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# RM of Hanover Zoning By-Law 2578-24

## Administration

RFD #: 20240038

Council Meeting Date: 12/17/2024

Created: 12/10/2024

Resolution #:

Author: Troy Warkentin

Resolution 1st:

Last Updated: 12/17/2024

Resolution 2nd:

Status: Pending

## Summary

Subject: RM of Hanover Zoning By-Law 2578-24

Purpose:

To consider the proposed RM of Hanover Zoning By-Law 2578-24

Recommendation:

Recommendation is for City Council to review the proposed RM of Hanover land use amendment proposal and the attached information. It is further recommended that City Council authorize the filing of an objection to proposed RM of Hanover Rezoning By-Law 2578-24.

City Manager Comments:

During the summer of 2024, the RM of Hanover (Hanover) considered an application for subdivision under file 4135-24-8943 to subdivide the subject property, located just north of Steinbach City limits and located along PTH 12N. The City provided comments and filed its objection to the proposed subdivision application however it was approved by Hanover Council. This re-zoning application is a further proposed change to the land use policies affecting the same parcel of land. Administration feels that the previous subdivision and the proposed rezoning are both inconsistent with the provisions of the RM of Hanover Development Plan, Provincial Land Use Policies, and the joint Steinbach/Hanover Annexation Agreement. The public hearing for the proposed re-zoning is scheduled for January 8, 2025.

## Background

Background Reports: - See Appendix 1 for Attachments

Key Issues:

The City Planner has provided a report with specific references where, in the opinion of the City, it believes that the proposed amendments are inconsistent with Hanover's land use policies and inconsistent with the terms of the joint annexation agreement entered into between the City and the RM dated July 21, 2015.

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Relevant Policy:

Inconsistencies with the subdivision application under file 4135-24-8943 in reference to the RM of Hanover Development Plan policies were identified by several provincial departments within the Manitoba Community Planning report provided to the RM of Hanover dated June 13, 2024. Included in the noted concerns were several conditions, one of which was that the development of the proposed agri-commercial/industrial business uses on the subject property would require a rezoning of the subject property.

It is of deep concern that Hanover issued building and development permits for all lots created in the previous subdivision, with development completed and operations starting on these sites with uses that appear to be inconsistent with the current zoning, all before the proposed rezoning By-Law 2578-24 has been considered, and further that the proposed rezoning is for a site within the designated Transitional Policy Area of the Hanover Development Plan.

In addition, the development that has been permitted to proceed on the subject property does not appear to have taken into consideration the provisions of the Highway Access Management and Transportation Plan for PTH 12 and PTH 52 completed in 2018 and jointly prepared and funded between the City of Steinbach, the RM of Hanover, and Manitoba Infrastructure and Transportation.

Response Options:

## **Implications of Recommendation**

Copy Of: - See Appendix 2 for Attachments

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# Appendix 1

## Background Reports

- Public Notice 20241128
- By-Law 2578-24 Map
- Joint Steinbach/Hanover Annexation Agmt



**UNDER THE AUTHORITY OF THE PLANNING ACT  
NOTICE OF PUBLIC HEARING**

On the date and at the time and location shown below, a PUBLIC HEARING will be held to receive representations from any person(s) who wish to make them in respect to the following matter:

