

RESORT VILLAGE OF BIRD'S POINT

OCP

Prepared for:

THE RESORT VILLAGE OF BIRD'S POINT

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The Resort Village of Bird's Point

OCP

Bylaw No. 02/22

A Bylaw of the Resort Village of Bird's Point to adopt an Official Community Plan.

The Council of the Resort Village of Bird's Point in the Province of Saskatchewan, in open meeting assembled enacts as follows:

- (1) Pursuant to Section 29 and 32 of *The Planning and Development Act, 2007* the Council of the Resort Village of Bird's Point hereby adopts the Official Community Plan, identified as Schedule "A" to this bylaw.
- (2) The Mayor and Village Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this bylaw.
- (3) This bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the _____ day of _____, _____

Read a Second Time the _____ day of _____, _____

Read a Third Time the _____ day of _____, _____

Adoption of this Bylaw this _____ day of _____, _____

(Mayor)

SEAL

(Administrator)

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

On the _____ day of _____, of the year _____

THE RESORT VILLAGE OF BIRD'S POINT

Official Community Plan

Being Schedule "A" to Bylaw No. 02/22
of the Resort Village of Bird's Point

(Mayor)

SEAL

(Administrator)

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1 INTRODUCTION

1.1 AUTHORITY

In accordance with Sections 29 and 32 of *The Planning and Development Act, 2007 (The Act)*, the Council of the Resort Village of Bird's Point has prepared and adopted this Official Community Plan (OCP) to provide the Resort Village with goals, objectives and policies relating to approximately twenty five (25) years of future growth and development within the community.

Section 32 of *The Act* provides that the OCP is required to contain statements of policy with respect to:

- (1) sustainable current and future land use and development in the municipality;
- (2) current and future economic development;
- (3) the general provision of public work;
- (4) the management of lands that are subject to natural hazards, including flooding, slumping and slope instability;
- (5) the management of environmentally sensitive lands;
- (6) source water protection; and,
- (7) the means of implementing the OCP.

The Province of Saskatchewan adopted the Statements of Provincial Interest Regulations effective 29 March 2012 applicable to community planning and development under Section 7 of *The Act*. Section 8 of *The Act* provides that every OCP and Zoning Bylaw must be consistent with the Statements of Provincial Interest Regulations.

In general the Statements of Provincial Interest Regulations address:

- Agriculture and Value-Added Agribusiness
- Biodiversity and Natural Ecosystems
- First Nations and Métis Engagement
- Heritage and Culture
- Inter-municipal Cooperation
- Mineral Resource Exploration and Development
- Public Safety
- Public Works
- Recreation and Tourism
- Residential Development
- Sand and Gravel
- Shore Lands and Water Bodies
- Source Water Protection
- Transportation
- Community Health and Well-Being
- Economic Growth

1.2 SCOPE AND PURPOSE

The policies in this OCP address the need for future land use planning in the Resort Village of Bird's Point as well as other matters related to its physical, social and economic development. The policies are intended to provide the Resort Village of Bird's Point with direction and guidelines for establishing bylaws, programs and decision making on future land use and development proposals in the Village.

This Plan is intended to guide the growth and development of the Resort Village of Bird's Point approximately for the next 25 years.

All development within the incorporated area of the Resort Village of Bird's Point shall conform to the objectives and policies contained in this OCP.

1.3 FLOOD AND SLUMP HAZARD LIABILITY DISCLAIMER

The OCP and Zoning Bylaw provide a reasonable degree of identifying land requiring either flood protection or land which may be subject to slumping. These areas are identified based on historical, engineering and scientific data and assumptions. Council assumes that land which is not identified may still be affected by flooding due to man-made and natural causes (e.g. excessive precipitation, ice ridges). Council also assumes that certain areas not identified as slump-prone may be unstable due to man-made and natural causes (e.g. excessive precipitation, improper excavation). Reliance on this bylaw or the Zoning Bylaw shall not create a liability for, or cause an action against, Council, the Development Officer or any other municipal employee, as a result of any flood or slump damages.

2 VISION AND GOALS

2.1 VISION

“The vision for the Resort Village of Bird’s Point is to preserve the historic character of the village by ensuring future development is aligned with the environmental, social and economic values of community residents.”

2.2 GOALS

2.1.1 Environmental

- (1) To conserve the aquatic and terrestrial ecological resources within the Resort Village.
- (2) To conserve heritage resources within the Resort Village.
- (3) To manage the natural resources within the Resort Village in a manner that is economically, socially, and environmentally responsible.
- (4) To provide ongoing opportunities for residents to enjoy and appreciate the water, land, wildlife and heritage resources of the Village.
- (5) To avoid, or where feasible, mitigate future damage to buildings and infrastructure due to flooding and slumping.

