

Rapid Assessment of Local Legislative Framework for Protecting Farmland Rural Municipality of Corman Park No. 344, Saskatchewan

SUMMARY

Overall, the strength of the local legislative framework to protect farmland for Rural Municipality of Corman Park No. 344, Saskatchewan, is **moderate** with a particular weakness in its level of integration across jurisdictions. The summary table shows an overall rating of strength for the Rural Municipality, as well as ratings for each of the Corman Park-Saskatoon Planning District and of the remainder ‘rural’ area of the Regional Municipality. A profile of the legislative framework is provided at the end.

Strength of Local Legislative Framework: Summary Assessment

Name of Site	Maximize Stability	Integrate Across Jurisdictions	Minimise Uncertainty	Accommodate Flexibility
Rural Municipality of Corman Park (overall)	***	*	****	**
Rural Municipality of Corman Park - rural	***	*	***	***
Corman Park-Saskatoon Planning District			****	*

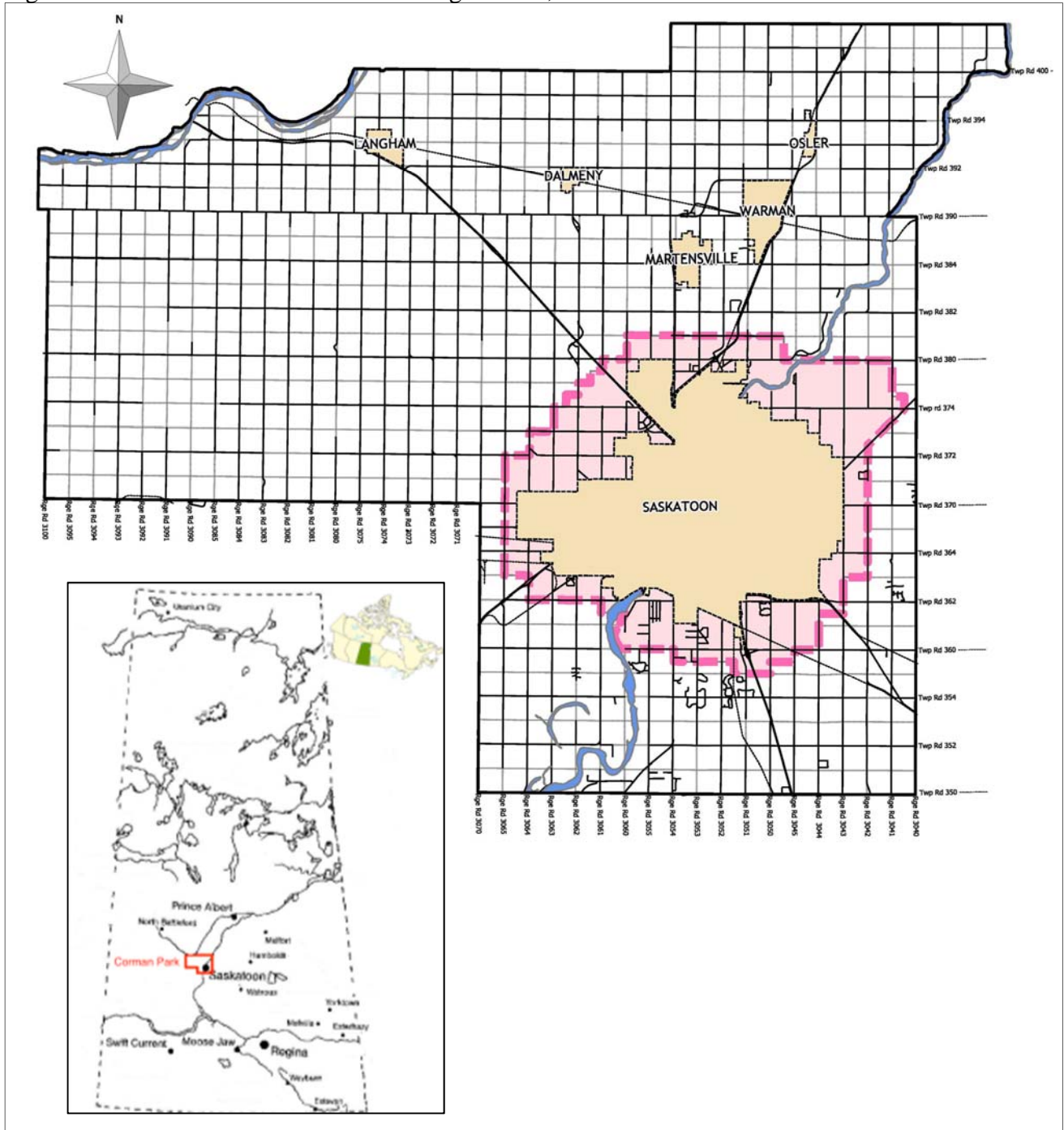
* = Very weak; **** = Very strong

ABOUT THE SITE

The Rural Municipality of Corman Park surrounds the City of Saskatoon (Figure 1). It is the largest and most densely populated rural municipality in the province of Saskatchewan and includes the City of Martensville, City of Warman, and the Towns of Dalmeny, Langham, and Osler. The area has a long history of agriculture, and the Warman area continues to have the largest concentration of dairy farms in the province. The area of the Rural Municipality that is adjacent to and surrounds the City is governed as the Corman Park-Saskatoon Planning District (also shown in Figure 1). The Planning District, which is jointly managed by the Rural Municipality and the City, has a separate Official Community Plan and Zoning Bylaw, which serve to manage the urban development pressures of the City. Thereby, the Planning District plays an important role in directing where development will take place with implications for preserving agricultural land in the rest of the jurisdiction.

