



SAMPLE REPORT: DEVELOPMENT OFFICER REPORT TO COUNCIL

Note: This document provides a sample of how a Development Officer's Report to a Municipal Council on zoning bylaw changes or a discretionary use development permit issue might be prepared pursuant to *The Planning and Development Act, 2007*. This is intended to provide an example to the use of the sample report template.

For more information, contact:

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May, 2011

Development Officers Report

Date: September 10, 2010

Date of Application: August 3, 2010

Tax Roll File: 0012596

Ward/Division: 3

Type of Application: Discretionary Use Permit

Application Number: 2010 – RM – 123

Recommendation:

Discretionary Use Permit: Approve Refuse Approve subject to conditions/standards

Executive Summary:

The purpose of the application is to approve a discretionary use, Sand and Gravel Quarry, on the subject lands in order to develop a private gravel pit.

This application has been reviewed in context with the Official Community Plan, Zoning Bylaw, and the Planning and Development Act, 2007. The site is currently utilized for crop agricultural purposes, contains an abandoned farmyard and is located 2 miles from the nearest dwelling. Trucks leaving the proposed gravel pit will be required to cross a CN rail line before accessing provincial highway 66. There are no apparent development constraints to the application.

Proposal: To create a ±25 acre gravel pit in the south western corner of the parcel and retain the remainder of the parcel for Ranch & Farm purposes.	Described Location of Property: Located 3 miles south of highway 66 and 0.5 miles east of Range Road 43 on the south side of Township Road 172. 7 Miles south east of the Town of Olli.
Legal Land Description: NE 16-17-2 W2M	Gross Area: ±160 acres (±64.7 ha)
Applicant: John Mackenzie Owner: Green Fields Ranch 2004 Ltd. (owned by John Mackenzie)	Advertisement Dates/Other Notice of application: Landowners mailed within 75 m of property on August 15 th . Advertised in Olli Booster August 15 th & 22 nd , 2010.
Current Zoning: Ranch and Farm 1 (RF-1)	Existing Site Development: Crop production, abandoned farmyard

History of development on property:

The old farmyard was developed in early 1900's, but has been abandoned since the late 1990's. The subject land is current owned and farmed by Green Fields Ranch 2004 Ltd (John Mackenzie) as alfalfa/hay land. This land has not been previously subdivided or rezoned from Ranch and Farm.

Referral Comments:

External Agencies – Community Planning Branch: proposal appears to meet statements of provincial interest provided groundwater resources are not negatively affected; **Enterprise Region:** Recommend approval; **SaskPower:** No response; **SaskEngery:** No objections; **SaskTel:** Require a plan showing all existing Sasktel facilities. Applicant responsible for any cost of relocating facilities if required; **Ministry of Agriculture:** No objections; **Ministry of Environment:** No response; **Sask. Watershed Authority:** No known flooding or groundwater issues; **Ministry of Highways:** Generally support proposal. Require upgrade to highway intersection onto Highway 66 – widening for turnout lanes; **Town of Olli:** No response; **CN Rail:** Road signs indicating a rail crossing are recommended.

Municipal Departments – Public Works Forman: Road upgrades required, haul agreement required, seasonal waster pooling on site / drainage issues.

Public Comments – Three (3) letters in support; One (1) in opposition. Letters have been attached to this report for Council's consideration. Concerns centered on the hours of operation and onsite crushing.

Technical Review:

The application to develop a Sand and Gravel Quarry use (commercial gravel pit) has been reviewed in context with the Official community plan (OCP), Zoning Bylaw, *the Planning and Development Act, 2007* (PDA) and evaluated concerning the suitability of land for the intended use, as follows:

a) Official Community Plan Policies:

The OCP generally supports Sand and Gravel Quarry uses, including aggregate, in areas where development of the resource will not have a negative effect on inhabited dwelling, permanent wetlands, and source water resources/aquifers. The 'Infrastructure Development' policies in the OCP restrict the development of uses that require hauling on non-primary grid roads, however an exception is allowed for agricultural and resource related developments where a road haul agreement is entered into. The OCP also supports the development of aggregate resources on farm land, provided there are no identified species-at-risk or heritage resources impacted by the development.

b) Zoning Standards:

The zoning bylaw requires that Sand and Gravel Quarry uses must:

- Be located within 2 miles of a Highway access or enter into a road haul agreement with the municipality;
- Not negatively affect an aquifer that supplies water to a residential, agricultural or community well;
- Show sufficient evidence that stormwater and drainage issues will not negatively affect adjacent lands; and
- Provide an acceptable reclamation plan and agreement to the municipality as a condition of approval.

c) Land Use Compatibility:

Surrounding lands are used primarily for crop production and pasture. No concerns.

d) Site Suitability for Proposed Use:

Physical Characteristics

The quarter section has gently sloping topography which should not constrain the proposed development.

