

**RURAL MUNICIPALITY OF LUMSDEN NO. 189**  
**OFFICIAL COMMUNITY PLAN**  
**-DRAFT-**

Prepared For:

**THE RURAL MUNICIPALITY OF LUMSDEN NO. 189**

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## 1.0 COMMUNITY VISION FOR THE R.M. OF LUMSDEN NO. 189

The following Vision Statement for the R.M. of Lumsden No. 189 was created and recommended by the Planning Advisory Committee (PAC), which assisted Council in preparation of this Official Community Plan. This Vision Statement has been adopted by Council as an integral part of the OCP. Council intends to use this statement as the basis for the Goals, Objectives and Policies of the Plan.

*“The Vision for the R.M. of Lumsden No. 189 is to encourage sustainable residential and non-residential development that is compatible with its vibrant agricultural base and critical ecological areas.”*

## 2.0 GOALS

### 2.1 NATURAL AND HERITAGE RESOURCE BASE

- (1) To conserve the aquatic and terrestrial ecological resources of the Municipality.
- (2) To conserve the heritage resources of the Municipality
- (3) To utilize the natural resources of the Municipality in a manner, this is economically, socially and environmentally sustainable.
- (4) To provide ongoing opportunities for residents and non-residents of the Municipality to enjoy and appreciate the water, land, wildlife and heritage resource values of the Municipality.

### 2.2 PHYSICAL AND ECONOMIC DEVELOPMENT

- (1) To ensure sustainable physical development that reflects both market conditions and public needs, and is compatible with municipal financial capabilities and the need for resource conservation.
- (2) To strengthen the economic base of the Municipality by creating a positive environment for sustainable business development.
- (3) To ensure a high quality of life for residents.

### 2.3 INTERGOVERNMENTAL INTERESTS AND INVOLVEMENT

- (1) To obtain the support and assistance of senior governments in the realization of the goals and objectives of this plan.
- (2) To support and complement the Statements of Provincial Interest.
- (3) To engage with neighbouring communities to identify issues and common interests in planning, municipal servicing and growth opportunities.
- (4) To participate in district and regional planning initiatives, where beneficial to the Municipality.

## 3.0 OBJECTIVES AND POLICIES

### 3.1 NATURAL AND HERITAGE RESOURCES

#### 3.1.1 Findings

- (1) Due to the presence of waterbodies and wetlands in the R.M., certain areas may potentially be subject to periodic flooding. Policies are needed to address development on and near flood prone lands.
- (2) Business stakeholders and resident stakeholders agree that areas of undisturbed prairie and native bush are valuable recreational and environmental resources and are important to the identity of the area.
- (3) Policy is required to help ensure that development is consistent with the protection of natural resources in the Municipality for both human enjoyment and for the maintenance of natural features and locations.
- (4) The Lumsden Valley Community Association has prepared a report entitled “A Conservation Strategy for the Qu’Appelle Valley System in the Rural Municipality of Lumsden” that proposes the completion of a Conservation Strategy as a mandatory prerequisite for adoption of this OCP. Council has not accepted this suggestion; however, aspects of the Association’s submission will be useful in contributing to the elements of Map 1 – Future Land Use – Preferred Development Corridors. In particular, Council agrees in principle with the following:
  - (a) The Association’s proposal to use a system of allowing certain densities of development (especially for residential proposals) only near specific landscape and vegetation units in and adjoining the Valley.
  - (b) As contained in pages 14-21 of Appendix 5 of “A Conservation Strategy for the Qu’Appelle Valley System in the Rural Municipality of Lumsden”, the proposal is based on avoiding (as much as possible) three combinations of: landforms, vegetation and environmentally valuable areas in order to conserve and, where possible, protect these areas.
  - (c) The Association identified and described three potential protected areas as follows:
    - (i) “Large Patches of Vegetation” – generally consisting of high quality natural vegetation, especially those locations having unique features;
    - (ii) “Natural Corridors” – generally consisting of continuous strips of vegetation either along watercourses, wetlands, etc., or those on upland areas which connect patches of habitat; and,
    - (iii) “Stepping Stones” – generally consisting of small patches of native vegetation scattered throughout either urban or intensively cultivated farmland.

- (5) Based on the search of the provincial archaeological database, there are currently 158 archaeological sites recorded in the R.M. of Lumsden. Consideration should be given to the development of land use policies to avoid and mitigate potential conflicts with these areas.
- (6) There are currently seven Designated Municipal Heritage Properties located within the R.M. of Lumsden. An additional three Designated Municipal Heritage Properties and one Provincial Heritage Property are located within the town.
- (7) Community survey respondents identified “sustainable environmental quality” as one of the Top 5 most important criteria contributing to the quality of life in the Municipality.

### 3.1.2 Objectives

- (1) To encourage the preservation and protection of natural wildlife habitat areas and other significant areas of natural vegetation in the Municipality.
- (2) To protect historic, archaeological and other features, resources or sites of cultural heritage significance from incompatible development and, where such protection cannot be achieved, to ensure appropriate mitigation of potential impacts.
- (3) To conserve and protect environmentally-sensitive land and existing / potential heritage-sensitive land, as shown on the Future Land Use Map 2 – Potential Environmentally Sensitive Areas and Map 7 – Development Constraints, from potential negative effects of development which could lead to the destruction of significant natural areas (e.g. soils which are sensitive to wind or water erosion), unique biological lands or waters (e.g. areas with sensitive plants or animal/fish habitat), or significant heritage features (e.g. land with archaeological or historical artifacts or features).
- (4) To consider the visual impact of the slope or at the rim of the Qu’Appelle Valley and its major tributaries for all proposed subdivisions and developments which include more than one site.
- (5) To encourage the subdivision and development of land in the Municipality in an environmentally sustainable manner.
- (6) To encourage the continued use of Crown agricultural land for a broad range of traditional and contemporary activities and development. Traditional resource uses include animal grazing, hunting, fishing, trapping, firewood harvesting and berry picking. More contemporary uses include oil and gas exploration and development, sand and gravel extraction, ecotourism and outfitting.

### 3.1.3 Policies

- (1) Development shall avoid depleting or polluting ground water in the Municipality.
- (2) Applications for 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 the proposed use.

- (3) Developments which ensure that water bodies, waterways, shore lands, groundwater and riparian systems are protected and sustained will be encouraged.
- (4) Council may employ site-specific planning programs, either alone or in cooperation with other agencies, organisations or governments, to protect water bodies, waterways and shore lands. Council may limit, restrict, delay or prohibit development in these areas until site-specific planning has been completed and/or until Council is satisfied that specific development projects will sustain these areas. Site-specific plans may result in limiting or prohibiting development in these areas.
- (5) Council will consider the preparation of a Qu'Appelle Valley Conservation Strategy for in cooperation with adjoining Urban and Rural Municipalities and with the assistance, expertise and guidance of local and regional community groups, First Nations and Provincial and National agencies or departments, as resources permit.
- (6) Council will consider approval of proposed development in terms of the size and configuration of an adjoining waterway, water body or shore land, the capacity for public access, the potential impacts (social, economic and environmental) of development, general and site-specific environmental and ecosystem characteristics and economic potential for development in the area. The developer shall be responsible for all expenses associated with the preparation of studies and relevant information to be undertaken by qualified professionals. The studies shall provide recommendations to protect and conserve natural features and heritage resources.
- (7) Council will work with agencies of the provincial government to protect any significant heritage resources, critical wildlife habitat, fish habitat, and/or rare or endangered species as well as any wetland areas along a lake, slough or creek. These resources will be protected and, where appropriate integrated with recreational use and development (by the addition of appropriate structures such as: walkways, pedestrian bridges, boardwalks, and interpretive media). Where significant potential for the occurrence of such features or resources has been identified to Council, Council may delay development until such time as the requirements of the relevant provincial agencies to protect such resources (such as the undertaking mitigative measures) have been obtained. The developer may be required to contract a qualified professional to assess potential impact(s) to the development area. Any costs associated with meeting such requirements will be the responsibility of the applicant.
- (8) Council shall work in partnership with the Saskatchewan Watershed Authority to maintain and conserve the Qu'Appelle River Watershed and its source water resources.
- (9) Agricultural practices, particularly with regard to manure management and chemical application, shall be encouraged to minimise risks to groundwater and surface water.
- (10) Chemicals and other products shall be stored, handled, manufactured, managed and used with methods which prevent and avoid contamination with aquifers and well heads.

