

# BATTLEFORD

  

## BASIC PLANNING STATEMENT

PREPARED FOR:

TOWN OF BATTLEFORD

PREPARED BY:

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LANDSCAPE ARCHITECTURE AND PLANNING  
SASKATOON, SK

OCTOBER 2004

**THE TOWN OF BATTLEFORD**

**BYLAW NO. \_\_\_\_\_**

A bylaw of the Town of Battleford to adopt a Basic Planning Statement.

The Council of the Town of Battleford, in the Province of Saskatchewan, in open meeting assembled enacts as follows:

1. Pursuant to Section 44 of The Planning and Development Act, 1983 the Council of the Town of Battleford hereby adopts the Town of Battleford Basic Planning Statement, identified as Schedule "A" to this bylaw.
2. The Mayor and Town Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this bylaw.
3. Bylaw No. 16/96, the Battleford Basic Planning Statement Bylaw, and all amendments thereto, are hereby repealed.
3. This bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a first time this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

Read a second time this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

Read a third time this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

Adoption of bylaw this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

S E A L

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Administrator

Certified a true copy of the Bylaw adopted by Resolution of Council on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
A Commissioner for Oaths in the Province of Saskatchewan  
My appointment expires \_\_\_\_\_.

**THE TOWN OF BATTLEFORD**  
**BASIC PLANNING STATEMENT**

Being Schedule "A" to Bylaw No. \_\_\_\_\_  
of the Town of Battleford

\_\_\_\_\_ Mayor

\_\_\_\_\_ Administrator

S E A L

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## **1. INTRODUCTION**

### **1.1 Authority**

In accordance with Sections 39 and 42 of *The Planning and Development Act, 1983*, the Council of the Town of Battleford has prepared and adopted this Basic Planning Statement to provide the Town with goals, objectives and policies relating to the future development of the community to a population of at least 5,000.

Section 42 of *The Planning and Development Act, 1983*, provides that a Basic Planning Statement is required to:

- a) contain a statement of the objectives for the future development of the municipality;
- b) contain a statement of the objectives to be accomplished by a zoning bylaw;
- c) incorporate, insofar as is practical, any applicable provincial land use policies;
- d) be based on any studies and surveys that the Minister may require or that may otherwise be appropriate; and,
- e) address any other matters that Council considers advisable.

### **1.2 Scope**

The policies of this Basic Planning Statement shall apply to the incorporated area of the Town. Policies which address the future development of areas outside the current limits of the Town will take effect on annexation of those areas to the Town, or in conjunction with the Council of the Rural Municipality. All development shall conform to the objectives and policies contained in this Basic Planning Statement

### **1.3 Purpose**

This Basic Planning Statement is intended to serve as a statement of the goals, objectives and policies of the Town of Battleford relating to the future growth and development of the community. The policies are intended to provide Council with direction in establishing other bylaws and programs to guide the future growth and establish guidelines for formulating decisions on future land use and development proposals.

## **2. COMMUNITY GOALS**

The goals for the Town of Battleford are identified as follows:

- 2.1 To direct the long term development and growth of Battleford towards a diversification of land use activity in a manner that will maintain a positive relationship with environmental and cultural heritage values.
- 2.2 To minimize potentially detrimental social, economic and environmental impacts of future development.
- 2.3 To maintain the existing character of Battleford.

### 3. OBJECTIVES AND POLICIES

#### 3.1 Residential

##### 3.1.1 Issues and Concerns

- (1) Battleford, with a current (2001) population of 3,825, has experienced negative growth over the last ten years. Population projections based on historic trends suggest continued negative growth into the future, although projected reductions in average household size suggest that modest demand for new housing is expected to continue.
- (2) At present there is an existing inventory of 28 serviced residential lots in Town (excluding undeveloped "infill" lots in developed areas); 21 owned by the Town and 7 privately-owned. Approximately 15 additional serviced "infill" lots are available in developed residential areas.
- (3) Currently, there are 25 serviced but vacant mobile home sites in Battleford (2 Town-owned and 23 privately-owned). All of the privately-held sites are in a mobile home court and available for leasehold tenure only.
- (4) Highway #4 constrains urban residential expansion westward, and the North Saskatchewan River Valley restricts extension to the north and east. To the south, an important visual corridor between Fort Battleford and the old Government House Building restricts residential development beyond approximately 12th Street. This southern limit corresponds to the limit of existing gravity sewer servicing.
- (5) Mobile home development is centralized in two parts of Town: a mobile home court, bounded by 31st and 35th Streets and by 4th and 5th Avenues West; and a mobile home subdivision, located between 2nd Avenue West and Highway #4 in the south end of town. Council wishes to limit the areas of the community where mobile homes may locate to minimize interference with other types of residential uses.

- (6) A full range of residential types, including urban single detached dwellings, two-unit dwellings, multiple-unit dwellings and dwelling groups (including senior citizens' housing), and country residential housing, is needed to provide a broad range of accommodation for Town residents. It is noted, however, that (based on projected trends) there is not expected to be a major need for an increased supply of seniors' housing until after 2011.
- (7) Current capacities of the Town's water treatment infrastructure are being approached (and, at peak use times, are being exceeded) by current consumption levels. Although the Town has taken certain measures to reduce peak demands, future growth will require additional measures to ensure adequate supplies of high quality water. Residential demand is the single largest component of total demand.

