

**THE RURAL MUNICIPALITY OF MERVIN #499**

**BASIC PLANNING STATEMENT**

Being Schedule "A" to Bylaw No. 94-3  
of the Rural Municipality of Mervin No. 499

Consolidated version including the following Amendments:

Bylaw #2000-08  
Bylaw #2001-15  
Bylaw #2004-02  
Bylaw #2004-08  
Bylaw #2004-09  
Bylaw #2005-01  
Bylaw #2005-19  
Bylaw #2007-05  
Bylaw #2010-02  
Bylaw #2013-17  
Bylaw #2016-08  
Bylaw #2017-20  
Bylaw #2018-20

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original bylaws should be consulted for all purposes of interpretation and application of the law.

DATE: January 7, 2019

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## PART I BACKGROUND

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### 1.1 Introduction

Sections 39 and 45 of The Planning and Development Act, 2007 empower Council to prepare and adopt a Basic Planning Statement and Zoning Bylaw. According to section 248 of The Planning and Development Act, 2007 (the Act), a Basic Planning Statement existing as of the date of the coming into force of the Act is deemed to be an Official Community Plan and is continued in force as if it were approved under the Act insofar as it is not inconsistent with the Act or a provincial land use policy or statement of provincial interest. Therefore, references in this document to “Basic Planning Statement” should be taken to mean “Official Community Plan”. The basic planning statement is a growth management tool which provides the basis for regulations and decisions made under the zoning bylaw. Its primary purpose is to provide a framework within which future land subdivision and development in the municipality is to be encouraged and directed. The policies within this statement are intended to:

- guide all growth in a logical and orderly manner in order to benefit all residents of the municipality;
- to enhance the cultural, visual and ecological qualities of the rural environment;
- to ensure that adequate services are available for the health, safety and convenience of the residents;

Bylaw No. 2010-02

- to encourage the development of an environment which is pleasant, efficient and economical for all concerned.

## 1.2 **Municipal Planning Program**

The Rural Municipality of Mervin No. 499 authorized the preparation of an updated basic planning statement in 1992. The first step in this process was the preparation of the Community Planning Background Report date 1992. This report presents information respecting land use and the social, cultural and physical resources of the municipality. It presents planning issues and key findings and recommends general goals and objectives to serve as a basis for the development of land use policy contained in the basic planning statement.

## 1.3 **Development Issues and Concerns**

### a. Resources

- \* *Natural wildlife habitats and landscape are important attributes to the R.M. Land use policy is required to preserve the natural environment and to promote the coexistence of the natural environment and development (i.e. major changes in land use practices can have dramatic impacts on wildlife populations thereby affecting both environmental sustainability and economic spinoffs).*
- \* *Policy should be developed with respect to forestry-related industries in order to ensure that the forest is accessible to all potential users and to encourage all users to protect the forest resources for future generations (be exercising sustainable forest practices).*
- \* *Land use policy is required to guide the development of resource extractive and forest industries in the municipality due to their potential impact on municipal infrastructure and their potential impact on the municipal economy.*
- \* *Policy is required with specific provisions relating to oil and gas facilities and infrastructure.*
- \* *Policy is required to protect any known areas of gravel, or areas believed to exhibit a high potential for being a source of gravel, from development which would effectively preclude gravel extraction when needed/desired (until that resource site has been exhausted).*
- \* *Policy is needed to accommodate growth and flexibility in agricultural to promote commercial development when adjacent to residential and commercial subdivisions.*

### b. Agriculture

- \* *Policy is needed to protect prime productive agricultural land from being taken out of productivity for residential or recreational use. Adequate site size for agriculture holdings should be maintained but flexibility for intensive agriculture and small scale farms is required.*

- \* *Policy is required to accommodate farm land subdivision to reflect realities of farm debt settlement, farmland consolidation and estate settlement.*
- \* *Policy will be required to provide development standards for intensive agriculture uses so that they do not jeopardize existing development and environmental concerns.*
- \* *Policy will be required to provide development standards for home occupations and on-farm employment.*
- \* *Policy will be required to protect agricultural land use, including intensive agricultural operations, from negative impacts of non-agricultural land use and development (i.e. country residential usage).*
- \* *Policy is required with respect to location and development standards for intensive livestock operations.*
- \* *Policy is needed to accommodate growth and flexibility in agriculture districts to promote commercial development when adjacent to residential and commercial subdivisions.*

**Bylaw No. 2013-17**

c. Residential

- \* *Policy is required to encourage the continued maintenance or cancellation and rezoning of vacant, registered lots in the organized hamlets (such as Livelong) that may be owned by the R.M. or adjoining farm landowners.*
- \* *Land use policy is required to minimize the economic costs, to the municipality, of country residential and lakeshore development to the R.M. and to ensure that it is undertaken in a planned manner.*
- \* *There is a need for consistent country residential and lakeshore development policies and zoning in the R.M.*
- \* *Policy should recognize that there is a high potential for infilling within existing lakeshore developments. Infilling should be encouraged before proceeding with new developments. (Therefore land use policy must consider the necessity for any future lakeshore development zoning given the current number of cottage lots already available on the lakes).*

d. Industrial / Commercial

- \* *Opportunities exist for development of the forest and oil related industries. Policy should provide direction for the growth and development of these industries as well as minimize the negative impacts of commercial and industrial development on the environment, residential and agricultural uses.*

- \* *Policy should encourage the establishment of business and industry in the organized hamlets to promote economic growth. Therefore land use policy is required to give direction to the expansion and development of existing and potential commercial and industrial areas (to prevent land use conflicts and unnecessary environmental damage).*
- \* *Consideration of policy to accommodate cottage industries, home industries and off-farm employment is needed.*
- \* *Policy should include provisions for the zoning of light industrial land in zoning bylaws (or allow it as a discretionary use).*
- \* *Policy should ensure that the current zoning of commercial land meets the requirements of commercial and highway commercial establishments (i.e. potential commercial development along Highways #26, #303, #3) and in the vicinity of urban municipalities within the R.M.*

e. Tourism and Recreation

- \* *Policy should recognize/promote the use of the R.M.'s lakes for winter recreation activities.*
- \* *Locational and development guidelines are required in policy for a wide range of existing and potential recreational opportunities in the municipalities.*
- \* *Policy should address the potential/need for further recreational development and should reflect the need for infill of existing sites and the planned development of new sites.*

f. Lakeshore Development

- \* *It is possible that the boating capacity of the south end of Turtle Lake is being exceeded in peak use periods. Policy should be considered which would assist in reducing lake use conflicts and boating hazards associated with this level of use. Further, land use policy should be considered which should ensure that further subdivision and development will not result in levels of boating use in the southern basin of Turtle Lake which are hazardous or which detract from the quality of the recreation experience on the lake.*
- \* *Policy is required to ensure that expansion of lakeshore development subdivisions will not result in levels of beach use which exceed the capacity of beaches in or adjacent to the subdivisions. More specifically, land use policy is needed to prevent additional subdivision at Horseshoe Bay until such time as adequate public access has been provided to a public beach area with sufficient capacity to accommodate both existing beach use needs and any requirements associated with proposed expansion.*

- \* *The sport fishery of Turtle Lake continues to be exploited at a level beyond the annual sustainable harvest. Policy should be considered to ensure that the sport fishery of Turtle Lake is not placed under additional pressure as a result of further cottage or other lakeshore subdivision and development. Concurrently, policy is required to encourage Saskatchewan Environment and Resource Management to take whatever steps may be feasible (including reduced angling limits, closure of certain waters at key times of the year, habitat enhancement and continued stocking) to enhance and maintain the health of the sport fishery in Turtle Lake.*

g. General

- \* *There is a need for enhanced communications with adjoining R.M.'s as well as with different levels of governments. This should be actively pursued.*
- \* *Policy should promote intermunicipal agreements where there is joint use of facilities, land use, or infrastructure to assist the municipalities in cost reductions and limit land use conflicts.*
- \* *Land use policy should address the effects of increased resort traffic on municipal roads.*
- \* *Policy should provide guidelines which ensure that landfills and sewage treatment facilities are located so as to not to jeopardize surface and groundwater resources. More specifically, consideration should be given to a policy which would effectively commit the municipality to the development of a new centralized sewage lagoon and landfill (in cooperation with urban and other rural municipalities in the area, as appropriate) at the earliest possible date, and to the associated decommissioning of those facilities being replaced.*
- \* *Land use policy is needed to maintain access to municipal reserves (i.e. public parks, natural areas) and to develop a management strategy for these reserves.*
- \* *Policy should be developed to address the possibility of amalgamation with Spruce Lake.*

**1.4 General Goals**

The following general goals provide direction for establishing specific land use policies.

