

RURAL MUNICIPALITY OF CUPAR NO. 218

BASIC PLANNING STATEMENT

BYLAW NO. 1/04

WITH

BPS AMENDMENTS BYLAW NO. 2/12

TABLE OF CONTENTS

1. INTRODUCTION	3
2. MUNICIPAL GOALS	3
2.1 Agriculture	3
2.2 Business Development	3
2.3 Residential Development	3
2.4 Municipal Services	3
2.5 Environmental Management	3
2.6 Land Use Management	3
3. AGRICULTURE	4
3.1 Discussion of Issues	4
3.2 Objectives	4
3.3 Zoning Implementation Policy	4
4. BUSINESS DEVELOPMENT	7
4.1 Discussion of Issues	7
4.2 Objectives	7
4.3 Zoning Implementation Policy	7
5. RESIDENTIAL DEVELOPMENT	9
5.1 Discussion of Issues	9
5.2 Objectives	9
5.3 Zoning Implementation Policy	9
6. MUNICIPAL SERVICES	10
6.1 Discussion of Issues	10
6.2 Objectives	11
6.3 Zoning Implementation Policy	11
7. ENVIRONMENTAL MANAGEMENT	12
7.1 Discussion of Issues	12
7.2 Objectives	12
7.3 Zoning Implementation Policy	12
8. IMPLEMENTATION	13
8.1 Zoning Bylaw	13
8.2 Intermunicipal Cooperation	13

9. ADOPTION

15

10. MAPS

10.1 Highways 22 and 6 Land Use Concept Map (Highway Commercial, Industrial and Residential)

SECTION 1 – INTRODUCTION

1.1 Purpose

The Council of the R.M. of Cupar No. 218 has authorized the preparation of a basic planning statement pursuant to *The Planning and Development Act, 1983*, to provide a set of objectives to guide the use of land and its future development within the limits of the municipality. Development and subdivision of land within the municipality shall be consistent with this bylaw.

SECTION 2 – MUNICIPAL GOALS

2.1 Agriculture

To preserve and enhance the agricultural economic base of the municipality.

2.2 Business Development

To enhance the rural way of life in the municipality, and provide for new opportunities that support that way of life.

2.3 Residential Development

To provide a variety of living environments and life styles for residents.

2.4 Municipal Services

To ensure orderly and appropriate development of land and of cost efficient services to support development.

2.5 Environmental Management

To support uses of the land which will maintain its productivity and protect the quality of environment for future generations.

2.6 Land Use Management

To minimize land use conflicts within the R.M. and along its borders with adjoining urban and rural municipalities and First Nation Lands.

SECTION 3 – AGRICULTURE

3.1 Discussion of Issues

- Protection of agricultural activities and resources is the principal concern of the municipality. Council wishes to encourage the retention of high quality agricultural land in larger parcels to avoid the fragmentation of productive land for speculative purposes.

3.2 Objectives

- To promote continued agricultural activity and to ensure that agriculture remains the primary land use in the municipality.
- To conserve high quality agricultural land for continuing productive agricultural use.
- To provide for intensive forms of agriculture including intensive livestock or irrigation operations and to recognize differing forms of subdivision and development patterns that intensive agriculture may require.
- To protect agricultural land uses from negative impacts of non-agricultural land use and development.
- To support agricultural uses in the municipality in a manner that would not create conflicts within neighboring uses, jeopardize reasonable development potentials, or create significant environmental concerns.
- To promote and encourage agricultural land use practices and development which enhance soil conservation.

3.3 Zoning Implementation Policy

The zoning bylaw shall recognize primary agricultural uses. The primary agricultural uses include grain farming, mixed grain/livestock operations, farmsteads, intensive agricultural uses, and farm based agricultural related commercial developments or home based businesses.

3.3.1 Farm Operations

- (1) The development and operation of farms and farmsteads for field crop, pasture and non-intensive livestock operations will be accommodated.
- (2) The division of land for agricultural field crop and pasture use will be accommodated.

3.3.2 Farm Dwellings

- (1) Single detached and dormitory dwellings for agricultural operators will be permitted on agricultural sites according to the policies on residential density.