#### 3.1.2 Objectives

- (1) To provide adequate land for future residential development.
- (2) To identify the areas most suitable for future residential development.
- (3) To allow for the development of a full range of residential uses including single-detached, semi-detached, duplex, and multiple-unit dwellings, and country residential development, within the corporate limits of the Town.
- (4) To provide locations for mobile homes in a specific area of the Town, complementary to other residential uses.
- (5) To keep future residential development within the area serviceable by the existing gravity sewer system as long as possible.
- (6) To ensure that buildings and lots are constructed and maintained to acceptable standards.
- (7) To ensure that new residential development places a marginal demand on the municipal water system.
- (8) To facilitate economic development and foster entrepreneurship through home based businesses that are clearly secondary to the residential use of the property and compatible with the surrounding residential environment.

### 3.1.3 Policies

- (1) Infill of vacant lots in existing residential areas will be encouraged.
- (2) Initially, new residential development will be encouraged to locate in the areas noted as *Existing Residential* or *Residential Phase 1* on the Future Land Use Concept (Map 1). These areas will be zoned, in the zoning bylaw, for residential uses and compatible development.
- (3) Council will consider extending residential zoning to those areas shown as *Future Residential*, on the Future Land Use Concept, as demand, and the availability of a sufficiently broad cross-section of lot types, warrants. Present development in these areas will be regulated to prevent development of uses which would conflict with the long term use of these areas.
- (4) The Town will take steps to subdivide and service land for residential purposes where there are insufficient lots to meet demand. To the extent feasible, and within the guideline described in (5) below, Council will seek to ensure that at least 25% of available serviced urban residential lots are on lands owned by the Town, in order to provide a reasonably broad selection of lots to prospective purchasers.
- (5) Additional residential subdivision development will be supported by Council only in order to ensure a three to five year supply of serviced lots, based on the rate of serviced lot uptake in the preceding three years. Where Council is of the opinion that a sufficient supply of desirable lots is unavailable, or a sufficiently wide range of lots for certain dwelling types is unavailable, this guideline may be adjusted.
- (6) Council will establish a separate mobile home district for mobile home and compatible development. Extension of the mobile home district to other areas will be considered on a case-by-case basis, as demand warrants, in conjunction with new residential subdivisions.

- (7) A series of residential districts will be provided for a full range of residential uses. These districts will provide varying levels of restrictions on residential types and dwelling unit densities. Single detached dwellings and certain community facilities will be permitted in all residential districts except the mobile home district. Higher density residential uses and, at Council's discretion, other potential compatible uses will be allowed in only some residential districts.
- (8) Generally speaking, a land use pattern that reflects higher density residential development (i.e. increased multiple unit developments) in proximity to the downtown commercial area, will be encouraged through residential zoning designations.
- (9) Council may, in the zoning bylaw, authorize the relaxation of rear yard requirements for corner lots in residential districts, provided that larger side yards are provided along the flanking street.
- (10) Building maintenance and upkeep is important in order to preserve a visually pleasing community. Construction of buildings should be completed and lots landscaped.
- (11) Council may, in the zoning bylaw, require, and establish development standards for the landscaping of lots that are the subject of applications for discretionary commercial uses (including parking lots, but excluding home-based businesses) within residential districts.
- (12) Council will promote and advertise the Town, and the associated high quality of life and amenities in the Town, to encourage individuals and families to locate their residences in Battleford.
- (13) Home based businesses shall be facilitated in dwelling units in Battleford, provided they are clearly secondary to the principal residential use of the dwelling unit and are compatible with the residential environment.
- (14) Home based businesses shall be compatible with nearby residential properties and shall preserve the amenity of the overall residential environment. Home based businesses shall not generate traffic, parking, noise, electrical interference, vibration, odour or other elements that are not normally found in the residential environment.

- (15) The Zoning Bylaw shall specify the types of activities to be fully permitted as home based businesses. Such uses are to be compatible with a residential environment and will not create land use conflicts.
- (16) Those types of home based businesses that are generally compatible with a residential environment, but may contain aspects that are not acceptable in all locations, may be specified in the Zoning Bylaw as discretionary uses, and permitted only at Council's discretion. Time limits may be applied to the approval of these uses.
- (17) The Zoning Bylaw shall contain development standards pertaining to permitted and discretionary home based businesses, including standards for parking, use of accessory buildings, storage, product sales, resident and non-resident employees, number of business related vehicle trips per day, and other relevant matters.
- (18) To ensure compatibility with the residential environment, Council will not approve applications for Type II Home Based Businesses in multiple unit dwellings.

