

**BYLAW No.
RM of LUMSDEN No. 189
OFFICIAL COMMUNITY PLAN**

DRAFT No. 9

NOTE – ADDITIONS ARE UNDERLINED

Prepared by
John Wolfenberg
Professional Community Planning Services Ltd.
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PART A – PURPOSE AND BACKGROUND

SECTION 1 – Purpose and Title

1.1 Purpose

The Council of the Rural Municipality of Lumsden No. 189 has authorized the preparation of a new Official Community Plan for the entire Municipality. The existing OCP and implementing Zoning Bylaw were adopted in 2000 and now require review and replacement.

The new Official Community Plan (also referred to as the OCP or the Plan) for the RM will be prepared within the scope of Sections 31 and 32 of *The Planning and Development Act, 2007* (the Act). Specific emphasis will be placed the more varied land use issues now facing the RM than existed in 2000, in order to more effectively deal with them. In this respect, the OCP will also conform to Section 31, which states that the purpose of an OCP “is to provide a comprehensive policy framework to guide the physical, environmental, economic, social and cultural development of the municipality or any part of the municipality”.

The Plan also contains the required Policies as outlined in Section 32 (2) of the Act, and specific Criteria to encourage and in some cases, direct specific land uses and subdivisions towards preferred locations or to require certain types or levels of services for them. Conversely, to prevent certain types of land uses and subdivisions from encroaching on existing uses, environmentally – sensitive areas or hazardous uses (railways, power or gas lines etc.), the OCP includes specific Setback Regulations to prevent or minimize potential land use conflict.

1.2 Title

This Bylaw repeals and replaces the current OCP Bylaw No. 1-2000 and shall be known as the “Official Community Plan Bylaw No. XXXX of the Rural Municipality of Lumsden No. 189”.

SECTION 2 – Background, Population Trends and Definitions

2.1 Background

The preparation of this OCP builds on the public discussions about various approved and proposed developments and planning discussions which have taken place within the RM over the past several years. The process to develop the new Plan also included opportunities for RM landowners to contribute to the content of the OCP by responding to an Opinion Survey initiated by the PAC and Council.

To assist Council, RM Administration and the Planning Consultant for this project, a Planning Advisory Committee (PAC) was created. The Committee membership consisted of 14 volunteer residents selected by Council to represent as many of the RM’s interest groups or economic sectors as possible. Invitations to participate were sent to groups which Council thought would be potentially interested in the PAC. As well, a notice requesting volunteers for the proposed Committee was also posted on the RM’s website inviting participation from the public or from interest groups.

The primary role of the PAC was to act as an advisory body in the preparation and development of the new OCP and to assist in public consultation efforts. The Committee met on a total of 12 dates from July, 2008 until this past July. The Minutes of all Committee meetings were posted on the RM’s website for public information. During that time, PAC assisted Council in designing and reviewing the Opinion Survey as mentioned above, reviewing a study of demographic trends affecting the Municipality, and

discussing the earlier drafts of the OCP. All of those Committee activities and discussions have contributed to the Goals, Objective and Policies for this Plan.

The Opinion Survey was conducted in January, 2009 and tabulated in March and April. The objective was to document the important attributes of the Municipality that the residents and landowners value, determine the issues which are cause for concern, seek input on longer-term strategic planning thoughts and to rank the shorter term action items our residents believe are important. In addition, residents were also given the opportunity to provide additional comments. The summary of Survey results is found in Appendix 1.

The RM conducted the sampling using the questionnaire included in Appendix 1. The collective comments are summarized in the Appendix. From the original mail-out of 1476 questionnaires in December 2008, a total of 122 questionnaires were received by mail, fax and hand-delivery. This represents 8.3% percent of the households and is above the expected average for surveys of this type.

The objective of this exercise was to develop a simple profile of the range and frequency of the more important issues and responses for the RM of Lumsden. From these results, the Council will be better able to develop strategic policy on a number of key issues. The results of the survey are interesting and conclusive in several areas. Input from residents of the RM has provided honest and thoughtful comment on what issues and priorities matter to them.

The following is a brief summary of the findings of the Survey. These represent trends evident among those landowners who chose to respond to the questions, and should not be considered as absolute and factually representative of all RM residents' opinions. Despite that qualification, they are important for Council to consider in the preparation and implementation of this Plan. The totals for each of the survey questions are shown in Appendix 1.

General Observations

- Long-term residents represented over 45 percent of the respondents and are the dominant group whose opinions are in the sample
- Comments in the survey may tend to reflect a longer-term perspective of those long-time residents
- The majority (40 percent) of respondents own land (their personal holdings are greater than 160 acres, which is indicative of agricultural operations
- The other significant percentage (30%) of respondents own larger parcels in the 8.5 ha to 64 ha range – likely large acreages and hobby farms

Specific Responses

- Respondents were asked to rank their perception of the rate of land development for residential, agriculture and commercial development in the RM as follows:
 1. Residential – How do the respondents regard the rate of development?

Slow - 27.7 percent	Fast - 23.2 percent
Just Right - 45.5 percent	Not Applicable - 4 percent

Residents are somewhat content with the rate of residential development but some are concerned that it is proceeding too fast

2. Agricultural – How do the respondents regard the rate of development?

Slow - 13 percent

Fast - 8 percent

Just Right – 70 percent

Not Applicable - 9 percent

Residents are very content with the rate of agricultural development

3. Commercial – How do the respondents regard the rate of development?

Slow - 25.9 percent

Fast – 7.6 percent

Just Right - 59.6 percent

NA - Not Applicable – 6.7 percent

Although most residents are very content with the rate of commercial development, some are concerned that the rate is too slow.

- Respondents were asked to rank their perception of the potential of certain types of land uses for conflict with/unsuitability for being close to other uses. The uses which merited most concern were: Intensive Livestock Operations, where 66.4% of all respondents indicating it was a “Very Important” land use conflict; Residential Clusters scored 54.7% in the “Very Important” category for potential conflict; and Wildlife Habitat Land, which generated a significant concentration of “Very Important” comments (52.5%).

These three categories warrant extra attention in the land use planning to avoid and/or reduce land use conflicts in relation to these uses.

Finally, Recreational Attractions and Tourist Attractions scored 56.4% and 51.7% respectively as only “Important” considerations.
- Respondents were asked to rank the importance of development on other municipal considerations such as municipal finances, water quality and quantity and traffic patterns.

Municipal Financial Impacts were rated by 60% of respondents as “Very Important” Another 35% scored this topic as “Important” and it ranked second in the three categories. Water Quality and Quantity scored 75% at “Very Important” and was the highest ranking in the categories.

Traffic Pattern Changes scored 40% as “Very Important” and 54% as “Important”. The scores for this municipal consideration were the lowest of the three categories.

Basically, the respondents prefer that Council are good “money managers”, help safeguard water resources and make good road network decisions when allowing new development.
- Respondents were asked what criteria should be considered in reviewing a proposed land subdivision in the RM.

Road capacity was ranked as “Important” to “Very Important” as a criteria by 83 percent

Proximity to Schools was “Very Important” for 45 percent, however, 35 percent ranked it “Unimportant”

Piped water and Sewer was ranked “Important” by 40 percent, but was almost equally split by other respondents between “Not Very Important” – 29 % and “Very Important” – 26 %

Agricultural Capacity - 48 percent ranked it “Very Important” and the combined totals for “Important” and “Very Important” is about 80 percent

Avoiding Man-made Mistakes was rated as “Important” by about 49 percent, while 40 percent ranked it “Very Important”

Avoiding Environmental Constraints ranked as “Very Important” with over 63 percent, and when combined with “Important”, the total was over 90 percent

Preserving Fragile Environmental Lands ranked as “Very Important” with over 65 percent, and

when combined with “Important”, the total was over 95 percent.

- Respondents were asked to rank certain suggested criteria as to the importance to the quality of life in the rural municipality
 - Personal and Property Safety scored 77 percent as “Very Important” and combined with “Important”, the percentage is 97 percent
 - Sustainable Municipal Finances scored 64 percent as “Very Important” and combined with “Important”, the percentage is 99 percent
 - Sustainable Environmental Quality scored 72 percent as “Very Important” and combined with “Important”, the percentage is 95 percent
 - Sustainable Social Activities scored 51 percent as “Very Important” and combined with “Important”, the percentage is 84 percent
 - Affordable Housing scored 20 percent as “Very Important” and combined with “Important”, the percentage is 73 percent
 - Access to Schools scored 22 percent as “Very Important” and combined with “Important”, the percentage is 79 percent
 - Local Job Opportunities scored less than 50 percent as “Important” with only 20 percent as “Very Important”
 - Safe Roads and Road Systems scored 68 percent as “Very Important” and combined with “Important”, the percentage is 98 percent
 - Air and Water Quality scored 78 percent as “Very Important” and combined with “Important”, the percentage is 98 percent
 - Emergency Response Times scored 52 percent as “Very Important” and combined with “Important”, the percentage is 93 percent
 - Recreational Activities scored 58 percent as “Important”
 - Convenience Shopping scored 56 percent as “Not Very Important” which was the lowest criteria ranking in the sample
 - Cultural Activities in the RM was ranked at 46 percent of respondents as “Important”, and 43 percent as “Not Very Important”

2.2 Population Trends

For smaller municipalities with slow population growth (or decline), it is likely that forecasting methods which track births, deaths and net migration will be less accurate than simpler techniques. One method of analysing and predicting the future population of the RM of Lumsden is called a Constant Numeric Change Model (see Reference in Part D, Section 3.2). The model is more accurate in assessing population change due to the effects of employment growth or decline.

In the following calculation, it is assumed that the local population (p) in the next 5 year time period (t + 1) is equal to the population in the previous period plus the average of population changes over the past “n” periods (the 4 census intervals from 1991 to 2006). This is a very basic estimate, which does not include calculations such as cohort survival (births or deaths) in relation to the age of the RM’s current population, or allowing more residential dwellings in the RM.

The Statistics Canada population for RM 189 for the last 3 census intervals is:

1991	-	1279 people	1996	-	1376 people
2001	-	1631 “	2006	-	1627 “

The formula is as follows:

$p(t+1)$	=	$p(t)$	+	$[p(t) - p(t-n)]$		$/n$
(pop. in the next time period)		(today's pop.)		(average change over the total number of census periods used)		(the total of the 4 time periods between the 5 census dates)

The projected population for RM 189 is 1743 people in 2011*.

The slight loss in population from 2001 to 2006 is a huge change from the rapid growth experienced from 1991 to 2001. It may be due in part to an increased demand for rural residential acreages in the previous 10 years but which may have peaked in 2001. As well, the current OCP was adopted in 2000, and even though it is apparently not a great deal more restrictive than the pre – 2000 OCP Policies, it may have been a deterrent to more new residential subdivisions being approved in the RM.

In many other RMs, this analysis would usually show a continued decline of the municipality's population due to the decline in agricultural employment, increases in farm size and reduced employment in many agricultural service industries. In this RM, the population trends and demand for higher density country residential subdivisions could mean much larger increases in population, dependent on Council's growth management preferences, environmental protection and sustainability policies, and Municipal, Provincial and National capital works requirements. Left unchanged, the forces which now affect the local economy could continue the RM's recent static growth.

In addition to the foregoing brief analysis of the recent population trend in the RM, a detailed study of selected Socio-Economic data has also been prepared (see Appendix 2). In analyzing that data, several of the important trends or factors appear to include:

- The age cohort pattern is not “typical” for a Saskatchewan Rural Municipality – there appear to be younger people and more families with school-aged children than other RMs. This may be due to a higher representation from – country residential and commuter shed;
- The largest age cohort is 40-54 years – mid-career age group who are most apt to commute to Regina for work;
- The limited supply of rental housing likely restricts persons and households in the 25-29 year age group – this group does not appear to include family households;
- The usually large group of older residents found in many agriculturally-based RMs is not present here; and
- There is a decline in the 0-4 year age cohort, meaning that elementary school enrolments should be monitored in future to see if this is actually a trend in the RM.