- (11) Wetland areas along a lake, slough or creek will be protected and, where appropriate, integrated with recreational uses and development. Future development will not alter such wetland areas other than by the addition of appropriate structures such as: walkways, pedestrian bridges, boardwalks, and interpretive media.

## 3.2 BIOPHYSICAL CONSTRAINTS ON DEVELOPMENT

### 3.2.1 Findings

- (1) In 1969, 1971, 1974 and 2011 the Qu'Appelle River flooded. The flooding caused tremendous damage, washing out bridges, culverts and roads.
- (2) Following the 1974 flood of record in the Qu'Appelle River System, the flood control channel and associated dyking through the Town of Lumsden were upgraded to accommodate the 1 in 500 year flood event (550 m<sup>3</sup>/s). The flood control channel extended 1.74 km upstream from the Highway No. 11 bridges to the western portion of the town. Flood control dykes were constructed along both sides of the flood channel and tie into the valley side slopes upstream and downstream of the town site. In 1999, the flood control channel was extended a further 525 m upstream given that erosion of the natural river channel was threatening the stability of the adjacent flood control dykes.
- (3) As per the agreement with the Town of Lumsden, the Saskatchewan Watershed Authority is wholly responsible for the maintenance and repair of the flood control channel, and also covers 50% of the cost to maintain and repair the flood control dykes and appurtenant structures.
- (4) The Craven Flood Control Project, encompassing the construction of 1.9 km of improved channel and associated dyking along Last Mountain Lake Creek, was undertaken in 1971. Pursuant to an agreement entered into between the Village and Sask Water in 1993 (predecessor organization to the Saskatchewan Watershed Authority), the Authority is fully responsible for the channel improvements. The Authority is also committed to sharing the costs of maintaining the flood control dykes in accordance with the Water Control Program in effect at the time of any future maintenance.
- (5) It is well known that areas within and near the Qu'Appelle River Valley are susceptible to erosion and slumping.

### 3.2.2 Objectives

- (1) To discourage development on potentially hazardous land and ensure that appropriate development standards are met when development is feasible.
- (2) To ensure the R.M. is aware of and uses the most recent information on flood hazard areas within the Municipality as it relates to new subdivision applications and applications for a development permit.
- (3) To continue to work with the Saskatchewan Watershed Authority on flood protection.

### 3.2.3 Policies

- (1) Development should avoid land that is hazardous due to flooding, erosion, slumping or slope instability, unless suitable mitigation measures are to be implemented. Council will use Future Land Map 3 – Hazard Lands as one of the tools to help determine areas that are unacceptable for development, or require mitigation measures, due to hazard lands.
- (2) Where a subdivision is proposed for land that is identified as being potentially hazardous, the applicant shall submit a report prepared by a qualified professional that assesses the risk associated with the proposed development and identifies any necessary mitigation measures for development.
- (3) Council may require subdivision and development permit applicants to consult with the Saskatchewan Watershed Authority to assess the potential hazard due to flooding.
- (4) Council may refuse to support the subdivision of land or authorize the development of structures on land determined to be hazard land or may permit development only in accordance with specified mitigation measures. The costs of any required flood hazard or slope hazard report to identify the risk of proceeding with a proposed development on potentially hazardous land or recommending specified measures to mitigate the risk of development of potentially hazardous land will be the responsibility of the proponent of the proposed development.
- (5) The Zoning Bylaw will contain development standards for development on or near hazard lands.

### 3.3 RESIDENTIAL LAND USE AND DEVELOPMENT

#### 3.3.1 Findings

- (1) Pressure from developers and other business interests to develop country residential subdivisions in the Municipality has been growing in recent years. The Municipality is interested in exploring alternative approaches to managing country residential development. Policies are required to deal with future applications for country residential subdivision and development, including locational guidelines and other conditions under which development may be permitted.
- (2) Several members of the Planning Advisory Committee (PAC) were opposed to the continuation of allowing residential “first parcels out” to be subdivided out of any quarter-section. 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.
- (3) Council was in favour of changing the existing policy of relying solely on the Soil Type as the primary means of site selection for single parcel country residential subdivisions.
- (4) Some members of the PAC suggested that more specific locational policies should be adopted to restrict the apparent indiscriminate opportunity for such single parcel country residential sites to be rezoned and subdivided virtually anywhere in the poor quality agricultural (mostly valley) areas of the Municipality.
- (5) Land use policy is required to minimize costs and maximize net benefits to the Municipality associated with new residential development in the Municipality and to ensure that it is undertaken in an orderly, well-planned manner.
- (6) Policies are required to clarify the level and types of services the Municipality is capable of delivering to new residential development(s).
- (7) First Nations Communities may pursue residential or commercial development on their lands.
- (8) The previous Official Community Plan allowed for dispersed residential subdivisions (single parcels generally allowed only in the Rural Development District (RDD) – the tableland outside the valley) and clustered residential subdivisions (currently allowed on “suitable” sites in the Valley Development District, or VDD).
- (9) Several discussions with PAC and Council members were centred on how Council could better balance the diversity of interests (rural, urban, agricultural and residential) in the Municipality. The general consensus by Council and PAC members was that there was no benefit in using the RDD and VDD designations from the existing development plan any longer in land use planning and that more specific criteria and policy is needed to accommodate single parcel and multiple parcel residential development.

### 3.3.2 Objectives

- (1) To ensure that country residential land uses minimize conflict with essential agricultural, environmental, recreational, natural resource activities, and other surrounding land uses.
- (2) To identify potential areas suitable for residential development to provide a growth stimulus to the community and choice of lifestyles for residents.
- (3) To minimize the economic costs of residential development to the Municipality.
- (4) To ensure that buildings and lots are constructed and developed so as to minimize conflict with adjoining land-owners and development.
- (5) To accommodate future **development in the high density mixed use district** which will minimize conflict with other land uses.
- (6) To encourage and accommodate innovative country residential subdivision and development which addresses current broad societal issues respecting energy conservation and production, climate change, food security / self sufficiency and health and safety for communities.
- (7) Consultation with First Nation Groups is required to determine the level of interest regarding residential or commercial developments on their land.

### 3.3.3 Policies

- (1) All buildings must be constructed according to *The National Building Code of Canada* and the *National Fire Code of Canada*.
- (2) The Zoning Bylaw will provide for single parcel residential development, as well as clustered low, medium and high density residential zoning districts to accommodate the range of existing legally established residential uses, forms and densities.
- (3) The Zoning Bylaw will provide for other forms of development, facilities and recreational uses in residential districts that are consistent with and complementary to the overall residential and recreational uses of the district.
- (4) The Zoning Bylaw will regulate the distances of residential buildings or structures from the property line, the minimum space to be allowed between buildings.
- (5) The Zoning Bylaw will require the submission of a site grading plan for development of sites in residential development districts to ensure that there is adequate drainage from a site and that neighbouring properties and municipal infrastructure will not be adversely affected by potential runoff from the development.
- (6) Residential building construction shall be regulated by the Municipality's Building Bylaw.
- (7) Subject to all other policies in this document, Council will consider bare-land condominium development as an alternative to conventional subdivision, to achieve the goals and residential objectives set out in this document.

(8) Single Parcel Country Residential Policies:

(a) *Locational Policies:* -

- (i) A maximum of two residential sites will be allowed to be subdivided per quarter section **on a discretionary basis in the A – Agriculture District**. Additional residential subdivision(s) may be allowed to be subdivided from a quarter section for:
  1. Any site fragmented from the balance of a quarter section by either natural (river, creek, coulee, etc) or man-made (developed road, railway, etc.) barriers;
  2. A previously developed, but now unoccupied farmyard; or
  3. A maximum of one surplus dwelling from an existing farmyard, where the dwelling existed as of **August 1, 2011**.
- (ii) It is Council's view that public works in the form of solid and liquid waste management or disposal facilities have the potential to negatively affect the general welfare of nearby residents and the quality of recreation opportunity, relating to such factors as odours, blowing debris, decreased land values and perceived hazards. Therefore, in order to minimize conflict between such public works and other development, policies for separation between public works in the form of solid and liquid waste management or disposal facilities and other principal land uses are listed in Section 6, Table 6-1 of this document.
- (iii) In consideration of a subdivision Council may direct the location of such subdivision to take advantage of existing infrastructure.

(b) *Services:*

- (i) Single parcel residential subdivision and development must accommodate a private, on-site supply of water and a sewage system (both of which must meet Provincial standards), have frontage on a currently developed Municipal Road that is not seasonal in nature.
- (ii) Single parcel country residential subdivision and development will be permitted only where direct all-weather public road access has been provided to the satisfaction of Council.

