Explanatory Notes

The Planning and Development Act, 2007

2024

Saskatchewan

Introduction

The Planning and Development Act, 2007 (Act) establishes the legislative framework for municipal land use planning. These notes explain the provisions of the Act and provide a general guide for municipal administrators, councils, and the public on how to apply the legislation.

Disclaimer

These notes are intended to give an overview of the Act's provisions and highlight the community planning framework's purpose and intent. For simplicity, the explanations are general in nature, and special cases are not discussed. These notes are not intended to provide a legal interpretation of the Act, and neither the Ministry of Government Relations nor the Government of Saskatchewan shall be responsible for any errors or inaccuracies. For individual situations and cases, consult the legislation and contact a solicitor.

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Implied Exclusion

Implied exclusion is a common law term, establishing that to express one thing is to exclude another. This applies to the interpretation of the Act and should be considered when reviewing these explanatory notes. For example, if an item is not included on a list, it is excluded by implication.

Part I – Short title, Interpretation and Purposes (S. 1-3)

Section 1 – Short Title

The title of the Act for the purpose of citation.

Section 2 – Interpretation

Definitions of the various terms used throughout the Act. Where a term is not defined within this section or any other section of the Act, the meaning of the term will follow its ordinary meaning.

Section 3 – Purposes of the Act

Outlines the broader purpose of the Act to:

- Establish the planning and development system in the province and provide municipalities with tools to undertake land use planning.
- Identify provincial interests that guide provincial and municipal planning decisions in developing communities.
- Support the development of environmentally, economically, socially, and culturally sustainable communities.
- Provide tools for regional cooperation in delivering land use planning and infrastructure services.
- Ensure the public is involved in land use planning processes.
- Establish equitable dispute resolution mechanisms and appeal processes.

Part II – General Provisions Respecting Powers (S. 4-11)

Section 4 – Act prevails

All planning and development matters must be dealt with using provisions of *The Planning and Development Act, 2007,* before any other Act. Where an element is not dealt with by *The Planning and Development Act, 2007,* provisions of another Act may be used if those provisions do not conflict with the spirit and intent of *The Planning and Development Act, 2007*.

Section 5 – Crown bound

The Act binds the Crown and, therefore, is also subject to bylaws and regulations made pursuant to the Act.

Section 6 – Powers of Minister

The minister may initiate and coordinate planning policy matters between levels of government and may enquire into and study any matters related to planning and development.

Section 7 – Adoption of land use policies and statements of provincial interest

Provincial land use policies and/or statements of provincial interest are implemented through regulations adopted by the Lieutenant Governor in Council.

Section 8 – Consistency with land use policies and statements of provincial interest

Any bylaw adopted under the authority of this Act must be consistent with provincial land use policies and/or statements of provincial interest.

Section 9 – Designation

The minister has the authority to delegate to an official the responsibility to act as council for northern settlements and the Northern Saskatchewan Administration District.

Section 10 – Director of Community Planning

The minister must appoint a provincial director(s) of planning to administer the Act, be the approving authority for Saskatchewan (excluding specified municipal jurisdictions) and undertake any other duties as necessary.

Section 11 – Additional powers of minister

The minister, or any other employee under their administration, may undertake several initiatives to facilitate the administration of the Act, including:

- Carry on research relating to community planning in Saskatchewan.
- Provide technical assistance to any municipality, or intermunicipal advisory or corporate body.
- Promote the public interest in land use planning and community development.
- Enter into contracts for the above services and prescribe any fees for those services.

Part III – Establishment and Functions of Municipal Approving Authorities

This Part applies only to municipalities that have been declared an approving authority by minister's order.

DIVISION 1 – Authorities (S. 12-15)

Section 12 – Interpretation

The terms "approving authority" and "retain" are defined for the purposes of administering this Part.

Section 13 – Approving authority

Describes the process by which the minister can declare a council or planning authority an approving authority, the municipalities' responsibilities for maintaining approving authority status, and the circumstances under which this authority would cease.

To be eligible to apply for approving authority status, a municipality must:

1. Employ or retain a registered professional planner.

2. Have adopted an official community plan (council), district plan (district planning authority), or regional plan (regional planning authority).

The criteria listed in this section are not the only considerations for the minister when deciding whether to delegate approving authority status, and the minister may also consider additional facts.

The purpose of having a registered professional planner employed or retained is to have them involved in the daily planning activities of the municipality. While the provincial director of community planning is responsible for administering the Act and regulations, when approving authority status is delegated to a municipality, the intent is to have the municipal planner be responsible for administering the Act and regulations for the municipality.

If an approving authority fails to employ or retain a registered professional planner, they must notify the director of community planning before six (6) months have passed.

Section 14 – Publication in the Gazette

The minister must publish a notice in the Gazette when a council or planning authority is declared an approving authority.

Section 15 – Delegation of authority

It gives council or planning authority the ability to delegate certain approving authority powers to its development officer. Specifically, the development officer may be delegated powers related to site plan control, discretionary uses, and direct control districts.

DIVISION 2 – Planning, Subdivision and Other Bylaws (S. 16-23)

Section 16 – Subdivision bylaws

An approving authority may make a subdivision bylaw consistent with the Act and provincial subdivision regulations. Subdivision bylaws may only vary from the criteria and standards in the regulations in specific ways.

Section 17 – Fees for review of subdivision applications

Fees for subdivision applications may be set by an approving authority in their subdivision bylaw as long as the fee does not exceed the cost of processing the application. A separate fee bylaw may also be used.

Section 18 – Ministerial approval of subdivision bylaw required

A subdivision bylaw or amendment requires ministerial approval. The procedures regarding subdivision bylaws are outlined in this section.

Section 19 – Site plan control

Provides the framework for site plan control for approving authorities to address traffic and pedestrian safety issues when commercial, industrial, institutional, or mixed-use sites are redeveloped. The main features are:

- Policies must be set out in an official community plan.

- Provisions and performance standards must be outlined in a zoning bylaw.
- To address issues of public safety, alterations to building locations and landscaping may be needed to control vehicle circulation within the site and access to public streets.
- Provisions must ensure that changes do not reduce the density of the development allowed.

If the council delegates site plan controls to the development officer, an applicant must be allowed to bring the officer's decision to the council for additional review. An applicant may also appeal any conditions or standards imposed to the local development appeals board.

Section 20 – Zoning bylaw – minor variances

Approving authorities are given more flexibility in providing for minor variances of standards in the zoning bylaw. The municipality may determine the scope, degree of variance, and the procedure for notification, cancellation, and appeal.

Section 21 – Phasing of municipal reserve dedication

Approving authorities are given the ability to provide for phasing municipal reserve dedication in their subdivision bylaw. While the approving authority may outline in the bylaw how dedication in phases will be achieved, the dedication deferral requirements of section 190 still apply, including the requirement to register an interest on the remainder of the lands.

Section 22 – Use of municipal reserve

Approving authorities are given the ability to allow additional uses of municipal reserve lands as long as:

- The additional uses are authorized in the official community plan; and
- The authorized uses are consistent with the intent of keeping municipal reserve lands and buildings on them for public purposes.

Section 23 – Exemptions relating to other bylaws and plans

Approving authorities are exempt from requirements of the Act for ministerial approval of the passing, amendment, or repeal of:

- Interim development control bylaws
- Development levy bylaws
- Bylaws to sell or exchange a buffer strip, municipal reserve or walkways

The above bylaws must be filed with the Director of Community Planning within 15 days of being approved by the municipality.

Approving authorities may also follow a different process for adopting or amending concept plans. Normally, concept plans are adopted via bylaw as an amendment to the official community plan. Approving authorities may adopt or amend concept plans by resolution. However, public notice must still be given. To adopt or amend a concept plan by resolution, the approving authority must also adopt a public notice bylaw outlining the minimum notice required for concept plans.

DIVISION 3 – Public Notice (S. 24 & 25)

Section 24 – Public notice policy

Approving authorities may choose to adopt, by bylaw, a public notice policy setting out the requirements and procedures for planning related items. These include:

- District plans, official community plans, and zoning bylaws
- Development levy bylaws
- Discretionary uses
- Bylaws for the sale of municipal reserves and buffer strips
- Interim development control bylaws
- Contract zone agreements
- Concept plans

If an approving authority adopts a public notice policy, the notice requirements of the Act no longer apply. The policy must establish a minimum notice requirement of no less than seven days. It must also outline the acceptable method for giving notice and the content that must be included in the notice.

The bylaw adopting the public notice policy must be filed with the Director of Community Planning within 15 days.

Section 25 – Alteration of bylaw

Approving authorities may make minor alterations to bylaws without re-advertising before passing them. Ministerial approval is not required.

DIVISION 4 – Appeals (S. 26-28)

Section 26 – Development Appeals Board

Approving authorities may outline, by bylaw, the membership, terms, procedures, and matters of operation of the local development appeals board.

Section 27 – Appeals or referrals

Development appeals regarding development levies and servicing agreements, decisions in direct control districts, and decisions of subdivisions must first be appealed to the local development appeals board if the municipality is an approving authority.

Section 28 – Variation of certain appeal periods

Approving authorities may, in a zoning bylaw, increase the time limit for referring or appealing matters related to a direct control district, a holding zone symbol removal, or a demolition control district.

Part IV – Statutory Plans

DIVISION 1 – Official Community Plan (S. 29-43)

If a municipality has adopted a Basic Planning Statement or Development Plan under a previous Act, those plans are considered Official Community Plans for the purposes of applying the Act.

Section 29 – Power of council

A council may prepare, adopt, or amend an official community plan. Plans must be prepared in consultation with a registered professional planner to ensure that plans are consistent with provincial land use policies and statements of provincial interest and contain the minimum content required in the Act.

Section 30 – Minister may require official community plan

The minister may require a municipality to adopt or amend an official community plan to achieve consistency with provincial land use policy or statements of provincial interests when necessary.

Section 30.1 – Minister may require district plan

The minister may require a district planning commission or district planning authority to adopt or amend a district plan to achieve consistency with provincial land use policy or statements of provincial interests when necessary.

Section 31 - Purpose of plan

An official community plan is intended to outline a policy framework not just for the physical development of a community but also for the four pillars of a sustainable community: environmental, economic, social, and cultural development.

Section 32 – Contents of plan

This section outlines the minimum requirements for official community plans, along with optional content that a municipality may choose to include. Official community plans must contain policies related to these areas:

- How current and future land use and development patterns will be undertaken sustainably.
- Current and future economic development policies of the municipality (e.g., the municipality will work with local associations to promote the community).
- Public works and service provision in the municipality (e.g. availability and capacity of existing communal piped services).
- How lands subject to natural hazards will be managed (e.g. setbacks from significant slopes).
- How environmentally sensitive lands will be managed (e.g. important wetlands will be designated as ER – Environmental Reserve).
- How source water will be protected from encroaching development (e.g. development setbacks from the intake of a water treatment plant).
- How the official community plan will be implemented (e.g. through the zoning bylaw).

- How land use, future growth, and public works will be coordinated with adjacent municipalities (e.g. in collaboration with the neighbouring municipality, growth will occur in identified areas).
- How any intermunicipal development agreements with neighbouring municipalities will be implemented.
- How municipal reserve parcels for school purposes will be identified and created during the subdivision process, including when money-in-lieu will be accepted instead of land.
- How development in proximity to existing or proposed railway operations will be managed (e.g. The FCM Railway Proximity Guidelines will be utilized during the development process where possible).

Official community plans may also contain policies related to:

- How municipal programs will be coordinated with development (e.g., expansion of recreation programs in high-growth areas).
- How the municipality will use dedicated lands within the parameters established in legislation and regulation.
- A map or series of maps may be attached as part of the plan to identify current or future areas for which specific policy applies (e.g., highway corridors).
- Approving authorities may include policies related to site plan control for commercial and industrial developments.
- Any other policy the municipality considers necessary to manage the development of the community.

For policies related to dedicating lands for school purposes, the municipality must consult with the Ministry of Education, school divisions, and any other municipality affected during policy creation.

Section 32.1 – Intermunicipal Development Agreements

This tool allows two or more municipalities to enter into an agreement via bylaw to manage any joint development matters the municipalities deem necessary. If the agreement overlaps with matters covered in the official community plan or zoning bylaw, those bylaws must be amended to be consistent with the agreement.

All intermunicipal development agreements and bylaws adopting, amending, or terminating the agreement must be filed with the director of community planning within 30 days of passing.

Section 33 – Severability of provisions of plan

This section protects the whole official community plan from being overturned if a part of it is found to be invalid.

Section 34 – Zoning bylaw required

If a municipality has adopted an official community plan, it must also adopt a zoning bylaw to implement the plan. Both the official community plan and zoning bylaw must be adopted pursuant to the current Act.

