

# Resort Village of Kivimaa-Moonlight Bay

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Official Community Plan – Bylaw No. 2/14

Consolidated version including the following Amendments:

BYLAW No. 01/16

BYLAW No. 02/17

DATE: May 6, 2020

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# Resort Village of Kivimaa-Moonlight Bay

## Bylaw NO. 2/14

A bylaw to adopt an Official Community Plan for the Resort Village of Kivimaa-Moonlight Bay.

WHEREAS *the Planning and Development Act, 2007* (the Act) provides that a municipality may, by bylaw, adopt an Official Community Plan and has authorized the preparation of an such Official Community Plan in consultation with a professional community planner , pursuant to section 29 of the Act.

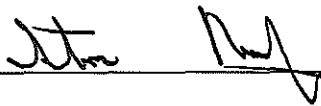
WHEREAS, section 35 of the Act provides that an Official Community Plan must be adopted by bylaw, in accordance with the public participation requirements of Part X of the Act. In accordance with section 207 of the Act, the Council of the Resort Village of Kivimaa-Moonlight Bay held a public hearing on January 13, 2015 in regards to the proposed bylaw, which was advertised in a weekly paper on December 5, 2014 and December 12, 2014 in accordance with the public participation requirements of the Act.

WHEREAS, this bylaw repeals and replaces the current Planning Statement bylaw 3/90.

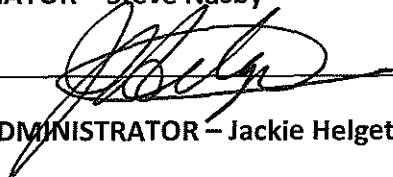
WHEREAS, in order to ensure the orderly development of the Resort Village of Kivimaa-Moonlight Bay the Council deems it necessary to adopt an Official Community Plan.

The council of the Resort Village of Kivimaa-Moonlight Bay in the Province of Saskatchewan in open meeting enacts as follows:

1. This bylaw may be cited as the "Resort Village of Kivimaa-Moonlight Bay Official Community Plan".
2. Schedule "A" attached hereto is hereby adopted as the Official Community Plan for the Resort Village of Kivimaa-Moonlight Bay.
3. This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.



MAYOR – Steve Nasby



ADMINISTRATOR – Jackie Helgeton



Seal of Prof. Community Planner

# Resort Village of Kivimaa-Moonlight Bay

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*Official Community Plan – Schedule “A” to Bylaw 2/14*

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# 1. INTRODUCTION

## 1.1. Purpose and Authority

The purpose of an Official Community Plan is to provide a comprehensive policy framework to guide the physical, environmental, economic, social and cultural development of the municipality.

In accordance with sections 29 to 43 inclusive of the *Planning and Development Act, 2007*, the Resort Village of Kivimaa-Moonlight Bay adopts this Official Community Plan to state the goals, objectives and policies of the Resort Village relating to future development within Kivimaa-Moonlight Bay.

## 1.2. Scope

The objectives and policies of this Official Community Plan shall apply within the incorporated area of the Resort Village. The objectives and policies relative to neighbouring municipalities shall guide Council in its actions regarding land use. All development shall conform to the objectives and policies contained in the Official Community Plan.

## 1.3. Severability

The provisions of this Official Community Plan are deemed to be severable, and if any provision is determined by a court to be invalid or inoperative, it does not render the remaining provisions invalid or inoperative.

# 2. BACKGROUND

The Resort Village is 116 km northwest of the City of North Battleford, 125 km east of the City of Lloydminster and 254 km northwest of the City of Saskatoon. The resort village is located on the western shore of Turtle Lake. The municipal boundaries contain portions of the north half of section 25-53-19-W3 within the area of the Rural Municipality of Mervin No. 499. There are 10 other key resort development areas on the lake. Those located on the west side include South Bay, Kopps Kove, Parkland Beach, Aspen Cove, Powm Beach and Horseshoe Bay.

The Resort Village of Kivimaa-Moonlight Bay was formed from two main private leasehold cottage and mobile home court developments that were largely subdivided from 1981 through 1984 to provide titled lots. By incorporation in 1989, the residents sought to achieve higher levels of service and local control over municipal taxation.

In 2013 the Resort Village's property tax records indicated 304 residential lots that include 261 assessed dwellings, 1 commercial property and 5 unsubdivided parcels. The resort village serves a wide area of Saskatchewan and parts of Alberta.