- a) To support the agricultural character of the municipality and provide opportunity for commercial, and tourism/outdoor recreation.
- b) To promote orderly development of the municipality while minimizing any detrimental social, economic and environmental impacts.

**Bylaw No. 2013-17**

- c) To maintain the long term economic and environmental sustainability of the municipality by promoting and permitting only appropriate development which exhibits a high degree of fit with the land resource base in both the short and long terms.

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## **PART II AGRICULTURAL LAND USE**

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### **2.1 Agricultural Objectives**

- a) To conserve the agricultural character of the municipality and the rural way of life.
- b) To conserve high quality agricultural land for continuing productive agricultural use.
- c) To protect agricultural land uses from negative impacts of non-agricultural land use development.
- d) To accommodate intensive agricultural uses in the municipality if they observe development standards and do not override environmental concerns.
- e) To promote and encourage agricultural land use practices and development that enhance soil conservation and environmental sustainability;
- f) To encourage agricultural and economic development that will improve the financial viability of the rural municipality.
- g) To accommodate farm residential needs.

**Bylaw No. 2013-17**

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### **2.2 Agricultural Development Policy**

The primary agricultural uses include grain farming, mixed grain/livestock operations, farmsteads and farm residences, intensive agricultural uses, agricultural related commercial developments, and on-farm or home occupations.

- a) Intensive Agriculture Uses

- i) Intensive Livestock Operations

Intensive livestock operations (ILO's) will be listed as a discretionary use in the Zoning Bylaw. A resolution of Council and a development permit will be required for the development of ILO's over 50 animal units involving a new or expanding operation or the construction or alteration of facilities.

The separation distances between intensive livestock operations and other uses in the municipality listed in Table 1 (below) shall be maintained.

**TABLE 1****Bylaw No. 2000-08**

Other Land Uses	50 – 300 Animal Units	Over 301 Animal Units
Residence not owned by the ILO operator	0.8 km. (0.5 miles)	1.6 km. (1 mile)
Intensive country residential subdivision, lakeshore development, hamlet, or urban community	1.6 km. (1.0 mile)	3.2 km. (2.0 miles)
Commercial or industrial use	0.8 km (0.5 miles)	1.6 km. (1.0 miles)

When landowners are in agreement, the separation requirements respecting isolated residences may be relaxed.

New or expanding operations shall conform to all development standards specified in the Zoning Bylaw.

ii) Other Intensive Agricultural Uses

Council shall require the proponent of intensive agricultural uses such as nurseries, market gardens, etc. to demonstrate their feasibility as a basis for approval.

b) Agricultural Related Commercial and Industrial Uses

Approval of such commercial or industrial developments may be granted if their function is compatible and non-intrusive to agriculture and only after a review by Council, to ensure that:

**Bylaw No. 2013-17**

i) incompatibility with other land uses will be avoided, including consideration of proximity to urban centres, hamlets, Provincial and Regional Parks and Recreation Sites;

ii) policies for environmental quality control will be respected, including requirements for water and waste disposal servicing;

iii) significant areas of good agricultural land will not be permanently removed from production;

iv) the design and development of the use will conform to high standards of safety, visual quality and convenience;

vi) all relevant approvals are obtained from government agencies for uses such as anhydrous ammonia fertilizer facilities.



c) Farm Dwellings

One farm dwelling will be permitted for agricultural operations. Additional dwelling units may be permitted, by a resolution of Council, if accessory to a legitimate agricultural operation and if it is intended to accommodate farm workers. The granting of a dwelling development permit by Council for such additional dwelling(s) shall not be construed, in any way, as consent or approval for future subdivision.

**2.3 Agricultural Subdivision Policy**

a) Agriculture Land

The fragmentation of agricultural holdings is not encouraged. However, subdivision of land into parcels smaller than a quarter section for legitimate agricultural purposes will be permitted where:

i) the severity financial crisis for a particular agricultural operation is demonstrated, in council's opinion, to warrant the subdivision of a smaller site to assist debt restructuring or settlement; or,

ii) it is fragmented from the balance of the quarter section by either natural (river creek, coulee, etc.) or man made (roadway, railway, etc.) barriers; or

iii) it is intended to be consolidated under one title with adjacent land, in accordance with The Land Titles Act, to create a more viable agricultural unit; or

iv) it is intended to accommodate estate planning, settlement, and economic development: or,

v) it will accommodate the purchase or lease of Crown land.

The zoning bylaw will restrict the use of such sites for agricultural purposes only.

b) Farmstead

It is important that the land use policies respecting farm housing be flexible so as to maintain and support agricultural production. The zoning bylaw shall make provisions for a farmstead subdivision to accommodate an existing or proposed base for a farm operation.

**2.4 Home and Farm-Based Businesses**

It is recognized that home and farm-based businesses can provide a valuable contribution to the diversified economic base of the rural municipality. Approvals will be based on the valuation of individual operations relative to specific zoning bylaw criteria to ensure that the agricultural character or land value is not diminished.

## **PART III RESIDENTIAL LAND USE**

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### **3.1 Residential Objectives**

- a) To ensure that country residential land uses do not jeopardize agricultural activities or resources.
- b) To permit country residential development to provide a growth stimulus to the community and choice of lifestyles for residents.
- c) To minimize the economic costs of country residential development to the municipality.
- d) To direct country residential uses away from areas of high quality agricultural land.
- e) To minimize negative impacts of country residential development on the environment and on agricultural and recreational land uses.
- f) To ensure that intensive and single-parcel country residential subdivision and development is undertaken in a planned manner and to provide for development of existing country residential sites and abandoned farm yard sites.
- g) To promote the orderly development of residential and commercial uses within the hamlet of Livelong.

### **3.2 Hamlet Policy**

- a) The Organized Hamlets of Livelong and Spruce Lake serve as community service centres. the Hamlet of Cleeves is all but abandoned and most lots in that hamlet are owned by the municipality. Limited residential and commercial growth in the form of infilling of existing vacant land shall be allowed in the hamlets of Livelong and Spruce Lake. The provision of additional sites within or abutting either of the existing hamlets will not occur until a detailed future land use and development concept is prepared for the affected hamlet, indicating extent, type(s), densities and numbers of potential future development sites and supporting services and infrastructure, and is adopted by Council, with the support of the respective Hamlet Board. **Bylaw No. 2005-19**
- b) Council will encourage, where feasible, the cancellation of vacant registered lots in Cleeves, their consolidation with adjacent agricultural parcels and their return to agricultural production. **Bylaw No. 2005-19**

### 3.3 Single Parcel Country Residential Policy

#### a) Location

i) A maximum of five sites containing residential use or development, including country residential site(s), a farmstead site or an agricultural holding with potential for a residence as accessory to the Agriculture use will be allowed per quarter section.

**Bylaw No. 2001-15**  
**Bylaw No. 2004-08**  
**Bylaw No. 2010-02**  
**Bylaw No. 2016-08**

Subdivision and subsequent development will be allowed, subject to the following setback conditions:

- 200 m (660 feet) from an existing or proposed resource extraction or related processing operation, including oil and gas wells and directly related facilities.

- separation requirements from Intensive Livestock Operations as set out in Table 1 in this bylaw (refer to Part II)

ii) Single lot country residential subdivision and development will be permitted only where direct all-weather road access has been provided to the satisfaction of Council.