The zoning bylaw, as the implementation tool, must be consistent with the policies of the official community plan. If any part of the zoning bylaw does not align with the official community plan, the part is deemed to have no effect.

Section 35 – Plan adoption process

A municipality adopting an official community plan must follow the public participation process outlined in Part X of the Act. Approving authorities may follow their public notice bylaw procedures instead.

Section 36 – Submission to minister for approval

All new official community plans require approval from the minister before they take effect. To confirm that legislative requirements were met in the adoption of the plan, the submission to the minister must include additional supporting material as outlined in this section.

Section 37 – Powers of minister

The minister may approve, refuse, approve in part, or conditionally approve any official community plan submitted. With the minister's decision, they may direct the council to adopt a new plan or make amendments to the plan submitted within a specified timeframe.

Section 38 – Decision of minister

The minister must review a new official community plan and decide on it within 90 days. This timeframe may be extended by the minister if they require additional time to consult with the municipality or other ministries and agencies during the review.

Section 39 – Amendment or repeal of plan

All bylaws amending or repealing an official community plan must receive approval from the minister before they take effect. If there is concern about the impacts of an amendment to the plan, the minister may require a cost-benefit analysis be submitted to consider specific impacts.

Section 40 – Municipality bound by plan

If a municipality adopts an official community plan, then all development within the municipality must comply with the provisions contained in the plan. However, the municipality cannot be forced to undertake any project or initiative discussed within the plan.

Sections 41, 42, and 43 – Powers to deal in land

These sections give a municipality the authority to buy, sell, expropriate, and subdivide for the purposes of carrying out provisions of the official community plan.

DIVISION 2 – Concept Plans (S. 44)

Section 44 – Concept plans

A municipality with an official community plan can adopt a concept plan governing the detailed development of an area of land. The concept plan may contain policy respecting the density and type of land use within the area, as well as the general layout of services and phasing of development. The concept plan is an amendment to the official community plan and is binding on future subdivisions and

development of the lands. Concept plans that form part of the official community plan require ministerial approval to take effect.

Approving authorities may adopt or amend a concept plan by resolution. All concept plans must conform to the provisions of the official community plan.

Part V – Implementation of Plans

DIVISION 1 – Zoning (S. 45-79)

Section 45 – Purposes of zoning bylaw

A zoning bylaw is a tool for regulating land use to provide for the amenities, health, safety, and general welfare of inhabitants of the municipality.

Section 46 – Adoption of zoning bylaw

A municipality can adopt or replace a zoning bylaw for all or part of a municipality as long as an official community plan is in effect. Amending a zoning bylaw must be done by bylaw.

Sections 47 and 48 – Minister's authority over bylaws

The minister may order an amendment to a zoning bylaw to achieve consistency with any provincial land use policies or statements of provincial interest. If ordered, the municipality must amend the zoning bylaw within six (6) months. The minister may also repeal obsolete zoning bylaws.

Section 49 – Contents of zoning bylaw

Lists the minimum content that must be addressed in a zoning bylaw. These elements are determined to be necessary for the bylaw to function successfully, given the framework of the Act.

Zoning bylaws must:

- Establish any number of zoning districts and prescribe the area for each.
- Include permitted uses in each zoning district.
- Appoint a development officer(s) to administer the zoning bylaw.
- Establish a permitting system for development within the areas covered by the zoning bylaw.
- List the types of development which do not require a permit, if any.
- Outline the procedure for applying for a development permit, how they will be reviewed, and how they will be issued.
- Define how long a development permit will be valid for before expiring.
- Outline a procedure for minor variances, including how to apply, how applications will be reviewed, and how decisions will be issued. If minor variances are granted, a record of decisions must be maintained.
- Outline a procedure for approving discretionary uses, if the municipality chooses to include them in a zoning district(s) in accordance with sections 54 to 58.
- Establish a development appeals board to hear appeals on zoning-related matters.
- Establish development standards specific to development in proximity to railway operations. For example, incorporating standards from the FCM Railway Proximity Guidelines.

- Any other matter needed to manage the issuance of development permits.

Section 50 – Bylaw maps

If a municipality chooses to have more than one zoning district, it must produce a map to illustrate the areas affected by each zone. A municipality may use more than one map at different scales to identify the areas affected by each zone. Each map must include a statement that it forms part of the zoning bylaw and must be signed and sealed by the mayor/reeve and municipal administrator.

Section 51 – Fees

A municipality may recover costs associated with administering the zoning bylaw through fees outlined in the zoning bylaw or separate fee bylaw. The fees must not exceed the cost and must be established upfront for prospective applicants. A schedule of fees must be accompanied by a rationale document outlining how the amount was determined. Separate fee bylaws must be filed with the director of community planning.

The items listed in this section for which fees may be charged are exclusive. If an item does not fall within the scope of the items outlined in this section, then a municipality may not establish fees for it pursuant to this section.

Section 52 – Development standards and optional zoning bylaw content

Zoning bylaws may contain a wide variety of tools for regulating land use and development. The zoning bylaw may:

- List discretionary uses, including when approval expires and when a new approval is required.
- Distinguish between the intensity of land uses (e.g. the number of residents in a care facility or children in a daycare at one time).
- List the land uses that may be permitted or discretionary in all zoning districts.
- Identify permitted or discretionary temporary developments/land uses and outline terms and conditions for when approval may be extended beyond the timeframe.
- Outline development standards, performance standards, and conditions for any land uses, developments, or classes of zoning districts (e.g. development in commercial zones must meet the following landscaping standards).
- List the types of land uses where buildings may not be placed on a site.
- Prescribe site sizes and dimensions in zoning districts either generally or specific to land uses.
- Prescribe the percentage of a lot that may be covered by a building, and the size of open spaces such as yards and courts (e.g. in a low-density residential district, the maximum lot coverage is 50 per cent).
- Authorize approval of minor variances to specific development standards, which align with the requirements of section 60.
- Regulate the location, height, number of storeys, area, volume, and dimensions of any building (e.g., in medium-density residential districts, the maximum building height shall be six storeys).
- Require parking and loading facilities, including the maintenance of these facilities.
- Regulate how parking, loading, or drive-through facilities connect to public streets and lanes.
- Regulate or prohibit development:

    - On land prone to flooding or subsidence
    - On land that is low-lying, marshy, or unstable
    - On land that has steep slopes or slopes beyond a specified grade
    - On land that is adjacent or within a specified distance of a natural or artificial lake, river, stream, or other body of water
    - On land which is prohibitive to provide municipal services, as determined by council
    - On land within a specified distance of an airport
    - On land with known resources or with capabilities for certain activities (ex: prime agricultural land)
- Regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other items and require outdoor storage to be screened by landscaping or buildings.
- Require and regulate the landscaping of land and buildings.
- Regulate or prohibit public display of signs and advertisements and regulate the nature, kind, size, location, colour, and inscription of any sign or advertisement displayed.
- Regulate or prohibit the alteration of land levels for building or other purposes if the alteration may affect drainage or land stability.
- Prohibit or regulate:
    - The excavation or filling in of land or the filling in bodies of water.
    - The removal of soil or other materials from land.
    - The cutting or removal of trees or vegetation.
- Regulate or prohibit the placement of exterior lighting on buildings or land and regulate the amount or nature of light emitted from structures (e.g. exterior lighting must be directed towards the ground and must not face upward).
- Regulate the amount or nature of sound that may be emitted from a building or from within a parcel of land or any operation on a parcel of land and specify the manner in which, and the equipment with which, the sound shall be measured for the purposes of the bylaw.
- Regulate or prohibit the location of trailers, modular homes, mobile homes, trailer parks, modular and mobile home parks, and modular home and mobile home subdivisions and regulate the internal layout and standard of services to be provided in trailer parks and mobile home parks.
- Require a letter of credit, performance bond or any other form of assurance council considers necessary to ensure development is constructed and completed in accordance with the time frames and development standards required in the approval.
- Prescribe the procedure for the release of letters of credit, performance bonds, or any other form of assurance the council considers necessary once the development is completed in accordance with the standards of the approval.
- If council has been declared an approving authority, impose conditions and performance standards for site plan control.
- Prescribing additional public notification requirements for development matters, above and beyond those required in Part X.

Section 53 – Effect of passing a bylaw

If council passes a bylaw making a use or specific intensity of use discretionary, any existing uses or intensity of uses affected by this change to the bylaw are deemed to have received discretionary use approval. For the purposes of applying the bylaw, the existing uses or intensity of uses are considered fully conforming in their current states. Changes to the existing land use or intensity of land use may still require another discretionary use approval.

Section 54 – Application for a discretionary use

The zoning bylaw must contain both the procedures for approval of discretionary uses and the criteria for assessing a discretionary use application. Discretionary use applications must be reviewed based on the specified criteria to ensure procedural fairness in land use decisions.

Section 55 – Public notice of discretionary use applications

Public notice must be provided prior to council's consideration of a discretionary use application. Property owners within 75 metres of the subject property must be provided with a written notice at least seven days prior to the council meeting where the matter is considered. Municipalities may increase this requirement by prescribing additional notice requirements in their zoning bylaw.

Section 56 – Council's decision

Council's decision on a discretionary use application is intended to be a structured decision. Council may:

- Reject the application.
- If the proposal meets the criteria specified in the zoning bylaw, approve the application as presented.
- If the proposal meets the criteria specified in the zoning bylaw, but council considers additional standards are necessary to achieve the objectives of the bylaw, approve the application subject to conditions or standards as authorized in the bylaw.
- If the proposal meets the criteria specified in the zoning bylaw, but council considers it necessary to monitor the impact of the land use on the surrounding area, approve the application within a limited time frame.

Council may approve an application if the proposed land use and intensity of use will:

- Comply with the zoning bylaw, including provisions specific to the intended land use and the criteria listed generally for all discretionary uses.
- Be compatible with development in the area.
- Be consistent with provincial land use policies and statements of provincial interest.

If council considers it necessary to approve the application subject to conditions or development standards, those must be:

- Based on and consistent with general development standards or conditions listed in the zoning bylaw for all discretionary uses.
- Are necessary to secure the objectives of the zoning bylaw with respect to:

- The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of buildings.
- The accessibility of traffic patterns for pedestrians and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading.
- The safeguards in place to minimize noxious or offensive emissions, including noise, glare, dust, and odour; or
- Any consideration given to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

Section 57 – Notice of decision

An applicant for a discretionary use is entitled to receive a copy of council's decision on their application in writing. If council approves an application, the decisions must include the following:

- That the application has been approved in accordance with the criteria set out in the zoning bylaw.
- Any development standards and conditions assigned to the proposal, including time limits if applicable.
- Notifies the applicant of their right to appeal any conditions or development standards assigned to the proposal.

If council rejects an application, the decision must explain the reasons for the rejection based on the criteria of the zoning bylaw.

Section 58 – Applicant's right of appeal

If an applicant is of the opinion that the conditions or standards assigned to a discretionary use approval are excessive or beyond what is needed to secure the objectives of the bylaw, they may appeal those conditions or standards to the local development appeals board. The board is bound by the provisions of section 221 when considering an appeal on these grounds.

All developments of the local development appeal board may be appealed to the Saskatchewan Municipal Board.

There remains no right of appeal against the approval or denial of the land use itself since this constitutes a policy decision of council.

Section 59 – Discretionary use responsibilities delegated to a development officer

Approving authorities may delegate any or all of the powers of council respecting discretionary uses to the development officer. If an applicant disagrees with a decision made by the development officer, they may appeal this decision to council.

Section 60 – Minor variances

Zoning bylaws must include provisions outlining how applications for minor variances will be processed. Minor variances may include a variance of prescribed setback distance or distances between buildings of

up to 10 per cent of the zoning standard. A minor variance cannot be used to vary the distance from a new lot line to an existing building as part of a subdivision.

Council or the development officer may:

- Approve the minor variance requested.
- Approve the minor variance subject to conditions specified in the zoning bylaw.
- Reject the minor variance and offer the applicant a right of appeal.

All decisions must be provided in writing to the applicant. If approved, a notice must be provided to the applicant and the neighbouring property owners affected by the decision. For example, if the west wall of a house is approved at a reduced setback, a notice must be provided to the west property owners.

The notice must include:

- A summary of the minor variance approved.
- Reasons for the approval and the effective date of the decision.
- Indicate that an adjacent owner may submit an objection to the approval within 20 days of receipt of the notice.
- Outline the appeal process if an objection is received.

Minor variance approvals take effect 23 days after the notice is mailed or 20 days after the notice is provided by personal service.

Approving authorities may expand the scope of minor variances (section 20).

Section 61 – Payments in lieu of parking facilities

A zoning bylaw may identify an area(s) and/or land use(s) for which payment in lieu of parking facilities may be made. To use this tool, council must establish a market rate for each parking space and hold all money collected in a separate account. The moneys may only be used for:

- Constructing, operating, or maintaining parking facilities.
- The capital costs of a transit system.