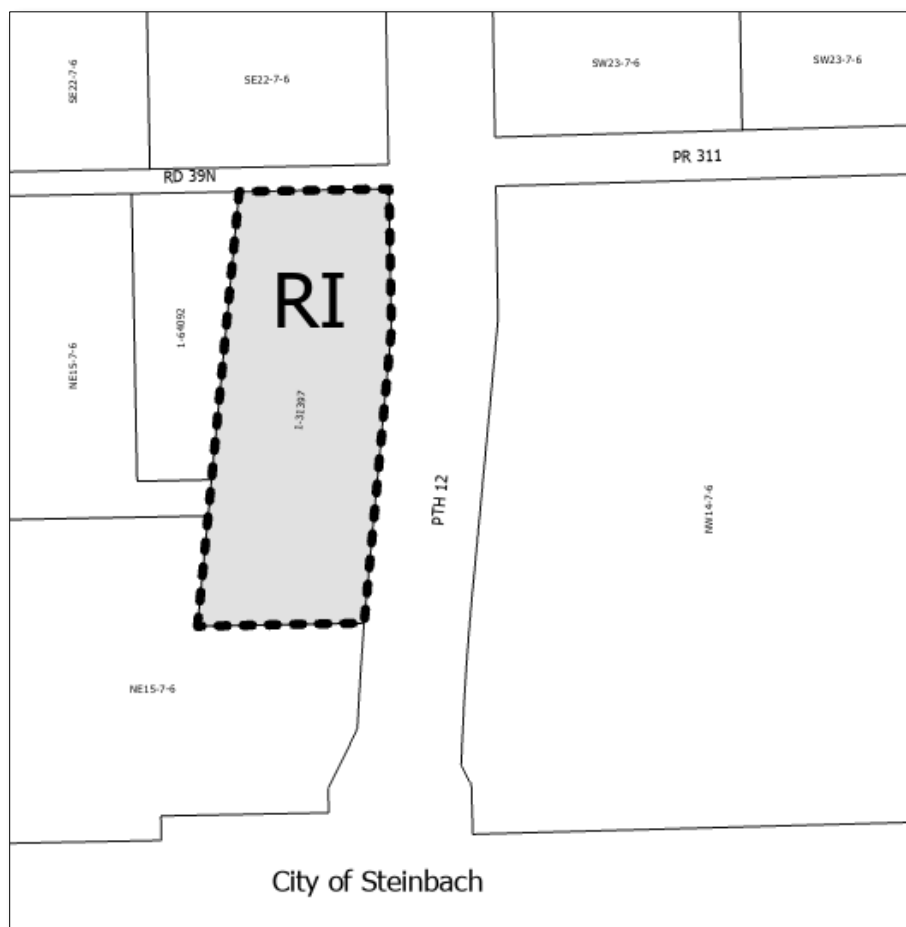
**By-Law No. 2578-24, being an amendment to  
Zoning By-Law No. 2418-18**

**Hearing Location:** RM of Hanover Municipal Office  
28 Westland Drive, RM of Hanover, MB

**Date & Time:** Wednesday, January 8, 2025, at 9:30 a.m.

**General Intent:** To rezone Lot 1, Plan 31397 WLTO in NE ¼ 15-7-6EPM (as shown on the map below) from Agriculture Limited Zone (AL) to Rural Industrial Zone (RI). This application is to satisfy conditions of conditionally approved subdivision application 4135-24-8943.

**AREA:**



**FOR INFORMATION CONTACT:** **Jeremy Neufeld, Manager of Planning**  
28 Westland Drive, Mitchell, MB R5G 2N9  
**PHONE:** (204) 346-7135  
**EMAIL:** [planning@hanovermb.ca](mailto:planning@hanovermb.ca)

A copy of the above proposal and supporting material can be requested by contacting the Planning Department at 204-346-7126 or [planning@hanovermb.ca](mailto:planning@hanovermb.ca).

Please keep presentations to no more than **5 minutes** in length.

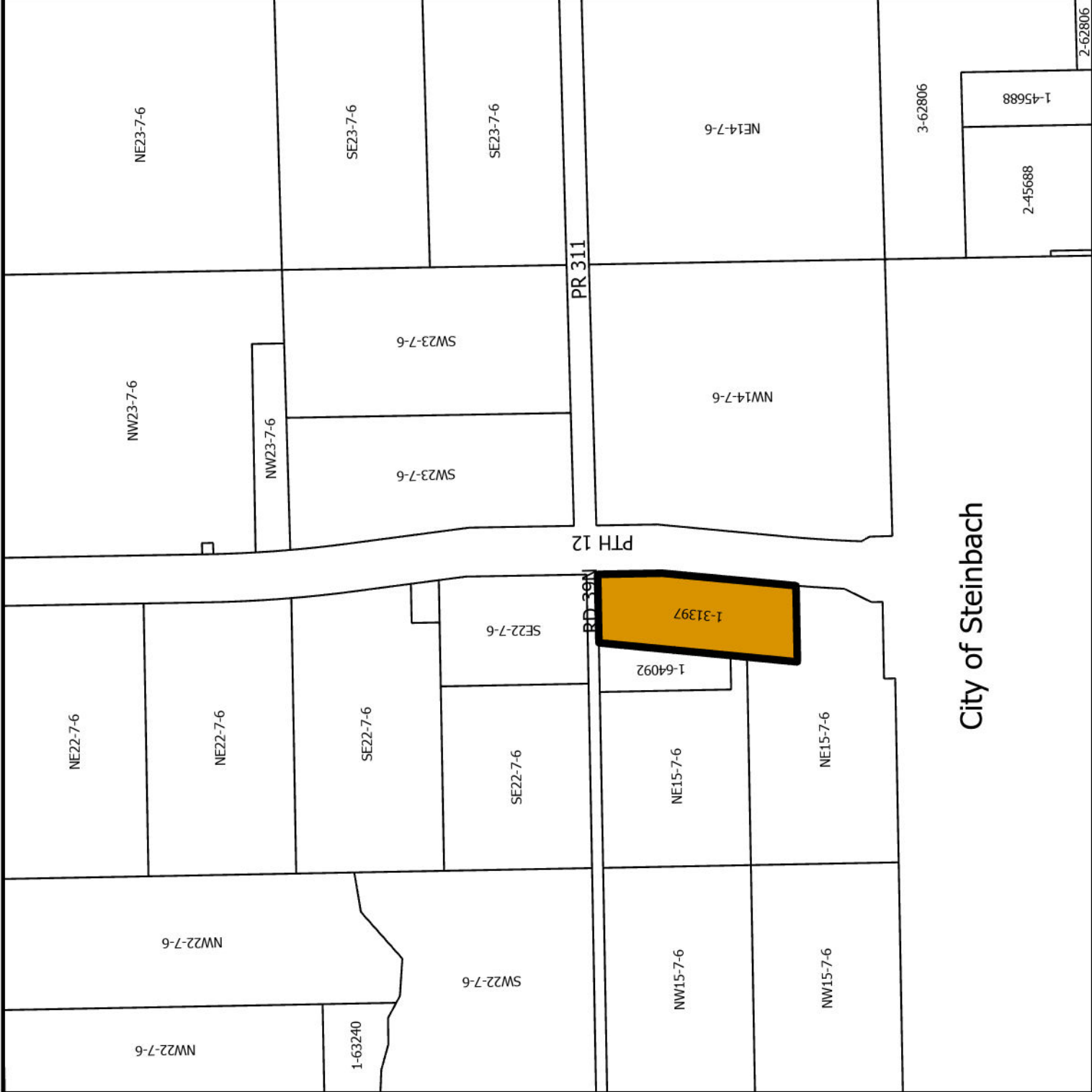
**SCHEDULE "A"  
TO BY-LAW NO. 2578-24  
FURTHER AMENDING  
MAPS 2 & 11 OF  
THE HANOVER  
ZONING BY-LAW NO.  
2418-18**