## **3.2 Downtown Commercial**

### **3.2.1 Issues and Concerns**

- (1) Additional development of the downtown commercial area in Battleford is required in order to increase the commercial assessment portion of the Town's tax base and to provide better service to the population. Downtown commercial uses such as grocery stores, cafes, retail stores and banks form the basis of a viable downtown.
- (2) Battleford's situation on a major interprovincial highway, combined with its wealth of heritage resources, recreation resources and a National Historic Park, offers significant potential for commercial development capitalizing on tourism and related activities.

### **3.2.2 Objectives**

- (1) To maintain and enhance a cohesive, viable and dynamic downtown commercial area.
- (2) To encourage the development of new commercial enterprises in downtown Battleford.
- (3) To ensure an available supply of land for downtown commercial development.
- (4) To allow for existing non-commercial uses, such as community services, cultural institutions, clubs and tourist information facilities, among others, providing they do not hamper commercial development in the downtown.
- (5) To facilitate access to downtown commercial services by seniors or others with mobility constraints, and to provide opportunity for increased levels of overall activity in the downtown.

### 3.2.3 Policies

- (1) The area designated as *Downtown Commercial Phase 1* on the Future Land Use Concept (Map 3) will be zoned, in the zoning bylaw, for downtown commercial uses and compatible development.
- (2) Council will consider extending downtown commercial zoning to those areas shown as *Future Downtown Commercial*, on the Future Land Use Concept, as demand warrants.
- (3) Council will establish a downtown commercial district in the zoning bylaw to provide for a wide range of commercial uses and compatible development.
- (4) Council will continue to promote the Town as a place for new businesses, in conjunction with organizations such as the Battlefords Chamber of Commerce, the Battlefords REDA and the Battlefords Tourism Association.
- (5) Where necessary, the Town will undertake to acquire land for additional downtown commercial development, through purchase or exchange. Where improvements are proposed for existing residential uses in the downtown commercial area, Council will investigate the possibility of land exchange on a case-by-case basis.
- (6) In recognition of the relatively slow pace of commercial development in the downtown commercial zoning district, Council will list single unit dwellings as a discretionary use within this district on those sites abutting an existing residential zoning district.
- (7) To provide opportunity for development of housing for seniors or others with mobility constraints, in proximity to downtown commercial services, Council will list multiple unit dwellings (in apartment building configuration only) as a discretionary use within the downtown commercial zoning district.

### **3.3 Highway Commercial**

#### **3.3.1 Issues and Concerns**

- (1) The range of uses in Battleford's highway commercial sector is quite limited. An increase in the types of uses in this sector would serve to improve the Town's role as an area service centre. The Town does own land which has been subdivided for Highway Commercial but identifying and attracting potential new businesses to locate in this area has been the limiting factor.
- (2) Upgrades to Highway 4 and closure of the rail line formerly serving Battleford will likely require revisions to plans for the Town-owned highway commercial area.

#### **3.3.2 Objectives**

- (1) To ensure that sufficient land is set aside, along Highway #4 and, when appropriate, along Highway #16, for development of highway commercial uses.
- (2) To restrict development of non-highway commercial uses in the designated areas.
- (3) To promote the expansion of existing highway commercial operations and encourage the development of new uses in the existing Highway Commercial area.

#### **3.3.3 Policies**

- (1) Council will pursue, on a priority basis and in consultation with Saskatchewan Highways and Transportation, revisions to plans of subdivision for the area west of Highway #4 and north of 22<sup>nd</sup> Street designated, on the Future Land Use Concept, as *Highway Commercial Phase 1*.
- (2) The area designated as *Highway Commercial Phase 1* on the Future Land Use Concept (Map 1) will be zoned for highway commercial uses and compatible development.

- (3) Council will consider extending highway commercial zoning to those areas shown as *Future Highway Commercial*, on the Future Land Use Concept as demand warrants. Present development in these areas will be regulated to prevent development of uses which would conflict with the long term use of these areas.
- (4) Council will establish a highway commercial district in the zoning bylaw to provide for a wide range of highway commercial uses and compatible development.
- (5) Where necessary, the Town will undertake to acquire land for highway commercial development through purchase or exchange.
- (6) Industrial uses such as storage, warehousing, or freight and cartage operations may be allowed in highway commercial areas at Council's discretion.
- (7) Council may provide business incentives to new businesses to locate in the highway commercial area, on a case-by-case basis, which may include but not be limited to:
  - (a) Sale of land at low prices
  - (b) Servicing concessions
  - (c) Commercial tax concessions, years based on number of full time employees.

### **3.4 Industrial**

#### **3.4.1 Issues and Concerns**

- (1) Industrial development in Battleford has not kept pace with growth in the residential sector.
- (2) A significant portion of lots in the Town-owned industrial park remain unsold and unoccupied.
- (3) Additional industrial development is required in order to increase the contributions, by industry, to the Town's tax revenues.
- (4) Much of the industrial development which has occurred has been typified by relatively low capital investment.

#### **3.4.2 Objectives**

- (1) To attract new industrial operations to Battleford.
- (2) To identify areas for the development of industrial operations which will minimize conflicts with other land uses.
- (3) To enhance the Town's industrial park as a dynamic, cohesive industrial area, through additional industrial development.

