

**RURAL MUNICIPALITY OF
BIG ARM NO. 251
OFFICIAL COMMUNITY PLAN
BYLAW NO. 03/2008**

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1.0 Introduction, Purpose and Effect

Authority

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

1.2 Title

This Bylaw shall be known as the “OCP” of the Rural Municipality of Big Arm No. 251.

1.3 Scope

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;

1.3.2 apply to the whole of the Rural Municipality.

1.4 Purpose

The purpose of the OCP shall be:

1.4.1 to establish a decision-making framework by which Council can co-ordinate various public and private development, social, economic, municipal servicing, environmental and related interests within the Rural 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 residents;

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 residents 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.

1.5 Effect of OCP Adoption

The OCP shall be binding on the Rural Municipality, the Crown and all other persons, associations and organizations; and no development shall be carried out that is contrary to the OCP. Section 34(2) of the Act states that the adoption of a development 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.

1.6 Documents

1.6.1 Text and Maps: This Bylaw shall consist of this text, appendices, the OCP Map and, where Council deems appropriate, other background reports, maps, tables and charts.

1.6.2 Map Designations:

1.6.2.1 the purpose of the OCP Map and its accompanying symbols, district boundaries and other notations shall be to spatially indicate the long term development objectives of the Rural Municipality. The OCP Map 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;

- 1.6.2.2 all map notations shall indicate general locations, unless otherwise specified; and
- 1.6.2.3 council shall make the final decision regarding any unclear map notation or development district boundary location.

1.7 Definitions and Interpretation

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.

1.8 Amendment of Bylaw

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.

1.9 Bylaw Review

Council may review and consolidate this Bylaw when the Council considers it necessary, or five years from the effective date of this Bylaw, or from the last bylaw consolidation, as the case may be.

1.10 Flood Hazard Liability Disclaimer

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 Issues

Background

2.1 Demand for Development

Council requires OCP policies to assist in co-ordinating the increased demand for residential, commercial, industrial and agricultural development.

2.2 Population Growth

Proper management of land use patterns and population growth is essential to provide efficient municipal services.

2.3 Resource Management

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

2.4 Conversion of Agricultural Land

The conversion of agricultural land to non-agricultural uses must be managed to ensure long-term stability of agricultural development. 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.

2.5 Residential Subdivision (Country Residential, Lakeshore, Hamlet)

2.5.1 Various high and low density residential subdivision proposals are being pursued throughout the lakeshore portion of the municipality. If not properly planned and managed, such proposals may conflict with viable agricultural, industrial, commercial and gravel operations, cause environmental damage and generate excessive municipal road and servicing costs.

2.5.2 Some ratepayers have expressed their desire to allow subdivision of existing yard sites, new single-lot 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.

2.5.3 There has been limited interest expressed for larger country residential lots in the Agricultural zoning district.

2.6 Public Utilities and Municipal Services

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

2.7 Inter-Municipal Co-ordination

Concerns have been raised as to whether the Municipality allows for adequate input from adjacent municipalities prior to making a decision on certain types of development applications.

2.8 Housing

2.8.1 Most lakeshore residential development still is used on a seasonal basis only. However there are increased signs that such dwellings will be converted or redeveloped for year-round dwellings. The RM will monitor the impact of such conversions on roads and other municipal facilities.

2.8.2 Other types of new residential uses and accessory uses in existing dwellings are also issues facing Council today. These may include proposals for Bed and Breakfast operations, tent trailers or small vacation trailers as temporary accessory uses, guest cottages as permanent accessory uses and new modular home dwellings.

2.9 Land Use Compatibility

2.9.1 Concerns have been expressed that proper separation distances between incompatible land uses should be maintained, particularly between residential development and business or agricultural development.

2.9.2 The principle of continuity of development should be included as part of all new development proposals.

2.9.3 The enforcement of non-permitted accessory buildings should not be overlooked.

2.10 Environmental Management

2.10.1 Hazardous materials and burning of materials is a concern.

2.10.2 Soil disruption, including topsoil or gravel removal and changes in grade during any development, should be minimized.

2.10.3 Proper reclamation of gravel pits should be required.

2.10.4 Ground water is a precious resource and should be protected. 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 by other landowners, 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.

2.11 Lakeshore Development

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, fire fighting, police, ambulance services, and waste disposal needs of day users, seasonal cottages and permanent dwellings.

3.0 Premise, Goal and Objectives of the OCP

3.1 Basic Premise and Goal

The underlying premise of the OCP is that agriculture exists as a natural right (i.e. the right to farm) in the Municipality. The basic goal of the OCP shall be to work towards an attractive, safe and viable Rural Municipality in which:

- agriculture continues to be the primary economic activity and land use;
- a choice of both dispersed rural and clustered residential lifestyles is available;
- limited highway commercial and industrial uses are allowed in appropriate areas;
- the quality of life of the residents is both protected and enhanced.