Turtle Lake is a relatively large and significant recreational resource of 64 square kilometers in surface area. The southern two thirds of the lake are highly suitable for all types of water based recreation. The northern third is shallow with reed beds forming the major fish breeding grounds, which support great angling on Turtle Lake. Kivimaa-Moonlight Bay is located in one of the superior recreational class areas on the lake.

In 1983 a Lake Management Study & Plan was prepared by Maclaren Plansearch Ltd. for the three RM's that bordered the lake. This plan formed a background for a Basic Planning Statement and Zoning Bylaw, adopted in 1985 for the R.M. of Greenfield No. 529. With the formation of the Resort Village of Kivimaa-Moonlight Bay a new Basic Planning Statement and Zoning Bylaw was drafted to convert and adapt the existing RM bylaws to bylaws suitable to the new municipality.

Two key elements to the Lake Management Plan were as follows:

- (a) That better handling of sewage wastes and strict adherence to the Ministry of Health standards for the lake shore pollution control were required to protect the lake water quality from deterioration;
- (b) That development around the lake in the near future should be restricted to infilling existing subdivision areas. Kivimaa-Moonlight Bay was once such identified area. Council supported the general concepts of the Lake Management Plan and worked with the other municipalities and resorts towards its implementation.

In February 2004, Crosby, Hannah & Associate completed a Lakeshore Management Update. This study was commissioned by the RM's of Mervin, Parkdale and the Resort Villages of Sunset View Beach and Kivimaa-Moonlight Bay. This study focused on the lake resource, shoreland capability, and carrying capacity. The following observations were presented.

- (a) The current water quality of Turtle Lake is good and does not appear to be impacted as a direct result of lakeshore development.
- (b) It is improbable that fish resources are impacted by existing water quality.
- (c) Water levels had declined in 2004, to where the integrity of Northern Pike spawning habitat is of a concern.
- (d) Provided shoreline alterations are limited, the sports fishery should not be considered a limiting factor.

- (e) Current boating levels in the southern basin of Turtle Lake may be approaching capacity.
- (f) Infrastructure capacities do not appear to be a limiting factor on lakeshore development around Turtle Lake.

Council will use the information contained in the 1983 and 2004 Lakeshore Management Studies as a guide and will work with neighbouring First Nations, municipalities and hamlets that abut the lake towards the improvement of the lake environment and the protection of municipal water sources. These reports are available at the Resort Village office.

### **3. GOALS**

The goals of the Resort Village of Kivimaa-Moonlight Bay describe the main emphasis for the future development of the community. These goals provide the framework for the objectives and policies of Council in the Resort Village of Kivimaa-Moonlight Bay.

The planning and development goals of the Resort Village of Kivimaa-Moonlight Bay are:

- 3.1 To protect and enhance the environmental quality of the Resort Village and its surrounding region for the purpose of developing a recreational and residential community for its residents.
- 3.2 To provide for the orderly and sustainable development of land, consistent with and complementary to the primary purpose of the community, by reason of appropriate size, superior quality and proper location of development.
- 3.3 To provide for limited commercial development, appropriate to serve the residential and recreational needs of the community.
- 3.4 To ensure that the development on Turtle Lake remains within the capacity of the environment to absorb that development, in cooperation with the neighbouring resorts and municipalities.

### **4. OBJECTIVES**

- 4.1. The resort village has an interest in conserving the municipality's biodiversity, unique landscapes and ecosystems for present and future generations.
- 4.2. The resort village has an interest in enhancing the participation of First Nations and Métis communities in land use planning and development processes.
- 4.3. Where identified, the resort village has an interest in ensuring that the municipality's culture and heritage resources are protected, conserved and responsibly used.

- 4.4. The resort village has an interest in promoting inter-municipal cooperation that facilitates strong partnerships, joint infrastructure and coordinated local development.
- 4.5. The resort village has an interest in ensuring the safety and security of individuals, communities and property from natural and human-induced threats.
- 4.6. The resort village has an interest in safe, healthy, reliable and cost-effective public works to facilitate economic growth and community development.
- 4.7. The resort village has an interest in supporting a high quality of life for its citizens and visitors by providing recreation and tourism opportunities.
- 4.8. The resort village 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 well being of communities.
- 4.9. The resort village has an interest in environmental stewardship, responsible development and public access to adjacent water bodies and shore lands.
- 4.10. The resort village has an interest in the protection of water sources that provide safe drinking water.

