

Planning and Development in Saskatchewan

Community Planning Branch
Ministry of Government Relations

Today's Discussion

- Overview of Planning
 - Legislation & Regulations
 - Planning Bylaws
- Importance of Planning Bylaws
- Municipality's Role in Development
- Ministry's Role in Development
- Questions and Answers

Why Plan?

- Modern planning began in the late 1800's as a tool to resolve public health issues
 - Open sewers, garbage and sources of disease
 - Haphazard buildings prone to fires and overcrowding
 - Conflict of land uses, e.g. residences adjacent to heavy industrial
- Planning solved problems:
 - Burying the sewers = cleaner streets
 - Building standards for fire safety
 - Separation of residences from industry

Why Plan?

- Planning still relevant for the basics:
 - Keeps development off hazard lands such as flood plains and unstable slopes.
 - Protects critical environments
 - Welcomes investment to the community
 - Ensures transparency and public input into local decision making process
 - Reduces conflicts between neighbours

Planning Framework

LEG/REG

The Planning and Development Act, 2007 (PDA):

- Establishes the planning and land use authority in Saskatchewan
- Sets out requirements for subdivision approval
- Establishes framework for municipalities to manage infrastructure
- Authorizes preparation and implementation of regional plans, official community plans and zoning bylaws

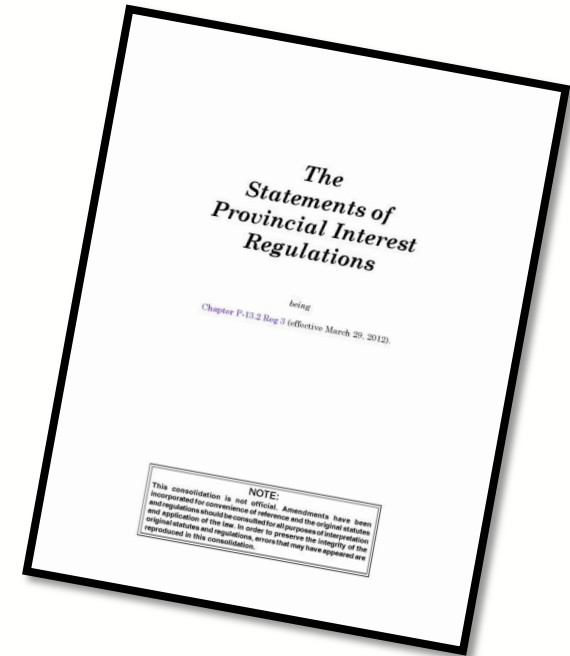


Planning Framework

LEG/REG

The Statements of Provincial Interest Regulations (SPI):

- Establish principles of sound planning
- Denote specific guidelines or regulations regarding provincial priorities (hazard lands, biodiversity regional cooperation, source water protection, etc.)
- Affects all planning documents and decisions made by municipalities, planning districts and Government
- Ensure provincial objectives are integrated into municipal planning policies and procedures



The Statements of Provincial Interest Regulations (SPI)

- Agriculture and Value-Added Agribusiness
- Biodiversity and Natural Ecosystems
- First Nations and Metis Engagement
- Heritage and Culture
- Inter-municipal Cooperation
- Mineral Resource Exploration and Development
- Public Safety
- Public Works
- Recreation and Tourism
- Residential Development
- Sand and Gravel
- Shore Land and Water Bodies
- Source Water Protection
- Transportation

Question

What are Official Community Plans and Zoning Bylaws?