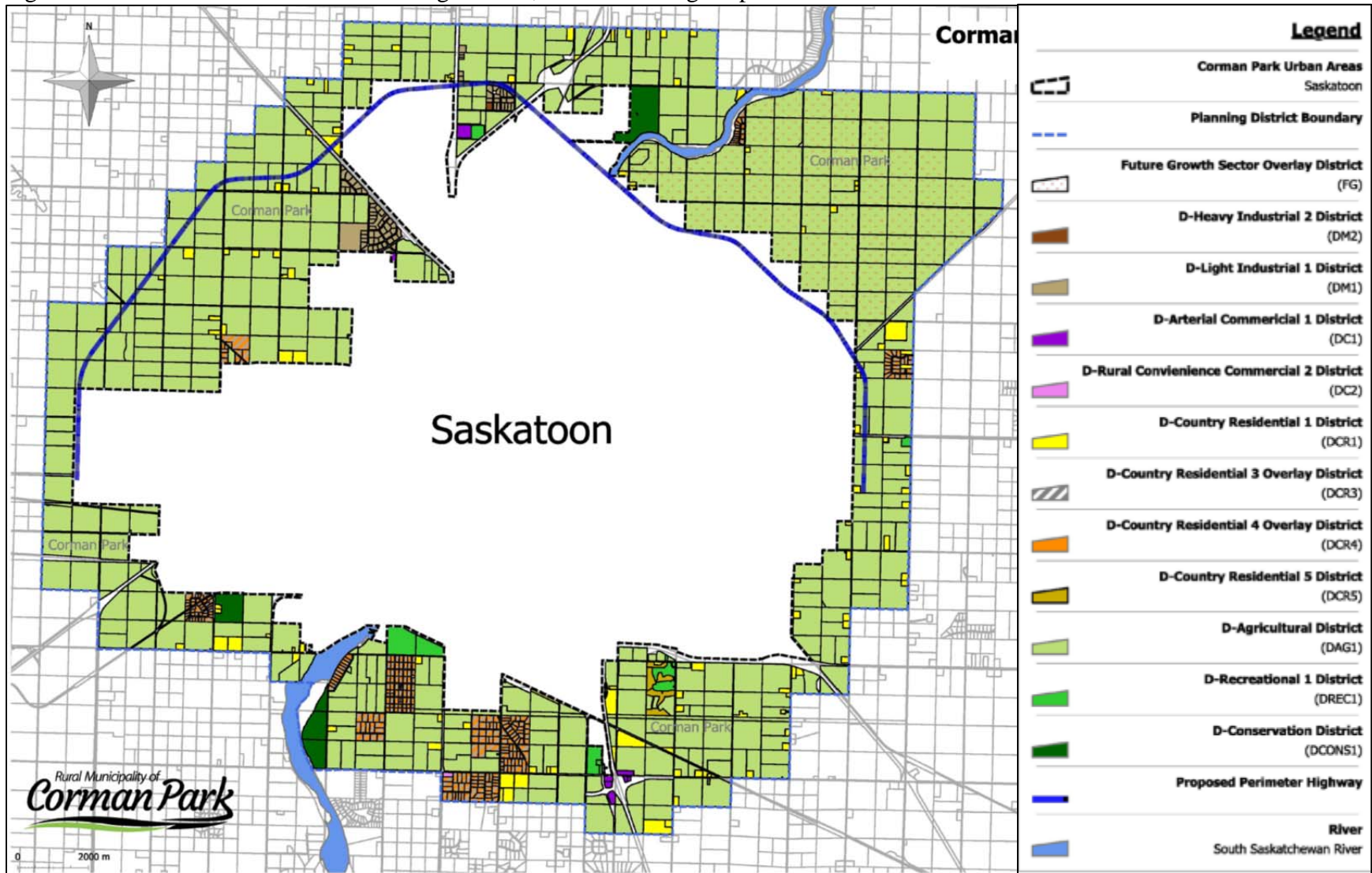
Note: at the time of preparing this report, the Rural Municipality was working with its neighbouring jurisdictions to draft the Saskatoon North Partnership for Growth Regional Plan (see Figure 4, below, for a map of the region). A Draft Regional Land Use Map and Land Use Categories were presented to the public during an open house event on the February 9, 2016, and can be viewed online. While the Saskatoon North Partnership for Growth Regional Plan is being completed the Rural Municipality of Corman Park and City of Saskatoon agreed to prepare an Interim Development Strategy to facilitate development in the Planning District.