#### **3.4.3 Policies**

- (1) Council will promote the Town as an area for new industrial development in co-operation with such agencies as the Battlefords Chamber of Commerce and the Battlefords REDA.
- (2) The area shown as *Industrial Phase 1* on the Future Land Use Concept (Map 1) will be zoned, in the zoning bylaw, for industrial uses.
- (3) Council will establish an industrial district in the zoning bylaw to provide for a wide range of industrial uses and compatible development.

- (4) Extension of industrial zoning to the areas shown as *Future Industrial* on the Future Land Use Concept will be considered on a case by case basis, as demand warrants. Present development in these areas will be regulated to prevent development of uses which would conflict with the long term use of these areas.
- (5) Council may provide business incentives to new industries to locate in the industrial area, on a case-by-case basis, which may include but not be limited to:
  - (a) Sale of land at low prices
  - (b) Servicing concessions
  - (c) Commercial tax concessions, years based on number of full time employees or level of capital development.
- (6) Adequate buffer zones will be provided to minimize conflict between industrial areas and other, incompatible, uses.

### **3.5 Transportation and Utilities**

#### **3.5.1 Issues and Concerns**

- (1) Saskatchewan Highways and Transportation is upgrading Highway 4 through the Town of Battleford. These improvements will limit vehicle access to key intersections from both the east and west and will require revisions to the subdivision layout for the highway commercial development area north of 22<sup>nd</sup> Street and West of Highway 4.
- (2) As Battleford grows, considerable pressure could be applied for increased access to development areas from provincial highways.
- (3) Uncontrolled vehicle and pedestrian access to and from highways can have a negative affect on efficient traffic movement, public safety and maintenance costs.
- (4) Future development of Battleford to the west of Highway 4 will require additions to the municipal road system in this area.
- (5) The bridge across the Battle River along the road connecting to Grid Road 658 (the old Highway 4 alignment extending south of Town) is in poor condition. Anticipated repair / upgrading costs for this span are anticipated to be prohibitive and the Town will need to explore alternative access opportunities for those residents living on the south side of the Battle River west of Highway 4.
- (6) The capacity of the Town's water treatment facilities offers no effective reserve for future growth without significant water conservation measures to reduce average consumption rates.
- (7) Water pressure and flow problems are currently being experienced in the West Park area.
- (8) Minor upgrades to the sewage collection system would provide for more effective and efficient service.

### 3.5.2 Objectives

- (1) To protect and facilitate the various functions of the provincial highway and municipal road system in Battleford in order to maintain safe and efficient traffic movement.
- (2) To avoid creating potentially hazardous traffic situations.
- (3) To minimize the costs of constructing, improving and maintaining roadways.
- (4) To optimize use of existing Town water and sewer infrastructure and capacities, recognizing that, to enhance the quality and reliability of water services, some investment will likely be required in additional water treatment, storage and pumping facilities and minor upgrades in the sewage collection system.
- (5) To minimize municipal costs in the provision of services to areas which pose special servicing problems.

### 3.5.3 Policies

- (1) Access to and across provincial highways (both vehicular and pedestrian) will be restricted to designated points determined in conjunction with Saskatchewan Highways and Transportation.
- (2) Future designs for development of areas west of Highway #4 and north of Highway #40 / 22<sup>nd</sup> Street will incorporate provisions for a full intersection at Highway 4 and 29<sup>th</sup> Street, as shown schematically on the Future Land Use Concept (Map 1).
- (3) Council will pursue the development and implementation of a comprehensive community water conservation strategy (to complement initiatives already undertaken) that will incorporate, but not necessarily be limited to:
  - (a) continuing to move to a consumption-based, full cost pricing structure for water and sewer services;
  - (b) continuation of lawn and garden watering schedules during the growing season;
  - (c) in all Town facilities, installation of water-efficient toilets, low-flow showerheads, low-flow faucet aerators

and other appropriate fixtures and systems aimed at enhancing water use efficiency;

- (d) in all parks, municipal reserves and other municipally-operated open space, ensuring that, to the extent possible, all landscape development is undertaken in a manner consistent with Xeriscaping principles;
  - (e) initiation of a community education campaign to build community awareness of the value of efficient water use and the ways in which everyone (residents, businesses, industries and public agencies) can contribute to water conservation; and
- (4) In the absence of substantial reductions in water consumption levels, Council will consider the need for additional water treatment capacity to ensure adequacy of supply.
  - (5) The Town will not be responsible for costs associated with the provision of municipal services to new subdivisions, except for Town-owned developments. Where a private development requires municipal services, the proponent will be responsible for all costs associated with providing the services.
  - (6) Where a subdivision of land will require the installation or improvement of municipal services such as water and/or sewer lines, streets, or sidewalks, within the subdivision, the developer will be required to enter into a servicing agreement with the Town to cover the installation or improvements including, where necessary, charges to cover the costs of improvement or upgrading of off-site services. Council will, by resolution, establish the standards and requirements for such agreements and charges, including the posting of performance bonds or letters of credit.