**Bylaw No. 2010-02**

#### b) Development Standards

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

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### 3.4 Multiple-lot Country Residential Policy

**Bylaw No. 2005-19**

#### a) Locational Guidelines

Multiple-lot country residential subdivisions should be located:

i) Near a school with sufficient capacity to handle the increase in enrollment or on an existing school bus route;

ii) Near power and telephone lines of sufficient capacity to handle such development;

iii) So that adequate police and fire protection can be conveniently provided;

iv) On poor quality agricultural land, Class 4, 5 or 6 (according to The Canada Land Inventory for Agriculture). Developments will be permitted on Class 1, 2 and 3 land where these classes are a relatively small portion (eg. less than 10 percent) of the total site; and

v) To protect or enhance existing treed areas and/or critical wildlife habitat.

b) Locational Requirements

Multiple-lot country residential subdivisions shall not be located:

- i) Where direct all-weather municipal road access has not been developed, except where arrangements have been made, to the satisfaction of Council, for the development of such access.
- ii) On land subject to flooding or land where there is a high water table or potential for soil slumping;
- iii) Closer than 800 metres (0.5 miles) from an existing gravel extraction operation or from a site where it has been documented that in situ aggregate resources are of sufficient quality and quantity to support possible future gravel extraction operations;
- iv) Closer than 200 metres (660 feet) from an existing oil or natural gas well and directly related facilities;
- v) Closer than specified, in Table 1 in this bylaw, to an intensive livestock operation (refer to Part II).
- vi) In a linear fashion stretched along municipal roads;
- vii) Closer than 1.61 kilometres (1 mile) from a solid or liquid waste disposal facility;
- viii) On sites where water quality and/or quantity is marginal or minimal.

c) Development and Design

**Bylaw No. 2005-19**

i) Phasing A maximum of three multiple-lot country residential subdivisions in development stages will be allowed at any point in time. Multiple lot country residential subdivisions with less than 75% completed residential construction will be considered to be in a development stage. However, if 75% of available lots in one of those three subdivisions does not have completed residential construction and Council is of the opinion that development is lagging because the developer/land owner is holding land vacant or is encountering difficulty with financing the development then that subdivision may be deemed to not be in a development stage and Council may consider the approval of up to one additional subdivision proposal. If more than 16 sites are proposed within a single subdivision project, Council may require the project to be developed in stages to ensure that the proposal is not premature, and may limit the area of rezoning at any one time. Subdivision and rezoning of subsequent development stages will be considered on the basis of all relevant policies in this Basic Planning Statement.

**Bylaw No. 2010-02**

ii) Scale & Density Multiple-lot country residential development shall be permitted in one of two different density ranges. Each development area shall be limited to a maximum of 64.8 ha (160 acres).

**Bylaw No. 2005-19**

No one proposed high density country residential subdivision or combination of proposed subdivisions and existing single parcel country residential sites shall result in a cluster of more than 50 country residential sites in a quarter section.

No one proposed medium density country residential subdivision or combination of proposed subdivisions and existing single parcel country residential sites shall result in a cluster of more than 15 country residential sites in a quarter section. The Zoning Bylaw shall provide site area requirements to safeguard the provision of on-site sewage and water services.

iii) Concept Plan Council will require, in the interests of ensuring a comprehensive and planned approach to development, the preparation of a concept plan for the entire development area and submission of supporting documentation, where appropriate, as follows:

**Bylaw No. 2005-19**

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

- Engineering reports to address concerns such as availability of water supply, surface water drainage, and sewage treatment and disposal.

- The initial concept plan shall provide an integrated layout for the total residential subdivision envisioned, showing road layout and access to external municipal roads, phasing of development and public access to dedicated lands, as appropriate. Once the initial concept plan has been accepted by Council, and subdivision and development commences, no subsequent subdivision that is inconsistent with the approved concept plan and with all applicable policies in this Basic Planning Statement will be permitted without acceptance of a revised concept plan by Council.

iv) Services Based on the recommendations of engineering reports as per Section iii), above:

**Bylaw No. 2005-19**

Water:

**Bylaw No. 2005-19**

- each site in the development area shall have its own independent water system; or

- each site in the development area will be connected to a Regional Water Distribution system; or

- each site in the development area will be serviced with an independent communal water supply system approved pursuant to either *The Public Health Act, 2004* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.

**Bylaw No. 2010-02**

Sewer:

Bylaw No. 2005-19

- each site in the development area shall have its own independent sewage disposal system approved by the Regional Health Authority; or each site in a development area will be serviced with an independent communal sewage collection, treatment and disposal system approved pursuant to either *The Public Health Act, 2004* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.

Bylaw No. 2010-02

Solid Waste:

Bylaw No. 2005-19  
Bylaw No. 2010-02

- Council will consider a proposed development on the basis that a licensed solid waste management facility is available for use by future residents.

d) Servicing Agreement

Bylaw No. 2005-19  
Bylaw No. 2010-02

Before approving any multiple-lot country residential subdivision development, Council may enter into a servicing agreement with the developer/proponent pursuant to section 172 of *The Planning and Development Act, 2007*. A required servicing agreement may provide for construction of services or for the payment of fees by the developer/proponent for the provision of services in whole or in part including sewage, water, drainage, solid waste disposal facilities and other utility services that directly or indirectly serve the proposed subdivision. Council will require the developer of a proposed development to enter into a servicing agreement to provide for any proposed communal water and sewer systems.

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e) Development Standards

Bylaw No. 2005-19

The Zoning Bylaw will contain a high density country residential zoning district and a medium country residential zoning district, each with a distinct set of development standards, to regulate country residential development.

f) Consideration of Applications

Bylaw No. 2005-19

i) To help ensure that proposals for multiple-lot country residential subdivision and development are considered by Council in an equitable manner, Council will consider proposals in the order in which referrals are received from the Approving Authority for subdivision applications. In the event that an application is not supported by Council or if an application is denied by the Approving Authority for any other reason, such application shall be deemed by Council to no longer be eligible for consideration and a new application referral will be required.

ii) In the event that a multiple-lot country residential subdivision ceases to be in a development stage as a result of residential construction in that subdivision, and where the developer wishes to proceed with a subsequent stage of development that is consistent with the initial concept plan that has already been accepted by Council, it will remain the responsibility of the developer to ensure that the application for the subsequent stage of subdivision is submitted to, and referred to Council by, the Approving Authority in a timely manner, to facilitate timely consideration by Council pursuant to i) above.

### **3.5 Home Based Business**

It is recognized that home based business can provide a valuable contribution to the diversified economic base of the rural municipality. Approvals will be based on the valuation of individual operations relative to specific zoning bylaw criteria to ensure that the residential character or land value is not diminished.

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## **PART IV LAKESHORE DEVELOPMENT**

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### **4.1 Lakeshore Development Objectives**

- a) To ensure that lakeshore development occurs in a planned, orderly manner, and at locations which are compatible with each other and with the protection of the natural environment.
- b) To minimize land use and access conflicts and incompatibility with shoreland conditions.
- c) To maintain, protect and enhance lake water quality, water levels and the health of fishery resources.
- d) To protect the amenities and environmental quality of the municipalities lakeshore lands.
- e) To encourage cooperative planning between Council, other jurisdictions and the public.

### **4.2 Resort Hamlet Policy**

- a) The Organized Hamlets around Turtle and Brightsand Lakes serve as resort communities and tourism service centres. These Hamlets are:

Bylaw No. 2015-01  
Bylaw No. 2005-19

Around Turtle Lake:

- Sunset View Beach
- Evergreen Acres
- Turtle Lake South Bay
- Parkland Beach
- Kopp's Cove
- Powm Beach
- Horseshoe Bay

Around Brightsand Lake:

- Mowery Beach
- Evergreen Brightsand
- Crystal Bay - Sunset

A number of unorganized resort hamlets around Brightsand and Turtle Lakes are also concentrations of cottage and associated development.