If a development has provided or agreed to provide payment in lieu of parking facilities, the development shall be deemed to have met the zoning bylaw requirement. The municipality must maintain a record of all payments made in lieu of providing parking facilities.

Section 62 – Development permit required

If an application for a development permit is for a permitted use which meets the requirements of the zoning bylaw, the development officer must issue the permit. All decisions on development permit applications must be provided in writing and must incorporate any performance conditions or standards imposed by the zoning bylaw.

If a permit is refused, the reasons must be provided to the applicant in writing. No development permit is valid unless it complies with the zoning bylaw and the Act.

A building permit is not valid unless the development permit (if required) has been issued first.

Section 63 – Designation of direct control district

If authorized by the official community plan, a zoning bylaw may designate an area as a direct control district. The official community plan must contain guidelines for development in direct control districts. Direct control districts allow council to exercise more detailed control over development in an area.

Section 64 – Control of development in direct control districts

Council has broad authority to regulate and control land use and development consistent with the general guidelines established in the official community plan.

Section 65 – Approval of development in direct control district

A direct control district allows a developer and council to negotiate the details, design, and uses of a development based on a concept plan and criteria. Applications for development may be required to contain plans and drawings showing the following:

- The buildings and facilities to be constructed
- Elevations
- Conceptual designs of buildings
- Exterior access
- Public spaces
- Architectural details
- Interior public walkways and spaces

Agreements for development in direct control districts may specify the following:

- Patterns of land use and buildings
- Timing of development
- Public amenities
- Access patterns
- Landscaping
- Walkways
- Lighting
- Storage areas for refuse and other materials
- Construction of roads, sidewalks, and utilities for the project
- Provisions for contracting the municipality to undertake any improvements required for the project
- Provisions for maintenance of public works.

Section 66 – Direct control responsibilities delegated to a development officer

Approving authorities may delegate decision-making responsibilities in a direct control district to a development officer.

Section 67 – Right of appeal

Applicants may appeal the failure to approve development or enter into an agreement in a direct control district to the Saskatchewan Municipal Board.

Section 68 – Exempt classes of development

Council may choose to exempt certain classes of development (e.g. residential) from providing the more detailed plans outlined in section 65.

Section 69 – Contract zoning

If authorized in the official community plan, contract zoning allows council to enter into an agreement with a developer to rezone land to accommodate a specific development within a zoning district. The official community plan must contain guidelines for a zoning agreement. An agreement must be registered on the property title as an interest before the rezoning takes effect and development can occur.

Zoning reverts to the previous zoning district if the development is found to be in breach of the agreement. Council may require a performance bond to ensure the completion of the agreement.

Section 70 – Exception to development standards

Commonly referred to as "bonusing provisions," an official community plan may authorize the relaxation of specific development standards in exchange for certain facilities, services, or other matters. If authorized in the official community plan, the zoning bylaw must contain details regarding how relaxations will be used and which facilities, services, and other matters will be accepted.

Council may enter into an agreement with an applicant regarding the provision of the facilities, services, or other matters.

Section 71 – Holding provision

A holding symbol may be used to pre-zone areas based on a concept plan while restricting development until conditions are right to allow development to proceed. For example, an area may be considered suitable for residential development once upgrades are made to infrastructure to allow capacity for new development.

Removal of the holding symbol may be done without public notice or ministerial approval. If council refuses to remove a holding symbol once conditions have been met, an applicant may appeal to the Saskatchewan Municipal Board.

Section 72 – Demolition control

If authorized by the official community plan, council may designate an area through the zoning bylaw as a demolition control district. In the demolition control district, development permits are required prior to the demolition of residential buildings.

Demolition control may only be used if the municipality:

- Has an official community plan outlining guidelines for the use of demolition control

- Has a building bylaw
- Has a building maintenance bylaw

Section 73 – Architectural controls

Architectural controls provide council with the authority to designate an area as an architectural control district in the zoning bylaw by adding "AC" in conjunction with any zones in an area. Guidelines for architectural control must be outlined in the official community plan.

This tool is most commonly used to create a heritage district or theme district in the municipality. Based on the standards listed in the zoning bylaw for control over architectural detail, council may refuse permits or apply conditions to permits.

Applicants may appeal if they are not successful in obtaining a permit or if council has imposed terms and conditions on the permit. Approving authorities may modify time limits for the review of proposals.

Section 74 – Delegation of authority

A council may put provisions in a zoning bylaw which delegates authority to the development officer to issue, issue with conditions, or refuse permits pursuant to demolition and architectural control provisions.

Section 75 – Procedure for adoption of zoning bylaw

Adoption or amendment of a zoning bylaw must follow the public notice and adoption process outlined in Part X of the Act.

Section 76 – Approval of zoning bylaw

Adoption, amendment, or repeal of a zoning bylaw requires ministerial approval. The same submission requirements and approval process for an official community plan applies to a zoning bylaw. The minister has the authority to approve, refuse, approve in part, or conditionally approve a zoning bylaw.

Section 77 – Exercise of powers by minister

The minister may act in place of council where a municipality has failed to follow an order to adopt or amend a bylaw.

Section 78 – Waiver of ministerial approval

The minister has the authority to waive the ministerial approval requirement for the adoption or amendment of zoning bylaws by order. Currently, urban municipalities are exempt from obtaining approval of amendments to zoning bylaws. Urban municipalities must submit a certified true copy of the amending bylaw to the Director of Community Planning within 15 days of adoption. This allows the Director (on behalf of the minister) to check for consistency with provincial land use policies and statements of provincial interest and the Act.

Section 79 – Zoning bylaw binds municipality

Once a zoning bylaw or amendment comes into effect, the bylaw binds council and all other persons to the provisions of the bylaw. Council does not have the authority to waive its bylaws.

DIVISION 2 – Interim Development Control (S. 80-87)

Section 80 – Interim development control bylaw

Council may pass an interim development control bylaw for an area under the following circumstances:

- A new official community plan or zoning bylaw is being developed.
- An amendment to an existing official community plan or zoning bylaw is being prepared.
- A study of a land use planning matter is being undertaken by council.

An interim development bylaw is intended to give council control over new types of development while council develops and adopts policies to manage that type of development. Interim development control bylaws must be consistent with provincial land use policies and statements of provincial interest.

An interim development control bylaw may be passed in addition to existing planning bylaws. If an interim development control bylaw is adopted in addition to existing planning bylaws, the existing planning bylaws still apply. In this case, the interim development control bylaw would apply additional requirements to those applied by existing bylaws.

Section 81 – Requirements for approval

All interim development control bylaws, excluding those adopted by an approving authority, require ministerial approval. Two certified true copies of the bylaw must be submitted for approval, and the minister shall render a decision within 30 days.

Section 82 – Time in effect

Interim development control bylaws are valid for the shorter of:

- Two years
- Completion of the land use planning study
- Preparation or adoption of an official community plan and zoning bylaw

Section 83 – Notice of bylaw

Once ministerial approval of the interim development control bylaw is received, the bylaw must be advertised within 30 days. A notice must be circulated in a newspaper at least once each week for two consecutive weeks. A copy of the notice must be filed with the Director of Community Planning.

Section 84 – Permission for development

No person shall carry out development in an area subject to an interim development control bylaw without council approval. When an application for development is received, within 60 days council must render a decision either:

- Granting permission for the development applied for.
- Granting permission subject to terms and conditions that council specifies.
- Refuse the application and advise the applicant of their right to appeal.

Council may extend the time necessary to review the application if the applicant agrees.

No approval may be granted in contravention of an existing official community plan or zoning bylaw.

Section 85 – Delegation of authority

Council may delegate its powers under the interim development control bylaw to the development officer. If necessary, the development officer may refer an application to council for a decision.

Section 86 – Appeal from interim development control bylaw

Applicants may appeal a decision on a development application or failure to make a decision to the local development appeals board. If the municipality does not have an official community plan or zoning bylaw, an appeal may be made to the Saskatchewan Municipal Board.

Section 87 – Limitation on interim development control bylaws

Once an interim development control bylaw has expired, another interim development control bylaw shall not be passed for the same lands for three years.

DIVISION 3 – Non-conforming Uses, Buildings, and Sites (S. 88-93)

This division establishes protections for legal development made non-conforming by passing a bylaw or amendment to a bylaw. This division also outlines the scope of changes which can be made to non-conforming development. The intent of this division is to slowly transition development into conformance with current bylaws.

Section 88 – Existing non-conforming uses, buildings, and sites

The passing of a zoning bylaw or amendment to a zoning bylaw may cause existing development to become no longer conforming to provisions. A non-conforming use, building, or site may continue to be used in its current form if it fully complied with the bylaws at the time it was established. New provisions in a zoning bylaw or amendment to a bylaw cannot be applied retroactively.

Section 89 – Continuation of non-conforming use or intensity of use

A use or intensity of use may be continued on a site if it was legally operating on the site when the bylaw was passed, and the use has not been shut down for 12 months or more. Any changes to the existing land use or establishment of new land uses must meet the current zoning bylaw.

Section 90 – Changes to a non-conforming use

A non-conforming land use must not increase in intensity, area, or volume within a building or on the property. It must also not be relocated to a different part of the site or building.

Structural alterations are allowed to other parts of a building where conforming uses exist. Still, structural alterations are not allowed to the part of the building containing a non-conforming use. For example, a non-conforming business in a shopping centre is restricted from redeveloping its space, but the remaining land and buildings are not restricted.

Structural alterations in this section do not include regular maintenance, repairs, or installations, which do not impact the size of the space or the re-arrangement of supporting elements.

Section 91 – Non-conformity of building or site

This section addresses situations where a land use conforms to the bylaw, but the building's dimensions, placement, or the site itself do not conform to the new requirements for that land use. The building or site may continue to be used in its current form, but any changes must conform to the provisions of the bylaw. The element of non-conformity, which is the element of a building or site which does not conform to the current bylaw, must not be increased by any repairs, alterations, or additions.

If an application for repairs, alterations, or additions to a non-conforming building is refused, the applicant may appeal to the local development appeals board.

Section 92 – Damage to buildings

If a non-conforming building is damaged beyond 75 per cent of the construction costs to replace the building above the foundation, the building is not to be replaced. Any rebuilding or replacement must comply with the provisions of the current zoning bylaw.

Section 93 – Change of occupancy

A change in ownership, tenancy, or occupancy of a property or building does not impact the legal, non-conforming status of the development.

Part VI – Planning Commissions

DIVISION 1 – Municipal Planning Commissions (S. 94-96)

Section 94 – Interpretation of Part

Definitions for terms used in this Part are outlined in this section.

Section 95 – Establishment

A council may establish a municipal planning commission via bylaw and define the powers, duties, and budget for the commission. The commission may investigate, study, advise, and assist the council.

Section 96 – Conflict of interest

Members of a municipal planning commission are bound by conflict-of-interest rules when hearing and voting on any matter.

DIVISION 2 – Planning Districts (S. 97-109)

Section 97 – Agreement for establishment of planning district

Planning districts may be established by agreement between two or more municipalities. Agreements are adopted via bylaw. The boundaries of the planning district may include any portion of the municipalities as may be logical. Boundaries may be established based on topography, watershed or environmental management, development patterns, a variety of rural and urban planning matters, whether general or sector-specific, common planning issues and joint planning services.

Participation in planning district activities can also include involvement from First Nations and Métis communities, relevant organizations or agencies, and any other persons from within the district with an interest in planning.

Planning district agreements will specify the following:

- The rules of appointment and operation of the commission.
- Budgetary responsibilities of the participating municipalities.
- Procedures for amending the agreement and for withdrawal from or dissolution of the district.
- Mechanisms for dispute resolution.

Section 98 – Approval of agreement required

Agreements establishing a planning district require ministerial approval. The minister may require amendments to the agreement to ensure the district is legal and viable when created and that the agreement is not inconsistent with provincial land use policies or statements of provincial interest.

Section 99 – Order establishing planning district

Once the minister has approved an agreement establishing a planning district, the minister may issue an order based on the agreement and any other matter the minister considers necessary.

Section 100 – Powers of district planning commission

A district planning commission may establish its rules and procedures of operation, which may include procedures related to:

- Joint public hearings
- The appointment and remuneration of consultants
- Advisory committees
- Arrangements to use the services of municipal employees

Section 101 – Conflict of interest

Members of a district planning commission are bound by conflict-of-interest provisions rules when hearing and voting on any matter.

Section 102 – District plan

The primary duty of the district planning commission is to prepare and manage the district plan. The plan and any amendments to it are adopted by each municipality individually at the commission's recommendation. Disagreements between municipalities over the adoption of the district plan may be resolved through dispute resolution procedures provided in the district agreement. If unable to resolve the dispute, a municipality can apply to the minister to withdraw from the district.

