

RURAL PLAN PREPARATION PROCESS

For areas without an existing Rural Plan or Basic Planning Statement

The Rural Planning District Commission was established in 1995. It was one of the outcomes of the final report of the provincial Commission on Land Use and the Rural Environment (CLURE) that came out in 1993.

RPDC provides planning services to unincorporated areas of the province that were not already covered by an existing planning commission. We cover a very large geographic area and have administrative offices in Fredericton, with regional offices in St. Stephens and Woodstock.

In addition to preparing plans, services offered by the Commission include building permits, subdivision approvals, building inspections, and the administration of zoning regulations.

Why Plan? What is Planning?

Without direction or guidelines, a community has no control over its future development. Lack of planning can result in conflicts between neighbouring land uses, destruction of habitat and the environment, loss of character of the area, even contamination of ground water (wells) and streams and rivers.

Land use planning can help maintain and enhance the quality of life within a community by

- Managing resources
- Guiding future development
- Protecting the environment
- Minimizing conflicting land uses

Having a Land Use Plan will ensure there is a process in place that requires a public hearing for any proposed change in land uses or zoning provisions as set out in the Plan. This provides an opportunity for the public to voice an opinion about the proposed land use change and if it is appropriate for the area, or suggest terms and conditions that could make the development more acceptable. Without a plan, this opportunity for input is not available.

What is a Rural Plan

A Rural Plan:

- Includes the desired goals of a community
- gives direction to managing growth and resources, and the protection of the environment
- balances interests of individual property owners with interests and objectives of the whole community while working toward achieving long term objectives
- considers important social, economic, and environmental issues.

The Community Planning Act dictates the structure of the Plan

A Rural Plan is divided into 3 main sections:

1. Goals and Objectives (Policies and Proposals)
2. The Rules (Zone Provisions – permitted uses, setbacks specific requirements for each zone category and the entire planning area)
3. The Map (Shows zoning for all lands and corresponds with Zone Provisions)

The *Community Planning Act* requires a Rural Plan to address each of the following topic areas:

- Residential uses
- Commercial uses
- Institutional uses
- Recreational facilities and public open spaces
- Resource uses
- Protection of the Physical Environment
- Protection of water supplies
- Heritage buildings and sites of historical or archaeological interest

The Rural Plan can be very detailed, possessing many zone categories and with very specific provisions for each category. A Plan can also be more general with one predominant zone that allows for a wide range of uses and, perhaps a handful of additional zones to land uses that would require special consideration, such as industrial.

The Area of the Plan

It is preferable to create a Plan for a larger geographic area that has historical or very identifiable boundaries. For convenience sake, RPDC usually creates Plans following Local Service District (LSD) or Parish boundaries. Sometimes this is not always possible and a new administrative boundary is established.

Who administers the Plan?

The plan is prepared by planners at the Rural Planning District Commission in consultation with the community and adopted by the Minister of Environment.

To ensure the Plan responds to the needs of the community, Commission staff will undertake a consultative process that may include surveys, open houses, newsletters, and focus groups. This consultative process is tailored to the individual community.

The local development officer of the Commission administers the plan once it is adopted.

What a Plan is Not

1. Not all the rules about what one can do with one's property are included in the Rural Plan. There are many other regulations that may come into play including, but not limited to:

- Subdivisions Regulation
- Building Regulation
- Watercourse Alteration Permits
- Access Permit – DOT
- Department of Health approves the suitability of a lot and its use by approving the septic system
- Licensing permits/ standards
Auto repair and dealerships
In home and institution health care, day cares etc.

These things are already in effect whether there is a Plan in place or not.

2. There are limitations as to what a Rural Plan can address. For example, the *Community Planning Act* clearly sets out those things that can be addressed through zoning provisions and the Rural Plan cannot overstep these. Items that a Rural Plan can address include; land use, building height, parking, landscaping, setbacks, and signage. A Rural Plan cannot, for example, take the place of a municipal noise control by-law.

3. A Rural Plan cannot make a use go away. If the land use was established before a Rural Plan is put in place, there are special provisions under the Act that control those types of situations. Those uses are permitted to continue and are referred to as legal non-conforming uses. These uses can continue, change, expand, and be replaced, under certain circumstances and with Commission approval.

4. A Rural Plan cannot prohibit one from making application to change the rules. This is referred to as a rezoning or an amendment to the Plan. There is a process provided for under the Act that an applicant must go through. The process involves a public hearing in which residents can voice their opinion on the application. No one can prohibit one from making an application to the Province and the decision is the responsibility of the Minister of Environment. The Plan is not written in stone and the rezoning process allows the Plan to change in response to a changing circumstances community as it evolves and grows. The Act, in fact, provides that a Plan is to be reviewed every five years.

Roles – Who's responsible for What?

Commission

- Professional staff
 - Develop and undertake community consultation process
 - Prepare plan
 - Hold Public Hearing on Minister's behalf
- Provides views on the Rural Plan to the Minister as per Section 77(11) (a) of the *Community Planning Act*

Working Group

- One source of public input to Commission staff in the preparation of the Rural Plan.
- Brings a range of expertise or perspectives to the project (resource sector, small business, environment, community service clubs, informal community leaders, history buffs, long time residents, newcomers, young and old).
- Helps refine background research.
- Helps “get the word out” and encourages community participation.

Local Service District Advisory Committee

- Provide views on the Rural Plan to the Minister as per Section 77(11) (b) of the *Community Planning Act*

The Public (Landowners and Residents)

- Provide input through participation in surveys, Open Houses etc.
- Makes interests/concerns known directly to the Minister through input at Public Hearing or in writing as per Section 68 of the *Community Planning Act*.

Various Government Departments

- Provide background information
- Confirm Rural Plan does not offend or contradict various provincial regulations (there are over 50 Acts and Regulations that are relevant to planning)

The Minister

- Seeks input from the public, the LSDAC and the Commission on the Rural Plan
- Approves the Rural Plan

Typical Rural Plan Preparation Process