## **5. RESIDENTIAL DEVELOPMENT**

### **Discussion**

The character of residential development in Kivimaa-Moonlight Bay has been one of mixed quality, ranging from older travel trailers permanently sited, to new construction of permanent residences. The original development of the resort included many travel trailers permanently sited and mobile homes on privately owned sites. More recent development has tended permanent residences for full time residents of the resort village. To provide consistency though out the municipality, Council will continue to provide support for existing smaller dwelling uses. For new construction, landowners will be strongly encouraged to construct permanent residences consistent with current trends.

Improvement in the size and construction standards of new construction consistent with modern trends will be accommodated. Council will also provide for existing mobile homes and travel trailers, but will encourage any future development or redevelopment to provide for subdivided titled lots of a size consistent with larger cottage dwelling development.

The mixed forest environment of the resort is one of its major assets. It is of importance to Council that a forested buffer should be kept around the resort, and that the preservation of substantial trees within the boundaries of the resort village, particularly on unsubdivided and public land should be encouraged.

## 5.1 Objectives

- 5.1.1 To improve the value, quality and character of residential property within the Resort Village.
- 5.1.2 To encourage the preservation and improvement of residential areas through control of density of development.
- 5.1.3 To provide for existing mobile homes used as cottages.
- 5.1.4 To provide for future residential development within the Resort Village.
- 5.1.5 To protect and enhance the development of a forested buffer between the resort and the main access road to the community.
- 5.1.6 To decrease the risk of fire in residential development.
- 5.1.7 To avoid the intrusion of new commercial development in residential areas, while recognizing the existing developed commercial areas.
- 5.1.8 To work with other municipalities and resort hamlets abutting Turtle Lake to prevent the deterioration of the quality of the environment in all areas around the lake.

## 5.2 Residential Policies

- 5.2.1 Infilling development on the existing subdivisions will be the priority of council.
  - a) Consideration of Applications: To help ensure that proposals for residential subdivision and development are considered by Council in an equitable manner, Council will consider proposal 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.
- 5.2.2 Priority for new development will be focused on lands within the UR – Urban Reserve District. Such parcels of land may be considered for development in stages subject to the preparation of a concept plan for the entire parcel.

Bylaw No. 01-16

Bylaw No. 02-17

Bylaw No. 01-16

Bylaw No. 02-17



- 5.2.3 The municipal bylaws will regulate the quantity of new lots, by limiting the number of newly subdivided residential lots per application.
- 5.2.4 The bylaws of Council shall accommodate the construction of new dwellings to a size compatible with or larger than existing development.
- 5.2.5 The zoning bylaw will regulate the distances of buildings and structures to property lines, along with the quantity, area, height, lot coverage and the use of all principal, accessory and ancillary structures.
- 5.2.6 The bylaws of Council will provide for adequate separation between dwellings, clear of fire hazards.
- 5.2.7 The bylaws of Council will provide for the continued use of land for mobile homes and travel trailers to recognize existing development within the current Resort Village boundaries.
- 5.2.8 Council will consider recommendations related to subdivision and development applications in hazard lands where site specific assessments have been conducted by a qualified professional engineers; and where flood-prevention and, or mitigation initiatives would be engineered into the design of the subdivision / development.
- 5.2.9 Council will ensure that water quality from private wells for human consumption, or hygienic use is not compromised by new development.
- 5.2.10 Where the land is in proximity to the access road (Plan 76B10265) a forest covered buffer of 15 m or more shall be required.
- 5.2.11 Commercial development shall not be permitted in areas designated for residential development in the Resort Village of Kivimaa-Moonlight Bay, except in the form of limited accessory home occupations for the occupants of dwellings, at the discretion of Council and subject to special standards.
- 5.2.12 Ensure development avoids lands that are hazardous due to flooding, unless suitable mitigation measures are implemented at time of development or subdivision. APPENDIX A – *Kivimaa-Moonlight Bay: Safe Building Elevation (SBE)* annexed to this Bylaw identifies areas that may require mitigation measures due to being deemed hazard land identified by the Water Security Agency.”