### 3.6 Community Services

#### 3.6.1 Issues and Concerns

- (1) Battleford has a well-developed community service sector. Community services provided by the Town are believed to be adequate for the foreseeable future, although projected changes to the structure of the Town population (i.e. significant increases the proportion of the population in the "empty-nesters" and seniors age groups), emphasis in recreation program delivery (and perhaps an associated emphasis in provision of certain types of facilities) will need to shift over time.

#### 3.6.2 Objectives

- (1) To make provision for municipal reserves when land is subdivided.
- (2) To monitor shifts in population structure and types of recreation demands and, on that basis, adjust recreation program delivery and facility provision on the basis of these shifts.
- (3) To ensure that community services continue to be provided at their current high level in a cost-effective manner.
- (4) To ensure continued convenient access to schools for students in all parts of Town.

#### 3.6.3 Policies

- (1) The areas designated as *Community Service* on the Future Land Use Concept (Map 1) will be zoned for community service uses.
- (2) Council will establish a community service district in the zoning bylaw to provide for a wide range of community service uses and compatible development.
- (3) Council will consider the following factors in making decisions on the provision of municipal reserves:
  - (a) Smaller public reserve areas within new residential subdivisions can be provided for neighbourhood parks and playgrounds.

- (b) In commercial and industrial subdivisions, cash in lieu will be considered as the primary method of meeting the municipal reserve requirement, unless the requirement can be transferred to an acceptable area and dedicated.
- (4) Council will, from time to time and in conjunction with the Battleford and District Parks and Recreation Board, examine the feasibility of expanding the types of recreational programs and facilities in the community.
- (5) The Town will encourage extensive participation, by service clubs and other interest groups, in the development of community facilities.
- (6) Before supporting any subdivision application for new residential development areas, Council will consult with the Battlefords School Division No. 118 to ensure that any requirements for new schools have been satisfactorily addressed in the proposed subdivision plan.

### **3.7 Amenities**

#### **3.7.1 Issues and Concerns**

- (1) Battleford possesses a rich cultural heritage which is evident in the numerous historic buildings and sites that remain today.
- (2) Within Battleford, there is a diversity of visual and natural resources which are worthy of conservation and which may be sensitive to inappropriate development.
- (3) Unrestricted use of riverbank areas by ever-increasing numbers of people could lead to major damage of these potentially sensitive areas.
- (4) A regionally unique and ecologically sensitive area exists along the valley wall of the North Saskatchewan River west of the Battlefords bridge.

#### **3.7.2 Objectives**

- (1) To maintain the character of Battleford, including its historic buildings, pleasant residential setting, urban scale and scenic values.
- (2) To recognize the natural and cultural significance of the Battle and North Saskatchewan River valleys and to promote their conservation and preservation in order that these resources may be managed for the maximum benefit of Battleford residents.
- (3) To ensure that recreation opportunities in riverbank and valley areas are of a type and intensity, and in locations, compatible with the ability of these areas to support such activities.
- (4) To promote awareness (on the part of both residents and visitors) of the cultural heritage resources and natural and visual amenities in Battleford.

### 3.7.3 Policies

- (1) Council will encourage types of, and provide locations for, industrial and commercial development that do not negatively affect the character of the Town.
- (2) Council will establish a restricted development district in the zoning bylaw to protect significant natural, cultural and visual resources in the Town.
- (3) The Council will continue to work, in cooperation with its Municipal Heritage Advisory Committee, to designate (as appropriate) and ensure appropriate use and treatment of properties already designated as Municipal Heritage Property, under the terms of *The Heritage Property Act*.
- (4) New development areas in the Town, as illustrated on the Future Land Use Concept (Map 1), will be located to complement the cultural, natural and visual resources in Battleford.
- (5) Council will use the Battlefords River Valley Master Plan, prepared by Hilderman Witty Crosby Hanna & Associates in 1989, and the Government Ridge Master Plan, prepared by Hilderman Witty Crosby Hanna & Associates in 1993, to guide decisions regarding land use and development in the areas considered in these two reports.
- (6) The Zoning Bylaw will contain provisions designating those uses that are subject to landscaping requirements, the process for ensuring that proposed landscaping is adequate and standards for required landscaping.

### 3.8 Urban Development Centres

#### 3.8.1 Issues and Concerns

- (1) Many of the outstanding land claims owed to several First Nations in Saskatchewan are now being settled. The *Treaty Land Entitlement Framework Agreement* specifies details of this process. As part of this process, First Nations have an opportunity to obtain additional lands, including those located within urban municipalities. It is anticipated that some of these lands will be converted to reserve status. Such lands are known as "Urban Development Centres".
- (2) When lands within urban municipalities convert to reserve status, they become exempted from paying municipal tax and school levies.
- (3) As a condition of reserve status, Article 8 of the *Framework Agreement* requires First Nations and urban municipalities to negotiate an agreement which addresses:
  - (a) Compensation for loss of taxes, levies or grants to urban municipalities. Compensation options include sale of municipal services to Urban Development Centres or receipt of a grant or other type of payment.
  - (b) Compatibility of municipal bylaws and Urban Development Centre bylaws and their application and enforcement.
  - (c) How disputes will be resolved.
- (4) If a First Nation and an affected urban municipality jointly elect not to enter into an agreement addressing the above points, they may choose to enter into any agreement which meets their respective objectives and needs. In the event an agreement cannot be reached, the matter may be settled by an arbitration board.

