1986, and among other things contained a limit to urban expansion. This so-called "urban limit line" was later replaced with detailed urban growth policies.

The Minister of Municipal Affairs also delegated subdivision approving authority to two Capital Region planning districts: the Selkirk and District Planning Area (1982), and the South Interlake Planning District (1988).

In 1983, the Department of Municipal and Urban Affairs was again split into two separate Departments.

Meanwhile, the Province decided to allow municipalities which formed into planning districts, to withdraw from the Winnipeg Additional Zone.

The 1986 “City of Winnipeg Act Review Committee Final Report” (also known as the “Cherniack Report”) recommended among other things:

- the abolition of the remainder of the Additional Zone (enacted in 1991);
- that Plan Winnipeg be subject to: *“Provincial Land Use and Development Policies for the City of Winnipeg and the Winnipeg Region”*;
- the creation of an *“Association of Winnipeg Municipalities”*, perhaps including municipalities within 30 kms of Winnipeg, and possibly called the *“Winnipeg-centred District or the Manitoba Capital District”*;
- the removal of Headingley from the City of Winnipeg, but stated that a plan should be adopted which would ensure it remain *“a predominantly rural environment”*; and
- the report also suggested that *“lands relatively contiguous to [but outside] the City that have been approved for development to a suburban standard should be incorporated within the City’s boundaries.”*

The Conservation District Authority Act was adopted in 1987, replacing legislation originally adopted in the early 1970s. Under the new Act, Conservation Districts were to develop Resource Conservation Plans. The Cooks Creek Conservation District consists of much of the RM of Springfield, parts of the RMs of Taché and Ste. Anne and a small portion of the RM of Reynolds. It is the only Conservation District in the Capital Region.

In 1989, the Department of Municipal Affairs became the Department of Rural Development and took on additional roles for rural economic development. It also took on the responsibility for the Manitoba Water Services Board which provides assistance to municipalities for water and sewer systems and the Conservation Districts program.

In late 1989, the Province formed the Capital Region Committee of elected officials.

1990 - 2000

The Capital Region Committee of elected officials met for the first time in early 1990, and was made up of the Reeves and Mayors of the 13 municipalities in the Winnipeg area along with the Provincial Ministers of Urban Affairs, Rural Development (formerly Municipal Affairs) and Environment. Later, the Town of Selkirk, the RM of Rockwood and the newly created RM of Headingley joined the group, to bring the total number of municipalities in the region to 16. The municipalities included in the Capital Region are:

- Cartier, RM [later decided to withdraw]
- East St. Paul, RM
- Headingley, RM [joined later]
- Macdonald, RM
- Ritchot, RM
- Rockwood, RM
- Rosser, RM
- St. Andrews, RM
- St. Clements, RM
- St. François Xavier, RM
- Selkirk, Town [now City]
- Springfield, RM
- Stonewall, Town
- Taché, RM
- West St. Paul, RM
- Winnipeg, City

The Capital Region Committee of elected officials met two or three times a year throughout the 1990's to discuss issues of mutual concern.

In 1991, the Province eliminated the remainder of the Additional Zone. In 1992, after a special Study and Report was produced, the new RM of Headingley was created out of most of that part of Winnipeg west of the Perimeter Highway. This was also one of the recommendations in the Cherniack Report.

Throughout the late 1980s and early 1990s, the Province reviewed the *Provincial Land Use Policies* and amended them in 1994. Part of the revisions involved the incorporation of the *Sustainable Development Principles and Guidelines*.

In 1994, Winnipeg's CentrePlan was developed with the intent of providing a long-term downtown planning and consultative process.

In May 1996, the Province of Manitoba released the Capital Region Strategy. Developed in partnership with the public, the region's 16 municipalities and the Manitoba Round Table on the Environment and Economy, this Strategy identified five policy areas (Partnerships, Settlement, Economy, Environment and Resources, and Human Resources), 30 policies, and 200 actions to guide regional decision-making. It was prepared as part of Manitoba's overall Provincial Sustainable Development Strategy. But while it was adopted in principle by the Province, the Strategy was not implemented in any significant way or formal way.

COSDI, the Consultation on Sustainable Development Implementation, was launched in 1997 as a multi-stakeholder consultation initiative, “to consider and make recommendations to government on how Manitoba can best implement Sustainable Development Principles and Guidelines into decision-making, including environmental management, licensing, land use planning, and regulatory processes”. Among other things, COSDI recommended that the Province undertake “large area planning” based on natural watershed boundaries and that regional planning advisory committees of stakeholders be established to facilitate the regional planning process. The Province of Manitoba adopted in principle, the COSDI Recommendations in late 1999.

After years of planning and consultation, in 1998 the Province adopted *The Sustainable Development Act*. This Act was an attempt to implement in government activities, the principles of sustainable development as set out in the UN Brundtland Commission’s Report “*Our Common Future*”, 1987.

In June 1998, the Manitoba Government agreed to a recommendation of the Capital Region Committee of elected officials to establish an independent panel to seek community and municipal input and “to undertake a review and make recommendations to the government respecting the effectiveness of the existing legislative, policy and procedural framework guiding land use planning and development, and the provision of services in the municipalities in the Capital Region”. The Capital Region Review Panel delivered its Final Report in December 1999.

The Capital Region Review Panel reported on several shortcomings in the effectiveness of the existing legislative, policy and procedural framework guiding land use planning and development, and the provision of services among Capital Region municipalities. The Panel’s main recommendation concluded that the solution to the region’s problems largely lay in enacting a statute which would allow municipalities to join together to solve problems. The Panel’s view was that such an association should be voluntary and the Province of Manitoba should play mainly a supportive role. It also made four other recommendations related to: statutory consistency, Provincial departmental organization and administration, service-based budgeting and full cost accounting, and municipal costs and revenues.

Legislation governing municipalities in Manitoba, including *The Municipal Act*, *The City of Winnipeg Act* and *The Planning Act* among others, have been reviewed and amended numerous times over the years to reflect matters of interest and concern at the time. As well, the development plans for the districts and municipalities within the Capital Region have been reviewed and amended a number of times.

In late 1999, the Provincial Government re-combined the departments of Rural Development and Urban Affairs under the new name: Intergovernmental Affairs. This time, unlike the merger that took place in 1979, the two departments were totally integrated. In early 2000, a Community and Land Use Planning Services Division was created in the new department which combined and enhanced the planning functions of the department.