



R.M. of  
**McKillop** No. 220

# Official Community Plan

Bylaw No. 375/2019

**The Rural Municipality of McKillop No. 220**

**Bylaw No. 375/2019**

A Bylaw of the Rural Municipality of McKillop No. 220 to adopt an Official Community Plan.

The Council of the Rural Municipality of McKillop No. 220, in the Province of Saskatchewan, in an open meeting assembled enacts as follows:

- (1) Pursuant to Section 29(1) of *The Planning and Development Act, 2007* the Council of the Rural Municipality of McKillop No. 220 hereby adopts the Rural Municipality of McKillop No. 220 Official Community Plan, identified as Schedule "A" to this Bylaw.
- (2) The Reeve and Administrator of the Rural Municipality of McKillop No. 220 are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 233/11, the R.M. of McKillop No. 220 Official Community Plan, and all amendments thereto, are hereby repealed.
- (4) This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a first time the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Read a second time the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Read a third time the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Adoption of Bylaw this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

(Reeve)

SEAL

\_\_\_\_\_

(Administrator)

Certified a True Copy of the Bylaw adopted by Resolution of Council

On the \_\_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_

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## 1.0 INTRODUCTION, PURPOSE AND EFFECT

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### 1.1 AUTHORITY

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Pursuant to *The Planning and Development Act, 2007* (the Act), the Council hereby enacts this bylaw adopting an Official Community Plan (OCP).

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### 1.2 TITLE

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This bylaw shall be known as the “OCP” of the Rural Municipality of McKillop No. 220 (Municipality).

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### 1.3 SCOPE

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The OCP shall:

- 1.3.1 Assist Council, landowners and developers in making resource management, development, land use, subdivision, municipal servicing, public utility and environmental-related decisions; and
  - 1.3.2 Apply to the whole of the Municipality.
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### 1.4 PURPOSE

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The purpose of the OCP shall be:

- 1.4.1 To establish a decision-making framework by which Council can coordinate various public and private development, social, economic, municipal servicing, environmental and related interests within the Municipality;
- 1.4.2 To assist Council, as a custodian of the municipal public interest, by helping to protect the health, safety and welfare of the ratepayers;
- 1.4.3 To address current and potential development issues, opportunities, trends and land- use changes, their timing and pattern, within the municipality;
- 1.4.4 To identify beneficial municipal development goals, objectives and standards which Council, the ratepayers and developers can jointly achieve; and
- 1.4.5 To form the policy basis for the Zoning Bylaw and other legal and financial tools available to Council in implementing the OCP.

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## **1.5 EFFECT OF OCP ADOPTION**

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The OCP shall be binding on the Municipality, the Crown and all other persons, associations and organizations; and no development shall be carried out that is contrary to the OCP.

Section 40(2) of the Act states that the adoption of a Plan does not commit the municipality or any person, association or organization or any department or agency of the Government of Saskatchewan to undertake any of the projects outlined or proposed in that OCP.

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## **1.6 DOCUMENTS**

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**1.6.1** Text and Maps: This bylaw shall consist of this text, appendices, the OCP maps (including a Future Land Use Map, Development Constraints Map, and Canadian Land Inventory Soil Capability Map), and where Council deems appropriate, other background reports, maps, tables and charts;

**1.6.2** Map Designations:

- i. The purpose of the OCP Maps and their accompanying symbols, district boundaries and other notations shall be to spatially indicate the long-term development objectives of the Municipality. The OCP Maps shall also be used in conjunction with the text of the OCP to implement its goals, objectives and policies to achieve beneficial growth and avoid or minimize land use conflict;
- ii. All map notations shall indicate general locations, unless otherwise specified; and
- iii. Council shall make the final decision regarding any unclear map notation or development district boundary location.

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## **1.7 DEFINITIONS AND INTERPRETATION**

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The Zoning Bylaw definitions shall apply to this bylaw. When a question arises regarding the correct interpretation of the text or map, which is applicable to a specific site, Council shall make the final decision based on their interpretation. Metric measurements take precedence since Imperial measurements are shown only for ease of interpretation.

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## **1.8 AMENDMENT OF BYLAW**

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Council may amend this bylaw, at any time, upon its own initiative, or upon request, in order to improve the OCP goal, objectives and policies.

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## **1.9 BYLAW REVIEW**

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Council shall review and if necessary, consolidate this bylaw either when the Council considers it necessary, or five (5) years from the effective date of this bylaw, or five (5) years from the last bylaw consolidation, as the case may be.

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## **1.10 FLOOD HAZARD LIABILITY DISCLAIMER**

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- 1.10.1** The OCP and Zoning Bylaw provide a reasonable degree of flood protection which is based on historical, engineering and scientific data and assumptions.
- 1.10.2** Council assumes that floods larger than the 1:500-year flood freeboard elevation may occur due to man-made and natural causes (e.g. excessive precipitation, ice ridges).
- 1.10.3** The reliance on this bylaw or the Zoning Bylaw shall not create a liability for, or cause an action against, Council, the development officer or any municipal employee, as a result of any flood damages.

## 2.0 DEVELOPMENT CHALLENGES

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### 2.1 BACKGROUND

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This chapter outlines the challenges that were identified by Council in the context of administering the existing Official Community Plan and Zoning Bylaw, which were enacted by the Municipality in 2012. All of the issues identified in this chapter are reflected in the content of both the OCP and the Zoning Bylaw.

Council has examined new issues or made changes to the Goals, Objectives and Policies of the existing Development Plan to reflect Council's current interpretation and attitude toward specific issues.

### 2.2 DEMAND FOR DEVELOPMENT

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Council requires OCP policies to assist in coordinating the increased demand for residential, commercial, industrial and agricultural development. The demand for seasonal and permanent recreation residential development has presented land use and infrastructure challenges in what was historically a rural agrarian municipality. The OCP policies balance these divergent activities to promote and protect the sustainable and appropriate use of land and infrastructure.

### 2.3 POPULATION TRENDS

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Proper management of land use patterns and population growth is essential to provide efficient municipal services. For smaller municipalities with slow population growth (or decline), it is likely that forecasting methods which track births, deaths and net migration will be less accurate than simpler techniques.

The selected method of analysing and predicting the future population of the Municipality is called a Constant Numeric Change Model (see Item 11.10.2 in the Appendices, References and Maps section). In the following calculation, it is assumed that the local population ( $p$ ) in the next five (5) year time period ( $t+1$ ) is equal to the population in the previous period plus the average of population changes over the past "n" periods (the six (6) census periods from 1991 to 2016).

The Statistics Canada population for Rural Municipality of McKillop No. 220 for those periods is:

1981 - 571 people	1991 - 573 people	2001 - 517 people	2011 - 575 people
1986 - 596 people	1996 - 545 people	2006 - 566 people	2016 - 732 people

The formula used to project population growth in the municipality is as follows:

$$\begin{array}{cccc}
 p(t+1) & = & p(t) & + & [ p(t) - p(t-n) ] & /n \\
 \text{(pop. in the} & & \text{(today's} & & \text{(average change} & \text{(total of the five (5)} \\
 \text{next time} & & \text{pop.)} & & \text{over the total} & \text{time periods} \\
 \text{period)} & & & & \text{number of census} & \text{between the six (6)} \\
 & & & & \text{periods used))} & \text{census dates)}
 \end{array}$$

Based on the population projection formula noted above, the projected population for the Municipality is expected to grow by 6 people over the next census period, totalling 738 people in 2021.

This is a very basic estimate, which does not include calculations such as cohort survival (births or deaths) in relation to the age of the Municipality's current population. The model is more accurate in assessing population change due to the effects of employment growth or decline. Although the forces that affect the local economy suggest a continuation of the Municipality's slow population decline, the continued demand for recreational residential property suggest a changing demographic that will not only increase the population but change the balance of land use needs and concerns experienced in the Municipality. By using the policies of this OCP and other features of *The Municipalities Act* (e.g. tax tools or other incentives) Council supports further development to attract more residents and employers to benefit the entire municipality, while balancing the protection and preservation of high-quality agricultural land and resources in the municipality.

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## 2.4 RESOURCE MANAGEMENT

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Agricultural, sand, gravel, archaeological, ground and surface water, and critical wildlife resources all require sound management to ensure long-term, viable, economic development, conservation, minimal land-use conflict and compatibility with non-agricultural development.

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## 2.5 CONVERSION OF AGRICULTURAL LAND

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The conversion of agricultural land to non-agricultural uses must be managed to ensure long-term stability of agricultural development, recognizing the value of agricultural land for sustainable growth in agricultural activities. In large part, Council will use "Right-to-Farm" policies to guide their decisions in dealing with the impact of proposed non-agricultural uses on agricultural activities.



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## 2.6 RESIDENTIAL SUBDIVISIONS

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- 2.6.1** Various high and medium-density residential subdivision proposals are being proposed throughout the lake shore portion of the municipality. If not properly managed, such proposals may conflict with viable agricultural, industrial, commercial and gravel operations, and generate excessive municipal road, administrative, and servicing costs.
- 2.6.2** Some landowners have expressed a desire to allow subdivision of existing yard sites, new single sites for non-farm residences, or small cut-off areas (isolated from the balance of a farm operation by a railway, road, etc.) which can be used for agricultural land consolidation or non-farm residences.
- 2.6.3** There has been limited interest expressed for planned country residential developments in the Agricultural zoning district.
- 2.6.4** There has been limited interest expressed for larger country residential sites in the Agricultural zoning district.