(c) *Development Standards:*

- (i) The Zoning Bylaw will prescribe maximum and minimum site sizes and other appropriate development standards for single parcel country residential development, with the aim of limiting the amount of productive agricultural land taken out of production and ensuring that such development does not result in increased road hazards related to obstruction of sight lines, etc.

- (ii) Council may permit a larger or smaller site size than what is outlined in the Zoning Bylaw to:
  1. Accommodate development along the valley that will include natural areas and valley slopes;
  2. Minimize prime agricultural land to be taken out of production;
  3. Accommodate existing developed farm yard sites; or
  4. Accommodate sites fragmented from the balance of the quarter section by either natural (river, creek, coulee etc.) or man-made (developed road, railway, etc.) barriers.

(9) Multiple Lot Residential Development Policies:

- (a) The Zoning Bylaw will contain a series of residential zoning districts to accommodate multiple-lot country residential subdivisions at various densities (Table 3-1). These will include:
  - (i) High Density Mixed Use Residential Subdivisions (**HDMU**) with site sizes for single detached dwellings as low as 360 m<sup>2</sup>, or as defined by a zoning agreement. The intent of this district will be to provide for a mix of comprehensively planned high and low density residential uses and compatible commercial and community service uses. The **HDMU – High Density Mixed Use Residential District** shall be applied only to accommodate approval by agreement (under section 69 of The Planning and Development Act, 2007) of a specific development proposal that Council considers suitable under the policy and guidelines established for the High Density Mixed Use Residential District. This density of development will only be approved subject to to the provision of on-site source water and sewage disposal systems.
  - (ii) Low Density Country Residential Subdivisions (**CR1**) with site sizes ranging from 4.01 ha (10.01 acres) to 8.01 ha (20 acres). The intent of this district will be to accommodate low density residential multiple lot country residential development together with compatible uses. This density of development is sufficiently low to be approved subject to the provision of on-site source water and sewage disposal systems.
  - (iii) Medium Density Country Residential Subdivisions (**CR2**) with site sizes ranging from 2.01 ha (4.97 acres) to 4.0 ha (9.89 acres). The intent of this district will be to accommodate medium density residential multiple lot residential development together with compatible uses. Development at this density may be approved subject to the provision of communal water and sewage disposal systems.
  - (iv) High Density Country Residential Subdivisions (**CR3**) with site sizes ranging from 1.01 ha (2.50 acres) to 2.0 ha (4.94 acres). The intent of this

district will be to accommodate high density residential multiple lot residential development together with compatible uses. Development at this density may be approved subject to the provision of communal water and sewage disposal systems. Council will not permit the re-subdivision of sites in High Density Country Residential district where it would result in a net increase in the number of residential sites in a development.

- (b) Subdivision for non-farm residential development at a density greater than two residential sites per quarter section will be considered for multiple-lot developments, on the basis of project merits relative to the policies in this section. Such subdivisions shall be implemented in association with a rezoning to appropriate residential zoning districts.

<b>Table 3-1</b>							
<b>RESIDENTIAL ZONING DISTRICTS</b>							
<b>Subdivision Type</b>	<b>Rezoning Required</b>	<b>Min. Parcel Size (ha)</b>	<b>Max. Parcel Size (ha)</b>	<b>Max. Land Area (ha)</b>	<b>Water</b>	<b>Sewer</b>	<b>Roads</b>
Single Parcel	No - Disc. Use	2.01	4.0	n/a	Private	Private	Gravel
High Density Mixed Use (HDMU)	Yes – By Contract Only	360 m <sup>2</sup> for single detached dwellings	n/a	64	Communal	Communal	Paved
Low Density (CR1)	Yes	4.01	8.01	64	Private	Private	Gravel
Medium Density (CR2)	Yes	2.01	4.0	64	Communal/ Private	Communal/ Private	Gravel/ Paved
High Density (CR3)	Yes	1.01	2.0	64	Communal	Communal	Paved

- (c) *Locational Guidelines for Multiple Lot Country Residential Development:*

In order to provide for effective and efficient municipal and other services, and to protect prime agricultural land and important ecological habitat in the municipality, multiple-lot country residential subdivisions should be located:

- (i) Near a school of sufficient capacity to handle the increase in enrolment or an existing school bus route.

- (ii) Near power, natural gas and telephone lines of sufficient capacity to handle such development.
  - (iii) So that adequate police and fire protection can be conveniently provided.
  - (iv) To protect or enhance existing treed areas and/or critical wildlife habitat.
  - (v) Only where direct all-weather public road access has been provided to the satisfaction of Council.
  - (vi) On land with a lower CLI Rating of Class 3 to 7, or on land that has other crop production limitations.
- (d) *Locational Requirements for Multiple Lot Country Residential Development:*
- (i) In order to minimize conflict between multiple lot country residential subdivisions and other development, Council shall observe the separation distances as set out in Section 6; Table 6-1 of this document.
  - (ii) Council may approve a lesser separation than set out in Section 6, Table 6-1 where the proposed development will not conflict with the future long term development of an adjoining urban municipality as demonstrated by the urban Council or where the applicant submits a copy of an agreement between the applicant and the owner(s) of another affected development agreeing to such lesser separation. Such agreements between an applicant and an owner (owners) of the other development(s) must contain the provision that the parties to the agreement will register an interest to the titles of the affected land. 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 an interest to the title(s) of the affected lands.
  - (iii) Multiple lot country residential subdivisions shall not be located:
    1. Where direct all-weather public road access has not been developed, except where arrangements have been made, to the satisfaction of Council, for the development of such access.
    2. On land subject to flooding, or land where there is a high water table or potential for soil slumping or subsidence unless it can be demonstrated, that the land is safe for development or that recommended mitigation measures will assure the necessary level of safety.
    3. In a linear fashion stretched along municipal roads.

(e) *Development and Design*

(i) Phasing

A maximum of three high density and three medium density multiple lot country residential subdivisions in developmental stages will be allowed at any point in time. Multiple-lot country residential subdivisions with less than 75% of building lots with completed residential construction will be considered to be in a developmental stage. However, if 75% of available lots in one or more of those three subdivisions are vacant but it appears that development is lagging because the developer/land owner is holding land vacant or is encountering difficulty with financing the development then that subdivision will be deemed to not be in a developmental stage. Given this scenario, Council may consider the approval of up to an additional three high density multiple lot country residential subdivision proposals, as well as three medium density multiple lot country residential subdivision proposals. Council also may consider additional subdivision proposals on a case by case basis where the developer can demonstrate that housing demand, market conditions, and/or innovative proposals are beneficial to the Municipality.

(ii) New Subdivision Selection Process

Council will keep a list of prospective developers of multiple lot country residential proposals. When deemed appropriate, Council will ask prospective developers to submit a proposal outlining the intent of their development along with key design elements. Prospective developers must also fill out and submit with their proposal a copy of the Rural Municipality of Lumsden No. 189 Country Residential Development Proposal Workbook, contained in Section 7. Council will select proposals for more formal consideration based on the information submitted in the Workbook, as well as compatibility with the Future Land Use Maps contained in Section 4.

(iii) Scale and Density

Each multiple lot country residential subdivision development shall be limited to a maximum area, or phase area of 64.8 hectares (160 acres).

(iv) Concept Plan

Council will require, in the interests of ensuring a comprehensive and planned approach to development, the preparation of a concept plan for the entire area that will ultimately be developed and submission of supporting documentation, where appropriate, as follows:

1. Reports, prepared by professionals certified to assess relevant factors to assess the geotechnical stability of the site, susceptibility to flooding or other environmental hazards, together with any required mitigation measures. These measures may be attached as a condition for a subdivision or development permit approval.

2. Engineering reports to address concerns such as availability of water supply, surface water drainage, and sewage treatment and disposal.
3. The initial concept plan shall provide an integrated layout for the total country residential subdivision development envisioned, showing road layout and access to external public road, phasing of development, and dedicated lands. Once the initial concept plan has been accepted by Council, and subdivision and development commences, no subsequent subdivision that is inconsistent with the approved concept plan and all policies in this document will be permitted without acceptance of a revised concept plan by Council

(iv) Services

Based on the recommendations of engineering reports as per Section (iii) above:

*Water:*

1. Each site in the proposed development area shall have its own independent water system or,
2. Each site in the proposed water development area will be connected to a Regional Water Distribution system; or,
3. Each site in the proposed development area will be serviced with an independent communal water supply system approved pursuant to either *The Public Health Act, 1994* and associated regulations as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.

