

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

DRAFT No. 4

NOTE – ADDITIONS ARE UNDERLINED

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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 Development Plan 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
Sustainable Municipal Finances scored 64 percent as “Very Important” and combined with “Important”, the percentage is 99 percent
Local Job Opportunities scored less than 50 percent as “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 “

$$\begin{array}{rcll} \text{The formula is as follows: } p(t+1) & = & p(t) & + \\ \text{(pop. in} & & \text{(today's} & \\ \text{the next} & & \text{pop.)} & \\ \text{time period)} & & & \\ & & [p(t) - p(t-n)] & /n \\ & & \text{(average change} & \text{(the total of the} \\ & & \text{over the total} & \text{4 time periods} \\ & & \text{number of census} & \text{between the 5} \\ & & \text{periods used)} & \text{census dates)} \end{array}$$

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, and 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 the RM of Lumsden. 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
- 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.

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. 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, 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.

*this method may not be accurate for all Divisions in the RM, especially where residential hamlets are now expanding

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 Section 102 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/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 existing 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. Was a specific “Right to Farm” reference to be inserted here? Council prefers to use other methods to support intensive and extensive types of agriculture, while avoiding or minimizing land use conflict (see Part D 1 B for the Detailed Development Criteria, which will assist Council in making decisions to avoid such conflict).

Instead, 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. Conversely, new intensive agricultural uses or expansions of such existing uses should not be allowed to directly conflict with non-farm uses.

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 approval process under those regulations also 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.

Was a specific “ILO separation Policy” reference to be inserted here?

The regulations do not extend to deal with any problems caused by ILOs in respect to odour or nuisance (e.g. flies, rodents). Council shall support the development of intensive livestock operations provided the development does not create a conflict with adjacent properties in respect to odour or nuisance problems associated with either the core ILO facilities or which is near land used for manure treatment or disposal.

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 merited 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. 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.

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, ~~coupled with increasing traffic from the Piapot First Nation,~~ 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.

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.

Should separate paragraphs be devoted here to the dispersed and clustered residential options? That might simplify the background for each issue on this topic.

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.

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 Policy of relying on the Soil Type as the primary means of site selection for low density, non-farm residential subdivisions.

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 it’s 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 it’s 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.

2.6 Municipal and Private Services Issues

TO BE COMPLETED

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 roads as part of the OCP, Council may also be better able to set budget priorities for future maintenance on a multi-year basis.

TO BE COMPLETED

2.8 Administration Issues

TO BE COMPLETED

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 3 OBJECTIVES, POLICIES AND IMPLEMENTATION

3.1 AGRICULTURAL LAND USE AREAS

1 OBJECTIVES FOR AGRICULTURAL AREAS

1 To support “normally-accepted agricultural practice” * and promote current and proposed types agricultural activity to ensure that agriculture remains an important land use in the municipality.

2 To allow intensive types of agriculture (including intensive livestock or irrigation 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.

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

2 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 Intensive Livestock Operations (ILOs).

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

3 Except for Intensive Livestock Operations, which shall be reviewed as outlined in Policy No. 4 below, the Decision 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 Any proposed new Intensive Livestock Operation or any expansion of an existing ILO 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:

a) Intensive Livestock Operations (ILOs) shall be discretionary uses in the Zoning Bylaw. Any expansion of an operation to provide for a greater number of animal units as defined in the Zoning Bylaw, or any change in an operation which alters the species of animal, shall be discretionary; and shall require a new development permit application;

b) Unless a permit is required by the Ministry of Agriculture due to the area of animal confinement for a specific operation being classed as an ILO by the Ministry, the Zoning Bylaw may 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 mixed farm operation. The Bylaw may also provide for other temporary holding and loading facilities as discretionary uses subject to discretionary conditions, including maximum number and time confinement;

c) Council shall advertise any proposal that will result in an 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;

d) In order to minimize conflict between intensive livestock operations and surrounding development, Council will consider applications for development of an ILO as a discretionary use in the Zoning Bylaw and apply the following criteria:

i) No new ILO will be considered for approval if the operation will be less than 300 metres from a dwelling not located on the site, unless that dwelling is directly associated with the proposed ILO;

ii) The applicant must demonstrate, to the satisfaction of the Saskatchewan Watershed Authority (SWA), Ministry of Agriculture (M of A) and Council that the water supply is sufficient for the development, and that the supply for neighboring developments will not be adversely affected by the proposed operation;

iii) The minimum separation distances in Table 1 will be applied to determine acceptable locations; and

iv) 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.~~

e) 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.

f) 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.

g) 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.

