

**RURAL MUNICIPALITY OF
DUFFERIN NO. 190
DEVELOPMENT PLAN
BYLAW NO. 10-2006**

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1 INTRODUCTION

Section 39 of *The Planning and Development Act, 1983* enables council to prepare and adopt a Development Plan. A Development Plan is a statement of the Rural Municipal Council's Goals and Objectives for future planning and development, and establishes policies to address current and expected development issues identified in the Background Report or by Council and RM residents.

2.0 THE DEVELOPMENT PLAN: PURPOSE, ISSUES, POLICIES AND IMPLEMENTATION

2.1 PURPOSE OF A DEVELOPMENT PLAN

The purpose of this Development Plan is to provide guidance to the Council Rural Municipality in making development decisions. To accomplish this, the Development Plan will:

- a) Serve as a framework to guide council in making development decisions;
- b) Identify issues and concerns which affect the use and development of land;
- c) Establish objectives and outline policies for future development; and
- d) Establish the objectives to be accomplished by a Zoning Bylaw.

2.2 SCOPE OF A DEVELOPMENT PLAN

The objectives and policies stated in this Development Plan apply to the entire area within the boundaries of the Rural Municipality of Dufferin No. 190. All development within the limits of the municipality shall conform to this Development Plan. The words "shall" or "will" identify a mandatory action or decision, as the case may be. The words "should" or "may" identify a voluntary action or decision, as the case may be.

2.3 POLICIES WITHIN A DEVELOPMENT PLAN

A Development Plan comprises policies, guidelines and implementation measures. Policies are statements which determine how decisions will be made in the future, that is, policies express current positions on future decisions. There are three kinds of policies in a Development Plan: regulatory policies, implementation policies and advocacy policies.

Regulatory policies deal with the control and management of land and resource use over which a municipality has direct jurisdiction. For example, regulatory policies would address the appropriate type, location and intensity of various kinds of development or land use within a municipality. Implementation policies identify specific actions needed to achieve objectives desired by a municipality. Whereas, advocacy policies express the position of a municipality on matters which are beyond its direct jurisdiction, but which may affect its operations. Such advocacy policies would be directed towards neighboring municipal jurisdictions or senior levels of government.

2.4 IMPLEMENTATION OF A DEVELOPMENT PLAN

The goals and objectives stated within the Development Plan are implemented by council through the adoption of a municipal Zoning Bylaw. They may also be implemented through Council's long term plan for capital works and servicing policies.

2.5 AREA AFFECTED BY THE DEVELOPMENT PLAN

This Development Plan affects and is legally binding upon the entire Rural Municipality of Dufferin No. 190.

2.6 RELATED PLANNING DOCUMENTS

The policies of the Development Plan were originally derived from the issues and recommendations presented in greater detail in the Rural Municipality of Marquis No. 191/Dufferin No. 190 Background Report. That Report has now been supplemented by attaching the Canada Land Inventory (CLI) Map for Agriculture and a Terrain Mapping Report for Buffalo Pound Lake as Appendices to the Plan. These

documents will assist in identifying the land capability for agriculture and Valleyside areas which may have potential land instability (slumping) problems.

The Zoning Bylaw No. 2/93 of the Rural Municipality of Dufferin No. 190 contains detailed land use controls to assist in the implementation of the Development Plan's policies. The 1992 Background Report as well as the Zoning Bylaw and the associated Zoning District Map constitute separate documents and are not part of this revised Plan.

3.0 BACKGROUND REPORT ISSUES AND RECOMMENDATIONS FOR THE RURAL MUNICIPALITY OF DUFFERIN NO. 190

A number of concerns and issues affecting the use of lakes, their shorelands and the surrounding area as well as recommendations for appropriate levels of lakeshore development were originally identified within the Background Report and have been re-examined by Council.

These concerns, issues and recommendations were identified through a review of the resources and development patterns of the municipality, comments and suggestions provided by personnel within government agencies and interest groups and through a series of meetings with the Steering Committee. These concerns and issues were divided into two categories: those concerns and issues that are specifically lakeshore management concerns and issues, and those that are pertinent to the whole municipality (e.g. how to minimise conflict between residential uses and Intensive Livestock Operations).

The lakeshore management concerns, issues and recommendations identified in the Background Report included:

Recreational Land Use:

- the ability of the recreation resources to be sustained should be ensured through environmental protection of the lakes and shorelands;
- lakeshore development should occur in a manner and at locations which are compatible with each other;
- benefits should be maximized and costs should be minimized to the municipality resulting from recreation activities;
- safe and healthy water-based recreation should be maintained;
- land use and access conflicts and incompatibilities should be minimized;
- disturbance of fisheries habitat, critical wildlife habitat, hazard lands and other environmentally sensitive areas should be avoided; and
- disturbance of heritage sensitive areas should be avoided.

The other municipal management concerns, issues and recommendations identified in the Background Report which relate to the entire Rural Municipality of Dufferin No. 190 include:

Land Tenure:

- the need to minimize conflicts and incompatibilities among land uses, and
- ensuring coordination in land use planning between the three levels of government;

Land Subdivision:

- the need to establish minimum agricultural holding site sizes for valley and upland areas and also the establishment of minimum rural residential lot sizes to reflect the realities of agricultural economics and single parcel country residential development;

Agricultural Land Use:

- agricultural lands and existing farm units should be protected from incompatible uses to ensure the continuing viability of the agricultural industry within the municipality;

- council's decision to allow Intensive agricultural uses (Intensive Livestock Operations or Large-scale Irrigation) at appropriate locations where land use conflict will not occur with nearby residential uses (e.g. by using separation distances between ILOs and residential uses);
- conflict between existing and potential users of land resources should be minimized;
- the diversification of the agricultural economy should be promoted;
- the conservation and sustainable use of soil and water resources should be encouraged; and
- industrial, commercial and clustered residential developments should be directed to marginal agricultural lands;

Country Residential Land Use:

- an adequate number of sites should be allowed for rural residential development;
- the economical provision of road services, and where possible, rural water pipelines to small clusters of rural residential sites must be considered;
- support for the agricultural economy;
- the regulation of non-farm enterprises on the farm, and
- appropriate locational and development standards are needed for rural residential development.

Other Residential Land Use:

- new residential land use developments will be encouraged to locate within existing urban centers or lakeshore developments; and
- random, unplanned residential development will not be encouraged in order to avoid premature development, achieve efficient municipal servicing and to protect the environment.

Environmentally Sensitive Areas and Hazard Lands:

- the protection, preservation, enhancement and/or management of environmentally sensitive areas and hazard lands is important;
- compliance is also required with existing provincial and federal land use regulations and policies; and
- so is minimizing of threat of injury and/or loss of life, property damage, economic and social disruption from physical hazards such as slope instability, erosion or flooding.