2.1.2 Social and Interjurisdictional

- (1) To obtain and sustain support and assistance from village residents in realizing the goals and objectives of this plan.
- (2) To support and complement the *Statements of Provincial Interest Regulations* in the realization of the goals and objectives of this plan.
- (3) To engage with neighbouring communities to identify and mitigate planning, municipal servicing and growth issues of concern to the Resort Village.
- (4) To engage with and work together with the Kahkewistehaw First Nation on their expected development plans within the Resort Village.

2.1.3 Economic

- (1) To limit physical development to the minimum levels essential for public service needs within the constraints of municipal financial capabilities, resource conservation and compliance with the requirements of senior levels of government.
- (2) To insulate the Resort Village from demands for residential development in the Rural Municipality of Fertile Belt and broader region.
- (3) To manage and direct the establishment of private commercial enterprises within the Municipality.

3 OBJECTIVES & POLICIES

3.1 RESIDENTIAL

3.1.1 Background

- There are currently 131 private dwellings located within Bird's Point, with 42% of those dwelling being occupied by usual residents. The 2016 population recorded by Stats Canada was 112.
- Increasing public demand for recreational property in southern Saskatchewan has caused the value of both vacant lots and existing residences in the Resort Village to increase substantially in recent years; this trend is expected to continue.
- The replacement of ageing residences and development on vacant lots is anticipated to continue and accelerate in coming years.
- The Resort Village wishes to maintain the existing residential character of the community.
- The Resort Village does not support the subdivision of existing residential lots within the community, in order to maintain the historic and residential character of the area.
- Building maintenance and upkeep is important to the Resort Village, in order to preserve a visually appealing community.
- The *Statements of Provincial Interest Regulations* provides the following statement concerning residential development, which is addressed in the objectives and policies that follow:
 - *The province has an interest in citizens having access to a range of housing options to meet their needs and promote independence, security, health and dignity for individuals, enhancing the economic and social wellbeing of communities.*

3.1.2 Residential Objectives and Policies

Objective 3.1.2.1 Residential

To establish effective municipal control over future residential development in the Resort Village.

- Policy (a)** The Zoning Bylaw will regulate the distances to buildings or structures from the property line, the minimum space to be allowed between buildings, the maximum height of buildings and structures and the maximum coverage of a site by buildings or structures.
- Policy (b)** Residential building construction shall be regulated by the Municipality's Building Bylaw.
- Policy (c)** The Zoning Bylaw will require the submission of a site grading plan for development of residential sites in the Resort Village to ensure that there is adequate drainage from a site and that neighbouring properties and municipal infrastructure will not be adversely affected by potential runoff from the development.
- Policy (d)** All newly constructed buildings and any alteration, repair, renovation, demolition, relocation, removal or change of use or occupancy shall be undertaken according to *The Uniform Building and Accessibility Standards Act of the Statutes of Saskatchewan*, and comply with the policies in this OCP and the Zoning Bylaw respecting development on hazard lands.

Objective 3.1.2.2: Infill Development

To ensure future residential development is carried out in a manner that preserves the historic character of the resort village and in alignment with the ecological, social and economic values of community residents.

Policy (a) The Zoning Bylaw shall contain a residential district that will facilitate the continued development of single detached dwellings, and eliminate the ability for existing residential sites to be further subdivided.

Objective 3.1.2.3 To Explore Future Growth Opportunities

Policy (a) the resort village may consider expanding its boundaries to the north.

Policy (b) Potential boundary alterations shall be considered in consultation with the R.M. of Fertile Belt, affected landowners, and existing residents. An annexation by the Resort Village in 2021 is addressed and included within this OCP and the Zoning Bylaw.

Objective 3.1.2.3 Aesthetics

To ensure the residential buildings and sites are constructed and maintained to acceptable standards.

Policy (a) The Resort Village will ensure residential buildings and sites are constructed and maintained to acceptable standards.

3.2 COMMERCIAL & ECONOMIC DEVELOPMENT

3.2.1 Background

- Kahkewistahaw First Nation owns commercial property at the western peninsula of Bird's Point. Businesses owned by the nation include a hotel/restaurant, a mini-golf facility, and an ice cream shop.
- The further development of The Black Pearl campground at the east end of Bird's Point will provide for larger seasonal capabilities for the village.
- There is no agricultural activity or land assessed capable of supporting significant agricultural production within the municipality.
- There are no known mineral resources within the municipality; slope instability and existing residential developments make future mineral resource extraction impractical.
- The *Statements of Provincial Interest Regulations* provides the following statement concerning commercial and economic development, which is addressed in the objectives and policies that follow:
 - *The province has an interest in supporting and promoting a sustainable and dynamic agricultural sector that optimizes the use of agricultural land for growth opportunities and diversification in agricultural operations and value-added agribusiness.*
 - *The province has an interest in maintaining and encouraging the exploration and development of mineral resources.*
 - *The province has an interest in ensuring sand and gravel resources are accessible for development.*
 - *The province has an interest in a strong provincial economy that helps improve the quality of life for all Saskatchewan people.*

3.2.2 Commercial Objectives and Policies

Objective 3.2.2.1

To encourage and provide for responsible commercial development in the municipality while maintaining the historic, residential character of the area.