### 3.8.2 Objectives

- (1) To establish a fair and equitable framework for the potential establishment of an urban development centre within the Town of Battleford (i.e. establish an Indian Reserve within the corporate limits of the Town).
- (2) To maintain the financial integrity of the Town, its tax base and its municipal services, in the event that a First Nation desires to establish an Urban Development Centre.
- (3) To ensure compatible and enforceable land use and development standards in any Urban Development Centre that may be established in Battleford.
- (4) To ensure that there is no property or commercial tax or other similar advantage to individuals or businesses located on any Urban Development Centre that may be established in Battleford, relative to other areas in the Town.

### 3.8.3 Policies

- (1) When informed that a First Nation is proposing to acquire land in Battleford for the purpose of an Urban Development Centre (legally regarded as an Indian Reserve), the Town shall inform the First Nation and the appropriate Departments of the Provincial and National governments that a Servicing and Land Use Agreement will be required with the Band Council of the First Nation before the Town consents to the creation of the new Centre. The Agreement shall be negotiated in good faith by the Town, and will be based on the objectives noted above.
- (2) The Agreement will consist of any or all of the following matters:
  - (a) Mutual Recognition clauses, which acknowledge the individual legislative and jurisdictional authority of each party and the Treaty rights of the First Nation, including the right to Self-Government;

- (b) Bylaw Compatibility clauses, which recognize the right of each party to pass their own Bylaws, the extent to which the First Nation's Bylaws should be compatible with Town Bylaws (and vice versa), procedures to ensure continued Bylaw compatibility for each party to use as their Bylaws are prepared, discussed, adopted, enforced and changed;
- (c) Fee for Service clauses, which recognize that after the new Centre has been created as an Indian Reserve, the First Nation will be exempt from paying Town taxes, describe how the Town will be compensated for loss of these taxes, recognize the types of and costs for those Town services which the First Nation plans for the new Centre and describe the responsibility for collection and the procedures and timing of payments;
- (d) Dispute Resolution clauses, which will require the parties will meet to resolve any disputes, describe the procedures for resolving disputes over the application, interpretation or administration of the Agreement; and
- (e) Other Issues, including but not limited to, regular meetings of the Band and Town Councils, procedures for sharing information between the Administrators of each party and between the Elected Councils of each party, incentives, exemptions, rebates and abatements of servicing costs, etc., access to property for maintenance, repairs etc.

### **3.9 Agricultural Land and Fringe Areas**

#### **3.9.1 Issues and Concerns**

- (1) In areas adjacent to the Town it is important to ensure that developments do not cause adverse effects upon existing or proposed future land uses or servicing requirements. Intensive livestock operations, anhydrous ammonia depots or construction of farm buildings could interfere with future urban land requirements.

#### **3.9.2 Objectives**

- (1) To ensure that future urban land requirements are not restricted by the development of uses, such as intensive livestock operations, near or within the corporate limits of the Town.
- (2) To encourage orderly development in the area surrounding the Town to ensure that future urban development or servicing needs are not prejudiced.

#### **3.9.3 Policies**

- (1) Council will periodically meet with the Council of the R.M. of Battle River No. 438, to discuss land use issues of common concern, as a method of ensuring that conflicts do not occur between developments in the Town and in the R.M., as well as district planning and economic development.
- (2) Areas suitable for development within the corporate limits of the Town not immediately required for urban development will be designated, in the Zoning Bylaw, as a “Future Urban Development” district.
- (3) Council will establish, in the Zoning Bylaw, provisions in the Future Urban Development district to ensure that land use and development in areas suitable for future urban development does not jeopardize or otherwise unduly restrict such future urban development.

- (4) Council will support any request for alteration of municipal boundaries when such alteration is consistent with sound land use planning principles and is determined to be of benefit to the Town.
- (5) To provide for orderly development in accordance with the development policies contained in this Basic Planning Statement, Council may, from time to time, seek to alter the Town boundaries in a manner that will ensure that sufficient lands are available within the Town limits. Sufficient lands are deemed to exist within the Town if they should accommodate future development for a period of five to ten years and they can be serviced in a practical, cost-effective manner.

### **3.10 Biophysical Constraints on Development**

#### **3.10.1 Issues and Concerns**

- (1) Both the Battle and North Saskatchewan Rivers are subject to periodic flooding.
- (2) Significant areas of potentially unstable slopes exist along the Battle and North Saskatchewan River Valleys.
- (3) Development along seepage zones or natural spring areas is potentially hazardous.

#### **3.10.2 Objectives**

- (1) To discourage inappropriate development in areas with potentially hazardous site conditions.
- (2) To ensure that environmentally sensitive or hazardous lands are dedicated, as appropriate, as environmental reserve, during the subdivision process.

