

BYLAW NO. 95-1

BASIC PLANNING STATEMENT

RURAL MUNICIPALITY OF WELLINGTON NO.97

**Prepared by
Saskatchewan
Municipal Government
January 23, 1995**

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PART I - INTRODUCTION

1.1 General

This document constitutes the Basic Planning Statement for the Rural Municipality of Wellington No. 97. The basic planning statement has been prepared and enacted in accordance with Section 39 of The Planning and Development Act, 1983.

1.2 Short Title

This bylaw shall be known as "The Basic Planning Statement" of the Rural Municipality of Wellington No. 97.

1.3 Authority

Pursuant to Section 39 of The Planning and Development Act, 1983, the Council of the Rural Municipality of Wellington No. 97, hereby adopts the Basic Planning Statement Bylaw No. 95-1.

1.4 Scope

This bylaw shall apply to all the lands within the limits of the Rural Municipality of Wellington No. 97 and no development shall be carried out that is contrary to the basic planning statement.

PART II - PURPOSE OF THE BASIC PLANNING STATEMENT

The basic planning statement itself should be viewed as a growth management tool and a collective statement by the municipality as to how land use should proceed and be controlled. The basic planning statement is also intended to guide and direct the efforts of private interest in achieving high quality development. In addition, the basic planning statement provides a framework to encourage economic and social development within the municipality and region.

- (a) The primary purpose of the basic planning statement is to establish a framework within which future growth and development in the municipality is to be encouraged and directed. The policies within this plan are intended to guide all growth in a logical and orderly manner in order to benefit all residents of the municipality and to enhance the cultural, visual and ecological qualities of the rural environment.
- (b) The basic planning statement is intended to assist the council in carrying out successive and more detailed steps in the planning process, and to assist private agencies and public authorities concerned with development, by reducing the uncertainty regarding the manner and sequence of rural growth.
- (c) The basic planning statement is intended to ensure that adequate services are available for the health, safety and convenience of the residents and to encourage the development of an environment which is pleasant, efficient and economical for all concerned.

PART III - BACKGROUND

3.1 Specific Development Issues

(a) Land Use Planning

Council requires direction in resolving various land use matters where private, municipal, and provincial development interests exist.

(b) Agricultural Land Retention

Council wishes to encourage the retention of agricultural land in larger parcels to avoid the fragmentation of productive land for speculative purposes.

(c) Public Utilities

Public utilities are often developed without municipal consultation and should be better coordinated between the developing parties to ensure efficient land use and reduced costs.

(d) Residential Subdivision

Residential subdivision proposals may occur within the rural municipality. If not properly managed, such proposals may present a conflict to the agricultural base and cause excessive infrastructure costs.

(e) Resource Activity

Throughout the municipality, oil and gas development may provide a strong resource base which could enhance the viability of the rural economy.

PART IV - LAND USE DESIGNATIONS AND POLICY

4.1 Introduction

Once the land use issues have been identified and the overall growth concept is determined, it is then necessary to establish guidelines and policies for individual land uses such as agricultural, residential, commercial, industrial, recreational, and resource development.

Such land use policies are concerned with ensuring that the needs and requirements of individual land uses are met while minimizing any adverse impacts upon other land uses, road network, and other municipal services and the natural environment.

The main goals of land use planning are to ensure that:

- (a) land uses are properly located;
- (b) an efficient use of the land results;
- (c) the intensity or density of the land use is appropriate to the site and the larger district;
- (d) land use conflicts with incompatible uses are avoided.

Basic planning statements establish general land use designations or categories which provide the broad basis for land use control decisions and development control documents such as the zoning bylaw.

4.2 The major land use categories or designations of the Basic Planning Statement are as follows:

- (a) Agricultural-Resource
- (b) Industrial
- (c) Commercial
- (d) Transportation and Utilities
- (e) Hamlet

4.3 Land use designations establish provisions regarding the use of the land. Examples of permitted uses provided in the land use designations are intended to indicate the possible range of uses to be considered and are not intended to be all encompassing. However, future uses shall be in conformity with the overall intent and principles expressed in the definition and policies of the appropriate land use designation.

4.4 Public Facilities

Public and private utilities, public and private institutional uses, recreation uses, aggregate extraction operations, sanitary landfill sites, and sewage disposal sites will be accommodated in the municipality provided that the goals and objectives of the rural area are not prejudiced and such uses are complimentary to the interest of the rural community.

PART V - AGRICULTURAL - RESOURCE LAND USE

5.1 Goal

To ensure the conservation of the agricultural lands and natural resources and to maintain viable farm operations and farm community.