More details regarding the data are included as Appendix 2 in this Plan.

*this method may not be accurate for all Divisions in the RM, especially where residential hamlets (e.g. Deer Valley) are now expanding

2.3 Definitions

1. General: for the purpose of this Plan, the definitions and interpretations given in this Section shall govern. Definitions and interpretation of other words or terms used in the OCP may be found in the Zoning Bylaw. Words used in the present tense include the future, words used in the singular number include the plural, and words used in the plural include the singular number. The words "shall" or "will" identify a mandatory action or decision, as the case may be. The words "should" or "may" identify a voluntary action or decision, as the case may be. The words "used" and "occupied" shall include the words "intended" or "arranged" or "designed" to be used or occupied.

2. Development: - the carrying out of any building, engineering, mining or other operations, in, on or over land, or the making of any material change in the use or intensity of the use of any building or land, including the demolition of a dwelling or water well.

3. Intensive Livestock Operations (ILO): - any livestock operation which, because of it's existing facilities for the rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, game animals or birds identified in Table 1 of the Saskatchewan "Agricultural Operations Regulations", in such numbers, or due to it's specific location (e.g. next to a water body which crosses a property line), as those locations may require the operator to obtain an ILO Permit from the Saskatchewan Ministry of Agriculture (MoA).

4. Non-intensive Livestock Operations (NLO): - any livestock operation which does not require an ILO Permit from the MoA, and does not include any such NLO unless it confines the Animal Units (AU) within an area which provides less than 370 sq. m. (3981 sq. ft.) per AU. includes those which are under 300 Animal Units as shown on Table 1 in section 4.1e) of this Plan.

~~NOTE – IN LIGHT OF COUNCIL HAVING DECIDED TO ALLOW EACH QUARTER TO BE ELIGIBLE FOR 1 NON-FARM RESIDENTIAL SUBDIVISION, IS THE MINIMUM SIZE OF A QUARTER (SEE BELOW) STILL ACCEPTABLE???~~

5. Quarter Section or Equivalent: - a quarter section, consisting of 64.8 ha (160 acres) - as identified by the Township Plan of Survey of record in the Land Titles Office. Equivalent shall mean 64.8 ha (160 acres), any partial quarter section defined on the Township Plan of Survey, or a lesser amount remaining as part of the quarter section because of the registration of a road, road widening,, railway or natural features such as lakes or streams or the registration of a subdivision permitted in this Bylaw, but in no case shall the Equivalent be allowed to be less than 48.6 ha (120 acres), unless Council has used their discretion under Part XXXX of this Plan to agree to a smaller remnant.

SECTION 3 –Effect, Interpretation, Amendment and Review

3.1 OCP Interpretation

1. Effect of the OCP

As outlined in Section 40 of the Act, when this OCP and any amendment thereto takes effect, it shall be binding on the Rural Municipality and all other persons, associations or other organizations and no development shall be carried out that is contrary to the Plan.

2. Effect of the OCP in respect to the Zoning Bylaw

As prescribed by Section 34 (2) of the Act, in the event of any conflict between part of this OCP and the Zoning Bylaw, the inconsistent part of the Zoning Bylaw shall have no effect.

3. Map Interpretation

The land use and other boundaries identified on the Maps which form part of this OCP shall be considered as approximate only, and are not absolute. Using the Development Criteria contained in Part D1B, the RM Council may decide (on a case-by case basis), whether an application for a proposed subdivision, discretionary use development or OCP/rezoning amendment is affected by, or would contravene the Constraints, Opportunities and possible Future Land Use Areas shown on the various OCP maps.

Subject to the Development Criteria as noted above, Council may also determine whether the type and nature of any such application would be affected by, or would contravene any the Maps only in a minor way, but would still conform to the other Policies of this OCP and would in Council's opinion, not require an amendment to this Plan. A determination made by Council under this Section shall be made by a Motion of Council as a matter of Council's interpretation of the Policy of this Plan, and pursuant to Sections 219 (5) and 221 (a) of the Act, is not subject to review by the Development Appeals Board.

4. Bylaw Amendment

Subject to the requirements of the Act, the RM Council may upon their own initiative, or at the request of an applicant, amend any part of this Bylaw (including any or all of the maps showing Constraints, Opportunities and Possible Future Land Use Areas). When deemed necessary by Council, such amendments shall be made to improve the Goals, Objectives and Policies of this OCP and/or to respond to new land use or other issues which may affect the area within the RM.

5. Bylaw Review

Subject to the requirements of the Act, the RM Council may upon their own initiative, or no longer than five years from the effective date of this OCP, review and consolidate prior amendments to this Bylaw in order to improve the Goals, Objectives and Policies of this OCP and to respond to new land use or other issues which may affect the RM. A similar review of the Zoning Bylaw should be done to consolidate prior amendments to that Bylaw in order to improve the regulatory and administrative provisions or to introduce new land use controls or other features to respond to new land uses or other regulatory issues, which may affect the RM.

PART B – VISION, ISSUES, GOALS, OBJECTIVES, POLICIES and IMPLEMENTATION

SECTION 1

1. A COMMUNITY VISION FOR THE RM OF LUMSDEN

The following Vision Statement for the RM of Lumsden was created and recommended by the Planning Advisory Committee, which assisted Council in the preparation of this Official Community Plan. This Vision Statement has been adopted by Council as an integral part of the OCP. The Council intends to use this Statement as the basis for the Goals, Objectives and Policies of the Plan.

“THE VISION FOR THE RM OF LUMSDEN NO. 189 IS TO ENCOURAGE SUSTAINABLE RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT THAT IS COMPATIBLE WITH IT'S VIBRANT AGRICULTURAL BASE AND CRITICAL ECOLOGICAL AREAS.”

SECTION 2 ISSUES

2.1 Agricultural Issues

The Goals, Objectives and Policies of the current, 1991 OCP focus mainly on protecting high quality agricultural land (identified as Class 2 and 3 soils on the Canada Land Inventory (CLI) Agricultural Maps) from encroaching non-farm uses by only allowing dispersed non-farm residential uses on those

soil classes. Both the Planning Advisory Committee and Council have strongly indicated that protecting those agriculture uses is still one of the valid Goals for the new OCP.

However, both parties agree that the Objectives, Policies and Implementation tools (primarily the Zoning Bylaw) which are used to reach those Goals should not use such a narrow reliance on the CLI land class to prevent land use conflict between agricultural and non-agricultural uses. There will continue to be references made in this OCP to the CLI Agricultural Land Classes as being one of the considerations in assessing applications for non-agricultural development.

The quality of the CLI soil class will no longer be the primary determinant to be used by Council in making decisions on proposed Amendments to this Plan and the Zoning Bylaw, and on Discretionary Uses and Subdivisions. Council prefers to use other methods to support intensive and extensive types of agriculture, while avoiding or minimizing land use conflict (see Part D, Section 1.2 for the Detailed Development Criteria, which will assist Council in making decisions to avoid such conflict).

It has been recommended by the PAC, and decided by Council that the Objectives, Policies and Implementation tools in this new OCP will now be changed for agricultural areas. The new Objectives must give more flexible options so that different land uses can co-exist in agricultural areas with minimal land use conflicts. At Council's discretion, based on the Objectives and Policies of this OCP, residential, industrial and commercial development may be allowed in agricultural areas at locations, which would not cause land use conflict or require expensive services to be supplied by the RM.

Concerns were also raised by some PAC members and Councilors who felt that both dispersed residential subdivisions (i.e. single parcels generally allowed only in the Rural Development District (the RDD) – the tableland outside the Valley) and clustered residential subdivisions (which are allowed on "suitable" sites in the Valley Development District (the VDD)) need to be better scrutinized than now occurs under the existing Plan.

Rather than generally allowing the dispersed parcels throughout the RM and limiting the clustered subdivisions to the VDD, several discussions centered on how Council could better balance the diversity of interests (rural vs. urban and agricultural vs. residential) in the entire RM. Most people felt that there was no benefit in using the RDD and the VDD any longer. This OCP will allow Council to use the relevant Policies, the Plan Maps and the Development Criteria as the primary means of determining the suitability of proposed Discretionary Uses, proposed OCP amendments, Rezoning Proposals and Clustered Subdivisions at any given site.

Provincial Regulations under *The Agricultural Operations Act* require permits for most Intensive Livestock Operations (ILOs). The permitting process under those regulations considers whether ground and surface water supplies are adequate to serve new ILOs and can be protected from contamination by the increased manure produced in the proposed facilities. The Provincial regulations do not deal with any problems caused by ILOs in respect to odour or nuisance (e.g. flies, rodents).

In the absence of direct Provincial authority to deal with odour and nuisance issues, Council is concerned that there is no effective way at the municipal level to deal with landowner complaints regarding those issues, and that they should not be simply a municipal responsibility. After much discussion on the topic, Council has now determined that no new ILOs will be allowed in the RM.

At the same time, Council recognizes that there are at least 10 existing ILOs which have been previously approved by both the Ministry of Agriculture and the RM. Some existing Livestock

Operations may be approaching the minimum numbers of Animal Units at which they might be regarded as ILOs. Other Non-intensive Livestock Operations must also be considered when making decisions aimed at reducing or eliminating land use conflict between agricultural and non-agricultural uses in any Rural Municipality. Councils' conclusions on dealing with these matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.2 Environmental Issues

Council recognizes that it has a shared role and responsibility for stewardship of the environment. As previously noted earlier, Section 31 of the Act outlines numerous facets of an Official Community Plan, with the physical and environmental attributes of a municipality being prominently mentioned. As well, the purpose of a Zoning Bylaw as outlined in Section 45 of the Act, is to provide “for the amenity of the area within council’s jurisdiction and for the health, safety and general welfare of the inhabitants of the municipality.”

The existing OCP identifies both specific uses and geographic areas which merit protection by using tools such as required rezoning, special development agreements, Discretionary Use conditions etc. The separation of such areas by type of use or sensitivity in the current OCP is difficult to use in a comprehensive way since there is no single Map or Section in the that document where all the ES areas are shown together.

This OCP will consolidate this information on no more than 2 Maps and in a descriptive Section in the text. Environmentally sensitive areas or hazard lands will still be subject to special regulations by designating them as environmentally sensitive (ES) land. The ES areas will be shown in general terms on the Maps for Council and landowners to use in assessing the suitability of proposed new developments in the affected ES areas. As well, ES land will be shown on the appropriate Plan Maps, and also specifically on the Zoning Map as an Environmentally Sensitive Overlay District.

For example, in the absence of any detailed study of existing aquifers or delineation of lands with a high water table, Council has identified a specific Soil Type (shown as “Biggar Sandy Loam”) in the Canada Land Inventory (CLI) Maps, which form part of the existing OCP. Because most of this Soil Type is described in the CLI as lower quality, Class 5 land with “insufficient soil moisture holding capacity and low soil fertility”, it is being designated on Map A (Natural Constraints) as being unsuitable for many types of land uses, including cropland and residential uses. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.3 Industrial and Commercial Issues

Perhaps in part because there are no existing commercial or industrial nodes in the RM, there has been little success or interest in commercial or industrial during the existence of the current Plan. That OCP has limited scope for Policies to attract such uses. Although Highways 6, 11 and 54, and the CPR Mainline offer prime locations for large, transport – dependent uses of this type, secondary rail lines have few attributes for creating new opportunities. There may be some possible development along the newly – formed Last Mountain Railway line (formerly operated, and still owned by CNR) but that will likely only be possible in former Station Grounds along that line.

This OCP will encourage small-scale commercial and industrial uses, both minor (e.g. a home occupation) and major (e.g. a highway commercial or industrial use) at appropriate areas in the RM. These potential uses should either be located adjacent to Highways or on good quality, paved roads (or the prospective Developers must agree to pay for upgrading existing roads to that standard). Council may use other locational Policies or Requirements (e.g. servicing requirements or setback regulations) of

this OCP in deciding whether to approve such uses where they would not conflict with neighbouring uses, especially agriculture and residential ones.