- b) Council will not, without the consultation of the affected Hamlet Board of an affected Organized Hamlet, consider the rezoning of land for subdivision and development within or abutting any existing organized hamlet until a detailed future land use and development concept is prepared for the hamlet, indicating extent, type(s), densities and numbers of potential future development sites and supporting services and infrastructure. Any such required plan will be adopted by Council only after consultation with the respective Hamlet Board. **Bylaw No. 2018-20**

#### **4.3 Lakeshore Development Policy**

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- a) Council recognizes that lakeshore development is appropriate at certain locations in the municipality and will support such development where site conditions are suitable, where land owners are supportive and when demand warrants.
- b) The primary uses in lakeshore development areas shall be recreational residences, on separate registered surface parcels, and related recreational uses. To reduce ongoing road maintenance costs to the Municipality, Council will also favourably consider the creation of residential sites through registration of bare land condominium plans pursuant to *The Condominium Property Act, 1993* and *The Land Surveys Act, 2000*. **Bylaw No. 2005-19**
- c) Commercial uses serving the vacationing public may be permitted at Council's discretion and subject to development standards that will be specified in the Zoning Bylaw. **Bylaw No. 2005-19**
- d) Development and Design **Bylaw No. 2004-09**  
**Bylaw No. 2005-19**
- i) Council will consider the approval of new lakeshore development subdivisions on any lake only if more than 75% of existing sites are developed with completed residential construction.



ii) Phasing Once more than 75% of existing lakeshore residential sites are developed with completed residential construction on a lake, a maximum of five lakeshore development subdivisions in developmental stages will be allowed at any point in time on that lake. Lakeshore development subdivisions with less than 75% completed residential construction will be considered to be in an developmental stage. However, if 75% of available lots in one of those five subdivisions does not have completed residential construction and Council is of the opinion that a sufficiently broad variety of residential sites is not available on the lake or that development is lagging because the developer/land owner is holding land vacant or is encountering difficulty with financing the development then that subdivision may be deemed to not be in a developmental stage and Council may consider the approval of up to one additional subdivision proposal.

**Bylaw No. 2008-08**  
**Bylaw No. 2010-02**

If more than 15 sites are proposed within a single subdivision project, Council may require the project to be developed in stages to ensure that the proposal is not premature, and may limit the area of rezoning at any one time. Subdivision and rezoning of subsequent phases will be considered on the basis of all relevant policies in this Basic Planning Statement.

iii) Concept Plan Council will require, in the interests of ensuring a comprehensive and planned approach to development, the preparation of a concept plan for the entire development area and submission of supporting documentation, where appropriate, as follows:

**Bylaw No. 2005-19**

- Reports, prepared by professionals certified to assess relevant factors, to assess the geotechnical suitability of the site, susceptibility to flooding or other environmental hazards, together with any required mitigation measures. These measures may be attached as a condition for a development permit approval.
- Engineering reports to address concerns such as availability of water supply, surface water drainage, and sewage treatment and disposal.
- An indication, to the satisfaction of Council, that the proposed subdivision will not result in unacceptable crowding of public beaches in the immediate vicinity, in unacceptable boating densities on the lake and/or unacceptable declines in the health of the sport fishery of Turtle Lake.
- An indication, to the satisfaction of Council, that public open space is provided along the shoreline in sufficient depth to include erosion, wave impact and high water impacts and to provide for public use. This open space will be interconnected to other public open space areas to form a continuous open space system. Access points for backshore residential sites to the water should not generally be spaced more than 150 metres apart.

- The initial concept plan shall provide an integrated layout for the total residential subdivision development envisioned, showing road layout and access to external municipal roads, phasing of development, and public access to shoreline areas and dedicated lands, as appropriate. Once the initial concept plan has been accepted by Council, and subdivision and development commences, no subsequent subdivision that is inconsistent with the approved concept plan and with all applicable policies in this Basic Planning Statement will be permitted without acceptance of a revised concept plan by Council

- Anticipated impact upon nearby Organized and Unorganized Hamlets. **Bylaw No. 2018-20**

- Anticipated impact to existing recreational amenities. **Bylaw No. 2018-20**

- Provision of sufficient recreational amenities, parking and services for the development. **Bylaw No. 2018-20**

iv) Services Based on the recommendations of engineering reports as per Section iii), above:

Water: **Bylaw No. 2005-19**

- each site in the development area shall have its own independent water system; or

- each site in the development area will be connected to a Regional Water Distribution system; or each site in the development area will be serviced with an independent communal water supply system approved pursuant to either *The Public Health Act, 2004* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations. **Bylaw No. 2010-02**

Sewer: **Bylaw No. 2005-19**

- each site in the development area shall have its own independent sewage disposal system approved by the Regional Health Authority; or

- each site in the development area will be serviced with an independent communal sewage collection, treatment and disposal system approved pursuant to either *The Public Health Act, 2004* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations. **Bylaw No. 2010-02**

Solid Waste: **Bylaw No. 2005-19**

- Council will consider a proposed development on the basis that a licensed solid waste management facility is available for use by future residents. **Bylaw No. 2010-02**

v) Notwithstanding Clauses i) and ii), Council may accommodate the subdivision of a cottage development existing at the date of passage of this bylaw subject to the provision that: **Bylaw No. 2007-05**  
**Bylaw No. 2010-02**

- the cottage development area is eligible to be incorporated into the boundaries of an adjoining organized hamlet.

- the subdivision will accommodate only existing cottage building sites, the minimal number of sites on intervening land, public roadway and municipal reserve land to create a contiguous subdivision.

The developments shall comply with municipal access and servicing requirements. The future re-subdivision of sites in an approved subdivision area which will increase the density of sites will not be permitted.

e) Consideration of Applications

**Bylaw No. 2005-19**

i) To help ensure that proposals for lakeshore subdivisions and development are considered by Council in an equitable manner, Council will consider proposals in the order in which referrals are received from the Approving Authority for subdivision applications. In the event that an application is not supported by Council or if an application is denied by the Approving Authority for any other reason, such application shall be deemed by Council to no longer be eligible for consideration and a new application referral will be required.

ii) In the event that a lakeshore development subdivision ceases to be in a developmental stage as a result of residential construction in that subdivision, and where the developer wishes to proceed with a subsequent stage of development that is consistent with the initial concept plan that has already been accepted by Council, it will remain the responsibility of the developer to ensure that the application for the subsequent stage of subdivision is submitted to, and referred to Council by, the Approving Authority in a timely manner, to facilitate timely consideration by Council pursuant to i) above.

f) Development Standards

The Zoning Bylaw will contain one or more zoning districts to regulate lakeshore development, each with a distinct set of development standards.

g) Servicing Agreement

Before approving any lakeshore development subdivision development, Council may enter into a servicing agreement with the developer/proponent pursuant to Section 172 of *The Planning and Development Act, 2007*. A required servicing agreement may provide for construction of services or for the payment of fees by the developer/proponent for the provision of services in whole or in part including sewage, water, drainage, solid waste disposal facilities and other utility services that directly or indirectly serve the proposed subdivision. Council may require the developer of a proposed development to enter into a servicing agreement to provide for any proposed communal water and sewer systems.

**Bylaw No. 2010-02**

#### **4.4 Home Based Business**

It is recognized that home based business can provide a valuable contribution to the diversified economic base of the rural municipality. Approvals will be based on the valuation of individual operations relative to specific zoning bylaw criteria to ensure that the recreation residential character or land value is not diminished.

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### **PART V: RECREATIONAL DEVELOPMENT**

**Bylaw No. 2016-08**

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#### **5.1 Recreational Development Objectives**

**Bylaw No. 2016-08**

- a) To ensure that recreational development occurs in a planned, orderly manner where locations are compatible with each other, and with the protection of the natural environment.
- b) To minimize land use and access conflicts and incompatibility with shore lands conditions.
- c) To minimize land use conflicts with existing Resort Hamlets surrounding Turtle Lake and Bright Sand Lake.
- d) To protect the amenities and environmental quality of the municipalities existing Resort Hamlets.
- e) To encourage cooperative planning between Council, Resort Hamlet Boards, other jurisdictions and the public.

