

## PARCS UPDATE #45 AUGUST, 2014



## THE BYLAW ISSUE

### 1. THE OCP & ZONING BYLAW: The most useful bylaw

Ideally every Resort Village would have an Official Community Plan (OCP) and Zoning Bylaw (ZB) to govern its village, just as each Rural Municipality would have an OCP and Zoning Bylaw to govern the cottage communities within its boundaries. The Planning and Development Act, 2007 authorizes municipalities to set policies governing the development of their communities by adopting OCPs and ZBs and subdivision plans<sup>1</sup>.

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The Official Community Plan and Zoning Bylaw can be likened to a constitution; it is the overriding law that describes and determines the nature and future of the community – whether that is a single community of 100 dwellings or a group of cottage communities within an RM. These planning documents are developed through public consultation. OCPs contain policies to guide land use and community development. ZBs establish permitted, prohibited or discretionary land uses, development standards and permit requirements.

This article uses as its example, the Official Community Plan and Zoning Bylaw adopted in 2009 by the Resort Village of Mistusinne.

#### 1.1 Developing the OCP and Zoning Bylaw

In September 2006, invitations went out to all cottage owners, informing them of Council's invitation for them to sit in on one or more of a series of 'once-only' meetings to make recommendations about a number of issues that would eventually be addresses in the village's Official Community Plan. Residents signed up to provide input about:

- The beach and waterfront
- A water system for the village
- Recreation in the village
- Emergency preparedness
- The golf course
- Quads in the village
- Village maintenance
- Village grass and trees<sup>2</sup>

Surveys were also sent out and the results summarized. A larger **Reference Group on Community Planning** was subsequently struck and met over a 2-year period to consider the input from the surveys and from each of the eight interest-group committees listed above. As chapters were drafted by the **Community Planner**, these were reviewed and revised by the Reference Group.

Finally, in the spring of 2008, the first draft was ready to take to a **Citizen's Forum**, a day-long workshop with break-out sessions led by members of the Reference Group. The workshop provided the last input opportunity before the final draft was available for public hearing, then adopted by Council and sent forward to the Minister.

#### 1.2 The OCP

The OCP states the vision for the current and future community<sup>3</sup>.

<sup>1</sup> The Statements of Provincial Interest Regulations (SPI) provide guidance to municipalities on a complex series of land use and development issues where applicable provincial priorities are realized during local decision making (OCP and ZB). This article only concerns the most useful, the OCP and ZB.

<sup>2</sup> Of these eight committees, the last two ultimately were established as standing committees of Council (the EMO Committee and the Friends of Trees Committee)

### 1.3 The Zoning Bylaw

The Zoning Bylaw established the rules that turn the vision stated in the OCP into a reality for each of the districts established within the community. The Mistusinne Zoning Bylaw defines the rules for 6 districts:

**The Residential District (R1)** consists of 247 lots each with a single-detached dwellings. The Zoning Bylaw defines aspects such as the front, side and back yards, the size and location of accessory buildings, the site coverage and height of buildings and fences, the off-street parking, the allowable uses of the principal dwelling, and the rules for accessories such as satellite dishes. The Mistusinne Zoning Bylaw forbids mobile homes as primary residences, multiple unit dwellings, and any commercial businesses or hotels (except for bed and breakfasts). Their Zoning Bylaw also allows a maximum of one recreational vehicle to be stored on a residential site.

**The Green Spaces (GS)** are ***crown lands interspersed among cottage lots***. The rules for the care of trees and grasses are described. The Zoning Bylaw acknowledges the “stressful effect of ATVs on winter and summer wildlife habitat, the loss of vegetation cover and the resulting soil erosion, along with their interference with a peaceful and safe setting for the beach” and directs Council to assess the compatibility of all-terrain vehicles, motorbikes and snowmobiles” on the green space and to regulate their use.

**The Mistusinne Commons (MC)** are public reserves along the perimeter of the village and alongside the beach, set aside ***exclusively for recreational uses*** such as the golf course and the Trans-Canada Hiking Trail.