Rural Industrial Zone



**RM of Hanover  
Zoning By-Law  
No. 2578-24**



City of Steinbach



## Annexation Agreement

Between

The City of Steinbach ("Steinbach")

And

The Rural Municipality of Hanover ("Hanover")

### Background:

- A. Steinbach and Hanover are adjoining municipalities and have a shared boundary as shown on Schedule "A" to this Agreement;
- B. To encourage and accommodate urban development it is important to Steinbach that it has access to undeveloped, vacant land, to be available for urban development within its boundaries;
- C. Steinbach requires additional vacant land to be available to accommodate urban development within its boundaries and has been discussing with Hanover a Proposal for annexation of adjacent and contiguous lands in Hanover;
- D. The Planned Area is currently located within the boundaries of Hanover and the parties to this Agreement agree that the Planned Area is to be annexed by Steinbach so that it can be appropriately developed and serviced for urban development;
- E. Hanover and Steinbach agree that this annexation should proceed expeditiously as there is agreement between Hanover and Steinbach on all relevant issues, including compensation;
- F. The Parties to this Agreement have entered into this Agreement to set forth the terms for such annexation and to expedite the process of annexation to accommodate development.

Now Therefore, the parties hereto agree, each with the other as follows:

## ARTICLE 1 - AGREEMENT AND INTERPRETATION

### 1.1 CONTENTS

1.1.1 Agreement. This Agreement consists of 12 pages including 5 schedules.

1.1.2 Schedules. The following are schedules to and form part of this Agreement:

Schedule "A" - Map showing the boundaries of Hanover and Steinbach;

Schedule "B" - Legal Description of the Planned Area;

Schedule "C" - Plan Showing the Location of the Planned Area;

Schedule "D" - Annexation Principles established under the Act.

Schedule "E" - Compensation

1.1.3 Definitions. The following words when starting with a capital letter have the meaning ascribed to them in this Agreement as hereinafter set forth:

- (a) "Act" means *The Municipal Act* of Manitoba CCSM c. M225;
- (b) "Agreement" means this agreement between Steinbach and Hanover dated September \_\_, 2015 and the attached schedules;
- (c) "Annexation Principles" means the principles attached as Schedule "D";
- (d) "Board" means the Municipal Board of Manitoba;
- (e) "CPS" means Community Planning Services;
- (f) "Hanover" means the Rural Municipality of Hanover;
- (g) "Local Authorities" mean the local authorities contemplated under the Act, which were identified by CPS as potentially having an interest in the Proposal;

- (h) "Planned Area" means the land legally described in Schedule "B" and shown on the plan attached as Schedule "C" which land is the subject of the Proposal;
- (i) "Proposal" means the proposal for annexation that has been proposed and initiated by Steinbach as required by the Act;
- (j) "Steinbach" means the City of Steinbach.

