

RURAL MUNICIPALITY OF SPRINGFIELD
BY-LAW NO. 201_- __

BEING A BY-LAW OF RURAL MUNICIPALITY (RM) OF
SPRINGFIELD to amend the RM of Springfield Development
Plan By-law No. 98-22.

WHEREAS *The Planning Act* provides that a Development Plan By-law may be amended;

WHEREAS *The Planning Act* requires that all planning districts and municipalities have a Livestock Operation Policy in the Development Plan;

AND WHEREAS it is deemed necessary and expedient to amend the RM OF SPRINGFIELD DEVELOPMENT PLAN BY-LAW NO. 98-22;

NOW THEREFORE, the RM of Springfield Municipal Council, in meeting duly assembled, enacts as follows:

- I. The following textual provisions contained in the RM of Springfield Development Plan By-law No. 98-22, are hereby amended:
 - 1) That under the Table of Contents [PART 8: RURAL & AGRICULTURAL AREAS] SUB-SECTION 8.3 on Page ii that a reference be added following “Mixed Rural & Agricultural Area Policies (By-Law 04-03)” to “Agricultural Limited Area”.
 - 2) That under the Table of Contents [DEVELOPMENT PLAN DESIGNATION MAPS] on Page iv that a reference be added following “Map 4: OAKBANK” to “Map 5: LIVESTOCK OPERATIONS PLAN”.
 - 3) That under PART 1 [INTRODCUTION] SUB-SECTION 1.2 PLAN FORMAT on Page 2 reference to “Development Plan Designations Maps 1 to 4” be revised to read “Development Plan Designations Maps 1 to 5”.
 - 4) That under PART 2 [EXECUTIVE SUMMARY] on Pages 5 and 6 the following being added between the sixth and seventh paragraphs,

“The Agricultural Limited Area policies are meant to protect Urban Centres, Hamlets, Rural Residential and Rural & Agricultural Areas from intensive livestock operations and incompatible agricultural practices while maintaining general agricultural activities, limited livestock operations, residential subdivisions that comply with Policies 49-51, and limited farm-related business activities.”
 - 5) That under PART 4 [DEVELOPMENT PLAN DESIGNATIONS] on Page 16 the first paragraph be revised to read:

“Land resources in the Municipality shall be developed in accordance with the land use pattern outlined on the attached **Development Plan Designation Maps**. These maps establish, in general terms, the pattern of development by identifying fourteen land use designations as follows:

- Agricultural Preserve Areas
- Agricultural Limited Areas
- Rural and Agricultural Areas
- Mixed Rural and Agricultural Areas
- Rural Residential Areas
- Natural Resource Areas
- Residential Areas
- Hamlet Areas
- Aggregate Areas
- Commercial Areas
- Recreation Areas
- Industrial Areas
- Institutional Areas
- Open Space Areas

- 6) That under PART 5 [URBAN CENTRES: ANOLA, DUGALD, OAKBANK], SUB-SECTION 5.3 [Policies] on Page 20, Policy 9 be revised to read:

"Council encourages a variety of housing types and sizes within a subdivision. For new residential developments in Oakbank, Dugald and Anola lot sizes shall average 8,500 sq. ft."

- 7) That under PART 5 [URBAN CENTRES: ANOLA, DUGALD, OAKBANK], SUB-SECTION 5.3 [Policies] on Page 20, Policy 10 be deleted.

- 8) That under PART 8 [RURAL & AGRICULTURAL AREAS (By-Law 04-03)] SUB-SECTION 8.1 [INTRODUCTION] on Page 28 the first paragraph be revised to read,

“Four distinct settlement patterns have developed in the rural portions of the RM of Springfield as influenced by such factors as physical characteristics as soils, vegetation and landforms; transportation networks; proximity to urban areas and other sensitive lands; and cultural differences. These areas are identified as “Agricultural Preserve Areas”, “Agricultural Limited Areas”, “Rural and Agricultural Areas”, and “Mixed Rural and Agricultural Areas”.