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## 2.7 PUBLIC UTILITIES AND MUNICIPAL SERVICES

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Public utilities and municipal services should be coordinated to ensure efficient, responsible and equitable servicing of development subdivisions.

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## 2.8 INTER-MUNICIPAL COOPERATION

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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.

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## **2.9 HOUSING**

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- 2.9.1** Much lakeshore residential development is used on a seasonal basis only; however, there are increased signs that dwellings are being converted or redeveloped to accommodate year-round dwelling. This shift has increased the number of permanent residents in the Municipality bringing with it increased servicing requirements which must be monitored and balanced to provide cost-effective and appropriate levels of service to all areas of the Municipality.

- 2.9.2** Guest Suites: have been identified as an alternative, subordinate residential use for some landowners for the following reasons:

- i. The desire to provide shelter for relatives and/or hired help, but in a separate dwelling unit;
- ii. The need to provide home care for relatives, and to keep the cost of housing to a minimum.

In other Municipalities, there have been problems with requests for conversion or subdivision of the suites, after the original occupant of the suite no longer used it. Council wants to ensure that the policies for guest suites prevent such problems and to ensure that these uses are possible in appropriate land use scenarios.

- 2.9.3** Other types of new residential uses and accessory uses to existing dwellings continue to present Council with challenges today. These include proposals for bed and breakfast operations, recreation vehicles, park model trailers, guest cottages, and modular homes as principal and accessory uses.

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## **2.10 LAND USE COMPATIBILITY**

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- 2.10.1** Concerns have been expressed that proper separation distances between incompatible land uses should be maintained, particularly between residential development and commercial, industrial, or agricultural development.

- 2.10.2** The principle of successive and continuous residential development should be included and considered as part of all new development proposals.

- 2.10.3** The enforcement of non-permitted accessory buildings should be carried out, especially in the Lakeshore districts, where previously-unauthorized accessory uses have been constructed or installed. Such uses shall only be permitted so long as their approval coincides with an approved Development and Building Permit for a principal dwelling.

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## **2.11 ENVIRONMENTAL MANAGEMENT**

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- 2.11.1** Hazardous materials and burning of materials is a concern and should be minimized to agricultural lands that are not proximate to residential areas.
- 2.11.2** Soil disruption, including topsoil or gravel removal and changes in grade during any development, shall be minimized, especially in areas known to have slope or soil instability.
- 2.11.3** Proper reclamation of gravel pits shall be required.
- 2.11.4** Water is a precious resource and the quality of ground and surface water need to be protected from contamination and overuse.
- 2.11.5** Where groundwater is to be a source of potable water for a development, or the development may affect the groundwater supply used for potable water for other landowners:
- i.** Council may require a developer to provide a detailed hydrogeological study to provide that the development can proceed as proposed without negatively affecting the quality or quantity of the water source; and
  - ii.** Wells that have been abandoned or have not been maintained in the past 60 months shall be decommissioned appropriately to protect the quality of ground water.

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## **2.12 LAKESHORE DEVELOPMENT**

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Lakeshore development issues will include several aspects of development review to ensure a balance between the viability of the development and its impact on environmental and infrastructure servicing factors. If not properly managed, such proposals may place additional pressures on municipal services such as roads, emergency services, recreation amenities and facilities, water and sewage works, and waste disposal needs of day users, seasonal cottages and permanent dwellings.

## 3.0 VISION AND GOALS OF THE OCP

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### 3.1 VISION STATEMENT

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A Municipality that encourages diversity through sustainable residential and non-residential development that is compatible with a vibrant agricultural base while protecting its critical natural, heritage, and recreational resources.

### 3.2 BASIC GOALS

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The basic goal of the OCP shall be to work towards an attractive, safe and viable Municipality in which:

- i. Agriculture continues to be the primary economic activity and land use, while recognizing the need to provide for an appropriate variety of land use;
- ii. Land use policies enhance and diversify the lifestyle of the ratepayers of the municipality through balanced, sustainable, and orderly growth;
- iii. A choice of both dispersed rural and clustered residential lifestyles are available;
- iv. Commercial and industrial uses are supported in appropriate areas;
- v. Sound land use and environmental management maintains the biodiversity, unique landscapes, and ecosystems of the municipality for the use and enjoyment of current and future generations; and
- vi. The quality of life of the ratepayers is both protected and enhanced.

## 4.0 GENERAL MUNICIPAL OBJECTIVES

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The goal of the OCP shall be implemented by achieving the development objectives found in this section.

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### 4.1 GENERAL DEVELOPMENT OBJECTIVES

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- 4.1.1 To protect and enhance the municipality's natural resources, agricultural lands and activities, residential areas, and related development.
- 4.1.2 To work within our goals and objectives to encourage a variety of economic development programs, projects, opportunities and facilities for the benefit of the ratepayers of the municipality.
- 4.1.3 To accommodate agriculture, resource development, and medium to high density residential development opportunities where appropriate within and for the municipality.
- 4.1.4 To avoid unplanned or sprawling development (including residential, commercial and industrial uses) by promoting orderly, efficient and rational land use patterns through appropriately phased development and services that are supported by evidence of market demand.
- 4.1.5 To prevent land use conflicts and to ensure incompatible land use and development do not locate in proximity to areas designated for other development purposes (e.g. an Intensive Livestock Operation (ILO) should not be located adjacent to a residential site).
- 4.1.6 To be stewards of the environment and protect historic and natural features within the municipality from being damaged by developmental pressures.
- 4.1.7 To protect both surface water and ground water resources.

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### 4.2 GENERAL FINANCIAL OBJECTIVES

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- 4.2.1 To maintain and enhance the municipal assessment base by ensuring quality development and a diversified local economy.
- 4.2.2 To provide municipal services and public utilities appropriate to a rural context in a financially responsible manner.
- 4.2.3 To enact and administer cost recovery tools available to the Municipality through legislation.

## 5.0 AGRICULTURAL OBJECTIVES, PRIORITIES AND POLICIES

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### 5.1 AGRICULTURAL DEVELOPMENT OBJECTIVES

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- 5.1.1** To promote the continuation and diversification of agricultural industry and to ensure agriculture remains the primary land use in the Municipality.
- 5.1.2** To protect high quality agricultural land (defined as any quarter section in which the majority (50 per cent or more) of agricultural land is Class 1 to 3 based on the Canada Land Inventory (CLI) for agricultural operations and grain farming (see Appendix A).
- 5.1.3** To encourage and protect a wide range of viable agricultural and agriculturally supportive development to maintain and enhance agricultural resources, holdings, operations and the agricultural community.
- 5.1.4** To encourage developments and subdivisions which:
- i.** Do not remove high quality agricultural land from agricultural production;
  - ii.** Do not require an expensive high level of municipal services; and,
  - iii.** Do not needlessly reduce the viability of agricultural holdings.
- 5.1.5** To recognize the "Right to Farm" in the policies of this OCP. This will be implemented through OCP policies which support:
- Current agricultural operations, including those which may have been recognized by the Agricultural Operations Review Board for Saskatchewan; and
- New proposed agricultural operations, which in Council's opinion conform to the intent of Sections 29 and 43 of *The Planning and Development Act, 2007*.

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### 5.2 GENERAL AGRICULTURAL PRIORITIES

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Agricultural development within the municipality shall:

- 5.2.1** Retain and enhance the agricultural land resource by allowing limited numbers of subdivisions per quarter section, or equivalent, and setting a minimum size for the remaining portion of that land after such subdivisions occur;
- 5.2.2** Enhance economically sustainable resource development;
- 5.2.3** Support the agricultural community and economy, primarily by including policies to protect the "Right to Farm";
- 5.2.4** Require minimal municipal services; and

- 5.2.5** Minimize potential nuisance and conflicts through proper separation of incompatible land uses.

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### **5.3 AGRICULTURAL DEVELOPMENT PRIORITIES**

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The following lands shall be given a high priority for farming and agricultural production within the municipality:

- 5.3.1** Lands within the Agricultural Development district;
- 5.3.2** Lands with a CLI rating composed of more than 50 per cent of Class 1, 2 and 3; and
- 5.3.3** Lands which are in active agricultural production.

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### **5.4 OTHER LAND USES PRIORITIES**

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- 5.4.1** Lands within the Agricultural Resource districts may be developed for other land uses provided that:

- i.** Agricultural production is limited due to actual site conditions including poor drainage, high salinity, excessive slopes, stoniness and similar conditions (as documented in assessment records or in a report prepared by a professional agrologist);
- ii.** Minimal conflict with agriculture occurs; and
- iii.** The site conforms to the provisions of the Zoning Bylaw.

- 5.4.2** Other development in the Agricultural Development district may include:

- i.** Recreation (e.g. campgrounds);
- ii.** Low-density residential (e.g. dispersed single parcel only);
- iii.** Agricultural-related low-density dispersed commercial (i.e. livestock auction marts, animal clinics);
- iv.** Agricultural-related low-density dispersed industrial (i.e. grain storage, abattoirs);
- v.** Mineral extraction operations;
- vi.** Aggregate developments; and
- vii.** Heritage recognition and preservation.