The district plan may address any matter that a municipal plan can, and additionally, may address regional and inter-jurisdictional matters such as sector-specific planning, regional service delivery, or regional public facilities. The section specifically allows addressing educational, cultural, recreational, and health-care facilities as part of the plan. Planning districts are encouraged to work with other

jurisdictions and First Nations and Métis communities to coordinate services and to create joint policy directions.

Section 103 – Zoning bylaw

If a municipality adopts a district plan, it must also adopt a zoning bylaw or an amendment to its zoning bylaw that is consistent with the district plan. The district planning commission must review and make recommendations to a municipality on the zoning bylaw or amendment and may assist the municipality with the preparation of the zoning bylaw or any other bylaw adopted pursuant to the Act.

If a council considers it necessary, it has the power to adopt interim development control in conjunction with the preparation of the district plan, zoning bylaw, or amendments.

Section 104 – Other duties of commission

In addition to managing land use, a district planning commission may gather information and consult the public. The commission may investigate and recommend solutions to planning issues, including:

- Financing public works
- Subdivision of land
- Social planning
- Economic planning
- Preparing an annual budget

Section 105 – Addition to planning district

A district planning commission may apply to the minister to add all or any part of a municipality to the planning district. The commission must review and adopt any amendments to the district plan necessary to accommodate the new municipality. The new municipality must adopt the district plan in accordance with the public notice requirements of Part X.

Section 106 – Termination of affiliation of municipality

A municipality initiates withdrawal from a district, which the minister brings into effect. The process is subject to the distribution of the assets and liabilities as set out in the agreement or, if not specified, by order of the minister. The minister may refer the request for termination of affiliation to the Saskatchewan Municipal Board for resolution.

Section 106.1 – District dispute resolution

If the minister refers a matter (termination of affiliation or dissolution of the district) to the Saskatchewan Municipal Board, the board may follow any resolution methods they consider appropriate. If the matter cannot be resolved through the chosen methods, the board may hold a hearing and render a binding decision on the matter.

Section 107 – Dissolution of planning district

The district planning commission or a municipality may initiate dissolution of the district if withdrawal by affiliated parties would result in only one municipality being left in the district. The minister may also initiate the dissolution process if a district plan has not been prepared and adopted. The process is

subject to the distribution of the assets and liabilities as provided in the agreement or, if not specified, by order of the minister.

Section 108 – District planning authorities

If municipalities wish to have planning and development matters managed by the planning district, the Act provides authority to create a district planning authority as a corporate body for the area included in the planning district. The authority would have all the powers of a council respecting planning and development, except the power to acquire, expropriate, or subdivide land.

At the request of the participating municipalities, the minister may create the district planning authority by order. The order establishes the composition of the authority. At least 50 per cent of the members of the authority must be councillors appointed by each municipality. The remaining members may be other people appointed by the municipalities jointly or as appointed by the minister.

The minister's order may include any other matters as may be desirable to create a successful authority. This gives the municipalities and the minister flexibility to include provisions that may be unique to the local context.

The withdrawal from and dissolution of a district planning authority follows a similar procedure to a planning district. Additions to the authority are only made after consultation with the participating municipalities and the authority. Any district plan or zoning bylaw in force at the time of the addition or withdrawal is continued until amended or replaced by the authority or the withdrawing municipality, as the case may be. The district agreement is expected to contain provisions for addressing assets and liabilities; otherwise, these matters may be handled according to the minister’s order.

Section 109 – Powers of district planning authorities

A district planning authority has the power to adopt, amend, and manage the district plan and the zoning bylaw for the district (but not to deal in and subdivide land).

The authority may be given all the powers of a district planning commission to make rules of procedure, adopt procedures for holding hearings on planning bylaws, appoint and pay consultants, and appoint and pay advisory committees.

The authority may (subject to ministerial approval):

- Employ staff
- Obtain offices or other spaces to operate from
- Enter into joint agreements for staff and space with other district planning authorities
- Create a board to manage the space and staff on behalf of the district(s) if needed
- Provide municipal services to member municipalities, resident persons, or by agreement to others outside the district, including another municipality, organization, health region, government, or First Nation
- Charge for services and set schedules, conditions, discounts, and generally manage its fees and penalties
- A general power to do other things that it considers necessary to exercise its powers and provide services it is authorized to provide

Appeal of planning decisions made by the district planning authority goes to the district development appeals board.

The power of the authority to enter into agreements is limited to matters of the Act. The more general power of municipalities to enter into agreements pursuant to *The Municipalities Act* or *The Cities Act* is not available to the authority.

DIVISION 3 – Planning Areas in the Northern Saskatchewan Administration District (S. 110-119)

Section 110 – Northern planning areas

The minister may if they deem it necessary or, at the request of a northern municipality, create or change a northern planning area and appoint a development officer by order to administer the district. Before issuing the order, the minister must provide public notice and receive and consider submissions (s. 114). The order defines the area and states the purpose of the planning area.

Section 111 – Northern planning commission

For any northern planning area, the minister may, by order, create a northern planning commission to provide local guidance for matters of planning and development for the area. The commission can consist of:

- Northern residents
- Representatives of northern First Nations
- Any other government agency representative or other person with an interest in the area

The minister's order addresses appointments to the commission and the powers, duties, and procedures of the commission. The minister may add to the powers and responsibilities of the commission. This allows the role of a commission to evolve as best suits the nature of the local area.

Section 112 – Conflict of interest

Members of a northern planning commission are bound by conflict-of-interest provisions rules when hearing and voting on any matter.

Section 113 – Official community plan, development control

The minister may, by order, adopt either development controls alone or in combination with an official community plan for the district. An official community plan adopted pursuant to this section may include any of the content of other official community plans but is exempt from requirements to include specific provisions.

The northern official community plan may coordinate land use planning policies with other plans and strategies developed by a government agency such as:

- Integrated forest land use plan
- Source water protection plan
- Economic development plan
- Environmental management plan

It is intended that the official community plan will bring all the sector plans and strategies together for the planning area to reduce confusion and overlap. In addition, the minister may add other matters as they consider appropriate for the local context.

The development controls may include anything that a zoning bylaw may include, as well as any additions the minister considers necessary (e.g. to address northern issues, local issues, or matters contained in other plans). This recognizes the mixed provincial, local, and First Nation government relationships in the north.

Section 114 – Public participation

The minister has the authority to specify the type of public notice provided for matters in sections 110-113. Public input is to be by written submission only. This recognizes that distances often make it impractical for northern residents to attend formal hearings on changes to an official community plan or development control in the north.

Section 115 – Appeals

Appeals against the alleged misapplication of the development controls or refusal to issue a permit are made to the Saskatchewan Municipal Board. The procedures, limitations, and powers of the Saskatchewan Municipal Board with respect to the two scenarios listed follow those in sections 219-221. Appeals of standards and conditions may be granted, but not appeals on the use of land.

Section 116 – Terms and conditions

A development officer (including any persons appointed by the minister) has the authority to apply any mandatory terms and conditions to a development control permit they consider appropriate.

Section 117 – Additional powers

The development officer (including any persons appointed by the minister) may require the applicant to undertake studies or gather information, as the minister considers necessary, to assess the impact of a proposal.

Sections 118 and 119 – Northern planning authority / Powers of northern planning authorities

A northern planning authority can be established by the minister's order as a corporate body, with the same authority, duties, procedures, and structures of a district planning authority (s. 108 & 109). Northern municipalities would form the core of any such authority.

DIVISION 4 – Regional Planning Authorities (S. 119.1-119.93)

Section 119.1 – Power to establish a regional planning authority

The minister may establish a regional planning authority by the minister's order where the minister considers it appropriate or at the request of a municipality. If the affiliated municipalities have an existing official community plan and zoning bylaw in effect, those bylaws may remain in effect but must be consistent with the regional plan.

The minister's order must outline the municipalities and areas which are part of the regional planning area. The ministers order may contain:

- The number of members of the regional planning authority
- Funding arrangements
- Any terms and conditions or other matters the minister considers necessary

If a regional planning authority is being established for an existing planning district, the minister may alter the planning district and agreement in any way necessary to ensure the functionality of the authority.

Section 119.2 – Power to direct funding

The minister may determine an amount of provincial funding to be contributed to the regional planning authority and outline the manner and times in which funding will be provided. The minister may also direct the affiliated municipalities to contribute municipal funds towards the costs of the regional planning authority not covered by provincial funding.

Section 119.3 – Power to direct regional planning authority

After consultation, the minister may direct a regional planning authority to undertake or address any matter the minister deems necessary. If the authority fails to follow the given direction, the minister may complete the direction in place of the authority.

Section 119.4 – Composition of a regional planning authority

In the minister's order establishing the regional planning authority, the minister may appoint members to serve on the board. The order may outline the tenure of office, remuneration, and chairperson for the board. Eligibility to be appointed to the board include:

- One council member from each affiliated municipality.
- One or more representatives from the provincial government.
- Any other person having an interest or expertise in community planning.

Section 119.5 – Duties of a regional planning authority

A regional planning authority must:

- Adopt a regional plan addressing any matters outlined in the minister's order.
- Determine the level of funding from each affiliated municipality towards the operations of the authority.
- Arrange for office space and facilities to be provided to the authority for its operations.

A regional planning authority may:

- Undertake any study or produce any plan related to land use planning and development.
- Draft documents and amendments to zoning bylaws, development levy bylaws, and servicing agreements.
- Prepare and provide reports to the minister and municipalities as required.

The authority is responsible for implementing the regional plan.

Section 119.6 – Other duties of a regional planning authority

A regional planning authority may, among other things, establish procedures for the conduct of its business and administration, the appointment of any consultants or employees and the appointment of any technical advisory committees. The powers granted to a regional planning authority align with those granted to a district planning authority.

Section 119.7 – Conflict of interest

Members of a regional planning authority board are bound by conflict-of-interest provisions rules when hearing and voting on any matter.

Section 119.8 – Regional plan

A regional planning authority is required to oversee the preparation of a regional plan for the area. During the preparation of the regional plan, the regional planning authority will complete any studies and analysis, any land use, development, infrastructure and other plans, and any reports or other documents directed by the minister.

Section 119.9 – Approval of a regional plan

Regional plans require ministerial approval in the same way as an official community plan. Sections 35-38 apply to the adoption and approval of a regional plan.

Section 119.91 – Official community plan and zoning bylaw to be consistent with a regional plan

Once approved, municipalities within the regional planning are required to comply with the regional plan. Affiliated municipalities must review their local official community plan and zoning bylaw and make any necessary amendments to comply with the regional plan. After reviewing and amending their local bylaws, each municipality must submit a statutory declaration affirming the local bylaws meet the regional plan. The statutory declaration must be submitted within six months of the regional plan receiving ministerial approval.

Section 119.92 – Zoning bylaw

Each municipality within the regional planning authority must adopt or amend its zoning bylaw to align with the regional plan. Prior to the adoption of the bylaw or amendment, the municipality must send the bylaw or amendment to the regional planning authority board for review and recommendation.

Section 119.93 – Dispute resolution

In the event of a dispute between the affiliated municipalities in a regional planning authority, the minister may direct the parties to follow any dispute resolution methods the minister considers necessary. If dispute resolution fails, the minister may issue a binding decision on the matter.

Part VII – Subdivision of Land

This part addresses the review controls and approval process for the subdivision of land.

DIVISION 1 – Control over Subdivisions (S. 120-124)

Section 120 – Purpose and interpretation

Definitions of various terms that are used throughout this part and Part IX.

The removal of a parcel tie is considered a subdivision. In addition, a bare land unit within the meaning of *The Condominium Property Act, 1993* is considered a parcel for the purposes of providing dedicated lands and determining subdivision application fees.

Section 121 – Subdivision approval required

A subdivision of land, or registration of a subdividing interest in land, requires approval of the relevant subdivision approving authority unless specifically exempted from such approval by sections 122 or 124 of the Act.

Consistent with *The Land Titles Act, 2000*, if any person tries to register a subdivision and new title or a subdividing instrument without obtaining the required approval, the person is considered to have attempted to commit fraud.

Plans cannot be submitted to the Controller of Surveys for the creation of parcels or registration of a subdividing interest unless the Controller of Surveys also has:

- An approval issued by an approving authority.
- An affidavit that the subdividing instrument is for an exempt:
    - Collection line, distribution line, or service connection
    - Public highway or an easement or a transmission line more than 5 kilometres from a city or 2.5 kilometres from a town, (northern/resort) village, (northern) hamlet, or resort subdivision
    - In certain circumstances listed under subsection 122(1)(i), the widening or extension of a railway right of way
- A letter of exemption from the approving authority stating that the plan or instrument does not require subdivision approval.

The Controller of Surveys is required to retain copies of those items listed above unless they may be destroyed pursuant to any other Act.

