



Proposed Textual Amendment – Corman Park-Saskatoon Planning District Zoning Bylaw – Relaxation of Separation District Requirements from Liquid Waste Disposal Facilities – Bylaw 24/17 & Bylaw 25/17

Background:

The purpose of this report is to propose a textual amendment to the Corman Park-Saskatoon Planning District Official Community Plan (DOCP) and Zoning Bylaw (DZB) with respect to the separation distance requirements from Liquid Waste Disposal Facilities.

Analysis:

The DOCP and DZB currently require a 600 metre separation distance from a Liquid Waste Disposal Facility to any single family dwelling, multi-parcel country residential development, Wanuskewin Heritage Park or recreational use.

A current application for a Liquid Waste Disposal Facility in the Planning District has a single family dwelling that falls just inside the 600 metre separation distance. While looking at options with the applicant, Administration discussed the possibility of the use of a co-existence agreement. This agreement would be signed by the applicant, the property owner of the dwelling that falls within the separation distance and the municipality. Once executed, the agreement would then be registered on the title of the residential parcel and the Liquid Waste Disposal Facility parcel. Amendments were initially drafted that mirrored the wording provided for co-existence agreements in the DOCP.

When looking at the best practice regarding the use of co-existence agreements the R.M. has long used such agreements with regards to residential setbacks from Intensive Livestock Operations. The Ministry of Government Relations have also used such an agreement to allow for a relaxation of the 457 metre setback requirement in the *Subdivision Regulations, 2014* from a wastewater facility.

Below is a table showing a comparison between the setback requirements of the Planning District, the Water Security Agency and the Ministry of Government Relations Subdivision Regulations. This table illustrates that the setback requirement within the Planning District are at times, twice that of the provincial regulations. This information was used when considering the use of co-existence agreements to relax the setback requirements. As provincial setback requirements are under review by the province it was determined that at this time the use of a co-existence agreement would address these differences in setback requirements. The provincial requirements will be taken into consideration while drafting new policy once the P4G study is completed.

Administrations supported the use of a co-existence agreement as a measure to have the proposed development proceed instead of changing the setbacks at this time.

Setback Comparisons:

Proposed Use	Planning District Setback Requirements	Water Security Agency Setback Requirements	Subdivision Regulation Setback Requirements
Single Isolated Residence	600m - measured from property boundary of facility to foundation of dwelling	300m - measured from facility to foundation of dwelling	457m (300m for existing residential development) - measured from facility to property boundary of residential site
Multi-parcel Residential/ Built-up Residential Area ¹	As above	550m (facultative lagoon), 300m (mechanical treatment facility) - measured from facility to property boundary of nearest residential site	As above
Institutional or Commercial Area	None	As above	None
Wanuskewin Heritage Park or recreational use	600m	None	None

¹ Prior to 2012 the provincial requirement for setbacks from a built-up area was 600m

The proposed bylaw amendments were referred to the Water Security Agency (WSA), being the regulatory agency for sewage treatment facilities in Saskatchewan. WSA reviewed the bylaws and provided comment that a co-existence agreement cannot allow a greater relaxation than what *The Waterworks and Sewage Works Regulations* allow. These agreements cannot exempt a municipality from any applicable regulations regarding buffer zones for the construction of sewage works in proximity to individual residences at present nor in the future as development in and around a wastewater treatment facility occurs.

WSA recommended that the impact on future development in the area of an approved sewage treatment facility be considered prior to approving the bylaw amendment and prior to entering into a co-existence agreement. Consideration of what future development may be allowed in proximity to a new sewage works should be considered at the time of approval; R.M. Administration takes these impacts into account any time such an application is received, whether in the Planning District or elsewhere in the R.M.

Below is a table of the required Buffer Zone in *The Waterworks and Sewage Works Regulations*:

	Facultative Lagoon Buffer Zone (Metres)	Mechanical Treatment Facility Buffer Zone (Metres)
Single Isolated Residence	300	300 ¹
Built-up Residential Area	550 ¹	300 ¹
Institutional Area	550 ¹	300 ¹
Commercial Area (with no built-up residential area)	300	300 ¹

¹WSA may approve a reduced buffer zone subject to certain terms and conditions

Some examples of terms and conditions that WSA could allow for a reduced buffer zone are siting a sewage treatment facility downwind from a residential development or installation of vegetation around the facility. These examples coupled with a history of no odour complaints, dedicated odour control equipment and, in the case of facultative lagoons, an understanding of the loading of the facility would serve to make a case for reducing the buffer zone requirements by WSA on a case by case basis.