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### **5.5 GENERAL AGRICULTURAL POLICIES**

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- 5.5.1** Land use apart from agricultural which are to be established within the Agricultural Resource districts shall be encouraged to locate in proximity to:

- i. Existing agricultural-related commercial and industrial development;
- ii. High standard roads; and
- iii. Subject to Sections 5.7 and 11.6, the Hamlet of Uhl's Bay.

**5.5.2** Land within the Agricultural Development districts shall be zoned Agricultural.

**5.5.3** Any use of land, an existing building or any building lawfully under construction at the date of approval of this bylaw, although such use or building does not conform to the regulations of this bylaw, shall be carried on in accordance with the provisions of Sections 88 to 93 inclusive, of *The Planning and Development Act, 2007*.

**5.5.4** Council may classify agricultural developments and establish development standards for specific agricultural uses in the Zoning Bylaw, to ensure effective land use management and compatibility, servicing, and environmental protection.

**5.5.5** The Agricultural Zoning districts may accommodate uses which help to promote agricultural development or uses that do not conflict with agricultural development.

**5.5.6** Council shall require that test holes and wells that have been abandoned or have not been used in the past 60 months be decommissioned by the registered property owner in compliance with the Water Security Agency (WSA) recommended practices to protect water quality.

**5.5.7** While development of renewable energy is often desirable, it is important to proactively outline specific guidelines and standards to manage this type of use. Doing so, in a proactive and clear manner is likely to minimize potential land use and conflicts, while providing clarity to project developers.

The following renewable energy project developments shall be permitted at the discretion of Council, including:

- i. Solar energy systems;
- ii. Wind energy (large and small);
- iii. Geo-exchange systems; and
- iv. Biomass district energy systems.

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## **5.6 INTENSIVE LIVESTOCK OPERATIONS POLICIES**

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**5.6.1** Provincial regulations under *The Agricultural Operations Act* require permits for most ILOs. The approval process under those regulations also considers whether ground and surface water supplies are adequate to serve new ILOs and can be protected from contamination by the increased manure produced in the proposed facilities.



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

- 5.6.2** ILOs shall be discretionary uses in the Zoning Bylaw. Any expansion of an operation to provide for a greater number of animal units as defined in the Zoning Bylaw, or any change in an operation which alters the species of animal, shall be discretionary, and shall require a new development permit application.
- 5.6.3** Unless a permit is required by the Ministry of Agriculture (MOA) due to the area of animal confinement for a specific operation being classed as an ILO by the Ministry, the Zoning Bylaw may provide for the temporary confinement of cattle or other species listed in the definition of animal units on a farmstead during winter months as part of a permitted use in a general mixed farm operation. The bylaw may also provide for other temporary holding and loading facilities as discretionary uses subject to discretionary conditions, including maximum number and time confinement.
- 5.6.4** Council shall assess the availability and sustainability of potable water before approving large scale developments that are dependent on ground or surface water.
- 5.6.5** In order to minimize conflict between ILO and surrounding development, Council will consider applications for development of an ILO as a discretionary use in the Zoning Bylaw and apply the following criteria:
- i.** The applicant must demonstrate, to the satisfaction of Water Security Agency (WSA), MOA and Council that the water supply is sufficient for the development, and that the supply for neighboring developments will not be adversely affected by the proposed operation;
  - ii.** The minimum separation distances will be established in the Zoning Bylaw to determine acceptable locations;
  - iii.** A greater separation may be needed from any liquid manure storage lagoon involved in the operation, to residential and other developments. The criteria of a separation distance to the lagoon from a dwelling of 1.5 times the distance as established in the Zoning Bylaw will be considered adequate;
  - iv.** Council may consider lesser separation distances to those established in the Zoning Bylaw where:
    - a.** *Written notice approved by Council has been given to the owner of any dwelling, tourist, commercial or industrial use within the distance as established in the Zoning Bylaw, and to the hamlet board of an organized hamlet or Council of an urban municipality with the specified distance, and*
    - b.** *A public hearing has been held. Council may approve (with or without conditions) or refuse a proposal based on any problems identified.*
  - v.** As a condition of approval, Council shall specify the maximum number of animal units for which the approval is made; and may impose standards to reduce the potential for conflict with neighboring uses which specify the location of holding areas, buildings or manure storage facilities on the site.

- vi. As a condition of approval, Council may specify requirements based on development standards in the Zoning Bylaw regarding the disposal of manure produced by the ILO, or other measures intended to reduce odour, environmental problems, or conflict with neighboring uses from an ILO.
- vii. Manure Treatment and Application activities:
  - a. *Facilities to treat ILO manure and areas proposed for disposal of manure from an ILO will be considered as part of the specific conditions for ILOs, which will be discretionary uses in the Zoning Bylaw; and*
  - b. *Such disposal will be subject to special standards or location requirements specified in the Zoning Bylaw that are intended to reduce the potential for land use conflicts.*

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## 5.7 “RIGHT TO FARM” POLICIES

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Subject to Sections 4.1 and 5.1, farmers shall be encouraged to follow generally accepted farming practices as may be determined by the Agricultural Operations Review Board to achieve efficient operations, sound resource management and environmental quality.

**5.7.1** The purpose of this section shall be to support the preservation of traditional agricultural operations and farming within the municipality and to manage the long-term development in this district in that context.

**5.7.2** The “Right to Farm” in the municipality is hereby recognized to exist as a natural right. Most types of traditional agriculture will be permitted uses in the Zoning Bylaw, except for certain uses which may generate excessive odour or nuisance including, but not limited to, ILOs. These types may be classed as discretionary uses or prohibited at certain locations.

The “Right to Farm” shall include all generally accepted agricultural practices including, but not limited to, the spraying of herbicides and insecticides subject to provincial or federal regulations governing the use of approved chemicals for that purpose. As well, it is understood that the traditional agricultural activities associated with the “Right to Farm” may occur on holidays, Sundays, weekends, at night and during the day; and the noise, odours, fumes and dust that are caused by these activities are specifically permitted as part of this right. Council does not intend to adopt policies or regulations affecting these activities.

The only exception to control of these activities may be if a conflict with *The Agricultural Operations Act*, or a clear invalidation by a decision of the Agricultural Operations Review Board established by that Act occurs. In either case, Council shall not be required to amend this OCP to affect or regulate such activity since it is not within the municipality’s jurisdiction under the Act. Unless required by law to amend this OCP or the Zoning Bylaw to conform to provincial acts or regulations, the municipality shall not be required to enforce a decision of the Board through these land use policies or regulations.

**5.7.3** Developments which are predominantly agricultural in nature or are supportive of the agricultural industry shall be encouraged throughout the Agricultural district.

Any conflict between an agricultural use and another use shall be resolved in favour of the agricultural use unless, in Council's opinion, such a decision would threaten the health, safety and general welfare of the inhabitants of the municipality, as outlined in Section 45 of *The Planning and Development Act, 2007*.

## 6.0 RESIDENTIAL DEVELOPMENT OBJECTIVES, PRIORITIES AND POLICIES

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### 6.1 RESIDENTIAL DEVELOPMENT OBJECTIVES

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- 6.1.1 To manage population growth and development appropriately, while balancing the protection of high-quality agricultural land with the increasing demand for residential development through the creation of specific future growth areas for these and other uses as part of the OCP policies, and by limiting the number of new residences allowed in those districts (see OCP Maps).
- 6.1.2 To ensure that all lake shore development occurs at densities and locations which are appropriate, both to the neighbouring land uses and the type of shoreline and natural environment at the sites in question, by prohibiting encroachment on municipal, public and environmental reserves, and by protecting and enhancing public use, water quality and fishing resources.
- 6.1.3 To provide opportunities for dispersed and clustered residential development at appropriate locations throughout the Municipality that result in limited land use conflicts and environmental impacts.
- 6.1.4 To ensure that residential development provides a high quality of life to current and future ratepayers through appropriate design, density, and location.
- 6.1.5 To minimize the costs incurred by the Municipality related to residential development.

### 6.2 RESIDENTIAL DEVELOPMENT PRIORITIES

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- 6.2.1 To provide for a range of residential development opportunities in the Municipality to serve agricultural, recreation, and residential interests of current and future ratepayers.
- 6.2.2 To manage residential development in a manner that minimizes the cost incurred by the Municipality.
- 6.2.3 Specific to medium to high-density developments, to provide a high-quality of life to current and future ratepayers through well planned residential developments.
- 6.2.4 To minimize the impacts of development on the environment, heritage, and culture.
- 6.2.5 To provide fair and balanced levels of public service to residential developments.