#### **3.10.3 Policies**

- (1) Urban development will be directed into areas believed to be capable of supporting such development.
- (2) Council will establish a restricted development district in the Zoning Bylaw to regulate development in areas believed to be flood prone.
- (3) Council will establish a separate restricted development district in the Zoning Bylaw to regulate development in areas believed to contain potentially unstable slopes or other geotechnical conditions that may constrain development.
- (4) Where Council believes that a proposed development or subdivision may be adversely affected by biophysical conditions, or may have an adverse affect on site conditions at the proposed location or on neighbouring property, it shall require documentation that such is not the case, before approving the development or supporting the subdivision. Any costs associated with providing required documentation will be borne by the applicant / proponent.

## 4. IMPLEMENTATION

### 4.1 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.

#### 4.1.1 Purpose

The purpose of the Town's Zoning Bylaw is to control the use of land providing for the amenity of the area within Council's jurisdiction and for the health, safety and general welfare of the inhabitants of the Town.

#### 4.1.2 Content and Objectives

The Zoning Bylaw will implement the land use policies contained in this Basic Planning Statement by prescribing and establishing zoning districts for residential uses, mobile homes, community service uses, retail commercial uses, highway commercial uses, industrial uses, future urban development lands and restricted development lands. Regulations within each district will govern the range of uses, site sizes, setbacks, building locations, off-street parking, landscaping and so forth.

##### (1) R1 - Residential District

The objective of the **R1** - Residential District is to provide for residential development in the form of single detached dwellings and for other compatible uses.

##### (2) R2 - Residential District

The objective of the **R2** - Residential District is to provide for residential development in the form of single detached, semi-detached and two-unit dwellings and for other compatible uses.

(3) R3 - Residential District

The objective of the **R3** - Residential District is to provide for residential development in the form of single detached, semi-detached, two-unit and multiple-unit dwellings and for other compatible uses.

(4) R4 - Residential District

The objective of the **R4** - Residential District is to provide for residential development in the form of single detached dwellings, in a large lot rural acreage setting, and for other compatible uses.

(5) R4A - Residential District

The objective of the **R4A** - Residential District is to provide for residential development in the form of single detached dwellings, in a moderately-large lot rural acreage setting, and for other compatible uses.

(6) R5 - Residential District

The objective of the **R5** - Residential District is to provide for residential development in the form of mobile homes and for other compatible uses.

(7) CS - Community Service District

The objective of the **CS** - Community Service District is to provide for development in the form of a range of community services and other compatible uses.

(8) C1 - Commercial District

The objective of the **C1** - Commercial District is to provide for development in the form of a range of downtown commercial and other compatible uses.

(9) C2 - Commercial District

The objective of the **C2** - Commercial District is to provide for development in the form of a range of highway commercial and other compatible uses.

(10) M - Industrial District

The objective of the **M** - Industrial District is to provide for development in the form of a range of industrial and other compatible uses.

(11) FUD - Future Urban Development District

The objective of the **FUD** - Future Urban Development District is to provide for interim land uses where the future use of the land or the timing of development is uncertain due to issues of servicing, transitional use or market demand.

(12) RD1 - Restricted Development District

The objective of the **RD1** - Restricted Development District is to provide appropriate development standards in order to prevent injury and minimize property damage within the flood hazard area of the North Saskatchewan and Battle Rivers.

(13) RD2 - Restricted Development District

The objective of the **RD2** - Restricted Development District is to provide appropriate development standards in order to protect the established heritage values associated with critical views from the Fort Battleford National Historic Site.

(14) RD3 - Restricted Development District

The objective of the **RD3** - Restricted Development District is to provide appropriate development standards in order to prevent injury and minimize property damage related to potentially unstable slopes along the North Saskatchewan and Battle River Valleys.

#### 4.1.3 Amendment of the Zoning Bylaw

When considering applications to amend zoning regulations or standards, or requests for the rezoning of land, Council shall consider such proposals within the context of:

- (1) the nature of the proposal and its conformance with all relevant provisions of this Basic Planning Statement;
- (2) the need to foster a rational pattern of relationships among all forms of land use and to protect all forms of land use from harmful encroachments by incompatible uses;
- (3) the need for the form of land use proposed and the supply of land currently available in the general area capable of meeting that need;
- (4) the capability of the existing road system to service the proposed use and the adequacy of the proposed supply of off-street parking; and
- (5) the capability of existing community infrastructure to service the proposal, including water and sewer services, parks, schools and other utilities and community services.

#### 4.1.4 Zoning By Agreement

- (1) Where an application is made to Council to rezone land to permit the carrying out of a specified proposal, Council may, for the purpose of accommodating the request, enter into an Agreement with the Applicant pursuant to Section 82 of *The Planning and Development Act, 1983*.
- (2) Section 4.1.3 of this Basic Planning Statement shall apply in the review of applications for rezoning by agreement.
- (3) Council may enter into an agreement with the applicant setting out a description of the proposal and reasonable terms and conditions with respect to:
  - (a) the uses of the land and buildings and the forms of development;

- (b) the site layout and external design, including parking areas, landscaping and entry and exit ways; and
  - (c) any other development standards considered necessary to implement the proposal, provided that the development standards shall be no less stringent than those set out in the requested underlying zoning district.
- (4) Council may limit the use of the land and buildings to one or more of the uses permitted in the requested zoning district.