- 9) That under PART 8 [RURAL & AGRICULTURAL AREAS (By-Law 04-03)] SUB-SECTION 8.1 [INTRODUCTION] on Page 30 the following be added at the end of the Section,

“The areas identified as “**Agricultural Limited Areas**” are areas that can be considered as prime agricultural land but due to possible conflicts with adjacent urban, hamlet and other sensitive land uses, limits have been placed on the intensity of livestock operations as shown on Map 5 Livestock Operations Plan. Current land uses in these areas include a mix of rural residences, farmsteads, hobby farms, mixed use farms, livestock operations, and a limited number of business related establishments.

As most of these lands are adjacent to urban growth nodes in the municipality, it is anticipated that some of the land will eventually be utilized for some form of urban development including housing, businesses and community services. Thus care should be taken to ensure that interim uses do not impede or hinder future development opportunities. Development impact assessments should be undertaken prior to any major developments proceeding on these lands in consultation with various government agencies.”

- 10) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Policies-General Policies] from Pages 31-32, Policy 2, Policy 3, Policy 4, and Policy 5 be deleted.
- 11) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Agricultural Preserve Area Policies] on Page 33, Policy 9 and Policy 10 be deleted.
- 12) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Rural & Agricultural Area Policies] on Page 33, Policy 13 be revised to read:

"Minimum lot size shall be approximately 20 acres. Smaller lots may be permitted for residential uses as outlined in Policies 49-53, as applicable."
- 13) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Mixed Rural & Agricultural Area Policies] on Page 34, Policy 22 a) be revised to read:

"Farm related residential lots as provided for in Policies 49-53, as applicable."
- 14) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Mixed Rural & Agricultural Area Policies] on Page 35, Policy 22 b) ii be revised to read:

“The proposed residential lot shall not be located in an area where it might interfere with agricultural operations or negatively impact existing livestock production operations. Except for residences associated with a livestock operation, the proposed lot shall be located in accordance with the separation distances within the RM of Springfield Zoning By-law. As well, the location of

such lots shall not cause an existing livestock production operation to become non-compliant with the Zoning By-law;”

- 15) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Mixed Rural & Agricultural Area Policies] on Page 35, Policy 22 b) ix be revised to read:

“Except for subdivisions created under Policy 49, all lots should be a minimum of 5 acres in size, but generally less than 10 acres;”

- 16) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Policies] on Page 36 the following new section be added after “MIXED RURAL & AGRICUTURAL AREA POLICIES,

“AGRICULTURAL LIMITED AREA POLICIES

25. The provisions of Part 8.2 “OBJECTIVES” and Part 8.3 “GENERAL POLICIES” 1, 6 and 7 apply to the “Agricultural Limited Areas”.

26. Permitted uses and lot sizes in the “Agricultural Limited Areas” shall be regulated in the Zoning By-law. Except for limited subdivisions as provided for under Subdivision Policies of this Development Plan, agricultural lot sizes shall generally be limited to parcels of 80 acres or greater.

27. Livestock operations shall comply with the Map 5 Livestock Operations Plan, the Zoning By-law and applicable Provincial government regulations.

28. Intensive livestock operations will not be permitted within the “Agricultural Limited Areas” as shown on Map 1 Overall Plan.

29. The following Zoning Districts may be permitted:

- Agricultural General
- Agricultural Restricted
- Parks and Recreation
- Limited Commercial-Residential

30. As part of the review process for major development proposals that comply with the Springfield Development Plan, the development proponent or the municipality will prepare a concept plan for the subject lands as well as lands within the vicinity of the site. Further an impact analysis will be prepared that assesses the impact of the development on adjacent land uses, future development opportunities, infrastructure provisions including water, sewage and land drainage, community services

including fire and police protection, schools, and social services, and other matters as determined by RM of Springfield officials.