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Planning Framework



Official Community Plan (OCP)

- Municipal bylaw (urban or rural) that guides the growth and development of a community through policy
- Outlines municipality's vision, goals and the policies necessary to achieve them
- Helps council make development-related decisions
- Can be amended if vision or goals change
- Must be consistent with provincial land use policies and the SPI



Planning Framework



Zoning Bylaw (ZB):

- Primary legal and administrative means of implementing the OCP
- Divides municipality into zoning districts
- Regulates development and use of land in those districts – e.g. permitted & discretionary uses
- Permits council to set local standards for the subdivision and use of land
- Outlines development permit procedures



Question

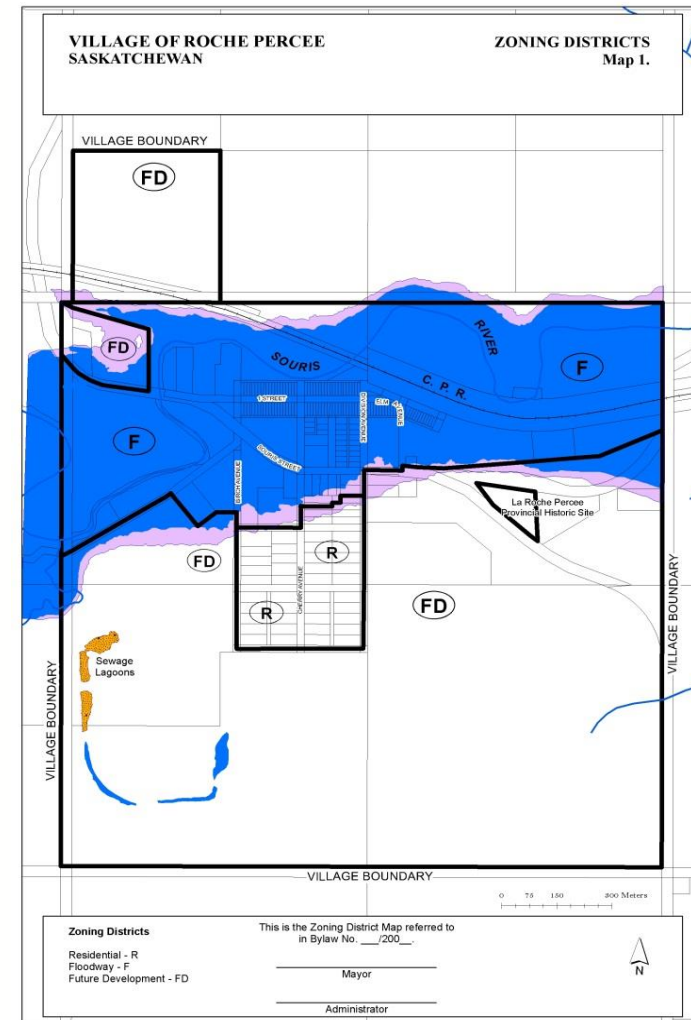
Q: What provisions of the SPI are mandatory and how does that work?



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Answer: SPI Mandatory Provisions

- Mineral resource exploration and development (Permitted Use)
- Sand and gravel development (Permitted or Discretionary)
- Development is restricted from locating in the flood way of the 1:500 year flood elevation
 - Development in the flood fringe must be flood proofed to an elevation 0.5 metres above the 1:500 year flood elevation



Question

Q: My community does not have an OCP and our Zoning Bylaw is very outdated. Do the SPI still apply?



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Answer

Q: My community does not have an OCP and our Zoning Bylaw is very outdated. Do the SPI still apply?

- **YES!!**
- Bylaw remains in effect except for portions that are inconsistent with PDA or SPI
- The municipality should consider amendments to its planning bylaws as soon as possible
- All planning decisions are still required to conform with SPI

Question

Q: What could NOT complying with the SPI look like?



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Answers:





Question – SPI and Policy

Q: How does a municipality incorporate the SPI into their bylaws?



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Answer

Q: How does a municipality incorporate the SPI into their bylaws?