Figure 1. Corman Park-Saskatoon Planning District, Saskatchewan



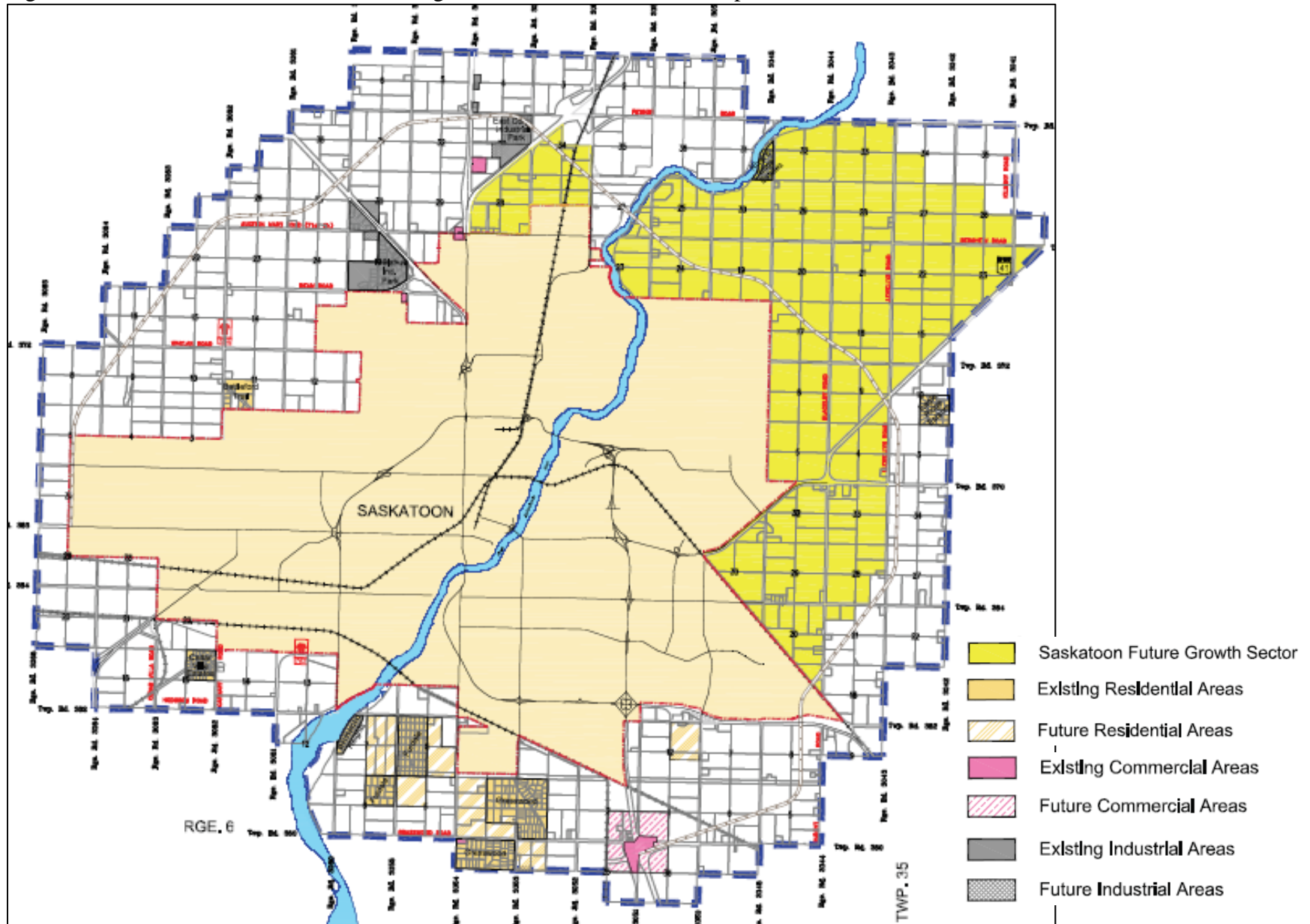
Source: Rural Municipality of Corman Park website (2016)