Heritage Sensitive Areas:

- the preservation, protection and management of the municipality's heritage resources is important;

Highway Commercial and Light Industrial Use:

- highway commercial and industrial developments should be planned and coordinated; and
- these commercial and industrial developments should avoid premature development, minimize conflicts with other land uses, ensure environmental protection and achieve efficient, cost-effective municipal servicing.

Extraction – Sand and Gravel Operations:

- aggregate resource extraction is an interim land use which should be planned and managed through appropriate design, operation and restoration;
- the development of aggregate resources should ensure environmental protection; minimize safety hazards and minimize conflicts with other land uses;
- the development and management of aggregate resources imposes special costs on municipalities which should be recognized by using legal tools such as special conditions for new gravel pits, which are classed as Discretionary Uses (e.g. separation distances between pits and residential uses, performance bonds, heavy haul agreements, contributing a specified dollar amount to a fund for pit reclamation, or requiring all operators to reclaim pits on a specific timetable etc.) in order to achieve efficient, cost-effective municipal servicing.

Transportation and Utility Corridors:

- road developments should minimize transportation safety hazards for people and goods, and compliment the municipality's land use policies; and
- encourage wherever possible, the grouping of utility corridors.

The following objectives and policies within this Development Plan address the lakeshore and rural municipal management concerns, issues and recommendations which were identified in the Background Report.

4.0 LAKESHORE MANAGEMENT OBJECTIVES AND POLICIES

4.1 LAKESHORE MANAGEMENT OBJECTIVES

- A. To ensure that lakeshore development occurs in a manner, and at locations which are compatible with each other.
- B. To minimize land use and access conflicts and incompatibilities of shorelands.
- C. To promote safety for all lake users.
- D. To maintain, protect and enhance water quality and the fishery resource.
- E. To protect the amenities and environmental quality of the municipality's lakes and shorelands.
- F. To encourage cooperative planning between Council, other jurisdictions and the public.
- G. To promote cooperation with provincial, federal and other municipal jurisdictions and to administer municipal land use policies in compliance with provincial and federal land use policies.

4.2 LAKESHORE DEVELOPMENT POLICIES

- A. **Recreation** - Council will co-operate with other jurisdictions and operators to encourage a diversity of recreation opportunities and facilities within the municipality.
Rationale: the provision of a range of recreational opportunities and facilities (both public and private) will encourage the sustainable development of the recreation resources as well as assisting in maximizing the benefits and minimizing the costs to the municipality.
 - B. **Intergovernmental and Public Cooperation** - Council, in conjunction with other municipal, provincial and federal jurisdictions and the public will encourage and support cooperative planning to secure the sustainable use of Buffalo Pound Land and Last Mountain Lake and their respective shorelands.
Rationale: within the municipality, the eastern shorelands of Buffalo Pound Lake are primarily privately owned, except the provincial government lands associated with Buffalo Pound Provincial Park and the Recreation Site. However, there are also a number of provincial and federal agencies as well as other groups (e.g. Regina and Moose Jaw which draw drinking water from Buffalo Pound Lake) with interests in the municipality. Good land stewardship (both private and public) would be encouraged by cooperative planning between all parties. The preservation of the water quality of Buffalo Pound and Last Mountain Lakes is also important to all those parties.
 - C. **General Lakeshore Development Policies** - Council will cooperate with other municipalities, the Saskatchewan Watershed Authority and other Provincial or Federal Departments in developing such new Policies etc., if such cooperation also benefits RM residents.
Rationale: Council will consider lakeshore development at these lakes when the proposed development is likely to be feasible in terms of resource protection, environmental protection concerns, fishery concerns, timing, existing levels of recreational development and use, and any other conditions Council feels are warranted.
- C.1 In evaluating any further lakeshore development, Council will give consideration to the following:
- * the effects on environmental quality;

- * protection and management of environmentally sensitive and heritage sensitive areas;
- * the positive and negative effects to the area's economy;
- * land use and access conflict and incompatibilities are minimized;
- * the effect(s) on the viability of existing development(s);
- * for proposed cottage developments, the effect on the existing inventory of unsold or undeveloped lots;
- * the provision of alternate recreational facilities and activities;
- * water safety conflicts, including protection of the lakes as sources of potable water;
- * an evaluation of development proposals in terms of the financial effects of premature development on the municipality; and
- * any other relevant and significant criteria.

C.2 Council will NOT permit further subdivision of the original lakeshore development lot, except, at Council's discretion, for minor lot line adjustments.

C.3 In assessing the inventory of unsold and/or undeveloped cottage lots, those lots which are susceptible to flooding or poor drainage will be considered to be inappropriate for building.

C.4 Where required, Council will establish lake-specific and municipal lakeshore development policies to assist in safeguarding environmental quality and the recreational resource, and prevent or minimize land use conflicts between natural resources and other land uses. Until such detailed Policies are developed and added to this Plan by amendment, Council shall refer to Section 6.1 F of this Plan in making decisions on requests for rezoning.

D. Buffalo Pound Lake Lakeshore Development Policies - Buffalo Pound Lake is a long, narrow and relatively shallow multi-use lake. Its physical characteristics (primarily the shallow depth and low average flow) constrain its ability to absorb nutrients and pollutants. Further recreational and residential use may contribute to water quality deterioration through inappropriate waste disposal associated with cottage developments as well as gas and oil spills.
Rationale: There is concern from some Provincial Departments that any further development of Buffalo Pound Lake would disrupt or damage the physical and natural resources, and would result in the degradation (possibly permanently) of the environment. Council will seek the advice of, and cooperate with those Departments in assessing the impact of proposed new development on the lake.

D.1 Council will discourage any further subdivision of land or rezoning for residential uses on the shorelands of Buffalo Pound Lake. Any lakeshore development is subject to the requirements of the general Lakeshore Development Policies (see Section 4.2.C.4).

D.2 Environmentally sensitive areas such as critical wildlife and fisheries habitat and heritage sensitive areas should be protected. Hazard lands should be avoided.

D.3 Council, in conjunction with other jurisdictions and the public will encourage and support cooperative planning to secure the sustainable use of Buffalo Pound Lake.

D.4 In view of the conclusions reached above, Council will encourage Saskatchewan Environment personnel to maintain accommodation facilities and campsites at Buffalo Pound Provincial Park, the Recreation Sites and personnel at their current level. This policy will assist in limiting the facilities and campsite and thus, the number of day-users and weekend campers who use the limited resources of Buffalo Pound Lake.