Provincial agencies that require approval from the approving authority shall submit documentation stating that they have obtained the required approval.

Section 122 – Exemptions from approval

The following are exempt from subdivision approval:

- A parcel that is registered on a plan, but title has not been raised (excluding tied parcels).

- Whole parcels being consolidated into one parcel (excluding tied parcels where a tie relates to an area outside the consolidation).
- An interest related to a whole condominium unit.
- An interest affecting part of a building, not the parcel. *
- A lease with a term of less than ten years (including any renewal clause). *
- A lease, or renewal of a lease, that predates *The Planning and Development Act, 1983*. *
- Oil and gas well surface right leases (including connection lines and disposal wells). *
- A collection line, distribution line, or service connection (typically involving utilities, refer to section 120). *
- A public highway or an easement for a transmission line if more than 5 kilometres to a city or 2.5 km to a town, (northern/resort) village, (northern) hamlet, or resort subdivision. *
- Road widenings, as long as the adjacent property is deemed to remain conforming to the zoning bylaw with the reduction in land dimensions.
- A joint use, encroachment, or access agreement where the approving authority and the Controller of Surveys or Registrar of Titles agree in writing that approval is unnecessary, given the circumstance of the agreement.
- The widening or extension of a railway right of way if: *
    - The railway is declared by the federal government to be for the general advantage of Canada or for the general advantage of two or more provinces.
    - The widening is continuous with the existing right of way.
    - All adjacent parcels conform to the zoning bylaw with the reduction in land dimensions.
    - All remaining parcels still have legal and physical access.

Note: those marked with an * will require the submission of an affidavit confirming they meet the exemption criteria.

An interest requiring approval is invalid if the approval was not obtained.

Section 123 – Notice to municipality required

Even though subdivision approval may not be required under section 122, the applicant is required to notify the municipality of the following:

- Oil and gas well.
- A collection line, distribution line, or service connection
- A public highway or easement for a transmission line
- The consolidation of parcels

In each case, the municipal duties of council can be affected by the change (e.g. taxation or license fees may be due, rural roads may be affected, etc.). The interest requiring approval is invalid if notice is not given.

Provincial agencies are exempt from the requirement for section 121(7).

Section 124 – Existing oil and gas facilities exempt

Validates oil and gas leases created before June 10, 2004, when an amendment to the previous Act was passed. Specific leases subject to court decisions were exempted from the provision. The section does not affect current development.

DIVISION 2 – Subdivision Regulations (S. 125 & 126)

Section 125 and 126 – Regulations controlling subdivisions; Bylaws by council

Section 125 authorizes the Minister to make *The Subdivision Regulations, 2014*, and provides direction on what those regulations may address. Section 126 authorizes a municipality that is an approving authority to adopt a subdivision bylaw to address those same matters.

In general terms, the regulations may contain the following:

- Procedures for applications, including time limits for processing applications.
- Requirements and standards for plans (drawings) and for other supporting documents to be submitted respecting an application for subdivision.
- Street, block, lot and other parcel location design, dimension, gradient and orientation standards, and any conditions that may be applied.
- Standards for requiring water connections and for the type of sewage system, the appropriate documentation thereof, and the power to enforce the conditions by registered interest.
- A clause allowing such provision for other matters related to subdivision as the Minister considers necessary.

As part of the regulations, the minister may:

- Set fees.
- Specify where buffers are required and the standards for size and development.
- Specify energy efficiency design requirements and transit efficiency requirements.
- Identify criteria for defining when land is suitable for subdivision.
- Provide directions on where service streets are required.

DIVISION 3 – Requirements for Subdivision Approval (S. 127-135)

Section 127 – Application for subdivision approval

When a person submits a subdivision application to the relevant approving authority, they shall include all supporting documents required under *The Subdivision Regulations, 2014*. The approving authority is also provided the duty and authority to distribute the application and documentation for comments as a part of the subdivision process.

Section 128 – Criteria for approval

Provides a list of criteria that must be met before an approving authority can approve a subdivision application:

- The land must be suitable for the proposed subdivision and use, as stated in the application. The decision as to what is suitable rests with the approving authority.

- The approving authority is bound by any district plan, official community plan or zoning bylaw, and the subdivision must conform with any such bylaw in place. Any variance to a zoning bylaw can only be granted by an appeal board.
- Any required servicing agreement with the municipality must be in place.
- The lot has both legal and physical access from a dedicated street. There are many cases where physical access may not be developed or even possible (e.g. if access is not allowed to a provincial highway). The requirement for legal and physical access does not apply:
    - To adjoining lands under single ownership used for a common purpose, linked by parcel tie so they cannot be dealt with separately.
    - If the approving authority waives the requirement when access is impractical or unnecessary, and where the subdivision includes: *
        - An island
        - Several types of utility parcels
        - Parcels in the un-surveyed parts of the Northern Saskatchewan Administrative District
        - Parcel where the intervening parcel is a railway, canal or drainage ditch, over which access is provided
        - Dedicated lands or utility parcels where land can provide access (not allowed for other parcels)
        - Certain leasehold sites where a right of access is guaranteed

*Note: If the requirement for access is waived for these reasons, the approving authority may apply special conditions to that waiver to ensure that future access rights are protected.

In making a decision on a subdivision application, an approving authority may:

- Approve the application
- Approve the application in part
- Approve the application, subject to:
    - The conditions of a servicing agreement (see section 172)
    - Directives given respecting development on hazard lands (see section 130)
    - A requirement that parcels be linked by parcel tie so that they are used as one parcel
- Refuse the application

Section 129 – Certificate of approval

Provides for issuing a certificate of approval for a subdivision required by Information Services Corporation to process the subdivision and issue titles or accept the subdividing instrument. The certificate is valid for 24 months.

Upon request, the approving authority may renew the approval of a subdivision for an additional 24 months, though the subdivision must still comply with the Act and regulations. If a subdivision no longer conforms to the Act or regulations (e.g. the zoning bylaw was amended, and the parcel dimensions no longer conform), the subdivision cannot be renewed. The approving authority can approve deviations to the plan needed to obtain approval of the plan of survey submitted to the Controller of Surveys.

Section 130 – Development standards on hazardous lands

If the approving authority determines that land is potentially hazardous (e.g. flood-prone, contaminated, etc.) or unstable, the approving authority may:

- Direct that any future development complies with specific development standards.
- Notify landowners of the risks associated with the land.

The approving authority is required to consult with appropriate agencies in applying this section. An interest may be registered on title to the property to ensure compliance with the standards, and to notify future property owners.

Section 131 – Decision of approving authority

Sets out the requirements and legal format that must be used to notify an applicant of a decision. The decision must be in writing and must give the reason for any approval in part or refusal. A copy must go to the applicant, the municipality, and any other person that the approving authority considers having a direct interest in the proposed subdivision.

When an approving authority refuses an application, approves an application in part or subject to hazard land standards, or revokes an approval, the decision must be forwarded to the applicant by registered mail or personal service. The applicant is notified of the reasons for the decision so they can decide on whether to appeal the decision. The notice of decision must advise of the applicant's right to appeal in accordance with section 228.

Section 132 – Revocation of approval

At any time between the issuance of a certificate of approval and the raising of title to any of the new parcels, the approving authority has the right to revoke the approval. The applicant and the Controller of Surveys must be notified by registered mail or personal service. The Controller of Surveys must revoke the relevant subdivision plan.

Section 133 – Relief from compliance

The approving authority is given the power to grant a waiver of certain regulations within *The Subdivision Regulations, 2014*, or subdivision bylaw provisions, provided that the waiver will not contravene the official community plan or zoning bylaw provisions. These regulations are only waived when conformance with the regulation is undesirable or impractical. Such a waiver is rare and is typically the result of circumstances unique to the subdivision.

Where a regulation is waived, the approving authority may register an interest on title to the properties, stating the regulation waived.

Section 134 – Deemed refusal of approving authority

If an approving authority fails or refuses to decide on a subdivision within the time prescribed within *The Subdivision Regulations, 2014*, or subdivision bylaw provisions, the applicant may:

- Treat the delay as a rejection, and appeal to the Saskatchewan Municipal Board within 30 days following the date on which a decision would have been rendered.

- Enter into an agreement with the approving authority to extend the time prescribed decide.

Section 135 – Reapplication of same proposal

Once a decision on an application is made, a resubmission of the application is not allowed for six months.

DIVISION 4 – Required Subdivisions (S. 136-143)

Sections 136 – 143

If a development on a parcel contains two or more occupants and council thinks that the land should have been subdivided to accommodate such development, it may, by resolution, require subdivision. If the owner fails to apply to subdivide land, council may, on their own or under direction from the Minister:

- Pass a required subdivision bylaw.
- Proceed to obtain a subdivision from the approving authority.
- Pass on the cost to the owner and have titles raised.

These sections provide the process for completing this subdivision.

DIVISION 5 – Replotting Schemes (S. 144-167)

Sections 144 – 167

A replotting may be used to facilitate development in a municipality by redistributing ownership within an area. Essentially, a replotting scheme allows for the cancellation of the existing subdivision and a redesign of the area following a process of notification and a public hearing. For example, cities may employ replotting schemes to redesign early subdivisions that no longer meet the current objectives of the official community plan. A replotting scheme could also be used to replot a block of cottage lots developed 30 years ago where the cottages were not properly situated on the lots. The replotting scheme ensures that each cottage becomes situated on its own lot with separate ownership.

A replotting scheme is initiated by a resolution of council and conducted under the direction of a council (see section 144) as a public project.

The major steps are:

- Notifying owners of a possible replotting area and holding a hearing.
- Resolution of council to authorize the preparation of a replotting scheme.
- The submission of an application to the Registrar of Titles to freeze the titles of land within the replotting scheme, pursuant to section 99 of *The Land Titles Act, 2000*.
- Preparation of the scheme including:
    - The existing subdivision and the ownership and area of each parcel.
    - The proposed subdivision, including the area and ownership of each parcel.

    - Existing buildings and utilities that will be demolished, provided, altered, expanded or upgraded.
    - Proposed changes to the buildings and utilities, including upgrading.
    - The lands that will be obtained without creating a new parcel for the owner, with the compensation proposed.
    - The proposed distribution costs amongst the owners and the municipality.
- Copies of the scheme are to be sent to the Minister responsible for the administration of *The Highways and Transportation Act, 1997*, and any affected utility.
- Notification of each registered owner of the contents of the scheme.
- Holding a public hearing to hear from any owner.
- Obtaining consent from registered owners. At least 2/3 of the number of parcels included in the replotting scheme, and 2/3 of the value of the land.
    - If a council cannot obtain consent, they must, by resolution, discontinue the scheme and have the Registrar of Titles release the property.
    - If a council obtains consent, they may, by resolution, adopt the replotting scheme.
- Applying to the relevant approving authority for subdivision approval.
- Submission of the scheme to the Controller of Surveys.
- Provide notice to all registered owners of the completion of the scheme.
- Deposit the scheme and a list of all non-consenting owners with the Court of King's Bench.
- Apply to the Registrar of Titles to raise the new titles to the land (including discharge of certain interests).

The above-noted process must be completed within two years.

The remaining steps include:

- The judge of the court sets up a compensation hearing for non-consenting owners.
- The municipality notifies all non-consenting owners of the hearing.
- The judge determines the loss or gain in value respecting the old and new parcels and determines compensation, if any, to be given to each applying non-consenting owner.
- Appeals are made to the appellate court.
- The municipality has 90 days to pay compensation.

Part VIII – Development Levies and Servicing Fees (S. 168-176)

This part establishes similar provisions for development levies and servicing fees and implements the principle that development should bear the capital costs to the municipality created by its construction.

Section 168 – Interpretation of Part

The term "capital costs" is limited for use in this part to municipal costs, including several related costs for capital construction-related development and professional costs directly related to these capital costs (e.g. retaining an engineer to develop infrastructure plans). Capital costs do not include maintenance and ongoing operating costs.

Section 169 – Development levy bylaw

A municipality that has an official community plan may pass a development levy bylaw to recoup municipal capital costs arising from development.