5.2 Objectives

The objectives of the Agricultural - Resource District are:

- (a) To oppose the fragmentation of good agricultural land for non-agricultural purposes;
- (b) To promote the retention of agricultural land with a high capability for agricultural purposes;
- (c) To ensure that agriculture and potential oil and gas development are valuable components of the municipality's economic base;
- (d) To minimize the impact of non-agricultural land use on agriculture;
- (e) To enhance the rural environment;
- (f) To promote the efficient use of the agricultural and natural resources;
- (g) To encourage agricultural-resource related developments which will improve the economic viability of the rural municipality.
- (h) To provide on a limited basis, separate sites for residential development (farmstead and non-farm residences).

5.3 Policies

5.3.1 Primary Land Use

The primary Agricultural-Resource land uses shall be agricultural, including the cultivation of crops, grazing of livestock, dairying, tree nurseries, sod farms, apiaries and other similar uses.

5.3.2 Intensive Livestock Operations

Any new or expansion proposal of an existing operation will be judged on its individual merit after being reviewed by the Department of Agriculture and Food and by the council of the municipality. The Council may specify development standards on such operations to minimize local land use conflicts.

5.3.3 Site Size

To minimize the fragmentation of agricultural land, proposals to subdivide land into parcels smaller than 64 hectares (158 acres) will be discouraged. Lesser sized sites will be permitted under the conditions outlined in Section 5.3.7 and the zoning bylaw, only if the proposed subdivision contributes to agricultural viability or will not be injurious to other objectives of this bylaw.

5.3.4 Dwellings

It is important that flexibility in housing accommodation be permitted for agricultural operations. Consequently, besides the initial farm dwelling, two additional dwelling units per farm land holding may be permitted if accessory to a legitimate agricultural operation and if for the purpose of accommodating farm workers. The granting of a development permit by council for such a dwelling shall not be construed in any way, as a consent or approval for future subdivisions.

5.3.5 Farmstead Subdivision

The Zoning Bylaw shall make provisions for a farmstead subdivision to accommodate an existing or proposed farm dwelling for a farmer, retiring farmer, or an immediate relative of the farm operator. The conditions essential for the granting of such farmstead subdivision will be outlined in the zoning bylaws.

5.3.6 Single Parcel Residential Subdivision

A maximum of one non-farm residential subdivision per quarter section may be permitted.

Development and subdivision for residential sites will be subject to all policy herein and criteria and general regulations in the implementing bylaws.

5.3.7 Subdivisions for Consolidation and Estate Planning Purposes

Land may be subdivided for agricultural purposes where it is intended to be consolidated with adjacent land to create a more viable agricultural unit or where estate settlement, estate planning, farm debt restructuring, or similar situations are proposed, provided that it is not inconsistent with the goals, objectives and policies of this district, and that no new accessory residential use be permitted on the site.

The implementing bylaws will provide the specific conditions under which such subdivisions will be permitted.

5.3.8 Commercial Uses

Commercial uses may be permitted provided their function is directly related to the oil and gas and/or agricultural economy.

Such uses are:

- (a) Grain elevators;
- (b) Grain and seed storage, cleaning and drying;
- (c) Fertilizer mixing and sales;
- (d) Livestock and poultry breeding services;
- (e) Abattoirs;
- (f) Vet clinics, riding academies;
- (g) Machinery repair services;
- (h) Implement assembly and servicing and sales;
- (i) Vacation farms and rural bed and breakfast facilities;
- (j) Oil and gas servicing firms.

5.3.9 Oil and Gas Development

It is recognized that the oil and gas industry may in the future provide opportunity for a diversified economic base for the municipality.

Petroleum extraction development will therefore be permitted subject to specific conditions to be established within the zoning bylaw.

Approval for such resource developments may be granted only after a review by council, to ensure:

1. land use compatibility is maximized.
2. minimal disruption shall occur to critical wildlife habitats, water resources the natural environment and existing residences.
3. new sites may be subject to decommissioning and reclamation requirements.
4. R.M. services, roads and public utilities shall not be negatively affected.
5. public safety shall be achieved.

The subdivision of land specifically for oil and gas well sites is considered contrary to the objectives of the Agricultural Resource District as it tends to fragment the agricultural land base. Therefore, lease arrangements will be encouraged. Council shall not be required to rezone land, issue development permits or recommend subdivision approval for oil and gas well sites unless Council is satisfied that:

1. the affected land will be reclaimed for agricultural purposes when the resource is depleted;
2. the developer enters into an agreement with the municipality to ensure reclamation and the consolidation of the well site with the adjoining agricultural parcel.