- D.5 The eastern shorelands of Buffalo Pound Lake will be zoned as either a combination of Lakeshore Development District (LD) and Environmentally Sensitive Overlay Area (EA) or Agricultural (A) and Environmentally Sensitive Overlay Area (EA) to reflect its current use.
- D.6 The North Shore Estates cottage development will be zoned as a Lakeshore Development District (LD) and Environmentally Sensitive Overlay Area (EA), which will ensure its current residential use.
- D.7 The Valley View cottage development will be zoned as a Lakeshore Development District (LD) and Environmentally Sensitive Overlay Area (EA), which will ensure its current residential use.
- D.8 All other lands will be zoned as an Agricultural District (A), which reflects its current use.
- E. **Last Mountain Lake Lakeshore Development Policies:** - Last Mountain Lake is the largest lake in the Qu'Appelle system with numerous residential developments. Cottage demand appears to have fallen off as shown by the extensive inventory of unsold cottage lots in the R.M. of Dufferin. Last Mountain Lake is more developed than other Saskatchewan lakes. The cumulative effect(s) of recently developed cottage areas on water quality, hazard lands and the recreational resource is unknown at this time.
Rationale: Due to its greater depth and larger drainage area, Last Mountain Lake is not likely to experience the same environmental pressures as Buffalo Pound Lake. Council will work with Provincial Departments to ensure that any further development of Last Mountain Lake will not disrupt or damage the physical and natural resources, or result in the degradation (possibly permanently) of the environment.
- E.1 Council will discourage any further subdivision of land or rezoning for residential uses on the shorelands of Last Mountain Lake. Any lakeshore development is subject to the requirements of the general Lakeshore Development Policies (see Section 4.2.C.4).
- E.2 The protection of environmentally sensitive and heritage sensitive areas are another concern. Hazard lands should be avoided.
- E.3 Council, in conjunction with other jurisdictions will encourage and support cooperative planning to secure the sustainable use of Last Mountain Lake.
- E.4 The western shorelands of Last Mountain Lake will be zoned as an Agricultural District (A), Lakeshore Development District (LD) and Environmentally Sensitive Overlay (EA), which reflects its current use.
- E.5 Except for the Last Mountain Indian Reserve , and Highwood Beach, Kedleston Beach and Marion Heights cottage development, all shorelands around Last Mountain Lake will continue to be zoned as an Agricultural District (A) and Environmentally Sensitive Overlay Area (EA), which reflects its current use.
- E.6 The Highwood Beach cottage development will continue to be zoned as a Lakeshore Development District (LD) and Environmentally Sensitive Overlay Area (EA), which will ensure its current residential use.

- E.7 The Kedleston Beach cottage development will continue to be zoned as a Lakeshore Development District (LD) and Environmentally Sensitive Overlay Area (EA), which will ensure its current residential and commercial use.
- E.8 The Marion Heights cottage development will continue to be zoned as a Lakeshore Development District (LD) and Environmentally Sensitive Overlay Area (EA), which will ensure its current residential use.
- E.9 The Conley development originally proposed in the south half of 25-21-23-2 has not been subdivided as the 1993 Plan anticipated and will be rezoned to Agricultural (A) and Environmentally Sensitive Overlay (EA).
- G. Implementation:** Lakeshore development objectives and policies may be achieved by means of:
- * the Zoning Bylaw and zoning districts such as the Lakeshore Development District (LD), Environmentally Sensitive Overlay Area (EA) and the Agricultural District (A) as indicated on the Zoning Map;
 - * conditions of subdivision approval and the issuance of development permits and building permits;
 - * servicing agreements;
 - * policies for land considered unsuitable for development; and
 - * any other policies or programs such as shoreline protection policies and safe building elevations for lakeshore developments as determined by Council to be necessary and not in conflict with the provisions of the Development Plan.

4.3 SHORELAND USE AND ACCESS POLICY

A. Numerous unauthorized, privately-owned developments (as defined by Section 197.2(1) of the Act) exist on Dedicated Lands (Municipal, Public or Environmental Reserves and Buffer Strips, all of which are Municipally-owned land created as part of a surrounding subdivision) and Crown Land on lakeshore areas in the RM. Council, in conjunction with other jurisdictions and private land owners shall encourage the provision of shoreline buffer strips to separate land uses, provide lake access and to avoid the creation of a continuous ribbon of recreational development.

B. *Unauthorised Development of Dedicated Lands and Environmental Damage Policies*

B.1 Council is concerned with the unauthorised development of Dedicated Lands and the associated environmental damage, especially those creating a liability, health hazard or environmental hazard to the owner or lessee of the development and the RM. In conjunction with other jurisdictions and private land owners, Council will encourage the resolution of these existing situations on Dedicated Lands.

All land below the “bank” as shown on a Registered Plan on the Lakeshore is Crown Land and is legally considered part of the Lakebed. Such land may also be outside the Corporate limits of the RM and if so, is either a Provincial responsibility or is part of an adjoining urban or rural municipality. If a private development is now on, or proposed for any Dedicated Land in the RM, Council may use Section 197.2 of the Act to handle existing minor development & future proposals. In some cases, if the land in question is not prone to flooding/slumping, continued occupancy of an existing, legal, non-conforming use (see the definition of this in the above-noted Section of the Act), Council may allow that use to remain only for the structural life of the building. Another alternative for the Council as owner of the Dedicated Land, is to order the removal of that use. In either case, Council must consider whether such occupancy would hinder the use of that Dedicated Land for public purposes.

- B.2 To prevent further unauthorised development of Dedicated Lands or potential environmental damage, Council will refer any request for such development to the appropriate or adjacent government agency, owner and/or lessee which may include, but is not limited to:
- * Saskatchewan Environment and/or Canada Fisheries and Oceans for any shoreline alteration (i.e. land clearing, removal of sand or gravel from beaches, dredging or other activity which may affect fish habitat;
 - * Saskatchewan Environment for developments adjacent to Buffalo Pound Provincial Park and designated Recreation Areas;
 - * Saskatchewan Agriculture, Food and Rural Revitalisation for leased agricultural lands, and
 - * Saskatchewan Watershed Authority for floodproofing and water level fluctuations.
- B.3 To prevent environmental damage to the foreshore, Council will require a permit application to be submitted for any development on Dedicated Land.
- C. Implementation: Shoreland use and access objectives and policy may be achieved through the use of the zoning bylaw, subdivision control procedures, issuance of development permits, the shoreline protection policy, and through the adoption by Council of an advocacy role to encourage good land stewardship.