Policy (a) The Zoning Bylaw will contain a commercial zoning districts that will accommodate existing legally established and future developments.

3.2.3 Urban Reserves

Objective 3.2.3.1

To maintain the financial integrity of the Village, its tax base, and its municipal services while ensuring compatible and enforceable land use and development standards in any Urban Reserve that may be established in The Resort Village of Birds Point.

Policy (a) Seek an agreement pursuant to part 9 of the Treaty Land Entitlement Framework Agreement before an Urban Reserve is created. The Agreement shall be negotiated in good faith by the Village and will be based on the objective noted above.

3.3 TRANSPORTATION, INFRASTRUCTURE AND COMMUNITY SERVICES

3.3.1 Background

- The Resort Village does not directly provide water services. Property owners within the municipality use private wells and filtration systems for hygienic water.
- The Resort Village partners with adjacent municipalities in joint ownership of a sewage lagoon located 4.6km north of the Village in the RM of Fertile Belt. Property owners within the municipality use holding tanks and sewage is trucked out by private septic service companies.
- Solid waste pickup and disposal services are contracted out by the municipality to Red Coat Waste Resource Authority.
- The Resort Village contracts with neighbouring municipalities for shared emergency services.
- Resort Village residents recognize that Capital Assets will wear out and need to be replaced over time.
- The Resort Village cooperates with neighbouring municipalities in waste disposal facilities including a sewage lagoon and transfer station.
- The *Statements of Provincial Interest Regulations* provides the following statement concerning public works, transportation and flooding, which are addressed in the objectives and policies that follow:
 - *The province has an interest in safe, healthy, reliable and cost-effective public works to facilitate economic growth and community development.*
 - *The province has an interest in safe, cost effective transportation systems that meet existing and future needs for economic growth, community development and diversification.*
 - *The province has an interest in ensuring the safety and security of individuals, communities and property from natural and human-induced threats.*

Objective 3.3.2 Transportation and Infrastructure Objectives and Policies

Objective 3.3.2.1 Emergency Services

To provide essential emergency services to the Resort Village

Policy (a) The Resort Village will continue to provide for essential emergency services to residents through shared services agreements with neighbouring municipalities.

Objective 3.3.2.2 Solid Waste

To provide residential solid waste collection services to Resort Village residents on a seasonal basis (generally between May 1 to October 1 annually).

Policy (a) The Resort Village will provide a residential solid waste collection service on a seasonal basis.

Policy (b) The Resort Village will continue to work with neighbouring municipalities in the providing of a regional transfer station.

Objective 3.3.2.3 Liquid Waste

To work with regional neighbours, who have sewage treatment capacity, in order for property owners of the Resort Village of Bird's Point to be able to dispose of liquid waste.

Policy (a) The Resort Village will continue a working relationship with the Village of West End, and other neighbouring municipalities, in dealing with liquid waste disposal for the residents of the Resort Village of Bird's Point.

Objective 3.3.2.4 Integrated Infrastructure Planning

To integrate planning, finance and engineering to effectively manage existing and new infrastructure in a sustainable, innovative and cost effective manner.

Policy (a) The Resort Village will continue to inform their decision making processes by preparing and coordinating strategic planning, financial planning, asset management planning and other similar initiatives.

Policy (b) The Resort Village shall undertake infrastructure and other studies, as necessary, to plan for changes or improvements to the Village's infrastructure systems to meet current engineering standards, accommodate development and improve operational efficiency.

Policy (c) The Village will ensure that development can be adequately serviced by infrastructure and utility systems and services by understanding the Village's infrastructure needs and the costs associated with those needs by using the most up to date information available.

Objective 3.3.2.6 Asset Management

To ensure a clear picture of the current state of the Resort Village's municipal infrastructure in order to manage it effectively over the long-term.

Policy (a) Continue to utilize and implement Asset Management Plans in order to sustainably provide an appropriate level of service to residents and visitors.

Policy (b) Ensure consistency between all long term planning documents going forward including this OCP, Asset Management Plans, Long Term Financial Plans, and others.

Policy (c) Ensure Asset Management Plans are kept up to date and used to support infrastructure investment decisions.

Policy (d) Use Asset Management Plans to support long term financial planning.

Objective 3.3.2.7 Bird's Point Transportation Network

To provide seasonal, safe all-weather access into and within the Resort Village.