Figure 2. Corman Park-Saskatoon Planning District, District Zoning Map



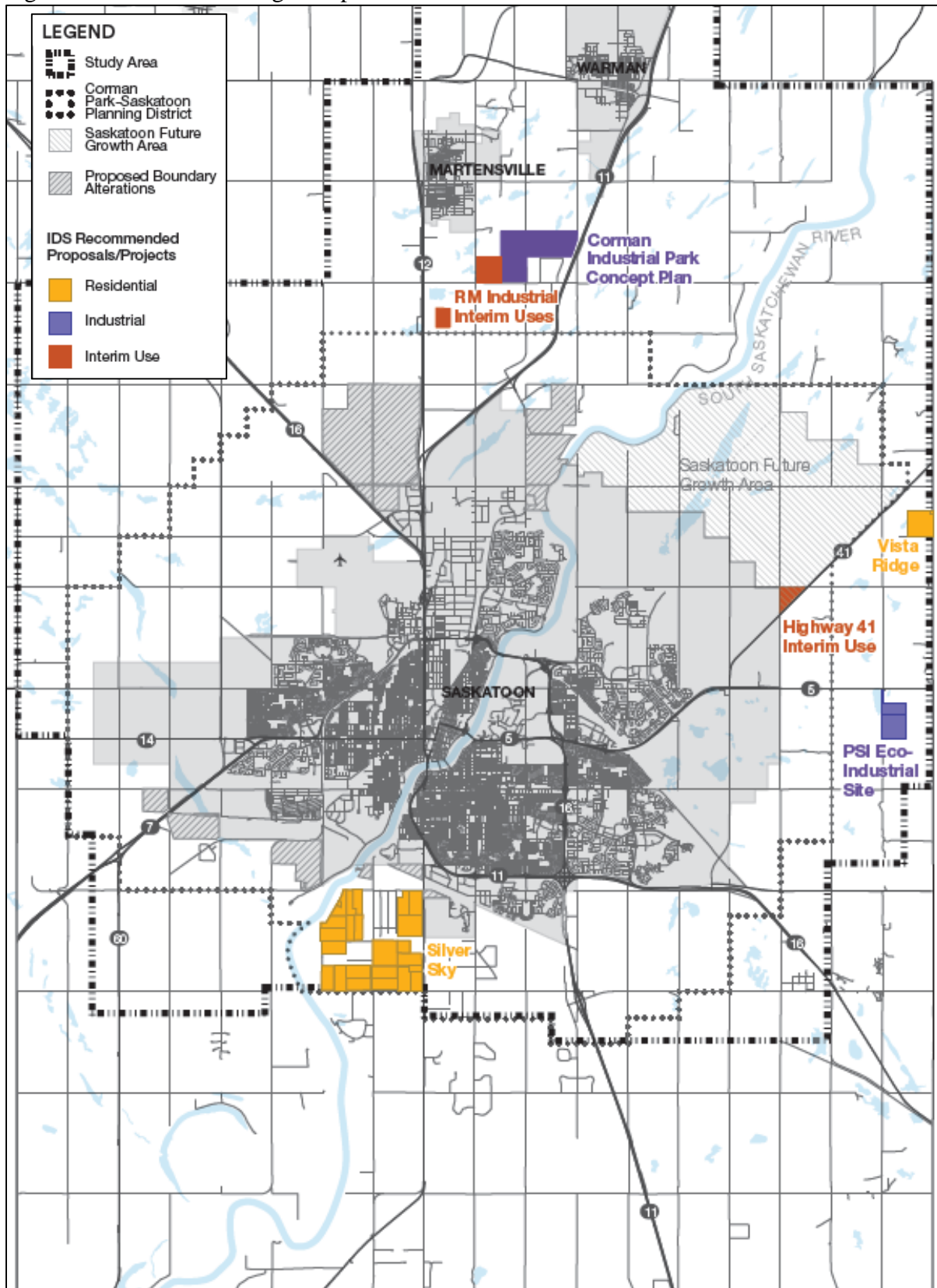
Source: Rural Municipality of Corman Park, on-line: <http://rmcormanpark.ca/DocumentCenter/Home/View/330>

Figure 3. Corman Park – Saskatoon Planning District, Future Land Use Map



Source: Rural Municipality of Corman Park, on-line: <http://www.rmormanpark.ca/DocumentCenter/View/327>

Figure 4. Boundaries of regional plan



Saskatoon North Partnership for Growth (2015). Interim Development Strategy

RESULTS

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

The Rural Municipality of Corman Park's legislative framework is moderate in maximizing stability. On the one hand, the OCP has several objectives and policies related to farmland protection in a section dedicated to agriculture. However, the strong language to protect farmland in the OCP objectives and policies is undermined by the goals of the Plan, which are weak in their language and intent to protect agricultural land. In particular, the goals recognize "the need to provide for an array of land uses", and "to develop land use policies which will enhance and diversify the lifestyle of the residents". Not only do these goals use weak language, they do not protect agricultural land in any way, and being the main goals of the OCP, override the strong objectives and policies in agricultural section of the Plan, as discussed next.