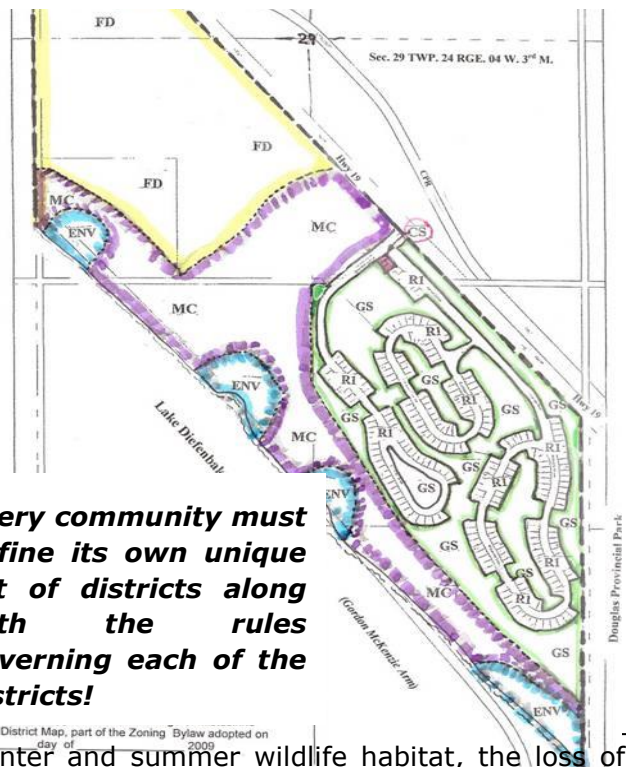
**The Community Service District (CS)** includes the Village Office and Maintenance Building and sets out the rules for storage of equipment and vehicles, hazardous material, etc.

**The Environmental Reserve District (ENV)** are sensitive wildlife habitat areas including spring heads and seepage areas along the beach. They are protected as dedicated land.

**The Future Development District (FD)** are undeveloped lands ***set aside for future development*** of lots for additional single detached dwellings. The Zoning Bylaw states that future development must conform to rules already specified for the R1 district.

#### DISTRICTS established by this ZONING BYLAW

- Residential Single Detached Dwellings R1
- Green Space GS
- Mistusinne Commons MC
- Community Services CS
- Environmental Reserve ENV
- Future Development FD



***Every community must define its own unique set of districts along with the rules governing each of the districts!***

To view the Resort Village of Mistusinne 45-page **Official Community Plan** or its 42-page **Zoning Bylaw** visit the village web site at [Mistusinne.com](http://Mistusinne.com) and move to the bottom of the bylaws page.

<sup>3</sup> "The future of Mistusinne must be built on its past development as a single-dwelling recreational community with a rural atmosphere in a park-like setting and with an attractive lakeside environment. Future ratepayers will continue to view the Resort Village of Mistusinne, with the sandy beaches and clear water of Lake Diefenbaker as its primary attractions, as a recreational and residential community of single-family dwellings." (Mistusinne OCP)

## 1.4 Examples of the OCP and Zoning Bylaw at work

**Example:** One of the Village Councillors is in the Village Office, waiting in line to pay for his taxes, when he overhears a new cottage owner asking the Village Clerk whether it is possible to set up a boat lift on the shoreline and, if so, what the rules are about lifts. (None of the cottage lots on Lake Diefenbaker are directly on the shoreline because of the changing water levels of the reservoir.) The Village Councillor's unspoken reaction is, "Uh oh, we are going to have to deal with that request at Council table because we don't have any approved boat lifts in our village." Then he overhears the Clerk reply, "Well we don't have any boat lifts at the moment, but our Zoning Bylaw in *Section 4.1.3* makes provision for them in a specified area. I will require completion of this form which details the rules and requires proof of liability insurance." ***The Zoning Bylaw anticipates future possible scenarios and make provisions for them; fewer decisions are made on an ad-hoc basis.***

**Example:** Cottage owner "A" is annoyed because his neighbour, cottage owner "B" who has an unsightly collection of four camper trailers in his back yard. "A" goes on-line to consult the Village Zoning Bylaw; he then emails the Village Clerk, quoting Section 3.3.5 which stipulates a "*maximum of one recreational vehicle or motor home (excluding boat trailers, snowmobiles, or ATVs) may be permitted to be stored on a lot with an existing permanent dwelling.*" The Clerk concurs and notifies cottage owner "B" about Section 3.3.5, pointing out that he is in violation of the Zoning Bylaw and hence three of the campers must be removed. ***The Zoning Bylaw settles issues between ratepayers in a prescribed and dispassionate manner.***