Policy (a) All existing streets not on Resort Village right-of-ways are prescriptive easements based on more than half a century of uninterrupted access and use. All existing streets shall remain open for public access.

Policy (b) Developed streets will be maintained in a condition that is safe for all-weather vehicle passage, resistant to erosion from runoff and in a manner that minimized dust nuisance during dry periods.

Policy (c) Developments shall be located and designed in a manner which ensures safe and efficient traffic operations.

Objective 3.3.2.8 Infrastructure Costs

To ensure that future development contributes to the cost of infrastructure services in a manner which does not create a burden for existing residents and which does not impede long term growth.

Policy (a) The Resort Village will not be responsible for costs associated with the provision of municipal services to new development, except for Village-owned developments. Where a private development requires municipal services, including drainage, the proponent will be responsible for all costs associated with providing such services.

Objective 3.3.2.9 Infrastructure Capacities and Stormwater Management

To optimize use of existing Resort Village's water, solid waste, and stormwater management infrastructure and capacities.

Policy (a) Ensure that development in Bird's Point can be adequately serviced by infrastructure and utility systems and services by understanding the Resort Village's infrastructure needs, and the costs associated with those needs, by using the most up-to-date information available to the Resort Village.

Objective 3.3.2.10 Community Services

To accommodate community service uses throughout the Resort Village of Bird's Point.

Policy (a) The Zoning Bylaw will contain a Parks and Recreation district to provide for a range of community services uses within the Resort Village of Bird's Point.

Objective 3.3.2.11 Railways

To mitigate negative impacts resulting from any railway and rail activity when proposed in close proximity to the Resort Village.

Policy (a) The Resort Village will engage in consultation with railway companies, in order to reduce the potential for land use conflicts and provide appropriate protection for rail infrastructure.

Policy (b) Land use conflicts may be minimized in areas adjacent to railway lines and rail yards through the application of the Federation of Canadian Municipalities and the Railway Association of Canada's *Guidelines for New Development in Proximity to Railway Operations, 2013*.

3.4 RECREATION AND THE NATURAL ENVIRONMENT

3.4.1 Background

- The Resort Village is situated on the shores of round lake in the eastern portion of the Qu'Appelle Valley.
- According to the Ministry of Environment, under Saskatchewan's Representative Areas Network, the resort Village of Bird's Point is not located in close proximity to any protected land (such as wildlife habitat protection areas, wildlife refuges, bird sanctuaries, or conservation easements). Terrestrial wildlife habitat was also not identified during the Saskatchewan Terrestrial Wildlife Habitat Inventory completed by the Wildlife Branch of the Saskatchewan Government.
- Resort Village residents agree that the density of residential development impacts upon natural features, recreational and ecological resources.
- Recreation and open space lands are for the primary enjoyment of Resort Village residents.
- There are existing public parks located in the Resort Village.
- Lands located centrally within the village are owned by The Province of Saskatchewan, which are leased to the village of Bird's Point. The Village utilises these lands to provide opportunities for recreation and tourism in the form of public campgrounds. There exists a privately owned lot located at the northwest corner of this campground. Policy is required to maintain the recreational characteristic of this land while accommodating the existing private owner.
- Resort Village residents agree that the visually aesthetic qualities of the community are important for both their human enjoyment and value of their properties.
- Resort Village residents agree that storage of trailers, vehicles and other materials not incidental to the use of a principle residence reduces the aesthetic qualities of the community.
- Policy is required to help ensure that new development and the condition of existing residences does not degrade the visual aesthetics of the Resort Village.
- The *Statements of Provincial Interest Regulations* provides the following statements concerning biodiversity, natural ecosystems, recreation and tourism, and shore lands and waterbodies which are addressed in the objectives and policies that follow:
 - *The province has an interest in conserving Saskatchewan's biodiversity, unique landscapes, and ecosystems for present and future generations.*
 - *The province has an interest in supporting a high quality of life for Saskatchewan's citizens and visitors by providing and actively promoting recreation and tourism opportunities.*
 - *The province has an interest in environmental stewardship, responsible development and public access to provincial water.*
 - *The province has an interest in supporting the development of communities that enhance the physical and mental health and well-being of Saskatchewan people.*

3.4.2 Amenities and Dedicated Lands Objectives and Policies

Objective 3.4.2.1 Scenic Views

To consider the impact of development on scenic vistas and on neighbouring properties within the Resort Village of Bird's Point.

Policy (a) When considering a proposed development, Council will be cognizant of possible sightline interference caused by the proposed development.

- Policy (b)** Applications for development may be required to demonstrate to Council how scenic vistas will be impacted.

Objective 3.4.2.2 Natural Areas and Ecosystems

To encourage the preservation and protection of undisturbed prairie, native tree and shrub cover and other significant areas of natural vegetation in the Resort Village.

