Explanatory Notes

for

The Planning and Development Act, 2007

Introduction

The purpose of these notes is to explain the provisions of *The Planning and Development Act, 2007* (the Act). The explanatory notes provide a general guide for administrators, councilors and the public. For further details and for legal purposes refer to the text of *The Planning and Development Act, 2007*. The Act is chapter P-13.2 of the Statutes of Saskatchewan and the full name of the Act is "An Act respecting Planning and Development in Municipalities".

Disclaimer

These notes are intended to give an overview of the provisions of *The Planning and Development Act, 2007* and to highlight some of the changes in direction for the community planning framework. 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 Department 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.

TABLE OF CONTENTS

PART I - SHORT TITLE AND INTERPRETATION

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.

Section 3 - **Purposes of the Act**
Outlines the broader purpose of the Act as a tool for municipalities to:

- enable economic and community development;
- foster partnership relationship between the province and municipalities;
- encourage cooperation between municipalities, First Nations and other government agencies to develop regional approaches to planning;
- ensure public participation in the planning process; and
- address provincial issues of common concern.

PART II - GENERAL PROVISIONS RESPECTING POWERS

Section 4 - **Act prevails**
The provisions of *The Planning and Development Act, 2007* prevail over other Acts in planning and development matters.

Section 5 - **Crown bound**
The Crown is bound by the Act 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 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**
Bylaws adopted pursuant to the Act must be consistent with any provincial land use policies or statements of provincial interest.

Section 9 - **Designation**
The Minister has 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 section gives the Minister the authority to appoint by order, provincial directors of planning.

Section 11 - **Powers of directors**
Outlines the planning activities that may be assigned by the Minister to planning directors and their staff.

PART III - ESTABLISHMENT AND FUNCTIONS OF MUNICIPAL APPROVING AUTHORITIES

The Part applies only to municipalities that have been delegated the authority to approve subdivisions. Approving authority must be delegated by the Minister. To be eligible, the municipality must retain a professional community planner.

DIVISION 1 - Authorities

Section 12 - **Interpretation of part**
"Approving Authority" and "retain" are defined for this part.

Section 13 - **Approving authority**
Describes the process by which the Minister can declare council an approving authority, the municipalities' responsibilities for maintaining approving authority, and the circumstances under which this authority would cease.

Section 14 - **Publication in the Gazette**
The Minister is required to publish notice in the Gazette when a council is declared an approving authority.

Section 15 - **Delegation of authority**
Gives council authority to delegate its approving authority powers to its development officer. Specific authority is given to delegate any of its power respecting administration of site plan control, discretionary use approval, and approval of plans for development in direct control districts.

DIVISION 2 - Planning, Subdivision and Other Bylaws

Section 16 - **Subdivision bylaws**
An approving authority may make subdivision bylaws provided they are consistent with the provincial subdivision regulations. The section clearly states the scope of the authority to vary criteria and standards with reference to the provincial subdivision regulations.

Section 17 - **Fees for review of subdivision applications**
Fees for subdivision applications may be set by an approving authority by bylaw subject to the limitation that they cannot exceed the cost of processing the application. A separate fee bylaw may be used.

Section 18 - **Ministerial approval of subdivision bylaw required**
A subdivision bylaw or amendment requires ministerial approval; the section details the procedures.

Section 19 - **Site plan control**
Provides the framework for site plan control for approving authorities to address traffic and pedestrian safety issues when urban commercial and industrial sites are redeveloped. The main features are:

- policies are set in the *official community plan*
- provisions and performance standards are to be contained in the zoning bylaw
- to address issues of public safety alteration to traffic operations and access to public streets to and from the site, vehicular circulation within the site, building locations and landscaping, may be required
- the changes required will not reduce the density of development.

If the power is delegated to the development officer, the bylaw is to provide for review by council at the request of the applicant.
The zoning bylaw must provide for appeal to the *development appeals board.*

Section 20 - **Zoning bylaw - minor variances**
The section gives approving authorities more flexibility in providing for minor variances of the standards in their zoning bylaws. Authority is provided to determine the scope and degree of variance and the procedures for notification, cancellation and appeal.

Section 21 - **Phasing of municipal reserve dedication**
Approving authorities are given the authority to provide for, in their subdivision bylaw, phasing of municipal reserve dedication over an extended development period.

Section 22 - **Use of municipal reserve**
Flexibility is given to approving authorities to allow for other uses on municipal reserve, providing the use is consistent with the public purpose of municipal reserve and addressed in the *official community plan*.

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 of a buffer strip, municipal reserve or walkways;

but are required to file this information with the Minister. This section also provides the authority for council to adopt or amend concept plans by resolution following public notice.