#### **5.2 Recreational Vehicle Policy**

**Bylaw No. 2016-08**

- a) Council recognizes that recreational vehicle (RV) development is appropriate at certain locations in the municipality and will support such development where site conditions are suitable, where land owners are supportive and when demand warrants.
- b) The primary uses in RV development areas shall be recreational residences, on separate registered surface parcels, and related recreational uses.
- c) Commercial uses serving the vacationing public may be permitted at Council's discretion and subject to development standards that will be specified in the Zoning Bylaw.

d) Development and Design

i) Phasing: A maximum of three (3) RV development subdivisions in development stages will be allowed at any point in time. RV development subdivisions with less than 75% completed development will be considered to be in a development stage. However, if 75% of available lots in one (1) of those three (3) subdivisions does not have completed residential construction and Council is of the opinion that development is lagging because the developer/land owner is holding land vacant or is encountering difficulty with financing the development then that subdivision may be deemed to not be in a development stage and Council may consider the approval of up to one (1) additional subdivision proposal.

If more than 100 sites are proposed within a single subdivision project, Council may require the project to be developed in stages to ensure that the proposal is not premature, and may limit the area of rezoning at any one (1) time. Subdivision and rezoning of subsequent development stages will be considered on the basis of all relevant policies in this Official Community Plan.

ii) Council will consider the approval of new RV development subdivisions on any lake only if more than 75% of existing RV sites on that lake are developed with all of the following criteria:

- (1) Approved RV permit; and
- (2) Holding tank installed; and
- (3) Copy of RV bill of sale or registration.

iii) Concept Plan and Evaluative Criteria Council will require, in the interests of ensuring a comprehensive and planned approach to development, the preparation of a concept plan for the entire development area and submission of supporting documentation, where appropriate, considering the following:

- (1) Reports, prepared by professionals certified to assess relevant factors, to assess geotechnical suitability of the site, susceptibility to flooding or other environmental hazards, together with any required mitigation measures. These measures may be attached as a condition for a development permit approval.
- (2) Engineering reports to address concerns such as availability of water supply, surface water drainage and sewage treatment and disposal.
- (3) The initial concept plan shall provide an integrated layout for the total RV subdivision envisioned, showing road layout and access to external municipal roads, phasing of development and public access to dedicated lands and shorelines areas, as appropriate. Once the initial concept plan has been accepted by Council, and subdivision and development commences, no subsequent subdivision that is inconsistent with the approved concept plan and with all applicable policies in this Official Community Plan will be permitted without acceptance of a revised concept plan by Council.

(4) Impact upon nearby Organized and Unorganized Hamlets.

(5) Anticipated impact to existing recreational amenities.

**Bylaw 2018-20**

(6) Provision of sufficient recreational amenities, parking and services for the development.

**Bylaw 2018-20**

(7) Successful proposals are encouraged to incorporate direct boat access to a lake, such as through the construction of an approved subdivision boat launch. Proposals incorporating sufficient boat launch parking area within the Plan of Proposed Subdivision or Concept Plan, shall be acceptable to Council by being proportionate to the development and surrounding areas.

(8) Sufficient designated parking areas shall be included within the applications, and sizes shall be proportionate to the total area included within the proposal.

(9) Sufficient dedicated lands should be provided along the shoreline for appropriate natural processes (i.e., erosion, wave impact and high water impacts) and to provide for public access to the lake shore.

(10) Where possible interconnected dedicated lands should be designed to existing areas to form a continuous open space system. Access points for backshore residential sites to the water should be appropriate, in Council's opinion, for the Plan of Proposed Subdivision, concept plan, and development.

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iv) Services Based on the recommendations of engineering reports as per Section iii), above:

**Bylaw No. 2016-08**

Water:

(1) Each site in the development area shall have its own independent water system; or

(2) Each site in the development area will be connected to a Regional Water Distribution system; or

(3) Each site in the development area will be serviced with an independent communal water supply system approved pursuant to either *The Public Health Act, 2004* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.

Sewer:

(1) Each site in the development area shall have its own independent sewage disposal system approved by the Regional Health Authority; or

(2) Each site in a development area will be serviced with an independent communal sewage collection, treatment and disposal system approved pursuant to either *The Public Health Act, 2004* and associated regulations, as administered by the Regional Health Authority or *The Environmental Management and Protection Act, 2002* and associated regulations.

Solid Waste:

(1) Council will consider a proposed development on the basis that a licensed solid waste management facility is available for use by future residents.

e) Servicing Agreement

**Bylaw No. 2016-08**

Before approving any RV subdivision development, Council may enter into a servicing agreement with the developer/proponent pursuant to section 172 of *The Planning and Development Act, 2007*. A required servicing agreement may provide for construction of services or for the payment of fees by the developer/proponent for the provision of services in whole or in part including roads, approaches, sewage, water, drainage, solid waste disposal facilities and other utility services that directly or indirectly serve the proposed subdivision. Council will require the developer of a proposed development to enter into a servicing agreement to provide for any proposed communal water and sewer systems.

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f) Development Standards

**Bylaw No. 2016-08**

The Zoning Bylaw may contain one (1) or more zoning districts to regulate RV development, each with a distinct set of development standards.

g) Consideration of Applications

**Bylaw No. 2016-08**

i) To help ensure that proposals for RV subdivision and development are considered by Council in an equitable manner, Council will consider proposals in the order in which referrals are received from the Approving Authority for subdivision applications. In the event that an application is not supported by Council or if an application is denied by the Approving Authority for any other reason, such application shall be deemed by Council to no longer be eligible for consideration and a new application referral will be required.

ii) In the event that an RV subdivision ceases to be in a development stage as a result of development in that subdivision, and where the developer wishes to proceed with a subsequent stage of development that is inconsistent with the initial concept plan that has already been accepted by Council, it will remain the responsibility of the developer to ensure that the application for the subsequent stage of subdivision is submitted to, and referred to Council by, the Approving Authority in a timely manner, to facilitate timely consideration by Council pursuant to i) above.

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## **PART VI COMMERCIAL AND INDUSTRIAL LAND USE**

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### **6.1 Commercial and Industrial Objectives**

- a) To ensure that commercial and industrial development occurs in a manner which:
  - i) minimizes the economic costs of such development to the municipality;
  - ii) fits with existing infrastructure, and municipal services (e.g. highways, roads, rail lines); and
  - iii) minimizes negative impacts on the environment and conflicts with other land uses.
- b) To ensure that commercial and industrial land uses do not jeopardize agricultural or recreational activities or resources.
- c) To direct commercial and industrial land uses away from areas of high quality agricultural and recreational land.
- d) To encourage and promote commercial and industrial development along highways and other areas which are beneficial and well suited to the municipality.

### **6.2 Commercial and Industrial Policy**

- a) Commercial and industrial development will be directed to lands designated for such uses in the Zoning Bylaw rather than being allowed to be scattered throughout the municipality. The following exceptions may be permitted, at the discretion of Council:
  - i) home and farm based business enterprises that sustain the viability of a farming operation or are required to be located on farms or near farm markets;
  - ii) agriculture related commercial uses;
  - iii) natural resource extraction industries that require a location near raw materials;
  - iv) industries with unique siting requirements that require large tracts of land, transportation considerations, or which, by their nature, should be located away from populated areas or other industries, due to the emissions and other negative effects;
  - v) tourism enterprises related to site-specific natural and/or cultural heritage resource attractions; and



- vi) retail commercial enterprises sufficient to provide basic groceries, confectionary items and related provisions in lakeshore development areas.
- b) The rezoning of land for the development of commercial and industrial uses should be evaluated relative to the need for additional services.
- c) Before considering a commercial or industrial development or subdivision proposal, Council may require that an area structure plan be prepared which should contain:
  - i) the types of industry or commercial use to be contained on the site;
  - ii) the size and number of parcels proposed;
  - iii) the installation and construction of roads, services and utilities;
  - iv) the potential impacts on adjacent land uses, and proposed measures to reduce any negative impacts;
  - v) the environmental suitability of the site and other potentially affected lands with particular consideration to the soils, topography, drainage and availability of services, proximity to wildlife management areas, critical wildlife habitat, important fish spawning areas and hazard land;
  - vi) the access, egress, and the potential impacts of the proposed development on the highway system and traffic safety;
  - vii) the location of proposed uses in relationship to adjacent or surrounding commercial or industrial uses;
  - viii) development standards or design criteria that include such aspects as parking for large trucks, landscaping, screening, storage, signage, and building design and finish; and
  - ix) any other matters that Council considers necessary.
- d) Commercial or industrial development will not be permitted where such development could preclude the subsequent extraction of gravel or other aggregate resources.
- e) Uses involving hazardous materials or chemicals (specifically excluding oil and natural gas wells and directly related facilities) will be permitted at the discretion of Council. It is noted that Council's permission for any commercial or industrial use or development does not, in any way, waive the need for any required approvals from any other government regulatory agency.
- f) Resource extraction and related processing operations (excluding oil and gas wells) will be permitted subject to the following separation requirements:
  - 200 metres from a single residence.