The majority of sand and gravel operations are located in the North portion of the RM. Truck traffic to and from those operations (and associated noise, dust and traffic safety issues) is not a major problem at present in that area, since it is sparsely populated. Council values the economic contribution of the sand and gravel operations to the RM, but recognizes that if more residential subdivision proposals are made in that area, the risk of land use conflict, traffic safety and road congestion will only increase.

These sand and gravel operations will be discretionary uses subject to their development, operation and reclamation plans meeting the provincial guidelines. Options for Council in dealing with these issues for all expansions of existing operations, include specifying truck routes for both existing/expanding and new operations, requiring the Operator/Developer to sign an agreement for road maintenance either pursuant to The Municipalities Act or require the Developer of a new pit operation to pay more of the off-site road servicing fees as a condition of a discretionary use permit.

The Zoning Bylaw may also contain regulations regarding development standards for discretionary use permits for new pit operations including, but not limited to, setbacks for the actual gravel extraction area from existing dwellings, hours of operation, dust control measures and defined truck routes. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.4 Residential Issues

The demand for country residential sites is likely to continue because the RM is within easy commuting distance of Regina and there is a continuing interest in Saskatchewan, and Western Canada generally for alternate residential (i.e. non-urban) properties. In the case of the RM of Lumsden, this means a demand for both single country residential parcels on private services, and clustered, higher density sites with communal sewer and potable water systems. These serviced developments may be more economically located on lower quality agricultural land (where good road access already exists or can be easily provided) outside the Qu'Appelle Valley.

Several members of the PAC were opposed to continuing to allow large (minimum 8.5 ha/21 ac.) residential subdivisions in the agricultural areas. This opposition was partly based on the potential fragmentation of farm areas, but also on the belief that smaller subdivision sizes could be allowed (either singly or in small clusters), but closer to good gravel or paved roads.

Some members also suggested that more specific locational Policies should be adopted to restrict the apparent indiscriminant opportunity for such large individual sites to be rezoned and subdivided virtually anywhere in the poor quality CLI areas of the RM. The PAC members were definitely in favour of changing the existing Policy of relying on the Soil Type as the primary means of site selection for dispersed, non-farm residential subdivisions.

ADD BACKGROUND ON MULTI-PARCEL DISCUSSIONS TOO??????

The intention of the new OCP is to allow limited numbers of single-site residential parcels where appropriate (perhaps in each quarter) and very limited, clustered subdivisions to preserve agricultural land and reduce the potential for land use conflict between farm and non-farm uses. This will mean strictly-limiting residential development while taking advantage of the Provincial Highways and other paved roads in the RM which offer better access to more employment opportunities than exist locally. Council also intends to minimise the effect of such development on RM finances, agricultural activities

and environmentally sensitive areas. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.5 Recreational Issues

The existing OCP contains general Objectives and Policies which deal with accommodating “a wide range of extensive and intensive tourism and development”. With no major Lakeshore areas being found in the RM, and the potential slump and flood problems inherent along the banks of the Qu’Appelle River and its tributaries, the opportunity for seasonal cottage developments barely exists in the RM. Those same areas of the Valley which are unsuitable for residential recreation uses may be ideal for other types of passive and active recreational uses.

The Objectives and Policies of this OCP should actively support the recreational and scenic values of the Qu’Appelle River Valley and its tributaries, while recognizing the value of such areas for water supplies and wildlife habitats. The support and recognition could take the form of using incentives to developers anywhere in the RM, to contribute to land assembly or other means of preserving unique or fragile areas either within their proposed developments, or elsewhere in the Valley.

The increased interest in and demand for walking trails in and near the Valley should also be acknowledged. Residents of the Towns of Lumsden, Regina Beach and the Villages of Buena Vista, Craven and Disley may all be interested in such facilities in the RM. Groups such as the Trans-Canada Trail Association and the Valley View Community Club may be able to assist Council and consenting private landowners in developing trail networks. As well, there may be possible trail linkages developed between existing Crown land parcels and potential scenic outlooks along the Valley. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.6 Municipal and Private Services Issues

The RM’s existing water supply sources and lines, road network and other infrastructure should all be protected from encroachment by land uses which may threaten public safety, reduce the efficient supply of the service or force it to relocate prematurely. To protect these natural and man – made assets, the RM should establish a range of separation distances, development standards or conditions in the Zoning Bylaw, to be applied to prevent this type of land use conflict.

Lack of access to a public road of sufficient width and quality may be considered by Council as a “constraint” which could be identified on the Maps in this Plan. Where economically feasible and environmentally acceptable, all municipal and private capital works shall be planned for joint-use corridors provided that such corridors are compatible with adjacent land uses.

Specific agreements may be entered into between the RM and other adjoining urban or rural Municipalities or private parties to clarify the intent and possible implementation of shared public services. Such agreements may include traditional agreement items such as urban-rural cost sharing for capital works, as well as more innovative items such as property tax-sharing where urban services may be extended to rural areas without an annexation. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.7 Transportation Issues

Much discussion has occurred in RM Council over the years regarding road priorities at RM connector roads which meet Provincial Highways and Primary Grid roads. The higher volumes and changing access needs of more commuters working, shopping or using government/institutional services outside the RM and higher truck traffic passing through the RM must all be considered. As part of the OCP

process, Council must consider more closely comparing existing traffic volumes to the new traffic volumes expected by each new residential and non-residential development.

Using the Ministry of Highways and Infrastructure's System of Road Classification, the RM could consider further prioritizing them so that only the top 5 road classes (using the rating system of the Saskatchewan Ministry of Highways and Infrastructure) should be considered as being eligible collector roads. The cost of upgrading the lower class roads to handle medium- sized or large developments could prove prohibitive for the developer, but it is the RM Council's policy not to pay for such costs out of general revenues.

By prioritizing the more important RM roads as part of the OCP, Council may also be better able to set budget priorities for future maintenance on a multi-year basis. Map C (Opportunities) and Map D (Future Land Use) which form part of this Plan will be used by Council to identify the existing and future road patterns which are needed to accommodate different land uses in the next 5 to 10 years. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

2.8 Administration Issues

The RM should ensure that all capital works installed by a private developer under an agreement with the Municipality comply with professional engineering standards. All services and facilities will include the principles of environmental sustainability and low risk/high public safety in their design, installation and operation.

The RM should encourage and, where necessary, require the service providers of private or other non-municipal utilities to share the cost of providing and maintaining joint use corridors on municipal land. To ensure that new developments pay for the necessary on and off-site services, the RM should, where authorised by Part VIII of *The Planning and Development Act, 2007*:

negotiate a Servicing Agreement for all new subdivisions requiring all necessary services; and consider establishing a Development Levy for all new developments requiring a rezoning or discretionary use permit if the new use will increase the demand on the RM's facilities and services

The RM will also continue to consult with other municipal and other jurisdictions (e.g. Organised or Unorganised Hamlets) in the vicinity to coordinate planning, development and operating strategies; and consider the sharing of taxes, services and facilities with other municipalities and jurisdictions, subject to the other relevant Policies of this Plan. These matters are further explained in Section 4 - Objectives, Policies and Implementation.

SECTION 3 OFFICIAL COMMUNITY PLAN GOALS

The Goals of this Official Community Plan are:

- 1** To recognise the importance of agriculture as the primary land use in the Rural Municipality but understand that the response to the increased demand for more residential uses must be done in a progressive, fair and balanced manner when allowing various forms and densities of other land uses (e.g. commercial, industrial, residential, recreational etc.);
- 2** To sustain a high percentage of the scenic and environmentally – sensitive character of the Qu'Appelle Valley and it's major tributaries for the use and enjoyment of current and future generations, by identifying valley areas which should not be developed;
- 3** To promote and allow non-agricultural land uses at appropriate locations and densities which will not conflict with the potential expansion of Urban Municipalities in the RM;
- 4** To develop land use and servicing policies, which will lead to balanced, orderly and appropriate growth and will enhance and diversify the rural lifestyles of RM residents;

- 5 To provide effective administration and sustainable, appropriate levels of public (or where appropriate, private) services for landowners in the RM;
- 6 To diversify the property tax base of the RM by allowing a range of land uses and densities, while ensuring that both developer-pay and user-pay principles are followed for new developments or expanded types and levels of services; and
- 7 To ensure that current information is obtained from applicants for new developments and/or subdivisions regarding the potential impacts on, and protection of ground and surface watersources.

SECTION 4 OBJECTIVES, POLICIES AND IMPLEMENTATION

4.1 AGRICULTURAL LAND USE AREAS

A OBJECTIVES FOR AGRICULTURAL AREAS

1 To support “normally-accepted agricultural practices” * and favour those types of current and proposed agricultural activities (excluding IIOs) provided that they do not, in Councils’ opinion, harm the quality of life of RM residents or degrade the natural environment, and to ensure that agriculture remains an important land use in the municipality.

2 To allow certain types of intensive types of agriculture (including new market garden or irrigation operations, but prohibiting any new intensive livestock operations) at appropriate locations while avoiding, or at least minimizing land use conflict with non-agricultural uses. Conflict avoidance/minimization will be achieved in the OCP primarily by using variable separation distances between new and existing intensive agriculture proposals and surrounding development (and vice versa). In addition, other impacts (i.e. truck traffic effects, dust, ground and surface water effects etc.) from such intensive uses may also be regulated by Council using the Detailed Development Criteria outlined in the Administrative Policies of this Plan.

3 To avoid, or at least mitigate conflict with agricultural land use from the negative impacts of both new and existing non-agricultural land use and development. In making decisions on all requests for land use changes to non- agricultural uses in rural areas, Council will use the specific Development Criteria mentioned above to implement the Plan Policies.

4 To support agricultural uses in the municipality by avoiding or minimizing conflicts with neighbouring uses, allowing new uses with reasonable development potential and avoiding or minimizing significant environmental concerns with new non-farm uses.

5 To assist in the retention of existing Market Gardens & Greenhouse operations as outlined in the previous Objective, and to support the expansion of such uses while having regard to the water needs of other landowners in the RM.

B POLICIES FOR AGRICULTURAL LAND USES

1 The Zoning Bylaw shall recognize and where possible, protect primary agricultural uses from land use conflict. Primary agricultural uses include but are not limited to, grain farming, pasture (non-intensive livestock) operations, farmsteads, intensive agricultural uses (e.g. market gardens), and farm-based, agricultural related commercial developments, but shall not include any new Intensive Livestock Operations (ILOs) which shall be listed as Prohibited Uses in the Zoning Bylaw.

*“normally-accepted agricultural practices” is a term defined in *The Agricultural Operations Act*, in reference to a wide range of farming activities.

Normally-accepted agricultural practices (sometimes these activities are classed as being part of the “Right To Farm”) in the RM is hereby recognized to exist as a natural right for agricultural activities. Most types of traditional agriculture will be Permitted Uses in the Zoning Bylaw, except for certain uses, which may generate excessive odour, noise or nuisance, including but not limited to, Intensive Livestock Operations. All existing Intensive Livestock Operations which have already obtained a Permit from the MoA and the RM before the effective date of this Plan, will continue to be recognised as Discretionary Uses and may only be allowed to expand or otherwise redevelop at Council’s discretion as outlined below in Subsection 4.

Normally-accepted agricultural practices shall include but are not limited to the spraying of herbicides and insecticides, subject to Provincial or Federal Regulations governing the use of approved chemicals for that purpose. As well, it is understood that the traditional agricultural activities may occur on holidays, weekends, at night and in the day, and the noise, odours, fumes and dust that are caused by these activities are specifically permitted as part of this Right. Council does not intend to adopt Policies or Regulations affecting these activities.