**Example:** Cottage owner "B" tells the clerk that he is storing the campers because his family is planning a family reunion later in the summer and hoping to set up the campers on the green space behind his property during the reunion. The Clerk replies that unused trailers and campers may only be stored in the Village compound and also points out Section 4.1.7 of the Zoning Bylaw which stipulates that "no person shall set up a tent, trailer, camper, or RV in an Open Space Area, except in conformity with the Zoning Bylaw." She then points out that a Discretionary Use Permit may be obtained for campers on the green space behind a cottage lot "for a maximum of seven days, providing that the host cottage provides sanitary services for the use of said campers." ***The Zoning Bylaw seeks to establish compromises that will work for special circumstances without compromising the needs of the community.***

**Example:** Cottage owner "C" is upset when his neighbour, cottage owner "D", installs a floodlight that shines down onto "C's" backyard fire-pit. When the complaint is directed to the Village Clerk, she points out *Section 3.3.4* which stipulates that "outdoor lighting fixture shall be oriented in such a way that any illumination from them is deflected away from any adjacent residential properties." ***The Zoning Bylaw settles issues between ratepayers in a prescribed and dispassionate manner.***

**Example:** A developer approaches the Village with a proposal to build a condo development in the Future Development District. Council replies that this district is zoned only for single detached dwellings. ***The Zoning Bylaw provides the criteria for future development as having been determined in advance by the community members who had input into its creation.***

## 2. BYLAW SHARING AT THE FALL CONVENTION

As part of the Resort Village session on the morning of Friday October 17<sup>th</sup>, PARCS will host a **bylaw sharing session**. Here's how it will work:

- Lynne began by consulting the Municipal Directory on the Government Relations website to determine **the days when each resort village office is open**.<sup>4</sup>
- Lynne has begun by phoning the administrator of those resort villages during those specified office hours, to invite them to **share a bylaw for the convention session**.

**NUMBER OF DAYS THAT EACH OF THE 40 RESORT VILLAGE OFFICES ARE OPEN:**

- Open Monday to Friday 25% (10 RVs)
- Open 3 or 4 days a week 10% (4 RVs)
- Open 1 or 2 days a week 27% (11 RVs)
- No days listed as open 38% (15 RVs)

*Note - Only one resort village reported Saturday as a day that their office is open (for the convenience of weekenders at the lake).*

- Administrators have **already volunteered to share bylaws** about a number of issues such as lakeshore development, ATVs, swimming pools and hot tubs, golf carts, a building bylaw, a traffic bylaw, sewage collection, and usage of potable water.<sup>5</sup>
- These bylaws will be shared at the convention session. The convention workshop will be a **round-table session** with opportunity for administrators and councillors to discuss bylaws with other administrators and council members.
- A **handout** with each of the bylaws will be given to:
  - Each RV that contributes a bylaw for the exchange, and
  - Each participant at the convention workshop.
- We hope that you will join us and be part of this **unique opportunity to share bylaws**.

## 3. RESULTS OF THE RESORT VILLAGE SURVEY

This spring we asked resort villages to share the main issues that they were facing in 2014. The following are the results of that survey in the order of priority:

- The most often reported issue was **sewage disposal** (33%)
- The second most reported issue was the **need for new infrastructure** (18%)
- Tied for third place were **quads, trailers & lakeshore development** (9% each).

**THE RESULTS OF THE ORGANIZED HAMLET SURVEY will be shared at the ORGANIZED HAMLET SESSION on the morning of Friday, October 17<sup>th</sup> at convention.**

<sup>4</sup> The Municipal Directory (on the Government Relations website) lists the times that resort villages offices are open. It also lists the names of the Administrator, Mayor and Councillors, along with the day when Council meeting are held, plus the village assessment and permanent population. The Municipal Directory is located at <http://www.mds.gov.sk.ca/apps/Pub/MDS/welcome.aspx>

<sup>5</sup> If you have not yet received your phone call, stand by – she is hoping to call each of the 35 resort villages that list office hours.

## CHECK OUT THE PROGRAM FOR OUR PARCS CONVENTION 2014

**FRIDAY OCTOBER 17<sup>th</sup>**

At the beautiful Willows Golf Course south of Saskatoon

**9:00 am**                      *Registration*

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**9:45 am**                      *Welcome (Twilight Room)*

**10:00 - 12:00**

**Resort Villages**

(Wedgewood Room)

- #1 - Effective communication
- **Tiffany Wolfe**, SUMA
- #2 - Bylaw Exchange
- Take home bylaws

**Organized Hamlets & RMs**

(Twilight Room)

The Revised Guide to Organized Hamlets

- **Sherry Jimmy, Garry Dixon**, PARCS
  - **Colleen Christopherson**, Gov't Relations
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**Noon Luncheon** (all subsequent sessions in the Wedgewood Room)