- 800 metres from an intensive country residential subdivision or lakeshore development subdivision.

g) Servicing Agreement

Bylaw No. 2010-02

Before approving any commercial or industrial subdivision development, Council will enter into a servicing agreement with the developer / proponent, pursuant to Section 172 of *The Planning and Development Act, 2007*. The servicing agreement will outline responsibility for the provision of services, on the basis that they will not place any undue burden on the municipality.

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## **PART VII MUNICIPAL SERVICES**

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### **7.1 Municipal Servicing Objectives**

- a) To minimize the financial burden on the residents of the municipality resulting from developments in the municipality.
- b) To ensure that services are provided in an economic and efficient manner.
- c) To provide and maintain a system of municipal roads which meet demands for safe travel and access.
- d) To minimize land use conflicts between utility systems and adjacent or surrounding land uses.
- e) To promote coordinated planning of transportation and public utility facilities and rights-of-way with provincial agencies.

### **7.2 Transportation Policy**

- a) The municipality will cooperate with The Ministry of Municipal Affairs, the Ministry of Highways and Infrastructure, and adjacent municipalities and other adjacent jurisdictions in long-term planning that addresses its transportation needs.
- b) Where resource access roads are required to meet the operational needs of forestry or other resource extraction industries, Council may require that a road maintenance agreement be in place between the resource operator and the municipality before it will approve such road development. These road maintenance agreements will address the following:
  - i) responsibilities for paying for and/or undertaking ongoing maintenance of new resource roads;
  - ii) use / travel restrictions on the new resource roads;

Bylaw No. 2010-02  
Bylaw No. 2016-08

iii) provisions for closure, or for maintenance responsibilities, after resource operations no longer require the resource road; and

iv) compensation to the municipality to cover increased maintenance costs related to increased resource traffic use of existing municipal roads.

c) Before issuing a development permit for resource extraction development or operations (including forestry, sand and gravel, and oil and gas related development and facilities), Council will require that all development standards in the Zoning Bylaw be met. Council may also require that compensation be paid to the municipality to cover increased maintenance costs related to increased resource traffic use of existing municipal roads.

### 7.3 **Municipal Servicing Policy**

a) Council recognizes its responsibility for the proper operation of communal water and sewer systems pursuant to the provisions of *The Public Health Act 1994*. Council will consider the approval of new developments containing communal water and sewer systems on the basis that the users of these systems will be responsible for the costs of their construction, operation and management. Council may require the developer of a subdivision development that requires communal water and/or sewer systems to enter into a servicing agreement to provide for their construction. Council may consider approval of such developments on the basis that the municipality will establish a public utility comprised of residents of the development with responsibility for the ongoing operation and maintenance of the system.

**Bylaw No. 2010-02**

b) Council will consider proposals by residents of existing hamlet, lakeshore development or multiple-lot areas for the development of a communal water distribution or sewage collection system. Proposals must be accompanied by preliminary engineering report outlining design requirements and cost estimates for the proposed system including evidence of resident support for the proposal. Financing for any approved system may be derived pursuant to *The Local Improvement Act* or the establishment of Public Utility Board.

**Bylaw 2010-02**

c) When reviewing development proposals, council may request utility companies to indicate its existing and future services in and around the area of the development proposal.

### 7.4 **Waste Disposal Policy**

a) Solid and liquid waste disposal facilities will be allowed at the discretion of Council subject to locational and development standards as specified in the Zoning Bylaw.

b) Council will encourage, and work cooperatively with, nearby rural and urban municipalities in the establishment of joint regional liquid and solid waste management systems and in the environmentally appropriate decommissioning of facilities replaced by such systems, as a priority item.

## PART VIII RESOURCE CONSERVATION

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Development has the potential to generate excessive and undesirable environmental disruption and pollution. While the Saskatchewan Water Corporation, Saskatchewan Environment and Public Safety and Saskatchewan Health each work to achieve environmental quality and water management, council is aware of and accepts its environmental planning responsibilities within the framework of *The Planning and Development Act, 2007*, and other statutes.

Bylaw No. 2010-02

### 8.1 Environment and Resource Conservation Objectives

- a) To promote and encourage resource use practices and the subdivision and development of land in the municipality that will enhance soil conservation, environmental sustainability and public health and safety.
- b) To encourage natural resource development that will improve the economic viability of the rural municipality.
- c) To encourage land use and development that will not jeopardize responsible exploitation of minerals, oil, gas and forest resources in the future.
- d) To protect natural features, resources, communities and ecosystems in the municipality.
- e) To protect historical, archaeological and other features, resources and sites of cultural heritage significance from incompatible development.
- f) To conserve natural wildlife habitat areas and other significant areas of natural vegetation in the municipality.
- g) To restrict development in areas that could prove hazardous to development for reasons of flooding or slope or slope instability.

### 8.2 Environment and Heritage Conservation / Protection Policy

- a) Development shall not deplete or pollute groundwater or surface water resources within the municipality.
- b) Council shall require new development to have adequate surface water drainage through the municipality to avoid flooding, erosion, or pollution.
- c) Development shall not needlessly destroy existing trees, vegetation, unique flora, critical wildlife habitat or fish habitat. The Zoning Bylaw shall prescribe standards and restrictions for the removal or alteration of natural vegetation in the municipality.
- d) Development shall not damage or destroy any building or site deemed to be of cultural heritage significance.

- e) Where a subdivision is proposed on land within 150 metres of a lakeshore or land considered by Council to be potentially hazardous, Council may require the applicant to submit a report prepared by a professional that assesses the risk associated with the proposed development and any necessary mitigation measures for development. Council may refuse to authorize the subdivision of land or development of structures on land determined to be hazard land or may permit development only in accordance with specified mitigation measures. The costs associated with identifying the risk of proceeding with a proposed development on potentially hazardous land or recommending specified measures to mitigate the risk of development of potentially hazardous land will be the responsibility of the proponent of the proposed development.
- f) Council recognizes that the natural environment and the processes and resources that make up the natural environment, operate in a way that does not often relate to municipal boundaries or other jurisdictional divisions. Accordingly, Council supports and encourages the application of an ecosystems approach to resource management and to the identification and mitigation of development impacts on the environment.
- g) Council recognizes that an ecosystems approach is an appropriate approach for avoiding and mitigating undesirable environmental impacts of development. Council will therefore encourage adjacent municipalities (specifically the Town of Turtleford, the Villages of Mervin and Spruce Lake and the R.M. of Parkdale No. 498) to ensure that existing and proposed developments under their jurisdiction do not adversely affect the environment and resource values within the R.M. of Mervin.

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## PART VIII IMPLEMENTATION

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The basic planning statement goals, objectives and policies shall be implemented in the following manner:

### 9.1 Cooperation and Intermunicipal Consideration

- a) Council shall cooperate with senior governments, other municipalities and public and private agencies to implement the Basic Planning Statement.
- b) Any application for development within 2 km. (1.25 miles) of an urban or adjacent rural municipality's corporate limits shall be referred to the Council of that municipality for comments about the impact of the development on the current and future land use of that municipality.