3.3.3 Intensive Agriculture

- (1) In general, Council will support the development of intensive agricultural and livestock operations unless specific locational conflicts would be created.
- (2) Intensive agricultural operations and intensive livestock operations (ILO's) will be discretionary uses. Any expansion of an operation to provide for a greater number of animal units, or any change in an operation which alters the species of animal, shall require a new discretionary approval.
- (3) The Zoning bylaw may provide for the temporary confinement of cattle on a farmstead during winter months as part of a permitted use general mixed farm operation. The bylaw may also provide for other temporary holding and loading facilities as discretionary uses subject to discretionary conditions for approval including maximum number and time of confinement.
- (4) Council may advertise any proposal that will result in an intensive livestock operation and may hold a public hearing on the proposal.
- (5) In order to minimize conflict between intensive livestock operations and surrounding development, Council will consider applications for development of an ILO and apply the following criteria:
 - a) No new ILO will be considered if the operation will be less than 300 metres from a dwelling not located on the site, or associated with the proposed ILO.
 - b) Where the applicant has demonstrated to the satisfaction of Council that the water supply is sufficient for the development and the water supply for neighbouring developments will not be adversely affected by the proposed operation. The applicant shall ensure ground water supplies are protected from pollution.
 - c) The minimum separation distances in Table 3.1 will be applied to determine acceptable locations.
 - d) A greater separation may be needed from any liquid manure storage lagoon involved in the operation to residential and other developments. The criterion of a separation distance to the lagoon from a residence of 1.5 times the distance in Table 3.1 will be considered adequate.
 - e) Council may consider lesser separation distances than given in Table 3.1 where:
 - i) Written notice approved by Council has been given to the owner of a residence within the distance provided in Table 3.1 and to the hamlet board of a hamlet or Council of an urban municipality with the specified distance, and
 - ii) A public hearing has been held.
 - iii) Council may approve or refuse a proposal based on any problems identified.

- f) Council may require that the developer of a proposed ILO enter in an agreement with the owner of a residence and the municipality, consenting to the proposed development up to a specified size, as a condition of approval where the separation distances are significantly, in Council's opinion, less than the criteria of Table 3.1.
- g) As a condition of approval Council shall specify the maximum number of animal units for which the approval is made, and may impose standards to reduce the potential for conflict with neighboring uses which specify the location of holding areas, buildings or manure storage facilities on the site.
- h) As a condition of approval Council may specify requirements based on development standards in the zoning bylaw regarding the disposal of manure produced by the ILO, or other measures intended to reduce odor, environmental problems or conflict with neighboring uses from an ILO.
- i) All ILO's must have a valid permit from Saskatchewan Agriculture and Food.

**Table 3.1
Locational Separation Criteria for ILO's to Specific Uses**

Development	Animal Units				
	10-49	50-299	300-499	500-2000	>2000
Residence, tourist Accommodation or campground	305m	800m	1000m	1000m	1200m
Residential subdivision, hamlet or village with less than 100 population	400m	800m	1000m	1200m	1600m
Village 100 or more population	400m	1600m	1600m	1600m	2400m
Town	800m	1600m	1600m	2400m	3200m
City	800m	1600m	2400m	3200m	4800m

(Distances are measured between livestock facilities and building development)

- (6) Waste Disposal Facilities
 - a) Disposal of manure from an ILO on agricultural land will be considered a permitted ancillary use in the zoning bylaw.
 - b) Such disposal will be subject to special standards or location requirements specified in the zoning bylaw that are intended to reduce the potential for land use conflicts.

SECTION 4 – BUSINESS DEVELOPMENT

4.1 Discussion of Issues

- Council recognizes that natural resource extraction and development (eg. oil and gas, forestry, bentonite, etc.) may provide opportunity for a diversified economic base for the municipality.
- Council supports the diversification of the farm economy through the establishment of farm site based business, agri business, and value added processing of agricultural products.
- All business development shall have adequate services, including roads and utilities that meet municipal standards.
- Council will support and encourage the development of highway commercial and industrial development uses along Highway 6 where it would be easily accessible by the travelling public.

4.2 Objectives

- To encourage and promote economic development opportunities in the municipality including:
 - Agri business
 - Farmstead based business
 - Value added processing of farm products
 - Tourism
 - Resource extraction related activity
 - Highway commercial and industrial developments as listed within the zoning bylaw
- To ensure that business development occurs in a manner which minimizes negative impacts on the environment, other land uses, and municipal finances.

4.3 Zoning Implementation Policy

Council will accommodate uses that provide business development in the zoning bylaw in a manner that does not create conflicts with neighboring uses, jeopardize reasonable development potentials, create significant environmental concerns, or result in excessive costs to the municipality.

4.3.1 Oil and Gas Development

- (1) Petroleum extraction development including wells, pipelines, compressor stations and storage facilities will be accommodated in the zoning bylaw as a permitted use.

