

EXHIBIT "A"

**RURAL MUNICIPALITY OF
MOOSE MOUNTAIN
NO. 63**

BASIC PLANNING STATEMENT

BYLAW NO. 1-2006

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SECTION 1 - INTRODUCTION

1.1 Purpose

The Council of the RM of Moose Mountain No. 63 has authorized the preparation of this Basic Planning Statement (BPS). The main purpose of a BPS is to create a set of objectives to guide the use of land and its future development within the limits of the municipality and to coordinate land use planning with adjoining municipalities. Development and subdivision of land within the municipality shall be consistent with this Bylaw.

1.2 Historical

One of the earliest settlements in the area (likely pre-1850) was a Hudson Bay Co. fur trading post at what was then called Watkin's Springs on the SE 24-9-2-2. The Palliser Expedition passed through and mapped some of the area in 1857. The White Bear Indian Reserve No. 70 was first surveyed in 1881. Following the early Trails was the easiest path for the early settlers to reach suitable land claims in the area. The former Moose Mountain Trail was used by such settlers to reach what is now the RM of Moose Mountain in advance of any railway coming to the area. Until its closure in 1920, the Trail linked Moosomin to Cannington and Carlyle.

Because of the settlers' use of both the Moose Mountain Trail and the Fort Ellice – Wood Mountain – Grand Valley (Brandon) Trail, the area population increased sufficiently to allow creation of a Local Improvement District (LID) in January of 1909. An LID could only be formed when an area had gained sufficient population and cleared, assessable land to generate its own revenue through property taxes. Although the first store opened in Carlyle in 1882, the CPR did not reach the Town until the Spring of 1901. The CNR line was not constructed to the Town until the Fall of 1909.

The Rural Municipality of Moose Mountain No. 63 was officially created by the Provincial Government on January 2, 1912. Since then, the RM has taken advantage of numerous Provincial programs and grants to improve the area for the landowners. Some examples of these improvements are the RM's management of agricultural grants in the 1930's Depression era, the municipal well programs of the 1960's and the road/infrastructure grants of the recent period.

1.3 Population Trends

For smaller municipalities with slow population growth (or decline), it is likely that forecasting methods which track births, deaths and net migration will be less accurate than simpler techniques. The selected method of analysing and predicting the future population of the RM is called a Constant Numeric Change Model (see Item 10.2 in the Appendix and Reference Section). In the following calculation, it is assumed that the local population (p) in the next 5 year time period (t+1) is equal to the population in the previous period plus the average of population changes over the past "n" periods (the 5 census periods from 1981 to 2001).

The Statistics Canada population for RM 63 for the last 5 census periods is:

1981 - 757 people	1991 - 581 people	2001 - 515 people
1986 - 710 "	1996 - 565 "	

The formula is as follows:	$p(t+1)$	=	$p(t)$	+	$\frac{[p(t) - p(t-n)]}{n}$
	(pop. in the next time period)		(today's pop.)		(the total of the 10 time periods between the 11 census dates)

The projected population for RM 63 is 455 people in 2006.

This is a very basic estimate, which does not include calculations such as cohort survival (births or deaths) in relation to the age of the RM's current population. The model is more accurate in assessing population change due to the effects of employment growth or decline. Left unchanged, the forces which now affect the local economy will mean a continuation of the RM's slow population decline. By using the Policies of this BPS and other features of *The Municipalities Act* (e.g. tax tools or other incentives) Council will attempt to attract more residents and employers to benefit the entire Municipality.

1.4 Definitions shall be the same as those in the Zoning Bylaw

1.5 BPS and Zoning Bylaw Conformity: as prescribed by Section 45(2) of *The Planning and Development Act, 1983* (the Act), in the event of any conflict between part of the Zoning Bylaw and this BPS, the inconsistent part of the Zoning Bylaw shall have no effect.

SECTION 2 - MUNICIPAL GOALS

2.1 Agriculture

To preserve and enhance the agricultural economic base of the municipality and enhance the rural lifestyle of RM residents.

2.2 Industrial and Commercial Development

To contribute to the continued viability of businesses in the existing commercial and industrial areas of the RM and provide new opportunities that support or do not conflict with the agricultural economic base or the rural lifestyle.