- c) Council shall establish a formal communication mechanism with Saskatchewan Environment and Resource Management and with Saskatchewan Agriculture and Food to ensure that municipal concerns are conveyed to and understood by these agencies when Crown land dispositions are being considered within the limits of the municipality.
- d) Council will consider possible proposals from urban and other rural municipalities with respect to municipal amalgamation and will view such proposals positively if it can be demonstrated that such amalgamation is in the long term interest of the municipality and its taxpayers.
- e) Council will invite cottage associations, organized hamlet boards from around Turtle and Brightsand Lakes (whether in R.M. 499 or R.M. 498), all Resort Villages around Turtle Lake, the Brightsand Lake Regional Park Board, the Thunderchild Band and Saskatchewan Environment and Resource Management, to participate on a Lakeshore Advisory Committee, which will also have representation from Council.

The primary roles of the Committee will be to advise and assist Council with respect to a variety of matters, including the following:

- i) ensuring that development standards in the Zoning Bylaw and policies in the Basic Planning Statement continue to be appropriate;
- ii) developing a community-based, cooperative / voluntary program aimed at minimizing boating and other lake use conflicts and hazards;
- iii) recommending a program for acquisition, management maintenance and improvement of public reserve lands in lakeshore areas to ensure greater lake access and enjoyment for the public and enhanced natural resource values around the lakes;
- iv) recommending any lake management or co-management initiatives which would enhance the sustainability of development and use of the lakes;
- v) assisting in the collection and update of hamlet specific data, eg. building lot inventories; and
- vi) any other matters deemed appropriate by Council after consultation with the Committee.

## 9.2 **Programs**

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

### **9.3 Provincial Land Use Policies**

This bylaw shall be administered and implemented in conformity with applicable provincial land use policies, statutes and regulations and in cooperation with provincial agencies.

### **9.4 Binding**

The basic planning statement shall be binding on the rural municipality, the Crown and all other persons, associations, and other organizations and no development shall be carried out that is contrary to this basic planning statement.

### **9.5 Zoning Bylaw**

Council shall prepare and adopt, in conjunction with this basic planning statement, a zoning bylaw for the rural municipality.

### **9.6 Definitions**

The zoning bylaw definitions shall apply to this Basic Planning Statement.

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## **PART X LAND USE CONCEPT**

The Land Use Concept for the municipality reflects the present land use patterns as well as identified opportunities for, and constraints on, future land use and development within the municipality and existing and proposed land use and development in adjacent jurisdictions. The concept identifies six "Policy Areas", as follows:

- Agriculture Development Policy Area
- Hamlet Policy Area
- Lakeshore Development Policy Area
- Commercial Development Policy Area
- Forest Policy Area
- Resource Conservation Policy Area

The purpose of the Policy Areas shall be to help in applying the general goals, objectives and policies of the Basic Planning Statement, as well as objectives and policies relating more specifically to the spatial distribution of land use and development opportunities and constraints. The designation of Policy Areas in the Basic Planning Statement is shown on the map entitled "Land Use Concept", which forms part of the policies set out in the Basic Planning Statement.

**Bylaw No. 2005-01**  
**Bylaw No. 2005-19**  
**Bylaw No. 2010-13**

## 10.1 Agriculture Development Policy Area

### a) Intent

The intent of the Agriculture Development Policy Area is to encourage, predominantly, agricultural and agriculturally supportive developments. Except as noted below, non-agricultural and intensively-serviced developments shall be discretionary.

**Bylaw No. 2013-17**

### b) Separate Residential Sites

Within the Agriculture Development Policy Area, both farmstead and country residential development may occur in a limited fashion on separate sites, subject to the general and development policies in the Basic Planning Statement and to development standards set out in the Zoning Bylaw. Limitations to such development will take the form of:

- a maximum number of separate sites which may be developed on each quarter-section of land; and

- a maximum size for lots to be separated from agricultural holdings through subdivision;

The intent of these limitations is to minimize the quantity of productive farmland taken out of production to accommodate residential development.

### c) Implementation

Agriculture Development Policy Area development requirements, limitations and standards shall be further specified in the Zoning Bylaw. Generally, land with the Agriculture Development Policy Area shall be zoned "Agricultural District".

Where applications for multiple-lot country residential development subdivisions are made in the Agriculture Development Policy Area, Council will consider such applications favourably and make required amendments to its Zoning Bylaw (generally, to rezone such subdivision areas as "Medium Density Country Residential District or High Density Country Residential District") to accommodate such developments where it is demonstrated that:

**Bylaw No. 2005-19**

- site conditions are suitable for multiple-lot country residential development;

- negative environmental impacts of such development are avoided or suitably mitigated; and

- the development conforms to all other relevant provisions of the Basic Planning Statement and Zoning Bylaw.



Objectives and policies contained in the Basic Planning Statement may also be implemented through such instruments as subdivision control procedures and the issuance of development and building permits.

## **10.2 Hamlet Policy Area**

### a) Intent

The intent of the Hamlet Policy Area is to enhance the roles of the Hamlets of Livelong and Spruce Lake as a community and service centres for the surrounding agricultural area. For the Organized Hamlets situated along the shores of Turtle and Brightsand Lakes, the intent is to enhance their role as recreational residential communities and tourism service centres and they are, accordingly, located in the “Lakeshore Development Policy Area” (refer to Section 9.3).

**Bylaw No. 2005-19**

### b) Implementation

Hamlet Policy Area development requirements, limitations and standards shall be further specified in the Zoning Bylaw. Land within the Hamlet Policy Area shall be zoned “Hamlet” and “Hamlet Commercial” District.

**Bylaw No. 2000-08**

## **10.3 Lakeshore Development Policy Area**

### a) Intent

The intent of the Lakeshore Development Policy Area is to encourage and accommodate appropriate subdivision and development of suitable lakeshore and nearby areas for recreational residences and related recreational uses. Commercial uses serving the vacationing public may be accommodated at Council’s discretion and subject to development standards that will be specified in the Zoning Bylaw.

### b) Retention of Natural Vegetation

With the following exceptions, applications for subdivision or development in the Lakeshore Development Policy Area will not be supported or approved by Council if such subdivision or development will result in the removal of natural treed vegetation within 50 metres of the lakeshore or an existing hamlet. Provided that plans and designs for proposed subdivision and development demonstrate an attempt to minimize the amount of vegetation removal and/or include measures to mitigate such removal, Council may permit the removal of natural treed vegetation for the purposes of:

- development of roads, lanes and parking areas that are part of an approved subdivision or development;
- provision of required public utilities;
- construction of approved structures;
- provision of public access to the lakeshore; and
- enhancement of forest ecosystem health.

Council shall regulate the removal of natural vegetation in the Lakeshore Development Policy Area in the Zoning Bylaw.

c) Leasehold Development

Leasehold development will not be permitted in the Lakeshore Development Policy Area. Existing leasehold development will be considered non-conforming and shall be eligible for development permits for improvements or upgrading pursuant to the restrictions for non-conforming uses under the Zoning Bylaw and *The Planning and Development Act, 2007*.

**Bylaw No. 2010-02**

Pursuant to Sections 136 to 143 of The Act, Council may require the registered owner of land to make an application for the approval of subdivision of land. Subdivisions may be recommended for approval to accommodate existing leasehold development only if the development conforms, or can be made to conform, to the Subdivision Regulations.

d) Implementation

Existing lakeshore developments will generally be zoned one or more "Lakeshore Development" Districts in the Zoning Bylaw. The existence of more than one "Lakeshore Development" District, with differing development standards, reflects the range in character of the existing developed areas and the range in desires for development control on the part of the various Hamlet Boards.

Permitted recreation residential development densities will range from high to low. The highest permitted lot densities (i.e. smallest permitted lot sizes) will be permitted only where a road does not intervene between proposed lots and the lakeshore. Moderate development densities are intended to enhance the attractiveness and marketability of backshore lots (i.e. lots separated from the lakeshore by a road) but are also permitted for lakefront lots. Low development densities are intended to accommodate demand for recreational residences on large lakefront lots only.