- (2) Related processing and service development will be accommodated as a discretionary use. Council will consider the developments based on the results of any environmental impact assessment, availability of appropriate water and other resource supplies, compatibility of the operation with adjacent residences and other uses, and arrangements proposed for development or upgrading of necessary municipal services including the standard of roads necessary to support the development.

4.3.2 Agri-Business

- (1) The zoning bylaw will make provision for ancillary commercial developments on farms that support the operation of agriculture in the municipality.
- (2) Other commercial and industrial uses, as specified in the zoning bylaw, may be accommodated as discretionary uses. Council will consider such proposals based on their compatibility with adjacent uses, and the suitability of municipal services, including road access to the development.

4.3.3 Tourism

- (1) Tourist developments, such as bed-and-breakfast operations ancillary to a residence or vacation farms ancillary to a farmstead and operating agricultural use, will be discretionary uses.
- (2) Campgrounds and other public or commercial recreation uses will be discretionary uses.
- (3) Commercial services for the traveling public will be discretionary uses. The primary locational criterion will be safe access to a highway, except where the development will be directly associated with another recreation or destination use.
- (4) Council will exercise its discretion based on the suitability of the location and development with respect to physical access, and separation to intensive livestock operations, resources extraction facilities, or other uses which may be incompatible with tourist developments.
- (5) The applicant shall obtain all other permits for tourist development prior to any construction.

4.3.4 Home Based Business

The zoning bylaw will provide for home based business for the occupants of a farmstead or residence as a discretionary use based on compatibility of the occupation with the principal agricultural or residential use of the property. The applicant shall obtain all necessary permits dealing with the proposed business.

4.3.5 Sand and Gravel

- (1) A sand and gravel operation shall be a discretionary use.

- (2) Such uses will be considered under the following criteria:
- a) The applicant is willing to enter into a road maintenance agreement, or other similar agreements that will provide for the additional costs of required municipal services and protection of municipal infrastructure, where required by Council.
 - b) Separation from residential or other incompatible uses.
 - c) Council may apply special standards and requirements based on provincial guidelines (e.g. *Guidelines for Environmental Protection During Development and Restoration of Sand and Gravel Pits*, Saskatchewan Environment and Public Safety, 1983), to ensure compatibility with adjacent uses, safe operation and suitable reclamation.
 - d) A sand and gravel operation is subject to the *Wild Life Habitat Protection Act*.
 - e) All sand and gravel operations including the Cyprus Hills are treated the same as oil and gas development and may require an Environmental Protection Plan or Environmental Impact Assessment.
 - f) Any sand or gravel pit affecting groundwater directly or indirectly may also be subject to review from Saskatchewan Environment and Resource Management.

4.3.6 Oil and Gas Development

- a) Petroleum extraction development including wells, pipelines, access roads, compressor stations and storage facilities will be accommodated in the zoning bylaw as a permitted use.

4.3.7 Highway Commercial and Industrial Development

- a) The Zoning Bylaw will provide criteria for highway commercial and industrial development within the RM.
- b) The Land Use Concept Map attached to and forming part of this bylaw, identifies the areas along Highway 6, north and south of the Town of Southey, where Council would like to encourage highway commercial and industrial development to locate within the RM's boundaries.
- c) Council will prefer that lands used for highway commercial and industrial development be subdivided to the appropriate size rather than have a development take place on a ¼ section, unless the entire ¼ section is needed for the development.

d) Any proposal for subdivision within a highway commercial and industrial development area shall be accompanied by a concept plan. Council will review and will need to approve the concept plan prior to rezoning the land to a Highway Commercial and Industrial District. The concept plan shall include:

- i. The proposed land use for the area
- ii. The density of development
- iii. The location of roads and services
- iv. The phasing of development

e) Council will have the ability to require screening, landscaping or buffering as a condition of approval and in accordance with the criteria in the Zoning Bylaw.

SECTION 5 – RESIDENTIAL DEVELOPMENT

5.1 Discussion of Issues

- Council recognizes that there are various forms of residential development that will occur in the municipality.
- Council wishes to ensure that the needs of the various forms of development are addressed to create suitable residential environments.

5.2 Objectives

- To provide for residential development in agricultural areas as is necessary to support the agricultural and business function of the municipality.
- To manage the development of other non farm residential sites to minimize negative impacts on farmland fragmentation and municipal service delivery.
- To provide for and manage multi-parcel residential development.
- Council will consider multi-parcel residential development as is necessary and avoid scattered development that would be difficult to provide with necessary services, including roads.
- Council will encourage residential development to take place along Highway 22 and portions of Highway 6.

5.3 Zoning Implementation Policy

Council recognizes that various forms of residential development including farm residential, single parcel residential acreage, residential acreage communities, resort areas and hamlet areas may be required.