3.2 Basic Objectives

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

3.3 General Development Objectives

3.3.1 To protect and enhance the Municipality's natural resources, agricultural lands and activities, residential areas and related development. The right to farm shall include all generally accepted agricultural practices as may be outlined in the policies of the OCP, unless such policies or practices conflict with the *Agricultural Operations Act*, or are clearly invalidated by a decision of the Agricultural Operations Review Board established by that 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.

3.3.2 To work within our goals and objectives to encourage a variety of economic development programs, projects, opportunities and facilities for the benefit of the residents of the municipality.

3.3.3 To identify suitable agricultural, resource development and higher density development opportunities within and for the municipality.

3.3.4 To avoid unplanned or sprawled urban development (including residential or highway commercial uses) and to achieve an orderly, efficient and rational land use pattern which is possible to develop and service in appropriate phases, based on records of vacant lot inventories compared to recent trends in demand.

3.3.5 To prevent land use conflicts and to ensure incompatible agricultural related developments do not locate in proximity to areas designated for other development purposes (e.g. an intensive livestock operation should not be located too near a residential site).

3.3.6 To assist in providing a buffer between urban municipalities and non-farm communities, and potentially incompatible agricultural (e.g. intensive livestock operations), mineral extraction development and similar uses.

3.4 Financial Objectives

3.4.1 To maintain and enhance the municipal assessment base by ensuring quality development and a diversified local economy.

3.4.2 To provide municipal services and public utilities appropriate to a rural context in a financially responsible manner.

3.5 Community Servicing Objectives

3.5.1 To ensure that developments with similar servicing requirements are suitably located and phased to achieve uniform, efficient and cost-effective services.

3.5.2 To provide an adequate level of public utilities (includes municipal services appropriate to a rural context) and programs to meet the development and domestic needs of the residents of the municipality.

3.5.3 To explore the potential of sharing municipal services with adjacent municipalities where it is of mutual benefit and equity to the residents and ratepayers of each jurisdiction.

3.6 Residential Development Objectives

3.6.1 To manage population growth and development in a proper manner and balance the protection required by high quality agricultural land with the increasing demand for low-density residential developments, by creating specific Resource Management 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).

3.6.2 To ensure that all Lakeshore 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 water quality and fishing resources.

3.7 Agricultural Development Objectives

3.7.1 To protect high quality agricultural land (defined as any quarter section in which the majority (50% or more) of agricultural land is Class 1 to 3 based on the Canada Land Inventory (CLI) for agricultural operations and grain farming. Council shall use the CLI Map (see Appendix A) as a guideline to assist in the implementation of this Objective .

3.7.2 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.

3.7.3 To encourage developments and subdivisions which: (1) do not remove high quality agricultural land from agricultural production; (2) do not require an

expensive high level of municipal services; and, (3) do not needlessly reduce the viability of agricultural holdings.

3.9 Business (Commercial and Industrial) Development Objectives

- 3.9.1 To encourage a variety of highway commercial development that is well planned, provides for the amenity of urban centres and higher density developments by providing larger commercial lots (with limited infrastructure services) for occupancy by highway commercial uses which serve the agricultural or transportation sectors or the traveling public.
- 3.9.2 To encourage a variety of industrial development which is non-polluting and is agriculturally supportive by providing larger lots (with limited infrastructure services) than are usually feasible in urban areas for industrial uses which serve the agricultural, resource extraction or transportation sectors.

3.10 Environmental and Resource Management Objectives

- 3.10.1 To avoid and minimize flooding, flood damage to new development and to allow such development only in areas which are not subject to slumping or erosion.
- 3.10.2 To assist in the protection of ground water supplies from overuse and pollution.
- 3.10.3 To protect and assist landowners in managing critical wildlife land and resources from negative effects due to development or subdivision.
- 3.10.4 To assist in protecting known heritage resources.
- 3.10.5 To protect the two National Wildlife Areas in the Municipality from encroachment by uses which may, in Council's opinion damage the natural environment of those Areas.

4.0 Community Service Policies

4.1 Management

- 4.1.1 The purpose of the policies is to recognize that not all types of "urban" community services are required in a Rural 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.
- 4.1.2 Council shall endeavor to encourage, develop, protect and maintain the following community services:
 - 4.1.2.1 Public Facilities: Public facilities such as schools, hospitals, municipal buildings, recreational facilities, heritage sites and similar uses.
 - 4.1.2.2 Linear Utilities: Linear public utilities such as roads, railways, communication lines, distribution lines for potable water, power and natural gas and similar uses.
 - 4.1.2.3 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.
 - 4.1.2.4 Public Services: Administrative services, police services, fire suppression services, weed and rodent control.

4.2 Location

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

- 4.2.1 maximum public benefit;
- 4.2.2 minimum municipal construction and maintenance costs;
- 4.2.3 minimal disruption to existing and proposed developments and public utility properties and the natural environment;
- 4.2.4 the OCP and policies and zoning development standards.

4.3 Determining Development Priorities

The protection, efficiency and cost-effectiveness of existing public utilities and municipal public utility priorities shall be major determinants of development and subdivision locations and patterns (e.g. development adjacent to highways and pipelines).

