



Report to: Members of Council

From: Chace Kozack

Date: January 29, 2020

Report No: _PD 01-2020

Subject: Official Community Plan and Zoning Bylaw Changes Based on Ministry of Government Relations letter.

Official Community Plan

Section 2.8 Intermunicipal Cooperation

Original- The municipality remains committed to working in partnership and cooperation with neighbouring municipalities to promote and enhance the general wellbeing of region as a whole through participation in committees, boards, and regional utilities to consolidate and/or combine resources and funds insofar as practical. This includes but is not limited to public works, public facilities, transportation infrastructure, and service delivery.

New- The Municipality remains committed to working in partnership and cooperation with neighbouring municipalities to promote and enhance the general wellbeing of the region as a whole through participation in and pursuing strategic, flexible and innovative partnerships. Participation may come in the form of committees, boards, and regional utilities to consolidate and/or combine resources and funds insofar as is practical. This includes but is not limited to public works, public facilities, transportation infrastructure and service delivery. The R.M.'s objectives will be:

- a. To establish inter-municipal processes for managing land in areas of common interest and pursue opportunities for regional benefit when appropriate.
- b. To resolve regional issues through communication and cooperation.
- c. To encourage and foster harmonious and cost-effective development.
- d. To encourage open lines of communication between adjacent municipalities and First Nations, as well as other groups and organizations in the area.

2.8.1 The RM will work with its neighbours to identify and collaborate on ways to address regional issues, when they arise, such as infrastructure, the environment, economic development, social/cultural and municipal services and utilities to avoid duplication of services and/or efforts.



2.8.2 Where a certain development may affect an adjacent municipality or First Nation or Metis Community, Council will consult and discuss the development with that community.

Rationale – To accurately align with Statements of Provincial Interest 6.5 Inter-Municipal Cooperation

Section 6.5.2 vi Added

Low-density non-farm single parcel residential development may be considered in areas that are not highlighted on the future land use map if it conforms to the OCP and Zoning Bylaw.

Rationale- Clarify that council may consider CR parcel subdivisions that are not outlined in the Future Zoning Map

Section 6.6.1.i

Original – Show that all proposed sites being subdivided will be serviced (at no cost to the municipality) with on-site sewer and water services unless Council negotiates other servicing options and responsibilities by means of Contract Zoning;

New- Show that all proposed sites being subdivided will be serviced (at no cost to the municipality) with on-site sewer and water services unless Council negotiates other servicing options and responsibilities by means of Servicing Agreement;

Rationale – Servicing Agreement was added in place of Contract Zoning to reflect proper planning tool used to ensure costs are covered by the appropriate parties.

Section 6.9.2.ii

Original – New development shall be restricted to public utilities, recreation uses, and residential development.

New - New development shall be restricted to public utilities, recreation uses, commercial developments, residential development and existing uses.



Rationale – Commercial development added as new developments in the Hamlet policies for conformity with the Zoning Bylaw.

Section 6.11- Lakeshore Development Policies

6.11.1 Lakeshore Development shall mean organized and unorganized hamlets, or developments recognized by the Zoning Bylaw as such that are adjacent to or proximate to Last Mountain Lake.

6.11.2 Zoning Implementation:

- i. Council may establish one or more Lakeshore zoning districts in the Zoning Bylaw; and
- ii. Lakeshore development standards and requirements may be further specified in the Zoning Bylaw.

6.11.3 New or significant expansion of Lakeshore development will be subject to the following:

- i. Any stage of Lakeshore development shall include the concurrent development of lake view and non-lakefront parcels. Lakeshore development that only subdivides or develops on one side of a road will be avoided, unless site specific circumstances prevail.
- ii. Proposals will require the submission of a comprehensive development plan for the area. The plan will outline staging of residential and beach development and will provide for public recreation areas and access to the lake.
- iii. Plans for lakeshore development should articulate clear standards for subdivision, phasing, and development, be sensitive to existing development, conform to the character of existing development, and achieve an ecologically sensible development pattern.
- iv. All new subdivisions require adequate and safe public access to the lake front.