The only potential to involve the RM in any control of these activities and practices may occur if they conflict with the *Agricultural Operations Act*, or are clearly invalidated by a decision of the Agricultural Operations Review Board established by that Act. In either case, Council shall not be required to amend this Plan to affect or regulate any such activity or practice since they are not within the RM’s jurisdiction under *The Planning and Development Act, 2007*. Unless required by law to amend this Plan or the Zoning Bylaw to conform to Provincial Acts or Regulations, the RM shall not be required to enforce a decision of the Board regarding agricultural practices through these land use Policies or Regulations.

2 The Constraints Maps and the Canada Land Inventory (CLI) Map for Agriculture, all of which form part of this OCP, shall be among the determinants used by Council for assessing the site suitability of all residential, commercial or industrial subdivisions and developments. Other determinants are shown on the Constraints Maps and the Detailed Development Criteria in Part D1.2, all of which form part of this Plan.

3 Except for Intensive Livestock Operations, which shall be dealt with according to Policy No. 4 below, the Detailed Development Criteria mentioned above shall also be used by Council and RM administration in assessing all applications for Discretionary Uses, proposed OCP amendments, Rezoning Proposals and Clustered Subdivisions on land which is zoned as Agriculture.

4 Intensive and Non-intensive Livestock Operations*

a) Proposed new Intensive Livestock Operations (ILOs) shall be Prohibited Uses in the Zoning Bylaw, but this Policy and the Zoning prohibition shall not apply to any existing ILOs, which have already obtained a Permit from both the MoA and the RM before the effective date of this Plan and the new Zoning Bylaw.

*see definitions for both Intensive Livestock Operations (ILOs) and Non-intensive Livestock Operations (NLOs) in Part A 2.3 on page 8)

b) The existing Intensive Livestock Operations described in Subsection a) above which have already obtained a Permit from the MoA before the effective date of this Plan, will each be classed as an “Existing Discretionary Use” at the specific land location at which it exists in the Agricultural Zoning District of the Zoning Bylaw. This will ensure that any expansion of an existing ILO to provide for a greater number of Animal Units (as defined in the Zoning Bylaw), or to expand the development (e.g. by increasing or substituting the land base which was previously approved for manure treatment, or changing the approved method of manure treatment), shall be dealt with as an expansion of that “Existing Discretionary Use”. As well, any change in an existing Operation which alters the species of animal, or is a “development” as defined in the Act, shall also be Discretionary in the Zoning Bylaw and shall also require a new Permit from the RM.

The core area* of any existing ILO which has obtained a Permit from the MoA before the effective date of this Plan, will also be classed as an included as part of the “Existing Discretionary Use” at the specific land location at which it exists. in the Agricultural Zoning District of the Zoning Bylaw. Any proposed change to either the “waste storage plan” or the “waste management plan” (as defined by the “Agricultural Operations Regulations”) which was previously approved by the MoA shall also be submitted to the RM as part of new development proposed to change or expand that ILO before commencing any new “development” (as defined in this Bylaw).

Council shall advertise any proposal that will result in a change to an existing Intensive Livestock Operation, and may hold a public hearing on the proposal. The applicant shall be required to pay for the cost of advertising the hearing and any hearing-related costs.

c) Unless a Permit is required by the Ministry of Agriculture due to the area of animal confinement for a specific existing Operation being classed as an ILO by the Ministry, the Zoning Bylaw shall provide for the temporary confinement of cattle (or other species listed in the definition of Animal Units) on a farmstead?????? during winter months as part of a Permitted Use in a general farm operation. A Permit will not be required from the RM for any such temporary confinement operation, unless a Permit is first required by the Ministry of Agriculture. The Bylaw may also provide for other temporary holding and loading facilities as Discretionary Uses subject to conditions, including but not limited to, maximum number and time confinement;

d) For the purpose of this OCP, the Zoning Bylaw and specifically this Section, Non-intensive Livestock Operations are as defined as those which do not require an ILO Permit from the Ministry of Agriculture, as defined in this Plan, and including those which are under 300 Animal Units as shown on Table 1 below, shall be classed as Permitted Uses in the Agricultural Zoning District of the Zoning Bylaw. A permit will not be required from the RM for any expansion of those Non-intensive Livestock Operations, but the Zoning Bylaw will the require the applicant/owner to submit both a “waste storage plan” and a “waste management plan” (as defined by the “Agricultural Operations Regulations”) to the RM for retention on file before commencing any new “development” (as defined in this Bylaw. Any proposed new Non-intensive Livestock Operation shall be classed as a Discretionary Use in the Zoning Bylaw, and shall be considered for approval under the following Implementation procedures, and the Zoning requirements:

e) The minimum separation distances in Table 1 will be applied for any of the above Intensive Livestock Operations which require a Permit pursuant to this Section in order to determine acceptable locations which distance will be required as a condition of that Permit.

* the core area includes barns, corrals, earthen manure storage facility or other approved manure stockpile/treatment facility, but does not include any land authorized for manure application by the MoA as part of a “waste management plan” as required for the ILO by *The Agricultural Operations Regulations*.

~~f) A greater separation may be needed from any liquid manure storage lagoon involved in the operation, to residential and other developments. The criteria of a separation distance to the lagoon from a dwelling of 1.5 times the distance in Table 1 will be considered adequate.~~

~~g) Council may consider lesser separation distances in Table 1 where:~~

~~i) written notice approved by Council has been given to the owner of any dwelling, tourist, commercial or industrial use, and to the hamlet board of any organized hamlet or Council of an urban municipality with the specified distance, and~~

~~ii) a public hearing has been held. Council may approve (with or without conditions) or refuse a proposal based on any problems identified.~~

~~h) As a condition of approval, Council shall specify the maximum number of animal units for which the approval is made; and may impose standards to reduce the potential for conflict with neighboring uses which specify the location of holding areas, buildings or manure storage facilities on the site.~~

~~i) As a condition of approval, Council may specify requirements based on development standards in the Zoning Bylaw regarding the disposal of manure produced by the ILO, or other measures intended to reduce odour, environmental problems, or conflict with neighboring uses from an ILO.~~

Any proposed new Non-intensive Livestock Operation shall be classed as a Discretionary Use in the Zoning Bylaw and shall be considered for approval under the following Implementation procedures, and the Zoning requirements:

Table 1 Separation Criteria to prevent encroachment by Specific Uses toward any ILO* which existed prior to the effective date of this Plan - ILOs from Specific Uses				
Development	Number of Animal Units in the existing ILO			
	<u>20 50- 299</u>	300 – 499	500 - 2,000	> 2,000
Dwellings in an Agricultural or CR 1 District, public wells, tourist accommodations, campgrounds, commercial or industrial uses	<u>500 metres</u>	<u>500</u> <u>1000</u> metres	800 1600 metres	<u>1000</u> <u>2400</u> metres
Multi-parcel residential subdivisions in a CR 2 or other District which allows residential uses, or vacant residentially-zoned land, Villages or Towns	<u>1200 metres</u>	1200 -1600 metres	2400 metres	3200 metres

Distances are measured between livestock facilities (barns, corrals, earthen manure storage facility or other approved manure stockpile/treatment facility) and any dwelling, which is not owned by the ILO operator, is in a Village or Town, or is any other Development Type shown in the above Table.

*see definitions for both Intensive Livestock Operations (ILOs) and Non-intensive Livestock

Operations (NLOs) in Part A 2.3 on page 8)

f) For all proposals to create or expand any the above uses (i.e. by amending the OCP or the Zoning Bylaw, or considering a proposed subdivision or discretionary use) onto land which is near any of the existing ILOs (meaning those which have been recognized as described in Subsection 4 b), Council shall be bound by the setback requirements of Table I. This will ensure that the minimum separation distances in Table 1 will also be applied to determine if specific setbacks will be required to separate the new proposed use from the existing ILOs.

~~j) To minimize conflict between proposed intensive livestock operations and surrounding development or vice versa, the preceding separation distances shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw. Council may approve a lesser separation of up to 10% variance from the relevant separation shown in Table 1 where the applicant submits a copy of a signed agreement between the operator of the ILO and the owner of the dwelling, organized hamlet board, or urban council, agreeing to such lesser separation. Such agreements between an operator and an owner of another development must contain the provision that the parties to the agreement will register the agreement on the titles of all affected land owned or under the jurisdiction of all parties. Where such agreements are made, Council shall be a party to the agreement and may use section 235 of *The Planning and Development Act, 2007* to register the agreement to the title of the affected lands.~~

5 NON-INTENSIVE LIVESTOCK OPERATIONS

~~In order to minimize conflict between a proposed new Non-intensive Livestock Operation (non-ILO) and adjoining ?? Surrounding residential development, or between proposed new residential development and an existing Non-intensive Livestock Operation on adjoining land, council will consider such applications for development of an ilo as a discretionary use in the zoning bylaw and apply the following criteria:—~~

- ~~i) no such new non-ILO development will be considered for approval if the Operation will be less than 300 metres from a dwelling not located on adjoining the site, unless that dwelling is directly associated with the proposed non-ILO development; and~~
- ~~ii) no new residential development will be considered for approval if the development will be less than 300 metres from an existing Non-intensive Livestock Operation on an adjoining site; and~~
- ~~iii) offsite facilities to treat ilo manure and other areas proposed for disposal of manure from a non-ILO will be considered as part of the specific conditions required for new non-ILOs???? Such disposal will be subject to special standards or location requirements specified in the zoning bylaw that are intended to reduce the potential for land-use conflicts.~~

NOTE – ALL OF THE FOLLOWING SECTION WILL LIKELY NEED TO BE CHANGED AFTER COUNCIL HAS FINALIZED THE PREVIOUS SECTION

C IMPLEMENTATION

1 Depending on the type of use and its potential for land use conflict in all or part of the RM, a primary agricultural use (excluding an ILO or a proposed expansion of an existing Operation, may be shown as a permitted or discretionary use in the zoning bylaw, may be prohibited, or may be subject to special zoning regulations. Primary agricultural use types may be further identified in the Zoning Bylaw.

2 Council shall not be required to rezone for a proposed non-agricultural use if the proposed new use would **unnecessarily** consume Class 2 agricultural land **and would contravene** the Goals, Objectives and Policies of this OCP. Council shall also refer to the Detailed Development Criteria in Part D 1.2 as well when considering rezoning proposals.

3 Both proposed new Intensive Livestock Operations and proposed expansions of an existing Operation will be considered for approval under the Policies noted above, and the applicable portions of the Zoning Bylaw.

4.2 ENVIRONMENTALLY SENSITIVE LANDS

A OBJECTIVES FOR ENVIRONMENTALLY SENSITIVE LANDS

1 To protect environmentally-sensitive land, as shown on the Natural Constraints Map from negative effects of any development which would cause or be subject to erosion, flooding, slumping or destruction of unique natural, biological or heritage features.

2 To consider the visual impact on the slope of, or at the rim of the Qu'Appelle Valley and it's major tributaries for all proposed subdivisions and developments which include more than one site. shall be used by Council to determine the site suitability of all agricultural, residential, commercial or industrial subdivisions and developments on the open, scenic views of the Valley areas.

3 To ensure that fully informed land use decisions can be made by Council, a Table showing Detailed Development Criteria, which is further described in Part D 1.2 of this Plan, will be used by Council and RM Administration in assessing all applications for Discretionary Uses, proposed OCP amendments, Rezoning Proposals and Clustered Subdivisions on land which is zoned included in the ES - Environmentally Sensitive Overlay Zoning District of the Zoning Bylaw.

B POLICIES FOR ENVIRONMENTALLY SENSITIVE LANDS

1 The Natural and Man-made Constraints Maps which form part of this OCP, shall be used by Council to determine the site suitability of all agricultural, residential, commercial or industrial subdivisions and developments in respect to their potential impact on Sensitive Lands and vice-versa..

2 Council shall require all applicants for a proposed subdivision or development which includes more than one site to supply the RM with a report by a Professional Engineer, Architect or Landscape Architect to assess the visual impact of any such proposal on the slope of, or the rim of the Qu'Appelle Valley and it's major tributaries.