- Policy (a)** Ensure that development is consistent with the protection of ecological resources in the Resort Village for both human enjoyment and for the maintenance of natural features and locations.
- Policy (b)** Natural and scenic areas of significant value, wherever possible, shall be placed in public ownership.
- Policy (c)** The integration of natural features, existing vegetation, habitat, and wetland areas in the development and maintenance of the Resort Village's parks, open space and walking systems shall be encouraged.

Objective 3.4.2.3 Shore Lands and Water Bodies

To ensure continued protection of and access to Round Lake and its shore lands.

- Policy (a)** Work with provincial and federal agencies to protect the ecological integrity of Round Lake. This resource will be protected and, where appropriate, integrated with recreational use and development.
- Policy (b)** Continue to work with the Water Security Agency and the Department of Fisheries in ensuring public access to the lake shore is maintained.
- Policy (c)** Restrict development of new structures on municipal reserves that front on to Round Lake

Objective 3.4.2.4 Recreation

To maximize ongoing recreational opportunities for residents to enjoy and appreciate the water, land, wildlife and heritage resources of the Resort Village.

- Policy (a)** The Resort Village will encourage participation by the community, public agencies, the RM of Fertile Belt, and other stakeholders in the development of parks, green space, trail systems and other publicly accessible areas in the Resort Village of Bird's Point.

Objective 3.4.2.4 Public Campground

To maintain the recreational nature of the public campground

- Policy (a)** The Resort Village will work with the community, the provincial government, and other stakeholders to regulate the exiting public campground in a responsible manner. The extent of the public campground is shown on "Map 1".

3.5 BIOPHYSICAL CONSIDERATIONS & HAZARDS

3.5.1 Background

- Policy is required to minimize erosion impacts within the Resort Village.
- In July of 2014, Bird's Point experienced a summer storm that caused the water within Round Lake to reach a peak level of 445.7 metres. This rise in water level caused flooding and major property damage within the Resort Village. An increase in the estimated peak water level has illustrated that most of the Resort Village is at risk for flooding in the future. Policy is required to minimize potential flood impacts.
- Policy is required to protect the Resort Village from liability associated with developments affected by slumping or slope instability. All lands within the municipality may be at risk of slumping.
- The existing 1:500 year flood elevation has been established as 446.3 metres above sea level by the Saskatchewan Water Security Agency.
- The Resort Village is located in the Lower Qu'Appelle River Watershed within the Qu'Appelle River Basin. In 2013, a Source Water Protection Plan was developed for the Lower Qu'Appelle River and Wascana Creek Watersheds.
- The *Statements of Provincial Interest Regulations* provides the following statement concerning public safety and source water protection, which are addressed in the objectives and policies that follow:
 - *The province has an interest in ensuring the safety and security of individuals, communities and property from natural and human-induced threats.*
 - *The province has an interest in the protection of water sources that provide safe drinking water.*

3.5.2 Biophysical Considerations & Hazards Objectives and Policies

Objective 3.5.2.1: Hazardous and Sensitive Lands

To discourage inappropriate development in areas with potentially hazardous site conditions.

- Policy (a)** Development will be directed to areas believed to be capable of supporting such development.
- Policy (b)** Ensure that subdivision of land or the development of structures on hazard land does not occur or, if applicable, occurs in accordance with specified mitigation measures such as flood proofing. The cost of any report to identify the risk of proceeding with a proposed development on potentially hazardous land or recommending specified measures to mitigate the risk of development of hazardous land will be the responsibility of the proponent of the proposed development.
- Policy (c)** Require that applicants for proposed development on land that is identified as being potentially hazardous submit a report prepared by a qualified professional engineer that assesses the risk associated with the development and identifies any necessary mitigation measures.
- Policy (d)** Require that applicants for proposed development on land that Council is of the opinion will potentially affect adjacent and nearby properties, submit a report prepared by a qualified professional engineer that assesses the risk associated with the development and identifies any necessary mitigation measures.

Policy (e) The Zoning Bylaw will contain standards for development on or near hazard lands.

Policy (f) Environmentally sensitive areas shall be used for public open space.

Objective 3.5.2.2: Flooding

To protect development against the risks of flooding.

Policy (a) Ensure the most recent information on potential flood hazard areas within the Municipality, as it relates to applications for development permits, is used.

Policy (b) The Resort Village will work with the Water Security Agency, as necessary, on potential flood protection issues or programs in the municipality.

Policy (c) As per the Statements of Provincial Interest, insofar as is practical, the development of new buildings and additions to buildings in the floodway of the 1:500 year flood elevation of any watercourse or waterbody shall be prohibited unless flood-proofed based on a report prepared by a qualified professional (i.e. a professional engineer).