## ARTICLE 2 - ANNEXATION PROCEDURES

### 2.1 PROCEDURES FOLLOWED

2.1.1 Hanover Advised of Proposal. Steinbach, as the proponent of the annexation, advised Hanover of its Proposal and Hanover and Steinbach engaged in informal discussions and consultations.

2.1.2 Steinbach Prepared formal Proposal. Following its informal discussions with Hanover, Steinbach finalized the formal Proposal and submitted it to Hanover and CPS.

2.1.3 Contents of Proposal. The Proposal contains the legal descriptions of the Planned Area, a map of the Planned Area, the relevant development plan designations and zoning information.

2.1.4 Local Authorities. The only Local Authorities with an interest in the Proposal that have been identified are Hanover and Steinbach.

## ARTICLE 3 - IDENTIFIED CONCERNS

3.1.1 Steinbach Concern. Steinbach raised its concerns about not having a sufficient land base available to meet the growing demands for urban development and its need to annex land in order to accommodate the immediate and long-term demands for vacant developable land within its boundaries and that the lands surrounding urban centers, if developed, be done so through the application of compatible land use principles including consideration for Provincial Land Use Policies and that the land would require urban servicing.

3.1.2 Hanover Concern. Hanover expressed its concern about the annexation because of the potential effect on its assessment base. It also expressed concern that the expanded boundaries of Steinbach should not impose a requirement for an automatic, corresponding increase or imposition of the buffer area under Hanover's Development Plan surrounding Steinbach.



3.1.3 Agreed Resolution. Hanover and Steinbach concluded that their respective concerns can both be addressed by proceeding with an annexation of the Planned Area to be developed under the Steinbach's Official Community Plan with the payment of compensation to Hanover as set forth in subsection 5.1.2 and the assurances of Steinbach, under subsections 5.1.4, 5.1.5 and 5.1.10, that it will not be seeking an automatic, corresponding increase or imposition of the buffer area under Hanover's Development Plan surrounding Steinbach and the assurances of Hanover, that any future development of the lands surrounding urban centers be done so through the application of compatible land use principles including consideration for Provincial Land Use Policies and that the land would require urban servicing.

#### **ARTICLE 4 - CONSIDERATION OF ANNEXATION PRINCIPLES**

4.1.1 Annexation Principles Reviewed. In their consultations and negotiation concerning the Proposal, Hanover and Steinbach reviewed and considered the Annexation Principles promulgated by the Board.

4.1.2 Principles Respected. In negotiating this Agreement related to the Proposal, Hanover and Steinbach have respected the Annexation Principles and are of a common view that the proposed annexation, as set forth in the Proposal, meets the following criteria:

- (a) "Servicing" - The Planned Area will, as anticipated and forecasted development in Steinbach continues, require urban services that are available or can most readily and effectively be made available as required by Steinbach;
- (b) "Social and Economic Ties" – Lands within the Planned Area are owned by various individuals and corporations with ties to both Steinbach and Hanover. Many of the future residents and owners of the expected developments are anticipated to be existing residents of the immediate area. In addition, the Planned Area will allow for expansion of businesses that are situated in Steinbach and that employ residents of Steinbach and in many instances are owned by residents of Steinbach. There are already very significant social and economic ties between Hanover and Steinbach and their respective residents so the issue is more directed to where related development can best be accommodated, serviced and promoted;
- (c) "Land Use in Area" - The proposed uses of the Planned Area are urban in nature and should be developed within an urban area. These uses would not conflict with the surrounding land uses in Hanover and would be subject to the checks and balances associated with the planning and zoning processes applicable in Manitoba;

- (d) "Viability and Future Growth" - The annexation is required to ensure the continued growth of Steinbach as an urban hub serving southeastern Manitoba. The proposed annexation will meet immediate and long-term needs and will also accommodate future urban development. Annexation to meet potential long-term needs is one tool to sustain future growth and viability of Steinbach. The recently completed Steinbach Sustainable Growth Strategy, pending adoption by Steinbach, supports the proposed annexation and these criteria;
- (e) "Will of the Public" - Land owners within the Planned Area will be consulted and engaged to confirm that the will of the people is properly considered with respect to this Proposal. Hanover has indicated its support of the Proposal, which will be critical to its success. Steinbach will provide for extensive public information and engagement activities, to ensure that all affected parties may be informed of the planned annexation and of the process;
- (f) "Geographical Boundaries" - The proposed boundaries respect current land holdings and title boundaries which create a logical new boundary between the municipalities.