The language used in the objectives is strong, stating that the objectives are "to promote continuation of the farming industry and to ensure that agriculture remains the primary land use in the Municipality", "to conserve agricultural land", and "to minimize the negative impact of non-agricultural land uses on agriculture". Ten policies follow, discouraging the fragmentation of agricultural land and controlling the subdivision of agricultural land to ensure it will create a more viable agricultural unit. Protecting agricultural land also remains a priority in non-agricultural sections of the OCP, with objectives to ensure that other land uses do not infringe upon agricultural land. Commercial development for example, "should not be permitted on lands predominantly identified as prime agricultural lands", and to ensure that country residential "does not conflict with agricultural uses".

The Zoning Bylaw is consistent with the OCP in that it sets out a strict set of regulations for agriculture with the intent "to encourage the retention of land for agricultural use". This enforceable legislation is also consistent with the OCP in that any changes must be amended by Council and be in keeping with the intent of the OCP.

The OCP and Zoning Bylaw for the Corman Park—Saskatoon Planning District are focussed almost exclusively on accommodating urban growth in an orderly manner. These statutory documents contribute little to the stability of protecting agricultural land with the whole framework. The general purpose of the Planning District OCP and the place of agriculture within the documents are reflected in the following statement: "This growth includes the expansion of Saskatoon into parts of Corman Park and significant diversification of land use, especially non-agricultural activities, in Corman Park" (s.1.0). This purpose is stated more clearly in section 2, Future Growth Sector Objectives, as follows:

1. To achieve cooperative, staged annexation between Saskatoon and Corman Park within designated future growth sectors.
2. To accommodate the timely conversion of rural land for urban expansion in areas designated for future growth.
3. To identify existing rural land uses as valid interim land uses where the timing of urban development is uncertain.

Thus, agricultural use of lands within the Planning District can be viewed as an interim land use before conversion to accommodate urban expansion.

Integrate public priorities across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal “linkage” that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

By this measure of integration, we found that the elements of Corman Park’s local legislative framework provide a very low level of integration between local and provincial policies and legislation. While each piece of local legislation references *The Planning and Development Act*, they do not reference sections specific to agriculture. Additionally, all local documents fail to reference other important provincial legislation, including *The Farm Security Act*, *Agricultural Operations Act*, and the *Pastures Act*. Overall, along with the lack of reference to The Statement of Provincial Interest Regulations, the strength of integration across jurisdictions is very weak. The Planning District statutory documents provide no integration with provincial interests in protecting agricultural land and farming activities.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions or gaps, is a critical measure of the weakness of an agricultural land use planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

Corman Park’s legislative framework is effective at minimising uncertainty. Although the Planning District does not protect agricultural land very effectively, it does minimise uncertainty by outlining an area where growth and development will occur. The commitment to accommodating growth is reflected in the section on boundary alteration for the City of Saskatoon (s.5.0), which states, “Boundary alteration shall reflect land use policies that keep better agricultural land in production until needed for efficient urban expansion.” The Planning District further defines where growth will take place through the South East Concept Plan, which provides a framework for growth in the area south east of the City. Through these means, the clear message for farmers is that future development will take place on their land.

Internal consistencies and inconsistencies both minimise uncertainty and contribute to uncertainty. As mentioned in the previous section, the consistent and strong language between the agricultural section in the Corman Park OCP and Zoning Bylaw minimise uncertainty, however, the difference in priority between the goals of the OCP and the agricultural objectives and policies contribute to uncertainty.

The Corman Park OCP also contributes to uncertainty through its lack of detail for future land uses. There is no Future Land Use Map in the OCP to outline agricultural and non-agricultural land uses. The OCP does have a map in Appendix B, which includes a Future Urban Growth Overlay, however it is very general and doesn’t include details about specific land uses (Figure 3). The overlay includes the area around the Corman Park-Saskatoon Planning District. On the one hand, the Future Urban Growth Overlay minimises uncertainty by suggesting that growth will be more concentrated in this area, however on the other hand, it creates uncertainty by not being specific in where different land uses will occur. Consisting of a relatively large area of the Rural Municipality, the lack of consistency in the overlay has the potential to impede on a significant amount of agricultural land.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximising stability and minimizing uncertainty. The means to accommodate flexibility is typically done through governance mechanisms.