Table 1 Location Separation Criteria for ILOs from Specific Uses			
Development	Number of Animal Units		
	300 – 499	500 - 2,000	> 2,000
Dwellings in an Agricultural or CR 1 District, public wells, tourist accommodations, campgrounds, commercial or industrial uses	300 <u>400</u> metres	800 metres	1200 <u>1000</u> metres
Multi-parcel residential subdivisions in a CR 2 or other District awhich allows residential uses, vacant residentially zoned land, Villages or Towns	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, or is in a Village or Town, or is any other Development Type shown in the above Table.

h) 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 2 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 Offsite facilities to treat ILO manure and other areas proposed for disposal of manure from an ILO will be considered as part of the specific conditions required for 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.

3 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 a new 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.

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

3.2 ENVIRONMENTALLY SENSITIVE LANDS

1 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 Decision Criteria, which is further described in Section XX 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.

2 POLICIES FOR ENVIRONMENTALLY SENSITIVE LANDS

1 The Natural and Man-made Constraints Maps which form part of this OCP, shall be used by Council by Council to determine the site suitability of all agricultural, residential, commercial or industrial subdivisions and developments.

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 Decision Criteria, which is further described in Part D1B 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. 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.

NOTE – A SUGGESTION WAS MADE AT THE PAC THAT THE COMMITTEE CONSIDER THE PRINCIPLE OF “NO NET LOSS” OF ENVIRONMENTALLY- IMPORTANT AREAS AS A NEW POLICY HERE. FOR EXAMPLE, IF A DEVELOPMENT WILL DRAIN 2 ACRES OF WETLAND TO CREATE A DEEPER STORM RETENTION POND FOR A COMMERCIAL USE ALONG HIGHWAY 11, THE DEVELOPER MUST BUY AND DEVELOP A REPLACEMENT WETLAND AREA NEARBY, OR CONTRIBUTE TO A DUCKS UNLIMITED PROJECT ELSEWHERE IN THE RM. THIS SHOULD BE DISCUSSED FURTHER.

3 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 Land Use Concept 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 in the Land Use Concept Map and Zoning Map (this will show potential slump and flood areas);
- All land which is 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 Land Use Concept Map and the Zoning Map;
- All land within 457 metres of any of the solid waste disposal sites (landfills) shown on the Land Use Concept 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 Land Use Concept Map and the Zoning Map;
- All known Heritage sites, based on archaeological or historical records and shown as HA – Heritage Areas on the Land Use Concept Map;
- All land used for wildlife or landform conservation purposes as shown on the Land Use Concept 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; 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 Land Use Concept Map).

3.3 RESIDENTIAL LAND USES

1 OBJECTIVES

1.1 Low Density Residential

1.2 Medium Density Residential

1.3 High Density Residential

2 POLICIES

3 IMPLEMENTATION

3.4 COMMERCIAL AND INDUSTRIAL/GRAVEL PIT LAND USES

1 OBJECTIVES

2 POLICIES

3 IMPLEMENTATION

3.5 RECREATION AND PUBLIC OPEN SPACE LAND USES

1 OBJECTIVES

2 POLICIES

3 IMPLEMENTATION

3.6 TRANSPORTATION

1 OBJECTIVES

2 POLICIES

3 IMPLEMENTATION

3.7 MUNICIPAL/PRIVATE SERVICES

1 OBJECTIVES

2 POLICIES

3 IMPLEMENTATION

3.8 ADMINISTRATION

1 OBJECTIVES

2 POLICIES

3 IMPLEMENTATION

PART C – CONSTRAINTS AND OPPORTUNITIES

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 metres of land that is used or authorized for use as a railway or a Provincial Highway as shown on the Land Use Concept 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.

2 OPPORTUNITIES

NOTE – THE FOLLOWING IS ONLY A PRELIMINARY PROPOSAL WHICH NEEDS A GREAT DEAL OF DISCUSSION. IT IS BASED ON SEVERAL “TRANSFER” POLICIES NOW IN USE IN SEVERAL MUNICIPAL DISTRICTS IN ALBERTA, BUT IS PROPOSED TO BE ADAPTED TO THE SASKATCHEWAN LEGISLATION AND SITUATION.

THE CONCEPT WILL ALSO HAVE TO BE DISCUSSED WITH MUNICIPAL AFFAIRS STAFF & THE RM’S SOLICITOR BEFORE PROCEEDING FURTHER WITH IT. IF ACCEPTABLE IN PRINCIPLE, IT IS MEANT TO BE IMPLEMENTED WITHOUT COST TO THE RM.

BACKGROUND INFORMATION ON THE ALBERTA EXAMPLES WILL BE AVAILABLE NEXT WEEK.