2.3 Residential Development

To provide a variety of living environments for current and prospective residents.

2.4 Municipal Services

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

2.5 Environmental Management

To support those land uses which will maintain or enhance the quality of the environment for future generations and to protect environmentally sensitive land such as the areas around the Public Wells owned by the RM in each of its electoral Divisions.

2.6 Land Use Management

To minimize land use conflicts near the industrial areas of the R.M., along its borders with adjoining urban and rural municipalities and to preserve and enhance the R. M.'s heritage resources.

SECTION 3 - AGRICULTURE

3.1 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 and avoid the fragmentation of productive land for speculative purposes. Some limited non-farm residential, industrial and commercial development may be allowed in agricultural areas at locations which would not cause land use conflict or require expensive services to be supplied by the RM.

Objectives

- (1) To promote continued agricultural activity by ensuring that agriculture remains the primary land use in the municipality.
- (2) To conserve high quality agricultural land for continuing productive agricultural use.
- (3) To allow intensive types of agriculture (including intensive livestock or irrigation operations) at appropriate locations to avoid land use conflict. This conflict avoidance will be primarily achieved by using variable separation distances between new intensive agriculture proposals and surrounding development (or vice versa).
- (4) To protect agricultural land uses from negative impacts of non-agricultural land use and development.
- (5) To support agricultural uses in the municipality by avoiding or minimizing conflicts with neighbouring uses, allowing new uses with reasonable development potential and avoiding or minimizing significant environmental concerns with new uses in rural areas.
- (6) To promote and encourage agricultural land use practices and development which balance the need for soil conservation with sustaining the natural environment.
- (7) To protect environmentally sensitive land in the R.M. as shown on the Land Use Concept Map from negative effects of any development which would cause or be subject to erosion, flooding, slumping or destruction of unique natural, biological or heritage features.

3.3 Zoning Implementation

- (1) The Zoning Bylaw shall recognize and protect primary agricultural uses from land use conflict. Primary agricultural uses include but are not limited to, grain farming, mixed grain/livestock operations, farmsteads, intensive agricultural uses, and farm-based, agricultural related commercial developments or home-based businesses. Depending on the type of use and its potential for land use conflict in all or part of the RM, a primary agricultural use may be shown as a permitted or discretionary use in the zoning bylaw, may be prohibited, or may be subject to special zoning regulations. Primary agricultural use types may be further identified in the Zoning Bylaw.
- (2) Any medium-density residential subdivisions will only be allowed on lower-quality agricultural land, based on Council's interpretation of Municipal Assessment data regarding the soil quality. Such proposals will require rezoning. Council shall not be required to rezone for a proposed non-agricultural use if it would consume high quality agricultural land and would contravene the Goals and Objectives of this BPS. In reviewing such requests, Council shall also consider the proposal both in respect to Section 8.3.1(d) of this document, and Sections 4, 5 or 7, depending on the type of non-agricultural use being proposed for rezoning .
- (3) Where necessary, Council may add new policies to the BPS or regulations and use restrictions to the Zoning Bylaw to reduce land use conflict and conform to the Goals of the BPS.

3.3.1 Farm Operations

The development and operation of farms and farmsteads for field crop, pasture and non-intensive livestock operations will be accommodated as Permitted Uses.

3.3.2 Farm Dwellings

Single detached, mobile home and dormitory dwellings for agricultural operators will be permitted on agricultural sites.

3.3.3 Intensive Agricultural Operations

- (1) In general, Council will support the development of intensive agricultural and livestock operations unless

specific locational conflicts would be created due to flies, odour or other pollution problems not regulated by Federal or Provincial agencies.