The requirements for the levies are:

- Levies can only be imposed when there is no associated subdivision. If subdivision is involved, development levies cannot be a substitute for a servicing agreement.
- Levies can only cover additional capital costs caused by development (i.e. double charging for the same work is not allowed).
- Levies can recover the capital costs of providing, altering, expanding, or upgrading:
    - Sewage, water, or drainage works
    - Rroadways and related infrastructure
    - Parks
    - Recreational facilities
- If the capital costs described above will be incurred for facilities in another municipality, the development levy bylaw may require that the applicant bear those costs.
    - The municipalities will need to enter into a separate agreement stating that the other municipality will provide, alter, expand or upgrade those services and that the other municipality will bear those costs, paid for with the money provided by the applicant.
- The levies must be based on studies that identify the current and future servicing needs and their costs.
- While a specific levy rate must be established in the bylaw, the levies may vary by:
    - Zoning districts or other defined areas
    - Land uses
    - Capital costs as they relate to different classes of development as established in the bylaw
    - the size and number of lots or units in a development
- The levies must be similar for developments that impose similar capital costs on the municipality.
- Exemptions are allowed (if written into the bylaw).
- The development levy bylaw may delegate the administration of development levies and servicing agreements to the development officer, but only council has the power to enter into agreements.
    - A development levy bylaw adopted by an approving authority may delegate the entering into development levy agreements to the development officer.
- Notice and hearing requirements in Part X of the Act apply to the adoption of the bylaw.

Section 170 – Bylaw requires ministerial approval

A development levy bylaw requires ministerial approval. Approving authorities are exempt.

Section 171 – Development levy agreement

The bylaw may be implemented by council requiring the developer to either pay the levies or to enter into a development levy agreement upon application for a development permit. Only one development levy may be levied on one development; double charging is prohibited.

Section 172 – Servicing agreement

A servicing agreement is normally used when there is a subdivision of land involved. A municipality may require an applicant for subdivision to enter into a servicing agreement.

The agreement may require an applicant to install or construct, at their own cost, the following services to specified standards:

- Storm sewers, sanitary sewers, drains, water mains and laterals, and hydrants
- Sidewalks, boulevards, curbs, gutters, and streetlights
- Graded, gravelled or paved streets and lanes
- Connections to existing services
- Area grading and levelling of land
- Street name plates
- Connecting and boundary streets
- Landscaping of parks and boulevards
- Public recreation facilities
- Other works that council may require

An agreement may also:

- If it can be responsibly demonstrated, require payment of fees for the capital costs of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities, or park and recreation space facilities that will be used by the development. The facilities do not need to be located within the subdivision.
- If the capital costs described above will be incurred for facilities in another municipality, the agreement may require that the applicant bear those costs.
    - In this instance, two agreements will be required. One will be the servicing agreement between the applicant and the municipality in which the subdivision is occurring. The municipalities will also need to enter into a separate agreement stating that the other municipality will provide, alter, expand or upgrade those services and that the other municipality will bear those costs, paid for with the money provided by the applicant.
- Specify time limits for completion of works.
- Include provisions that costs be shared between the applicant and municipality.
- Require performance bonds or similar financial instruments.
- Require the provision of municipality utility parcels in accordance with section 172.1.
- State that the applicant enters into a transportation partnership agreement with the Ministry of Highways as required.
- State that an applicant is responsible for all fees associated with the municipality entering into a transportation partnership agreement with the Ministry of Highways.

The section specifically prohibits charging for capital work that has been addressed for the same property in a development agreement unless there are new and additional costs resulting from the subdivision of the land.

An agreement shall be entered into within 90 days of a municipality being referred a subdivision application. This time limit can be extended by mutual agreement between the municipality and the applicant.

Section 172.1 – Municipal utility parcels

Under a servicing agreement, a municipality may require that part of the land subject to a subdivision be provided for locating a public work or public utility. This parcel is the property of the municipality it is located within, and the municipality may lease it to a person providing public work or utility.

A municipality may, by resolution:

- Designate any land that it owns to be a municipal utility parcel and register the designation on the title.
- Declare that any municipal utility parcel is no longer required if the public work or utility has been relocated or is no longer required.

A municipality may only sell or exchange a municipality utility parcel if the designation has been removed.

Municipal utility parcels are not included as a part of the land being subdivided for the purposes of calculating the amount of land to be designated as municipal reserve land (see subsection 186(3) of the Act).

Section 173 – Terms and conditions of development levy agreements or servicing agreements

Addresses financial terms that may be part of either a development levy agreement or a servicing agreement. Under this section, levies or fees can be paid in instalments, and the rate may vary with time when development is phased. In addition, one of the following may be required to ensure payment of fees:

- Letters of credit
- Performance bonds
- Other forms of assurance

Sometimes it is necessary to complete a part of the capital work (such as a sewer main, major street or trunk water supply) before all the property owners that will benefit from the work are ready to subdivide. The section allows the municipality to collect the capital costs from the first developer and reimburse that person as the capital costs are recovered from later developers.

Section 174 – Use of levies and fees

The fees and levies, along with accrued interest, must be put into one or more development levy or servicing agreement accounts and only used for:

- The works for which they were collected, or to pay debt incurred by a municipality because of these works.
- To reimburse an owner, as allowed for in section 173.
- To pay fees those fees required under an agreement entered into with the Ministry of Highways as a part of a servicing agreement.

The funds do not form part of a municipality's general revenue.

Section 175 – Registration of development levy or servicing agreements

The municipality may register an interest against the land to ensure completion and adherence to the agreements.

Section 176 – Appeals on development levy or servicing agreements

A request for payment of a development levy or servicing agreement fee must be made in writing, and can be appealed within 30 days to the Saskatchewan Municipal Board for the following reasons:

- The capital work subject of the fee does not directly or indirectly service the development or subdivision.
- The development levy is not for a capital cost.
- The calculation of the development levy is incorrect.
- The levy has already been paid.

The Saskatchewan Municipal Board may:

- Dismiss the appeal
- Grant the appeal
- Vary the:
    - Amount of the development levy or fee requested by the municipality.
    - Terms of the development levy agreement or servicing agreement.

If a municipality requires a servicing agreement or development levy agreement, and an agreement is not entered into within 90 days of the date the application is made, the applicant or owner can appeal to the Saskatchewan Municipal Board for a decision on:

- Whether the agreement is necessary
- The terms of the agreement
- Whether the development permit or subdivision application is incomplete

The applicant or owner and municipality may extend the 90-day period above through mutual agreement. In the case of an approving authority, an appeal would first be made to the local development appeals board, and the decision of the local board could be made to the Saskatchewan Municipal Board.

Part IX – Dedicated Lands

Dedicated lands are parcels of land created at the time of subdivision and used for public amenities and environmental protection. They are owned by the municipality or Crown and held in trust for the community they serve.

DIVISION I – Buffer Strips (S. 177-180)

Sections 177 and 178 – Provision of buffer strips; Size and location

Where the design of a subdivision requires the separation of proposed uses, the approving authority may require the creation, without compensation, of a buffer strip to be owned by the municipality. A buffer strip may be required to separate industrial and residential parcels or to prevent parcels from accessing a highway. The location, sizes and dimensions are all at the discretion of the approving authority.

In certain circumstances, an approving authority may consider land dedicated as a buffer strip contributing to the land required to be dedicated as municipal reserve land (see section 186 of this Act). Otherwise, the amount of dedication is in addition to any other requirement for dedicated lands.

Sections 179 to 180 – Sale of buffer strips; Lease or exchange

These two sections allow a registered subdivision to be re-designed by eliminating or re-locating buffer strips. Council may sell (or ask the minister to sell, if provincially owned) a buffer strip by bylaw, after public notice and ministerial approval. Ministerial approval ensures that the original reason for the creation of the buffer has been addressed. Councils that are approving authorities are exempt from ministerial approval for sale or exchange.

A buffer strip may be leased for purposes provided in *The Dedicated Lands Regulations, 2009*. This provision allows restricted use of the land at times or in ways that will not compromise its function as a buffer strip.

The Act allows for the exchange of land dedicated as buffer strips to facilitate the redesign of subdivisions involving relocation or changes in the shape of the parcels requiring separation. This requires the same process as for a sale. The minister may waive the advertising requirement for an exchange where it results in a minor change (i.e., rearranging the shape of a buffer to accommodate a relocation of a street, as this does not affect other landowners in the area).

DIVISION 2 – Dedication of Lands (S. 181-201)

Sections 181 and 182 – Requirement of owner; Provision of land prior to subdivision

The owner of land being subdivided must provide land for municipal reserve and environmental reserve, without compensation. Alternatively, the owner may provide money to meet either the entirety or part of this requirement. The municipality can also enter into an agreement with the owner to meet this dedication requirement before a subdivision. At the discretion of the approving authority, this land may either be in the area of the future subdivision or any other area of the municipality.

Section 183 – Exemptions from dedication

Municipal reserve dedication, or money in lieu of dedication, is not required for the following subdivisions:

- The first parcel out of a quarter section. This exemption does not apply if two parcels are being subdivided under the same application. This exemption also does not apply to the further subdivision of the first parcel out (e.g. if Parcel A is subdivided into Parcels B and C, Parcels B and C would be subject to dedication).

    - If a previous subdivision in a quarter section was exempt from municipal reserve dedication for a reason listed below, a future parcel may still be subdivided and provided this exemption.
- Isolated or remote single parcels in the Northern Saskatchewan Administrative District.
- Land to be subdivided into parcels of at least four hectares and to be used solely for agriculture.
- Subdivisions that rearrange boundaries between existing parcels.
- Land where records show that the requirement for dedication was met in previous subdivisions.
- Land for public, utility, or transmission line purposes (e.g. drainage ditches, canals, a line or facility for electricity, natural gas, oil, radio, television, telecommunications, sewage or water transmission).
- Dedicated roads or highways.
- Public sewer or water facilities.
- Cemeteries, dedicated lands, parks, wildlife habitats, historic sites, ecological lands or a historical or archaeological sites.
- Provincial Park or regional parkland.

Section 184 – Dedication of public highways

Streets, roads, lanes and other forms of public highway are to be dedicated to the Crown without compensation, in any amount and location that the approving authority considers necessary.

Section 185 – Environmental reserve

Environmental reserve is land that is dedicated because it is hazardous to develop or is environmentally sensitive. The approving authority may require that land be dedicated as environmental reserve in consultation with the Minister of Environment, Water Security Agency, or other agency with expertise on the matter. The location and extent of environmental reserve is determined by the approving authority at the time of subdivision.

The approving authority can require that land be dedicated as environmental reserve if it consists of:

- A ravine, coulee, swamp, natural drainage course or creek bed.
- Wildlife habitat, environmentally sensitive or significant natural or heritage areas.
- Flood-prone or potentially unstable land.
- Land abutting lakes, streams, or rivers for pollution prevention, bank preservation, or development protections from flooding.

It is intended that environmental reserve be kept in its natural state, unless it is also suitable for a public park or other use specified by *The Dedicated Lands Regulations, 2009.* It may also be leased for those uses. It is not to be exchanged, and not to be sold, unless the minister determines that the conditions that led to its dedication no longer exist. The municipality becomes the owner of any land dedicated as environmental reserve under this Act.

Section 186 – Public reserve, municipal reserve

Municipal reserve lands are used for recreation and leisure and may include public parks and community buildings. Unless exempted by section 183, the approving authority has the option of accepting the dedication of municipal reserve in one of three ways:

1. As land
2. Money in lieu of land
3. A combination of money and land

The authority does not have the option of waiving the requirement. The amount of land (or equivalent money value) is to be 10 per cent of the area of a residential subdivision and five per cent of the area of a non-residential subdivision. If an environmental reserve makes up a portion of the subdivision, it is not included in the total area of the subdivision when determining the amount of land to be designated as a municipal reserve. Councils declared approving authorities can determine the methods, location, and timing of dedication for land to be subdivided and developed in phases.

At the discretion of the approving authority, any or all the following lands may contribute to meeting the municipal reserve dedication requirement:

- Environmental reserve if it is accessible and usable by the public.
- Buffer strips in residential subdivisions if they are accessible and usable by the public.
- Buffer strips in non-residential subdivisions if the approving authority considers it in the public interest to do so.

The approving authority may require more than five per cent or 10 per cent, depending on the expected population density.

Public reserve is municipal reserve lands that are owned by the Crown, either because it is in the Northern Saskatchewan Administrative District, or it is land that was held back when public reserves were transferred to the municipality (see sections 189 and 191 of this Act).

Section 187 – Money in lieu of municipal reserve land

The dedication of municipal reserve land can be waived in whole or in part if dedication would be unnecessary or undesirable (e.g. part of an industrial subdivision, and a park in that location would not be used by the public), though money in lieu of that land must be paid to the municipality. The value of the land is based on the market value of the subdivided land, or what the market value of the future land use would be.

The primary method of valuation is through a qualified appraiser paid for by the municipality unless the developer, municipality and approving authority agree to a land valuation. This ensures that a reasonable approximate market value is used without having to hire an appraiser.

Section 188 – Acquisition of municipal reserve

A municipality may designate any parcel it owns or acquires as municipal reserve land by resolution.

Section 189 – Dedication by the minister

Allows the minister to dedicate any Crown land as public reserve or environmental reserve.