5.3.10 Home Occupations

It is recognized that home occupations provide a valuable contribution to the diversified economic base, however, consideration must be given to evaluating each individual operation against specific commercial criteria and the policies within the plan.

Home occupations will therefore be permitted subject to specific conditions to be found in the zoning bylaw.

Approval for such commercial developments may be granted only after a review by council, to ensure that:

- (a) Incompatibility with other land uses will be avoided, including consideration of proximity to urban centres and hamlets;
- (b) Policies for environmental quality control will not be jeopardized including water and waste disposal servicing;
- (c) Significant areas of good agricultural land will not be permanently removed from production;
- (d) The design and development of the use will conform to high standards of safety, visual quality and convenience, and should be located on good quality roads;
- (e) Random development along roads and highways will be discouraged.
- (f) All relevant approvals are obtained from the requisite government agencies, e.g., Department of Environment and Public Safety, for uses such as anhydrous ammonia fertilizer facilities.

5.3.11 Non-Conforming Sites

Provision shall be made in the zoning bylaw as per Section 113 and 118 of The Planning and Development Act, 1983, to deal with the development of non-conforming sites in the Agricultural Residential District which existed prior to the adoption of the basic planning statement and zoning bylaw.

In keeping with the policy of this district, consolidation of non-conforming parcels will be encouraged. Development of a non-conforming site created after that specific date will be permitted only if the said site was created in conjunction with the issuance of a Certificate of Approval from the approving authority at the time of the subdivision.

5.3.12 Development Priority

(a) The following lands shall be given a high priority for strictly farming and agricultural production:

- lands with a Canada Land Inventory rating of Class 1, 2, and 3, and
- lands which are in active agricultural production.

(b) Lands which have mineral and petroleum extraction potential shall not be developed so as to preclude or jeopardize the extraction of those resources.

5.3.14 Zoning Implementation

Agricultural-Resource development requirements and standards shall be specified in the Agricultural-Resource District of the zoning bylaw.

PART VI - INDUSTRIAL LAND USE

6.1 Goal

To accommodate industrial land uses which are beneficial and well suited to the rural municipality, while minimizing conflicts with other land uses.

6.2 Objectives

- (a) To encourage the continued infilling of existing industrial areas prior to initiating further development.
- (b) To explore the possibility of joint development of low service industrial lots with the adjacent municipalities.
- (c) To minimize conflicts between industrial developments and those existing and future land uses may be affected.
- (d) To encourage and promote rural industrial development and natural resource extraction industries which are beneficial and well suited to the rural municipality.
- (e) Industrial development should be directed away from better agricultural land.

6.3 Policies

- (a) Industrial development is encouraged to be directed to lands designated for rural industrial uses, rather than being allowed to be scattered throughout the rural municipality. The following exceptions may be permitted:
 - (i) home farm occupations or industries which, by their nature, require or are associated with, or are part of the farming operations, are required to be located on or in close proximity to farm markets;
 - (ii) natural resource extraction industries requiring a location near the raw materials;

- (b) Industrial development should be directed away from residential development, and better agricultural land (with the exceptions being contained in policy a)i) above.
- (c) Prior to the consideration of an industrial development or subdivision, the rural municipal council may require an area structure plan be prepared. Where an area structure plan is considered necessary, the plan will contain the following:
 - (i) the phasing of development;
 - (ii) the size and number of parcels proposed;
 - (iii) the installation and construction of roads, services, and utilities;
 - (iv) the types of industries to be contained on the site;
 - (v) potential impacts on adjacent land uses, and proposed measures to reduce those impacts;
 - (vi) the environmental suitability of the site with particular consideration to the soils, topography, drainage and availability of services, proximity to wildlife management areas and hazard land; and
 - (vii) any other matters which the rural municipal council considers necessary.

PART VII - COMMERCIAL LAND USE

7.1 Goal

To promote and accommodate commercial development in appropriate locations in the rural municipality.

7.2 Objectives

- (a) To promote commercial development to occur which is of a size and type most suited to serve the needs and requirements of the rural residents in the area.
- (b) To encourage commercial uses to locate where they will minimize potential land use conflicts to existing and future land uses in the area.
- (c) To direct commercial development to areas where it is most appropriate and away from better agricultural land.