Other portions of the Lakeshore Development Policy Area will be zoned "Conservation" District. Existing Agricultural development will be accommodated within this area as well as limited single parcel residential, commercial and recreational development. When lakeshore subdivision and development are proposed within the Area, and when such proposals are in accordance with the policies in the Basic Planning Statement, the land may be rezoned as appropriate (generally to a "Lakeshore Development" District(s)).

**Bylaw No. 2000-08**

Where an application for multi-lot country residential subdivision is made within the Lakeshore Development Policy Area, Council may rezone the land that is being subdivided for country residential development subject to the development complying with Section 3.4 Multiple-lot Country Residential Policy.

**Bylaw No. 2004-02  
Bylaw No. 2007-05**

Objectives and policies contained in the Basic Planning Statement may also be implemented through such instruments as subdivision control procedures and the issuance of development and building permits.

The keeping of animals at a small scale consistent with Hobby farming activity will be allowed at the discretion of Council subject to the requirements of the Zoning District.

**Bylaw No. 2000-08**

**10.4 Recreational Development Policy Area**

**Bylaw No. 2016-08**

The intent of the Recreational Development Policy Area is to encourage and accommodate appropriate subdivision and development and suitable RV areas for recreational purposes, and related recreational uses. Commercial uses serving the vacationing public may be accommodated at Council’s discretion and subject to development standards that will be specified in the Zoning Bylaw.

**10.5 Commercial Development Policy Area**

a) Intent

The intent of the Commercial Development Policy Area is to accommodate appropriate commercial development serving the travelling public along primary travel routes.

b) Implementation

Until and unless applications for commercial subdivisions are approved, land within the Commercial Development Policy Area will be zoned restrictively (generally “Agriculture” District). When commercial subdivision and development are proposed within the Area, and when such proposals are in accordance with the policies in the Basic Planning Statement, the land may be rezoned to “Commercial” District.

When commercial subdivision and development are proposed between Bright Sand Lake and Turtle Lake, and within Townships 52, 53, and 54, and within Ranges 19 and 20, West of the Third Meridian, and when such proposals are in accordance with the policies in the Official Community Plan, the land may be rezoned to “Resort Commercial” District.

**Bylaw No. 2016-08**

Objectives and policies contained in the Basic Planning Statement may also be implemented through such instruments as subdivision control procedures and the issuance of development and building permits.

## **10.6 Forest Policy Area**

### a) Intent

The intent of the Forest Policy Area is to provide a relatively natural forest setting for the purposes of outdoor recreation, maintenance and enhancement of wildlife habitat and sustainable forestry operations.

### b) Recreation Residential and Commercial Parcels

Within the Forest Policy Area, recreation residential and commercial development may occur in a limited fashion on leased parcels of land, subject to the general and development policies in the Basic Planning Statement and to develop standards set out in the Zoning Bylaw.

Council will cooperate with Saskatchewan Environment and Resource Management in the identification of development opportunity areas within the Northern Provincial Forest.

The approval of additional development on leased parcels will be considered provided that full attention is paid to the provision of all services, including roads and liquid and solid waste management. The impact on existing services shall be considered as well.

Any approvals for development on leased parcels will be dependent upon a minimal level of services and municipal responsibility. The limited provision of services must be understood at the outset by lessees applying for development.

### c) Implementation

Forest Policy Area development requirements, limitations and standards shall be further specified in the Zoning Bylaw. Generally, land within the Forest Policy Area shall be zoned "Provincial Forest" District.

## **10.7 Resource Conservation Policy Area**

### a) Intent

The intent of the Resource Conservation Policy Area is to provide buffer adjacent to the north end of Turtle Lake, in which future subdivision will be restricted and development will be controlled to help ensure that negative impacts of such subdivision or development are not experienced in this area of significant and special natural resource values.

### b) Intensive Agricultural Uses

Future development of intensive agricultural uses will not be permitted in the Resource Conservation Policy Area.

c) Residential Subdivision and Development

Future residential subdivision will be permitted within the Resource Conservation Policy Area in accordance with the policy contained in Section 3.3 herein.

d) Commercial / Industrial Subdivision and Development

**Bylaw No. 2000-08**

Future commercial development may be permitted at Council's discretion and subject to development standards that will be specified in the Zoning Bylaw.

e) Retention of Natural Vegetation

With the following exceptions, applications for subdivision or development in the Resource Conservation Policy Area will not be supported or approved by Council if such subdivision or development will result in the removal of natural treed vegetation within 50 metres of the shore of Turtle, Spruce, Brightsand or Island lakes. Provided that plans and designs for proposed subdivision and development demonstrate an attempt to minimize the amount of vegetation removal and/or include measures to mitigate such removal, Council may permit the removal of natural treed vegetation for the purposes of:

- development of roads, lanes and parking areas that are part of an approved subdivision or development;
- provision of required public utilities;
- construction of approved structures;
- provision of public access to lakeshore; and
- enhancement of forest ecosystem health.

Council shall regulate the removal of natural vegetation in the Resource Conservation Policy Area in the Zoning Bylaw.

f) Implementation

Resource Conservation Policy Area development requirements, limitations and standards shall be further specified in the Zoning Bylaw. Generally, land within the Resource Conservation Policy Area shall be zoned "Conservation" District.

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## PART XI DEVELOPMENT REVIEW CRITERIA

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- 11.1** When considering applications to rezone, subdivide and develop land, council shall have regard to the following concerns:
- a) Conformity with the basic planning statement goals objectives, and policies and the development standards of the zoning bylaw.
  - b) The viability and necessity of the proposed use.
  - c) The phasing of development (e.g. time, location, servicing cost, municipal capabilities, the degree of prematurity, etc.)
  - d) The effective use of land (e.g. the availability of alternative sites and buildings).
  - e) Cost and benefits of the development (e.g. impacts on municipal infrastructure and the need for servicing agreements).
  - f) The compatibility and suitability of the proposed use with nearby land uses, existing and preferred public utilities, the character of the area, and the environmental protection goals, objectives and policies.
  - g) The effect of the proposed development on other municipal interests such as municipal reserve and recreational areas.
  - h) Any additional reports, studies, development issues, resident concerns, provincial comments and public hearing submissions.
- 11.2** A decision to rezone land for subdivision and development shall not be approved where the proposal:
- a) Is detrimental to the health, safety, convenience or general welfare of the persons residing or working in the area.
  - b) Is injurious to, or incompatible with, existing or proposed developments or public utilities in the vicinity.
  - c) Involves, in council's opinion, prohibitively expensive public utility construction or maintenance costs.
  - d) Involves the refusal of a developer to enter into a servicing or development agreement.
  - e) Is not located, appropriately arranged or serviced on an environmentally protected site or in an environmentally suitable manner.

**11.3 Comprehensive Development Review (CDR):**

**Bylaw No. 2017-20**

- a) A Comprehensive Development Review (CDR) is a pre-submittal requirement to provide more information to Council for a proposed land use plan that requires rezoning into a more specific zoning district to better accommodate the land use.

**Bylaw No. 2017-20**

- 1) This review may be required prior to the submission of a Development Permit Application, and/or prior to submission of an application to subdivide to the Community Planning Branch.

- b) The review may be undertaken according to the standards provided in the Zoning Bylaw and may address all matters of land use integration, potential conflict mitigation and the provision of services to the development. The geographic area and the extent of analysis considered within the review may be determined by the complexity and the potential offsite effects of the development application but at a minimum should encompass all adjacent properties including all properties contained within existing adjacent multi-parcel subdivisions.

**Bylaw No. 2017-20**

- c) Specifically for subdivision applications, upon the achievement of the 75% completed development rate regulating all rezoning into specific zoning districts, Council may put a call out for proposals for a specified time period to review subdivision proposals prior to application submission into the Community Planning Branch.

**Bylaw No. 2017-20**

- d) The Municipality shall work closely with the Community Planning Branch to ensure alignment with provincial legislation throughout the review process.

**Bylaw No. 2017-20**