4.4 Financing

4.4.1 Municipal Financing for Community Services

4.4.1.1 Council shall provide municipal public utilities in accordance with its financial capability and priorities.

4.4.1.2 Council shall give preference to developments and public utilities which maximize service and efficiency and minimize costs and maintenance.

4.4.2 Developer Cost-sharing

4.4.2.1 To ensure that all applicants for new developments and subdivisions requiring services from the RM pay for the full cost of installing, and if necessary, supplying such services. If in Council's opinion, there will be significant public benefit provided by the development or subdivision to the RM and its residents, Council may choose to negotiate a cost-sharing agreement with the developer for the installation (and if necessary, the supply) of those services.

4.4.2.2 Where the cost of providing or facilitating public utilities is, in Council's opinion, prohibitively expensive to construct or maintain, Council may, to protect its interests:

- (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 RM for all Professional and Administrative services.;
- (b) require a developer to enter into a subdivision servicing agreement;
- (c) request proposal modifications;
- (d) refuse to rezone land, to issue development permits and to recommend subdivision refusal;
- (e) specify appropriate development permit standards, conditions and requirements;
- (f) require the developer to pay for all or part of the cost of providing the service or public utility, as deemed necessary by Council.

4.4.2.3 Timing of Public Utilities: Developers may be required to provide public utilities, either prior to or within a defined period after development or subdivision is authorized.

4.4.2.4 Performance Security: Performance bonds, interests filed on land titles and 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.

4.5 Water Supplies and Services

4.5.1 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 not be encouraged.

4.5.2 Central Water: Pipelines owned and operated by public utility boards, which may be authorized by Council under *The Municipalities Act*, shall be allowed on road allowances subject to any terms and conditions that Council may impose, but shall not be owned or maintained by the Municipality.

4.5.3 Council may require developers to provide professional, certified, technical hydrogeological and servicing reports regarding:

4.5.3.1 the availability of a potable, sufficient and regular water supply to service development;

4.5.3.2 how the water (including options) is to be made available to service the development;

4.5.3.3 evidence that the proposed water service and development will not deplete or pollute existing water supplies and the ground water;

4.5.3.4 evidence that no adverse effects will occur regarding adjacent land uses;

4.5.3.5 the mitigation of any adverse effects by special construction techniques;

4.5.3.6 conformity with Saskatchewan Health, Saskatchewan Environment and SaskWater regulations and guidelines;

4.5.3.7 the proposal's effect on municipal finances.

4.6 Sewage Services

All development requiring sewage facilities shall be adequately serviced with an approved, on-site or central sewage system (e.g. septic tank, sewage lagoons, spray (jet) disposal), in accordance with provincial and municipal requirements. Self-contained, on-site facilities shall be preferred in the Agricultural Development District. The required Separation Distances between such facilities and other uses are shown in Table 1 below.

4.7 Solid Waste Disposal Services

4.7.1 All development requiring solid waste removal shall be adequately serviced by approved solid waste disposal facilities in the municipality or an adjacent urban or Rural Municipality in accordance with provincial and municipal requirements.

4.7.2 All domestic, industrial and toxic wastes shall be collected and disposed of according to federal, provincial and municipal requirements and guidelines.

4.7.3 Council shall encourage the continued use of public landfill sites that serve the area to be located outside the Municipality.

4.7.4 Council shall discourage the development of public solid waste disposal facilities within the Municipality.

4.7.5 Council shall prohibit the development of facilities for disposal of private, commercial, industrial and toxic wastes.

4.7.6 Council shall encourage the continued use of solid waste collection by private contractors.

4.7.7 The required Separation Distances between such facilities and other uses are shown in Table 1 below.

4.8 Separation Distances For Solid and Liquid Waste Disposal Facilities

In order to minimize conflict between proposed solid or liquid waste disposal facilities (public and private) and surrounding development or vice versa, the following separation distances shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw. Council may approve a separation of no more than 20% less than the relevant separation shown in Table 1 where the applicant submits a copy of an agreement between the operator of the facilities and the owner of the development, Organised Hamlet Board or Urban Council, agreeing to such lesser separation. Such agreements between an operator and an owner of another development must contain the provision that the parties to the agreement will 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 238 of the Act to attach the agreement as an Interest on the title of the affected lands.

(Table 1)

Other Uses	Solid Waste Facility	Liquid Waste Facility
Single residence, tourist Accommodation	800 m	300 m
Intensive country residential subdivision or hamlet or urban municipality	1.6 km	600 m
Commercial or industrial use	300 m	300 m

(Distances are measured between the fence, berm or edge of the Facility (as the case may be) and nearby development)

4.8 Roads

4.8.1 All new 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. 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 road Policy Manual which may be adopted and amended as necessary by resolution of Council.

4.8.2 Service roads may be required to be dedicated by developers to ensure functional and safe vehicular access, particularly along highways and high traffic volume roads.

4.9 Dedicated Lands

4.9.1 Dedicated lands (e.g. public, municipal and environmental reserves, buffer strips and walkways) shall be managed in accordance with the Act.