5.3.1 Farm Residential

Single detached dwellings and multiple unit dwellings located on the same site, for operators of the agricultural use, will be permitted on agricultural farmstead sites.

5.3.2 Density of Residential Development in Agricultural Areas

- (1) Within an agricultural zoning district in any quarter section, residential development will be limited to a maximum of 2 sites that contain residences, including a farmstead.
- (2) Development of a residence on a site of less than a quarter section will be a discretionary use. Council will consider residential developments based on compatibility with adjacent uses, and the following criteria:
 - a) Compliance with the density requirement.
 - b) Direct access to a developed municipal road.
 - c) The minimum separation distances to ILO's as specified in Table 3.1 for any existing operation. Council may apply the same criteria for separation to a proposed ILO operation or expansion where it considers appropriate.
 - d) The minimum separation distances required to utility facilities or hazardous goods storage facilities such as anhydrous ammonia, from residential development as required by municipal provincial or federal authorities shall apply to residential development proposals.
- (3) Subdivision for residential sites will comply with the density requirements of this section.

5.3.3 Medium Density Residential Development

- (1) Subdivision for residential development at a density greater than 2 residential subdivisions per quarter section, will be considered on its merits through a rezoning to the residential district.
- (2) Medium density residential developments shall observe the minimum separation distances from intensive livestock operations as provided in Table 3.1. Council may refuse a rezoning for a residential development where, based on information submitted to Council, in its opinion a new operation or future expansion of an intensive livestock operation will require a greater separation.
- (3) The minimum separation distances required to utility facilities or hazardous goods storage facilities, such as anhydrous ammonia, shall be observed.
- (4) Residential subdivisions are required to be planned and orderly and as such will be encouraged to be located adjacent to a major transportation corridor and be serviced in a manner that meets municipal standards.

(5) The Land Use Concept Map attached to and forming part of this bylaw, identifies the areas along Highway 22, east of the Town of Southey, and portions of Highway 6 where Council would like to encourage residential subdivisions and development to locate within the RM's boundaries.

(6) Council will encourage clustered development, by encouraging subdivisions to locate adjacent to each other in order to conserve agricultural land and reduce servicing costs, such as roads and utilities.

(7) The zoning bylaw will provide criteria for residential development within the RM.

SECTION 6 – MUNICIPAL SERVICES

6.1 Discussion of Issues

- Council recognizes that the planning and management of development are required to ensure the provision of cost effective municipal services that don't create a financial burden on the municipality.
- The primary servicing and administrative concerns of the municipality have been the provision and maintenance of roads; however, it is also recognized that there is an increasing public expectation for services from the municipality.

6.2 Objectives

- To ensure that development is serviced to a sufficient standard for its use and density without excessive cost.
- To ensure that municipal interests are addressed in the planning of transportation, utility and pipeline facilities, and any associated subdivision or easements.

6.3 Zoning Implementation Policy

6.3.1 Road Access

All residential, commercial, or intensive agricultural development shall be required to have access to a developed road.

6.3.2 Servicing Agreements

(1) Where a subdivision of land will require the installation or improvement of municipal services such as roads or streets, utilities, water supply systems, or sewage disposal facilities, the developer will be required to enter into a servicing agreement with the municipality pursuant to *The Planning and Development Act, 1983* dealing with the installation or improvements.

- (2) Council will consider participation in the costs of installation or improvement of a facility where it will benefit a wider area than the proposed development, exclusive of any increase in assessment.

6.3.3 Municipal Reserve

- (1) When dedication of municipal reserve is required for subdivision, the municipality will accept cash-in-lieu of dedication unless there is a specific need for park land in the vicinity of the development.
- (2) Where Council considers a proposed development of a municipal reserve in an adjacent urban or other municipality to be of benefit to the residents of the municipality funds of the dedicated lands account may be used for that purpose.

6.3.4 Public Utilities

Public utilities exclusive of waste disposal facilities will be permitted uses in the municipality. No minimum site requirements shall apply for public utilities.