2.1 Transfer of Subdivision Eligibility (TSE)

The RM will establish a new Policy and associated Criteria in this Plan to allow any landowner of a Quarter Section or Equivalent (as defined in this Plan), to transfer the eligibility and opportunity to subdivide one new site from each eligible Quarter Section or Equivalent now owned by that landowner for a residential use elsewhere in the RM, according to the following criteria:

- the TSE parcel may include an existing Farmyard which has been declared surplus to an agricultural use;
- the TSE parcel may be separated from the balance of the Quarter Section or Equivalent by a Municipal Road, a watercourse or a manmade feature such as a railway;
- the Quarter Section or Equivalent from which the TSE parcel may be allowed to be transferred shall have an Interest filed against the Title to that Quarter, in order to notify future owners of that land that no further TSE parcels can be allowed to be subdivided from that land;
- **MORE POLICIES, CRITERIA & ADMINISTRATIVE PROCEDURES TO BE ADDED**

PART D – IMPLEMENTATION AND ADOPTION

1 IMPLEMENTATION

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

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

In addition to the authority of the RM Council as specified in XXXX 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 XXXX.

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.

B - 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	Applies to		
	<u>AG. District</u> Subdivision for a surplus Farm Dwelling, a Permitted Use, an approved Discretionary Use, or a vacant TSE parcel *	<u>CR1 District</u> (dispersed low density on private services)	<u>CR2 District</u> (medium density clustered on full services and paved interior roads)
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

Detailed Development Criteria	Applies to		
	AG. District Subdivision for a surplus Farm Dwelling, a Permitted Use, an approved Discretionary Use, or a vacant TSE parcel *	CR1 District (dispersed low density on private services)	CR2 District (medium density clustered on full services and paved interior roads)
Protection from Railway, Roads, Pipelines, Power lines and Airport - (Noise, Dust, Vibration, Safety): items to consider are primarily the setbacks prescribed in XXXX – Constraints to Future Development and the Man-made Constraints Map (Map X)	Y	Y	Y
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	Y	Y	Y
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)	Y	Y	Y
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)	Y	Y	Y
Protection of Existing Farming Operations (Right to Farm): items to consider are primarily the Policies in XXXXX		Y	Y
Administrative and Financial Criteria – Sustainability			
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.)			Y
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	Y	Y	Y
Phasing of Development Compatible with Municipal Financing: 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.)			Y
Municipal and Health District Servicing Criteria			
Feasible Provision of Piped Potable Water (well, pipeline): items to consider are primarily public safety, servicing capability and cost			Y

Detailed Development Criteria	Applies to		
	<u>AG. District</u> Subdivision for a surplus Farm Dwelling, a Permitted Use, an approved Discretionary Use, or a vacant TSE parcel *	<u>CR1 District</u> (dispersed low density on private services)	<u>CR2 District</u> (medium density clustered on full services and paved interior roads)
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
Environmental Protection Criteria			
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>	Y	Y	Y
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>			Y
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>			Y
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>	Y	Y	Y
Protection of Water Courses and Riparian Areas: <i>items to consider are primarily shown on the Natural Constraints Map (Map XX)</i>	Y	Y	Y
Feasible Provision of Sediment and Erosion Protection: <i>items to consider are primarily shown on the Natural Constraints Map (Map XX)</i>			Y
Protection of High and Moderate Soil Capacity Areas: <i>items to consider are primarily shown on Appendix 3 (the CLI maps)</i>			Y

Detailed Development Criteria	Applies to		
	AG. District Subdivision for a surplus Farm Dwelling, a Permitted Use, an approved Discretionary Use, or a vacant TSE parcel *	CR1 District (dispersed low density on private services)	CR2 District (medium density clustered on full services and paved interior roads)
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 Extraction Areas: <i>items to consider are primarily coordinating road upgrade plans (i.e. heavy haul roads) with adjoining RMs, dust control issues</i>			Y
Feasible Provision (and Capacity) of RM Roads for Future Development: <i>items to consider are primarily the effect of new, higher density residential, commercial & industrial growth on the RM's road network</i>	Y	Y	Y
Feasible Provision of Natural Gas, Geothermal: <i>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)</i>			Y
Feasible Provision of Electrical Power, (includes Wind and Solar etc.): <i>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)</i>			Y
Feasible Provision of School Bus Routes: <i>items to consider are primarily the effect of new, higher density residential, commercial & industrial growth on the RM's road network (Future Land Use)</i>			Y
* See XXXXXXXX for clarification of the eligible farm dwellings, P. Uses, D. Uses and TSE parcels			

2 - 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.

3 - Appendices, References and Maps

1 - 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.

2 - 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.

3 - Maps

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

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 _____, 2009

Read a Second time this ____, day of _____, 2009

Read a Third time this ____, day of _____, 2009

Reeve

SEAL

Rural Municipal Administrator