## ARTICLE 5 - AGREEMENT ON JOINT RECOMMENDATION

### 5.1 AGREEMENT

5.1.1 Joint Recommendation. Hanover and Steinbach have reached a negotiated agreement and jointly support the proposed annexation of the Planned Area from Hanover and into Steinbach, subject to further consultation with all affected land owners.

5.1.2 Compensation. Hanover and Steinbach are further in agreement that this annexation may proceed with Steinbach agreeing to pay to Hanover an annual installment amount as compensation. The annual installment amounts as indicated on the attached Schedule "E" would be paid within thirty (30) days of the City's annual tax due date, commencing the year in which the land is annexed into Steinbach, and appears on the annual assessment roll of Steinbach, and continuing for eight (8) years. In the event that the Province of Manitoba does not approve any portion of the identified land area for annexation from Hanover into Steinbach, as provided for in Schedule "B" and also further designated by the land area map as provided for in Schedule "C", the annual compensation installment amounts as provided for in Schedule "E" shall be reduced by amounts that are proportional to the land area not approved based on assessed value.

5.1.3 Commuted Payment. The annual compensation installment amount, or the full balance thereof at any time remaining, may at the sole option of Steinbach be paid to Hanover in a lump sum on a discounted, net present value basis. The discount rate applicable to the present value calculation above would be the rate that is proportional to the equivalent interest rate on Hanover's outstanding long term debt calculated in the year of the payment.

5.1.4 Land Area. Hanover and Steinbach agree that the land area to be annexed from Hanover into Steinbach under this Proposal is described in the listing as provided for in Schedule "B", and is also further designated by the land area map as provided for in Schedule "C" and that the identified land area includes all joint public road allowances along the new boundary lines. Hanover and Steinbach also agree that if the Province of Manitoba does not approve any portion of this identified land area for annexation from Hanover into Steinbach, the buffer area under Hanover's Development Plan for the lands, to the extent as provided for in Schedule "B", and also further designated by the land area map as provided for in Schedule "C", shall continue.

5.1.5 Development of lands in Hanover in the proximity of Steinbach. Steinbach and Hanover agree that the buffer in relation to the Hanover Development Plan will continue until the annexation of the land in the Planned Area from Hanover into Steinbach is completed and the lands appear in the annual assessment roll of Steinbach. Steinbach agrees that with the annexation of the Planned Area into Steinbach, there will be long-term room for growth and it will not be seeking continuation of the buffer that it has sought in the past in relation to the Hanover Development Plan.

5.1.6 Agreed Approach. Both Hanover and Steinbach agree with the concepts in the Provincial Land Use Policy about urban growth and the importance of such growth being centered within urban areas.

5.1.7 Good Planning and Compatible Land Uses. Both Hanover and Steinbach recognize that compatibility of land uses is one of the primary goals of planning and zoning regulations and both recognize the role that their respective councils play in formulating and approving development plans and zoning by-laws within their own jurisdictions, subject to *The Planning Act*, and the processes of public hearings and the opportunity for input and objections to be considered as part of those processes.

5.1.8 L.U.D. of Mitchell. Hanover sees potential for continued expansion of the L.U.D. of Mitchell and will be seeking to revise its development plan to allow expansion of the L.U.D. for urban growth, potentially to the new Steinbach boundaries surrounding and incorporating the Planned Area.

5.1.9 L.U.D. of Blumenort. Hanover sees potential for continued expansion of the L.U.D. of Blumenort and will be seeking to revise its development plan to allow expansion of the L.U.D. for urban growth, potentially to the new Steinbach boundaries surrounding and incorporating the Planned Area.

5.1.10 No Objection. With the annexation approved as proposed, Steinbach would not object to the urban growth of the L.U.D. of Mitchell or the L.U.D. of Blumenort up to the new boundaries of Steinbach through the development of compatible urban land uses and servicing standards.

**ARTICLE 6 - GENERAL**

**6.1 APPROVAL AND EXECUTION**

6.1.1 Approval. Hanover and Steinbach have each approved this Agreement at a duly called meeting of their respective councils.

6.1.2 Execution. Hanover and Steinbach have each authorized the execution of this Agreement by their proper officers.

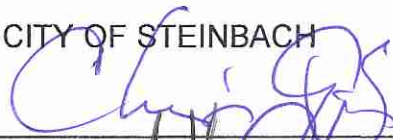
Dated at the City of Steinbach in the Province of Manitoba this 21<sup>st</sup> day of July, 2015.