Bylaw No. 02-17

Bylaw No. 01-16

## 6. COMMERCIAL DEVELOPMENT

### Discussion

The Resort Village of Kivimaa-Moonlight Bay provides a residential community in a resort setting. Council desires to support commercial services designed to complement this function within the area designated for commercial use. Some expansion of this area may be considered, which will not detract from the primarily residential character of the community.

## 6.1. Objectives

- 6.1.1. To provide for future commercial area improvements in the Resort Village of a form that will complement and improve the community as a residential and recreational area.
- 6.1.2. To ensure that commercial development will not intrude into areas of primarily residential development.
- 6.1.3. To encourage the upgrading of both the appearance and quality of commercial services in the Resort Village.
- 6.1.4. To recognize the need of some residents to conduct their occupations in their dwelling.

## 6.2. Policies:

- 6.2.1. Council will provide for the development of commercial service functions designed to serve the residents of the Resort Village and guests in the area.
- 6.2.2. Council will encourage the improvement of the visual appearance of the commercial areas within the Resort Village, in conjunction with local business, through both building and landscape development of private land and landscape development of public rights of way. Particular attention will be paid to the visual separation of private land from public rights of way.

## 7. PARKS, RECREATION AND OPEN SPACE DEVELOPMENT

### 7.1. Discussion

Public Reserve lands are of two main types. There are the water related public recreational lands that include the main beach park, public reserves PR4 and R1 on Shore Drive. Also included are the beach and the other shore access lands of R2, R3, R4, R5, PR2 and PR8 abutting the lake shore and providing access thereto. The main beach park offers a large grassed area with modern playground facilities and picnic areas. This area is used on a number occasions during summer months to stage BBQ's, local entertainment and community events.

The second type is the buffer areas and residual parcels within the subdivisions which maintain a forest environment for the development. These include R6, PR3, PR7, PR9, PR10, and PB1 off Waino's Road and PB1 of Kivimaa Drive. Council will continue to develop the principal lake use and recreational facilities on all public reserve lands.

## 7.2. Objectives

- 7.2.1. To maintain suitable public access to the lake shore at appropriate locations.
- 7.2.2. To designate a lake shore recreational area within the Resort Village consistent with the recreational needs and desires of Resort Village residents.
- 7.2.3. To protect and enhance the forest environment and biodiversity of the Resort Village through dedication and maintenance of buffer strips and other forest covered lands.
- 7.2.4. To expand and build upon the range of recreational facilities and spaces through dedication and development of public lands.
- 7.2.5. To protect the existing beach park areas for day use activities.

## 7.3. Policies

- 7.3.1. Council's priority for meeting the dedicated lands requirements of the *Planning & Development Act, 2007* is to assign land in proximity of the bank of the lake or lands to preserve the forest environment.
- 7.3.2. Council's priority for the dedicated lands within the resort village will be as follows:
  - a) Areas PR4, R5 and PR2 on the Zoning map are designated as the primary public beach access areas.
  - b) Area PR4 shall be the primary focus for Village Beach development.
  - c) Area R5 shall be designed and maintained to serve a secondary pedestrian beach access for the western part of the resort.
  - d) Area PR2 shall be designed and maintained to provide for boating water access needs.
  - e) Land in Area PR8 may be developed to provide additional boat access to the lake as may be needed.
  - f) Other public lands abutting the lake shore shall be developed for local pedestrian beach access, or preserved in their natural state.
- 7.3.3. The beaches, buffer strips, green spaces and environment lands within the RV provide aesthetic and natural areas for recreation and the protection of biodiversity. Council will maintain these important areas and endeavor to connect them as future dedicated lands are contemplated.
- 7.3.4. Where land to be subdivided contains land that will be swamps, drainage courses or land subject to seasonal or frequent flooding. Such lands will generally be recommended for approval as Environmental Reserve.
- 7.3.5. The *Planning & Development Act, 2007* along with the Dedicated Lands Regulations prohibits the use of Municipal or Public Reserve for private boat housing or docking structures.
- 7.3.6. The *Planning & Development Act, 2007* along with the Dedicated Lands Regulations prohibits the use of dedicated lands for the use of camping or other similar activities.

- 7.3.7. Council may specifically authorize limited Resort Village sponsored events on dedicated lands by resolution.