The proposed amendments were sent to the R.M. and City solicitors for comments. The R.M. solicitor's comments were that the wording of the original bylaw was somewhat vague and that it should be explicitly stated that all landowners of the uses outlined in the DOCP and DZB that fall within the 600 metre separation distance would need to agree with the relaxed separation distance. It was also recommended that wording could be added to make it clear that the relaxation would be subject to the R.M.s prior approval. The R.M. and City solicitors discussed the amendments and determined that the relaxations should be subject to municipal approval. As noted, the way the amendment was first drafted appeared to need only landowner and applicant approval. After further discussions with between Administrations and confirmation with legal counsel the bylaws have been amended to include wording that relaxations would be subject to Corman Park and Saskatoon approval as well.

District Planning Commission:

The District Planning Commission (DPC) considered this textual amendment at their April 5, 2017 meeting. The DPC questioned why the amendment would not be to adopt the provincial setback requirements, rather than allow for relaxation of current setbacks. Given the timelines of the proposed development requiring these amendments, Administrations had considered allowing for a co-existence agreement. Furthermore, Administrations explained that the provincial requirements will be considered when drafting new policy for the P4G Regional Plan. The provincial requirements are also currently being reviewed by the province and if changed it could require a further amendment to the District setback requirements. The DPC supported the proposed amendments to the DOCP and DZB as presented.

The resolution passed by the DPC included the recommendation below as well as that City Council be asked to consider the Corman-Park-Saskatoon District Planning Commission's recommendations that the amendments to the Corman Park-Saskatoon Official Community Plan

Bylaw be approved. As this part of the resolution pertained to the City is was left out of R.M. Council's recommendation as it is not needed.

Recommendation:

"That the R.M. of Corman Park pass bylaws to amend the Corman Park-Saskatoon Planning District Official Community Plan and Zoning Bylaw to allow for the relaxation of separation distances from a Liquid Waste Disposal Facility as outlined in this report."



**RURAL MUNICIPALITY OF CORMAN PARK NO. 344
BYLAW 24/17**

A bylaw to amend Bylaw No. 22/10 known as the Corman Park-Saskatoon Planning District Official Community Plan.

The Council of the Rural Municipality of Corman Park No. 344, in the Province of Saskatchewan, enacts to amend Bylaw 22/10 as follows:

1. Section 9: Waste Management and Remediation Objectives and Policies is amended by adding the following sub-sections after section 9.3.9:

“Relaxation of Separation Distances 9.3.10. Notwithstanding section 9.3.5, and subject to compliance with the Official Community Plan, the owners of all parcels with single family dwellings, parcels in multi-parcel country residential developments, and recreational use lands located within the required separation distance from a proposed liquid waste facility, may unanimously agree in writing to relax the strict application of the separation distance. Any such agreement shall be registered as an interest on the affected titles.”

“Limits on Relaxation of Separation Distances 9.3.11. Notwithstanding section 9.3.10, a relaxation of separation distances cannot allow a greater relaxation than the requirements of *The Waterworks and Sewage Works Regulations*.”

“Prior Approval of Separation Distances Required 9.3.12. Notwithstanding section 9.3.10, a relaxation of separation distances must be subject to prior approval from Corman Park and Saskatoon.

This Bylaw shall come into force and take effect upon receiving the approval of the Minister of Government Relations.

REEVE, Judy Harwood

SEAL

ADMINISTRATOR, Adam Tittlemore



**RURAL MUNICIPALITY OF CORMAN PARK NO. 344
BYLAW 25/17**

A bylaw to amend Bylaw No. 23/10 known as the Corman Park-Saskatoon Planning District Zoning Bylaw.

The Council of the Rural Municipality of Corman Park No. 344, in the Province of Saskatchewan, enacts to amend Bylaw 23/10 as follows:

1. Section 4.8 is amended by adding the following new sub-sections after section 4.8.3. and re-numbering the other sub-sections accordingly:

“4.8.4. Notwithstanding section 4.8.3. and subject to compliance with the Official Community Plan, the owners of all parcels with single family dwellings, parcels in multi-parcel country residential developments, and recreational use lands located within the required separation distance from a proposed liquid waste facility, may unanimously agree in writing to relax the strict application of the separation distance. Any such agreement shall be registered as an interest on the affected titles.”

“4.8.5. Notwithstanding section 4.8.4, a relaxation of separation distances cannot allow a greater relaxation than the requirements of *The Waterworks and Sewage Works Regulations*.”

“4.8.6. Notwithstanding section 4.8.4, a relaxation of separation distances shall be subject to prior approval from Corman Park and Saskatoon.”

This Bylaw shall come into force and take effect upon receiving the approval of the Minister of Government Relations.

REEVE, Judy Harwood

SEAL

ADMINISTRATOR, Adam Tittermore