- Through preparation process, professional planner has responsibility to lead discussion through a wide range of issues
- Planner will work with community to identify issues and goals for municipality/region
- Policies developed must meet the SPI
- Every community is different – so policy solutions can differ too!
 - SPI are objective-based regulations
- Planner and municipality both wanting same thing – best outcome for community as a whole

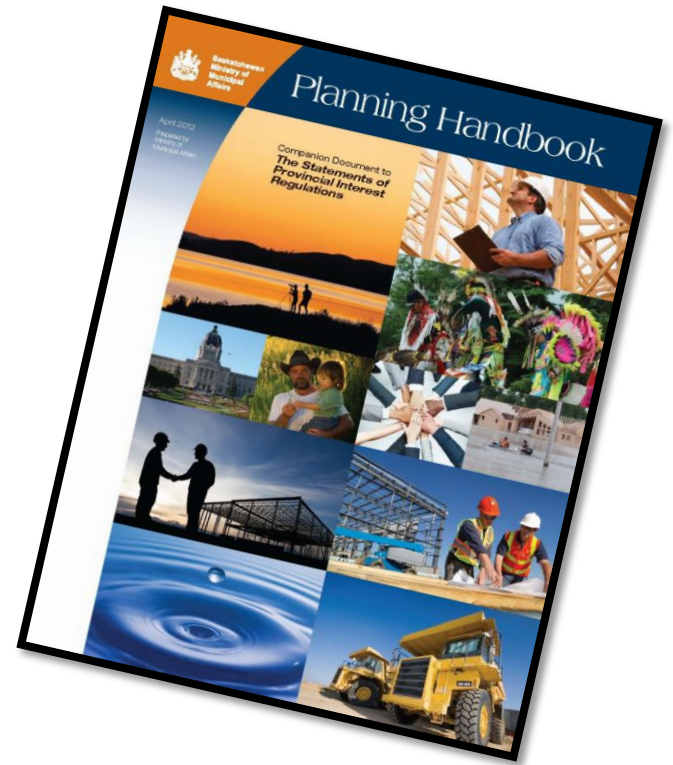
Example – Source Water Protection

- Sample objectives:
 - To improve, restore and maintain the water quality of the lakes.
 - To restrict development which may negatively impact source water.
- Sample policies:
 - Development shall not deplete or pollute the lakes and water in the valley.
 - Council will encourage development that protects water supplies.
 - Council may deny a permit to any development that may negatively impact ground and surface water sources on adjacent lands
- Municipality has flexibility on how they address this issue, but it **must** be addressed through policy.



SPI Planning Handbook

- Tool to assist municipalities, developers and planners
- Advice on implementing *The Statements of Provincial Interest Regulations*
- Living document reviewed regularly



Managing your Municipal Project with your Private Planning Consultant

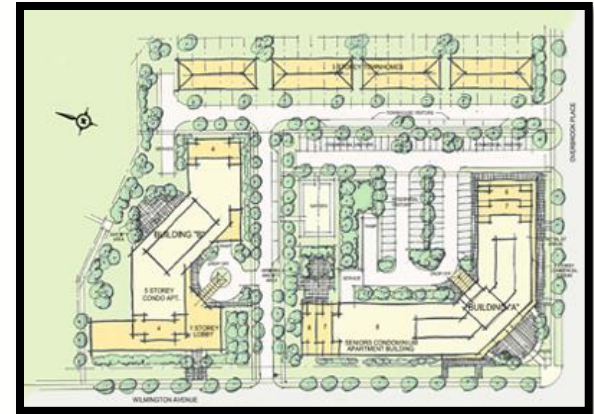
- Establish a Terms of Reference / Contract:
 - Cost & Timing
 - Expectations
 - Professionalism & Accountability
 - Meetings with Council & Public Meetings
 - Avoid Copyright Clauses & Provisions
 - Completion of the Project and submission to Council
- Thoroughly read the proposed bylaws
- Ask lots of Questions!
- Scenarios! (bylaw performance/mechanics testing)

Development



Development

- “the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land” (PDA)



Development



Development Permits:

- Are legal documents
- Municipal responsibility to issue
- Must conform with SPI, OCP and ZB
- Municipality must be consistent in issuance and refusals (can't make exceptions)
- If development does not comply, municipality must issue refusal and landowner may have the option to appeal

Subdivision



Subdivision

- “a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel...” (PDA)
- Community Planning branch is subdivision approving authority for 769 Saskatchewan municipalities

Questions

Anything we have missed?