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### 6.3 GENERAL RESIDENTIAL POLICIES

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- 6.3.1** Generally, residential development shall be permitted in order to achieve a pleasant living environment which maintains its value, where land use conflicts can be avoided and where efficient, cost-effective, uniform municipal services can be provided.
- 6.3.2** Conversion of existing non-residential buildings to residential use shall not be allowed, unless it meets or exceeds the National Building Code of Canada and all required provincial and municipal policy.
- 6.3.3** Existing, undeveloped abandoned school sites shall be encouraged to amalgamate with the adjacent quarter sections.
- 6.3.4** In addition to any single parcel residential subdivision which may be allowed by Sections 6.4 or 6.5, one additional residential subdivision may occur on that part of a quarter section or equivalent, which is physically isolated or “cut off” from the bulk of a quarter section in accordance with the following:
- i.** The property is cut-off by a highway, road, railway, drainage channel or any combination thereof; and
  - ii.** The subject property must be rezoned to an appropriate zoning district prior to being subdivided.
- 6.3.5** All existing vacant registered sites (registered by a separate title, before the effective date of this OCP), which are below eight (8) hectares (19.8 acres) in size shall be rezoned to an appropriate residential zoning district before a development permit for a new residence may be granted.
- 6.3.6** At Council's discretion, existing vacant sites which are less than one (1) hectare (2.5 acres) are not eligible for residential zoning or development permits unless they have access to communal or on-site water and sewer service provisions.
- 6.3.7** Either show that land is free from all geotechnical, slumping and flooding problems; or show that identified problems can be remediated (at no cost to the municipality) by the developer and/or the subsequent owner of each proposed site to be created;
- 6.3.8** Where ground or surface water is to be a source of potable water for a development, or the development may affect the ground or surface water used for irrigation or potable water by other landowners. The following policies apply:
- i.** Protect the quality of both surface water and groundwater;
  - ii.** Council may require a developer to provide a detailed hydrogeological study to prove that the development can proceed as proposed without negatively affecting the quality or quantity of the water source;
  - iii.** Council shall require that test holes and wells that have been abandoned or have not been used in the past 60 months be decommissioned by the registered property owner in compliance with the Water Security Agency (WSA) recommended practices to protect water quality;

- iv. Council may create and maintain an inventory of potential contamination sources and areas of groundwater and aquifer vulnerability;
- v. Council shall implement appropriate enforcement mechanisms for unauthorized excavations and other activities that could damage or pollute ground or surface water; and
- vi. Council shall assess the availability and sustainability of potable water before approving large developments that are dependent on ground or surface water.

**6.3.9** While development of renewable energy is often desirable, it is important to proactively outline specific guidelines and standards to manage this type of use. Doing so, in a proactive and clear manner is likely to minimize potential land use and conflicts, while providing clarity to project developers.

The following renewable energy project developments shall be permitted at the discretion of Council, including:

- i. Solar energy systems;
- ii. Wind energy (large and small);
- iii. Geo-exchange systems; and
- iv. Biomass district energy systems.

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## **6.4 FARM RESIDENCE POLICIES**

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**6.4.1** A maximum of two single-detached or dormitory dwellings shall be permitted on each agricultural farmyard. A guest suite as may be allowed by Council as a discretionary use (under Section 2.8.2), shall not be considered as exceeding the maximum number of allowable dwellings specified in this subsection.

**6.4.2** Council may, at their discretion, allow a mobile home as an alternative to a single-detached dwelling on a farmyard where Council is fully satisfied the dwelling is required as an accessory to the principal agricultural use:

**6.4.3** Additional single-detached or dormitory dwellings shall conform to the following:

- i. All dwellings shall locate in or immediately adjacent to, the same yard site;
- ii. Additional dwellings shall be allowed only as accessory uses to the viability of the agricultural operation;
- iii. All development, servicing and environmental concerns shall be appropriately addressed;
- iv. A separate subdivision will be allowed for only one of the dwellings allowed above. The remaining dwellings must not be subdivided from the quarter section or equivalent.

## 6.5 LOW-DENSITY NON-FARM RESIDENTIAL DEVELOPMENT POLICIES

**6.5.1** Council may accommodate low-density, non-farm residential development in two basic ways:

- i. Low-density dispersed single parcel residential development and subdivision; or
- ii. Multi-parcel residential development and subdivision;

**6.5.2** Low-density non-farm single parcel residential development may occur in the Agricultural zoning districts in accordance with the following:

- i. Low-density non-farm single parcel residential development shall be serviced with on-site water and sewage facilities;
- ii. For the Country Residential 1 District, only one residential site per quarter section or equivalent is allowed. Except for minor alterations of existing site lines, re-subdivision of properties zoned as CR1 shall be prohibited;
- iii. Low-density single parcel non-farm residential development shall not be encouraged to locate adjacent to urban municipal boundaries;
- iv. Rezoning shall be required prior to subdivision approval; and
- v. Council may establish one or more low-density single parcel residential zoning districts in the Zoning Bylaw to manage this type of residential development.
- vi. 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.

**6.5.3** Multi-parcel residential development may occur in the CR2 zoning district in accordance with the following:

- i. Except for minor adjustments to site lines, applications for multi-parcel residential development shall be subject to the following conditions:
  - a. *Subject to Section 6.6.1, a maximum of 50 per cent of the total number of sites in the proposed development shall be at the minimum size allowable for the approved zoning district. All other sites shall be a least 40 per cent larger than the minimum allowable site sizes for new subdivisions in the zoning district; and*
  - b. *Re-subdivision of a CR2 parcel shall be prohibited.*
- ii. Multi-parcel low density non-farm residential development shall meet the following management criteria:
  - a. *Such uses may be developed on lands with a CLI agricultural soil capability rating of primarily Class 4 - 7 and shall be prohibited on land with at least 50 per cent of the land rated as Class 1, 2 and 3.*
  - b. *Such uses may locate in the CR2 development district regardless of soil class.*
  - c. *Council shall give preference to development and subdivision proposals which are in close proximity to paved roads and provincial highways.*

- d. *Rezoning shall be required prior to subdivision approval.*
- e. *Council may establish one or more multi-parcel residential zoning districts in the Zoning Bylaw to manage this type of residential development.*

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## **6.6 LOW-DENSITY COUNTRY RESIDENTIAL DEVELOPMENT POLICIES**

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**6.6.1** For the purposes of this section of the OCP, “Low-Density” shall mean any subdivision or condominium proposal which has a density of no greater than 16 sites per 64.75 hectares (160 acres) or less depending on the total land area (i.e. including all roads, parks, public or communal land etc.) being subdivided. Council may accommodate such development by choosing to rezone land which has been proven to be safe for such uses by favourable engineering studies which:

- i. 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;
- ii. *Such uses may be developed on lands with a CLI agricultural soil capability rating of primarily Class 4 - 7 and shall be prohibited on land with at least 50 per cent of the land rated as Class 1, 2 and 3; and*
- iii. Council also intends to minimize the effect of non-farm development on Municipal finances, agricultural activities and environmentally sensitive areas.

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## **6.7 MEDIUM-DENSITY COUNTRY RESIDENTIAL DEVELOPMENT POLICIES**

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**6.7.1** For the purposes of this section of the OCP, “Medium-Density” shall mean any subdivision or condominium proposal which has a density of no greater than 40 sites per 64.75 hectares (160 acres) or less depending on the total land area (i.e. including all roads, parks, public or communal land etc.) being subdivided. Council may accommodate such development by choosing to rezone land which has been proven to be safe for such uses by professional engineering studies which:

- i. Show that all proposed sites being subdivided will be serviced (at no cost to the municipality) with communal, on-site sewer and water services; unless Council negotiates other servicing options and responsibilities; and
- ii. *Such uses may be developed on lands with a CLI agricultural soil capability rating of primarily Class 4 - 7 and shall be prohibited on land with at least 50 per cent of the land rated as Class 1, 2 and 3.*

**6.7.2** Rezoning to allow these types of new residential clusters will only be allowed if they are within approximately .8 km. (1/2 mile) of a paved provincial highway and conform to all other plan policies. The intended areas for these Medium-Density CR subdivisions are shown on the Future Growth Map, which forms part of this Plan.



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## 6.8 MOBILE HOME POLICIES

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**6.8.1** General: Mobile homes shall be allowed as discretionary uses in the AR1, AR2 and H Districts, but shall be prohibited uses in the CR1, CR2, LS1, LS2 and RR Districts.

**6.8.2** Mobile Home Parks: New mobile home parks shall not be allowed in the municipality.

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## 6.9 HAMLET (UHL'S BAY) DEVELOPMENT POLICIES

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**6.9.1** Hamlet shall mean the Hamlet of Uhl's Bay.

**6.9.2** Hamlets shall be managed as follows:

- i. The subdivision of land to create new sites shall be prohibited; and
- ii. New development shall be restricted to public utilities, recreation uses, commercial developments, residential development and existing uses.

**6.9.3** New residential development shall be limited to specific sites as identified in the Zoning Bylaw.

**6.9.4** Zoning Implementation:

- i. Council may establish a hamlet zoning district in the Zoning Bylaw; and
- ii. Hamlet development standards and requirements may be further specified in the Zoning Bylaw.

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## 6.10 RECREATIONAL RESORT (SUN DALE BEACH) DEVELOPMENT POLICIES

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**6.10.1** Recreational Resort shall mean the Recreational Resort of Sun Dale Beach.

**6.10.2** The intent of this type of residential development is to allow a compatible mix of medium to high-density residential and resort uses at appropriate locations. Higher density may be required in some areas to support the extra services and sustainable features that make the development more sustainable, without requiring the Municipality to supply or operate those services. Council may consider allowing suitable proposals to allow medium to high-density residential and resort uses provided the applicant agrees to ensure conformity to this Plan by planning for piped services, land use compatibility, and protection of the environment. Contract Zoning may also be used in such areas, subject to Section 11.7 of this Plan.

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## **6.11 LAKESHORE DEVELOPMENT POLICIES**

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**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 road way 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.