This type of analysis may include a requirement that each applicant for such multi-parcel subdivisions will be required to show the visual impact of the proposal on the proposed site from the This type of analysis may include a requirement that each applicant for alley below, from directly adjoining land and from the opposite side of the Valley. This analysis shall be reviewed by Council to determine the site suitability of all agricultural, residential, commercial or industrial subdivisions and developments on the open, scenic views of the Valley areas.

3 The Detailed Development Criteria, which is further described in Part D1.2 of this Plan, shall also be used by Council and RM administration in assessing all applications for Discretionary Uses, proposed OCP amendments, Rezoning Proposals and Clustered Subdivisions on land which is zoned as Agriculture.

4 Council may also require developers to provide professional, certified environmental, geotechnical or hydrological reports for development of land, which has steep slopes or is subject to erosion, flooding or slumping. Council may refuse to approve development or subdivision on such land or may authorize such development in accordance with mitigation measures.

5 Council will work with provincial government agencies to protect any significant heritage resources, or unique natural or biological features located on land proposed for development. Where significant potential for such has been found, Council may delay or refuse development until such time as the requirements of the relevant provincial agencies to protect such resources have been obtained.

6 Proposed new Development will not pollute or unduly deplete known ground or surface water resources within the municipality. Council may require applicants to monitor or investigate the potential impact of their development on water resources and may with the assistance of relevant provincial or other agencies, prepare and incorporate development standards in the zoning bylaw to maximize aquifer protection and supply.

7 Council recognizes the importance of protecting an adequate supply of surface and groundwater for the benefit of all residents and landowners. Areas with poor quality soils or high groundwater problems may not be suitable for many types of cropland or even non-farm developments. Developers of proposed uses which require large amounts of groundwater or which may impact the current groundwater supply of adjoining uses may be required by Council to provide a study to verify that the groundwater resource is adequate for both existing users and their own proposal.

C IMPLEMENTATION

1 There are certain other areas near waste disposal sites, sewage lagoons, wetlands, heritage areas, for example which should not be developed due to hazards like potential pollution of water supplies, flooding, heritage concerns, public safety issues (avoiding major gas or power lines etc.) or site instability. The following list and the Future Land Use Map shall be used by council in making decisions on proposed new developments near environmentally sensitive land and on the uses and regulations outlined for such land in the Zoning Bylaw. This will result in an ES Overlay Area (in the OCP) and an ES Overlay District on the Zoning Map.

2 LIST OF ENVIRONMENTALLY SENSITIVE LAND

- All land within the Environmentally Sensitive Overlay Area on the Natural Constraints Map and Zoning Map (this will show potential slump and flood areas);
- All land which is within 30 metres outside of a river or stream flood plain or other land that may be subject to flooding;
- All land within 150 metres of any of the public wells shown on the ManMade Constraints Map, the Future Land Use Map and the Zoning Map;
- All land within 457 metres of any of the solid waste disposal sites (landfills) shown on the ManMade Constraints Map, the Future Land Use Map and the Zoning Map;
- All land within 600 metres of any of the municipal, commercial, or ILO sewage or waste lagoons shown on the ManMade Constraints Map, the Future Land Use Map and the

Zoning Map;

- All known Heritage sites, based on archaeological or historical records and shown as Heritage Areas on the Natural Constraints Map and the Future Land Use Map;

GENERALISED HERITAGE AREAS STILL NEED TO BE ADDED ON THE MAPS

- All land used for wildlife or landform conservation purposes as shown on the Future Land Use Map (e.g. land owned by the Saskatchewan Wildlife Federation, Prairie Farm Rehabilitation Administration-PFRA, the Nature Conservancy of Canada, Ducks Unlimited, the Saskatchewan Ministry of the Environment, or any Government Agency or Non-profit Group which is supportive of such purposes in Council's opinion;
- All land with "insufficient soil moisture holding capacity and low soil fertility", as shown on Map A (Natural Constraints) as being unsuitable for many types of land uses, including cropland and residential uses.; and
- All land within 150 metres of any railway, major gas or oil transmission line or any major 220 KV power line (all of which are shown on the ManMade Constraints Map and the Future Land Use Map). ~~NOTE – POWERLINES NEED TO BE DISCUSSED –~~

NOTE – A CROSS-REFERENCE WILL BE NEEDED IN THE RESIDENTIAL, COMMERCIAL/INDUSTRIAL & RECREATIONAL POLICIES TO THE ILO SETBACKS IN PART B4 f) ON PAGE 19 TO ENSURE THAT THE EXISTING "RECOGNIZED" ILOs ARE PROTECTED FROM ENCROACHMENT

4.3 RESIDENTIAL LAND USES

A OBJECTIVES

1 Dispersed (single parcel) Residential

a) To prohibit any new, single parcel ~~country-farm~~ and non-farm residential subdivisions in the Residential - Low Density) Policy Area ????? ~~Agricultural District~~ ??? ~~agricultural areas~~???, aside from those which may be allowed under Policy B1 below.

b) To support agricultural operations, a maximum number of farm-related dwellings will also be allowed on each farmyard (as defined in the Zoning Bylaw)

c) When any conflict arises between these Objectives and the ~~current~~ Agricultural Objectives, it shall be resolved by Council giving priority to the Agricultural Objectives in making their decision.

2 Clustered, Low Density Residential

a) To allow this type of Residential development with ~~full~~ individual or communal sewer and water services at locations which qualify for consideration following a detailed review of specific proposals by using the Detailed Development Criteria, which is further described in Part D1.2 of this Plan Such proposals must also be considered by Council as being suitable for rezoning after review in respect to Maps A to D, which also form part of this Plan.

b) The expectation for these Low Density subdivisions is that they may accommodate s

3 Multi-Parcel, High Clustered, Medium Density Residential

a) To allow this type of Residential development in clustered hamlet form with full sewer and water services and paved roads at specific locations as shown on the Future Land Use Map in

this OCP. Such proposals must also be considered by Council as being suitable for rezoning after review in respect to Maps A to D, which also form part of this Plan.

4 Clustered, High Density Residential

- a) To allow this type of Residential development in clustered hamlet form with full sewer and water services and paved roads at specific locations as shown on the Future Land Use Map in this OCP. Such proposals must also be considered by Council as being suitable for rezoning after review in respect to Maps A to D, which also form part of this Plan.

B POLICIES

1 Dispersed (single parcel) Residential Subdivisions

- a) **1** Subject to the following criteria, the subdivision of a **maximum of one** Dispersed, Non-Farm Residential subdivision will be allowed on each Quarter Section or Equivalent (as defined in this Bylaw) on an equitable basis throughout the RM. The subdivision area must also be large enough to include a private, on-site supply of potable water and a sewage system, have frontage on a currently developed Municipal Road which is not seasonal in nature.

A range of lot sizes (up to but not exceeding 8.5 ha. (21 ac.) will be specified in the Zoning Bylaw for these lots. This is intended to ensure their suitability for keeping limited numbers and types of Large Animals (as will also be specified in the Zoning Bylaw) to avoid land use conflict. Such subdivisions shall only be allowed at locations which qualify for consideration following a detailed review of specific proposals by Council using the Detailed Development Criteria, which is further described in Part D1.2 of this Plan. Such proposals must also be considered by Council as being suitable for rezoning after review in respect to Maps A to D, which also form part of this Plan.

-
- 2** In addition to the single lot allowed to be subdivided as described above in Subsection 1, a second lot may be permitted to be subdivided from Quarter Section or Equivalent at Council's discretion only in cases where the proposed lot is physically isolated from the bulk of the Quarter Section or Equivalent by either a road or a railway. The maximum lot size shall not exceed 24.5 ha (60 ac), and the minimum size must be large enough to include a private, on-site supply of potable water and a sewage system and have frontage on a currently developed Municipal Road which is not seasonal in nature.
- b) A subdivision of a previously-constructed, but now unoccupied farmyard may be allowed where the farmyard area is large enough to include a private, on-site supply of potable water and a sewage system, has frontage on a currently developed Municipal Road which is not seasonal in nature. The proposed lot must also conform to the Detailed Development Criteria, which is further described in Part D1.2 of this Plan. A range of lot sizes (up to but not exceeding 8.5 ha. (21 ac.) will be specified in the Zoning Bylaw for these lots.
- c) A subdivision of a **maximum of one** surplus dwelling from an existing farmyard may be allowed where the surplus dwelling is habitable (~~or dwellings, as the case may be~~) and any accessory farm buildings are also surplus to the operation of the farm. The subdivision area must also be large enough to include a private, on-site supply of potable water and a sewage system, have frontage on a currently developed Municipal Road which is not seasonal in nature, and conform to the Detailed Development Criteria, which is further described in Part D1.2 of this Plan. .

NOTE – does Council want to rezone all these subdivisions for surplus farm dwellings or dispersed CR parcels or leave them zoned as Agriculture ???

2 Development of Dispersed, existing Parcels

- a) An existing, vacant Parcel (registered as of **Insert Month**, 2000 – when Bylaw No. 1-2000 was approved) in agricultural areas may be developed for a single detached dwelling unit only if the Parcel is large enough to include a private, on-site supply of potable water and a sewage system, and has frontage on a currently developed Municipal Road which is not seasonal in nature, and conforms to the Detailed Development Criteria, which is further described in Part D1.2 of this Plan.

3 Clustered, Low ~~Medium~~ Density Residential Subdivisions

- a) Council shall consider the current demand for and existing inventory of undeveloped, multi-parcel country residential lots when reviewing all such proposals.
- b) The maximum allowable size for an individual, Low Density Residential subdivision shall be 32.4 ha (80 ac.) ??? or 65 ha (160 ac.) ???
- c) **The lot sizes in this type of subdivision shall be allowed to range from a minimum of 2 ha (5 ac) to a maximum of 4 ha (10 ac)**
- d) A detailed Concept Plan (as defined by Section 44 of the Act shall be required to be submitted by each Developer to enable a comprehensive review of the proposal by the Council in respect to OCP conformity .
- d) All such proposals must include complete Engineering reports regarding the costs and construction details of supplying piped sewer and water services to the proposed development.
- e) **All such proposals must conform to the Detailed Development Criteria, which is further described in Part D1.2 of this Plan???and the potential locations for this type of use as shown on the Future Land Use Map???**

4 High Clustered, Medium Density Residential Subdivisions

- a) Council shall consider the current demand for and existing inventory of undeveloped, multi-parcel country residential lots in areas which have already been designated in this Plan as being suitable for Medium Density Residential development in clustered hamlet form as shown on the Future Land Use Map in this OCP.
- b) The maximum allowable size for an individual, Medium Density Residential subdivision shall be 65 ha (160 ac.)???
- c) **The lot sizes in this type of subdivision shall be allowed to range from a minimum of 0.25 ha (.62 ac) to a maximum of .5 ha (1.2 ac), dependent on the total numbers of proposed lots, the type of on-site sewer and water services required by Council, the Health Region or Provincial Ministries.**
- d) A detailed Concept Plan (as defined by Section 44 of the Act shall be required to be submitted by each Developer to enable a comprehensive review of the proposal by the Council in respect to OCP conformity .
- e) All such proposals must include complete Engineering reports regarding the costs and construction details of supplying piped sewer and water services and paved roads to the proposed development.
- f) **All such proposals must conform to the Detailed Development Criteria, which is further described in Part D1.2 of this Plan???. and the potential locations for this type of use as shown on the Future Land Use Map???**

5 Clustered, High Density Residential Subdivisions

a) Council shall consider the current demand for and existing inventory of undeveloped, multi-parcel country residential lots in areas which have already been designated in this Plan as being suitable for High Density Residential development in clustered hamlet form as shown on the Future Land Use Map in this OCP.

b) The maximum allowable size for an individual, High Density Residential subdivision shall be 65 ha (160 ac.)???? or 130 ha (360 ac.)

c) The lot sizes in this type of subdivision shall be allowed to range from a minimum of 0.1 ha (.25 ac) to a maximum of .2 ha (0.5 ac), dependent on the total numbers of proposed lots, the type of on-site sewer and water services required by Council, the Health Region or Provincial Ministries.

d) A detailed Concept Plan (as defined by Section 44 of the Act shall be required to be submitted by each Developer to enable a comprehensive review of the proposal by the Council in respect to OCP conformity .

e)All such proposals must include complete Engineering reports regarding the costs and construction details of supplying piped sewer and water services and paved roads to the proposed development.

f) All such proposals must conform to the Detailed Development Criteria, which is further described in Part D1.2 of this Plan???. and the potential locations for this type of use as shown on the Future Land Use Map???