4.9.2 Dedicated Lands Account: A separate municipal Dedicated Lands Account shall be established to manage money received in lieu of dedicated land.

4.9.3 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 Act and the Dedicated Lands Regulations.

4.10 Other Services

An appropriate level of public utilities for all development and subdivisions, particularly for high density developments, shall be required. Such public utilities 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.

4.11 Major Pipeline Development

4.11.1 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.

4.11.2 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 Saskatchewan Industry and Resources.

4.11.3 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.

5.0 Residential Development Policies

5.1 General

5.1.1 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.

5.1.2 Conversion of existing non-residential buildings to residential use shall not be allowed.

5.1.3 New residential development shall not occur on sites with a cemetery;

5.1.4 Existing, undeveloped abandoned school sites shall be encouraged to amalgamate with the adjacent quarter sections.

5.1.5 In addition to any single parcel residential subdivision which may be allowed by Sections 5.2 or 5.3, 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:

- the property is cut-off by a highway, road, railway or any combination thereof;
- the subject property must be rezoned to an appropriate zoning district prior to being subdivided.

5.1.6 Existing Registered Sites: all existing sites which are below 9 hectares (22 acres) in size shall be rezoned to an appropriate residential zoning district before a development permit for a new residence may be granted. Existing sites which are less than 1 hectare (2.5 acres) are not eligible for residential zoning or development permits unless they have access to central water or central sewer.

5.2 Residences on Farms

5.2.1 A maximum of 3 single-detached or dormitory dwellings shall be permitted on each agricultural farmyard.

5.2.2 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:

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

- 5.2.3.1 all dwellings shall locate in or immediately adjacent to, the same yard site;
- 5.2.3.2 additional dwellings shall be allowed only as accessory uses to the viability of the agricultural operation;
- 5.2.3.3 all development, servicing and environmental concerns shall be appropriately addressed;
- 5.2.3.4 development permits for dwellings shall not imply the right to subdivide the property to obtain a residential site.
- 5.2.3.5 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.

5.3 Non-Farm Residential Development (CR 1 and CR 2 Districts)

5.3.1 Council may accommodate non-farm residential development in two basic ways:

- 5.3.1.1 Low density single parcel residential development and subdivision;
- 5.3.1.2 Medium density multi-parcel residential development and subdivision.

5.3.2 Low density single parcel residential development may occur in accordance with the following:

- 5.3.2.1 Low density single parcel residential development shall be serviced with on-site water and sewage facilities;
- 5.3.2.2 Only one residential site per is allowed. Re-subdivision of properties zoned as CR1 shall be prohibited.
- 5.3.2.3 Low density single parcel residential development shall not be encouraged to locate adjacent to urban municipal boundaries.
- 5.3.2.4 Council will establish a low density single parcel residential zoning district in the Zoning Bylaw to manage this type of residential development.

5.3.3 Medium density multi-parcel residential development may occur in the CR2 Zoning District in accordance with the following:

- 5.3.3.1 Except for minor adjustments to lot lines, applications for medium density multi-parcel residential development shall be subject to the following conditions:
 - (a) a maximum of 75% of the total number of lots in the proposed development shall be at the minimum size allowable for the approved zoning district. All other lots shall be a least 40% larger than the minimum allowable site sizes for new subdivisions in the zoning district; and
 - (b) re-subdivision of properties shall be prohibited.
- 5.3.3.2 Medium density multi-parcel residential development shall meet the following management criteria:
 - (a) Such uses may be developed on lands with a C.L.I. agricultural soil capability rating of primarily Class 4-7, but at Council's discretion under Section 3.7.1, may be allowed on land which is more than 50% Class 1, 2 and 3.

- (b) Council shall give preference to development and subdivision proposals which are in close proximity to which are in close proximity to “all weather roads” as defined in the Zoning Bylaw, paved roads and provincial highways.
- (c) Multi-parcel residential development shall be serviced with on-site water and sewage facilities.
- (d) Council will establish a medium density multi-parcel residential zoning district in the Zoning Bylaw to manage this type of residential development.

5.4 Mobile Homes

- 5.4.1 General: Mobile homes shall only be allowed as Discretionary Uses in the Agricultural and CR 1 Districts.
- 5.4.2 Mobile Home Parks: New mobile home parks shall not be allowed in the municipality.

5.5 Hamlet Development

- 5.5.1 Hamlet shall mean Stalwart
- 5.5.2 Stalwart shall be managed as follows:
 - 5.5.2.1 existing uses shall be conforming uses;
 - 5.5.2.2 Except for minor adjustments to lot lines, the subdivision of land to create new sites shall be prohibited until at least 40% of the vacant sites are developed;
 - 5.5.2.3 new development shall be restricted to public utilities, recreation uses, and limited residential development.
- 5.5.3 New residential development may be limited to specific sites which may be identified in the Zoning Bylaw.
- 5.5.4 Zoning Implementation:
 - 5.5.4.1 Council may establish a Hamlet zoning district in the Zoning Bylaw.
 - 5.5.4.2 Hamlet development standards and requirements may be further specified in the Zoning Bylaw.