THE RURAL MUNICIPALITY OF HANOVER

Per:  \_\_\_\_\_

Per:  \_\_\_\_\_

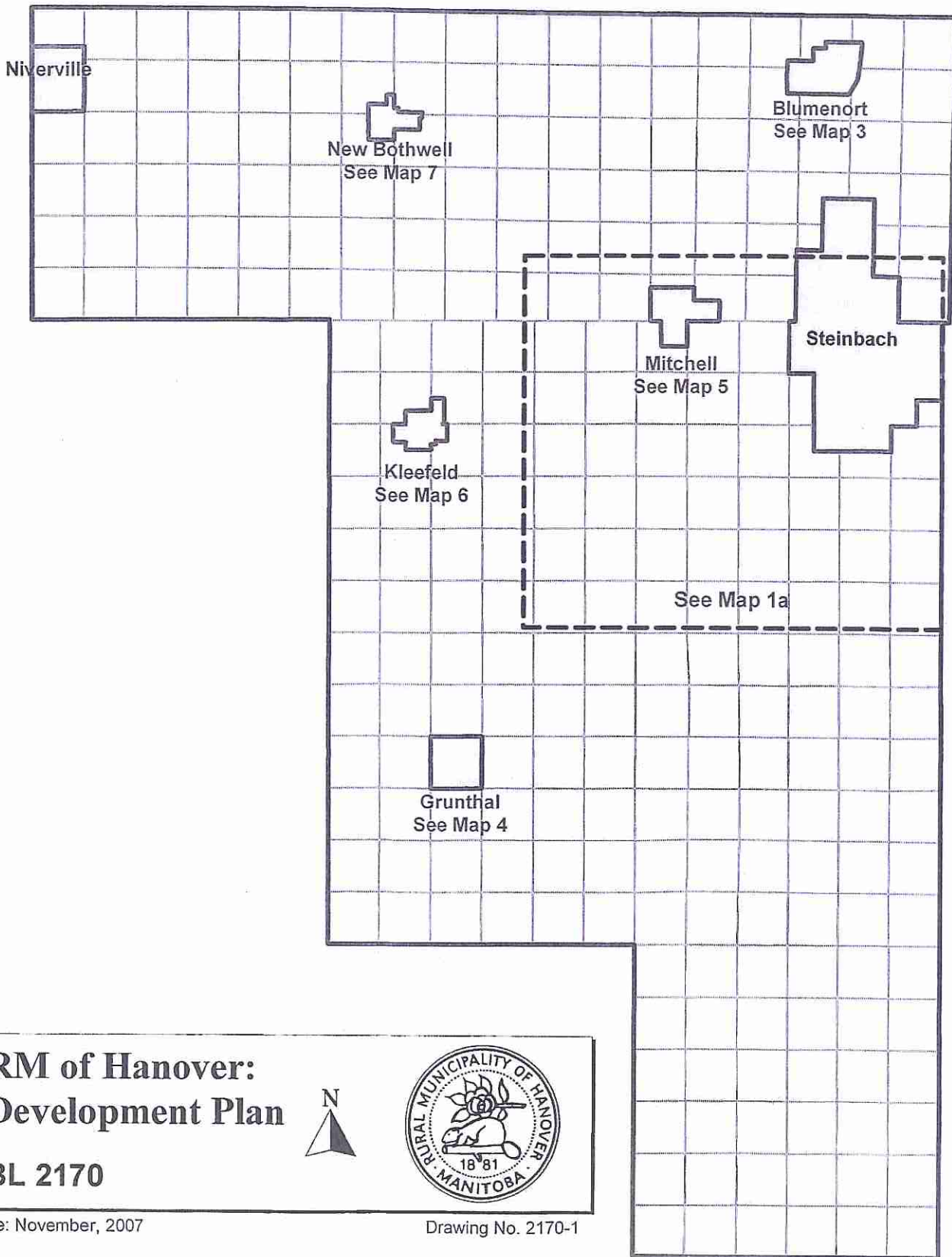
THE CITY OF STEINBACH

Per:  \_\_\_\_\_

Per:  \_\_\_\_\_

SCHEDULE "A"

MAP SHOWING THE COMMON BOUNDARY OF HANOVER AND STEINBACH



**RM of Hanover:  
Development Plan**

**BL 2170**



Date: November, 2007

Drawing No. 2170-1

Revised To:

## SCHEDULE "B"

### LEGAL DESCRIPTION OF THE PLANNED AREA

The general legal description of land in the Planned Area is as follows:

1. Section 17-7-6 epm – the south half
2. Section 16-7-6 epm – all
3. Section 15-7-6 epm – all except the south east quarter
4. Section 14-7-6 epm – the north west and south east quarters
5. Section 11-7-6 epm – the east half
6. Section 10-7-6 epm – the north west quarter
7. Section 9-7-6 epm – all
8. Section 8-7-6 epm – all
9. Section 4-7-6 epm – all
10. Section 1-7-6 epm – all
11. Section 33-6-6 epm – all except Lot 1 Plan 38846 (28 Westland Dr), Lot 1 Plan 50785 (60 Westland Dr), and N ½ of the NW ¼ Ex Rd 7004 Ex PI 31241 & 38896 Ex PI 50785
12. Section 28-6-6 epm – all
13. Section 27-6-6 epm – the west half except the north half of the north west quarter excepting the most southerly 100 feet
14. Section 25-6-6 epm – the south east quarter
15. Section 24-6-6 epm – the north west quarter
16. Section 22-6-6 epm – the west half
17. Section 21-6-6 epm - all

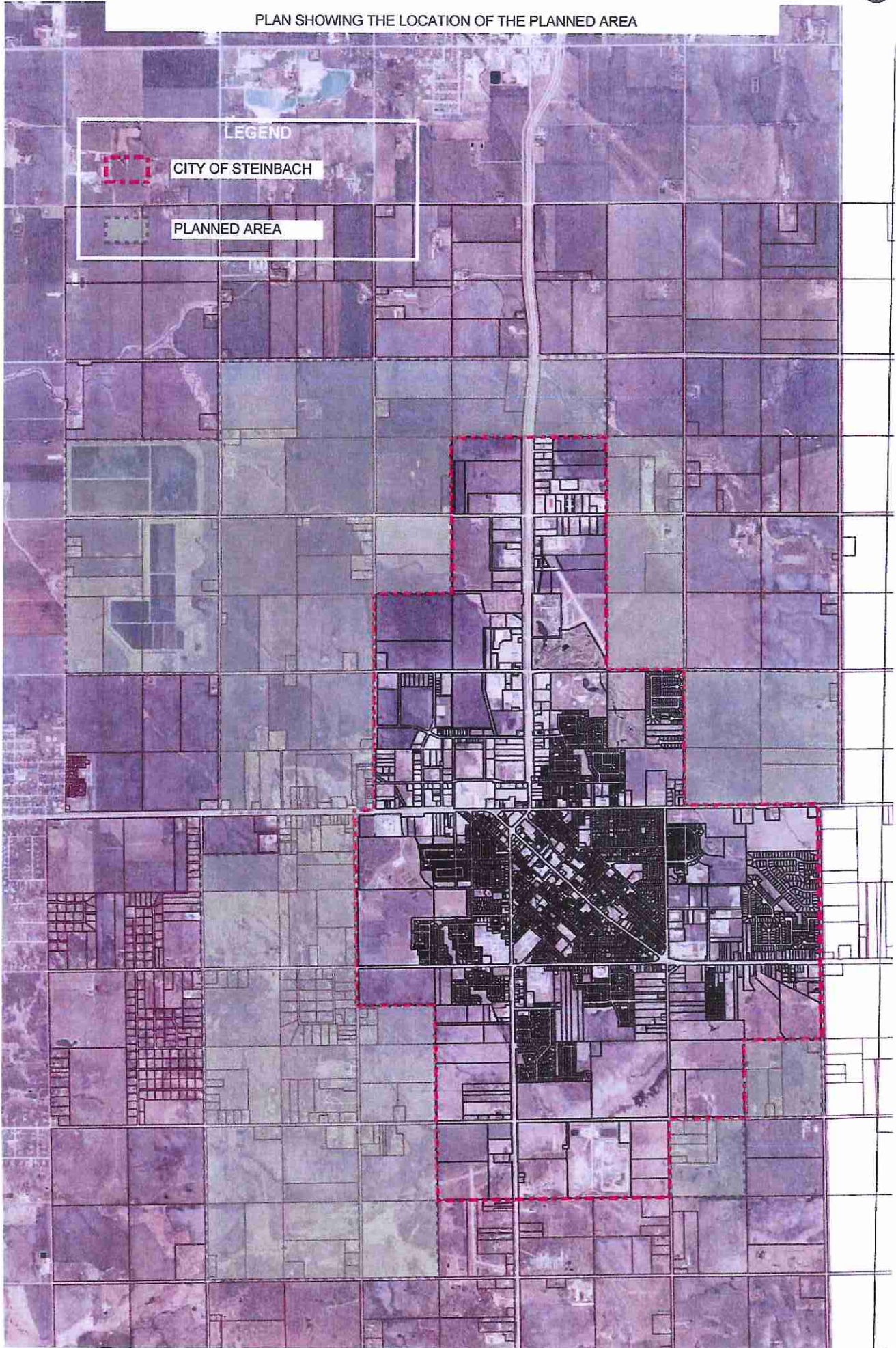


PLAN SHOWING THE LOCATION OF THE PLANNED AREA

LEGEND

 CITY OF STEINBACH

 PLANNED AREA



*RJ*

**SCHEDULE "D"**  
**ANNEXATION PRINCIPLES**

The Principles are as follows:

**"Servicing":**

1. The municipality which can best provide the needed municipal infrastructure to the residents and land owners of a particular area should normally exercise municipal jurisdiction over that area. Environmental imperatives will be considered in determining the need for municipal infrastructure, in particular, water and sewer services. The ability to provide water and sewer service to a particular area is a strong indicator that the area should be annexed to the municipality which provides the service.

**"Social & Economic Ties":**

2. Residents within a particular area should be under the jurisdiction of the municipality to which they have the greatest affinity or relationship. The Board will consider the social and economic ties to each of the municipalities involved. Which municipality are the affected residents and land owners "a part of"?

**"Land Uses in Area":**

3. In general, agricultural and other rural uses should be confined to Rural Municipalities; urban land uses should be located within Villages, Towns and Cities.

**"Viability & Future Growth":**

4. Annexation of the land needed to maintain the viability of a municipality and to enable it to fulfil its role in the broader community should be supported. An adequate inventory of suitable residential, commercial and industrial land should be available to meet potential future demand. Planning documents such as development plans will be considered in determining the role of the municipality and its future growth and planning needs.

**"Will of the People":**

5. An attempt should be made to accommodate the will of the majority of the residents and land owners of an area proposed for annexation.

**"Geographical Boundaries":**

6. Geographical or natural barriers which may serve as a logical boundary line should be considered. An attempt will be made to define a line which is straightforward and easily recognizable.





SCHEDULE "E"  
**COMPENSATION**

Year	Amount
1	\$165,000.00
2	\$153,215.00
3	\$141,430.00
4	\$129,645.00
5	\$117,860.00
6	\$106,075.00
7	\$ 94,290.00
8	\$ 82,500.00



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# Appendix 2

Copy Of Implications of Recommendation

- City Planner Report

## City Planner Report

### Re: R.M of Hanover Zoning By-Law 2578-24

#### Background

In winter of 2024, a subdivision was applied for in the R.M of Hanover proposing to subdivide three lots (two new) from the existing title for the purpose of agri-commercial development. The land in question is located along PTH 12 North less than half a kilometre north of the City of Steinbach. The city was circulated the subdivision application from the provincial planning office as a commenting agency as the property in question is located within the Transitional Policy Area within the R.M of Hanover. And as per Policy 2.12.2.6 of the R.M of Hanover Development Plan *“In general land division shall be discouraged within the Transitional Area. Any proposal considered by Council must go through a consultative process with the City of Steinbach to evaluate the potential impact on both municipalities”*. As the application for subdivision is not in harmony with the existing policies set out in the R.M of Hanover’s Development Plan and Zoning By-Law the city put forth its objection to the application.

At the August 8, 2024 the Planning and Land Use Committee the R.M of Hanover passed a resolution approving the subdivision on the condition that the land being subdivided is re-zoned to ‘RI’ Rural Industrial Zone as none of the existing businesses that have been erected on the site are permitted within the current zone. As per the by-law the intent is to re-zone the subject parcel from ‘Agriculture Limited’ to ‘RI’ Rural Industrial Zone.

And as stated in the objection letter for the subdivision application, the proposed does not comply with the R.M of Hanover Development Plan and R.M of Hanover Zoning By-Law policies specifically related to the Transitional Zone in which the property is located.

As per the R.M of Hanover Development Plan Policy 2.12.2.7 states that “Transitional Area will maintain similar or equivalent land use designations which were in place prior to the annexation request. General agricultural activities and uses normally associated with the agricultural industry will continue to be the predominant land uses within the Transitional Area, and non-agricultural activities will be discouraged”.

Policy 2.12.2.8 states that “The R.M of Hanover will respect the City of Steinbach’s future growth potential within the Transitional Policy Area while maintaining its autonomy as the decision-making authority”. The proposed uses that have been erected, the subdivision application and the zoning bylaw amendment do not comply with the policies in the R.M of Hanover Development Plan.

#### Recommendation

It is recommended that the city should object to Zoning By-Law 2578-24 as the proposal is not in harmony with the existing policies set out in the R.M of Hanover Development Plan as well as the signed annexation agreement between the R.M of Hanover and the City of Steinbach.