7.3 Policies

- (a) Commercial uses should be of a type and scale which is compatible to adjacent residential uses, and primarily serve the local rural residents.
- (b) The development of highway commercial uses should be evaluated on the need for additional services which could not be accommodated by the existing commercial uses.
- (c) Highway commercial uses should maintain the functional integrity of the adjacent highway, through the use of service road systems, or controlled highway access points, which are approved by the Department of Highways.
- (d) Prior to the consideration of a commercial development or subdivision proposal, the council may require an area structure plan be prepared. Where an area structure plan is considered necessary, the plan will consider the following:
 - (i) the location of proposed uses in relationship to adjacent and surrounding commercial uses or nodal areas;

- (ii) servicing requirements of the proposed subdivision or development (water quality and quantity, sewage disposal, fire fighting capability, utilities);
- (iii) the types of developments proposed;
- (iv) Department of Highways' comments with respect to highway commercial developments, and the access, egress, and the potential impacts on the highway system and traffic safety;
- (v) the agricultural capability of the soils;
- (vi) existing and future uses in the surrounding area;
- (vii) development standards or design criteria which includes such aspects as parking for large trucks, landscaping, screening, storage, signage, and building design and finish; and
- (viii) any other matters which the rural municipal council considers necessary.

PART VIII - TRANSPORTATION AND UTILITIES

8.1 Goal

To co-operate with other agencies in the planning of transportation and utility facilities within the rural municipality.

8.2 Transportation

8.2.1 Objectives

- (a) To co-operate with provincial agencies to co-ordinate the planning of transportation facilities and rights-of-way.
- (b) To protect transportation facilities and rights-of-way from conflicting land uses.
- (c) To minimize potential impacts from transportation facilities on adjacent and surrounding land uses.

8.2.2 Policies

- (a) The rural municipality will co-operate with Saskatchewan Municipal Government, Saskatchewan Highways, and adjacent municipalities in long-term planning which addresses the transportation needs of residents and travellers in the rural municipality.
- (b) All new roads in the rural municipality shall be designed and constructed to a standard acceptable to Saskatchewan Highways, in consultation with the rural municipality.
- (c) The rural municipality will ensure, through the subdivision and development processes, that highways are protected from land uses which may affect the future acquisition for highway rights-of-way.
- (d) Transportation facilities (which include such facilities as primary highways, secondary roads, airports and railways) should be protected from land uses which affect the safe and efficient operation of these facilities and future expansion options.

8.3 Utilities

8.3.1 Objectives

- (a) To ensure all future land uses provide for an efficient and effective supply of water, refuse disposal, storm water runoff, and sanitary waste disposal, without creating a financial burden on the rural municipality.
- (b) To minimize land use conflicts between utility systems and adjacent and surrounding land uses.

8.4.2 Policies

- (a) All developments shall be responsible for the provision of individual on-site water supply and sewage disposal to the satisfaction of the rural municipal council.
- (b) When reviewing development proposals, the rural municipal council may request, from utility companies, their existing and future requirements of such servicing in and around the area of the development proposal.
- (c) Future landfill sites and sewage lagoons will be located in accordance with provincial environmental and health regulations.
- (d) Utility facilities and systems should be protected from encroachment by incompatible land uses.

PART IX - RESIDENTIAL LAND USE

9.1.1 Goal

To permit residential development which may provide a growth stimulus to the community and also to provide a choice of lifestyles for the residents.

9.1.2 Objectives

The objectives are to:

- (a) provide a variety of living environments and lifestyles for residents; and
- (b) minimize the cost of providing public utilities and community facilities to the community.

9.1.4 Policies

It shall be the policy to allow for limited residential and commercial growth in the form of infilling of existing vacant land in the hamlets.

PART X - ENVIRONMENTAL MANAGEMENT

10.1 Goal

To ensure that areas of significant natural, ecological, heritage, archaeological and palaeotological features are protected

10.2 Objectives

10.2.1 To encourage environmentally compatible development which minimizes environmental disruption and pollution.

10.2.2 To minimize environmental and natural habitat disruptions.

10.2.3 To avoid and minimize flooding and flood damage.

10.3 Environmental Management Policies

10.3.1 Council shall not be required to permit development on, or to recommend subdivision approval for, environmentally sensitive lands which are subject to the following conditions:

- marshy
- low lying
- adjacent to water courses and water bodies
- erosion
- valuable wildlife habitats,
- flooding
- slope subsidence
- instability
- environmentally unique, sensitive or fragile
- archaeological sites
- palaeotological sites

10.3.2 Council may require developers to provide professional, certified environmental, geo-technical and hydrological reports of lands which are deemed by council to be environmentally sensitive. Such reports shall address at council's discretion, site suitability, silting, servicing, and construction/development standards.

10.3.8 Wildlife, vegetation and unique ecological habitats shall be preserved. Development in habitats shall be subject to protective development standards.

PART XI - IMPLEMENTATION

The basic planning statement goals, objectives, and policies shall be implemented in the following manner:

11.1 Co-operation and Inter-municipal Consideration

Council shall co-operate with senior governments, other municipalities and public and private agencies to implement the plan and to ensure compatibility of land uses.