C IMPLEMENTATION

1 Dispersed (single parcel) Residential Subdivisions –TO BE ADDED

2 Medium Density Residential Subdivisions –TO BE ADDED

3 High Density Residential Subdivisions –TO BE ADDED

4.4 COMMERCIAL AND INDUSTRIAL/GRAVEL PIT LAND USES

A OBJECTIVES

(1) To encourage and promote the establishment of highway commercial and light industrial developments which cater to the traveling public and the local rural population as well as the establishment of light or small scale processing and manufacturing industries on sites where conflicts with other land uses will be avoided.

(2) To direct highway commercial and light industrial developments to preferably locate near urban centers where full municipal services are available, or where unavailable, these services are provided by the developer.

(3) To allow new aggregate extraction operations (or expansions of existing operations) only on sites that are:

- i) at least 150 meters (500 ft.) from any residence
- ii) at 45 meters (150 feet) from the center of a developed road allowance;
- iii) accessible to roadways suited to the operation, and if this is not the case, a development agreement shall address this concern; and
- iv) are not in an Environmentally Sensitive Area.

(4) To prohibit any residential development, subdivision or rezoning within 800 meters (0.5 miles) of any existing aggregate extraction operation which has received a Discretionary Use Permit in the year previous to the date of application being made for that residential development, subdivision or rezoning.

B POLICIES

- (1) Council will not permit the subdivision, development or rezoning of areas with moderate to high potential aggregate deposits for any residential uses within 150 meters (500 ft.) from that deposit.
- (2) All expansions of existing aggregate extraction operations and new proposed aggregate extraction operations shall be classed as Discretionary Uses in the Zoning Bylaw.
- (3) For all expansions of existing aggregate extraction operations, Council shall require the Operator/Developer to sign an Agreement which includes specifying truck routes for the operation, for road maintenance either pursuant to The Municipalities Act or require the Developer of a new operation to pay more of the off-site road servicing fees as a condition of a discretionary use permit.

C IMPLEMENTATION

- (1) Applications for rezoning of land for highway commercial or light industrial use will require a site plan which shall include the following information or any other information requested by Council:
 - i) A map (drawn to scale) showing the proposed shape, dimensions, area and topography of the site;
 - ii) a sketch map (drawn to scale) indicating all existing land uses and structures within two kilometers of the proposed development site; and
 - iii) a description of the location, height, dimensions and use of all structures and outdoor storage areas which will be located on the proposed site, as well as setbacks, drainage provisions, proposed entrances/exits and trucking routes.
- (2) Council may request that a development agreement as outlined under section 235 of the Act be entered into between the developer and the RM prior to land development for the proposed highway commercial or light industrial operation.
- (3) Where appropriate, at the discretion of Council, and in consultation with adjoining municipalities, the development of new or expansion of existing aggregate resources may be permitted within the Agricultural Zoning District. Council shall consider issues including, but not limited to dust, noise, proposed truck routes, hours of operation, pit restoration etc. in deciding whether to issue a Discretionary Use permit
- (4) Prior to the issuance of the Discretionary Use permit, the developer and Council may enter into a development agreement (as outlined under section 235 of the Act) which defines the responsibilities of the developer with respect to aggregate resource extraction. The development agreement may specify any of the following items:
 - conditions with respect to the planning, siting, operation, and restoration of the site including:
 - specifying the after-use of the site;
 - phasing of operational and restoration components;
 - the identification of potential environmental problems (i.e. drainage, erosion control, noise, dust and dirt) and proposed mitigation measures;
 - the visual effects on the site (i.e. weeds) and the landscape (i.e. loss of scenic qualities) and proposed mitigation measures;
 - the erection of fencing and signs;
 - the development and maintenance of municipal roadways;
 - the routing of trucks to avoid noise and dust problems;
 - hours of operation and hauling;
 - any other condition that Council may specify; and
 - the posting by the developer of a letter of credit, cash or a performance bond to guarantee

adherence to these requirements.

4.5 RECREATION AND PUBLIC OPEN SPACE LANDS

A OBJECTIVES

- (1) To ensure that the recreation resources of the RM can be sustained through environmental protection of the Qu'Appelle Valley and its tributaries and associated wetlands.
- (2) To maximize the benefits and minimize the costs to the landscape and residents of the municipality which may result from recreation activities.
- (3) To avoid disturbance of fisheries habitat, critical wildlife habitat, hazard lands and other environmentally sensitive areas.

B POLICIES

- (1) Where appropriate, Council will permit the development of publicly-owned or privately-owned recreational facilities.
- (2) Recreational activities may occur in environmentally sensitive areas, heritage sensitive areas and hazard lands only to the extent that these lands are not detrimentally affected by recreational users.
- (3) Major recreation facilities, potential pedestrian trails or linear greenway connections in and along the Valley will be facilitated by Council where feasible in terms of appropriate public access points which respect the rights of private landowners without endangering Heritage areas or environmentally sensitive sites or wildlife.

C IMPLEMENTATION

- (1) Recreational resource management objectives and policies shall be achieved by implementing all objectives, policies and procedures for Environmentally Sensitive Lands as well as meeting the requirements outlined in the Detailed Development Criteria, in Part D1.2 of this Plan.
- (2) Prior to the approval of a proposed subdivision or rezoning request or the issuance of a required permit, the developer and Council may enter into a development agreement (as outlined under section 235 of the Act) which defines the responsibilities of the developer with respect to ensuring that the proposal will not detrimentally affect any environmentally sensitive areas, heritage sensitive areas or hazard lands.
- (3) Council will both contribute to and encourage landowner participation in the creation of pedestrian trails or linear greenway systems and along the Valley through the following actions:
 - making strategic use of planning tools by dedicating Municipal Reserves in appropriate locations as part of the requirement for subdivisions in or near the Valley. Potential ;
 - accepting landowner dedication of Environmental Reserves at appropriate locations in or near the Valley; and
 - working with individual landowners, Provincial and National Ministries and Non-profit Organizations on trail or greenway creation projects through use of administrative tools such as Conservation Easements, Management Agreements etc. Potential trails or linear greenway systems may be shown on Map D (Future Land Use).

4.6 TRANSPORTATION

A OBJECTIVES

- (1) To provide efficient and safe road network for vehicular traffic and in residential areas, safe access for pedestrian and cyclists.

(2) To work with the Ministry of Highways and Infrastructure (MHI) in establishing safe vehicular access points to Highways from important RM roads but especially those which will carry primarily commercial and industrial traffic originating from, or delivering to, such uses in the RM.

(3) To establish a hierarchy of rural roads and important streets that will maintain an efficient flow of vehicular traffic.

(4) To establish a trails and pathways system to promote a pedestrian environment, while respecting the rights of all rural landowners. Wherever possible in new developments, trails and pathways should be designed to connect residential uses to adjoining or nearby public lands throughout the RM.

B POLICIES

(1) The RM will maintain a program of road maintenance and upgrading as needed to ensure, as much as possible, the health and safety of the travelling public.

(2) New roads or roads which have been designated either for future upgrading or as future Connector roads will be planned and constructed with regard to the type and intensity of land uses which will be served. The RM will acquire property for wider??? road right-of-ways by means of dedication during the subdivision process or an agreement for purchase at the time of development or redevelopment of property.

(3) The hierarchy of the Rural Road system is shown on Maps C (Opportunities) and D (Future Land Use). **NOTE that Map D (Future Land Use) isn't prepared yet**

The hierarchy of Roads in rural areas will consist of the following:

NOTE – to complete this subsection and the Opportunities Map, Council must decide whether they will include in the hierarchy, (in addition to Primary & Secondary Highways) either Classes 3 to 5, or Classes 3 to 6. This transportation concept shows the general locations of the current and future Rural Roads serving as major collector routes between various existing and proposed Land Uses and Provincial Highways.

(4) The hierarchy of Streets in new Residential development will consist of the following:

- Collector Street – a street that serves traffic between major Rural Roads and Local streets with access to adjacent development generally allowed; and

- Local Street – a street providing direct access to abutting properties along its length and only intended for local traffic.

C IMPLEMENTATION

(1) In new residential areas, any required street (and/or sidewalk) construction shall meet RM requirements for new developments. These requirements will be determined as being similar in engineering, design and appearance to existing developed areas until such time as a streetscape design policy is prepared and adopted by Council.

(2) In new residential areas, street layout and subdivision concept plans shall be designed to provide efficient infrastructure and traffic systems as well as enhance neighbourhood aesthetics. The required concept plans shall include greenways and linear park systems to provide convenient pedestrian and cyclist access to linear recreational opportunities.

4.7 MUNICIPAL and PRIVATE SERVICING

A OBJECTIVES

(1) To minimize the financial cost on the landowners in the RM due to road upgrades or other services (e.g. communal potable water or sewage systems) becoming necessary due to new subdivisions or developments in the RM or adjoining urban and rural Municipalities.

(2) To reduce servicing costs for similar types of new subdivisions or developments by ensuring that wherever possible, they are located near each other to more effectively cost-share the provision of all types of services as may be required by the RM, the Regina Qu'Appelle Health Region or other levels of Government.

(3) To prepare and annually evaluate an infrastructure strategy plan in order to anticipate how future population growth, transportation improvements and potential new commercial or industrial developments may impact RM services.

B POLICIES

(1) The planning, phasing, and development of water and sewer services will be based on:

- the financial resources of the RM;

- the demand for services and the need for upgrading;

- conformance with environmental regulations; and

- the logical extension of existing public or private services.

(2) The RM will continue to co-operate with provincial and private utilities in providing a high level of gas, power, and communication service to the community.

The RM will work with provincial agencies in establishing future routes for major transmission lines for utilities with regard to both protection of the natural environment and the RM's future land use plans (see Maps C (Opportunities) and D (Future Land Use). **NOTE that Map D (Future Land Use) isn't prepared yet.**

(3) For subdivision of private land, the proponent will generally be responsible for all costs associated with providing municipal services as may be provided in a servicing agreement.

Council will, by resolution, establish the standards and requirements for such agreements and charges, including the posting of performance bonds or letters of credit.

(4) When necessary, Council will have the necessary engineering studies prepared in order to maintain existing servicing facilities and to meet the future servicing requirements of the RM in terms of water and sewer facilities.

(5) Intensification of land use or redevelopment may require development levies for the development, upgrade or expansion of services and facilities and shall be based on appropriate studies to support the fees charged in accordance with the Act.

C IMPLEMENTATION

(1) A Servicing Agreement will be required for the subdivision of any private land and off-site development fees will be charged based on a rate established by Council to generally cover the cost of planning for and providing necessary improvements to existing infrastructure.

(2) Where a new development of land does not require a subdivision, but the proposed size or intensity of the development requires the installation of additional municipal services, the costs of planning for, improving or upgrading off-site services, will also be charged to the benefiting Developer(s) based on a rate established by Council.

(3) **ADD**

4.8 ADMINISTRATION

A OBJECTIVES

(1) To cooperate with Towns of Lumsden, Regina Beach and the Villages of Buena Vista,

Craven and Disley on mutually – beneficial land use and servicing strategies.

(2) To propose and promote a common agreement among all adjoining urban and rural municipalities regarding a mutual referral process for all new proposals for rezoning, major subdivision or development (i.e. land use change) which may affect more than one municipality.