*Sewer:*

1. Each site in the proposed development area shall have its own independent sewage disposal system approved by the Regional Health Authority; or,
2. Each site in the proposed development area will be serviced with an independent communal sewage collection, treatment and disposal system approved pursuant to either *The Public Health Act, 1994* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.

*Solid Waste:*

1. Council will approve new development subject to the availability of facilities for the disposal of solid waste by future residents in a licensed solid waste management facility.

(f) *Development Standards*

The Zoning Bylaw will prescribe maximum and minimum lot sizes and other appropriate development standards for multiple lot country residential development, with the aim of preserving productive agricultural land and ensuring that such development does not result in increased road hazards related to obstruction of sight lines, etc.

## 3.4 AGRICULTURAL LAND USE AND DEVELOPMENT

### 3.4.1 Findings

- (1) Members of the PAC and Council indicated that the loss of farmland as a result of non-agricultural development should be a consideration in development decisions.
- (2) The PAC and Council have indicated that the Zoning Bylaw should not use the Canada Land Inventory (CLI) as the sole means of determining farm land suitability in assessing applications for non-agricultural development. Council prefers to use other methods to support intensive and extensive types of agriculture, while avoiding or minimizing land use conflict. The development of criteria, pertaining to agricultural land use and non-agricultural development are key factors that warrant attention by the Municipality when considering future development.
- (3) Agricultural activity in the R.M. of Lumsden is dominated by the dryland cultivation of grains and oilseeds, followed by the cattle and hog industries.
- (4) Council has provided direction to the formulation of the Objectives and Policies for Agricultural Land Use and Development in this OCP to allow for more flexibility concerning different land uses, specifically in agricultural areas with minimal land use conflicts. It is Council's intention to allow for industrial and commercial development in agricultural areas at locations which would not cause land use conflict or require expensive services to be supplied by the Municipality.
- (5) A total of seven (7) ILOs are located within the R.M. boundaries.
- (6) The subdivision of farm land as a result of the realities of farm debt settlement, farm debt consolidation, estate settlement and the existence of natural and human-created barriers and obstructions are key factors that warrant attention by the Municipality when considering future development.
- (7) Consideration should be given to the orderly development of both farm-based and home-based businesses (e.g. seed cleaning).
- (8) The Agricultural *Operations Act* requires permits for new Intensive Livestock Operations (ILO's). The permitting process under those regulations consider whether ground and surface water supplies are adequate to serve new ILOs, and whether these resources can be protected from contamination by the increased manure produced in the proposed facilities. The Provincial Regulations do not regulate problems caused by ILOs with respect to odour or nuisance (e.g. flies, rodents). Consideration should be made towards the development of land use policy to minimize these conflicts.
- (9) Two meetings pertaining to the prohibition of new ILOs within the Municipality were held with livestock producers and the general public. Written comments objecting to the proposed prohibition of new ILOs were received by one poultry producer and five Producer Associations (Egg Producers, Chicken Farmers, the Turkey Marketing Board, the Milk marketing Board and the Stock Growers Association). Staff from the Ministry of

Agriculture also held a meeting with Council to discuss their concerns regarding the proposed prohibition of new ILOs within the Municipality.

#### 3.4.2 Objectives

- (1) To support normally-accepted agricultural practices and to favour those types of current and proposed agricultural activities provided that they do not, in Council's opinion, harm the quality of life of R.M. residents or degrade the environment while respecting development standards.
- (2) To ensure that agricultural remains an important land use in the Municipality.
- (3) To promote and encourage agricultural land use practices and development which enhance soil conservation.
- (4) To encourage agricultural and natural resource development that will improve the economic health of the Municipality.
- (5) To encourage, and provide opportunity for, further development and land uses that will result in increased economic diversification, agricultural innovation and agriculture-related value-added activity in the Municipality.
- (6) To provide opportunities for farm-based businesses.
- (7) To accommodate farm residential needs.
- (8) To mitigate or minimize conflict between agricultural land use and the negative impacts of both new and existing non-agricultural land use and development.
- (9) To assist in the retention of existing market gardens & greenhouse operations and to support the expansion of such uses while having regard to the water needs of other landowners in the Municipality.

#### 3.4.3 Policies

- (1) Council will use the Canada Land Inventory (CLI) Future Land Use Map 4 – Soil Capability for Agriculture, contained in Section 4, Land Use Maps, as one of the tools to help determine where quality agricultural land (for crop purposes) should be protected or integrated with other forms of development.
- (2) The Zoning Bylaw shall provide for protection of primary agricultural uses from land use conflict. Primary agricultural uses include but are not limited to grain farming, pasture operations (non-intensive livestock), farmsteads, intensive agricultural uses (e.g. market gardens and farm-based agricultural related commercial developments, but shall not include any new ILOs).
- (3) Farm Based Businesses:
  - (a) It is recognized that farm based businesses and on-farm employment opportunities, including but not limited to: bed and breakfast homes and vacation farms, can provide a valuable contribution to the diversified economic base of the

municipality. Farm based businesses shall be listed as discretionary uses in the *Zoning Bylaw*. Approvals will be based on the evaluation of individual operations relative to specific *Zoning Bylaw* criteria to ensure that agricultural character or land value in the area is not diminished.

- (b) Farm based businesses that include the provision of commercial accommodation, including but not limited to bed and breakfast homes and vacation farms, shall maintain minimum separation distances from existing industrial and hazardous industrial uses as shown in Section 6, Table 6-1.
  - (c) Farm based businesses shall be restricted to a maximum of five (5) on-site, non-seasonal employees. Any business with more than five (5) on-site, non-seasonal employees shall be required to seek commercial or industrial zoning designation.
- (4) Farm Dwellings:
- (a) One farm dwelling will be permitted for agricultural operations. Additional farm dwellings may be permitted, if accessory to a legitimate agricultural operation and if it is intended to accommodate farm workers. The granting of a development permit for such additional farm dwellings shall not be construed, in any way, as consent or approval for future subdivision.
- (5) Intensive Agriculture Uses:
- (a) Intensive Livestock Operations (ILO's)
    - (i) It is Council's view that development of ILO's is appropriate to a maximum size of 300 AUs, provided that unacceptable land use conflicts are not created as a result of such development. In general, Council will support the development of intensive agricultural and livestock operations (ILO's) unless specific locational conflicts would be created. Council will use Future Land Use Map 5 – Separation Distances Required for a Potential Intensive Livestock Operation as one of the tools to help determine the acceptable locations for ILO's.
    - (ii) Intensive livestock operations involving 300 animal units or more will be permitted subject to the discretion of Council in accordance with specific policies contained herein. An expansion of an operation to provide for a greater number of animal units than the maximum number specified in the initial discretionary use approval, or any change in an operation which alters the species of animal reared, confined or fed in the operation, shall require a new discretionary approval.
    - (iii) The Zoning Bylaw may provide for the temporary confinement of cattle on a farm operation during winter months as part of a permitted use general mixed farm operation.
    - (iv) Using the discretionary use procedure outlined in the Zoning Bylaw, Council shall require public notice advertisement of a proposal that will

result in development of an intensive livestock operation, or in the expansion or alteration of an intensive livestock operation requiring a new discretionary use approval, and shall hold a public hearing on the proposal.

- (v) Council shall require an applicant to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation.
- (vi) Council may require an applicant to utilize manure management practices or other technology than conventional stockpiling and spreading.
- (vii) As a condition of approval, Council may impose standards to reduce the potential for conflict with neighbouring uses which specify:
  1. the location of holding areas, buildings or manure storage facilities on the site.
  2. manure management practices of the operation.
  3. use of synthetic or other covers for liquid manure storage lagoons or earthen manure storage facilities.
  4. use of ventilation measures in buildings to control odours.
  5. requirements for monitoring wells for water quality and quantity purposes
  6. annual confirmation of the availability of sufficient suitable lands for the disposal of manure.
- (viii) For applications for wild boar operations, Council shall require that a containment plan be submitted, setting out in detail the techniques and methods to be used to keep the wild boars contained.