11.2 Provincial Land Use Policies

This bylaw shall be administered and implemented in conformity with applicable provincial land use policies, statutes and regulations and in co-operation with provincial agencies.

11.3 Zoning Bylaw

- (a) Pursuant to Section 45 of The Planning and Development Act, 1983, council shall prepare and adopt, in conjunction with this bylaw, a zoning bylaw for the rural municipality.
- (b) The zoning bylaw shall implement the goals, objectives, and policies of this basic planning statement bylaw, as per The Planning and Development Act, 1983.
- (c) The zoning bylaw shall provide for:
 - development zones, permitted and discretionary uses, and general and specific development standards, as council deems appropriate, to carry-out the intent of this bylaw.
- (d) Generally, the zoning of land shall reflect its existing use and the premature zoning of land for development shall not be encouraged.
- (e) Council shall consider rezoning land only when specific development proposals, subdivision applications, and servicing agreements, as the case may be, have been presented to and reviewed by council.

PART XII - DEVELOPMENT REVIEW CRITERIA

12.1 When considering applications to rezone, subdivide, and develop land, council shall have regard to the following concerns:

- (a) Conformity with the plan goals objectives, and policies, and the zoning bylaw development standards.
- (b) The viability and necessity of the proposed use.
- (c) The degree of prematurity (e.g. time, location, servicing, cost, municipal capabilities, etc.).
- (d) The availability of alternative sites and buildings to accommodate the proposed development to achieve the intent of this basic planning statement and the zoning bylaw.
- (e) The ability of the rural municipality to provide the required public utilities and to enter into suitable servicing and development agreements, to ensure the costs do not outweigh the benefits to all parties concerned.
- (f) The compatibility and suitability of the proposed use with nearby land uses, existing and preferred public utilities, the character of the area, and the environmental protection goals, objectives, and policies.
- (g) The effect of the proposed development on proposed municipal projects identified in this bylaw, including public reserve and recreational policies.
- (h) Any additional reports, studies, development issues, resident concerns, provincial comments, and public hearing submissions.

12.2 Subdivision and development proposals shall not be approved where the proposal:

- (a) Is detrimental to the health, safety, convenience, or general welfare of the persons residing or working in the area.
- (b) Is injurious to, or incompatible with, existing or proposed developments or public utilities in the vicinity.
- (c) Involves, in council's opinion, prohibitively expensive public utility construction or maintenance costs.
- (d) Involves the refusal of a developer to enter into a servicing or development agreement.
- (e) Is not located, appropriately arranged or serviced on an environmentally protected site or in an environmentally suitable manner.

12.3 Where a subdivision or development proposal affects the municipality's road system, the municipality may, at its discretion, and pursuant to the Rural Municipality Act, 1989, require the landowner or developer to enter into a road maintenance agreement.

PART XIII - ADMINISTRATION

13.1 Binding

The basic planning statement bylaw shall be binding on the rural municipality, the Crown, and all other persons, associations, and other organizations, and no development shall be carried out that is contrary to this basic planning statement bylaw.

13.2 Documents

This bylaw shall consist of this text, and where council deems appropriate, background reports, maps, tables, and charts.

13.3 Definitions

The zoning bylaw definitions shall apply to this bylaw.

13.4 Amendment of Bylaw

Council may amend this bylaw, at any time, upon its own initiative, or upon request, in order to improve the basic planning statement's goal, objectives, and policies.

13.5 Bylaw Review

Council may review and consolidate this bylaw:

(a) when the council considers it necessary; or

(b) five years from the effective date of this bylaw, or from the last bylaw consolidation, as the case may be.

13.6 Severability

If any section of this bylaw is deemed, by an appropriate authority, to be invalid, the remainder of the bylaw shall continue in effect.

13.7 Offenses and Penalties

A prosecution for a contravention of, non-compliance with, or a failure to meet the provisions of this bylaw, shall be in accordance with The Planning and Development Act, 1983.

PART XIV - EFFECTIVE DATE OF BYLAW

14.1 Ministerial Approval

This bylaw shall come into force on the date of final approval of the Minister of Municipal Government.

14.2 Council Readings and Adoption

Read a first time this 14 day of FEBRUARY, 1995.

Read a second time this 14 day of FEBRUARY, 1995.

Read a third time this 21 day of MARCH, 1995.



Reeve

S E A L



Rural Municipal Administrator

14.3 Ministerial Approval Date

Approved on the 8th day of
December, 1996.



Deputy Minister
Saskatchewan Municipal Government