B POLICIES

(1) The RM maintains control of subdivision of land through the OCP and Zoning Bylaw.

Subdivision will be supported where it meets the requirements of the OCP and Zoning Bylaw.

Council is in a position to guide development in the areas of subdivision and lot design, street layout, location of municipal holding areas and other dedicated lands as well as exercise control over utility easements and leases.

(2) Concept plans will be used to guide the phasing of development, identify street and lot layouts, identify land uses and density of development; and determine appropriate locations for school sites and parks (where necessary).

(3) Concept Plans that do not meet certain current OCP Policies or Zoning Bylaw Uses or Regulations but incorporate recognized planning principles and design objectives may be permitted through the preparation of new OCP Policies that still conform in Council's opinion to the Vision for the RM as stated in Part B, Section 1. Concept Plans that do not meet certain current Zoning Bylaw Uses or Regulations may be permitted through the use of Contract Zoning or preparing and adopting an additional Zoning District added to the Zoning Bylaw, if the desired uses, regulations and standards are determined by Council to be beneficial in other potential locations for future subdivisions.

(4) Development will proceed at a rate which meets residential, commercial and industrial land requirements. This will involve phased development that:

- occurs in an efficient and cost effective manner taking into consideration the RM's Capital Works program and financial capability;

- ensures a choice of location for building sites;

- is orderly and geographically continuous; and
- provides sufficient land so that subdivision requirements are met.

Council will consider the following factors when dealing with applications to subdivide and develop land:

- conformance to the OCP;
- suitability of the site for development;
- compatibility of land use;
- provision of dedicated lands as may be required for subdivision;
- the RM's financial capability to accommodate the development;
- the adequate provision of municipal services; and
- the need for a servicing agreement for on-site and off-site services.

C IMPLEMENTATION

(1) Rezoning of Land

Council will consider the following factors when dealing with applications to rezone land:

- conformance to the OCP;
- suitability of the site for development;
- compatibility with adjacent land uses.

(2) Servicing Agreement

A Servicing Agreement may be required for the subdivision of all private lands in the RM. The agreement becomes a condition of approval of a subdivision by the approving authority. The agreement will ensure that municipal standards are met for capital works and guarantee that such development costs are borne by the developer. Off-Site Development charges will be set by Council at a rate that generally covers the cost of all current and future off-site upgrades or construction necessary to provide the requested or necessary services to the subdivision area. Off-Site Development charges may also include costs for other facilities or installations as determined by *The Planning and Development Act, 2007*.

(3) Building Bylaw

In accordance with *The Uniform Building and Accessibility Standards Act* the RM will ensure that building construction is regulated so that all buildings meet *The National Building Code* and *The Uniform Building and Accessibility Standards Act*. The Building Bylaw will control the minimum standard of construction through the issuance of building permits.

(4) Land Acquisition

In accordance with *The Municipalities Act*, Council may purchase land for development. In this regard Council may consider the purchase of land for subdivision or development to:

- facilitate development including public facilities and maintain an influence in the market place;
- the lot price charged by the RM for serviced lots shall reflect the specific on-site servicing costs, an appropriate share of off-site servicing costs, an appropriate raw land replacement cost, a surcharge for community recreation purposes, and an appropriate charge for overhead and administration;
- provide affordable housing; and
- facilitate the relocation of non-conforming uses.

(5) Inter-Municipal & Inter-Jurisdictional Cooperation

Council is involved in a number of inter-municipal initiatives that focus on a co-operative approach to providing cost efficient and effective services (fire protection, recreation, health care, emergency services, and economic development). The RM will continue to work in partnership with other jurisdictions and agencies as a means of providing and sharing services effectively and efficiently.

PART C – CONSTRAINTS AND OPPORTUNITES

SECTION 1 CONSTRAINTS

To reduce the potential for land use conflict with the usual operation of some major municipal uses (e.g. odour from urban sewage lagoons), private uses (e.g. public safety concerns near railways or oil and gas pipelines), the RM will prevent the encroachment on such uses by using separation distances. The following separation distances will apply in situations where a new, Potentially Hazardous or Obnoxious Use is proposed on or adjoining land that is used or authorized for use as Residential. To effectively implement the Official Community Plan in dealing with Constraints, the following issues should be addressed.

1.1 Setbacks from Sewage Plants and Lagoons

An approving authority for subdivisions shall not approve an application for residential purposes if the land that is the subject of the application is situated within 600 metres of land that is used or authorized for use as a sewage treatment plant or a sewage lagoon. The RM shall not rezone or permit development for residential purposes if the land that is the subject of the application is situated within 600 metres of land that is used or authorized for use as a sewage lagoon.

1.2 Setbacks from Municipal or Private Landfills

An approving authority for subdivisions shall not approve an application for residential purposes if the land that is the subject of the application is situated within 457 metres of land that is used or authorized for use as a landfill for the disposal of garbage or refuse. The RM shall not rezone or permit development for residential purposes if the land that is the subject of the application is situated within 457 metres of land that is used or authorized for use as a landfill for the disposal of garbage or refuse.

1.3 Setbacks from Major Transmission Pipelines and Powerlines

An approving authority for subdivisions shall not approve an application for residential purposes if the land that is the subject of the application is situated within 150 metres of land that is used or authorized for use as a major transmission pipeline for oil, natural gas or any hazardous material, or for a major electrical powerline. The RM shall not rezone or permit development for residential purposes if the land

that is the subject of the application is situated within 150 metres of land that is used or authorized for use as a major transmission pipeline for oil, natural gas or any hazardous material, or for a major electrical powerline. This setback shall not apply to a pipeline or powerline if its purpose is for a distribution, service connection or collection line.

1.4 Setbacks from Railways and Major Roadways

Both CNR and CPR have different Guidelines which are suggested for use by Municipalities and landowners in creating separation distances between non-railway uses on private or public land and the rail lines. These Guidelines cover a wide range of factors, such as the type of proposed uses, the frequency of trains on the specific rail line, etc., and are too diverse to be listed in this Plan. In the absence of uniform criteria for setbacks of residential uses from a rail line, the RM shall not rezone or permit development for residential purposes if the land that is the subject of the application is situated within ~~150~~ 75 metres of land that is used or authorized for use as a railway or a Provincial Highway as shown on the ManMade Constraints Map, the Future Land Use Map and the Zoning Map;

Noise and vibration levels near rail lines and major roadways shall be a factor in the evaluation of proposals throughout the development review process. Noise and vibration assessments may be required in order to prescribe attenuation measures for developments in proximity to existing or proposed roadways and rail lines, as well as to determine the viability of foundations structures. In reviewing proposals for residential development adjacent to existing or proposed transportation corridors, exterior noise levels should not normally exceed a 65 dBA level (see Definition Section).

All costs associated with preparing the noise and vibration assessment and in implementing the approved attenuation measures shall be borne by the affected developers. Where appropriate, the RM shall consider requiring the developer of new residential proposals to install noise attenuation measures near transportation routes when noise levels exceed or are likely to exceed the above standard.

1.5 Setbacks from Other Potentially Hazardous or Obnoxious Uses

Other proposed uses including, but not limited to oil and natural gas wells or extraction facilities, major electrical stations etc. will also be required to be set back from residential areas or other uses where public safety would be threatened, in Council's opinion. In cases where such uses already exist, the RM shall decide whether they should be protected from encroachment by new residential areas or be treated as Legal, Non-Conforming Uses as defined by the Act. Where Provincial or National Guidelines or Regulations have established such setbacks, The RM shall use these Guidelines or Regulations to determine the appropriate separation distance.

1.6 Aquifer Protection Measures

Proponents of any development located within a known aquifer area as may be shown on the Development Constraints Maps may be required to provide a Hydrology or other (e.g. Geotechnical) report to identify that the site is safe for the proposed use and recommend any site-specific conditions which must be followed during development of the proposed use in order to protect the aquifers.

1.7 Flood Protection Measures

All development which is proposed in the ES Overlay area on the Zoning Maps, and which is above the 1:500 Design Flood Level, but which has been shown by a Hydrology Report to still be floodprone due to site-specific conditions, shall comply with any special floodproofing provisions which may be specified in the Zoning Bylaw.

SECTION 2 OPPORTUNITIES

ADD BACKGROUND, RATIONALE & IMPLEMENTATION FOR FUTURE LAND USE MAP

PART D – IMPLEMENTATION AND ADOPTION

SECTION 1 IMPLEMENTATION

The purpose of this Part is to outline requirements and guidelines for dealing with Plan Amendments, Rezoning Requests and Discretionary Use Applications.

1.1 - Procedure for Plan Amendments, Rezoning Requests, Discretionary Use Applications

In addition to the authority of the RM Council as specified in Part XXX of this OCP, the provisions of this Section will apply to all applications for proposed subdivisions, discretionary use developments or OCP/rezoning amendments. The RM Council shall review all such applications using the following Development Review Criteria in Section D1.2.

The review process shall be further outlined in the Zoning Bylaw and may include, but not be limited to, the required submission of a more detailed professional study (e.g. hydrology, geotechnical, heritage resource impact assessment, etc.) by an applicant for a subdivision, discretionary use development or OCP/rezoning amendment. The studies will also be used to determine if specific areas included in or affected by the application may be subject to the Constraints, Opportunities and Future Land Uses and the Policies of this Plan.

Council may also determine that amendments may be necessary to ensure that the maps will more precisely identify the extent to which the Constraints, Opportunities and possible Future land Use Areas on the maps may affect (or be affected by) a proposed subdivision, discretionary use development or OCP/rezoning amendment request. The RM Council may choose to approve, approve with conditions or deny any such request for a subdivision, discretionary use development or OCP/rezoning amendment.

1.2 - Detailed Development Criteria

Subject to the foregoing Section, the Council shall use the following detailed development criteria when considering applications for proposed subdivisions, discretionary use developments or OCP/rezoning amendments. Each of the following Criteria is followed by a brief explanation of the intent and relationship to other OCP Policies. The Zoning Bylaw may also include regulations and standards to guide Council in their implementation of these OCP Policies.

The Criteria below must be used in reference to the other OCP Goals, Objectives and Policies, including the setbacks prescribed in XXXXX– Constraints to Future Development. Examples of items to consider are shown following each of the Criteria.