## 7.0 BUSINESS (COMMERCIAL AND INDUSTRIAL) OBJECTIVES, PRIORITIES AND POLICIES

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### 7.1 BUSINESS (COMMERCIAL AND INDUSTRIAL) DEVELOPMENT OBJECTIVES

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- 7.1.1** To encourage a variety of business development that minimizes land use conflict and environmental concern while serving the needs of the ratepayers of the municipality and the travelling public.
- 7.1.2** To encourage a variety of high-quality business development through appropriate subdivision design density, and location.
- 7.1.3** To ensure that business development takes place in a manner which can be economically and efficiently serviced
- 7.1.4** To promote business development by providing larger sites (with limited infrastructure services) than are usually feasible in urban areas for industrial uses which serve the agricultural, resource extraction, or transportation sectors.

### 7.2 BUSINESS PRIORITY

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To encourage and enhance a variety of business development opportunities within the Municipality while supporting agri-business as the primary economic activity.

### 7.3 GENERAL BUSINESS POLICIES

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- 7.3.1** Council shall encourage a variety of commercial and industrial developments within the municipality.
- 7.3.2** Development Criteria: All commercial and industrial development shall adhere to the following criteria:
- i.** Minimize conflict with agriculture, critical wildlife and mineral extraction areas, and avoid/protect heritage resources, groundwater and surface water resources, and water supply;
  - ii.** Minimize disruption to environmentally sensitive land and vegetation, and avoid pollution;
  - iii.** Minimize conflicts with urban municipalities, adjacent land uses, agricultural operations and residences. The production of noise, odour, vibration, dust, traffic, fumes or other noxious emissions from certain commercial or industrial uses may be prohibited or controlled in the Zoning Bylaw if not already regulated by provincial or national acts or regulations;
  - iv.** Minimize negative effects to lands which have a CLI agricultural capability rating of Classes 2 and 3 for the majority of the locale in question;

- v. Locate adjacent to highways, paved roads, and developed municipal roads;
- vi. Compliment preferred traffic patterns and maximize the use of internal roads; and
- vii. Site Size and Use: Generally, large sites are required to accommodate truck traffic and higher parking needs for industrial or commercial uses, which are not suitable in higher density residential areas. Smaller sites may be considered by Council to accommodate neighbourhood convenience and amenity commercial activities.

**7.3.3** The Zoning Bylaw shall contain requirements for on-site parking facilities and loading areas in districts which allow commercial and industrial uses.

**7.3.4** While development of renewable energy within communities is often desirable, it is important for communities to proactively outline specific guidelines and standards to manage this type of progress. Doing so, in a proactive and clear manner is likely to minimize potential land use and community conflicts, while providing clarity to project developers.

The following renewable energy project developments shall be permitted at the discretion of Council, including:

- i. Solar energy systems;
- ii. Wind energy (large and small);
- iii. Geo-exchange systems; and
- iv. Biomass district energy systems.

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## **7.4 COMMERCIAL DEVELOPMENT MANAGEMENT POLICIES**

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Council shall manage commercial development in two basic ways:

- i. As concentrated commercial development; and
- ii. As dispersed commercial development.

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## **7.5 CONCENTRATED COMMERCIAL DEVELOPMENT POLICIES**

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**7.5.1** Concentrated commercial development includes, but shall not be limited to, business uses, retail uses, office uses, administration uses and recreational uses.

**7.5.2** Concentrated commercial development and zoning shall be accommodated in the Commercial /Light Industrial District. Concentrated commercial development and zoning may be accommodated in other areas of the municipality at the discretion of Council in other districts.

**7.5.3** Council may require existing vacant commercial sites to be developed prior to approving additional concentrated commercial sites by subdivision or rezoning.

- 7.5.4** New concentrated commercial development may be required to locate in close proximity to urban centres, highways, or existing commercial development.

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## **7.6 DISPERSED COMMERCIAL DEVELOPMENT POLICIES**

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- 7.6.1** Dispersed commercial development includes, but shall not be limited to, commercial development which involves agricultural related commercial uses, recreational uses or retail uses.
- 7.6.2** Dispersed commercial development and zoning shall be accommodated in the Highway Commercial/Industrial District. Dispersed commercial development and zoning may be accommodated in other areas of the municipality at the discretion of Council in other districts.
- 7.6.3** The intent of dispersed commercial development is to accommodate appropriate commercial uses that require access to a highway and a certain degree of separation from other uses due to potential for noise and pollution.
- 7.6.4** Dispersed commercial development shall be limited in the RR, LS1, LS2, CR2 or H district.

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## **7.7 COMMERCIAL ZONING POLICIES**

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- 7.7.1** Commercial development may be managed by establishing one or more zoning districts in the Zoning Bylaw, in accordance with the two basic forms of commercial development described above.

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## **7.8 INDUSTRIAL DEVELOPMENT MANAGEMENT POLICIES**

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- 7.8.1** Council shall manage industrial development in two basic ways:
- i.** As concentrated light industrial development; and
  - ii.** As dispersed medium or heavy industrial development.
- 7.8.2** Both types of industrial development mentioned above shall generally require large sites to accommodate truck traffic, higher parking needs or industrial uses not suitable in concentrated residential or urban areas.
- 7.8.3** Facilities and sites which are designed or intended for the storage or disposal of private, commercial, industrial, toxic or contaminated waste or garbage shall be prohibited within the municipality, outside of an approved waste collection and disposal site.

- 7.8.4** Oil and gas exploration and drilling shall be permitted uses throughout the Agricultural Development district. No drilling shall be allowed within the setbacks from any dwelling (currently 75 metres) allowed by the provincial regulations administered by Saskatchewan Ministry of Energy and Resources.

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## **7.9 CONCENTRATED LIGHT INDUSTRIAL DEVELOPMENT POLICIES**

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- 7.9.1** Concentrated light industrial development includes, but is not limited to, industrial development involving light manufacturing and mechanical repair uses, central services, highway access, paved internal roads (preferred), storm sewers, small sites; and minimal pollution, noise, odour, dust, vibration, fumes and other nuisance factors.
- 7.9.2** Concentrated light industrial development shall be encouraged to locate in approved industrial parks in order to maximize resource management, municipal services, land use compatibility and environmental protection. Heavy industrial development shall be prohibited in the C1 District.

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## **7.10 DISPERSED INDUSTRIAL DEVELOPMENT POLICIES**

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- 7.10.1** Dispersed medium or heavy industrial development includes, but is not limited to, industrial developments involving manufacturing, salvage yards, agricultural related uses, sand and gravel storage, aggregate mixing sites, landscaping and supply yards, potentially hazardous uses, on site services, rail service (optional), potential noise, odour, vibration, fumes, other nuisance factors and pollution.
- 7.10.2** Dispersed light or medium industrial development may occur throughout the municipality but shall not occur in any commercial, or residential district. Medium and Heavy industrial development shall be permitted in the C2 District.

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## **7.11 INDUSTRIAL ZONING POLICIES**

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- 7.11.1** Industrial development may be managed by establishing one or more zoning districts in the Zoning Bylaw, in accordance with the two basic forms of industrial development described above.

## 8.0 RECREATION OBJECTIVES, PRIORITIES AND POLICIES

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### 8.1 RECREATION OBJECTIVES

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- 8.1.1** To promote recreational development and ensure it does not conflict with adjacent land uses, particularly agricultural, industrial, and country residential development.
- 8.1.2** To acknowledge the recreational value of Last Mountain Lake, its tributaries, and Rowan's Ravine Provincial Park.
- 8.1.3** To recognize the interrelationship between passive recreational land use and conservation policies.
- 8.1.4** To ensure that recreational developments do not place disproportionate demands for municipal services or extensive improvements to existing services.
- 8.1.5** To recognize and protect historical and environmental features and wildlife habitat from unauthorized and intensive recreational use.

### 8.2 RECREATION PRIORITY

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To provide recreation opportunities that support healthy and active lifestyles where appropriate, while balancing the preservation and protection of agriculture and environmental land.

### 8.3 RECREATION POLICIES

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- 8.3.1** 8.2.1. Recreational development (active or passive);
  - i.** Shall be restricted wherever possible, to lands of low agricultural capabilities;
  - ii.** May be considered:
    - a.** Contiguous to or within the boundaries of a multi-parcel country residential subdivision where it is complementary to country residential lifestyle pattern;
    - b.** Where it is complementary to existing land conservation districts;
    - c.** Where it will not conflict with the agricultural community and conservation of ecological preserves.
  - iii.** Shall be designed in a manner which can be adequately supervised and policed.
- 8.3.2** Recreational uses shall not occur within the distances of an intensive livestock operation as outlined in Section 5.6.6.
- 8.3.3** Commercial recreation uses should comply with the general intent of the Business Policies outlined in Section 7.

**8.3.4** While development of renewable energy is often desirable, it is important to proactively outline specific guidelines and standards to manage this type of use. Doing so, in a proactive and clear manner is likely to minimize potential land use and conflicts, while providing clarity to project developers.

The following renewable energy project developments shall be permitted at the discretion of Council, including:

- i. Solar energy systems;
- ii. Wind energy (large and small);
- iii. Geo-exchange systems; and
- iv. Biomass district energy systems.



## 9.0 ENVIRONMENTAL MANAGEMENT OBJECTIVES, PRIORITIES AND POLICIES

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### 9.1 GENERAL

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This chapter establishes priorities and policies to protect and manage specific natural resources in the municipality.

**9.1.1** To identify environmentally sensitive lands and resources and establish policies which recognize the various constraints which may exist in different situations.