(b) Locational Policies

- (i) In order to minimize conflicts between intensive livestock operations and other development, policies for minimum separation between land uses are set out in Section 6; Table 6-1. These minimum separation distance policies shall apply both to development, alteration or expansion of intensive livestock operations and to other development proposed in the vicinity of existing intensive livestock operations.
- (ii) Council may approve a lesser separation than set out in (i) above where the applicant submits a copy of an agreement between the operator of the ILO and the owner(s) of the other affected development or urban Council (as appropriate), agreeing to such lesser separation. Such agreements between an operator and an owner (owners) of another development (other developments) must contain the provision that the parties to the agreement

will register an interest to the titles of the affected land. 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 an interest to the title(s) of the affected lands.

- (iii) Council may require a separation that is up to twenty per cent (20%) greater than set out in (i) above where an unacceptable land use conflict would result with existing development (e.g.: in instances where higher nearby development intensity or topographic situation results in greater potential for conflict and where such greater separation would serve to reduce the conflict to acceptable levels).
- (iv) Council may require a greater separation from any liquid manure storage lagoon or earthen manure storage facility involved in the operation, to residential and other developments. A separation distance to the lagoon or storage facility from a residence of 1.5 times the distance required as per (i) above will be considered adequate.

(c) Other Intensive Agricultural Uses

- (i) Intensive agricultural uses, such as nurseries, market gardens and other forms of intensive agriculture aimed at diversification of the farm economy, will be encouraged and permitted subject to the discretion of Council. Council may require the proponents of such developments to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation, as a basis for approval.
- (ii) The Zoning Bylaw will contain minimum site size standards for intensive agricultural uses. Smaller sites will be permitted for intensive agricultural uses, excluding intensive livestock operations, to facilitate their development.
- (iii) New intensive agriculture development in the form of market gardens shall maintain minimum separation distances from existing industrial and hazardous industrial uses as shown in Section 6; Table 6-1.

(6) Normally-accepted agricultural practices, classified as being part of the “Right to Farm” in the Municipality are recognized to exist as a natural right for agricultural activities subject to the *Agricultural Operations Act* and appeals to the Agricultural Operation Board. The Zoning Bylaw will clearly identify the types of traditional agricultural activities classified as Permitted Uses.

(7) Agricultural Related Commercial and Industrial Uses:

- (a) The *Zoning Bylaw* will list principal agricultural related commercial and industrial uses as discretionary uses.

- (b) Approval for such commercial or industrial developments may be granted if their function is related to agriculture and only after a review by Council, to ensure that:
- (i) incompatibility with other land uses will be avoided, including consideration of proximity to urban centres, hamlets and multiple-parcel country residential subdivisions.
  - (ii) policies for environmental quality control will not be jeopardized, including water and waste disposal servicing.
  - (iii) the design and development of the use will conform to high standards of safety, visual quality and convenience.
  - (iv) the development will be situated along an all-weather municipal road.
  - (v) all relevant approvals are obtained from government agencies for uses such as anhydrous ammonia fertilizer facilities.

## 3.5 COMMERCIAL/INDUSTRIAL LAND USE AND DEVELOPMENT

### 3.5.1 Findings

- (1) Commercial and light industrial activity in the Municipality is limited. Direction for growth and development of industrial/commercial enterprises relating to agriculture and other enterprises should be given consideration by the Municipality, if and when the demand arises.
- (2) The majority of sand and gravel operations are located in the north portion of the Municipality.
- (3) It is the intention of the Municipality to avoid conflict between commercial and industrial land uses and development by setting locational guidelines and other conditions under which industrial and commercial development may be permitted.
- (4) Consideration should be given to the orderly development of both farm-based and home-based businesses (e.g. seed cleaning).
- (5) Council has determined that the undertaking of future commercial and industrial development in an orderly, well-planned manner can be achieved through the development of appropriate land use and municipal servicing policies that serve to minimize the costs of future commercial and industrial development within the Municipality.
- (6) The majority of survey respondents (59.6%) felt that the rate of commercial development was just right. However, a large proportion of respondents (25.9%) also felt that the rate of commercial development was too slow.
- (7) According to the SaskPower net wind capacity and wind energy resource maps, there may be potential for wind farm development in the R.M. of Lumsden.

### 3.5.2 Objectives

- (1) To ensure that buildings and lots are constructed and maintained to acceptable standards.
- (2) To facilitate new commercial and industrial development that would avoid land use conflicts.
- (3) To protect existing and future agricultural-oriented industrial land uses in the Municipality from incompatible forms of development.
- (4) To ensure that future agricultural-oriented industrial land uses do not conflict with other land uses and development within the Municipality.
- (5) To encourage farm-based and home-based businesses in the Municipality.
- (6) To ensure that future commercial industrial development is consistent with the capacities of the Municipality's infrastructure to support it.

- (7) To balance the economic costs and benefits of future commercial and industrial development to the Municipality.
- (8) To continue to encourage new and existing mineral extraction in the Municipality.
- (9) To protect mineral resources and accommodate industries which utilize these resources.

### 3.5.3 Policies

- (1) The Zoning Bylaw will contain a commercial district that will accommodate existing legally established and future commercial development.
- (2) Multiple Parcel Commercial and Industrial Development Policies:

- (a) Concept Plan

Council will require, in the interests of ensuring a comprehensive and planned approach to development, the preparation of a concept plan for the entire area that will ultimately be developed and submission of supporting documentation, where appropriate, as follows:

1. Reports, prepared by professionals certified to assess relevant factors to assess the geotechnical stability of the site, susceptibility to flooding or other environmental hazards, together with any required mitigation measures. These measures may be attached as a condition for a subdivision or development permit approval.
  2. Engineering reports to address concerns such as availability of water supply, surface water drainage, landscaping, screening, parking, signage, and sewage treatment and disposal.
  3. The initial concept plan shall provide an integrated layout for the total development area envisioned, showing road layout, access to external public road, and phasing of development. Once the initial concept plan has been accepted by Council, and subdivision and development commences, no subsequent subdivision that is inconsistent with the approved concept plan and all policies in this document will be permitted without acceptance of a revised concept plan by Council.
- (3) Principal light industrial uses will be accommodated as permitted uses within an industrial zoning district.
  - (4) Principal heavy industrial uses will be accommodated as discretionary uses within the industrial zoning district.
  - (5) Commercial and industrial building construction will be regulated by the Municipality's Building Bylaw.
  - (6) The Zoning Bylaw will contain provisions for landscaping and outdoor storage in commercial and industrial zoning districts.

- (7) In association with an application for a development permit, Council shall require submission of a site grading plan demonstrating that there is adequate drainage from a site and that neighbouring properties and municipal infrastructure will not be adversely affected by potential runoff from the development.
- (8) Future commercial or industrial subdivisions or re-zoning for commercial or industrial development shall avoid conflict with existing land uses and development. Conflict with existing land uses and development will be demonstrated by, but such demonstration will not necessarily be limited to, the following:
  - (a) anticipated levels of noise, odour, smoke, fumes, dust, night lighting, glare, vibration or other emissions emanating from the operation will be sufficient to affect the residential character of existing residential areas; or
  - (b) anticipated increased levels or types of vehicle traffic may create unsafe conditions or situations for vehicles, cyclists or pedestrians within or adjacent to existing residential areas.
- (9) Highway commercial uses should maintain the functional integrity of the highway, through the use of service road systems, or controlled highway access points, which are approved by Saskatchewan Highways and Transportation.
- (10) Industrial uses shall maintain a minimum separation distance from existing development as shown in Section 6, Table 6-1. Council may require a separation twenty per cent (20%) greater than that shown in Table 6-1, based on the specific nature of the proposed development and the potential for conflict with other uses.
  - (a) Council may approve a lesser separation than set out in Table 6-1 where the applicant submits a copy of an agreement between the applicant and the owner(s) of the other affected development or urban Council (as appropriate), agreeing to such lesser separation. Such agreements between an applicant and an owner (owners) of another development (other developments) must contain the provision that the parties to the agreement will register an interest to the titles of the affected land. 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 an interest to the title(s) of the affected lands.
- (11) Where a residential use is specifically provided for as a discretionary accessory use to industrial or commercial operations, a single dwelling unit shall be permitted only if it is intended to accommodate the owner, caretaker or operator of a use for which a permit has been issued, subject to the relevant standards contained within the Zoning Bylaw.
- (12) Before considering an industrial or commercial development, subdivision or rezoning application, Council may require that the development application contain information with respect to:
  - (a) the types of industry or commercial use to be contained on the site.
  - (b) the size and number of parcels proposed.