- (2) Intensive agricultural operations and intensive livestock operations will be Discretionary Uses in accordance with this Section and other relevant policies in this BPS. Any expansion of an existing operation for a greater number of animal units, or any change in an operation which in Council's opinion substantially alters the species of animal, shall require a new discretionary approval for the proposed change or expansion.
- (3) To minimize conflict between proposed intensive livestock operations and surrounding development or vice versa, the following separation distances shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw. Council may approve a lesser separation of up to 10% variance from the relevant separation shown in Table 1 where the applicant submits a copy of a signed agreement between the operator of the ILO and the owner of the development, Organised Hamlet Board or Urban Council, agreeing to such lesser separation. Such agreements between an operator and an owner of another development must contain the provision that the parties to the agreement will caveat the agreement to the titles of all affected land owned by both parties. Where such agreements are made, Council shall be a party to the agreement and may use Section 215 of the Act to caveat the agreement to the title of the affected lands.
- (4) Where the minimum separation distance would not be sufficient, but the potential land use conflict would be reduced to acceptable levels or eliminated, Council may require more separation than shown in Table 1. This would only apply where an unacceptable land use conflict would result between existing or future developments as shown on the Land Use Concept Map in this Basic Planning Statement. An example of this situation would be where in Council's opinion, the higher intensity of nearby development would increase the potential for land use conflict with a new proposed ILO. In that case, a greater separation distance could be used to reduce the conflict to acceptable levels, or the new ILO application could be refused. The criteria in this Section shall also be used by Council to consider applications for developing new residential uses or expanding existing ones within the minimum separation distances shown in Table 1.

Policies for Minimum ILO Separation Distances (Table 1)

TYPE OF ADJOINING OR PROPOSED DEVELOPMENT	NUMBER OF ANIMAL UNITS* PERMITTED	NUMBER OF ANIMAL UNITS PERMITTED	NUMBER OF ANIMAL UNITS PERMITTED
	300-499	500-2000	>2000
Residence, Tourist Accommodation	Minimum 400 m. separation required	Minimum 800 m. separation required	Minimum 1200 m. separation required
Multi-parcel Residential Lots, Hamlet or Village with <100 population, campground, commercial or industrial use	Minimum 800 m. separation required	Minimum 1200 m. separation required	Minimum 1600 m. separation required
Village with >100 population	Minimum 1200 m. separation required	Minimum 1600 m. separation required	Minimum 2400 m. separation required
Town	Minimum 1600 m. separation required	Minimum 2400 m. separation required	Minimum 3200 m. separation required

(Distances are measured between livestock facilities (barns, corrals, Earthen Manure Storage Facility or other approved Manure Stockpile/Treatment Facility) and any dwelling not owned by the ILO operator, Hamlet, Village or Town development)

* refer to Part II of the Zoning Bylaw for the definition of an Animal Unit

- (5) The following are additional actions which Council may use in dealing with applications for new ILOs:

- i) Council may require the applicant to pay for the public advertisement of a proposal that will result in an intensive livestock operation and for the cost of a public hearing or information session on the proposal;
- ii) Council may require an applicant to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation.
- iii) Crop land or improved pasture may be used for the disposal of wastes from an intensive livestock operation by spreading of manure, and such manure shall be incorporated into the soil within 24 hours of spreading, unless such incorporation is prevented by adverse weather conditions, in which case incorporation shall take place as soon as practical thereafter.
- iv) Council may require or allow an applicant to utilize manure injection into the soil or other approved technology rather than conventional stockpiling and spreading. Council may consult Saskatchewan Agriculture and Food regarding the suitability of such technology.

3.3.4 Environmentally Sensitive Land

- Council may specify uses which will be subject to special regulations or list the prohibited, discretionary or permitted uses in order to protect environmentally sensitive land. Such land shall be identified on the Land Use Concept Map and the Zoning Map as an Environmentally Sensitive Overlay District.
- Council recognizes the importance of protecting an adequate supply of surface and groundwater for the benefit of all residents and landowners. Developers of proposed uses which require large amounts of groundwater or which may impact the current groundwater supply of adjoining uses may be required by council to provide a study to prove that the groundwater resource is adequate. There are certain other areas near waste disposal sites, sewage lagoons, wetlands or gravel pits, for example which should not be developed due to hazards like potential pollution of water supplies, flooding or site instability. The following list and the Land Use Concept Map shall be used by council in making decisions on proposed new developments near environmentally sensitive land and on the uses and regulations outlined for such land in the Zoning Bylaw.