Policy (d) As per the Statements of Provincial Interest, insofar as is practical, development of new buildings and additions to buildings to an elevation of 0.5 metres above the 1:500 year flood elevation of any watercourse or waterbody in the flood fringe shall be flood-proofed based on a report prepared by a qualified professional (i.e. a professional engineer).

Policy (e) Any site proposed for development that involves excavation or filling must be graded and levelled at the owner's expense to provide adequate surface drainage, which will not adversely affect adjacent properties.

Policy (f) In so far as practical, lands below an elevation of 446.8 metres above sea level shall be zoned for parks and recreation and restricted development within the Zoning Bylaw. The 1:500 year flood elevation is generally illustrated by identifying the 447 metres above sea level contour line in the Zoning Bylaw.

Policy (g) Lots 15 -21 Block A, located at the point, shall be designated for Community Service Uses. These lots were completely flooded out in 2014 and no new permanent structures shall be permitted. Temporary residences such as Recreational Vehicles may be permitted on these sites providing they can easily and quickly be removed.

Objective 3.5.2.3: Water Resources

To protect ground and surface water resources from contamination.

Policy (a) Ensure that development does not deplete or reduce the quality of water resources in the broader region.

Policy (b) Ensure that development protects and sustains important waterbodies, waterways, wetlands, groundwater and riparian systems in the Resort Village and broader region by employing site-specific planning programs, either alone or in cooperation with other agencies, organizations or governments. This may include limiting, restricting, delaying or prohibiting development in proposed development areas until site-specific planning has

been completed or until the Resort Village is satisfied that specific development projects will sustain these areas.

Policy (c) Work with the Saskatchewan Water Security Agency in implementing the Lower Qu'Appelle River and Wascana Creek Watersheds Source Water Protection Plan 2013.

Objective 3.5.2.4: Erosion

To manage and minimize the effects of erosion within the Resort Village.

Policy (a) All excavations or fillings shall be re-vegetated with a suitable ground cover as may be necessary to prevent erosion.

Objective 3.5.2.5: Contaminated land

To discourage inappropriate development in areas with potentially contaminated site conditions.

Policy (a) Where subdivision or development is proposed on what Council considers may be contaminated land, Council may request an environmental site assessment be done, and subsequent steps be taken, as outlined by the Saskatchewan Ministry of Environment. The costs associated with undertaking specified mitigation measures, and with providing the required documentation related to any specified mitigation measures will be borne by the applicant or proponent of the proposed development.

3.6 INTERMUNICIPAL & INTERJURISDICTIONAL COOPERATION

3.6.1 Background

- Bird's Point is linear in shape and follows the north shoreline of Round Lake. The organized Hamlet of Pelican Shores neighbours the Bird's Point to the West, The 22 acre O'Neill Youth Campground borders the Village to the east, and the north of the village is surrounded by farmland located within the RM of Fertile Belt No. 183.
- In areas adjacent to the Resort Village, it is important to ensure that developments do not cause adverse effects upon existing land uses or servicing requirements.
- The Resort Village cooperates in shared servicing agreements with neighbouring municipalities for emergency services (e.g. fire department, first responders) and access to waste disposal facilities.
- All weather access into the Resort Village from the Provincial Highway #9 is provided by the RM of Fertile Belt.
- The Resort Village leases land from the Provincial Government for recreational use as the Bird's Point Campground.
- The *Statements of Provincial Interest Regulations* provides the following statement concerning intermunicipal cooperation, which is addressed in the objectives and policies that follow:
 - *The province has an interest in promoting intermunicipal cooperation that facilitates strong partnerships, joint infrastructure and coordinated local development.*
 - *The province has an interest in enhancing the participation of First Nation and Métis communities in land use planning and in fostering respectful relationships between municipalities and First Nation and Métis communities*

3.6.2 Intermunicipal & Interjurisdictional Cooperation Objectives and Policies

Objective 3.6.2.1: Government Cooperation

To pursue opportunities with the federal and provincial governments to enhance services and to provide innovative opportunities for the Resort Village of Bird's Point and the region.

Policy (a) The Resort Village of Bird's Point will pursue opportunities to take advantage of federal and provincial programs which will benefit Bird's Point and the region.

Objective 3.6.2.2: Regional Cooperation

To maintain ongoing open communication and engagement with neighbouring communities to identify and mitigate planning, municipal servicing and growth issues of concern to the Resort Village of Bird's Point.

Policy (a) The Resort Village will pursue agreements and cooperation with neighbouring municipalities, planning commissions, First Nations, and other stakeholders that will address joint planning, future growth, and joint delivery of services, based on common interests of the region as a whole.

Policy (b) The Resort Village will participate in inter-municipal, interjurisdictional and regional planning processes to develop or upgrade public works, public facilities, and transportation infrastructure or public service delivery.