4.4 FISHERY RESOURCE POLICIES

- A. Council wants to ensure that fish habitat along the lakeshore areas in the RM is not harmed by new development. Council will continue to encourage close consultation with the Saskatchewan Environment to ensure the sustainable use and cooperative management of the fishery resources of Buffalo Pound and Last Mountain Lakes within the municipality.
- B. In considering any new lakeshore development within municipal jurisdiction, Council will consider the effect(s) of such a development on the fishery resources of the affected lake(s). Council may require the developer to supply information addressing the effect of the development proposal on the fishery resources. Any development located in or near the water will merit a referral to Saskatchewan Environment and/or Canada Fisheries and Oceans for authorization or comment.
- C. Council will encourage Saskatchewan Environment and/or Canada Fisheries and Oceans to consider the cumulative effect(s) of new development(s) on the fishery resources of all lakes and streams within the municipality.
- D. Implementation: Objectives and policies with respect to the fishery resource may be achieved by a cooperative and consultative advocacy policy with Saskatchewan Environment and/or Canada Fisheries and Oceans personnel, an advocacy policy of good land stewardship, and the implementation of the Zoning Bylaw, shoreline protection and safe building elevation policies.

4.5 ENVIRONMENTAL PROTECTION POLICIES FOR LAKES AND WATERCOURSES

- A. Council may specify uses which will be subject to special regulations or list the prohibited, discretionary or permitted uses in order to protect environmentally sensitive land. Such land shall be identified on the Land Use Concept Map and the Zoning Map as Environmentally Sensitive Overlay District.
- B. Council recognizes the importance of protecting an adequate supply of surface and groundwater for the benefit of all residents and landowners. Developers of proposed uses which require large amounts of groundwater or which may impact the current groundwater supply of adjoining uses may

be required by council to provide a study to prove that the groundwater recourse is adequate. There are certain other areas near waste disposal sites, sewage lagoons, wetlands or gravel pits, for example which should not be developed due to hazards like potential pollution of water supplies, flooding or site instability. The list of Environmentally Sensitive land in Section 6.5 and the details shown on the Land Use Concept Map shall be used by council in making decisions on proposed new developments near environmentally sensitive land. Council will also refer to the uses and regulations outlined for such land in the Zoning Bylaw.

- C. Council also wants to ensure that the lakes and watercourses in the RM are protected from erosion due to new excavations, unnecessary placement of fill and pollution from improper drainage due to new shoreline or upstream developments. When lands are subdivided, the municipality will encourage the dedication of public lands as environmental reserves, municipal or public reserves, Environmental reserves are parcels of land containing ravines, coulees, swamps, drainage courses; land that is unstable or flood prone; or land beside a waterbody or watercourse that is required for preventing pollution, preserving banks or flood protection.
- D. To ensure the protection of Buffalo Pound Lake's shoreline, all lands within 30 metres (100 feet) of the "bank" of the lake, unless another specific dimension is noted otherwise on the Zoning Map, will be zoned as Environmentally Sensitive Overlay Area (EA)
- E. Council, in conjunction with Saskatchewan Agriculture, Food and Rural Revitalisation will encourage and promote the cooperation of private landowners to manage intensive livestock operations (ILOs) to minimize the effects of ILOs on lakeshores and other watercourses that discharge into lakes.
- F. Council, in conjunction with other jurisdictions will encourage and promote the cooperation of cottagers and other recreational users to install functioning holding tanks for liquid wastes.
- G. Council may establish Environmentally Sensitive Areas to protect rare or sensitive flora and fauna or critical wildlife or fisheries habitat as identified by, and in consultation with Saskatchewan Environment, Environment Canada, and Fisheries and Oceans Canada personnel.
- H. Council will permit all developments which manage, protect, preserve or enhance Environmentally Sensitive Areas by amendment to the Zoning Bylaw. Council shall permit other developments, subject to conditions established in consultation with Saskatchewan Environment, the Canadian Wildlife Service or appropriate jurisdiction, if the proposed development is assessed as NOT harmful to the Environmentally Sensitive Area.
- I. Where deemed necessary, Council may adopt regulations under the Act to protect endangered natural vegetation.
- J. Development on lands prone to such hazards as flooding, erosion or slope instability shall be restricted by Council to those uses consistent with the nature of the hazard, and does NOT increase the degree of hazard. Council may require floodproofing, shoreline protection measures or detailed technical studies to be undertaken by the Developer.
- K. Council, in conjunction with other jurisdictions will promote the protection of Heritage Sensitive Areas. If a proposed development is located within a Heritage Sensitive Area, a referral to the Heritage Branch, is required to assess the need for a heritage resource impact assessment.

- L. Implementation: Environmental protection objectives and policies for lakes and watercourses may be implemented through such instruments as the Zoning Bylaw, conditions of subdivision approval, the issuance of development and/or building permits, servicing agreements; compliance with provincial and federal land use policies; referrals to Heritage Branch, and advocacy policies with Saskatchewan Environment and the Canadian Wildlife Service for Environmentally Sensitive Areas.

4.6 POLICIES TO ENCOURAGE INTER-GOVERNMENTAL COOPERATION FOR LAKES AND WATERCOURSES

- A. Council will continue to cooperate with senior levels of government, other municipalities and public and private agencies to secure the sustainable use of the municipality's lakes and watercourses.
- B. Council will encourage ongoing liaison with Saskatchewan Agriculture, Food and Rural Revitalisation and Saskatchewan Environment. This liaison would provide an opportunity for Council to comment on land use permit applications for Crown lands within the Qu'Appelle and Arm River valleys and the valley walls of Buffalo Pound Lake and Last Mountain Lake.
- C. Implementation: The objectives and policies to encourage inter-governmental cooperation for lakes and watercourses may be implemented as advocacy policies which encourage inter-governmental cooperation and good land stewardship, and the establishment of a referral process for land use permits on Crown lands under the jurisdiction of Saskatchewan Environment.

5.0 MUNICIPAL MANAGEMENT OBJECTIVES AND POLICIES

5.1 MUNICIPAL MANAGEMENT OBJECTIVES

- A. To ensure the sustainable development of all land and water resources (such as agricultural, fishery, forestry and wildlife resources) within and adjacent to the municipality's boundaries occurs in a manner, and at locations which are compatible with each other.
- B. To minimize land use and access conflicts and incompatibilities.
- C. To promote safe transportation developments (such as roads) that are complimentary to the municipality's land use policies.
- D. To protect and enhance the fishery resources of all lakes and streams to ensure their continues viability for use by area residents and visitors.
- E. To protect the amenities and environmental quality of the municipality's land and water resources.
- F. To protect and preserve valuable non-renewable aggregate resources for the municipality and adjoining jurisdictions, and to ensure that resource extraction activities minimize conflicts between extractive operations and adjacent activities or uses; respects the natural environment and landscape; and prevents the permanent desecration of the regional landscape.
- G. To encourage cooperative planning between Council, other jurisdictions and the public.
- H. To promote cooperation with provincial, federal and other municipal jurisdictions and to administer municipal land use policies in compliance with provincial and federal land use policies.
- I. To ensure the orderly and appropriate subdivision, development of land and of cost-efficient services to support that development, the applicant for all new development or subdivision shall pay for

whatever municipal services must be improved or expanded to service it, unless specifically exempted (in whole or part) from this requirement by Council under Section 6.4.G.