5.6 Lakeshore Development

- 5.6.1 Lakeshore residential development may occur in the LS Zoning District in accordance with the following:
 - 5.6.1.1 Applications for multi-parcel residential development shall meet the following management criteria:
 - (a) Such uses may be developed on lands with a C.L.I. agricultural soil capability rating of primarily Class 4-7, but at Council’s discretion under Section 3.7.1, may be allowed on land which is more than 50% Class 1, 2 and 3.
 - (b) Council shall give preference to development and subdivision proposals which are in close proximity to “all weather roads” as defined in the Zoning Bylaw, paved roads and provincial highways.
 - (c) Multi-parcel residential development shall be serviced with on-site water and sewage facilities.
 - (d) Council will establish a multi-parcel residential zoning district in the Zoning Bylaw to manage this type of residential development.

- (e) Development standards and requirements may be further specified in the Zoning Bylaw.

6.0 Agricultural Development Policies

6.1 General

Agricultural development within the Municipality shall:

- 6.1.1 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;
- 6.1.2 enhance economic resource development;
- 6.1.3 support the agricultural community and economy, primarily by including policies to protect the right to farm;
- 6.1.4 require minimal municipal services;
- 6.1.5 minimize potential nuisances and land use conflicts through proper separation of uses.

6.2 Development Priorities

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

- 6.2.1 lands within the Agricultural Development District;
- 6.2.2 lands with a Canada Land Inventory rating composed of more than 50% of Class 1, 2 and 3;
- 6.2.3 lands which are in active agricultural production.

6.3 Other Land Uses

6.3.1 Lands within the Agricultural Development District may be developed for other land uses provided that:

- 6.3.1.1 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);
- 6.3.1.2 no conflict with agriculture occurs;
- 6.3.1.3 the site conforms to the provisions of the Zoning Bylaw;

6.3.2 Other development in the Agricultural Development District may include:

- 6.3.2.1 recreation (e.g. campgrounds);
- 6.3.2.2 low density residential (e.g. single parcel only);
- 6.3.2.3 low density dispersed commercial which must be agriculture-related (e.g. livestock auction marts, animal clinics);
- 6.3.2.4 low density dispersed industrial which must be agriculture-related (e.g. grain storage, abattoirs);
- 6.3.2.5 mineral extraction operations;
- 6.3.2.6 heritage recognition and preservation.

6.4 Development Pattern

6.4.1 Generally, land uses apart from agricultural which are to be established within the Agricultural Development District shall be encouraged to locate in proximity to:

- 6.4.1.1 existing agricultural related commercial and industrial development; or

- 6.4.1.2 “all weather roads” as defined in the Zoning Bylaw; or
- 6.4.1.3 Stalwart

6.5 Zoning Implementation

- 6.5.1 Generally, land within the Agricultural Development District shall be zoned Agricultural.
- 6.5.2 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 Act.
- 6.5.3 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.
- 6.5.4 The Agricultural Zoning District may accommodate uses which help to promote agricultural development or that do not conflict with agricultural development.

6.6 Intensive Livestock Operations

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

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

- 6.6.2 Intensive Livestock Operations (ILOs) shall be discretionary uses in the Zoning Bylaw. Any expansion of an operation to provide for a greater number of animal units as defined in the Zoning Bylaw, or any change in an operation which alters the species of animal, shall be discretionary; and shall require a new development permit application.
- 6.6.3 Unless a permit is required by Saskatchewan Agriculture and Food due to the area of animal confinement for a specific operation being classed as an ILO by the Department, 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.
- 6.6.4 Council may advertise any proposal that will result in an intensive livestock operation, and may hold a public hearing on the proposal. The applicant shall be required to pay for the cost of advertising the hearing.

- 6.6.5 In order to minimize conflict between intensive livestock operations and surrounding development, Council will consider

applications for development of an ILO as a discretionary use in the Zoning Bylaw and apply the following criteria: 6.6.5.1 No new ILO will be considered if the operation will be less than 300 metres from a dwelling not located on the site, unless that dwelling is directly associated with the proposed ILO;

6.6.5.2 The applicant must demonstrate, to the satisfaction of the Saskatchewan Watershed Authority (SWA), Saskatchewan Agriculture and Food (SAF) 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;

6.6.5.3 The minimum separation distances in Table 2 will be applied to determine acceptable locations;

6.6.5.4 A greater separation may be needed from any liquid manure storage lagoon involved in the operation, to residential and other developments. The criteria of a separation distance to the lagoon from a dwelling of 1.5 times the distance in Table 2 will be considered adequate.

6.6.5.5 Council may consider lesser separation distances in Table 6.1 where:

- (a) written notice approved by Council has been given to the owner of any dwelling, tourist, commercial or industrial use within the distance provided in Table 2, 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.

6.6.5.6 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.