LIST OF ENVIRONMENTALLY SENSITIVE LAND

- All land within the Environmentally Sensitive Overlay District on the Land Use Concept Map and Zoning Map;
- All land within 150 metres of any of the public wells shown on the Land Use Concept Map and the Zoning Map;
- All land within 457 metres of any of the waste disposal sites shown on the Land Use Concept Map and the Zoning Map;
- All land within 300 metres of any of the sewage lagoons shown on the Land Use Concept Map and the Zoning Map;
- All known Heritage sites, based on archaeological records and shown as HA – Heritage Areas on the Land Use Concept Map;
- All Crown land shown on the Land Use Concept Map (e.g. Saskatchewan Agriculture, Food and Rural Revitalization-SAFRR, Prairie Farm Rehabilitation Administration-PFRA or Sask Environment-SE);
- All land within 150 metres of any railway, major gas or oil transmission line or any major 220 KV power line (all of which are shown on the Land Use Concept Map).

SECTION 4 - BUSINESS DEVELOPMENT

4.1 Issues

Council recognizes that resource development e.g. pipelines, oil and gas wells etc. can provide a diversified economic base for the municipality. Council may specify uses which will be subject to special regulations or list the prohibited, discretionary or permitted uses in order to minimise the such conflict. In some cases, suitable development conditions may be added to the required Development Permit to avoid the potential conflict.

Council also wants to support the diversification of the farm economy through the establishment of farm and home– based business. Such operations shall be limited to minor or “incubator-type” operations which

employ no more than 10 employees. Farm or home-based businesses which intend to employ more than 10 employees shall first apply to Council for rezoning and if necessary, a BPS amendment.

4.2 Objectives

- To encourage and promote economic development opportunities in the municipality including:
 - agri business (accessory and large scale)
 - farm and home-based business
 - tourism related activity services
 - resource extraction and related industrial activities
- To ensure that business development occurs in a manner which avoids or minimizes negative impacts on other land uses and the environment.

4.3 Zoning Implementation

4.3.1 Agri-Business

The zoning bylaw will make provision for on-farm accessory commercial developments that support the operation of agriculture in the municipality.

Large scale commercial and industrial uses, as specified in the zoning bylaw, may be accommodated as discretionary uses providing their function is related to the agricultural economy and conflict with surrounding uses can be avoided or minimized.

4.3.2 Tourism

Tourist developments such as bed-and-breakfast operations accessory to a residence or vacation farms ancillary to a farmstead and operating agricultural use will be discretionary uses.

Campgrounds and other recreation uses will be discretionary uses.

Commercial services for the travelling public and commercial recreation uses will be discretionary uses.

4.3.3 Home-Based Business

Home-based business for the occupants of a residence will be discretionary uses based on Council's determination that the occupation will be compatible with the principal residential use of the property.

4.3.4 Sand and Gravel

Sand and gravel operations will be discretionary uses subject to their development, operation and reclamation plans meeting the provincial requirements and guidelines contained in *Guidelines for Environmental Protection During Development and Restoration of Sand and Gravel Pits*, Saskatchewan Environment and Public Safety, 1983. Council may require the developer to sign an agreement for road maintenance pursuant to Section 22 of *The Municipalities Act*, as a condition of the discretionary use approval.

Subject to Council's discretion, aggregate extraction operations must be located on sites that are:

- i) 800 metres from any residence;
- ii) 45 metres from the center of a developed road allowance;
- iii) accessible to roadways suited to the operation, and if this is not the case, the development agreement shall address this concern; and
- iv) not in an Environmentally Sensitive Overlay District.

Council, at its discretion, may reduce the minimum separation distances between aggregate extraction operations and other developments if:

- i) the operator/owner consults the affected neighbours; and
- ii) the affected neighbours provide written acknowledgement and agreement to the reduced separation distances. In such cases, Council, the owner/operator and the affected neighbours shall sign an Agreement outlining the reduced separation distance. Using Section 215 of the Act, Council shall register that Agreement as an Interest on the Title to each property.

4.3.5 Resource Extraction and Related Industrial

Most Resource Extraction (oil and gas) and related Industrial uses will be permitted uses in the zoning bylaw. These types of business development should not conflict with primary agricultural uses or existing

neighbouring uses or create significant environmental concerns. Some of these uses may be classed as discretionary uses, depending on the potential for land use conflict. Subject to any relevant Provincial Statute or Regulation, Council will exercise its discretion through the zoning bylaw, based on the site suitability, including the proposed development physical access, and the required separation from other uses (e.g. residences) which may be incompatible with such developments.