## 8. SERVICES & PUBLIC WORKS

### 8.1. Discussion

Year round access to all development and facilities in the resort village is provided through a network of arterial and access roads. These roadways shall be at least 7.5 meters wide to allow for emergency vehicles. The arterial roads that include: Fishplant Road, Wainos Road, Lakeshore Dr., Kivimaa Dr., Archie Clappitt Dr and the east grid are designed and maintained to accommodate heavier traffic flow and have two, year-round access routes for emergency evacuations. Future dead end roads shall be no longer than 90 m.

Storm water drainage in the resort village is accomplished through a network of road ditches, culverts, swales and berms that ultimately channel into Turtle Lake.

All sewage produced within the Resort Village must be contained in an approved holding tank. Sewage must be transported by a certified hauler to a designated lagoon facility at the expense of the land holder. Solid waste generated in the Resort Village must be transported to the designated landfill or transfer site at the expense of the landowner. The Resort Village does provide for the collection of household garbage. The resort village of Kivimaa-Moonlight Bay along with all of the neighbouring hamlets is part of a long-term agreement with the RM of Mervin that accommodates the disposal of sewage and solid waste.

The resort village does not have a community-wide, potable water distribution system. Potable water can be accessed from a well operated by the Resort Village from June thru September. Bottled water is available for sale at the local store and also at the RM Office. Potable water is the responsibility of the land owner and can be addressed by constructing wells, or through arrangements with local potable water suppliers.

The resort village provides year-round, certified, fire protection services maintaining equipment and training local volunteers. The resort village has a fire fighting agreement with the RM of Mervin and the Town of Turtleford in the event of a major fire.

Power, natural gas and telephone utilities service all subdivisions within the RV. The power and telephone facilities are a combination of both aerial and underground. As new subdivisions are approved these facilities will be located underground to provide better protection from fire. The Resort Village is served by both cellular and wireless broadband services.

The resort village has an assortment of well maintained structures, docks, playground equipment and buildings on municipal reserves throughout the resort. To maintain these services the resort owns an array of road and park maintenance equipment, and contracts some of these maintenance duties to local suppliers. Council, through the Administrator, tracks and reviews the capital assets of the Resort Village to ensure funds are available to cost-effectively, upgrade and replace these assets to meet current and future needs.

## 8.2. Objectives

- 8.2.1. To maintain and improve the existing level of services.
- 8.2.2. To maintain all weather road access.
- 8.2.3. To provide and maintain adequate solid waste disposal and sewage disposal as necessary.
- 8.2.4. To maintain and upgrade a municipal fire protection service.
- 8.2.5. To ensure that new subdivisions will not place a financial burden on the Resort Village.

## 8.3. Policies

- 8.3.1. Council will provide for the availability of an adequate site for solid waste and sewage disposal. In order to reduce the costs to the Resort Village, Council will work with the R.M. of Mervin, or any other municipality, in the provision and maintenance of facilities, where appropriate. Capital costs required for the municipal share of a disposal facility will be borne through appropriate charges to each residence in the municipality.
- 8.3.2. Storm water drainage in the resort village is addressed through a network of road ditches, culverts, swales and berms that channel into Turtle Lake.
- 8.3.3. Other municipal services or facilities may be supplied where needs are clearly identified. As a general principle, Council will provide such facilities on a user pay basis.
- 8.3.4. Council shall undertake a program for the improvement of streets within the Resort Village as required.
- 8.3.5. Council will investigate methods to improve the fire protection services with the municipality.

- 8.3.6. The cost of installation of streets, utility services and other necessary public facilities required for a new subdivision shall be borne by the subdivision developer, rather than the Resort Village as a whole, and included in the terms of a servicing agreement.
- 8.3.7. The Resort Villages shall continue to work with Public Health maintain health regulations for the public well is located on Kivimaa Drive, St/L 15-Plan 84B16177, adjacent to Lot 11, Block 10, Registered Plan No. 84B16177. Bylaw No. 01-16
- 8.3.8. Council will ensure that new developments will not result in adverse alteration of surface or subsurface drainage by the developer. Where necessary, the developer may be required to provide additional information in regards to existing and proposed drainage patterns. Bylaw No. 01-16
- 8.3.9. Council may consider the adoption of a municipal drainage plan to ensure all future development that results in planned elevation alterations, and flood proofing measures does not create adverse effects for surrounding landowners and the municipality. Bylaw No. 01-16
- 8.3.10. Work in partnership with the North Saskatchewan River Basin Council, Water Security Agency, and surrounding Rural Municipality's for source water protection. Bylaw No. 01-16
  - a) Collaborate to ensure proper decommissioning of local wells to reduce potential points of water contamination.
  - b) Consider the adoption of a local water testing schematic and methodology with local landowners to increase communication and actively monitor local source water protection.