DIVISION 3 - Public Notice

Section 24 - **Public notice policy**
Flexibility is given to approving authorities to, by bylaw, adopt a public notice policy setting out the public notice requirements and procedures to be used in the municipality for official community planning or zoning bylaws, development levy bylaws, discretionary use decisions, dedicated lands sales, contract zoning agreement cancellation, interim development control bylaws, and adoption of concept plans. A copy of the bylaw is to be filed with the Minister. The

province has the authority to pass regulations respecting the required content of a *public notice bylaw* should it be necessary to ensure effective public notification.

Section 25 - **Alteration of bylaw**
Approving authorities may make minor alterations, without re-advertising, to bylaws before passing. Ministerial approval is not required.

DIVISION 4 - Appeals

Section 26 - **Development Appeals Board**
Flexibility is given to approving authorities to outline in a bylaw the membership, terms, procedures, and matters of operation of the local *development appeals board*.

Section 27 - **Appeals or referrals**
In the case of approving authorities appeals respecting development levies, servicing agreements, direct control districts and subdivisions are first to be heard by the *development appeals board* rather than going directly to the *Saskatchewan Municipal Board*. Decisions of a *development appeals board* may be further appealed to the *Saskatchewan Municipal Board.*

Section 28 - **Variation of certain appeal periods**
Approving authorities may, in a zoning bylaw provision, 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.

All of the provisions in PART III only apply to councils that have been designated as approving authorities.

PART IV - STATUTORY PLANS

DIVISION 1 - Official Community Plan
Replaces the "Basic Planning Statement" and the "Development Plan" with a single form of policy plan, the *official community plan*. Existing Basic Planning Statements and Development Plans become *official community plans* for the purposes of this act.

Section 29 - **Power of council**
A council can prepare, adopt or amend an *official community plan*. Council must use a professional community planner when preparing an *official community plan* to ensure that planning bylaws are consistent with provincial land use policies or statements of provincial interest and that they contain the minimum content required in this part.

Section 30 - **Minister may require official community plan**
The power of the Minister to require a council to adopt or amend an *official community plan* is retained, to achieve consistency with a provincial land use policy or statements of provincial interest when necessary.

Section 31 - **Purpose of plan**
A community plan is intended to guide not only the physical development of a community, but also the four pillars of a sustainable community: environmental, economic, social, and cultural development.

Section 32 - **Contents of plan**
Provides the minimum requirements for an *official community plan*. The minimum contents consist of policies to address sustainable land use, economic development, public utilities, source water protection and implementation.

Additional areas of content may include the full range of municipal programs and development, and the co-ordination of land use development and public works with adjacent municipalities. New provisions include concept plans and, for approving authorities, site plan approval.

Section 33 - **Severability of provisions of plan**
Protects the whole plan from being overturned if a part is found invalid.

Section 34 - **Zoning bylaw required**
A zoning bylaw is required for implementation of a plan. The zoning bylaw must be consistent with the *official community plan*.

Section 35 – **Plan adoption process**
An *official community plan* must be adopted by bylaw in accordance with Part X to ensure public notification and participation. Approving authorities that have a public notice bylaw would be required to follow their own public notice bylaw.

Section 36 - **Submission to Minister for approval**
The existing process for approval of a statutory plan by the Minister is retained for an *official community plan*. The section outlines what must be submitted for approval.

Section 37 - **Powers of Minister**
The powers of the Minister to approve, refuse, approve in part, or conditionally approve an *official community plan* are the same as with statutory plans under the previous act.

Section 38 - **Decision of Minister**
The time to review and approve an *official community plan* remains at 90 days but may be extended by the Minister if he determines it is necessary. Approval no longer involves obtaining council's consent.

Section 39 - **Amendment or repeal of plan**
The provisions for amendment or repeal are the same except the time limit is 30 days. The Minister may provide an extension if he determines it is necessary.

Section 40 - **Municipality bound by plan**
The section makes it clear that all are bound by the limits on development contained within an *official community plan*, but that the plan cannot be used to force the municipality, or any person or government, to undertake a project in the *official community plan.*

Sections 41, 42, and 43 - **Powers to deal in land**
The powers of a municipality to buy, sell, expropriate, and subdivide land to carry out an *official community plan* are continued.

DIVISION 2 - Concept Plans

Section 44 - **Concept plans**
The section provides for adoption of conceptual land use and development plans for an area without going into the details required for a subdivision plan. The concept plan must be consistent with the *official community plan*. Approving authorities are granted the authority to amend a concept plan by resolution.

PART V - IMPLEMENTATION OF PLANS

DIVISION 1 - Zoning

Section 45 - **Purposes of zoning bylaw**
Identifies the main principles of what a zoning bylaw does.

Section 46 - **Adoption of zoning bylaw**
A municipality can adopt or replace a zoning bylaw for all or part of a municipality, providing that an *official community plan* is in effect. Zoning amendments must be by bylaw.