6.11.4 Rezoning shall be required prior to subdivision approval.

6.11.5 Priority shall be given for developments in the Lakeshore district that:

- i. Are included in growth areas shown in the Future Growth Map;
- ii. Are in proximity to an existing roadway and do not require significant construction or maintenance to provide safe access and egress;
- iii. Build off of existing developments with available infrastructure capacity and can show support of ratepayers in those existing developments.

6.11.6 Rezoning approvals shall be restricted to areas outside of known flood zones and areas of slope instability and shall require geotechnical studies that identify development constraints and acknowledge appropriate construction techniques.



Section 9.72

Original – Intensive development, construction of buildings and other structures, and the subdivision of land in identified flood hazard areas or on lands within the 1:500 design flood freeboard elevation shall be prohibited, unless Council is satisfied the site, or sites, have an area with a safe building elevation or a the developer can provide proof that appropriate flood proofing has been constructed in accordance with a design certified by a professional engineer registered to operate in Saskatchewan.

New - Intensive development, construction of buildings and other structures, and the subdivision of land in identified flood hazard areas or on lands within the 1:500 design flood way elevation level shall be prohibited. Development within the flood fringe will be permitted as long as Council is satisfied the site, or sites, have an area with a safe building elevation (0.5 metres above 493 metres) or the developer can provide proof that appropriate flood proofing has been constructed in accordance with a design certified by a professional engineer registered to operate in Saskatchewan.

Rationale – SPI require planning bylaws prohibit the development of new buildings and additions to buildings in the floodway of the 1:500-year flood elevation of any watercourse or waterbody. Planning documents must also require flood proofing of new buildings and additions to buildings to an elevation 0.5 metre above the 1:500-year flood elevation of any watercourse or water body in the flood fringe.

Section 10.9.2 Table 2

Table 2 is comprised of development standards and should not be placed in the OCP but in the Zoning Bylaw instead.

Section 10.14 - School Site Development Policies

The municipality shall allocate land as Municipal Reserve for a school site where appropriately located, municipally-owned, serviced land is available, or shall require a subdivision applicant or a number of subdivision applicants in an area to provide land for a school site when such a site is needed to serve a growing population and the land proposed for subdivision meets the school site requirements.



All potential school site locations shall be evaluated by the municipality in consultation with the Horizon Valley School Division and the Ministry of Education to determine if the site meets the requirements with respect to (1) size, (2) proximity to existing and future residents, (3) proximity to other complementary facilities, amenities and services, (4) access/accessibility, (5) site conditions (i.e. geotechnical, hydrogeological, etc), (6) simplicity and feasibility of land transaction(s) to acquire the site and (7) any other relevant criteria. The site may also be examined in consultation with any other potentially benefiting municipality or First Nations Band.

Section 10.15 – Railway Development Policies Added

Development in areas near railway lines or facilities shall be planned strategically to avoid conflicting developments.

- i. Ensure adequate separation as to minimize potential for noise, dust, fumes and vibrations for developments that may be adversely affected.
- ii. Ensure any development near these facilities considers the potential impact of public health.
- iii. All new development within proximity to railway corridors shall be designed and constructed in accordance with relevant recommendations listed in the Federation of Canadian Municipalities and the Railway Associations of Canadas "Guidelines for new Development in Proximity to Railway Operations" The following elements will be considered:
 - a. Proposed Land Use Type;
 - b. Separation Distance from the railway corridors and railway owned property;
 - c. Physical and environmental conditions of the site; and
 - d. The railway line or facility classification.



Section 11.8 – Cost Recovery for services

Original- Council may adopt a Service Cost Recovery Bylaw to ensure that the cost of installing appropriate services is wholly or partly the developer's responsibility, either in the case of a new subdivision (see Section 172 of the Act for an outline of Council's authority to include the cost of services in a subdivision servicing agreement), or for a new or expanding development (see Section 169 of the Act for an outline of what items a Council may include in a separate Development Levy Bylaw) to cover the cost of servicing that development where no subdivision is required. In deciding whether to share the cost of such services with a developer, Council will ensure that the principle of such sharing will benefit the Municipality. Agreements for cost-recovery shall also conform to Section 10 of this bylaw.