6.3.5 Waste Disposal Facilities

- (1) Domestic waste disposal systems located on the site and serving only the principal use will be permitted accessory uses to that principal use.
- (2) Other municipal and commercial solid or liquid waste disposal facilities shall be discretionary uses. Council will consider these uses under the following criteria:
 - a) They will be as near as practical to the source of waste.
 - b) They will have undergone satisfactory review as required by provincial authorities for environmental assessment, and operational design.
 - c) The facility will be at least 300 metres for liquid waste, and 457 metres for solid waste, from any residence or tourism facility.
 - d) Council may apply special standards for screening, fencing, and reclamation of the site on closure, to any approval.
- (3) Soil farms and other facilities for the rehabilitation of contaminated soil will be discretionary uses, based on satisfactory assessment by provincial authorities for environmental impacts, and suitable mitigation measures being undertaken.
- (4) All liquid manure storage facilities will be considered under section 3.3.3.
- (5)
 - a) Disposal of manure on agricultural land will be considered a permitted accessory use to agriculture.
 - b) Such disposal may be subject to special standards or location requirements in the zoning bylaw to reduce the potential for land use conflict.

6.3.6 Road Crossings

The municipality may apply special standards to protect the municipal interest when transportation, utility and pipeline facilities cross municipal roads.

SECTION 7 – ENVIRONMENTAL MANAGEMENT

7.1 Discussion of Issues

- Council recognizes that it has a role and responsibility for stewardship of the environment.

7.2 Objective

- Council's role in environmental management will be:
 - minimize the impact on development from environmental hazards.
 - to minimize the impact of development on environmentally sensitive lands, and
 - to provide the municipal perspective in provincial or federal environmental impact processes.

7.3 Zoning Implementation Policy

7.3.1 Hazard Land Development

- (1) Council may require developers to provide professional, certified environmental, geotechnical or hydrological reports for development of hazard land. Council may refuse to authorize development of structures on such land or may authorize such development only in accordance with specified mitigation measures.
- (2) Council may require a proponent to submit sufficient topographical information to determine if the land has potentially hazardous slopes or land subject to potential flooding. Where such land is identified Council may defer a decision until suitable professional analysis has been submitted. All activity which may affect a water body (stream, lake or wetland) or adjacent shore land will require a Shoreline Alteration Permit from SERM.

7.3.2 Environmentally Sensitive Land

Council will work with provincial departments and agencies to protect any significant heritage resources, critical wildlife habitat, wetlands, and rare or endangered species located on land proposed for development. Where significant potential is shown on the "Zoning District Map", Appendix "A", both forming part of this bylaw, Council may defer issuing a permit for any development until such time as the requirements of the relevant provincial agencies to protect such resources have been obtained.

7.3.3 Groundwater

Development shall not deplete or pollute groundwater resources within the rural municipality. Council will monitor the impact of development on groundwater resources and may incorporate development standards in the zoning bylaw to maximize aquifer protection and supply.

7.3.4 Road Access

The rural municipality and/or Saskatchewan Highways will ensure that undeveloped road allowances for access by resource companies and road construction by the R.M. (including seismic exploration companies) and by the public (including lessees of adjacent land) will be subject to the same environmental protection and restoration requirements as apply on adjacent lands.

7.3.5 Removal of Trees

Developments shall not needlessly destroy existing trees, vegetation or unique flora. The Zoning Bylaw may provide the development of prescribed standards for the removal or alteration of natural vegetation. Council may consult Saskatchewan Environment and Resource Management regarding the appropriate development standards for reclamation and reforestation. The planting of native species occurring in the immediate area or the installation of protective measures shall be encouraged.

SECTION 8 – IMPLEMENTATION

8.1 Zoning Bylaw

- (1) The zoning bylaw will be the principal method of implementing the objectives, including the implementation policies, contained in this basic planning statement and will be adopted in conjunction herewith.
- (2) The definitions contained in the zoning bylaw shall apply to this basic planning statement.

8.2 Intermunicipal Cooperation

- (1) Council will work with neighbouring rural or urban municipalities to develop joint service programs where such arrangements will be of financial benefit to the municipality.
- (2) Council will work with urban municipalities to ensure that the territory within the urban municipality reflects reasonable expectations for development of urban uses.
- (3) Council will confer with adjacent urban and rural municipalities concerning significant developments near municipal boundaries to avoid unnecessary land use conflicts or fiscal impacts across municipal boundaries.
- (4) Council will work with First Nations having land in the area of the municipality to resolve land use issues and to cooperate on joint service programs where of benefit to the municipality.

SECTION 9 – ADOPTION

The Flying Creek Planning District Development Plan and all subsequent amendments as it affects the Rural Municipality of Cupar No. 218 are hereby repealed.

This bylaw is adopted pursuant to *The Planning and Development Act, 1983*, and shall come into force on the date of final approval of the Minister of Government Relations and Aboriginal Affairs.

Seal

Reeve

Administrator

Read a first time this 9th day of March, 2004.

Read a second time this 9th day of March, 2004.

Read a third time and passed this 25th day of May, 2004.