4.3.6 Commercial

Council wants to encourage small-scale commercial uses (both local and highway commercial) at appropriate areas in the RM. These potential uses shall either be located on good quality, paved roads or agree to pay for the cost of upgrading existing roads to that standard. In addition, Council shall use Section 8.2 of this BPS in deciding whether to approve such uses where they would not conflict with neighbouring uses, especially agriculture and residential.

4.3.7 Railways, Pipelines and Major Power Lines

Since it may be dangerous for many uses, but especially residential buildings, to encroach on railways, pipelines and major power lines, all land within 150 metres of those linear uses has been designated within the Environmentally Sensitive Overlay District. The Zoning Bylaw will specify that certain new uses which propose to encroach within the 150 m. distance of any railway, major gas or oil transmission line or any major 220 KV power line will be classed as Discretionary Uses.

4.3.8 Airport Protection

To remain viable, and for reasons of public safety, the Town's airport must receive protection from encroachment by any use in the RM which may:

- cause electronic interference with navigation and telecommunication systems;
- attract or generate birds within 0.8 km. of the airport;
- impair the navigation or visibility of aircraft due to smoke, dust, steam, wind-borne debris etc.; or
- be high enough to threaten aircraft safety.

Council may identify such land or specific uses which may affect the airport in the Zoning Bylaw and on the Zoning Map and may establish an Airport Overlay zone with specific uses and regulations.

SECTION 5 - RESIDENTIAL DEVELOPMENT

5.1 Issues

Council recognizes that there are various forms and densities of residential development that may occur in the municipality. Council wants to ensure that the needs of these developments are addressed to create suitable residential environments without jeopardizing the primary agricultural character of the municipality, or increasing servicing costs for the RM.

Council wants to allow limited non-farm residential development, while minimising the effect of such development on RM finances, agricultural activities and environmentally sensitive areas.

5.2 Objectives

- To provide for farm-related residential development in agricultural areas at densities which will compliment but not supersede the agricultural and business function of the municipality. To support agricultural operations, a maximum number of farm-related dwellings will be allowed on each farmstead.
- To allow limited numbers of non-farm related residential development by specifying the financial and locational Policies in this BPS which will be mandatory for all multi-parcel proposals to comply with, in advance of Council agreeing to amend the Zoning Bylaw to allow the subdivision.
- When any conflict arises between these Objectives and the Agricultural Objectives in Section 3.2, it shall be resolved by Council giving priority to the Agricultural Objectives in making their decision.

5.3 Policies for Zoning Implementation

Council recognizes that various forms of residential development including farm residential, single parcel or small clusters of residential acreages and infill or logical expansions of existing hamlet areas are required, provided that such development does not threaten the nearby primary agricultural uses or environmentally sensitive areas in the R.M or increase servicing costs for the RM.

5.3.1 Hamlets

By using other Policies in this BPS (e.g. Section 4.3.6), Council will promote orderly residential and commercial development as either infill or appropriate expansions of existing hamlet areas which function as community service centres. These areas will be zoned as Hamlet. Declining hamlets or hamlet subdivisions currently used for agriculture will be zoned agriculture. In declining Hamlets, Council will encourage cancellation of vacant registered lots, and roads where appropriate. For those Hamlets with adequate services and growth potential, Council will encourage infill development up to a target of developing 50% of the vacant sites in a specific Hamlet, before any subdivision of land can be approved outside the limits of a Hamlet shown on the Zoning Maps.

5.3.2 Farm Dwellings and Single Parcel Subdivisions

(a) Farm dwellings

A maximum number of 3 farm-related, single detached or dormitory dwellings will be permitted on agricultural sites and farmsteads. No rezoning shall be required. Subdivision of separate sites for these dwellings will only be allowed as outlined in Subsections (b) and (c) below.