- 31) All developments shall comply with the various performance standards as outlined in the Zoning By-Law.
- 17) That under PART 8 [RURAL & AGRICULTURAL AREAS], SUB-SECTION 8.3 [Policies] the following new Policies be added on Page 36:

"LIVESTOCK POLICIES

32. In recognition of these lands being either prime agricultural lands or lands where agricultural activities and livestock production operations are dominant or could be viable on lower class agricultural land, the lands shown on Map 5 as Agricultural General (shown as white) shall be preserved and protected for a full range of agricultural activities and livestock production operations with no maximum size limits subject to meeting municipal and provincial government regulations.
33. To avoid land use conflicts with adjacent developments including urban centres and existing and proposed rural residential development, for the lands shown on Map 5 as Agricultural Restricted (shown as Light Blue), new or expanding livestock operations shall be allowed to establish to a maximum of 299 animal units subject to meeting municipal and provincial government regulations.
34. To prevent large livestock operations from developing in areas that are predominantly comprised of rural residences, hobby farms and other compatible rural land uses, for lands shown on Map 5 as Agricultural Limited (shown as Dark Blue), new livestock operations shall be allowed to establish to a maximum of 50 animal units subject to meeting municipal and provincial government regulations. Existing livestock operations shall be classified as a conditional use and may be allowed to expand, subject to Council approval and meeting Provincial government regulations, to a maximum of 100 animal units.
35. New or expanding livestock production operations shall not be allowed on the lands shown on Map 5 as Non-Agricultural (shown as Red) due to there:
- (a) Proximity to Urban Centres, Hamlets, Rural Residential Areas, Natural Resource Areas or Parks, Recreation and Open Space Areas.
 - (b) Proximity to groundwater pollution sensitivity areas or on hazard lands, as identified by the Provincial government.
 - (c) Proximity to aggregate areas.

36. Mutual separation distance will be maintained between livestock production operations and residences not accessory to an operation. These separation distances will be established in the Zoning By-law to aid in mitigating potential land use conflicts and may be up to 15% higher than Provincial Land Use Policies. The RM Council may, pursuant to *The Planning Act*, vary the separation distance as provided for in the Zoning By-law.
37. Where an application for a Permitted or Conditional Use approval for a new or expanding livestock production operation is required, the said application shall be accompanied by the following information:
- (a) A detailed description of the proposed operation.
 - (b) The corporate identity and proof of property ownership.
 - (c) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
 - (d) The owner's (and applicant if different from owner) name, address, signature and interest in the land.
 - (e) A site plan showing the location of any animal housing facilities, manure storage facilities and other agricultural related facilities relative to the boundaries of the site.
 - (f) Servicing needs.
 - (g) The appropriate application fee.
38. A report on proposed new or expanding livestock operations involving the production of 300 animal units or more is required and shall be prepared by the Technical Review Committee and submitted to the Municipal Council. The said report shall be made available to the public for a minimum of 30 days prior to the date of the Conditional Use hearing.
39. When considering approval of new or expanding livestock operations that require a Conditional Use permit, the Municipal Council will consider the following:
- (a) Based on the information provided by the applicant:
 - (i) The type (i.e. cattle, hogs, etc.) and size (i.e. the total number of Animal Units, cumulative across the species) of the operation and its location in relation to neighbouring land uses.
 - (ii) Water supply (i.e. its source and consumption levels).
 - (iii) The proposed manure storage system (i.e. earthen lagoon, above ground storage tank, etc).
 - (iv) The proposed manure application strategy (i.e. spreading, injection, etc).
 - (v) The nature of the land base (i.e. soils, crop practice, proximity to surface water, etc).
 - (vi) Provincial guidelines and regulations governing livestock operations.