- (c) the installation and construction of roads, services, and utilities.
  - (d) the potential impacts on adjacent land uses, and proposed measures to mitigate any negative impacts.
  - (e) the environmental suitability of the site and other potentially affected lands with particular consideration to the soils, topography, drainage and availability of services, proximity to public recreation and wildlife management areas and hazard land.
  - (f) the access, egress, and the potential impacts of the proposed development on the highway system and traffic safety.
  - (g) development standards or design criteria that include such aspects as parking for large trucks, landscaping, screening, storage, and signage.
  - (h) any other matters that Council considers necessary.
- (13)** Commercial and industrial development is encouraged to locate along existing primary transportation corridors.
- (14)** Where Council is of the belief that a proposed commercial or industrial development may require large volumes of water, Council may require the applicant to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation.
- (15)** Hazardous Industries

Industrial uses involving hazardous materials or chemicals will be permitted only at the discretion of Council, subject to approval required by any government regulatory agency, and subject to the following locational policies:

- (a) It is Council's view that hazardous industries have the potential to negatively affect the general welfare of nearby residents and farm operations, relating to such factors as decreased land values and perceived hazards. Therefore, in order to minimize conflict between hazardous industrial uses and other development, policies for minimum separation distances between hazardous industrial uses and other principal land uses are listed in Section 6, Table 6-1. These minimum separation distance policies shall apply both to development, alteration or expansion of hazardous industries and to other development proposed in the vicinity of existing hazardous industries.
- (b) Council may approve a lesser separation than set out in (a) above where the applicant submits a copy of an agreement between the operator of the hazardous industry and the owner(s) of the other affected development or urban Council (as appropriate), agreeing to such lesser separation. Such agreements between an operator and an owner (owners) of another development (other developments) must contain the provision that the parties to the agreement will register an interest to the titles of the affected land. 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 an interest to the title(s) of the affected lands.
- (c) Council may require a separation twenty per cent (20%) greater than set out in (a) above where an unacceptable land use conflict would result with existing developments. (e.g. in instances where higher nearby development intensity or topographic situation results in greater potential for conflict and where such greater separation would serve to reduce the conflict to acceptable levels).
  - (d) Separation from permanent surface water bodies or water courses of at least 1.6 km (1 mile).
  - (e) Buildings or yards used for the storage, handling or processing of hazardous materials shall be located at least 75 m (250 feet) from any road or railway right-of-way.
  - (f) Using the discretionary use procedure outlined in the Zoning Bylaw, Council shall require public notice of a proposal that will result in development, expansion or alteration of a hazardous industrial use and shall hold a public hearing on the proposal.
- (16)** Any Contractor or person wishing to use a municipal road for the purpose of transporting quantities of goods and materials that are significant in nature is required to enter into a road maintenance agreement.
- (17)** The Zoning Bylaw will contain provisions for wind energy and wind farms.
- (18)** The aggregate resource extraction industry policies of the Plan shall be:
- (a) Lands identified as having commercial aggregate resource extraction potential shall be protected from development that would preclude or constrain future utilization of that resource;
  - (b) Any development involving the establishment of an aggregate resource extraction industry shall be subject to the approval of Council as a discretionary use. Any approval shall be for a maximum period of two years and may be renewed at the discretion of Council;
  - (c) In reviewing applications for aggregate resource extraction industries, Council shall consider the following matters:
    - (i) the effect on adjacent lands and uses thereon and municipal roads;
    - (ii) the manner in which the pit or quarry is to be operated;
    - (iii) the environmental implications of the operation including plans for restoration and reclamation of the site.
  - (d) Aggregate resource extraction industries shall not be located within:

- (i) 305 m (1,000 ft) of multiple parcel country residential or intensive recreational developments;
  - (ii) 150 m (492 ft) of any single parcel country residence or residential site.
- (e) Aggregate resource extraction industries should be located on sites that:
- (i) do not have high agricultural capability;
  - (ii) do not have unique historical or archaeological significance;
  - (iii) do not have significant wildlife habitat;
  - (iv) are not high quality recreational land;
  - (v) do not lead to land use conflicts with adjacent lands.
- (f) Any aggregate resource extraction industry proposed to be located within 100 m (328 ft) of any municipal road or provincial highway or the Qu'Appelle River shall:
- (i) be permitted only where it would not:
    1. adversely impact upon the environment; or
    2. materially interfere with or affect adjacent lands;
  - (ii) complete extraction and reclamation of the site within two years of the granting of the approval.
- (19)** Potash exploration will be encouraged in the Municipality.
- (20)** Petroleum exploration will be encouraged in the Municipality.
- (21)** Extraction and processing operations for such minerals as potash and petroleum resource operations shall be protected from incompatible and potentially incompatible development and activities that would restrict their operation, hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact.
- (22)** Disturbance, as a result of potash and petroleum resource operations, shall be minimized by using the best available techniques and practices to reduce the overall footprint of activity during all phases of construction, operation, reclamation and abandonment. Consideration shall be given to the ability of natural landscapes to sustainably support reclamation efforts.
- (23)** Future Land Use Map 6 – Potential Mining Areas identifies lands within the Municipality that are subject to mining leases. If a major development is proposed within one of these areas, including but not limited to a manufacturing plant, refinery, or communal water and sewer system, Council may require the proponent of such development to consult with local mining companies and the Ministry of Energy and

Resources to identify potential subsidence risks. If subsidence risks are identified, the developer will be required to consult with a professional engineer to identify appropriate mitigation measures. The costs associated with identifying the risk of proceeding with a proposed development on land that potentially could be affected by subsidence or recommending specified measures to mitigate the risk of development on such land will be the responsibility of the proponent of the proposed development.

## 3.6 MUNICIPAL INFRASTRUCTURE AND SERVICES

### 3.6.1 Findings

- (1) The R.M. is responsible for the maintenance of approximately 16.5 km of all season paved roads, 216.5 km of all season gravel roads and 95.5 km of seasonal gravel roads.
- (2) The Town of Lumsden operates a raw water filling station which is open to R.M. residents for their use.
- (3) The R.M. does not operate any water systems.
- (4) Deer Valley Golf and Estates owns and operates a water treatment facility for its residents.
- (5) There are three private airstrips located within the NE-1-20-21 W2M, the NE-3-21-22 W2M, and in the SE-30-22-19 W2M.
- (6) The railway known as Last Mountain Railway was partially purchased and partially leased by CN in 2009 to the company known as Last Mountain Railway. One hundred and eight km of track was purchased between Davidson and Lumsden from CN. Last Mountain Railway leases the remaining 27 km from Lumsden to Regina with a future option to buy from CN.
- (7) R.M. Council has had much discussion over the years concerning road priorities at R.M. connector roads that meet Provincial Highways and Primary Grid Roads. The higher volumes and changing access needs of a greater number of commuters and higher truck traffic passing through the R.M. demonstrate the need for the development of appropriate transportation and road policies.

### 3.6.2 Objectives

- (1) To ensure that any new development can reasonably be accommodated by existing municipal services.
- (2) To ensure that the road maintenance obligations created by any future residential development can be fulfilled.
- (3) To ensure that the road maintenance obligations created by any future mineral extraction development can be fulfilled.
- (4) To ensure that development does not create any traffic safety issues.
- (5) To ensure that future development does not exceed capacities of municipal solid waste management and sewage disposal facilities.
- (6) To ensure the future management and disposal of solid waste and sewage generated by residents can be accommodated by existing municipal services.
- (7) To establish a hierarchy of rural roads and important streets that will maintain an efficient flow of vehicular traffic.