New- Council may adopt a Development Levy Bylaw to ensure that the cost of installing appropriate services is wholly or partly the developer's responsibility, either in the case of a new subdivision (see Section 172 of the Act for an outline of Council's authority to include the cost of services in a subdivision servicing agreement), or for a new or expanding development (see Section 169 of the Act for an outline of what items a Council may include in a separate Development Levy Bylaw) to cover the cost of servicing that development where no subdivision is required. In deciding whether to share the cost of such services with a developer, Council will ensure that the principle of such sharing will benefit the Municipality. Agreements for cost-recovery shall also conform to Section 10 of this bylaw.

Rationale- Service Cost Recovery Bylaw changed to Development Levy Bylaw to reflect proper planning tool used (Based on MGR Comments).

Zoning Bylaw

Section 2 – Definitions

Original- CONCEPT PLAN (DEVELOPMENT CONCEPT PLAN): a land use concept plan for a specific local area that identifies social, environmental, health and economic issues which the proposed development must address

New- Comprehensive Development Plan: a conceptual land use plan for a specific area that identifies social, environmental, health and economic issues which the proposed development must address and encourages the development of high quality residential, recreational, commercial, industrial, and resource development.



Rationale – Changed definition based on MGR comments to reflect a CDP rather than a concept plan may required in the subdivision process.

Section 3.9.8.1.iv Invalid Permit

Original- When a written appeal notice is received by the Development Appeals Board secretary regarding the development permit.

New- Clause Removed

Rationale- A development permit is not considered invalid upon the Development Appeals Board secretary receiving notice of appeal.

Section 3.13.1.6

Original- Further to Part X of the Act, notice of application will be provided to ratepayers through the following

New- Further to Part 55 of the Act, notice of application will be provided to ratepayers through the following

Rational- Ensures the reader of the bylaws knows which section in the Act (PDA) is specifically being referred to.

Section 3.15.1

Original - A CDP shall be completed prior to consideration of an application by Council by any person proposing to rezone, subdivide, or re-subdivide land for lakeshore, recreational, country residential, commercial, industrial or resource development purposes. The purpose of this review is to identify and address social, environmental, health and economic issues and to encourage the development of high quality residential, recreational, commercial, industrial, and resource development. The scope and required detail of the **Concept Plan** will be based on the scale and location of the proposed development, and address such areas as the following:



New- A CDP shall be completed prior to consideration of an application by Council by any person proposing to rezone, subdivide, or re-subdivide land for **multi-parcel development** in lakeshore, recreational, country residential, commercial, industrial or resource development purposes. The purpose of this review is to identify and address social, environmental, health and economic issues and to encourage the development of high quality residential, recreational, commercial, industrial, and resource development. The scope and required detail of the **CDP** will be based on the scale and location of the proposed development, and address such areas as the following:

Rationale- Multi Parcel development added to clarify that CDP's are required when undertaking a subdivision that includes multiple parcels. Additionally, the term concept plan is removed to clarify that a Comprehensive Development Plan as defined in the bylaw is required and not a concept plan which has legal implications.

Section 3.16

Original- The Development Officer, in conjunction with the Saskatchewan Health Authority shall determine the suitability of a parcel proposed for subdivision to accommodate a private sewage treatment system with the subdivision review process. The review process indicates the level of assessment required and upon this determination provides the submittal requirements as well as identifies the qualifications required for the site assessor.

New- The Development Officer, in conjunction with the Ministry of Government Relations and Saskatchewan Health Authority shall determine the suitability of a parcel proposed for subdivision to accommodate a private sewage treatment system with the subdivision review process. The review process indicates the level of assessment required and upon this determination provides the submittal requirements as well as identifies the qualifications required for the site assessor.

Rationale- Ministry of Government Relations added to policy to clearly inform the reader that the ministry is the approving authority for subdivision applications.

Section 4.31.8

Original- The erection of Cellular telephone transmission towers shall not be permitted in, or closer than 100.59 metres (330 feet) to any Country Residential District, unless permitted at Council's discretion.



New- Council prefers that cellular telephone transmission towers be no closer than 100.59 metres (330 feet) to any Country Residential District.

Rationale- Industry Canada is the approving authority for these types of developments and council can only communicate that they prefer a setback of 100.59 metres to any Country Residential District.