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

Table 2 Location Separation Criteria for ILOs to Specific Uses			
Development	Number of Animal Units		
	300 – 499	500 - 2,000	> 2,000
Dwellings in an Agricultural District, tourist accommodations, campgrounds, commercial or industrial uses	300 metres	800 metres	1200 metres
Multi-parcel residential subdivision, vacant residentially zoned land (SR), hamlets, villages or towns	1600 metres	2400 metres	3200 metres

(Distances are measured between livestock facilities (barns, corrals, earthen manure storage facility or other approved manure stockpile/treatment facility) and any dwelling, hamlet, village or town).

6.6.5.8 To minimize conflict between proposed intensive livestock operations and surrounding development or vice versa, the preceding separation distances shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw. Council may approve a lesser separation of up to 10% variance from the relevant separation shown in Table 6.1 where the applicant submits a copy of a signed agreement between the operator of the ILO and the owner of the development, organized hamlet board, or urban council, agreeing to such lesser separation. Such agreements between an operator and an owner of another development must contain the provision that the parties to the agreement will register the agreement on the titles of all affected land owned or under the jurisdiction of all parties. Where such agreements are made, Council shall be a party to the agreement and may use section 215 of *The Planning and Development Act, 2007* to register the agreement to the title of the affected lands.

6.6.5.9 Manure Treatment and Application Activities

6.6.5.91 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.

6.6.5.9.2 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.

6.7 Right To Farm Policies

Subject to Sections 3.3.1 and 6.7.2, 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.

6.7.1 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.

6.7.2 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, intensive livestock operations. 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. 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.

6.7.3 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 Act.

7.0 Business (Commercial and Industrial) Policies

7.1 General

7.1.1 Council shall encourage a variety of commercial and industrial developments within the municipality.

7.1.2 Development Criteria: All commercial and industrial development shall adhere to the following criteria:

7.1.2.1 Minimize conflict with agriculture, critical wildlife and mineral extraction areas, and avoid/protect heritage and ground water resources and water supplies;

7.1.2.2 Minimize disruption to environmentally sensitive land and vegetation, and avoid pollution;

7.1.2.3 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.

7.1.2.4 Minimize negative effects to lands which have a C.L.I. agricultural capability rating of Classes 2 and 3 for the majority of the locale in question.

7.1.2.5 Locate adjacent to highways, paved roads, and developed municipal roads.

7.1.2.6 Compliment preferred traffic patterns and maximize the use of internal roads.

7.1.2.7 Site Size and Use: Generally, large lots are required to accommodate truck traffic and higher parking needs for industrial or commercial uses not suitable in concentrated urban areas.

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

7.2 Management of Commercial Development

Council shall manage commercial development in two basic ways:
as concentrated commercial development; and
as dispersed commercial development.

7.3 Concentrated Commercial Development

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

7.3.2 Concentrated commercial development and zoning may be accommodated in a future Highway Commercial District. Concentrated commercial development and zoning may also be accommodated in other areas of the municipality at the discretion of Council in other Districts.

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

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

7.4 Dispersed Commercial Development

7.4.1 Dispersed commercial development includes, but shall not be limited to, commercial development which involves agricultural related commercial uses, recreational uses or retail uses.

7.4.2 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.

7.4.3 Dispersed commercial development shall not locate in the SR, CR2 or Hamlet Districts.

7.5 Zoning

7.5.1 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.

7.6 Management of Industrial Development

7.6.1 Council shall manage industrial development in two basic ways:
as concentrated light industrial development; and
as dispersed light or medium industrial development.

7.6.2 Both types of industrial development mentioned above shall generally require large lots to accommodate truck traffic, higher parking needs or industrial uses not suitable in concentrated urban areas.

7.6.3 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.

7.6.4 Oil and gas exploration and drilling shall be permitted uses throughout the Agricultural Development District. Oil and gas exploration and drilling shall be prohibited in the Lakeshore CR 1 and Hamlet Districts. No drilling shall be allowed

within the setbacks from any dwelling (currently 75 metres) allowed by the Provincial Regulations administered by Saskatchewan Industry and Resources.

7.7 Concentrated Light Industrial Development

7.7.1 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), rail service (optional), storm sewers, small sites; and minimal pollution, noise, odour, dust, vibration, fumes and other nuisance factors.

7.7.2 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.

7.8 Dispersed Light or Medium Industrial Development

7.8.1 Dispersed light or medium industrial development includes, but is not limited to, industrial developments involving light or medium 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.

7.8.2 Dispersed light or medium industrial development may occur throughout the municipality but shall not occur in any commercial District, or in the Lakeshore, CR 1 or Hamlet Districts. Heavy Industrial development shall be prohibited.

7.9 Zoning

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 Environmental Management Policies

8.1 General

8.1.1 General: This chapter establishes priorities and policies to protect and manage specific natural resources in the Municipality.

8.1.2 The purpose of the priority listing is to identify environmentally sensitive lands and resources and establish policies which recognize the various constraints which may exist in different situations.