5.2 AGRICULTURAL LAND USE POLICIES

- A. Council will protect and preserve those lands most suitable for agricultural production such as Class 1, 2, 3 lands or combinations thereof (according to the Canada Land Inventory Soil Capability for Agriculture) which generally correspond to the upland areas in the municipality (see Appendix for CLI Land Use Map).
- B. Council supports the preservation of traditional agricultural operations and farming within the Municipality and to manage the long term development in this District in that context. Developments which are predominantly agricultural in nature or are supportive of the agricultural industry shall be encouraged throughout the RM. Other developments which are compatible with agricultural production and accessory uses shall be allowed by Council as either permitted or discretionary uses.

The Right To Farm in the R. M. 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 in 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 potential to involve the RM in any control of these activities and practices may occur if they conflict with the *Agricultural Operations Act*, or are clearly invalidated by a decision of the Agricultural Operations Review Board established by that Act. In either case, Council shall not be required to amend this Plan to affect or regulate any such activity or practice since they are not within the R.M.'s jurisdiction under *The Planning and Development Act, 1983*. Unless required by law to amend this Plan or the Zoning Bylaw to conform to Provincial Acts or Regulations, the RM shall not be required to enforce a decision of the Board through these land use Policies or Regulations.

- C. Intensive Agricultural and Livestock Operations
 - C.1 In general, Council will support the development of intensive agricultural (e.g. large-scale irrigation projects) and intensive livestock operations unless specific locational conflicts would be created due to flies, odour or other pollution problems not regulated by Federal or Provincial agencies.
 - C.2 Intensive agricultural operations and intensive livestock operations will be permitted subject to the discretion of Council in accordance with this Section and other relevant policies in this BPS. Any expansion of an existing operation for a greater number of animal units, or any change in an operation which in Council's opinion substantially alters the species of animal, shall require a new discretionary approval for the proposed change or expansion.
 - C.3 To minimize conflict between proposed intensive livestock operations 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 lesser separation of up to 10% variance from the relevant separation shown in Table 1 where the applicant submits a copy of a signed agreement between the operator of the ILO and the owner of the development, 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 of all affected land owned by both parties. Where such agreements are made, Council shall be a party to the agreement and may use Section 215 of the Act, to caveat the agreement to the title of the affected lands.

(Table 1)
Policies for Minimum ILO Separation Distances*

TYPE OF ADJOINING OR PROPOSED DEVELOPMENT	NUMBER OF ANIMAL UNITS PERMITTED	NUMBER OF ANIMAL UNITS PERMITTED	NUMBER OF ANIMAL UNITS PERMITTED
	300-499	500-2000	>2000
Residence, tourist accommodation, public well	800 m (0.5 mile)	2400 m 1.5 miles	2400 m
Multi-parcel Residential Lots, Hamlet or Village with <100 population, campground, commercial or industrial use	800 m	2400 m	2400 m
Village 100 or more population	1600 m (1 mile)	2400 m	2400 m

(Distances are measured between livestock facilities barns and corrals) and building development. Metric distances take precedence – Imperial distances are shown only for ease of interpretation)

* refer to Subsection 5.4.1(2) of the Zoning Bylaw for the minimum size of an ILO , based on the type of Animal Units which it contains and clarification of the difference between an ILO and a grazing operation with temporary winter confinement.

C.4 The following are additional actions which Council may use in dealing with applications for new ILOs.

- Council may require the applicant to pay for the public advertisement of a proposal that will result in an intensive livestock operation and for the cost of a public hearing or information session on the proposal.
- Council may require an applicant to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation.
- Crop land or improved pasture may be used for the incorporation of wastes from an intensive livestock operation by spreading of manure, and such manure shall be incorporated into the soil

within 24 hours of spreading, unless such incorporation is prevented by adverse weather conditions, in which case incorporation shall take place as soon as practical thereafter.

- Council may require or allow an applicant to utilize manure injection into the soil or other technology rather than conventional stockpiling and spreading. Council may consult Saskatchewan Agriculture, Food and Rural Revitalisation (SAFRR) regarding the suitability of such technology.
 - Council may require that the ILO operator notify the RM whenever any change is proposed in location of the areas for manure application required by SAFRR or Council as part of an earlier approval issued to the operator by either approval party. Council may consult SAFRR regarding the suitability of such new area for the expected manure type and volume etc. No new area may be used for ILO manure application until a Discretionary Use Permit authorising the change in use has been issued by Council.
- D. Council will encourage intensive livestock operators to engage in good land stewardship.
- E. Existing agricultural land uses and developments shall be deemed conforming by Council, and shall be recognized within the Zoning Bylaw.
- F. Council shall discourage the subdivisions and fragmentation of agricultural land into small uneconomical units for non-farm developments.
- G. “To maintain and support agricultural production Council will permit two (2) farm residences or communal dwellings, on a Farmstead (as defined in the Zoning Bylaw), and at Council’s discretion, up to one (1) additional farm residence or additional communal dwelling(s) (the maximum number of communal dwellings is to be determined by Council) per Quarter Section or Equivalent (as defined in the Zoning Bylaw).” Amended August 10, 2011.
- H. Council shall permit the clearing of land for the purpose of agricultural production and irrigation except in environmentally sensitive areas, hazard lands or heritage sensitive areas, Council shall consult with the appropriate senior levels of government responsible for these sensitive lands prior to reviewing a land clearing proposal.
- I. Implementation: Agricultural land use objectives and policies may be implemented through such instruments as the Zoning Bylaw, subdivision control procedures, the issuance of development and building permits; and through policies which: a) protect and preserve lands most suitable for agricultural production; b) discourage the subdivision of agricultural land into small uneconomical units for non-farm developments, c) permit land clearing for agricultural purposes and d) which permit intensive livestock operations.

Any conflict between an agricultural use and another use shall be resolved in favour of the agricultural use, unless in Council’s opinion, their decision would threaten “the health, safety and general welfare of the inhabitants of the municipality”, as outlined in Section 66 of the Act.

For country residential uses proposed in the agricultural area, a maximum of 2 (consisting of 1 rectangular, and 1 isolated, irregular, non-rectangular) subdivisions may be allowed at Council’s discretion per Quarter Section or Equivalent. Further policies affecting such subdivisions are contained in Part 5.5 of this Plan.