## 9. FLOOD MITIGATION & FIRE PROTECTION

### 9.1. Discussion

The resort village's proximity to changing lake levels and a local drainage plain does represent some risk of high water tables and flooding. Over the years, the resort village has developed a drainage network to mitigate this risk. The surrounding forest land also exposes development to the potential of wildfire. The volunteer fire department regularly audits the community and surrounds to identify and address fire hazards. The municipal office also initiates a number of public information activities to educate ratepayers on fire prevention and mitigation best practices.

### 9.2. Objectives

- 9.2.1. To avoid unsuitable development on potentially hazardous lands
- 9.2.2. To protect people and property from wildfire and flooding
- 9.2.3. To protect the environment

### 9.3. Policies

#### 9.3.1. Fire Protection

**Council will apply and review the following fire protection policies during all development decisions.**

- a) The safe storage of combustible materials.
- b) All development shall have access to year-round access roads and arterial roads which shall be a width of at least 7.5 m to allow for emergency vehicles. The roads within the resort village that would satisfy this requirement include: Fishplant Road, Wainos Road, Lakeshore Dr., Kivimaa Dr., Archie Clampitt Dr and the east grid which are designed and maintained to accommodate heavier traffic flow and have two, year-round access routes for emergency evacuations.
- c) Dead end roads shall be no longer than 90m.
- d) Underground utility services will be used wherever possible.
- e) Green space will be used to separate building development from forest vegetation.
- f) The municipality will consider the wildfire risk, of accepting environmental reserve lands.
- g) The municipality will ensure all subdivision applications are referred to the local fire marshal and the forestry branch for comments, prior to a decision being made on the application.

#### 9.3.2. Flood Protection

- a) The zoning bylaw includes policy to ensure that all new development is located on stable lands above the historic flood elevations.

## 10. HERITAGE & CULTURE

Artifacts show that First Nation's people have lived and hunted in the area for over 7,500 years<sup>1</sup>. The first European arrivals were William Pink's expedition of 36 tents that camped at the south end of Turtle Lake in 1768 to trap beaver and wolf. Trading posts sprung up and priests introduced Christianity. Fur traders passed on the Indian legend of the Turtle Lake monster, a very large serpent-like animal alleged to live in the lake and over the years others have claimed to have seen it rise in the water.

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<sup>1</sup> Nature Saskatchewan – Turtle Lake Sanctuary Interpretive Signage

In June of 1885, during the Northwest Rebellion, Col. Wm. Otter brought Canadian militia troops to Turtle Lake in search of Big Bear and his warriors<sup>2</sup>. At the time, they were believed to have been responsible for the Frog Lake massacre and the routing of nearby RCMP headquarters at Ft. Pitt. For a few days the soldiers camped on the south end of Turtle Lake. In his 1885 diaries<sup>3</sup> Lt. R.L. Wadmore writes of an enjoyable time along the beaches of Turtle Lake, but no sign of Big Bear.

Indians, fur traders and soldiers were followed by settlers in early 1900's that came as part of the Homestead Act. In the 1920's lumber for the railways was in high demand and crews of men were put to work in the forest areas of the Turtle Lake basin to hue and saw timbers for railway ties and bridge trestles. In the 1940 & 50's commercial fishing was also conducted and a fish plant was built and operated in the western end of the resort village. Fishplant Road gets its name from this building, although it has long since been removed. Over the years hunters and tourists camped on the land and leases accommodated permanent cabins and trailers.

The Resort Village of Kivimaa-Moonlight Bay was formed from two main private leasehold cottage and mobile home court developments that were largely subdivided from 1981 through 1984 to provide titled lots. By incorporation in 1989, the residents sought to achieve higher levels of service and local control over municipal taxation.

## 10.1. Objectives

Apart from the natural lake and forest setting, there are no specific heritage and culture resources that have been identified within the resort village. Should any undiscovered or new heritage resource be identified, planning decisions will be sensitive to the need to protect such archaeological sites and other natural, heritage and culture resources for the benefit of current and future residents.