- Policy (c)** The Resort Village will consult, as required, with the Kahkewistahaw First Nation, the RM of Fertile Belt, The Village of West End, and The organised hamlet of Pelican Shores to identify and mitigate planning, municipal servicing and growth issues of potential mutual interest
- Policy (d)** In the interests of strengthening regional planning Council will consider participation in joint planning studies and initiatives, ideally with support of senior government funding.

3.7 CULTURAL AND HERITAGE RESOURCES

3.7.1 Background

- There are no designated Municipal Heritage Properties located within the Resort Village of Bird's Point. Municipal Heritage Properties are afforded protection under *The Saskatchewan Heritage Property Act*.
- Development within Bird's Point should be consistent with the protection of natural and heritage resources in order to recognize the limitations and opportunities these resources offer, to protect people and property, to achieve natural resource protection, to avoid excessive development and maintenance costs, and to minimize environmental disruption and pollution.
- The *Statements of Provincial Interest Regulations* provides the following statement concerning heritage and culture, which is addressed in the objectives and policies that follow:
 - *The province has an interest in ensuring Saskatchewan's cultural and heritage resources are protected, conserved and responsibly used.*

3.7.2 Heritage Resources Objectives and Policies

Objective 3.7.2.1: Heritage Protection

To protect the heritage resources within the Resort Village, and where such protection cannot be achieved, to implement appropriate mitigation measures.

- Policy (a)** Support the designation of provincial heritage and municipal heritage buildings and sites within the Resort Village.
- Policy (c)** The Resort Village's land use and development decisions will be sensitive to the conservation and protection of culture and heritage resources.
- Policy (d)** The Resort Village shall consider the use of dedicated lands, such as environmental and municipal reserve, to protect and conserve culture and heritage features, where possible.
- Policy (e)** Insofar as practical, the Resort Village shall use the provisions set out in the Standards and Guidelines for the conservation of Historic Places to guide protection and conservation efforts of heritage places.

4 IMPLEMENTATION

4.1 ZONING BYLAW

The Zoning Bylaw will be the principal method of implementing the objectives and policies contained in this OCP, and will be adopted in conjunction herewith.

4.1.1 Purpose

The purpose of the Resort Village's Zoning Bylaw is to control the use of land providing for the amenity of the area within Council's jurisdiction and for the health, safety, and general welfare of the inhabitants of the Resort Village of Bird's Point.

4.1.2 Content and Objectives

The Zoning Bylaw will implement the land use policies contained in this OCP by prescribing and establishing zoning districts for residential uses, community service and institutional uses, and other municipal uses. Regulations within each district will govern the range of uses, site sizes, setbacks, building locations, off-street parking, landscaping, and so forth.

4.1.3 Amending the Zoning Bylaw

When considering applications to amend zoning regulations or standards, or requests for the rezoning of land, Council shall consider such proposals within the context of:

- (1) The nature of the proposal and its conformance with all relevant provisions of this OCP.
- (2) The need to foster a rational pattern of relationships among all forms of land use and to protect all forms of land use from harmful encroachments by incompatible uses.
- (3) The need for the form of land use proposed and the supply of land currently available in the general area capable of meeting that need.
- (4) The capability of the existing road system to service the proposed use and the adequacy of the proposed supply of off-street parking.
- (5) The capability of existing community infrastructure to service the proposal, including water and sewer services, parks, schools and other utilities and community services.

4.1.4 Zoning by Agreement

- (1) Where an application is made to Council to rezone land to permit the carrying out of a specified proposal, Council may, for the purpose of accommodating the request, enter into an Agreement with the Applicant pursuant to Section 69 of *The Act*.
- (2) Contract Zoning permits a municipality to manage the use of a site and layout of a specific proposed development that requires rezoning. Council may use a Contract Zone to rezone a site to allow a

proposed development, but may also restrict uses normally allowed in the zoning district through a contract.

- (3) Section 4.1.3 of this OCP shall apply in the review of applications for rezoning by agreement.
- (4) Council may enter into an agreement with the applicant setting out a description of the proposal and reasonable terms and conditions with respect to:
 - (a) the uses of the land and buildings and the forms of development;
 - (b) the site layout and external design, including parking areas, landscaping and entry- and exit-ways;
 - (c) any other development standards considered necessary to implement the proposal, provided that the development standards shall be no less stringent than those set out in the requested underlying zoning district.
- (5) Council may limit the use of the land and buildings to one or more of the uses permitted in the requested zoning district.
- (6) Council may consider rezoning by agreement to accommodate development or subdivision proposals when:
 - (a) limiting the uses within a zoning district will avoid land use conflict;
 - (b) it is necessary to ensure that appropriate services and infrastructure are provided.