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**1:15 to 2:40 pm**        **KEYNOTE ADDRESS**

Managing our Lakes

- **Brad Peter**, Alberta Lake Management Association
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**2:40 to 3:30 pm**        Emergency Response in our Communities

- **Cindy Seidl**, STARS
  - **Brian Reichle**, Parkland Ambulance
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**3:30 pm**                      *Nutrition Break*

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**3:45 to 4:30 pm**

Lakeshore Management

- **Tanya Johnston**, Water Security Agency
- **Bob McEachern**, Sask Parks, Culture and Sport
- **Dave Dmytruk**, District of Lakeland

**4:30 to 6:30 pm**

*Time to register at your hotel, have a swim at the hotel pool, or take a stroll around the Willows.*

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**6:30 pm**                      *Late registration*

**7:00 p.m.**                      *President's Banquet (Wedgewood Room)*

- **Terri Lang**, the Weather Lady, Reading the Skies
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**SATURDAY OCTOBER 18<sup>TH</sup>**

**9:00 - 11:30 am**        **PARCS Business**

**9:00 a.m.** - Reports  
**9:30 a.m.** - Regional Meetings  
**10:30 a.m.** - *Nutrition Break*  
**10:45 a.m.** - PARCS Annual Meeting

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**11:30 am**                      *Lunch*

- **Chad Doherty**, Sask Environment, Guarding against Invasive Species
- 

**1:00 to 2:00 pm**        Guarding against Fraud

- **Fred Weekley**, Mortgage Fraud
  - **Lisa Gares**, First Canadian Title, Protecting Yourself through Insurance
  - **Cpl. Colleen Lyons**, RCMP Commercial Fraud Unit, Commercial Crime in Sask.
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**2:00 to 3:00 pm**        Dealing with Sewage as outlined in the Environmental Code

- **Sam Ferris**, Water Security Agency
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## CONVENTION REGISTRATION

### CONTACT INFORMATION:

Cottage community (or association): \_\_\_\_\_

Contact person regarding registrations: \_\_\_\_\_

Phone number of contact person: \_\_\_\_\_

Email address of community or association: \_\_\_\_\_

### CONVENTION

(Includes Friday lunch, Friday banquet plus Saturday lunch, all nutrition breaks)

#### Attending for **both days**

• Number of attending **members** (voting delegates): \_\_\_\_\_ x \$ 175 = \$ \_\_\_\_\_

Names: \_\_\_\_\_, \_\_\_\_\_

• Number of attending **non-members**: \_\_\_\_\_ x \$ 275 = \$ \_\_\_\_\_

Names: \_\_\_\_\_, \_\_\_\_\_

#### Attending for **Friday only**

• Number of attending **members** (voting delegates): \_\_\_\_\_ x \$ 100 = \$ \_\_\_\_\_

Names: \_\_\_\_\_, \_\_\_\_\_

• Number of attending **non-members**: \_\_\_\_\_ x \$ 150 = \$ \_\_\_\_\_

Names: \_\_\_\_\_, \_\_\_\_\_

#### Attending for **Saturday only**

• Number of attending **members** (voting delegates): \_\_\_\_\_ x \$ 100 = \$ \_\_\_\_\_

Names: \_\_\_\_\_, \_\_\_\_\_

• Number of attending **non-members**: \_\_\_\_\_ x \$ 150 = \$ \_\_\_\_\_

Names: \_\_\_\_\_, \_\_\_\_\_

Extra banquet tickets (no spousal packages available): \_\_\_\_\_ x \$ 30 = \$ \_\_\_\_\_

### TOTAL FEES

Fee payment: \_\_\_\_\_ Fees are enclosed

\_\_\_\_\_ Fees will follow by mail

\_\_\_\_\_ Fees will be paid at convention

\$

### REGISTER SOON by mailing, faxing, emailing this information to:

Lynne Saas, PARCS, Member Services

Box 52, Elbow, SK, S0H 1J0

Phone – 630-9698, Fax – 854-4412

Email – parcs@sasktel.net

### MAKE YOUR HOTEL RESERVATIONS

Rooms are being held on a first come, first served basis. Book **one of the remaining rooms** now for the night of Oct. 17th.

#### SOUTH WEST

**Best Western Blairmore 242-2299**

- Hwy 7 and 14,
- Double queens at **\$149**
- Complimentary breakfast

#### CLOSEST TO THE WILLOWS

**Four Points by Sheraton 933-9889**

- 103 Stonebridge Rd,
- Double queens or king at **\$159**
- Restaurant on site