Drainage from the property is by sheet run-off with isolated collection and flood potential located in the southeast corner of the property. Given the current location of the ponding, a drainage plan should not be necessary.

No evidence of erosion was apparent during the development officer's site inspection. Minor ponding was found on-site with some potential for flooding in the low lying southeastern areas. It is recommended that gravel extraction not be allowed to expand into the south eastern corner of the parcel in the future.

Water supply, sewage, stormwater and solid waste disposal:

The proposed use is for agricultural production and natural resource extraction. No water or sewer servicing is required. The operator will be responsible for management of solid waste.

Roads, Access and Traffic:

Direct road access is provided by a municipality maintained road in good condition. Regular use of this road for the hauling of aggregate products is likely to damage the road unless stringent weight restrictions are observed. The applicant has agreed to enter into a road haul agreement with the municipality provided a higher weight restriction is allowed. This will require the municipality to upgrade of the road connecting to Highway 66.

External Hazards and Flooding Potential:

No external hazards were identified to the proposed use. The development is inset from the property line and is a sufficient distance from the railway that derailment does not present a hazard. The potential for flooding during an extreme rain event was identified, however, given the nature of the development, damage would be minimal and water could be allowed to enter the water table or be pumped out onto adjacent land owned by the applicant.

e) Provincial Interests:

The Statements of Provincial Interest (SPI) support the development of gravel and sand as a valuable resource within Saskatchewan. The SPI also indicate that extraction of these resources should be deferred if there are negative environmental impacts to groundwater resources. As there are no known private wells in the immediate area, it is unlikely there will be an impact to the water table or its users and there are no nearby streams or rivers that might be affected by run-off.

The Ministry of Highways has indicated that a widening of the intersection with highway 66 is required to ensure safety. The development levy bylaw considers this cost and is being collected to make the required upgrades.

Budget Implications: The proposal will increase access to gravel resources in the municipality and create a revenue stream for the applicant. By collection of a development levy to pay for the required road upgrades and a separate heavy haul agreement with the applicant to address the long term costs of maintaining and repairing the road, it is believed there will be no negative budgetary implications to the municipality.

Conclusion:

This application has not demonstrated any development constraints that cannot be addressed through conditions or standards of approval; it meets the intent of the OCP and Statements of Provincial Interest and is compatible with the existing development within the area.

Council Options:

- Option #1 – Approval with conditions
- Option #2 – Refusal
- Option#3 – Approval

Staff Recommendation: Staffs recommended Option #1

- A. That the application to approve a discretionary use permit for a Sand and Gravel Quarry use located on the NE 16-17-2 W2M has been evaluated in terms of Section 56 of the Planning and Development Act, 2007, the Official Community Plan, and the Zoning Bylaw for the Rural Municipality of Olli No. 987 and, having considered referrals and submission of adjacent landowners within 75 metres of the property, it is recommended that the application be approved with conditions for the following reasons:

1. There are no physical constraints to the proposal;
 2. The application complies with provisions of the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
 3. The listed criteria for approval of a discretionary use for a Sand and Gravel Quarry use within the zoning bylaw have been met;
 4. The intended use and development, in the opinion of the council, is compatible with development in the immediate area;
 5. The application is consistent with provincial land use policies and statements of provincial interest; and
 6. The application is consistent with the policies of the Official Community Plan.
- B. Further, in accordance with Section 56 of the Planning and Development Act, 2007 and the requirements of the Zoning Bylaw, the application be approved subject to the following conditions and standards:
1. The Owner shall enter into a road haul agreement with the Rural Municipality of Olli No. 987 for hauling between the intersection of Range Road 43 and Highway 66 and the approach to the NE 16-17-2 W2M;
 2. The Owner shall enter into a development levy agreement with the Rural Municipality of Olli No. 987, pursuant to the development Levy Bylaw (2010-003) for the payment of \$5,555.00/half mile (800m) between the intersection of Range Road 43 and Highway 66 up to and including the approach to the NE 16-17-2 W2M;
 3. The Owner shall provide the Rural Municipality of Olli No. 987 with a letter from the Ministry of Highways indicating that their concerns have been satisfied with regards to the intersection of Range Road 43 and Highway 66;
 4. The Owner shall provide the Rural Municipality of Olli No. 987 with a site development plan indicating extraction phasing, placement of overburden, landscaping, access, egress and a reclamation agreement;
 5. The Owner shall provide the Rural Municipality of Olli No. 987 with a letter from SaskTel indicating that their concerns regarding relocation of communication facilities have been satisfied; and
 6. The Owner shall be limited to operating the development between the hours of 6 AM and 9 PM and shall not be allowed to operate during the months of March, April and May without written permission from the Municipality issued on a yearly basis.

This report and recommendations have been prepared for Council's consideration by the Development Officer for the Municipality on September 5, 2010.

Jane Doe
Development Officer
Rural Municipality of Olli No. 987