5.3 NATURAL RESOURCE DEVELOPMENT Amended August 11, 2010

- A. Natural resource development and accessory uses are important within the Rural Municipality as they provide economic benefits and spinoffs and will be considered by Council in areas where they are considered appropriate. A natural resource development zoning district is provided in the Zoning Bylaw to allow council to consider applications. Council will also be able to consider some natural resource development applications within the Agricultural zoning district. Council's decisions will be based on the criteria as outlined in the Zoning Bylaw.
- B. Council will not permit residential or commercial subdivisions in areas with moderate to high potential for natural resource development as they may limit future natural resource development.
- C. Natural resource development shall require the approval of Council, which may include a development permit and a development agreement.
- D. Prior to the issuance of the development permit, the developer and Council may enter into a development agreement which defines the responsibilities of the developer with respect to natural resource development. The development agreement may specify any of the following guidelines for development within the Direct Control District:
 - i) Compliance with applicable Saskatchewan Ministry of Environment's guidelines and codes of practice.;
 - ii) Any other conditions with respect to the planning, siting, operation, and restoration of the site including:
 - * specifying the after-use of the site
 - * phasing of operational and restoration components
 - * the identification of potential environmental problems (i.e. drainage, erosion control, noise, dust and dirt) and proposed mitigation measures
 - * the visual effects on the site (i.e. weeds) and the landscape (i.e. loss of scenic qualities) and proposed mitigation measures
 - * the erection of fencing and signs
 - * the development and maintenance of municipal roadways
 - * the routing of trucks to avoid noise and dust problems
 - * the posting by the developer of a letter of credit, cash or a performance bond to guarantee adherence to these requirements (Council may choose not to require security where the developer has a financial assurance in place with the Saskatchewan Ministry of Environment).
 - * hours of operation and hauling
 - * or any other condition that Council may specify.
- E. Sand and Gravel Operations (or new residences proposed near an existing operation) within the Agricultural Zoning District must be located on sites that are:
 - i) 800 meters (0.5 miles) from any residence (or an existing aggregate extraction operation as the case may be);
 - ii) 45 meters (150 feet) from the center of a developed road allowance;
 - iii) Accessible to roadways suited to the operation, and if this is not the case, the development agreement shall address this concern;
 - iv) Not Environmentally Sensitive lands as may be shown on the Zoning Map, or unless in Council's opinion, such lands can be protected by following the development conditions for a new operation as recommended by an engineering or environmental study;

Development zoning district provided for in the in the Zoning Bylaw. When reviewing rezoning applications, Council will consider the property's environmental features and potential land use, including:

- Agricultural capability;

- presence of unique historical or archaeological significance;
- presence of significant wildlife habitat;
- recreational land use potential; and
- potential for land use conflicts with adjacent lands.

F. Natural Resource Development operations that do not meet the criteria within the Agricultural Zoning District will be required to rezone the property to the Natural Resource.

5.4 RECREATIONAL RESOURCE MANAGEMENT POLICIES

- A. Where appropriate, Council will permit the development of publicly-owned or privately-owned recreational facilities.
- B. Recreational activities may occur in environmentally sensitive areas, heritage sensitive areas and hazard lands only to the extent that these lands are not detrimentally affected by recreational users.
- C. Implementation: Recreational resource management objectives and policies shall be achieved by implementing all lakeshore management objectives, policies and procedures as well as instruments such as the Zoning Bylaw, subdivision control procedures, the issuance of development permits and building permits, servicing agreements; and policies outlining the provision of information by the developer, for land considered unsuitable for development, and consultation and referral to the appropriate jurisdictions for Environmentally Sensitive Areas, Hazard Lands and Heritage Sensitive Areas.

5.5 COUNTRY RESIDENTIAL LAND USE POLICIES *Amended September 9, 2009, Oct. 13, 2010*

- A. Sprawled or linear developments and subdivisions should be avoided. Development and subdivision of irregular, non-rectangular parcels which are physically isolated from the balance of the Quarter Section by a road, railway or watercourse may be allowed, subject to conformity with this Part.
- B. Applications for rezoning land to country residential land use will be considered by Council if the proposed development is NOT located on hazard lands. Applications for rezoning will be discouraged by Council, where the proposed development is located on hazard lands.
- C. Council will NOT permit further subdivision of the original country residential lot, except at Councils discretion for minor lot line adjustments.
- D. Single Parcel Country Residential Policy
- D.1 A maximum of 2 regular-shaped subdivisions may be allowed at Council's discretion per Quarter Section or Equivalent, subject to Section 5.3.2 of the Zoning Bylaw. The requirements for adequate legal and physical access outlined in Section 3.17 of the Zoning Bylaw shall also apply.
- D.2 In addition to the single Country Residential rectangular subdivision which may be allowed pursuant to Subsection D.1, one isolated, irregular, non-rectangular subdivision described in Part 5.5 A, may also be allowed on a Quarter Section or Equivalent (see Zoning Bylaw definition) at Council's discretion, subject to conformity with this Part. The requirements for adequate legal and physical access outlined in Section 3.17 of the Zoning Bylaw shall also apply.
- D.3 *The allowable size for a single parcel Country Residential parcel shall be specified in the Zoning Bylaw. At its discretion, Council may allow a variance to the foregoing minimum or maximum size.*
- E. Multi-parcel Country Residential Policies:

E.1 To avoid premature development, achieve efficient municipal servicing and ensure environmental protection, Council will require such country residential developments to locate on an “All Weather Road” as defined in the Zoning Bylaw in a contiguous and phased manner, as determined by Council. Council may require the developer to meet the following locational criteria with respect to multi-parcel country residential development:

- * site suitability in terms of slopes, drainage and environmental sensitivity;
- * avoidance of high quality agricultural land (Classes 1 to 3)
- * avoidance of land use conflicts with intensive livestock operation;
- * a minimum parcel size of 2.0 hectares (4.9 acres) and a maximum number of parcels per quarter section to avoid crowding;
- * availability of a water supply;
- * economical provision of municipal services; and
- * assurance of developer investment in on and off-site development costs.