Detailed Development Criteria For All Residential Subdivisions	Applies to			
	<u>Dispersed - Agricultural</u> Subdivision for a surplus Farm Dwelling, a “Hobby” farm, a “Cut-Off” parcel, an abandoned farmyard or a Single Parcel (with only 1 allowed per Quarter) Permitted Use, or an approved Discretionary Use	<u>CR1 District</u> (dispersed (low density clustered on private services)	<u>CR2 District</u> (medium density clustered on full services and paved interior roads)	<u>CR3 District</u> <u>(high density - clustered on full services and paved interior roads)</u> <u>NOTE – THE CRITERIA BELOW HASN’T BEEN INSERTED YET</u>
Land Use Conflict Avoidance Criteria				
Demand for Specific Development Proposal: <i>items to consider are the numbers of existing vacant sites in the specific land use type, the number of development/building permits issued recently for such uses</i>			Y	
Compatibility with the Official Community Plan: <i>items to consider are the OCP maps, Goals, Objectives and Policies</i>	Y	Y	Y	
Compatibility with the Zoning Bylaw: <i>items to consider are the Zoning maps, General Regulations (e.g. parking, landscaping), applicable Zoning District uses and regulations etc.</i>	Y	Y	Y	
Protection from Railway, Roads, Pipelines, Power lines and Airport - (Noise, Dust, Vibration, Safety): <i>items to consider are primarily the setbacks prescribed in XXXX – Constraints to Future Development and the Man-made Constraints Map (Map X)</i>	Y	Y	Y	

<p>Detailed Development Criteria For All Residential Subdivisions</p>	Applies to			
	<p>Dispersed - Agricultural Subdivision for a surplus Farm Dwelling, a “Hobby” farm, a “Cut-Off” parcel, an abandoned farmyard or a Single Parcel (with only 1 allowed per Quarter) Permitted Use, or an approved Discretionary Use</p>	<p>CR1 District (dispersed (low density clustered on private services)</p>	<p>CR2 District (medium density clustered on full services and paved interior roads)</p>	<p>CR3 District (high density - clustered on full services and paved interior roads) NOTE – THE CRITERIA BELOW HASN'T BEEN INSERTED YET</p>
<p>Protection from New Non-Compatible Development (e.g. ILOs, Residential vs Industrial) : items to consider are primarily the setbacks prescribed in XXXX – Constraints to Future Development</p>	Y	Y	Y	
<p>Protection from Sewage Lagoons, Landfills: items to consider are primarily the setbacks prescribed in XXXX – Constraints to Future Development and Man-made Constraints Map (Map XX)</p>	Y	Y	Y	
<p>Protection of Existing Intensive Livestock Operations and from new ILOs: items to consider are primarily the setbacks prescribed in XXXX and Man-made Constraints Map (Map XX)</p>	Y		Y	Y
<p>Protection of Existing Farming Operations (Right to Farm): items to consider are primarily the Policies in XXXXX</p>		Y	Y	
<p>Administrative and Financial Criteria – Sustainable</p>				
<p>Financial Impact on Municipality Finances (Including the 5-Year Capital Works Budget): items to consider are primarily the Policies in Part XX, and how a specific application (subdivision, discretionary use development or OCP/rezoning amendment) will affect Council’s Capital Works Budget (roads, water, sewage services etc.)</p>			Y	
<p>Cost Recovery of Services from Development Applicants: items to consider are primarily the Policies in Part XX, and how the servicing costs for a specific application (subdivision, discretionary use development or OCP/rezoning amendment) should be paid in whole by the applicant, or cost-shared with the RM</p>	Y	Y	Y	

Detailed Development Criteria For All Residential Subdivisions	Applies to			
	Dispersed - Agricultural Subdivision for a surplus Farm Dwelling, a "Hobby" farm, a "Cut-Off" parcel, an abandoned farmyard or a Single Parcel (with only 1 allowed per Quarter) Permitted Use, or an approved Discretionary Use	CR1 District (dispersed (low density clustered on private services)	CR2 District (medium density clustered on full services and paved interior roads)	CR3 District (high density - clustered on full services and paved interior roads) NOTE - THE CRITERIA BELOW HASN'T BEEN INSERTED YET
Phasing of Development Compatible with Municipal Financing: <i>Items to consider are primarily the Policies in Part XX, and how the servicing costs for a specific application (a large, phased subdivision, discretionary use development or OCP/rezoning amendment) will affect Council's Capital Works Budget (roads, water, sewage services etc.)</i>			Y	
Municipal and Health District Servicing Criteria				
Feasible Provision of Piped Potable Water (well, pipeline): <i>items to consider are primarily public safety, servicing capability and cost</i>			Y	
Feasible Provision of Sewage Services (piped/communal): <i>items to consider are primarily municipal financing, servicing capability and cost, public utility board options</i>			Y	
Feasible Provision of Geotechnical Site Suitability: <i>items to consider are primarily whether a report is required if the proposal is near permanent watercourses, springs or in areas over known sensitive aquifers</i>			Y	
Feasible Provision of Site and Area or Regional Drainage: <i>items to consider are primarily methods of handling increased runoff and decreased infiltration of rainfall on newly-developed (non-agricultural) land</i>		Y	Y	
Feasible Provision of Solid Waste Disposal: <i>items to consider are primarily cost sharing landfill with other municipalities, the effect on RM taxpayers, effects on ES areas of the Natural Constraints Map</i>			Y	

<p>Detailed Development Criteria For All Residential Subdivisions</p>	Applies to			
	<p>Dispersed - Agricultural Subdivision for a surplus Farm Dwelling, a "Hobby" farm, a "Cut-Off" parcel, an abandoned farmyard or a Single Parcel (with only 1 allowed per Quarter) Permitted Use, or an approved Discretionary Use</p>	<p>CR1 District (dispersed (low density clustered on private services)</p>	<p>CR2 District (medium density clustered on full services and paved interior roads)</p>	<p>CR3 District (high density - clustered on full services and paved interior roads) NOTE – THE CRITERIA BELOW HASN'T BEEN INSERTED YET</p>
Environmental Protection Criteria				
<p>Protection from Flood Hazard Risk: <i>items to consider are primarily likely only required near Wascana, Flying or Boggy Creeks or on poorly drained land</i></p>	Y	Y	Y	
<p>Protection of Ground Aquifer Systems (more accurate mapping of Aquifer depths and limits): <i>items to consider are primarily continuing the current policy of requesting geotechnical reports for any foundation requiring pilings in areas over the shallow, most sensitive aquifers</i></p>			Y	
<p>Protection of Critical Habitat Areas: <i>items to consider are primarily along the upper reaches of Wascana, Cottonwood and Boggy Creeks, near Condie or areas with species at risk (e.g. burrowing owls)</i></p>			Y	
<p>Protection of areas with High Water Table: <i>items to consider are primarily likely only required on poorly drained land as shown on the Natural Constraints Map (Map XX)</i></p>	Y	Y	Y	
<p>Protection of Water Courses and Riparian Areas: <i>items to consider are primarily shown on the Natural Constraints Map (Map XX)</i></p>	Y	Y	Y	
<p>Feasible Provision of Sediment and Erosion Protection: <i>items to consider are primarily shown on the Natural Constraints Map (Map XX)</i></p>			Y	

Detailed Development Criteria For All Residential Subdivisions	Applies to			
	Dispersed - Agricultural Subdivision for a surplus Farm Dwelling, a “Hobby” farm, a “Cut-Off” parcel, an abandoned farmyard or a Single Parcel (with only 1 allowed per Quarter) Permitted Use, or an approved Discretionary Use	CR1 District (dispersed (low density clustered on private services)	CR2 District (medium density clustered on full services and paved interior roads)	CR3 District (high density - clustered on full services and paved interior roads) NOTE – THE CRITERIA BELOW HASN'T BEEN INSERTED YET
Protection of High and Moderate Soil Capacity Areas: <i>items to consider are primarily shown on Appendix 3 (the CLI maps)</i>			Y	
Protection of Wildlife Corridors: <i>items to consider are primarily shown on the Natural Constraints Map (Map XX)</i>			Y	
Protection of Important Heritage Lands and Structures: <i>items to consider are shown on the Natural Constraints Map (Map XX)</i>			Y	
Non-Municipal Services and Utilities Criteria				
Feasible Provision of Inter-Municipal Traffic Infrastructure: <i>items to consider primarily include the proposed Regina bypass routes the highways options for the Ministry of Highways and Infrastructure, and coordinating road upgrade plans with adjoining RMs (also see the Man-made Constraints Map (Map XX)</i>				Y
Feasible Provision of Protection Services (Police, Fire, Ambulance): <i>items to consider are primarily residential, commercial and industrial growth in relation to existing fire protection areas, possible municipal addressing system for locating emergencies</i>			Y	
Protection of Pipeline Corridors and Utilities from Encroachment: <i>items to consider are primarily shown on the Man- made Constraints Map (Map X)</i>	Y	Y	Y	
Protection of Sand and Gravel			Y	

Detailed Development Criteria For All Residential Subdivisions	Applies to			
	Dispersed - Agricultural Subdivision for a surplus Farm Dwelling, a "Hobby" farm, a "Cut-Off" parcel, an abandoned farmyard or a Single Parcel (with only 1 allowed per Quarter) Permitted Use, or an approved Discretionary Use	CR1 District (dispersed (low density clustered on private services)	CR2 District (medium density clustered on full services and paved interior roads)	CR3 District (high density - clustered on full services and paved interior roads) NOTE – THE CRITERIA BELOW HASN'T BEEN INSERTED YET
Extraction Areas: items to consider are primarily coordinating road upgrade plans (i.e. heavy haul roads) with adjoining RMs, dust control issues				
Feasible Provision (and Capacity) of RM Roads for Future Development: items to consider are primarily the effect of new, higher density residential, commercial & industrial growth on the RM's road network	Y	Y	Y	
Feasible Provision of Natural Gas, Geothermal: items and locations to consider are in the Sherwood Industrial Park, or shown on the Man-made Constraints Map (Map X), or possible industrial areas (Future Land Use)			Y	
Feasible Provision of Electrical Power, (includes Wind and Solar etc.): items and locations to consider are near Highways, or shown on the Man-made Constraints Map (Map X), or possible commercial and industrial areas (Future Land Use)			Y	
Feasible Provision of School Bus Routes: items to consider are primarily the effect of new, higher density residential, commercial & industrial growth on the RM's road network (Future Land Use)			Y	

1.3 - Contract Zoning Guidelines

Subject to Section 69 of the Act, and the following guidelines, Council may use Contract Zoning by first rezoning an area to a more suitable Zoning District and then by means of a signed Agreement with a Developer, deal with their request for a specific development in that area, which would not otherwise comply with the newly-applicable District. This process is used where the current District applicable to the affected area would not allow the development, but the new District, (coupled with the use of

Contract Zoning) would allow a compatible use in the area and ensure that it would be an asset to the RM.

A major reason for using this additional Contract Zoning tool with the new District is that the resulting Agreement can also specify which normally – allowable uses or regulations in that District will be used. As well, where such uses or regulations would no longer be appropriate in that specific area, the Agreement may exclude specified uses, regulations etc., which are otherwise allowed or required in the new District. The Guidelines are:

- (a) the new District and the accompanying Agreement shall only be applied on:
 - small or irregularly shaped sites;
 - sites restricted by physical barriers such as water courses, slopes, etc.;
 - infill or mixed use areas and historically sensitive areas; or
 - areas to accommodate unique features or development opportunities.;
- (b) no Agreement shall be applied on a part of a building or structure based on a leasehold interest of any person in the land on which the building or structure is situated;
- (c) only uses specified in the Agreement shall be allowed, but prohibited uses may also be specified;
- (d) the regulations respecting site size, frontage, coverage, floor area ratio, building height and yards, signs, landscaping, parking, payment in lieu of parking, loading spaces and other matters which may be negotiated by Council and the Developer shall be specified in the Agreement;
- (e) Council shall consider any unique physical nature of the land, which may be included in the Contract Zone, regarding the possibility of allowing a mix of compatible land uses in the area;
- (f) all proposals for a new Contract Zoning area shall be circulated to obtain the comments of any agency or group identified by Council as having a potential interest in the matter; and
- (g) all proposals by any applicant for a possible Contract Zone must include specific measures to eliminate or minimize land use conflict with existing or previously-approved uses which adjoin the subject land.

1.4 - Appendices, References and Maps

a) - Appendices

- 1) The information shown in Appendix 1 was obtained from the Questionnaire administered by the RM and forms part of this Bylaw.
- 2) The information shown in Appendix 2 was obtained from Statistics Canada and forms part of this Bylaw.
- 3) The information shown in Appendix 3 was obtained from the Canada Land Inventory for Agriculture maps and forms part of this Bylaw.

b) - References

The population trends on p.4 were calculated using the Constant Numeric Change Model described in “An Empirical Comparison of Simple Techniques for 5-Year Municipal Population Projections”, published in September, 1986 by H.C. Davis, U.B.C. Planning Papers, Canadian Planning Issues, #19, University of British Columbia, School of Community and Regional Planning, Vancouver, B.C.

c) - Maps

Maps labelled A to D inclusive are attached to and form part of this Bylaw.

1.5 - Bylaw Adoption

Repeal of Existing Bylaws

This Bylaw hereby repeals and replaces Bylaw No. 1-2000, and is adopted pursuant *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister of Municipal Affairs.

Read a First time this____, day of_____, 2010

Read a Second time this____, day of_____, 2010

Read a Third time this____, day of_____, 2010

Reeve

SEAL

Rural Municipal Administrator