**9.1.2** Environmentally sensitive lands shall be shown as an ES Overlay district on the OCP and Zoning maps. Recognizing the scale limitations of those maps, the ES Overlay district is meant to include lands with the following characteristics:

- i. Designated lands;
- ii. Steep slopes;
- iii. Known ground water supplies;
- iv. High water tables;
- v. Marshes;
- vi. Areas adjacent to water courses;
- vii. Flooding;
- viii. Water or wind erosion;
- ix. Aquifer recharge capability;
- x. Slope instability or slumping;
- xi. Expansive soils involving shrinking, swelling, frost heaves, etc.; and
- xii. Lands sensitive to aquifer pollution and rapid vegetative destruction.

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### 9.2 ENVIRONMENTAL MANAGEMENT OBJECTIVES

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**9.2.1** To ensure that conservations principles complement agricultural development and activity.

**9.2.2** To avoid and minimize the impacts of flooding and allow new development only in areas which are not subject to slumping or erosion.

- 9.2.3** To assist in the protection of source water and groundwater supply from overuse and pollution.
- 9.2.4** To protect and assist landowners in managing critical wildlife land and resources from negative effects due to development or subdivision.
- 9.2.5** To protect heritage, archeological, other cultural resources from incompatible development.
- 9.2.6** To allow land uses that are compatible with and complementary to the natural character and features of Last Mountain Lake and its tributaries.

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### **9.3 ENVIRONMENTAL MANAGEMENT POLICIES**

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- 9.3.1** Environmentally sensitive lands shall be protected and carefully managed:
  - i.** In recognition of their respective limitations and opportunities;
  - ii.** To achieve resource protection;
  - iii.** To avoid excessive development and maintenance costs; and
  - iv.** To minimize environmental disruption and pollution
- 9.3.2** To protect the environment from negative impacts associated with development, especially in and around Last Mountain Lake and its tributaries.
- 9.3.3** To provide appropriately sized environmental reserves throughout the Municipality that provide safe and natural areas for wildlife and its habitat.
- 9.3.4** To protect current and future ratepayers from impacts associated with flooding and ground instability.
- 9.3.5** To protect and preserve NE 09-23-23 W2 (the areas know as Fox's Point) as an environmental preserve within the Municipality for the enjoyment of current and future ratepayers.
- 9.3.6** To require the appropriate remediation of gravel quarries and abandoned water wells in the Municipality to protect source water and groundwater sources.

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### **9.4 ENVIRONMENTAL MANAGEMENT POLICIES**

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- 9.4.1** Developments which generate pollution or have the potential to generate pollution shall be prohibited on environmentally sensitive lands.
- 9.4.2** Council shall encourage landowners and developers to utilize conservation practices to reduce environmental hazards to structures and ratepayers.

- 9.4.3** Performance bonds, irrevocable letters of credit, Interests filed on land titles, and/or liability insurance may be required from a developer, as part of a servicing or development agreement or as a development permit condition, to avoid unnecessary municipal administration, inconvenience and expenditures, to protect the public interest, and to notify future landowners of municipal servicing considerations or environmental limitations for the subject land.

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## **9.5 SURFACE WATER POLICIES**

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- 9.5.1** Council shall require adequate surface water drainage that avoids flooding, erosion and pollution throughout the municipality and on new development sites. Consideration shall be given to the ecological, wildlife habitat and drainage effects of development, including the upstream and downstream implications.
- 9.5.2** Water bodies or water courses shall not be filled or altered without the prior approval of the WSA and Council.
- 9.5.3** Management: Water bodies and water courses shall be managed as follows:
- i.** Natural vegetation shall be preserved to prevent bank erosion;
  - ii.** Unauthorized water body or water course dredging and filling shall be prohibited;
  - iii.** Periodic cleaning of man-made drains shall be encouraged;
  - iv.** Channel improvements shall be carefully designed and constructed; and
  - v.** Water control structures shall be designed in accordance with the standards approved by the WSA.
- 9.5.4** New developments and subdivisions which are adjacent to water bodies or water courses shall be developed to retain stormwater on-site and match the release rate of the post-development to pre-development conditions, while minimizing erosion and maximizing the protection of water quality.
- 9.5.5** Unauthorized drainage of surface water from any land throughout the municipality shall be prohibited. Individuals shall be required to obtain authorization from WSA prior to taking any measures to drain surface water from their land.

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## **9.6 GROUND WATER POLICIES**

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- 9.6.1** Development shall not deplete or pollute ground water resources within the Municipality. Council shall cooperate with provincial and federal agencies and regulators and adjacent municipalities in this regard.

- 9.6.2** Where insufficient information exists regarding the suitability or capacity of an aquifer for a proposed development, Council may require the developer to provide the necessary report, at his/her cost.
- 9.6.3** Council shall require that test holes and wells that have been abandoned or have not been used in the past 60 months be decommissioned by the registered property owner in compliance with WSA recommended practices to protect water quality.

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## **9.7 FLOODING POLICIES**

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- 9.7.1** Council shall co-operate with WSA to minimize and prevent flooding within the Municipality.
- 9.7.2** 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 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.
- 9.7.3** Council shall manage development and subdivision proposals in consideration of WSA and the MOE flood hazard prevention recommendations.
- 9.7.4** Where sufficient information exists regarding the potential for flooding in a proposed development (i.e. LIDAR Data), Council may require the developer to provide the necessary information required to satisfy their concerns, at his/her cost.

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## **9.8 SLUMPING AND EROSION POLICIES**

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- 9.8.1** Council shall manage development and subdivision proposals in consideration of any existing slump or erosion hazard prevention reports.
- 9.8.2** Where sufficient information exists regarding the potential for erosion or slumping in a proposed development, Council may require the developer to provide the necessary information required to satisfy their concerns, at his/her cost.

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## **9.9 SOIL DISRUPTION POLICIES**

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- 9.9.1** Developments shall minimize soil erosion and topsoil disruption in order to avoid pollution, slope instability, silting and the undesirable alteration of surface drainage and ground water.

- 9.9.2** As a condition of any service agreement, Council shall require the submission of a landscape plan that shows any planned soil disruption and outlines any planned mitigation measures.
- 9.9.3** Council shall use the regulations of the Zoning Bylaw to prevent or minimize soil erosion and the unauthorized permanent removal of topsoil due to new development. The Zoning Bylaw may require landscaping plans to be submitted for municipal review and approval for specific types of development.

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## **9.10 VEGETATION POLICIES**

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- 9.10.1** Development shall not needlessly destroy existing trees, vegetation and unique flora.
- 9.10.2** The planting of new vegetation and the implementation of protective vegetation measures shall be encouraged in conjunction with new development throughout the Municipality. Landscaping plans for certain developments may be required for certain development as outlined in the Regulations of the Zoning Bylaw.

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## **9.11 NATURAL HABITAT POLICIES**

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- 9.11.1** Wildlife, vegetation and unique ecological habitats shall be preserved.
- 9.11.2** Development in unique ecological habitats shall be subject to protective development standards.
- 9.11.3** Development and cultivation of low grade and undeveloped road allowances shall be limited to protect nesting areas for song and game birds by Council attaching conditions to any agricultural lease it may approve for road allowance areas. Such road allowances will only be maintained by the municipality to the extent necessary, in Council's opinion, for access to agricultural land.
- 9.11.4** Council shall work with provincial and federal agencies to protect any significant heritage resources, critical wildlife habitat, wetlands and rare or endangered species located on land proposed for development. Where significant potential for such has been found, Council may defer issuing a permit for any development until such time as the requirements of the relevant provincial agencies to protect such resources have been obtained.

## 10.0 COMMUNITY SERVICE OBJECTIVES, PRIORITIES AND POLICIES

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### 10.1 COMMUNITY SERVICING OBJECTIVES

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- 10.1.1** To ensure that developments with similar servicing requirements are suitably located and phased to achieve uniform, efficient and cost-effective services.
- 10.1.2** To provide an adequate level of public utilities, services (including those appropriate to a rural context), and programs to meet the needs of the ratepayers of the municipality.
- 10.1.3** To explore the potential of sharing municipal services with adjacent municipalities where it is of mutual benefit and equity to the ratepayers of each jurisdiction.
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### 10.2 COMMUNITY SERVICE PRIORITIES

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The protection, efficiency and cost-effectiveness of existing public utilities and municipal utility priorities shall be major determinants of development and subdivision locations and patterns.

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### 10.3 COMMUNITY SERVICE MANAGEMENT POLICIES

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- 10.3.1** The purpose of the Community Service policies is to recognize that not all types of “urban” community services are required in a Municipality, and that Council will decide which services are appropriate dependent on the use and intensity of development and financial resources which are available to Council.
- 10.3.2** Council shall endeavor to encourage, develop, protect and maintain the following community services:
- i.** Public Facilities: Public facilities such as municipal buildings, recreational facilities, wildlife habitat, heritage sites, and similar uses.
  - ii.** Linear Utilities: Linear public utilities such as roads, railways, communication lines, distribution lines for potable water, power and natural gas, and similar uses.
  - iii.** Major or Sensitive Utilities: Potentially harmful public utilities or those which must be protected from encroachment to avoid land use conflict or ensure public safety, such as public wells, major power or natural gas transmission lines, airports, water reservoirs, sewage lagoons, solid waste and chemical can disposal facilities, and similar uses.
  - iv.** Public Services: Administrative services, police services, fire protection services, weed and rodent control.