E.2 Subdivision for Multi-parcel Country Residential subdivisions will be considered on its merits by Council through a rezoning to a Country Residential District. Council shall use the following requirements and the procedure outlined in Section 8.2 in making a decision on an application for rezoning:

- i) Only one cluster shall be allowed per Quarter Section. Rezoning shall be required;
- ii) New residential clusters will only be allowed if they will either front on a good quality road which is located within 3.2 km of a Provincial Highway, or an existing municipal road within the same distance of a Provincial Highway can be reconstructed to be a good quality road at the sole expense of the developer. Council may choose to negotiate a servicing agreement with the developer, including but not limited to, road construction standards and possible shared costs;
- iii) To reduce the cost of new or reconstructed roads and encourage clustered subdivisions to supply piped potable water, central garbage stations and central sewage facilities, Council may choose to rezone one cluster subdivision on a maximum total of 4 adjoining Quarter Sections at appropriate locations;
- iv) The minimum size of the remnant of a Quarter Section or Equivalent after the subdivision of any proposed cluster must be 48 ha (120 acres) or the rezoning shall be refused by Council.

E.3 If alternate sites and/or buildings are available near the proposed development, Council may not allow the proposed development.

F. Implementation: Country residential land use objectives and policies may be implemented via instruments such as the establishment of a Country Residential District (CR) and provision for single parcel country residential parcels within the Agricultural District (A) of the Zoning Bylaw, the subdivision approval process, issuance of development permits and building permits, policies for the provision of information by the developer and for land considered unsuitable for development.

5.6 HIGHWAY COMMERCIAL AND LIGHT INDUSTRIAL POLICIES

A. Although no rezoning request has been received for highway commercial or light manufacturing uses since the previous Plan was approved in 1993, Council has decided to retain Policies for these uses in this document. Council will continue to encourage and promote the establishment of highway commercial enterprises which cater to the traveling public and local rural population as

well as the establishment of light or small scale processing and manufacturing industries on sites where conflicts with other land uses will be avoided.

- B. Council will encourage highway commercial and light industrial developments to locate near centers where full municipal services are available, or where unavailable, these services are provided by the developer.
- C. Applications for rezoning of land for highway commercial or light industrial use will require a site plan which may include the following information or any other information requested by Council:
 - i) A map (drawn to scale) showing the proposed shape, dimensions, area and topography of the site;
 - ii) a sketch map (drawn to scale) indicating all existing land uses and structures within two kilometers of the proposed development site; and
 - iii) a description of the location, height, dimensions and use of all structures and outdoor storage areas which will be located on the proposed site, as well as setbacks, drainage provisions, proposed entrances/exits and trucking routes.
- D. Council may request that a development agreement as outlined under section 197 of *The Planning and Development Act, 1983* be entered into between the developer and the rural municipality prior to land development for the proposed highway commercial or light industrial operation. Council may request provisions be made for the following items:
 - i) adequate buffer planting and screening where judged necessary by Council;
 - ii) an established trucking route and provision for continued maintenance of the municipal roads;
 - iii) water supply and waste disposal, whether on-site or off-site and adherence to all regulatory requirements, policies and guidelines established by Saskatchewan Environment, Saskatchewan Health, Saskatchewan Watershed Authority and other jurisdictions;
 - iv) the posting of a suitable bond or letter of credit to ensure the fulfillment of the development agreement; and
 - v) any other matter(s) Council may require to be addressed.
- E. Implementation: although there is no longer a “Light Industrial and Highway Commercial District” in the new Zoning Bylaw, when rezoning requests are made to Council for such uses on land considered by Council to be suitable for such development, the forgoing Policies may implemented by creating a new District in the Zoning Bylaw to allow new subdivision or issuance of development permits and building permits for those uses.

5.7 POLICIES TO ENCOURAGE INTER-GOVERNMENTAL COOPERATION FOR LAND AND WATER RESOURCES

- A. Council shall continue to cooperate with senior levels of government, other municipalities and public and private agencies to secure the sustainable use of the municipality’s land and water resources.
- B. Implementation: The objectives and policies to encourage inter-governmental cooperation for land and water resources may be implemented as advocacy policies which encourage inter-governmental cooperation and good land stewardship. The promotion of ongoing liaison with Crown land managers from Saskatchewan Environment, SAFRR, the Saskatchewan Watershed Authority, and the Department of Fisheries and Oceans and the establishment of consultative and referral processes for environmentally sensitive areas under the jurisdiction of Saskatchewan Environment, the Canadian Wildlife Service and Environment Canada as well as heritage sensitive lands under the jurisdiction of the Heritage Branch are the major advocacy policies.

6.0 IMPLEMENTATION POLICIES AND INSTRUMENTS

6.1 ZONING BYLAW AND ASSOCIATED POLICIES

- A. Pursuant to section 45 of *The Planning and Development Act, 1983*, Council shall prepare and adopt in conjunction with this Bylaw, a Zoning Bylaw for the Rural Municipality of Dufferin No. 190.
- B. The Zoning Bylaw shall implement the goals, objective, and policies of this Development Plan as outlined in *The Planning and Development Act, 1983*.
- C. The Zoning Bylaw as deemed appropriate by Council, shall provide for development zones, permitted and discretionary uses, and general and/or specific development standards to carry out the intent of this Bylaw.
- D. The zoning of land shall usually reflect its existing current use and the premature zoning of land for development shall be discouraged.
- E. Rezoning of land shall only be considered by Council when specific development proposals, subdivision applications and servicing agreements, where required, have been presented to and reviewed by Council.
- F. **Procedural Requirements for Rezoning and Discretionary Use Applications**
Council shall require a report from RM staff to accompany each Rezoning or Discretionary Use application and shall by resolution approve the application if, in Council's opinion, the following questions were satisfactorily answered. The questions must be dealt with in the sequence in which they are listed. Council shall not proceed to consider a subsequent question until the current one has been satisfactorily answered. The questions are:
 - 1. From the facts presented, will the proposed rezoning or use be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or will it be injurious to property, improvements or potential development in the vicinity?
 - 2. Do the Objectives and Policies of this Basic Planning Statement and the Regulations of the Zoning Bylaw allow a change in the use of the land?
 - 3. Is the proposed use suitable for the land?
 - 4. Will the surrounding agricultural activities be negatively affected by the proposal?
 - 5. Is there another site which is more suitable for the use?
 - 6. Are the proposed details (environmental protection, building location, parking etc), satisfactory?
 - 7. Should any conditions be negotiated with the Rezoning applicant or attached to the Permit to improve the development and decrease or eliminate any negative impact on nearby uses?

6.2 ADDITIONAL SHORELINE PROTECTION POLICIES

- A. Any shoreland development within 457 metres (1500 feet) of the shoreline is subject to *The Shoreland Pollution Control Regulations, 1976* as administered under *The Public Health Act, R.S.S. 1978, c. P-37*.

6.3 INFORMATION REQUIREMENT POLICY FOR DEVELOPERS

- A. Council may require the Developer to provide the municipality with the necessary information to properly assess the following applications:
 - a) Development Plan amendments,
 - b) Zoning Bylaw amendments,
 - c) subdivision approval, or
 - d) discretionary use applications.