4.2 OTHER IMPLEMENTATION TOOLS

4.2.1 Subdivision Application Review

In reviewing any application for subdivision, Council shall indicate support for such application only when it has:

- (1) Ensured that all policies and guidelines established regarding occupancy levels, development standards and design of the subdivision, as set out in this OCP, have been satisfied.
- (2) Ensured that the application is in conformity with the Zoning Bylaw.
- (3) Negotiated the terms of a servicing agreement, if required, with the applicant.
- (4) Determined its wishes with respect to the dedication of lands.

4.2.2 Dedicated Lands

- (1) When reviewing any application for subdivision, Council may indicate to the approving authority, its desire to have *unstable or flood-prone areas* set aside as environmental reserve and/or municipal reserve, as a condition of subdivision approval, pursuant to Section 185 of *The Act*.
- (2) Pursuant to The Act, Council may elect to request that an approving authority require the owner of land that is the subject of a proposed subdivision to provide money in place of all or a portion of land that would otherwise be required to be dedicated as municipal reserve.
- (3) The following factors shall be considered in making decisions on the provision of municipal reserves:
 - (i) Smaller municipal reserve areas within new residential subdivisions should be provided for neighbourhood parks and playgrounds.
 - (ii) In commercial and industrial subdivisions, cash-in-lieu of municipal reserve dedication will be considered as the primary method of meeting the municipal reserve requirement, unless the requirement can be transferred to an acceptable area and dedicated.
 - (iii) School site needs, as identified by the Good Spirit School Division, ensuring the creation of municipal reserve areas large enough to be used for schools.

4.2.3 Building Bylaw

- (1) Council will use its building bylaw to provide standards for the construction, repair and maintenance of buildings in the community as well as ensuring acceptable physical conditions. Provisions for occupancy permits and inspections can be included in the bylaw.

4.2.4 Development Levies and Servicing Fees

- (1) In accordance with Section 169 of *The Act*, the Council may establish, by separate bylaw, development levies for the purpose of recovering all or a part of the capital cost of providing, altering, expanding or upgrading services and facilities associated with a proposed development within an existing subdivided area. Such bylaw must be based on studies to establish the cost of municipal servicing and recreational needs and on a consideration of future land use and development and the anticipated phasing of associated public works.

- (2) In accordance with Section 172 of *The Act*, Council may require a servicing agreement with the proponent of a subdivision development. In order to provide overall direction and guidance in the negotiation of individual agreements with developers, Council may establish, by resolution, a schedule of development specifications and servicing fees. Such servicing specifications will provide a consistent set of development standards for provision of services and works by developers within a proposed subdivision development. Subdivision servicing fees contribute in whole or in part towards the capital costs of services within or outside the subdivision that directly or indirectly serve the proposed subdivision. The schedule of fees will be based on the identification of overall services and public works that the municipality anticipates will be needed as a result of new subdivision development for a specified term. The negotiation of service fees for individual developments will be based on a calculation of the servicing needs being created by that individual development as a part of the municipalities overall servicing needs.

4.3 OTHER

4.3.1 Updating the OCP

Plans and projections for future development shall be monitored on an ongoing basis. Policies contained in this OCP, including the Future Land Use Concept, shall be reviewed and updated within five years of adoption.

4.3.2 Further Studies

As necessary, Council will undertake such studies or programs required to facilitate and encourage the growth and development of the Resort Village of Bird's Point.

4.3.3 Community Engagement

In addition to the requirements of *The Act*, provisions for public participation may be initiated which are appropriate to the nature and scope of the planning matter being addressed. Examples of initiatives for which the community engagement process applies includes land use issues, social issues, safety issues, recreation issues and utility services.

For any situation where the community engagement process applies, the Resort Village will consider the following principles:

- Municipal government decisions must be made in a context that is sensitive and responsive to public concerns and values.
- The community engagement process must demonstrate openness, honesty and transparency of purpose, as well as the communication of the results.
- The process must be respectful of decision making protocols.
- The process must demonstrate a commitment to being time-sensitive and cost-effective.

4.3.4 Cooperation and Inter-Jurisdictional Consideration

Council shall cooperate with senior governments, other municipalities and public and private agencies to implement this OCP.

4.3.5 Programs

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

4.3.6 Provincial Land Use Policies and Interests

This bylaw shall be administered and implemented in conformity with applicable provincial land use policies and interests, statutes and regulations and in cooperation with provincial agencies. Where a reference is made in this Plan to a provincial statute or regulation and that statute or regulation is amended or repealed and substituted with a replacement statute or regulation, the reference herein to the statute or regulation shall be taken to mean the amended or replacement statute or regulation.

4.3.7 Binding

Subject to Section 40 of *The Act*, the OCP shall be binding on the Resort Village of Bird's Point, the Crown, and all other persons, associations and other organizations, and no development shall be carried out that is contrary to this OCP.

4.3.8 Definitions

The Zoning Bylaw definitions shall apply to this OCP.

5 LAND USE