Section 4.38 Added – Required Setback Distances for Solid and Liquid Waste disposal

Rationale- The table was originally located in the OCP however, the table includes setback distances and must be located in the Zoning Bylaw.

Section 4.49.4 Cautionary Flood Hazard Lands

Original- Any existing buildings may be replaced or expanded subject to appropriate flood proofing measures being provided:

New- Any existing buildings within the 1:500-year floodway shall be prohibited from being replaced or expanded; buildings within the flood fringe may be replaced or expanded subject to appropriate flood proofing measures being provided. For the purpose of this Bylaw, appropriate flood proofing measures shall mean:

Rationale- To clarify that buildings in the 1:500-year floodway are prohibited from being replaced or expanded and that buildings within the flood fringe may be replaced or expanded subject to the appropriate flood proof measures.

Section 8.4.9.1 and 8.4.9.2

Original-

.1 Definition: Aggregate Extraction shall include the removal of sand, gravel, clay as fill material, earth, ash, marl, stone, fill material, topsoil, and peat.

.2 An application proposing a new aggregate extraction use or an expansion to an existing aggregate extraction operation shall be a temporary and discretionary use and comply with all appropriate Provincial and Federal regulations.



New- An application proposing a new aggregate extraction use or an expansion to an existing aggregate extraction operation shall be a discretionary use and comply with all appropriate Provincial and Federal regulations.

Rationale- The definition for aggregate resource was removed because it is already defined in section 2 Definitions. Point .2 was amended to remove the word temporary to clearly state that it is a discretionary use and that the term can limited in the conditions of approval by council and correctly numbered to .1.

Section 8.4.10 Aggregate Resource Extraction

Original- Aggregate Resource extraction industries are permitted in accordance with the following:

New- Aggregate Resource extraction industries are permitted at Council’s discretion as prescribed in AR2-Agricultural/Resource District in accordance with the following conditions:

Rationale – The description for this section was amended to clearly state that Aggregate Resource extraction is permitted at Councils discretion in the AR1 district as well as in accordance with the following conditions.

Section 8.4.11.2 Minimum Separation Distances Relating to Mineral and Resource Operations – Table 5

LAND USES	OIL AND GAS DEVELOPMENT	POTASH, FERTILIZER OR ETHANOL DEVELOPMENT
Dwelling, Single Unit within the AR1, AR2, CR1 or CR2 Zoning Districts	1.0 kilometre (3280.84 feet) from sour gas wells 125 metres (410.11 feet) from other gas and oil wells	500 metres (1640.42 feet)
All types of Development within the LS, RR, and H Zoning Districts	1.0 kilometre (3280.84 feet) from sour gas wells 125 metres (410.11 feet) from other gas and oil wells	500 metres (1640.42 feet)



All Development within the C1 and C2 Zoning Districts	1.0 kilometre (3280.84 feet) from sour gas wells 125 metres (410.11 feet) from other gas and oil wells	500 metres (1640.42 feet)
Recreational Uses	1.0 kilometre (3280.84 feet) from sour gas wells 125 metres (410.11 feet) from other gas and oil wells	500 meters (1640.42 feet)

Section 10.3.5

Original- The final subdivision design and approved lot density of development in the CR1 Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a Concept Plan and shall not exceed all requisite standards provided by the District Health Region for onsite wastewater disposal systems.

New- The final subdivision design and approved lot density of development in the CR1 Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a Comprehensive Development Plan and shall not exceed all requisite standards provided by the District Health Region for onsite wastewater disposal systems.

Rationale- Concept Plan was removed and replaced with Comprehensive Development Plan for conformity with OCP and Zoning Bylaw policies.

Section 11.3.5

Original- The final subdivision design and approved lot density of development in the CR2 Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a Concept Plan and shall not exceed all



requisite standards provided by the District Health Region for onsite wastewater disposal systems.

New- The final subdivision design and approved lot density of development in the CR2 Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a Comprehensive Development Plan and shall not exceed all requisite standards provided by the District Health Region for onsite wastewater disposal systems.

Rationale- Concept Plan was removed and replaced with Comprehensive Development Plan for conformity with OCP and other Zoning Bylaw policies.