## 10.2. Policies

- 10.2.1. Development applications for new subdivisions will require the results of a heritage review conducted by the agency responsible for *The Heritage Property Act* (currently, the Heritage Conservation Branch of the Ministry of Parks Culture and Sport). The costs of protecting heritage resources are assumed by the developer, rather than the Resort Village as a whole and shall be included in the terms of the servicing agreement.

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<sup>2</sup> Northwest Rebellion Diary of Lt. R.L. Wadmore

<sup>3</sup> Northwest Rebellion Diary of Lt. R.L. Wadmore



- 10.2.2. The resort village will develop and maintain an inventory of the municipality's archaeological sites and other heritage and culture resources.
- 10.2.3. Where appropriate and practicable, dedicated lands will be used to protect archaeological sites and other heritage and culture resources.

## **11. POLICIES FOR IMPLEMENTATION**

- 11.1. The primary means of implementation of this Official Community Plan shall be the Zoning Bylaw No. 3/14 adopted in conjunction with this Official Community Plan.
- 11.2. All development within the Resort Village of Kivimaa-Moonlight Bay shall conform to this Official Community Plan.
- 11.3. Amendments to the Zoning Bylaw shall only be considered where consistent with the Official Community Plan and within the general outline of the areas designated for future land use therein.
- 11.4. Council will consult with and seek input from neighbouring First Nations and municipalities when making amendments to the OCP or Zoning Bylaws.
- 11.5. Council will engage and participate with neighbouring First Nations and municipalities in research and actions to ensure development remains within the capacity of the lake and environment.
- 11.6. The Zoning Bylaw shall direct future growth and divide the Resort Village into zoning districts. The intent of each district is as follows:
  - (a) R – Residential District – To provide for single unit residential development and associated accessory uses.
  - (b) C- Commercial District – To provide for commercial and community service development.
  - (c) UR-Urban Reserve District – To reserve lands in the Resort Village for non intensive recreational development, future residential or commercial development, or for natural buffer areas, while at the same time allowing for their continued use for other non intensive development.
  - (d) Council may add additional Residential or Commercial districts where necessary to provide for the appropriate control of specific forms of development, within the context of the Official Community Plan.
- 11.7. Other bylaws and resolutions of Council shall not be inconsistent with this Official Community Plan.
- 11.8. Council shall cooperate with the provincial authorities to enforce fire safety, flood protection, environmental protection and shore land pollution control regulations with the Resort Village.

11.9. The expansion of municipal boundaries, through the annexation of land will only be considered when, in the opinion of Council, the annexation meets the requirement of this Official Community Plan and results in an overall benefit to the municipality. The Resort Village of Kivimaa-Moonlight Bay will negotiate and finalize the terms of any annexation of land with the impacted municipality. All costs related to the annexation of land shall be borne by the requesting developer, when applicable.

11.10. Where appropriate Council will purchase or lease property or use public investment to achieve the objectives of this Official Community Plan.

11.11. **Development Levies and Servicing Fees:**

a) In accordance to section 169 of *The Act, 2007*, 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 existing subdivided areas.

Bylaw No. 01-16

b) 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 phasing of associated public works completed by a qualified professional (i.e., Professional Engineer).

Bylaw No. 01-16

c) In accordance with section 172 of *The Act, 2007* Council may establish, by resolution, a schedule of servicing specifications and servicing fees or standards to be used by the municipality as the basis for the negotiation of servicing agreements with proponents of new subdivision developments. Servicing specifications will provide a consistent set of standards for provision of direct services by developers in new subdivision developments.

Bylaw No. 01-16

d) Servicing 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.

Bylaw No. 01-16

e) Offsite service fees for individual subdivision developments will be established based on a calculation of the servicing needs being created by that individual subdivision development, as a part of the municipality's overall servicing needs and servicing plans. Calculations shall be determined by a qualified professional (i.e., Professional Engineer).

Bylaw No. 01-16

11.12. Council will use the objectives and recommendations contained in the 1983 and 2004 Lakeshore Management Studies as a guide and will work with neighbouring First Nations, municipalities and hamlets that abut the lake towards the improvement of the lake environment and the protection of municipal water sources.