(b) Single Parcel Subdivisions for Farm Dwellings and other Uses

- i) A maximum of 2 farm-related, single detached dwelling or other permitted or approved discretionary uses may be subdivided from the agricultural site or farmstead. No rezoning shall be required.
- ii) In addition to the foregoing maximum number of subdivisions allowed per quarter section, one subdivision of agricultural land which is physically isolated from the majority of the quarter section by a road, railway or watercourse may also be allowed at Council's discretion. To preserve viable agricultural sites, such parcels should be consolidated with other adjoining agricultural land. At Council's discretion, some of these cut-off parcels may be allowed for farm-related residential subdivisions, subject to the other relevant Policies of this BPS. No rezoning shall be required.
- iii) Development or subdivision of new residences in the agricultural area will only be allowed if they will either front on a good-quality gravel or paved road, or can be given access to such roads by providing and/or constructing good-quality roads at the sole expense of the developer. Council may choose to negotiate a servicing agreement with the developer, including but not limited to, road construction standards and possible shared costs.

(c) Single Parcel Subdivisions for Non-Farm Dwellings and other Uses

- i) A maximum of 1 non-farm-related, single detached dwelling or other permitted or approved discretionary uses may be subdivided from the agricultural site or farmstead. No rezoning shall be required.
- ii) Development or subdivision of new non-farm residences in the agricultural area will only be allowed if they will either front on an all-season gravel or paved road which is located within 8 km (5 mi.) built previously to RM standards, or can be given access to such roads by providing and/or constructing a good-quality road to RM standards at the sole expense of the developer. Council may choose to negotiate a servicing agreement with the developer, including but not limited to, road construction standards and possible shared costs.

5.3.3 Subdivisions for Medium Density Non-Farm Residential Clusters

Subdivision for non-farm residential development at a density greater than 2 subdivisions (plus any cut-off parcels as described in Section 5.3.2 b ii) per quarter section, will be considered on its merits by Council through a rezoning to a Medium Density Residential District. Council shall use the following requirements and the procedure outlined in Section 8.2 in making a decision on an application for rezoning:

- i) A maximum of 6 sites will be allowed in any cluster subdivision. Only one cluster shall be allowed per Quarter Section. Rezoning shall be required;

- ii) New residential clusters will only be allowed if they will either front on a paved municipal road which is located within 1.6 km of a Provincial Highway, or an existing municipal road within the same distance of a Provincial Highway can be reconstructed and paved at the sole expense of the developer. Council may choose to negotiate a servicing agreement with the developer, including but not limited to, road construction standards and possible shared costs;
- iii) To reduce the cost of new or reconstructed roads and encourage clustered subdivisions to supply piped potable water, central garbage stations and central sewage facilities, Council may choose to rezone one cluster subdivision on a maximum total of 4 adjoining Quarter Sections at appropriate locations;
- iv) To prevent the formation of new Villages which would negatively affect agricultural activities, no more than 4 clusters of Medium Density Residential sites can be rezoned within 3.2 km of each other;
- v) Rezoning for a new residential cluster will only be allowed if the proposed subdivision is at least 800 m from the nearest Environmentally Sensitive Overlay District; and
- vi) The minimum size of the remnant of a Quarter Section after the subdivision of any proposed cluster shall be 48 ha (120 acres) or the rezoning shall be refused by Council.

5.3.4 Separations between Residential Development and Intensive Livestock Operations, and certain other Uses to avoid Land Use Conflict

All proposed residential developments (single and multi parcel) shall observe the minimum separation distances from intensive livestock operations as provided in Section 3.3.3. Council may refuse a rezoning or a discretionary or permitted use approval for a residential development where in its opinion a greater separation may be required for a future expansion of an existing intensive livestock operation or for a proposed operation. Separation of residential uses from other potentially conflicting land uses (and vice versa) may also be required by Council in accordance with Sections 4.3.4 to 4.3.8 inclusive and 6.3.4.

SECTION 6 - MUNICIPAL SERVICES

6.1 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 to provide and maintain roads; however, it is also recognized that there is an increasing public expectation for other services from the municipality.

6.2 Objectives

To ensure that new and existing development is serviced to a sufficient standard for its density without excessive cost or environmental damage.

To ensure that municipal interests are addressed in the planning of transportation, utility and pipeline easements and facilities.

6.3 Zoning Implementation

6.3.1 Road Access

All new residential, commercial, industrial or intensive agricultural development shall be required to have access to a developed road. Applicants for such developments may be required by Council to pay for all or part of the required road improvements as part of the necessary Development Permit.