### 3.6.3 Policies

- (1) All developments shall provide for:
  - (a) individual on-site water supply appropriate to the proposed use; or,
  - (b) water supply from a regional water distribution system; or,
  - (c) an independent communal water supply system approved pursuant to either *The Public Health Act, 1994* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.
- (2) All developments shall provide for:
  - (a) on-site liquid waste treatment and disposal approved pursuant to *The Public Health Act, 1994* and associated regulations, as administered by the Regional Health Authority; or,
  - (b) an independent communal sewage collection, treatment and disposal system approved pursuant to either *The Public Health Act, 1994* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.
- (3) The R.M. will not be responsible for costs associated with the provision of municipal services to new subdivisions, except for developments owned by the Municipality. Where a private development requires municipal services, the proponent will be responsible for all costs associated with providing the services.
- (4) Council will consider proposed developments on the basis that a licenced solid waste management facility is available for use by the new development.
- (5) Council will approve all new developments containing communal water and sewer systems on the basis that the users of these systems will be responsible for the costs of their construction, management and operation through the auspices of a public body such as the Board of an Organized Hamlet, a resident association, or a private utility arrangement in the form of a cooperative or non-profit corporation
- (6) When reviewing development proposals, Council may request utility companies to indicate their existing and future services in and around the area of the development proposal. The availability of such services will be a consideration in Council's position with respect to development proposals.
- (7) Where a subdivision of land will require the installation or improvement of municipal services such as roads or streets, utilities, water supply systems, sewage disposal facilities, and fire protection facilities the developer will be required to enter into a servicing agreement with the Municipality to cover the installation or improvements including, where necessary, charges to cover the costs of improvement or upgrading of services that directly or indirectly serve the proposed subdivision. These charges may differ from one proposed subdivision to another based on the particular needs of each

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

- (8) Public works in the form of solid and liquid waste management or disposal facilities will be allowed at the discretion of Council subject to locational and development standards as specified in the Zoning Bylaw and subject to the following locational policies:
- (a) It is Council's view that public works in the form of solid and liquid waste management or disposal facilities have the potential to negatively affect the general welfare of nearby residents and the quality of recreation opportunity, relating to such factors as odours, blowing debris, decreased land values and perceived hazards. Therefore, in order to minimize conflict between such public works and other development, policies for separation between public works in the form of solid and liquid waste management or disposal facilities and other principal land uses are listed in Section 6; Table 6-1.
  - (b) Council may approve a lesser separation than set out in (a) above where the applicant submits a copy of an agreement between the applicant and the owner(s) of the other affected development or urban Council (as appropriate), agreeing to such lesser separation. Such agreements between an applicant and an owner (owners) of another development (other developments) must contain the provision that the parties to the agreement will register an interest to the titles of the affected land. 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 an interest to the title(s) of the affected lands.
  - (c) Council may require a separation 20% greater than set out in (a) above. This would only apply where an unacceptable land use conflict would result with existing developments. (e.g. in instances where higher nearby development intensity or topographic situation results in greater potential for conflict and where such greater separation would serve to reduce the conflict to acceptable levels).
  - (d) Using the discretionary use procedure outlined in the Zoning Bylaw, Council shall require public notice of a proposal for the development, expansion or alteration of a solid or liquid waste management or disposal facility and shall hold a public hearing on the proposal.
- (9) Council may establish, by separate bylaw, policies respecting garbage pickup and solid waste disposal in country residential subdivisions and other areas of the Rural Municipality.
- (10) Council may, subject to a request by the majority of residents of a multi parcel country residential area, agree to the provision of an extended service such as dust control or greater than normal snow clearing service. The financing of such service will be arranged through enactment of a special tax bylaw pursuant to the provisions of Section 312 of *The Municipalities Act, 2005*.

**(11) Transportation Policies**

- (a) The Municipality will cooperate with the Ministry of Municipal Affairs, the Ministry of Highways and Transportation, adjacent municipalities and other adjacent jurisdictions in long-term planning that addresses its transportation needs.
  - (b) Council will endeavour to upgrade the major access roads in the Municipality, within the Municipality's ability to pay for such upgrades, and with the support of senior government funding wherever possible.
  - (c) Development shall not create any potentially unsafe traffic conditions. Council will ensure that appropriate road designs, speed limits and traffic control devices are used to help ensure traffic and road safety.
  - (d) Development along provincial highways shall be consistent with the safety standards and access policies established by the Ministry of Highways and Transportation.
  - (e) The Municipality will not be responsible for the paving of roads in country residential subdivisions.
  - (f) Subdivision applications requiring a permanent street or road closure, intended to correct encroachments by development on municipal road right-of-ways, will only be supported after a review by Council, to ensure that:
    - (i) It is determined that the permanent street or road closure would not restrict or compromise access to other sites / areas in the Municipality; and
    - (ii) It is determined that the street closure would not have an adverse affect on the Municipality's ability to maintain or repair municipal streets and roads.
- (12) Future Land Use Map 1 – Preferred Development Corridors identifies key transportation corridors that could support future development in the Municipality.**
- (13) Recycling facilities shall be located in areas that are accessible by community members, when possible.**

## 3.7 INTERMUNICIPAL AND JURISDICTIONAL COOPERATION

### 3.7.1 Findings

- (1) The Town of Lumsden, the Town of Regina Beach, the Village of Craven, the Village of Buena Vista, and the Village of Disley are situated within the R.M. of Lumsden.
- (2) Last Mountain Lake Indian Reserve #80A is located within the R.M. of Lumsden.
- (3) The R.M. of Lumsden decreased in population from 2001 to 2006, following a rapid growth that was experienced between 1991 and 2001. Following the ten-year average growth rate, it is calculated that the population will increase at a rate of 1.68% annually.
- (4) Population in the Town of Regina Beach, Village of Craven, Village of Buena Vista and Village of Disley is expected to increase, based on the ten year trends. Current data suggests that the population in the Town of Lumsden may decrease, if it follows the ten year trend of -0.05%.
- (5) The Rural Urban Fringe Area and Urban Future Growth Areas for the respective adjoining urban municipalities are identified on Future Land Use Map 7 – Development Constraints.

### 3.7.2 Objectives

- (1) To facilitate inter-municipal / jurisdictional cooperation in providing municipal services that are more cost-effective and efficiently delivered on a regional basis.
- (2) To pursue agreements, with neighbouring urban municipalities, that will address future growth directions and joint delivery of services, based on the planning needs of the overall community.

### 3.7.3 Policies

- (1) Council will pursue inter-municipal cooperation with neighbouring municipalities in the provision of municipal services with the interest of improving municipal services and providing them on a more cost-effective basis.
- (2) Council will facilitate cooperation with neighbouring urban municipalities with respect to the impact of existing and future urban development on those parties' services, facilities, residents and / or natural resources.
- (3) Lands within 1.6 kilometres (1 mile) of the corporate limits of an Urban Municipality shall be considered a Rural – Urban Fringe Area. Future Land Use Map 7 - Development Constraints may be amended in the future to designate a specific Future Urban Growth area, subject to the Urban Municipality undertaking a planning program which identifies its aerial growth aspirations.
- (4) In all cases when subdivision or Zoning Bylaw map amendments are proposed within a Rural-Urban Fringe Area, Council shall notify the relevant Urban Municipality.

- (5) Council shall restrict development within a designated Future Urban Growth Area to agriculture.
- (6) Council will evaluate annexation proposals by all urban municipalities with consideration of its impact:
  - (a) on adjacent rural land uses;
  - (b) on the agricultural productivity of the area;
  - (c) on the relationship of annexed lands to the particular community's growth strategy as defined within its Official Community Plan; and,
  - (d) on the financial implications of the annexation to the Municipality.
- (7) Council will favourably consider boundary alteration proposals where the boundary alteration proposal is intended to accommodate community growth and development sufficient to accommodate up to twenty (20) year's projected growth providing that this growth / need is demonstrated to the satisfaction of Council.

## 3.8 RECREATION, PUBLIC OPEN SPACE AND AESTHETICS

### 3.8.1 Findings

- (1) No major lakeshore areas have been identified in the R.M. and the potential slope and flood problems inherent along the banks of the Qu'Appelle River and its tributaries limits the opportunity for seasonal cottage development in the Municipality. These same areas may be ideal for other types of passive and active recreational uses.
- (2) The recreation industry in the R.M. of Lumsden is varied. Current recreational facilities consist of the Deer Valley Golf Course; Lumsden Beach Camp; St. Michael's Retreat; Beaver Creek Ranch and Horse Centre; and the Craven World Campground.
- (3) The Craven Valley Country Jamboree is held annually over a period of four days in July. The Jamboree is the longest running multi-day music festival in Canada. It has been on the same site for over a quarter century.
- (4) There is an increased interest in, and demand for, walking trails in and near the Qu'Appelle River Valley.

### 3.8.2 Objectives

- (1) To ensure that the recreation resources in the R.M. 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 impacts on the landscape and costs to the residents of the Municipality which may result from recreation activities.
- (3) To minimize the disturbance to fisheries habitat, critical wildlife habitat, hazard lands and other environmentally sensitive areas in the development of new recreational spaces.
- (4) To consider the potential for the "Large Patches of Vegetation", "Natural Corridors" and "Stepping Stones" as detailed on the Future Land Use Map 2 – Potential Environmentally Sensitive Areas to be used as geographic linkages to preserve and enhance the passive recreation opportunities and scenic vistas for this area of the Qu'Appelle River Valley.
- (5) To minimize the impact of development on scenic vistas, landscape patterns and valley ridges within the municipality.
- (6) To mitigate light pollution within the municipality.