#### 4.1.5 Use of the Holding Symbol “H”

- (1) Council may use the Holding Symbol “H”, in conjunction with any other use designation in the Zoning Bylaw, to specify the use to which lands shall be put at some time in the future but which are now considered premature or inappropriate for immediate development.
- (2) Council shall specify the use to which lands or buildings may be put at any time that the holding symbol is removed by amendment of the Zoning Bylaw. Such circumstances may require the identification and further consideration of social, environmental or economic issues and opportunities prior to permitting the use and development of the specified lands.
- (3) In making a decision as to whether or not to remove the Holding Symbol “H” by amendment of the Zoning Bylaw and thereby permit the development of the land as specified in the Zoning Bylaw, Council shall consider the suitability of the land for such use and development in the context of:
  - (a) the capacity of existing municipal services or the economic provision of new services to facilitate such use and development;
  - (b) the effects of such use and development upon the town’s road system;

- (c) the need to minimize or remediate environmental impacts or conditions relative to air, water, soil or noise pollution;
  - (d) the need to protect any significant natural or cultural heritage feature or resources on or adjacent to the land; and
  - (e) any other matter that Council deems necessary.
- (4) Holding provisions may be applicable to all land use categories in the Basic Planning Statement and may be applied to any zoning category and to a specific site within a zoning category.
  - (5) Existing uses shall be permitted, subject to Sections 113 to 118 of *The Planning and Development Act, 1983*.

## **4.2 Other Implementation Tools**

### **4.2.1 Subdivision Application Review**

In reviewing any application for subdivision, Council shall indicate support for such application only when it has:

- (1) Ensured that all policies and guidelines established regarding occupancy levels, development standards and design of the subdivision, as set out in this Basic Planning Statement, have been satisfied.
- (2) Ensured that the application is in conformity with the zoning bylaw.
- (3) Negotiated the terms of a servicing agreement, if required, with the applicant.
- (4) Determined its wishes with respect to the dedication of lands.

### **4.2.2 Dedicated Lands**

When reviewing any application for subdivision, Council may indicate to the approving authority, its desire to have unstable or flood-prone areas set aside as environmental reserve and/or municipal reserve, as a condition of subdivision approval, pursuant to Section 192 of *The Act*.

#### 4.2.3 Municipal Land Banking

Where private development of land for urban purposes is not occurring to meet the Town's land use requirements, Council may undertake to acquire land for subdivision or development to meet such demand. Council will determine a suitable pricing system for resale of any lots developed.

#### 4.2.4 Land Exchange and Purchase

To facilitate the relocation of non-conforming uses, Council may consider a program for acquiring such sites, or for exchanging municipally owned land in an appropriate area of the Town for the relocation of those uses.

#### 4.2.5 Building Bylaw

Council will use its building bylaw to provide standards for the construction, repair and maintenance of buildings in the community as well as ensuring acceptable physical conditions. Provisions for occupancy permits and inspections can be included in the bylaw.

#### 4.2.6 Vehicle Control Bylaw

Under provisions of *The Urban Municipality Act*, and with the consent of the Highway Traffic Board, Council will use its bylaw to control the movement and parking of vehicles in the community.

### 4.3 **Other**

#### 4.3.1 Update of Basic Planning Statement

Plans and projections for future development shall be monitored on an ongoing basis. Policies contained in this Basic Planning Statement, including the Future Land Use Concept, shall be reviewed and updated within five years of adoption.

#### 4.3.2 Further Studies

As necessary, Council will undertake such studies or programs required to facilitate and encourage the growth and development of Battleford.

#### 4.3.3 Cooperation and Inter-jurisdictional Consideration

Council shall cooperate with senior governments, other municipalities and public and private agencies to implement this Basic Planning Statement.

#### 4.3.4 Programs

Council shall participate in senior government economic development, public utility, resource enhancement, housing, social and environmental protection programs and projects, where such will help in achieving its goals and objectives.

#### 4.3.5 Provincial Land Use Policies

This bylaw shall be administered and implemented in conformity with applicable provincial land use policies, statutes and regulations and in cooperation with provincial agencies.

#### 4.3.6 Binding

Subject to Section 50 of *The Planning and Development Act, 1983*, the Basic Planning Statement shall be binding on the Town, the Crown, and all other persons, associations and other organizations, and no development shall be carried out that is contrary to this Basic Planning Statement.

#### 4.3.7 Definitions

The Zoning Bylaw definitions shall apply to this Basic Planning Statement.

**5. MAPS**

**1. FUTURE LAND USE CONCEPT**

**2. FLOOD HAZARD**

**3. DEVELOPMENT CONSTRAINTS**

**4. HERITAGE RESOURCES AND AMENITIES**