The Rural Municipality of Corman Park's legislative framework is moderate in accommodating flexibility. The Rural Municipality accommodates flexibility in three main ways. First, there are multiple zoning designations that pertain to agriculture in the Zoning Bylaw: Agricultural District, and Agricultural Residential 1, 2, and 3. The latter three zoning designations accommodate a variety of residential uses while prioritizing agricultural uses. Agricultural Residential 1 and 2 for example intend "to accommodate large scale acreage residential and small scale agricultural uses" and Agricultural Residential 3 intends "to accommodate the agricultural residential development of the historic Mennonite Settlement of Blumenheim while retaining or re-establishing the long lot form of development typical of traditional Mennonite Settlements and retaining the agricultural character of these settlements". This zoning designation simultaneously protects and preserves agricultural land use, while accommodating the local needs of the Mennonite Settlement. Second, The Corman Park-Saskatoon Planning District uses the Planning District mechanism as a means to accommodate the interest of the Rural Municipality and the City of Saskatoon and do planning. Third, despite contributing to uncertainty, the rural-urban fringe area outlined in the Future Urban Growth Overlay in the OCP map considers and accommodates development pressures by outlining a specific area for urban growth.

While these three means of accommodating flexibility are strong, they are undermined by the lack of a governance mechanism for agricultural interests. Without a dedicated Agricultural Committee, flexibility is not accommodated to its full potential. Council becomes the decision-making body for agricultural-related decisions, without input and recommendations from an Agricultural Committee. Council refers to the OCP, which in the case of Corman Park, brings in uncertainty due to the differences between the OCP's goals and the agricultural objectives and policies. Despite the Rural Municipality's efforts to accommodate flexibility, they are less effective given the significant weakness of a lack of agricultural specific governance.

Table 1: Rural Municipality of Corman Park No. 344, Saskatchewan Legislative Framework

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	Ministry of Municipal Affairs Planning Handbook Saskatchewan Plan for Growth Ministry of Agriculture Operational Plan for 2015-2016 Ministry of Agriculture Crop Strategy	<i>The Planning and Development Act</i> (2007) The Statement of Provincial Interest Regulations (2012) The Subdivision Regulations (2014) <i>The Saskatchewan Farm Security Act</i> <i>The Agricultural Operations Act</i> <i>The Pastures Act</i>	Agricultural Operations Review Board
REQUIRED INTEGRATION	<i>Planning and Development Act</i> 8 Every official community plan, subdivision bylaw or zoning bylaw adopted or amended pursuant to this Act shall be consistent with the provincial land use policies and statements of provincial interest. 30 The Minister has authority to direct a municipal council to prepare and adopt an OCP or an amendment to an existing plan to achieve consistency with the Statements of Provincial Interest. 32(1) An OCP shall incorporate, insofar as is practical, any applicable provincial land use policies and statements of provincial interest. 36(2) An OCP has no effect unless it is approved by the minister. 119.8(10) [regional plan] If an included municipality has an OCP, the OCP must be consistent with the regional plan Subdivision Regulations 15(1) An approving authority shall not approve an application if the proposed subdivision is inconsistent with <i>The Statements of Provincial Interest Regulations</i> made pursuant to the Act.		
REGIONAL	Interim Development Strategy (2015) [Saskatoon North Partnership for Growth]		
LOCAL		<i>Rural Municipality of Corman Park Official Community Plan</i> Rural Municipality of Corman Park Zoning Bylaw	Planning Committee
		<i>Corman Park-Saskatoon Planning District Official Community Plan</i> Corman Park-Saskatoon Planning District Zoning Bylaw	District Planning Commission (reports to RM Council)

Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]

Enforceable policy, regulations pursuant to acts [bold]

Aspirational policy at all levels [plain text]