6.3.2 Servicing Agreements

Where a subdivision of land will require the installation or improvement of municipal services such as roads or streets, utilities, communal water systems sewage disposal facilities, the developer may be required to enter into a servicing agreement with the municipality pursuant to the Act, to cover the installation or improvements.

6.3.3 Municipal Reserves

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 parkland in the vicinity.

6.3.4 Public and Private Utilities

- (1) Most public and private utilities will be permitted uses in the RM Zoning Bylaw. Solid and liquid waste disposal facilities exclusive of domestic systems will be permitted at the discretion of Council in accordance with specific policies in this Basic Planning Statement. No minimum site requirements shall apply for public utilities.
- (2) In order to minimize conflict between proposed solid or liquid waste disposal facilities (public and private) and surrounding development or vice versa, the following separation distances shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw. Council may approve a lesser separation of up to 20% variance from the relevant separation shown in Table 2 where the applicant submits a copy of an agreement between the operator of the facilities and the owner of the development, Organised Hamlet Board or Urban Council, agreeing to such lesser separation. Such agreements between an operator and an owner of another development must contain the provision that the parties to the agreement will caveat the agreement to the titles to the affected land. Where such agreements are made, Council shall be a party to the agreement and may use Section 215 of the Act to caveat the agreement to the title of the affected lands.
- (3) Where the minimum separation distance would not be appropriate but the potential land use conflict would be reduced to acceptable levels or eliminated, Council may require a greater separation than set out in Table 2. This would only apply where an unacceptable land use conflict would result with existing or future developments as shown on the Land Use Concept which forms part of this Basic Planning Statement. (e.g. in instances where the higher intensity of nearby development results in greater potential for conflict and where such greater separation would serve to reduce the conflict to acceptable levels in Council's opinion).

**Policies for Minimum Separation Distances Relating to
All Solid and Liquid Waste Disposal Facilities (Table 2)**

Other Uses	Solid Waste Facility	Liquid Waste Facility
Single residence, tourist Accommodation	800 m	300 m
Intensive country residential subdivision or hamlet or urban municipality	1.6 km	600 m
Commercial or industrial use	300 m	300 m

6.3.5 Road Crossings

The Council may apply special standards in the zoning bylaw or as outlined in *The Municipalities Act* to protect the municipal interest when transportation, utility and pipeline facilities cross municipal roads or when seismic activity is proposed on roads or road allowances.

6.3.6 Heavy Haul Roads

The Council may use Section 22 of *The Municipalities Act* to ensure that any trucks pay for the cost of road repair caused by their usage of an R.M. road.

SECTION 7 - ENVIRONMENTAL MANAGEMENT

7.1 Issues

Council recognizes that it has a role and responsibility for stewardship of the environment, and that the purpose of a Zoning Bylaw as outlined in *The Planning and Development Act, 1983* is to provide “for the amenity of the area within council’s jurisdiction and for the health, safety and general welfare of the inhabitants of the municipality.”

7.2 Objectives

Council's role in environmental management will be:

- to minimize the impact on development from environmental hazards, and
- to minimize or avoid the impact of development on environmentally sensitive lands.
- to take or require appropriate investigation before allowing development on environmentally sensitive lands or allowing development which may be unsafe to RM residents.

7.3 Zoning Implementation

7.3.1 Environmentally Sensitive Land

Council may identify such land on the Zoning Map and may establish an overlay zone with specific uses and regulations. Council will also refer to Section 3.3.4 of the BPS in identifying such land.

7.3.2 Hazard Land Development

Council may require developers to provide professional, certified environmental, geotechnical or hydrological reports for development of land which has steep slopes or is subject to erosion, flooding or slumping. Council may refuse to approve development on such land or may authorize such development in accordance with mitigation measures.

7.3.3 Heritage Resource Protection

Council will work with provincial government agencies to protect any significant heritage resources, or unique natural or biological features located on land proposed for development. Where significant potential for such has been found, Council may delay or refuse development until such time as the requirements of the relevant provincial agencies to protect such resources have been obtained.

7.3.4 Groundwater Protection

Development will not pollute or unduly deplete ground or surface water resources within the municipality. Council may require applicants to monitor or investigate the impact of their development on water resources and may with the assistance of relevant provincial or other agencies, prepare and incorporate development standards in the zoning bylaw to maximize aquifer protection and supply.