- (b) Reports from appropriate provincial review agencies and municipal staff.
 - (c) Local resident concerns.
 - (d) The potential impacts generated by the operation on the provincial highway and municipal road systems.
 - (e) The need for a development agreement to be entered into between the proponent and the Municipal Council dealing with the affected property and any contiguous land owned or leased by the owner, on one or more of the following matters;
 - (i) the timing of construction of any proposed building,
 - (ii) the control of traffic,
 - (iii) the construction or maintenance - at the owner's expense or partly at the owner's expense - of roads, traffic control devices, fencing, landscaping, shelter belts or site drainage works required to service the livestock operation,
 - (iv) the payment of a sum of money to the Municipal Council to be used to construct anything mentioned in subclause (iii).
 - (v) requiring the covering of manure storage facilities and/or requiring shelterbelts to be established.
40. Each new or expanding livestock operation shall have an adequate owned land base to accommodate the application of all manure produced on site in accordance with the Provincial Livestock Manure and Mortalities Management Regulation.
41. Where feasible as determined by the Designated Officer in consultation with the livestock producer, the siting of all new or expanding livestock operations should not be located adjacent to non-farm land uses.
42. Any new or expanding animal housing and manure facilities within a livestock operation which may be subject to flooding shall be constructed above flood control levels as determined by the appropriate provincial government agency.
43. Any new or expanding animal housing and manure facilities shall not be located in proximity to significant surface waterbodies such as lakes, rivers and wetlands as determined by the appropriate provincial government agency.
44. Any new livestock operation is prohibited on soils with a dry land agricultural capability rating of Class 6 or 7, or unimproved organic soils based on detailed soil surveys at a scale of 1:50,000.0 or better.
45. No person shall develop or expand a livestock operation unless the Municipal Council or delegate has approved the establishment or

expansion.

46. An application for the establishment or expansion of a livestock operation shall be made to the Municipal Council or delegate by the owner of the operation or by a person authorized by the owner, in a form and accompanied by any material and any fee established by the Municipal Council or delegate.
47. Disposal of livestock manure and mortalities shall comply with all applicable provincial statutes and regulations.
48. All regulations under *The Water Protection Act* shall be adhered to.

SUBDIVISION POLICIES

49. The subdivision of land for residential purposes shall be allowed in the PART 8: Rural & Agricultural Areas in accordance with the following policies:
 - (a) Where an existing farmstead, which contains a habitable dwelling or which will be located within a well-defined yard-site that is normally characterized by a well established shelterbelt, is no longer required as part of a farm operation and has become surplus for the purposes of farm enlargement;
 - (b) Where a retiring farmer wishes to subdivide his or her residence from the farm and retain the dwelling for retirement purposes;
 - (c) Where a farm is incorporated and it is necessary to establish a separate residential site from the company holdings for business or mortgage purposes;
 - (d) Where a building site for a home required by an individual actively participating in the farm operation and deriving significant income from it;
 - (e) Where a parcel of land is isolated by way of a creek, drain, road or natural land feature and is of a size or shape that makes farming difficult; or
 - (f) In infill situations that excludes the creation of flag lots, where the existing subdivision is such that small remnant parcels with a minimum site width of 60.94 m. (200.00 ft.) and a maximum site width of 121.92 m. (400.00 ft.) exist that are impractical to use for agricultural purposes and where unused road frontage exists between existing lots.
50. The subdivision of land in the PART 8: Rural & Agricultural Areas for those residential purposes outlined in PART 8: Rural & Agricultural Areas – Policy 49 of the Development Plan shall be subject to the following criteria:

- (a) Municipal services such as roads, drainage, school busing, fire protection or other infrastructure services shall be available to the proposed subdivision or can be provided without undue cost to the RM of Springfield.
- (b) The proposed subdivision shall accommodate the proper function of a septic field or other acceptable method of domestic effluent disposal, and a potable water supply, pursuant to *The Environment Act*, *The Public Health Act* and *The Drinking Water Safety Act*.
- (c) The proposed subdivision shall comply with the mutual separation distances between livestock production operations and residences not accessory to an operation, as established in the Zoning By-law.
- (d) The proposed subdivision shall, wherever possible, be directed away from prime agricultural land, livestock production operations and other resource-related uses to avoid incompatibilities and so that land is not prematurely taken out of production or its use prematurely inhibited.
- (e) Residential lots shall be of such dimensions so as to maintain the rural character of the land and shall take into consideration existing shelterbelts as well as other physical and natural features.
- (f) New lots containing livestock operations shall be sized and configured to maintain a minimum setback of 99.97 m. (328.00 ft.) from the new property boundary to confined livestock areas and manure storage facilities.
- (g) Any new subdivision shall not cause livestock barns to be on a separate title from any on-site manure storage facilities.

51. The subdivision of land for the realignment of farm boundaries permitted if deemed necessary for agricultural purposes.