Section 190 – Deferral of dedication

At the discretion of the approving authority, the dedication of municipal reserve land can be deferred to a future subdivision if the dedication would be unnecessary or undesirable (e.g. the first phase of a residential neighbourhood, and a later phase is to include a park that will fulfil this requirement). At the discretion of the approving authority, the deferral can be fulfilled at the time of the future subdivision of:

- A parcel created by the subdivision
- The remainder parcel
- Any other land owned by the applicant within the same municipality

The deferral must be protected through an interest registered on the title to the parcel, which would be discharged when the dedication requirement is met in a future subdivision. When the land subject to the deferral is further subdivided, sufficient municipal reserve land and/or cash in lieu must be provided to meet the deferral and the second subdivision.

Section 191 – Transfers to municipality

As of January 1, 1991, a majority of the public reserve, environmental reserve and buffer strip parcels owned by the Crown were transferred to the municipality in which they were located. Several parcels in which a provincial interest existed were not transferred to the municipality and were retained by the provincial government through a Ministerial Order.

No action is needed to change ownership. Citing this section is sufficient to transfer the title and the rights and responsibilities respecting the parcel from the Crown to the municipality. All transferred public reserve parcels became municipal reserves.

The Minister also has the authority to order the transfer of any retained parcels to the municipality.

Section 192 – Use of municipal reserve, public reserve

As municipal reserve and public reserve lands are taken without compensation for the public benefit, the use to which these lands may be put is strictly controlled. The uses include:

- A public park, buffer strip, recreation area, or natural area.
- School purposes.
- A public building or facility.
- A building or facility used and owned by a charitable corporation (commonly social housing or a community recreational facility).
- Agricultural or horticultural uses (commonly an interim use while the surrounding subdivision is developing).
- Those uses prescribed by regulation (e.g. the regulations allow for private uses on a short-term lease that supports public use, which may allow for a beach concession).

Approving authorities have flexibility in specifying uses as long as these uses are addressed in the official community plan and are consistent with the principle of public purpose.

Section 193 – Dedicated lands subject to zoning

The use and development of municipal, public, and environmental reserves are also subject to any limitations in an official community plan and zoning bylaw.

Section 194 – Approval of temporary development

Development on dedicated lands without the approval of the minister or municipality is not allowed. The minister or municipality may allow the development of landscaping or improvements through an agreement or temporary structures by permit. Any temporary use must be within what is permitted by the regulations or the Act. If the area on which the temporary development is to be placed is subject to a lease, all parties must consent before permission is granted.

Temporary development cannot grant exclusive use to any part of dedicated land (e.g. a private person cannot fence off and refuse entry to any part of municipal reserve land). In addition, permits and agreements are not transferrable to any other person unless provided for in *The Dedicated Lands Regulations, 2009*. Therefore, the rights given in the permit do not accrue to the property and cannot be sold.

Subsections (6) through (9) provide for removing temporary structures or development and enforcement if the person has not obtained permission from council—failure to remove the item results in the loss of all rights to that time. The same power applies to development or structures that were in place before this section was approved in the Act (May 21, 1997), but additional notification and hearing requirements apply.

The cost of removing and restoring the dedicated lands can be applied to the taxes of the person who placed the structure on the site or otherwise collected as debt. The proceeds from disposal, if any, can be applied against the cost of removing and restoring the land to a satisfactory condition.

Section 195 – Agreement for use of the municipal reserve, public reserve

This allows a municipality to enter into a joint use and maintenance agreement for municipal reserve land, or public reserve land controlled by the municipality, and improvements on municipal reserve or public reserve land, with a school division. The Minister of Government Relations, in consultation with the Minister of Education, may also direct a municipality and school division to enter into such an agreement after consultation with both parties.

Since a school division and a municipality have the right to reasonable use of municipal reserve lands, the minister may, in consultation with the minister responsible for education:

- Refer affected parties to dispute resolution.
- Specify the terms and conditions by way of a Minister's Order.

Section 196 – Intermunicipal agreement for municipal reserve

A municipality may enter into an agreement with one or more municipalities to:

- Dedicate any land they own or acquire as municipal reserve land, allowing a municipality to dedicate land that it owns in another municipality as municipal reserve land.

- The administration and maintenance of municipal reserve and associated facilities in the municipalities party to the agreement (e.g. if a municipality dedicates land it owns in another municipality, this allows the municipalities to specify how it will be maintained and administered).
- The use of cash in lieu of municipal reserve dedication by any municipality party to the agreement, allowing for a municipality to use cash in lieu of municipal reserve payments in another municipality.

Section 197 – Use of certain money

Any money received as cash in lieu or proceeds from the sale, lease, or sublease must be used for the purposes provided in *The Dedicated Lands Regulations, 2009*. The regulations require that the money be spent on the purchase of dedicated lands or improvements or their maintenance. All monies, including interest, must also be placed in a dedicated lands account, separate from other accounts or line items in the municipality's budget.

Section 198 – Sale, etc., of public reserve

Subject to *The Dedicated Lands Regulations, 2009*, the minister has the authority to lease, sell, or exchange a municipal reserve parcel. If exchanged, the other parcel must be of greater or equal value to the municipal reserve parcel. If the sale or exchange is at the request of a municipality, the minister may require the municipality to pass a bylaw outlining its request, complying with public participation requirements. The minister may refuse the request.

Section 199 and 200 – Sale, etc. of municipal reserve; Ministerial approval of bylaws re sale of municipal reserve

Subject to *The Dedicated Lands Regulations, 2009,* a municipality may lease, sell, or exchange a municipal reserve parcel. If exchanged, the other parcel must be of greater or equal value to the municipal reserve parcel. Any sale or exchange must be through bylaw, which must comply with public participation requirements. The minister may also waive the advertising requirement for an exchange that is minor in nature.

A bylaw has no effect unless approved by the Minister. The minister may approve or reject the bylaw if it is considered undesirable. Approving authorities may use their own public notice bylaw that addresses the sale of municipal reserve land. Approving authorities are also exempt from ministerial approval.

Section 201 – Walkways

An approving authority may require the dedication of any lanes or walkways that the authority considers necessary for secondary access (e.g. to provide a pedestrian route between streets, or to provide an access trail to linear parks or beach areas). Walkways become municipal property, and lanes become Crown property. Additional requirements for walkways are included in *The Subdivision Regulations, 2014*.

A walkway cannot be leased. A council may by bylaw authorize the sale of a walkway, or the exchange of a walkway for another parcel of land that includes a re-subdivision that creates a new walkway. Such a bylaw does not need to comply with public participation requirements but does require ministerial approval. Approving authorities that pass such a bylaw do not require ministerial approval.

DIVISION 3 – General (S. 202-205)

Section 202 – Public roadways, utilities

Subject to *The Dedicated Lands Regulations, 2009,* the Crown or a council may authorize the development of the following on, over, or under any dedicated lands:

- A public roadway
- Public utility lines
- A private water well, or water or sewer line

The Crown or a council may also register an easement on the title of the dedicated lands for the above purposes.

Dedicated lands are to be maintained by the municipality where they are located. However, if council leases the land to someone else, then the lessee is responsible for the maintenance.

The minister can transfer the administration of Crown-owned dedicated lands, except the power to lease, sell, or exchange the lands, to another provincial department, within areas administered by *The Forest Resources Management Act, The Parks Act, The Provincial Lands Act, 2016,* or *The Regional Parks Act, 2013.*

Section 203 – Title

This section details how the Registrar of Titles will handle titles to dedicated lands in various situations. Titles are to be issued to the Crown or to the municipality in which the dedicated lands are located. The titles are for surface parcels only; mines and mineral parcel titles remain with the holders of those rights.

Titles are to be issued free and clear of interests, except for public utility easements.

When municipal boundaries change, or municipalities are amalgamated, the titles to dedicated lands go to the municipalities in which the dedicated lands are now located (unless the dedicated land was held back by the Crown). This section explains the process required for the municipality to change the name on the titles with the Controller of Surveys and Registrar of Titles. The process is not automatic upon boundary alteration.

Section 204 – Designation of certain reserves

When a parcel is dedicated as municipal reserve, the municipality must apply to the Controller of Surveys to have this shown on the plan and to have a new title issued. The minister must do the same for new public reserves on Crown land.

Section 205 – Regulations

Provides authority to the minister to make *The Dedicated Lands Regulations, 2009*.

Part X – Public Participation (S. 206-212)

Section 206 – Exemption for approving authorities, public participation options

Approving authorities may establish their public participation processes for those items listed in Part X through a public notice bylaw.

Any council may, in their zoning bylaw, provide for additional procedures for public input beyond those stated in the Act.

Section 207 and 208 – Notice of proposed bylaw; Copies of bylaw to be provided

These sections define the minimum requirements a municipality must comply with when considering planning bylaws (except for certain approving authorities under section 206).

Notice is required for the adoption, amendment, or repeal of the following bylaws:

- An official community plan
- A fee bylaw
- A zoning bylaw
- A development levy bylaw
- To sell a buffer strip
- To sell or exchange municipal reserve land

The public notice procedure consists of the following:

- Council authorizes the administrator to prepare the bylaw.
- The bylaw is given first reading.
- The bylaw and associated public hearing are advertised in a locally circulating newspaper for two consecutive weeks unless the minister approves another method.
- The public hearing for bylaws adopting a new official community plan or zoning bylaw must be four clear weeks from the date of the first notice. All other bylaws require the public hearing be held two clear weeks from the date of the first notice.

The public notice must include:

- The proposed bylaw and the reasons for it.
- The affected area.
- Indicate where and when citizens may examine the proposed bylaw and relevant maps.
- Set out the date, time, and place at which a public hearing will be held.
- Outline the public hearing procedure.

A copy of the proposed bylaw must be available to any interested person.

If the bylaw is altered after public notice is issued, a new public hearing must be held for the bylaw, which also requires re-advertising of the public hearing (see section 211 for exemptions the minister may grant).

Section 209 – Written notice to owner

If an amendment will affect the districts provided in the bylaw (e.g. if a property is being rezoned from residential to commercial), written notice shall be provided to each affected owner. A council may apply to the minister to dispense with this requirement.

If a new zoning bylaw would substantially change the proposed use or intensity of use permitted on a parcel, written notice shall be given to each owner affected by the bylaw.

Section 210 – Consideration of representations

At a public hearing council is required to hear from all people who wish to speak about a proposed bylaw. A municipality must also ensure all minutes of the public hearing are recorded. If there are too many representations to hear at one time, council may reconvene the hearing at another time to ensure that everyone is heard.

Section 211 – Alteration of bylaw

If a council decides to alter the bylaw as written for first reading, re-advertising and a new public hearing must be held so that those affected by the change can comment on the alteration. The hearing is limited to the alteration.

At the request of council, the minister can waive the requirement for re-advertising and the holding of a new public hearing if the changes are minor (e.g. changes that do not alter the intent of the bylaw). Approving authorities can also waive this requirement if council is of the opinion that the alteration proposed to the bylaw is minor in nature.

Section 212 – Minister's approval

When the minister approves of the bylaw, they are also approving the public notice procedure. Since the minister can approve alternate notice, it is intended that this approval of notice is final. This guarantee does not exist when notices are given by approving authorities who have adopted a public notice bylaw.

Part XI – Appeals

DIVISION I – Development Appeals Board (S. 213-227.1)

Section 213 – Interpretation of Part

The term "board" is used throughout this part to refer to both a development appeals board and a district development appeals board.

Sections 214 to 218 – Appointment of board; Membership of board; Board organization; Meeting; Conflict of interest

These sections address the formation, membership, required structure, and basic procedures required for a board.

Once a zoning bylaw is passed, a council has 90 days to appoint a development appeals board or a district development appeals board. Municipalities may create a district development appeals board without being members of a planning district.

A development appeals board must consist of at least three members, none of whom can be:

- A councillor of the municipality
- An employee of the municipality

- A member or employee of a municipal planning commission, district planning commission, or regional planning authority of which the municipality is a member

A district development appeals board can include councillors from member municipalities, but councillors from one municipality cannot form a majority. In addition, councillors from a member municipality cannot hear an appeal related to their municipality. A quorum for a district development appeals board is the majority of members. Still, two members are considered a quorum if one or more members are disqualified from hearing an appeal as the appeal relates to their municipality.

The council is required to determine the term of office of members, the procedure for filling vacancies, and the payment of remuneration or expenses. It also appoints a secretary to the board and sets the term of office, the duties, and remuneration of the secretary. The board chooses its chairperson and adopts its rules of procedure. If approved and paid for by council, a board may appoint consultants that may be necessary to fulfil their responsibilities.

The Lieutenant Governor in Council may adopt regulations that will govern the operation of boards.

The secretary calls meetings in consultation with the chair. The conflict-of-interest rules established in subsection 2(2) of the Act apply to board members.

Approving authorities have additional flexibility regarding the structure, membership, and organization of a development appeals board but are required to establish a bylaw relating to these matters pursuant to Section 26.