**10.3.3** While development of renewable energy within communities is often desirable, it is important for communities to proactively outline specific guidelines and standards to manage this type of progress. Doing so, in a proactive and clear manner is likely to minimize potential land use and community conflicts, while providing clarity to project developers.

The following renewable energy project developments shall be permitted at the discretion of Council, including:

- i. Solar energy systems;
- ii. Wind energy (large and small);
- iii. Geo-exchange systems; and
- iv. Biomass district energy systems.

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#### **10.4 COMMUNITY SERVICE LOCATION POLICIES**

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New public and linear infrastructure shall be located in consultation with Council so as to achieve the following:

- 10.4.1** Maximum public benefit;
- 10.4.2** Minimal municipal construction and maintenance costs;
- 10.4.3** Minimal disruption to existing and proposed developments and public utility properties and the natural environment; and
- 10.4.4** Compliance with the OCP and Zoning Bylaw.

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#### **10.5 COMMUNITY SERVICE FINANCING POLICIES**

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##### **10.5.1** Municipal Financing for Public Services and Infrastructure

- i. Council shall provide public services and infrastructure in accordance with its financial capability and priorities.
- ii. Council shall give preference to developments and public infrastructure which maximize service and efficiency and minimize costs and maintenance to the Municipality.

##### **10.5.2** Cost-Sharing Related to Public Utilities

- i. Council shall ensure that all applicants for new developments and subdivisions requiring services from the Municipality pay for the full cost of planning, legal, design, installation, maintenance, and if necessary, supply of such services. If in Council's opinion, there will be significant public benefit provided by the development or subdivision to the Municipality and its ratepayers, Council may choose to negotiate a cost-sharing agreement with the developer for the installation (and if necessary, the supply) of those services.

- ii. Where the cost of providing or facilitating public infrastructure is, in Council's opinion, prohibitively expensive to construct or maintain, to protect municipal interests Council may:
    - a. Require a developer to enter into a development agreement, which may include, but is not limited to, payment by the developer of all charges incurred by the Municipality for professional and administrative services either on a site-by-site basis or other criteria as may be adopted or altered by a separate bylaw of Council;
    - b. Require a developer to enter into a subdivision servicing agreement;
    - c. Request proposal modifications;
    - d. Refuse to rezone land, issue development permits or recommend subdivision approval;
    - e. Specify appropriate development permit standards, conditions and requirements; and
    - f. Require the developer to pay for all or part of the cost of providing the service or public infrastructure, as deemed necessary by Council.
  - iii. Timing of Public Utilities: As a condition of a Development or Service Agreement, Developers may be required to provide public infrastructure, either prior to or within a defined period after development or subdivision is authorized.
  - iv. Performance Security: Performance bonds, irrevocable letters of credit, interests filed on land titles and/or liability insurance may be required from a developer as part of a servicing or development agreement, or as a development permit requirement, to avoid unnecessary municipal administration, inconvenience and expenditures, to protect the public interest and to notify future landowners of municipal servicing considerations or environmental limitations for the subject land.
- 10.5.3** If deemed required, the Municipality is authorized to establish a Development Levy Bylaw to recover the costs of services and facilities as prescribed by Section 169 of *The Planning and Development Act, 2007*, as updated from time to time.

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## 10.6 WATER SUPPLY AND SERVICE POLICIES

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- 10.6.1** Water Requirements: All developments which require water shall be adequately serviced with a potable and sufficient water supply, either on-site, or by a central water system. Developments which involve water haulage shall be discouraged.
- 10.6.2** Central Water: Pipelines owned and operated by public utility boards, which may be authorized by Council under *The Municipalities Act*, shall be allowed within road allowances subject to any terms and conditions that Council may impose, but shall not be owned or maintained by the Municipality.
- 10.6.3** All development shall be responsible for obtaining an approved Development Permit from the Municipality prior to constructing water works in the Municipality.
- 10.6.4** Council may require developers to provide professional, certified hydrogeological and servicing reports regarding:
- i. The availability of a potable, sufficient and regular water supply to service development;



- ii. How the water (including options) is to be made available to service the development;
- iii. Evidence that the proposed water service and development will not deplete or pollute existing water supplies and the ground water;
- iv. Evidence that no adverse effects will occur regarding adjacent land uses;
- v. Evidence of the issuance of a water rights license and approval to construct and operate water works from the WSA; or, in the case of a private well, evidence of a drilling log report and well registration from a water well drilling company registered with the WSA;
- vi. The mitigation of any adverse effects by special construction techniques;
- vii. Conformity with the Saskatchewan Health Authority, the Ministry of Environment (MOE) and WSA regulations and guidelines; and
- viii. The proposal's effect on municipal finances.

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## **10.7 SEWAGE SERVICE POLICIES**

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- 10.7.1** All development requiring sewage facilities shall be adequately serviced with an approved, on-site or central sewage system (e.g. holding tanks, septic tank, sewage lagoons, spray (jet) disposal), in accordance with provincial and municipal requirements.
- 10.7.2** All development shall be responsible for providing the Municipality with evidence of an approved Permit for Construction of a Sewage Works by the WSA; or in the case of private sewage works, evidence of an approved permit from the Saskatchewan Health Authority.
- 10.7.3** In the case of public infrastructure, the developer shall be responsible for providing the Municipality with evidence of a Permit to Operate a Sewage Works from the WSA when seeking to operate any sewage works; and when considering to cancel, amend, alter, or suspend their current Permit;
- 10.7.4** Self-contained, on-site facilities shall be preferred in the Agricultural Development Districts.
- 10.7.5** All development shall be responsible for obtaining an approved Development Permit from the Municipality prior to constructing Sewage Works in the Municipality.
- 10.7.6** The required separation distances between such facilities and other uses are shown in Table 2 below.

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## **10.8 SOLID WASTE DISPOSAL SERVICE POLICIES**

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- 10.8.1** All development requiring solid waste removal shall be adequately serviced by an approved solid waste disposal facility in the municipality or an adjacent urban or rural municipality in accordance with provincial and municipal requirements.

- 10.8.2** All domestic, industrial and toxic wastes shall be collected and disposed of according to federal, provincial and municipal requirements and guidelines.
- 10.8.3** Council shall support the operation of a public landfill site to be cost-shared among several municipalities in the area.
- 10.8.4** Council shall prohibit the development of facilities for disposal of private, commercial, industrial and toxic wastes.
- 10.8.5** Council shall require the continued use of solid waste collection by private contractors and the appropriate disposal of construction waste in an approved solid waste disposal facility.
- 10.8.6** The required separation distances between such facilities and other uses are shown in Table 2 below.

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## **10.9 SEPARATION DISTANCE POLICIES FOR SOLID AND LIQUID WASTE DISPOSAL FACILITIES**

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- 10.9.1** In order to minimize conflict between proposed solid or liquid waste disposal facilities (public and private) and surrounding development or vice versa, the separation distances included in Table 2 shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw.
- 10.9.2** Council may approve a separation of no more than 20 per cent less than the relevant separation shown in the Zoning Bylaw where the applicant submits a copy of an agreement between the operator of the facilities and the owner of the development, organized hamlet board or urban council, agreeing to such lesser separation. Agreements between an operator and an owner of another development must contain the provision that the parties to the agreement will caveat the agreement to the titles to 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* to attach the agreement as an Interest on the title of the affected lands.

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## **10.10 ROAD POLICIES**

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- 10.10.1** All new residential, commercial (including recreational) and industrial (including a public utility) development and proposed subdivision sites shall be serviced by an all-weather municipal road of sufficient standard, which may be defined in the Zoning Bylaw. Subject to Section 9.9 of this Plan, Council may require a developer to pay for all or part of the cost of on or off-site road upgrades to service such developments. Council may outline the municipality's requirements and standards for all public roads and, if necessary, private roads owned by a condominium corporation in a Design and Construction Standards Bylaw which may be adopted and amended as necessary by resolution of Council.

- 10.10.2** Dedication of a service road may be required by developers to ensure functional and safe vehicular access, particularly along highways and high traffic volume roads.
- 10.10.3** The demand for country residential sites is likely to continue given the Municipality's proximity to Regina. A limited number of non-farm subdivisions in the agriculture districts shall be allowed with a change of zoning to an appropriate zoning district; and where Council can manage the potential for land use conflict between agricultural and non-farm uses.
- 10.10.4** Council shall prefer non-farm residential development that takes advantage of proximity to provincial highways in the Municipality which offer better access to more employment opportunities than exist locally.
- 10.10.5** Development along a roadway which falls within an adjacent Municipality's jurisdiction shall require consultation with that Municipality; and the Developer shall be responsible to provide evidence of an authorized letter of support.

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## **10.11 DEDICATED LANDS POLICIES**

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- 10.11.1** Dedicated lands (e.g. public, municipal, utility, and environmental reserves, buffer strips and walkways) shall be managed in accordance with *The Planning and Development Act, 2007* and the Dedicated Land Regulations, 2009, as amended from time to time.
- 10.11.2** Dedicated Lands Account: A separate municipal Dedicated Lands Account shall be established to manage money received in lieu of municipal reserve land.
- 10.11.3** Sale and Lease of Dedicated Lands: Council may sell and lease dedicated lands, where Council determines that it is in the public interest, in conformity with *The Planning and Development Act, 2007* and The Dedicated Lands Regulations, 2009, as amended from time to time.