52. Proposed residential subdivisions that do not comply with PART 8: Rural & Agricultural Areas – Policies 49-50 of the Development Plan that are designated Agricultural Limited Area or Rural & Agricultural Area, excluding a three mile buffer area around Bird’s Hill Provincial Park and involve one to three lots may be allowed subject to a rezoning of the affected lands, pursuant to applicable provisions in the Zoning By-law, as well as compliance with the following criteria:

- (a) Proposed developments shall generally be directed away from prime agricultural land and existing or approved intensive livestock operations, and should not unduly interfere with existing or proposed agricultural operations.
- (b) Proposed developments shall be planned in a manner that will not produce unacceptable social or economic costs. The approving authority will consider the impact of such development on the provision of such public services as schools, school busing, hydro, telephone, highways, police and fire protection, health care and recreational facilities, snow removal, and refuse collection.

- (c) Proposed lots shall be of such dimensions so as to maintain the rural character of the land. Care shall be taken to ensure that subdivisions are not wasteful of land.
- (d) Proposed developments shall accommodate adequate drainage, the proper function of a septic field or other acceptable method of domestic effluent disposal, and a potable water supply, pursuant to *The Environment Act*, *The Public Health Act* and *The Drinking Water Safety Act*.
- (e) Proposed developments shall protect or enhance existing treed acreage.
- (f) It shall be the responsibility of the development proponent to demonstrate that:
 - (i) there is sufficient demand for developed lots to justify the proposed development; and
 - (ii) the proposed development is compatible with existing land uses and natural areas in proximity thereto.
- (g) Proposed developments shall be directed away from the fringe or periphery of the Urban Centres and Hamlets unless concept plans have been prepared and adopted by the Municipality.
- (h) A mutual separation distance will be maintained between proposed developments and livestock production operations to minimize potential adverse affects on such operations.
- (i) The cumulative effect of lot creation in an area shall be considered.
- (j) Subdivisions may only be approved in areas where concept plans have been approved by the Municipal Council. Prior to the adoption of a concept plan, a single lot subdivision may be approved if the proposed subdivision is deemed by the Municipal Council to have minimal impact on the road layout, future infrastructure requirements, lot structure, parkland dedication, and servicing and topographical features of the area.
- (k) This section does not apply to areas designated as Agricultural Preserve Areas or Mixed Rural and Agricultural Areas.

53. The Municipal Council may request recommendations from such government agencies as it deems necessary or other independent sources such as engineers, hydrologists or agronomists when a proposed use or development of land may have a detrimental effect on the environment, including soil, groundwater or surface water resources. If it is determined that a proposed use or development may have a detrimental effect, said use or development shall either not be permitted or shall be required to incorporate mitigating measures that will reduce the risk to acceptable levels.

18) That under PART 10 [COMMERCIAL], SUB-SECTION 10.3 [Policies] on Page 44, Policy 2 be revised to read:

2. Commercial developments may also be permitted in areas identified as “**Hamlets**” subject to provisions of the Zoning By-law. Agri-Commercial uses, such as fertilizer and chemical sales, agricultural spraying businesses and seed plants, may be permitted in “**Agricultural Limited Areas**”, “**Rural & Agricultural Areas**”, and **Agricultural Preserve Areas**”.

II. The following mapping provisions contained in the RM of Springfield Development Plan By-law No. 98-22 are hereby amended:

- 1) That a new Figure be added entitled, “Livestock Operation Plan” and that it be referred to as “Map 5”, as provided in Schedule “A” to this By-law.
- 2) That Map 1 Overall Plan be revised to be in conformance with the Livestock Operations Plan, as provided in Schedule “B” to this By-law.

III. That the numbering system in the RM of Springfield Development Plan By-law No. 98-22 be revised accordingly to reflect those proposed textual and mapping amendments stated above.

DRAFT

DONE and PASSED this _____ day of _____, A.D. 20__.

Rural Municipality of Springfield

Reeve

Chief Administrative Officer

Read a First Time this _____ day of _____, A.D. 20__.

Read a Second Time this _____ day of _____, A.D. 20__.

Read a Third Time this _____ day of _____, A.D. 20__.

Certified a true copy of By-law No. _____ of the Rural Municipality of Springfield.

Chief Administrative Officer