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Roles: Municipalities

- Municipalities are responsible for:
 - Ensuring the health, safety and general welfare of its inhabitants
 - Managing the economic, social, cultural and environmental development of their community
 - The preparation and adoption of regional plans, OCPs and ZBs
 - Establishing a framework to create certainty for developers and investors

Roles: Municipalities

- Directing the type and density of growth within their boundaries – can only do that if you have planning bylaws!
- Minimizing potential land use conflicts
- Managing municipal infrastructure and servicing assets
- Ensuring transparency and public input
- Inform residents of council intentions
- Enforcing their planning bylaws (e.g. development standards and conditions)

Roles: Community Planning Branch

- Community Planning is responsible for:
 - Approving regional plans, OCPs and ZBs
 - Subdivision approving authority (~1300 applications annually)
 - Provincial planning framework
 - Assisting the public and municipalities with planning
 - Coordinating provincial interests
 - Supporting regional planning

Question

Q: How can a municipality assist in the processing of subdivision applications? What are the main sources of delay?

Answer

Q: How can a municipality assist in the processing of subdivision applications? What are the main sources of delay?

- Subdivision involves landowner, municipality and the approving authority
- Lack of planning and a lack of services can both contribute to additional time needed before approval can be granted by Community Planning

Subdivision Review Process



- A. Initial Review Referrals (40 days) Decision
- B. Initial Review Referrals Addressing third party requirements Decision

Municipal - bylaw amendment, public process, infrastructure needs study and costs, negotiation of servicing agreement, engineering, legal review, municipal reserve

Developer - address issues identified, geotechnical report, ground water availability, contours, flood protection, municipal requirements

Ministries and Crowns - coordinate provincial requirements for Highways and Infrastructure, Economy, Water Security Agency, Education, Health, utilities

Question

Q: How does the amendment process work?



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Answer

Q: How does the amendment process work?

- Amendments are often in response to particular development
- Bylaw is drafted and reviewed
- Advertisement and adoption
- Ministerial review and approval
 - Compliance with legislation, *Statements of Provincial Interest* and (when applicable) official community plan
- Municipality may charge fees for application, review, advertising and issuance for:
 - Development permits, discretionary uses and minor variances; and
 - Amendments to official community plans and zoning bylaws.

Question

Q: How does a municipality manage or recover some of the costs associated with planning?



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Answer

Q: How does a municipality manage or recover some of the costs associated with planning?

- Planning bylaws outlines location and form of development
 - Avoids scattered development – saving municipality money by properly locating infrastructure (pipes, roads, etc.)
- Fees for development permits
- Building Bylaw – Building Permit Fees to cover Building Inspector costs (i.e. \$5 per \$1000 construction value)
- Relationship between development and infrastructure
 - Servicing agreements / development levy agreements
- Municipalities can work regionally to reduce costs
- Planning bylaws are an investment

Final Thoughts

- Planning bylaws and decisions should be designed with the entire community in mind and by the community.
 - Council has responsibility to all of its ratepayers
- Municipality is bound by its bylaws
 - If council doesn't like them, they can consider amendments
- Think regionally
 - Many issues transcend municipal boundaries; cooperation is key (e.g. landfills, wastewater facilities, water lines, roads, etc.)
- We're here to help
 - Community Planning: 1-306-787-2725

Questions

Anything we have missed?



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Planning Workshops Available to Municipalities

- Planning 101
- Development Appeals Board
- 4 Module Education Strategy
- SARM & SUMA
- MLDP & MCDP

Additional Information

Government of Saskatchewan Website

<http://www.saskatchewan.ca/government/municipal-administration/community-planning-land-use-and-development>

saskatchewan.ca