8.1.3 Environmentally sensitive lands shall be shown as an Environmentally Sensitive Overlay District on the OCP and Zoning Maps. Recognising the scale limitations of those Maps, the ES Overlay District is meant to include lands with the following characteristics:

- steep slopes
- known ground water supplies
- high water tables
- marshes
- areas adjacent to water courses
- flooding
- water or wind erosion
- aquifer recharge capability

- slope instability or slumping
- expansive soils involving shrinking, swelling, frost heaves, etc.
- lands sensitive to aquifer pollution and rapid vegetative destruction.

8.2 Management

Environmentally sensitive lands shall be protected and carefully managed:
 in recognition of their respective limitations and opportunities;
 to achieve resource protection;
 to avoid excessive development and maintenance costs; and
 to minimize environmental disruption and pollution.

8.3 Policy

8.3.1 Developments which generate pollution or have the potential to generate pollution shall be prohibited on environmentally sensitive lands.

8.3.2 Council shall encourage landowners and developers to utilize conservation practices to reduce environmental hazards to structures and residents.

8.3.3 Performance bonds, interests filed on land titles, and 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.

8.4 Surface Water

8.4.1 Council shall encourage and require adequate surface water drainage throughout the municipality and on new development sites to avoid flooding, erosion and pollution. Consideration shall be given to the ecological, wildlife habitat and drainage effects of development, including the upstream and downstream implications.

8.4.2 Water courses shall not be filled or altered without the prior approval of the Saskatchewan Watershed Authority and Council.

8.4.3 Management: Water courses shall be managed as follows:

- natural vegetation shall be preserved to prevent bank erosion;
- unauthorized water course dredging and filling shall be prohibited;
- periodic cleaning of man-made drains shall be encouraged;
- channel improvements shall be carefully designed and constructed;
- water control structures shall be designed to a 1:500 flood design, or other standards approved by the Saskatchewan Watershed Authority and Council.

8.4.4 New developments and subdivisions which are adjacent to water courses shall be developed to retain on-site drainage where feasible, minimize erosion and maximize water quality.

8.4.5 Unauthorized drainage of surface water from any land throughout the Municipality shall be prohibited. Individuals shall be required to obtain authorization from SaskWater prior to taking any measures to drain surface water from their land.

8.5 Ground Water

8.5.1 Development shall not deplete or pollute ground water resources within the Rural Municipality. Council shall cooperate with the Saskatchewan Watershed Authority, Saskatchewan Agriculture and Food, Saskatchewan Environment, Saskatchewan Health and adjacent municipalities in this regard.

8.5.2 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.

8.6 Flooding

8.6.1 Council shall co-operate with SaskWater to minimize and prevent flooding within the Rural Municipality.

8.6.2 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 freeboard elevation level shall be prohibited, unless Council is satisfied the site, or sites, have an area with a safe building elevation.

8.6.3 Council shall manage development and subdivision proposals in consideration of SaskWater and Saskatchewan Environment flood hazard prevention recommendations.

8.6.4 Where sufficient information exists regarding the potential for flooding in a proposed development, Council may require the developer to provide the necessary report, at his/her cost.

8.7 Slumping and Erosion

8.7.1 Council shall manage development and subdivision proposals in consideration of any existing slump or erosion hazard prevention reports.

8.7.2 Where sufficient information exists regarding the potential for erosion or slumping in a proposed development, Council may require the developer to provide the necessary report, at his/her cost.

8.8 Soil Disruption

8.8.1 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.

8.8.2 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 RM review and approval for specific types of development.

8.9 Vegetation

8.9.1 Protection: Development shall not needlessly destroy existing trees, vegetation and unique flora.

8.9.2 Planting: The planting of new vegetation and the implementation of protective vegetation measures shall be encouraged in conjunction with new development throughout the Rural Municipality. Landscaping Plans for certain developments may be required for certain development as outlined in the Regulations of the Zoning Bylaw.

8.10 Natural Habitat

- 8.10.1 Wildlife, vegetation and unique ecological habitats shall be preserved
- 8.10.2 Development in unique ecological habitats shall be subject to protective development standards.
- 8.10.3 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.
- 8.10.4 Environmentally Sensitive Land: Council shall work with provincial 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.

9.0 Implementation

9.1 Development Review Criteria and Application Review

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

- 9.1.1 conformity with the OCP premise, goal, objectives and policies and the Zoning Bylaw development standards;
- 9.1.2 the viability and necessity of the proposed use;
- 9.1.3 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;
- 9.1.4 the availability of alternative sites and buildings to accommodate the proposed development;
- 9.1.5 the costs and benefits of the proposed development with respect to municipal finances and expenditures;
- 9.1.6 the suitability of the proposed development with respect to established and preferred development patterns, phasing and sites in the area;
- 9.1.7 the ability of the Rural Municipality to secure the required municipal services and public utilities;
- 9.1.8 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;
- 9.1.9 the effect of the proposed development on proposed municipal projects identified in this Bylaw, including municipal reserve and recreational policies;
- 9.1.10 any additional reports, studies, development issues, resident concerns, provincial comments and public hearing submissions;
- 9.1.11 the need to establish or allow physical development, land use and road and servicing patterns which are compatible with existing development;
- 9.1.12 the need to prevent or minimize water (ground and surface) and air pollution;
- 9.1.13 the need to create an attractive, functional traffic corridor along Highways within the municipality's boundaries;