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## **10.12 POLICY FOR OTHER SERVICES**

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An appropriate level of public infrastructure for all development and subdivisions, particularly for medium to high-density developments, shall be required. Such public infrastructure may include, but are not limited to, roads, culverts, ditches, sewers, sidewalks, street lighting, street signs, recreation facilities, parking and unloading facilities, and similar amenities and services.

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## **10.13 MAJOR PIPELINE DEVELOPMENT POLICIES**

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This section refers to development of, and development adjacent to, pipeline easements and rights-of-way which are owned by companies regulated by the National Energy Board.

**10.13.1** All permanent structures and excavations shall be located at least 12 metres (40 feet) from the limits of a pipeline easement or right-of-way which is regulated by the National Energy Board or the Saskatchewan Ministry of Energy and Resources (MER).

**10.13.2** Pipeline rights-of-way may be zoned as passive open space that could be used for pedestrian and bicycle pathways, subject to all easement rights and any other conditions required by national or provincial acts or regulations.

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## **10.14 SCHOOL SITE DEVELOPMENT POLICIES**

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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.

- i. 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.

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## **10.15 RAILWAY DEVELOPMENT POLICIES**

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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.

## 11.0 IMPLEMENTATION

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### 11.1 DEVELOPMENT REVIEW CRITERIA AND APPLICATION REVIEW

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Council shall consider the following when making decisions on applications to rezone, subdivide and develop land:

- 11.1.1** Conformity with the OCP premise, goals, objectives and policies and the Zoning Bylaw development standards;
- 11.1.2** The viability and necessity of the proposed use;
- 11.1.3** The degree of prematurity (e.g. time, location, servicing, costs, municipal capabilities) including the consideration by Council of the number of unsold and undeveloped sites in previous phases of the area being subdivided/rezoned or similar sites in adjoining developments;
- 11.1.4** The availability of alternative sites and buildings to accommodate the proposed development;
- 11.1.5** The costs and benefits of the proposed development with respect to municipal finances and expenditures;
- 11.1.6** The suitability of the proposed development with respect to established and preferred development patterns, phasing and sites in the area;
- 11.1.7** The ability of the Municipality to negotiate and secure the required level of municipal services and public infrastructure;
- 11.1.8** The compatibility of the proposed use with nearby land uses, existing and preferred public utilities, the character of the area, the environmental protection goals, objectives and policies; and the ability to avoid problems regarding access, servicing, noise, odour, vibration, inconvenience and property values;
- 11.1.9** The effect of the proposed development on proposed municipal projects identified in this bylaw, including municipal reserve and recreational policies;
- 11.1.10** Any additional reports, studies, development issues, resident concerns, provincial comments and public hearing submissions;
- 11.1.11** The need to establish or allow physical development, land use and road and servicing patterns which are compatible with existing development;
- 11.1.12** The need to prevent or minimize water (ground and surface) and air pollution;

**11.1.13** The need to create attractive, safe, and functional traffic corridors within the Municipality's boundaries;

**11.1.14** Achieving an efficient land use pattern adjacent to highway interchanges and road intersections;

**11.1.15** Maximizing traffic safety and pedestrian movement;

**11.1.16** Achieving a high quality, visually attractive environment regarding signs, landscaping, buffers, vegetation, building design, outdoor storage and parking areas; and

**11.1.17** Maximizing the efficiency and cost effectiveness of existing municipal services and public utilities, including, but not limited to:

Water supplies	Dedicated lands	Pipelines	Fire protection
Schools	Ambulance services	Public lands	Public safety
Recreation	Emergency measures	Storm drainage	Electrical services
Sewage services	Natural gas services	Solid waste facilities	Telecommunications
Roads	Police protection	Railways	Postal services
Others, as determined by Council (e.g. maintenance)			Community Facilities

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**11.2 RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT APPROVAL**

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**11.2.1** Council may undertake a periodic review of residential, commercial and industrial development within the municipality to assist in making decisions on applications for new proposals for development and subdivision of the relevant type. The review may include information on the following:

- i.** Population levels based on census and Saskatchewan Health data and projected populations;
- ii.** An inventory of existing undeveloped sites categorized by zoning district;
- iii.** Recent subdivision activity and the number of unsold and undeveloped sites in previous phases of the area or similar sites in adjoining developments;
- iv.** History of new residential, commercial and industrial starts;
- v.** Demand for development applications for the proposed use; and
- vi.** Historical population growth patterns and trends.

**11.2.2** Applicants for residential development shall also take into consideration the following:

- i.** Demand for residential development;
- ii.** Costs and benefits to the municipality; and
- iii.** Conformity to the OCP and Zoning Bylaw.

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### **11.3 REASONS TO RECOMMEND REFUSAL**

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- 11.3.1** Council may recommend subdivision refusal, or they may refuse to rezone a development proposal where, in Council's opinion, the development does not meet the criteria outlined in Sections 11.1 or 11.2 above.
- 11.3.2** Council may refuse a development application, or recommend subdivision refusal, where a developer refuses to enter into a servicing or development agreement or to provide additional information as requested by Council.
- 11.3.3** Council may recommend subdivision refusal, or they may refuse to rezone a development proposal where the proposal does not comply with the development standards of the Zoning Bylaw.

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### **11.4 ZONING BYLAW**

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- 11.4.1** The Zoning Bylaw shall be the primary means used to implement the Goal, Objectives and Policies of the OCP. The Zoning Bylaw shall provide for the creation of zoning districts, the identification of permitted and discretionary uses within those zoning districts, and the establishment of both general and specific development standards to carry out the intent of the OCP.
- 11.4.2** Generally, the zoning on land shall reflect its current use.

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### **11.5 ZONING AMENDMENTS**

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Council may consider applications to rezone land, or to amend the Zoning Bylaw, in order to accommodate specific development proposals.

- 11.5.1** Undeveloped land which is 48.5 hectares (120 acres) in size or larger, and is intended for long-term development, shall either be zoned agricultural or assigned a holding designation until it is ready for development.
- 11.5.2** When development is proposed on undeveloped lands, and the proposal conforms to the OCP and the Zoning Bylaw, the land may be rezoned to an appropriate zoning district.

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### **11.6 PHASING**

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Proposed developments may be approved and managed in phases to avoid prematurity of development, to ensure environmental protection and to achieve efficient municipal servicing. Council may choose not to approve or rezone additional phases for a subdivision in any district excluding the Agricultural district, if at least 75 per cent of the sites in previous phases of the same overall development have not yet been sold and developed.

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## 11.7 CONTRACT ZONING

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**11.7.1** The RM may enter agreements for site specific rezoning where it is deemed to minimize potential negative impacts of a development on the environment, services, and existing development by controlling the specific type of use and development of the site, or ensuring development is completed within a specific time frame. Contract Zoning agreements are subject to provisions set out in Section 69 of the Act and run with the land.

**11.7.2** An agreement executed pursuant to Section 69 of the Act shall set out a description of the proposal and reasonable terms and conditions with respect to:

- i. the uses of the land and buildings and the forms of development;
- ii. the site layout and external design, including parking areas, landscaping and entry and exit ways;
- iii. any other development standards considered necessary to implement the proposal, if the development standards shall be no less stringent than those set out in the requested underlying zoning district.

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## 11.8 COST RECOVERY FOR SERVICES

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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.

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## 11.9 FIRST NATIONS

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**11.9.1** Council commits to maintaining an open and respectful dialogue with First Nation communities in an effort to secure mutual benefits for one another.

**11.9.2** Where land within the municipality has been purchased by a First Nation community and it has attained "reserve" status through either the Additions to Reserve (ATR) process, Council shall encourage the First Nation Council to enter into an agreement with the Municipality that intend to:

- i. Achieve complimentary land management policies that include land use bylaws similar to the provisions of the Municipality's OCP and Zoning Bylaw for First Nation lands within the Municipality; and



- ii. Achieve continuity or sharing of public infrastructure where ever possible; and public services, such as road management, weed control, stray animal control, fire suppression services and building inspection.

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## **11.10 LIST OF APPENDICES, REFERENCES AND MAPS**

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### **11.10.1 Appendices**

Appendix A – Future Land Use Map

Appendix B – Development Constraints Map

Appendix C – Canadian Land Inventory Soil Capability Map

### **11.10.2 References**

Reference A - The population trends on p.1 were calculated using the Constant Numeric Change Model described in "An Empirical Comparison of Simple Techniques for 5 - Year Municipal Population Projections", published in September, 1986 by H.C. Davis, U.B.C. Planning Papers, Canadian Planning Issues, #19, University of British Columbia, School of Community and Regional Planning, Vancouver, B.C.

## 12.0 BYLAW APPROVAL

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### 12.1 REPEAL AND TRANSITIONAL

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Rural Municipality of McKillop No. 220 Official Community Plan No. 233/11 and all subsequent amendments, are hereby repealed upon the effective date of this bylaw.

### 12.2 EFFECTIVE DATE

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This Bylaw, including all Appendices and Maps, shall come into force on the date of final approval by the Minister of Government Relations.

### 12.3 COUNCIL READINGS AND ADOPTION

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Read a First time this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Read a Second time this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Read a Third time and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_

Reeve

\_\_\_\_\_

Rural Municipal Administrator

(SEAL)

### 12.4 PROVINCIAL APPROVAL DATE

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(SEAL)