SECTION 8 - IMPLEMENTATION

8.1 Zoning Bylaw

The zoning bylaw will be the principal method of implementing the objectives and policies contained in this basic planning statement and will be adopted in conjunction herewith. The definitions contained in the zoning bylaw shall apply to this basic planning statement.

8.2 Procedural Requirements for Rezoning and Discretionary Use Applications

Council shall require a report from RM staff to accompany each Rezoning or Discretionary Use application and shall by resolution approve the application if, in Council’s opinion, the following questions were satisfactorily answered. The questions must be dealt with in the sequence in which they are listed. Council shall not proceed to consider a subsequent question until the current one has been satisfactorily answered.

The questions are:

1. From the facts presented, will the proposed rezoning or use be detrimental to the health, safety,

- convenience or general welfare of persons residing or working in the vicinity or will it be injurious to property, improvements or potential development in the vicinity?
2. Do the Objectives and Policies of this Basic Planning Statement and the Regulations of the Zoning Bylaw allow a change in the use of the land?
 3. Is the proposed use suitable for the land?
 4. Is there another site which is more suitable for the use?
 5. Are the proposed development details such as environmental protection, building location, parking etc., satisfactory?
 6. Should any conditions be negotiated with the Rezoning applicant or attached to the Permit to improve the development and decrease or eliminate any negative impact on nearby uses?

8.3 Cooperation with other Municipalities and First Nations

Council will work with neighbouring rural or urban municipalities and First Nations to develop joint service programs where such arrangements will be of financial, social or environmental benefit to the municipality.

8.3.1 R.M. Boundary Alteration Proposals

Prior to any alteration of an R.M. boundary, the affected municipalities shall be encouraged to prepare, for public review and consultation, specific, comprehensive proposals, which shall address:

- (a) municipal boundary alteration legislation;
- (b) the proposal's compatibility with this Basic Planning Statement;
- (c) the necessity of boundary alteration;
- (d) the concerns, benefit and costs for the R.M., an affected urban municipality and affected landowners, including the effect on existing and proposed

- solid waste disposal,	- agricultural operations,
- road services,	- adjacent land uses,
- groundwater,	- municipal services,
- environmentally sensitive land,	- public utilities,
- R.M. tax base,	- recreation.

8.3.2 Cooperation with First Nations

- (a) Council will cooperate with any First Nation claiming land under the Treaty Land Entitlement or Specific Claim process to ensure bylaw and land use compatibility, shared services where possible, road access, environmental and economic benefits for both parties.
- (b) Land which has been created as Reserve will be shown on both the Land Use Concept Map and the Zoning Map. These new Reserves are not subject to Municipal bylaws. Other land shown on those maps as being owned by a First Nation's holding company shall be subject to the policies of the BPS and the regulations of the Zoning Bylaw until it is transferred to Reserve status.

8.4 Land Use Concept Map

The map entitled "Land Use Concept Map" which is attached to and forms part of the bylaw, shall outline Council's land use policies and major land uses or areas which may pose development problems. The map shall be used by Council to identify potential land use conflicts when considering such issues as rezoning requests or discretionary use applications.

SECTION 9: REFERENCES

9.1 References

– The population trends on p.1 were calculated using the Constant Numeric Change Model described in “An Empirical Comparison of Simple Techniques for 5-Year Municipal Population Projections”, published in September, 1986 by H.C. Davis, U.B.C. Planning Papers, Canadian Planning Issues, #19, University of British Columbia, School of Community and Regional Planning, Vancouver, B.C.

- The historical information shown on p.1 was obtained from “From Prairie Trail to Blacktop, Carlyle and District, 1882 - 1982” written by the Carlyle and District Historical Society and published in 1982 by Friesen Printers of Altona, Manitoba.

Read a First time this 14th day of June, 2006

Read a Second time this 14th day of June, 2006

Read a Third time and adopted this 12th, day of July, 2006

S E A L

Reeve

Rural Municipal Administrator

Certified to be a true copy of Bylaw No. 1-2006 adopted by the Council of the Rural Municipality of Moose Mountain No. 63, on the 31st day of July, 2006.

S E A L

Reeve

Rural Municipal Administrator