The Developer should address the following concerns in his/her application:

- a) conformity with the policies of the Development Plan and the Zoning Bylaw;
- b) conformity with provincial regulatory jurisdictions including Saskatchewan Government Relations, Saskatchewan Environment, Saskatchewan Agriculture, Food and Rural Revitalisation and the Saskatchewan Watershed Authority;
- c) conformity with federal or other regulatory jurisdictions including Agriculture Canada, Environment Canada, Fisheries and Oceans, the North American Waterfowl Management Plan or others;
- d) site suitability in terms of hazards such as flooding, erosion, slope instability or poor drainage with a geotechnical report from a qualified engineer;
- e) site suitability in terms of topography, critical wildlife habitat, or other environmental factors;
- f) site suitability in terms of heritage resource sensitivity;
- g) the effects on lake use and on the fishery resource of the proposed development;
- h) cost-benefit analysis of the proposal;
- i) an outline of appropriate levels of servicing and terms of the servicing agreement; and
- j) other information as may be required by Council.

6.4 LAND SERVICING POLICIES

- A. Unless Council makes other arrangements as outlined in Subsection H below, Council shall require all applicants for subdivision of land to sign a servicing agreement with the RM as outlined by section 143 of *The Planning and Development Act, 1983*, prior to approval being granted by the Director of Community Planning.
- B. Subject to Sections 5.1(I) and 6.4 (G), the servicing agreement will require that the proponent will construct all works and improvements required by the municipality including, but not limited to:
 - a) roads, streets and lanes;
 - b) drainage ditches and culverts;
 - c) the provision of water and sanitary sewer as required;
 - d) utilities;
 - e) street lighting;
 - f) landscaping of public reserve areas, parks and/or boulevards; and
 - g) other improvements within the proposed subdivision, as stipulated by the municipality.

Council may require the posting of a performance bond to guarantee adherence to the provisions of the servicing agreement.

- C. Council may require that the servicing agreement stipulate the payment of developer levies for the cost of constructing, expanding, upgrading or improving public works or off-site improvements that directly or indirectly service the proposed subdivision. Such off-site improvements may include drainage, public roads or highways, parks, recreational facilities and other improvements pursuant to section 143.2b of *The Planning and Development Act, 1983*
- D. Council may establish the standards to which improvements will be designed and constructed. Public Improvements will be designed by a professional engineer licensed to practice in Saskatchewan, where appropriate.
- E. All new residential, commercial, industrial or intensive agricultural development shall be required to have access to a developed road. Applicants for such developments may be required by Council to pay for all or part of the required road improvements as part of the necessary Development Permit.

- F. Council may use Section 22 of The Municipalities Act to ensure that any trucks pay for the cost of road repair caused by their usage of an R.M. road.
- G. As outlined in Section 5.1(I), both a servicing agreement with an applicant for new subdivision and a development agreement with an applicant for a new use on land where no subdivision is required, must include a clause stating that the applicant is responsible for the cost of all municipal services to the proposed subdivision or development as the case may be. Where such new subdivision or development will be of significant social, economic and environmental value to the RM, Council may use their discretion to either negotiate with the applicant to cost-share the required services, or if the required payment is unnecessary in their opinion, Council may choose to exempt the applicant from the requirement.

6.5 POLICIES FOR POTENTIAL DEVELOPMENT OF ENVIRONMENTALLY SENSITIVE LAND

- A. Where a proposed development of a new use and any required access driveway is located within an Environmentally Sensitive (ES) Overlay District shown on the Zoning District Map, or within 150 metres of the boundary of an ES District, Council may require the applicant to submit sufficient topographic or other information. This will be used to determine if the development will be:
 - within 457 metres of the waste disposal site for Bethune shown on the Zoning Map;
 - within 300 metres of the sewage lagoons for Bethune and Findlater shown on the Zoning Map;
 - within 300 metres of the Earthen Manure Storages (EMS) lagoons or runoff retention ponds shown on the Zoning Map for Heartland Livestock, the 2 Hutterite Colonies and Buffalo Plains Cattle Company;
 - within 60 metres of any slopes that may be unstable;
 - within 60 metres of land that has a high water table.
 - within 60 metres of land that adjoins a permanent waterbody which is shown on the original Township survey (excluding any land adjoining Buffalo Pound or Last Mountain Lakes, since those areas are within the Environmentally Sensitive Overlay District);
 - within 60 metres of the flood plain of any river or stream or other land that may be subject to flooding.
 - Within 0.8 km of the working or unclaimed face of a gravel pit.
- B. Council may prohibit development, where Council is of the opinion that land is unsuitable for development because:
 - i) it is subject to unstable soil conditions due to high water tables, wetland soils or poor drainage conditions;
 - ii) of hazards associated with fluctuating water levels and the associated processes of flooding and erosion or any other instability; or
 - iii) the land is below the 1:500 flood event elevation and/or the safe building elevation.
- C. Where the cost of providing an all-weather access road would, in the opinion of Council, be prohibitively expensive or difficult to maintain due to poor natural drainage, steep slopes or other features, Council may prohibit such development.
- D. Where Council is of the opinion that any of the foregoing conditions may exist on a particular site, Council may request the proponent of the development to pay for a site inspection by a professional consultant of Council's choice. A Development Permit may NOT be issued unless a favourable site report is presented by the professional consultant to Council.

6.6 PROVINCIAL LAND USE POLICIES

A. Council will administer and implement this Bylaw in conformity with applicable provincial land use statutes, regulations, policies and guidelines, and in cooperation with provincial agencies.

6.7 FEDERAL LAND USE POLICIES

A. Council will administer and implement this Bylaw in conformity with applicable federal land use statutes, regulation, policies and guidelines, and in cooperation with federal agencies.

7.0 ADOPTION

- 1. This bylaw shall come into force on the date of final approval by the Minister of Government Relations.
- 2. This Bylaw repeals the former Development Plan Bylaw No. 1/93.
- 3. Council Readings

Read a First time this 11th day of October, 2006

Read a Second time this 11th day of October, 2006

Read a Third time this 11th day of October, 2006

SEAL

Reeve

Rural Municipal Administrator

8.0 APPENDIXES

Appendix 1 – see attached copy of Canada Land Inventory Map for Agriculture. These maps were first published in 1966 by the Queen’s Printer, Ottawa

Appendix 2 – see partial copy of Terrain Mapping of Qu’Appelle Valley between Qu’Appelle Dam and St. Lazare, Manitoba, prepared by J.D. Mollard & Associates, Regina for the Saskatchewan Water Resources Commission and dated January 17, 1972.