Section 219 – Right of appeal on zoning bylaw

This section provides the general right to appeal a zoning bylaw decision and describes the limitations of that right.

In addition to any right of appeal provided elsewhere in the Act, an affected person may appeal to a development appeals board where:

- A development permit has been issued, but they believe that the permit has been issued in contravention of the bylaw.
- A development permit is refused.
- An order has been issued by the municipality for development that contravenes the Act or regulations or bylaws made pursuant to the Act (e.g. an order may be issued if a developer or landowner has proceeded without the appropriate permit or if a developer or landowner is not meeting the conditions of a permit).

A refused development permit cannot be appealed if:

- The use, or intensity of use, is not allowed by the bylaw.
- It is a discretionary use or intensity of that use that has not been approved by council.
- If the use is prohibited.

An appeal must be filed within 30 days of issuing a decision.

No appeal may be made if council refuses to rezone land or refuses a discretionary use.

Section 220 – Application to appeal

The application for an appeal must be in writing and should precisely state the reasons for the appeal, the supporting facts, and the expected outcome.

The fee for an appeal is a maximum of $300 unless a schedule of fees is set by regulation adopted by the Lieutenant Governor in Council.

Section 221 – Determining an appeal

A decision made by a development appeals board must comply with the official community plan, with the use or intensity of use requirements of the zoning bylaw, and with any provincial land use policies or statements of provincial interest in effect. The board is allowed to make any decision that the development officer could have made, and, in addition, may vary any of the standards or conditions of the zoning bylaw or order (not including use of the land or intensity of use).

The board must be satisfied that its decision:

- Does not amount to a special privilege (e.g. a variance granted would be provided to other appeals in similar situations).
- Would not be contrary to the intent of the zoning bylaw.
- Would not be particularly detrimental to a neighbour.

Section 222 – Requirements of a board in setting down appeal

A development appeals board has 30 days to hear an application received. If the board holds regularly scheduled meetings at least once each month, they may hold the appeal hearing at the first or second regularly scheduled meeting following receipt of the notice of appeal.

The board must give 10 days notice of the meeting to:

- The applicant
- The owner of the property
- The council
- Owners within 75 metres
- Other property owners required by provisions in the zoning bylaw

This section defines when a notice is considered received and what the secretary of the board must do to document that it has been sent.

Section 223 – Additional material considered on appeal

The council and applicant are both required to submit relevant material to the development appeals board that will be used in the appeal at least five days before the hearing. The municipality cannot withhold material, and neither party can bring in new supporting material at the hearing. This material is open to public inspection before the hearing.

Section 224 – Conduct of hearing

The hearing must be public, and the development appeals board must hear any affected person who wishes to be heard. Testimony may be under oath or affirmation. The hearing may be adjourned and reconvened. A written public record of the proceedings, which may be in the form of a summary of the evidence, is required.

Sections 225 to 227.1 – Decision of board; Appeal from decision of board; Notification of filing and submission of material; New evidence

A development appeals board has 30 days to render a decision in writing. If the permit issued by the board expires, the decision is no longer valid unless the development officer issues a new permit in accordance with it. The decision is only for the development submitted to the board.

A decision is subject to quorum and a majority vote of members present. It must be signed by the chairperson, or a member and the secretary in their absence. A copy of the decision is sent to each party involved in the appeal within 10 days, including any who made representations, as well as the Director of Community Planning. The decision takes effect 30 days after the decision is given unless appealed to the SMB.

The minister, council, or any other person can, within 30 days, appeal to the SMB. The SMB acts as the senior appellate body and can dismiss the appeal or can make any decision that the board could have made. Upon receipt of notice of appeal, the secretary of the SMB shall provide a copy of the notice of appeal to the secretary of the board and every party to the appeal other than the appellant. A board must submit copies of the following within 10 days of receiving a copy of the notice of appeal:

- The application for appeal.
- Supporting materials filed with the board before the hearing or entered at the hearing.
- A copy of the written record of the proceedings from the hearing.
- A copy of the decision of the board.

The Saskatchewan Municipal Board (SMB) can only allow additional information if:

- Through no fault of the person submitting the information, the materials and records submitted to the SMB by the secretary of the relevant development appeals board are incomplete, unclear, or do not exist
- The development appeals board omitted, neglected, or refused to hear or decide an appeal; or
- The information was not obtainable or discoverable at the time of the original board hearing.

If new information is allowed, the SMB may use the powers vested through *The Municipal Board Act* to obtain further information.

DIVISION 2 – Subdivision Appeals (S. 228-232)

Section 228 – Right of appeal

Appeals concerning subdivisions are made to the Saskatchewan Municipal Board. If the council is the approving authority, the appeal is heard by that municipality's development appeals board. The applicant or the council can appeal the decision of the development appeals board to the SMB.

An applicant for subdivision has the right to appeal a decision of the approving authority for the following:

- A refusal. *
- An approval in part. *
- An approval subject to special standards for hazard lands. *
- A revocation of approval. *
- The failure to enter into a servicing agreement or appeal the standards required by a municipality in such an agreement.
- The producing of information requested by the approving authority, outside of what is required by *The Subdivision Regulations, 2014* or bylaw.

Note: For items marked with an "", the appeal must be filed within 30 days of the date the person is served the approving authority's decision.

Section 229 – Reapplication of appealed proposal

Once an appeal is denied, the applicant may not resubmit the same proposal as a new application for six months.

Section 230 – Notice of hearing of appeal

Notice of subdivision appeal is to be given to the applicant, the approving authority, the council if different from the approving authority, and any other person the board decides to notify as an affected party. The local development appeals board is obliged to hold a hearing within 30 days of receiving the appeal.

Section 231 – Determining an appeal

A decision made by a development appeals board must comply with the official community plan, with the use or intensity of use requirements of the zoning bylaw, and with any provincial land use policies or statements of provincial interest in effect. The board is allowed to make any decision that the development officer could have made, and, in addition, may vary any of the standards or conditions of the zoning bylaw or order (not including use of the land or intensity of use).

The board must be satisfied that its decision does not amount to a special privilege (e.g. a variance granted would be provided to other appeals in similar situations), would not be contrary to the intent of the zoning bylaw, and would not be particularly detrimental to a neighbour.

Appeals for servicing agreements are covered in section 176 of the Act.

Section 232 – Endorsement of subdivision plan

If a subdivision appeal is successful, an approving authority must endorse the application and plan with the decision. If it fails to do so, the chairperson of the board may endorse the plan instead.

Part XII - Miscellaneous

DIVISION I – General (S. 233-241)

Section 233 – Voluntary dispute resolution

This section establishes the process for resolving planning-related disputes between municipalities. All parties must agree to refer a dispute to the Saskatchewan Municipal Board which appoints a mediator. If the dispute cannot be resolved by a board-appointed mediator, the board will hold a hearing and settle it. The board's settlement is binding.

Section 234 – Exemption for public work or public improvement

This section allows the Lieutenant Governor in Council to exempt transportation-related public improvements (e.g. highways, railways, airports, ferries) from the Act and municipal bylaws if required to protect provincial interests. The Saskatchewan Municipal Board may be consulted prior to issuing such an order.

Section 235 – General powers of council for purposes of carrying out Act, etc.

Council may exercise the powers of the appropriate municipal acts to carry out provisions of this Act (e.g. a municipality's procedure bylaw may outline the procedure for holding a public hearing). The power does not need to be specifically mentioned in this Act.

Council may enter into any agreements consistent with the Act, or regulations or bylaws, with any person. Any agreements entered by the municipality should specifically reference what legislation provides the authority to enter into those agreements. The agreement can run with the land and be protected by registering an interest against the title in the land registry. This agreement also binds successors in ownership.

Section 236 – Rules for registered interests

Any interest registered under this Act cannot lapse or be removed.

Section 237 – Minister may charge council

Where the minister finds it necessary to exercise the power of council under this Act, they have the authority to charge the municipality for the cost of that service.

Section 238 – Restriction re damages, etc.

This section is intended to remove any claim for liability for change in property values because of the following:

- The adoption or amendment of municipal planning bylaws.
- The approval, cancellation, or revocation of approval of a proposed subdivision.
- Any other action made under this Act or regulations made pursuant to this Act.

The Act does not authorize the approving authority to waive liability for development decisions or to pass that liability on to a landowner.

Section 239 – Authorized persons not liable

Provides persons acting in good faith with protection against any personal liability arising from the discharge of their duties in a position created under this Act.

Section 240 – Errors in assessment roll

A notice required under this Act sent to an address from the assessment roll is presumed valid.

Section 241 – Service of notices

A notice or other document sent by registered mail is deemed to be delivered unless the person the notice is sent to proves otherwise:

- If mailed to an address within the municipality, three days after the day on which the notice was mailed.
- If mailed to an address outside the municipality, four days after the day on which the notice was mailed.

DIVISION 2 – Enforcement (S. 242-245)

Section 242 – Enforcement

Provides the authority and procedures for enforcement of the Act and bylaws adopted pursuant to the Act.

A development officer has the authority to enter the property to inspect for reasonably suspected violations of the Act or regulations or bylaws made pursuant to the Act. This entry may be with the consent of the owner or occupant of the property or, if a Justice of the Peace or Judge of Provincial Court issues a warrant, without consent.

If the development officer confirms a violation, they may issue a written order:

- Identifying the contravention.
- Requiring the person to:
    - Discontinue the contravening use or other development
    - Alter the development so it conforms
    - Restore the premises
    - Complete all work necessary to comply
- Setting a deadline for completion of the work
- Advertising of the right to appeal under section 219 of this Act.

The order must be delivered by registered mail or personally served. It may be registered as an interest against the land until the order is complied with, at which time, the development officer would remove the interest. An order may be further enforced by application to the Court of King's Bench, at which time the offenses and penalties section may be applied.

Section 243 – Offences and penalties

Provides basic power to enforce provisions of the Act, as well as regulations and bylaws made pursuant to the Act, and the orders and actions undertaken by authorized persons because of the Act. Failure to comply is defined as an offense, which on summary conviction, is subject to a fine of up to $10,000 (individual) or $25,000 (corporation) and, in the case of a continuing offence, an additional fine of up to $2,500 a day. In addition, the court is empowered to order any compliance and remedial actions it considers appropriate.

Section 244 – Limitation of prosecution

Prosecutions must be started within two years of the date of the alleged offence, which for continuing offences is the last day on which contravention was committed.

Section 245 – Regulations

Provides the authority for the Lieutenant Governor in Council to make regulations to implement the Act or to address matters where the provisions of the Act are considered insufficient to carry out the intent of the Act. The section is in addition to specific provisions elsewhere in the Act to make regulations, such as subdivisions, dedicated lands, and statements of provincial interest.

DIVISION 3 – Repeal and Transitional (S. 246-257)

Section 246 – S.S. 1983-84, c.P-13.1 repealed

Repeals *The Planning and Development Act, 1983*.

Sections 247 – 257

These sections provide for the continuation of various plans and agreements that were established or entered into pursuant to a former Act, including:

- Municipal or district planning commissions.
- A development plan or basic planning statement continues as an official community plan, except for those provisions that are inconsistent with the Act, a provincial land use policy, or a statement of provincial interest.
- A development plan for a planning district or official community plan for an area included in a planning district continues as a district plan, except for those provisions that are inconsistent with the Act, a provincial land use policy, or a statement of provincial interest.
- An interim development control bylaw continues but is only valid for the lesser of:
    - Two years from its original adoption
    - Until the council completes its study and adopts an official community plan and a zoning bylaw
- Development permits.
- Any appeal, which may continue in accordance with the previous Act, except for those which appeal a decision from a development appeals board to the Saskatchewan Municipal Board. In these cases, the Saskatchewan Municipal Board has all powers of section 231 of this Act.
- A zoning appeals board functions as a development appeals board.

- Zoning bylaws, except for those provisions that are inconsistent with the Act, a provincial land use policy, or a statement of provincial interest.
- Replotting schemes for a maximum of six months.
- This section allows council to vary, by bylaw, the use of land or alteration of site plans within a completed Planned Unit Development that is controlled under the planning bylaws of the former Act. Decisions to vary use or site plans must be consistent with the current Act.
- Every agreement, contract, subdivision, approval or power entered into, undertaken or exercised is continued (with needed technical changes such as Act and section references), until amended, repealed or replaced.

Subdivision plans that were not registered, or in the case of northern recreation subdivisions not filed, prior to *The Planning and Development Act, 1983*, are revoked.

DIVISION 4 – Consequential Amendments (S. 258-262)

Sections 258 – 262

These sections, including the schedule, make consequential amendments to other acts. All of these amendments update references to the Act or its sections without functionally changing their provisions.

DIVISION 5 – Coming into Force (S. 263)

Section 263 – Coming into force

The Act received Royal assent and came into force on March 21, 2007.