### 3.8.3 Policies

- (1) Where appropriate, Council will permit the development of publicly-owned or privately-owned recreation facilities.
- (2) Recreation 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 Qu'Appelle Valley will be facilitated by Council where feasible in terms of appropriate public access point with respect to the rights of private landowners without endangering heritage-sensitive or environmentally-sensitive areas.
- (4) Applicants for new subdivision and development applications within the Qu'Appelle Valley shall be required to demonstrate to Council how scenic vistas and views of valley ridgelines will be respected or maintained.
- (5) Council shall encourage that site and other outdoor light fixtures for new residential development be Dark Sky Friendly or approved by the International Dark Sky Association.
- (6) Council may require that site and other outdoor light fixtures for new commercial and industrial development be Dark Sky Friendly or approved by the International Dark Sky Association.

## 4.0 FUTURE LAND USE MAPS

### 4.1 USE AND INTERPRETATION

#### 4.1.1 Intent

The Future Land Use Maps contained in this Section are intended to guide land use within the municipality by identifying opportunities and constraints on future land use and development. Council will consider new subdivision and development proposals in the context of the information contained on the Future Land Use Maps, which form part of this Plan.

The Future Land Use Maps are as follows:

Map 1: Preferred Development Corridors

Map 2: Potential Environmentally Sensitive Areas

Map 3: Hazard Lands

Map 4: Soil Capability for Agriculture

Map 5: Separation Distances Required for a Potential Intensive Livestock Operation

Map 6: Potential Mining Areas

Map 7: Development Constraints

## 5.0 IMPLEMENTATION

### 5.1 ZONING BYLAW

The Zoning Bylaw will be the principal method of implementing the objectives and policies contained in this Official Community Plan and will be adopted in conjunction herewith by the R.M. of Lumsden.

#### 5.1.1 Purpose

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

#### 5.1.2 Content and Objectives

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

#### (1) **A – AGRICULTURE DISTRICT**

The objective of the **A – Agriculture District** is to provide for the primary use of land in the form of agricultural development, associated residences, limited single-parcel country residential development, location-dependent natural resource development and other uses compatible with agricultural development.

#### (2) **HDMU – HIGH DENSITY MIXED USE RESIDENTIAL DISTRICT**

The objective of the **HDMU – High Density Mixed Use Residential District** is to provide for a mix of comprehensively planned high and low density residential uses and compatible commercial and community service uses.

The **HDMU – High Density Mixed Use Residential District** shall be applied only to accommodate approval by agreement (under section 69 of The Planning and Development Act, 2007) of a specific development proposal that Council considers suitable under the policy and guidelines established for the High Density Mixed Use Residential District.

#### (3) **CR1 – LOW DENSITY COUNTRY RESIDENTIAL DISTRICT**

The objective of the **CR1 – Low Density Country Residential District** is to provide for low density multiple-lot country residential development and other compatible development in specific areas with standards for such development which does not directly support agriculture.

(4) **CR2 – MEDIUM DENSITY COUNTRY RESIDENTIAL DISTRICT**

The objective of the **CR2 – Medium Density Country Residential District** is to provide for medium density multiple-lot country residential development and other compatible development in specific areas with standards for such development which does not directly support agriculture.

(5) **CR3 – HIGH DENSITY COUNTRY RESIDENTIAL DISTRICT**

The objective of the **CR3 – High Density Country Residential District** is to provide for high density multiple-lot country residential development and other compatible development in specific areas with standards for such development which does not directly support agriculture.

(6) **C – GENERAL COMMERCIAL DISTRICT**

The objective of the **C – General Commercial District** is to provide for general commercial and other compatible development in specific areas, with standards for such development.

(7) **C2 – HIGHWAY COMMERCIAL DISTRICT**

The intent of the **C2 – Highway Commercial District** is to provide for commercial, light industrial and other compatible development in specific areas, with standards for such development.

(8) **M – INDUSTRIAL DISTRICT**

The intent of the **M – Industrial District** is to provide for light industrial, heavy industrial and other compatible development in specific areas, with standards for such development.

5.1.3 Amending the Zoning Bylaw

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

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

#### 5.1.4 Zoning By Agreement

- (1) Where an application is made to Council to rezone land to permit the carrying out of a specified proposal, Council may, for the purpose of accommodating the request, enter into an Agreement with the Applicant pursuant to Section 69 of *The Planning and Development Act, 2007*.
- (2) Section 5.1.3 of this Official Community Plan shall apply in the review of applications for rezoning by agreement.
- (3) Council may enter into an agreement with the applicant setting out a description of the proposal and reasonable terms and conditions with respect to:
  - (a) the uses of the land and the buildings and the forms of development;
  - (b) the site layout and external design, including parking areas, landscaping and entry and exit ways; and,
  - (c) any other development standards considered necessary to implement the proposal, provided that the development standards shall be no less stringent than those set out in the requested underlying zoning district.
- (4) Council may limit the use of the land and buildings to one or more of the uses permitted in the requested zoning district.

## 5.2 OTHER IMPLEMENTATION TOOLS

### 5.2.1 Subdivision Application Review

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

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

### 5.2.2 Dedicated Lands

- (1) When reviewing any application for subdivision, Council may indicate to the approving authority, its desire to have unstable or flood-prone areas set aside as environmental reserve and/or municipal reserve, as a condition of subdivision approval, pursuant to Section 185 of *The Planning and Development Act, 2007*.
- (2) Pursuant to *The Planning and Development Act, 2007*, Council may elect to request that an approving authority require the owner of land that is the subject of a proposed subdivision to provide money in place of all or a portion of land that would otherwise be required to be dedicated as municipal reserve.

### 5.2.3 Building Bylaw

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

### 5.2.4 Development Levies and Servicing Fees

- (1) In accordance with Section 169 of *The Act*, Council may establish, by separate bylaw, development levies for the purpose of recovering all or part of the capital cost of providing altering, expanding or upgrading services and facilities associated with a proposed development with existing subdivided areas. Such bylaw must be based on studies to establish the cost of municipal servicing and recreational needs and on a consideration of future land use and development and the phasing of associated public works.
- (2) In accordance with Section 172 of *The Act*, Council may establish by resolution, a schedule of development specifications and servicing fees to be used by the Municipality as the basis for the negotiation of servicing agreements with proponents of a new subdivision development. Such servicing specifications will provide a consistent set of development standards for provision of direct services by developers in a new

subdivision development. The schedule of fees will be based on the identification of overall services and public works that the Municipality anticipates will be needed as a result of new subdivision development for a specified term. Offsite service fees for individual developments will be established based on a calculation of the servicing needs being created by that individual development as a part of the Municipality's overall servicing needs.

## 5.3 OTHER

### 5.3.1 Updating the Official Community Plan

Plans and projections for future development shall be monitored on an ongoing basis. Policies contained in this Official Community Plan, including the Future Land Use Maps, shall be reviewed and updated within five years of adoption.

### 5.3.2 Further Studies

As necessary, Council will undertake such studies or programs required to facilitate and encourage the growth and development of the Rural Municipality of Lumsden, No. 189.

### 5.3.3 Cooperation and Inter-Jurisdictional Consideration

Council shall cooperate with senior governments, other municipalities and public and private agencies to implement this Official Community Plan.

### 5.3.4 Programs

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

### 5.3.5 Provincial Land Use Policies and Interests

This bylaw shall be administered and implemented in conformity with applicable provincial land use policies and interests, statutes and regulations and in cooperation with provincial agencies. Where a reference is made in this Plan to a provincial statute or regulation and that statute or regulation is amended or repealed and substituted with a replacement statute or regulation, the reference herein to the statute or regulation shall be taken to mean the amended or replacement statute or regulation.

### 5.3.6 Binding

Subject to Section 40 of The Planning and Development Act, 2007, the Official community Plan shall be binding on the Rural Municipality, the Crown, and all other persons, associations and other organizations, and no development shall be carried out that is contrary to this Official Community Plan.

### 5.3.7 Definitions

The Zoning Bylaw definitions shall apply to this Official Community Plan.

## 6.0 MINIMUM SEPARATION REQUIREMENTS

7.0 COUNTRY RESIDENTIAL DEVELOPMENT PROPOSAL  
WORKBOOK