- 9.1.14 achieving an efficient land use pattern adjacent to highway interchanges and road intersections;
- 9.1.15 maximizing traffic safety and pedestrian movement;
- 9.1.16 achieving a high quality, visually attractive environment regarding signs, landscaping, buffers, vegetation, building design, outdoor storage and parking areas;
- 9.1.17 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 facilities	natural gas services	solid waste facilities	telecommunications
roads	police protection	railways	postal services
community facilities	others, as determined by Council (e.g. maintenance)		

9.2 Residential, Commercial and Industrial Development Approval

9.2.1 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:

- (a) population levels based on census and Saskatchewan Health data and projected populations;
- (b) an inventory of existing undeveloped sites categorized by zoning district;
- (c) recent subdivision activity and the number of unsold and undeveloped sites in previous phases of the area or similar sites in adjoining developments;
- (d) history of new residential, commercial and industrial starts;
- (e) demand for development applications for the proposed use; and
- (f) historical population growth patterns and trends.

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

- (a) demand for residential development;
- (b) costs and benefits to the municipality;
- (c) conformity to the OCP and Zoning Bylaw.

9.3 Reasons to Recommend Refusal

9.3.1 Council may recommend subdivision refusal, or they may refuse to rezone for development proposals where, in Council's opinion, the development does not meet the criteria outlined in sections 9.1 or 9.2 above.

9.3.2 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.

9.4 Zoning Bylaw

9.4.1 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.

9.4.2 Generally, the zoning on land shall reflect its current use.

9.5 Zoning Amendments

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

9.5.1 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.

9.5.2 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.

9.6 Phasing

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% of the sites in previous phases of the same overall development have not yet been sold and developed.

9.7 Contract Zoning

9.7.1 Contract Zoning may be used by Council on a case-by case basis to deal more effectively with the development of individual lots, blocks or other small areas with servicing, site or access limitations, unique features or opportunities which could not be accommodated by the current Zoning Bylaw.

9.7.2 Subject to the following Guidelines, the Council may rezone an area to a Contract Zone pursuant to the Act in order to allow a specific development which would benefit the RM but which is not currently compatible with the current zoning uses or regulations affecting the subject area:

- Council shall consider the nature and intensity of the surrounding uses to avoid or minimize land use conflict when investigating a rezoning proposal for a new Contract Zoning area;
- Prior to approving a rezoning for a new Contract Zone, Council shall consider whether any environmental, servicing, or public safety problems would result due to the intended uses anticipated in the Contract;
- Council shall also ensure that the land use in a proposed Contract Zone benefits the RM and is consistent with the other policies of the OCP;
- Council shall outline criteria for the creation of all new Contract Zones in the General Purpose of the Contract Zone in the Zoning Bylaw. These criteria will be based on, but not limited to Council's consideration of the unique physical nature of the land which may be included in the Contract Zone, the possibility of developing a mix of compatible land uses in the area, and the potential for introducing new types or forms of development which may not be possible under the current Zoning Bylaw.
- All proposals for a new Contract Zoning area shall be circulated to obtain the comments of any agency or group identified by Council as having a potential interest in the matter.

9.8 Minor Variances

Pursuant to section 60 of the Act, Council may establish development standards in the Zoning Bylaw to authorize applications for minor variances.

9.9 Cost Recovery for Services

Council may adopt a Service Cost Recovery Bylaw to ensure that the cost of installing appropriate services either to a new subdivision or a new or expanding development is wholly or partly the developer's responsibility. 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 Rural Municipality. Agreements for cost-recovery shall conform to Section 7 of this Bylaw.

9.10 First Nations

9.10.1 Where land within the Municipality has been purchased by a First Nations Band and it has attained "reserve" status through either the Treaty Land Entitlement process or the Specific Claims process, Council shall encourage the Band Council to enter into an agreement with the Municipality to:

9.10.1.1 achieve complimentary Band Bylaws by adopting a Land Use Code or other land use Bylaws similar to the provisions of the Municipality's Development OCP and Zoning Bylaw; and

9.10.1.2 achieve continuity or sharing of public services, such as road management, weed control, stray animal control, fire suppression services and building inspection.

9.11 List of Appendices and Maps

9.11.1 Appendices

Appendix A Canada Land Inventory Map for Agriculture, 1966 - Queen's Printer, Ottawa

9.11.2 Maps

OCP Map (Land Use Concept Map)

10.0 Bylaw Approval

10.1 Effective Date

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

10.2 Council Readings and Adoption

Read a first time this 11th day of August, 2008.

Read a second time this 15 day of November, 2008.

Read a third time this 15 day of November, 2008.

N.P. Ramlinger
Reeve

Gvonne (Bonny) Goodman
Rural Municipal Administrator

(SEAL)