Section 47 and 48 - **Minister's authority over bylaws**
The Act retains the Minister's powers to order an amendment to a zoning bylaw, in order to achieve consistency with any provincial land use policies or statements of provincial interest, or to repeal obsolete bylaws.

Section 49 - **Contents of zoning bylaw**
Lists the mandatory contents of a zoning bylaw. These 11 features are necessary for a zoning bylaw to function successfully, given the provisions of the remainder of the Act.

Section 50 - **Bylaw maps**
Clarifies the requirement for mapping of districts (if there is more than one district in the municipality) and the acceptability of using multiple map sheets.

Section 51 - **Fees**
Fees pursuant to a zoning bylaw are now permitted to be adopted by separate bylaw, to address administrative costs. Fees may not exceed the costs associated with administering the provisions of the zoning bylaw. The list of chargeable fees is included here.

Section 52 - **Development standards and optional zoning bylaw content**
Contains the enabling provisions for the range of use controls and standards that may be generally applied in a zoning bylaw. The section clarifies that council may define when a discretionary use needs a new approval to undergo development, and when a discretionary approval lapses. Permitted, discretionary and prohibited uses may also be defined based on the intensity of use. The power to apply conditions and performance standards by use, intensity of use, district, and class of districts is clarified. The power to provide for time limited uses is maintained.

The authority to regulate specific uses, standards, and types of development is maintained in this Act with the following additions:

- ability to control traffic access and egress from a parking lot
- provision for "modular homes"
- ability to require financial assurance to ensure that conditions are completed
- provision for release procedures for the financial assurance on completion of conditions
- for approving authorities, site plan control powers
- clarification that a council specify in a bylaw, public input procedures in addition to those required by Part X.

Section 53 to 57 - **Discretionary use provisions**
These sections clarify the processes required when discretionary uses are included in bylaws. Section 53 makes explicit that passing a bylaw which makes an existing use discretionary on a site, has the effect of approving that use or intensity of use for that site.

Section 54 requires the bylaw to contain both the procedures for approval of discretionary uses, and the criteria for assessing a discretionary use.

Section 55 outlines the minimum requirements for public notice prior to a decision on a discretionary use. More flexibility is given to approving authorities to adopt their own processes in a public notice policy.

Section 56 identifies the decisions that council may take, the factors that council may consider in its decision, and the limits for the conditions that council may place at the time of approval. Included in the limitations on approval is the conformity with provincial land use policies and statements of provincial interest.

Section 57 establishes that formal written notice of decision to the applicant is required, with reasons based on criteria in the zoning bylaw.

Section 58 - **Applicant's right of appeal (discretionary uses)**
The right of the applicant to appeal standards and conditions to an approval of a discretionary use is continued subject to the procedures and limitations of Part XI. The evaluation criteria [s. 221] are the same as for other appeals on standards and conditions. There remains no appeal against the approval or denial by council of the use itself.

Section 59 - **Discretionary use responsibilities delegated to a development officer**
Gives the applicant the right to require council to review and consider changing the decision of a development officer.

Section 60 - **Minor variances**
Remains largely unchanged, allowing a bylaw to give the authority to a development officer to grant specific variances of yards and building separations without the necessity of going before the *development appeals board*, subject to a specified process and criteria. The limit remains at a maximum variation of 10%, and the result of an objection is to terminate the variance granted. Applicants that are refused their application for a minor variance may appeal to the *development appeals board*. Approving authorities have wider latitude, and may set their own standards, variance limits, and procedures for implementation [s. 20].

Section 61 - **Payments in lieu of parking facilities**
The provisions allowing a bylaw to provide for cash in lieu of required parking are retained without significant alteration.

Section 62 - **Development permit required**
Defines the authority to require development permits. Provisions requiring the development officer to issue the permits for a permitted use where the development complies with the bylaw, issue a permit for a discretionary use where approved by council and subject to conditions and standards in the resolution of council, to apply required conditions, and provisions requiring compliance with the bylaws and Act, remain. Building permits are invalid unless a required development permit has been issued.

Sections 63 to 68 - **Direct control district**
These sections provide the authority for municipalities to implement a direct control district where specific provisions and criteria are included in the *official community plan* for development and implementation of a 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, for a specific part of the community, contained in the *official community plan*. These sections contain the requirements for procedures agreements, and matters that may be negotiated.

Applications for development may be required to contain plans and drawings showing the buildings and facilities to be constructed, elevations and conceptual designs of buildings, exterior access and public spaces, architectural details, and interior public walkways and spaces [s. 65 (1)]. The bylaw can specify exempt classes of development from plan submission and approval to make administration of the district practical [s. 68].

The agreement can bind the pattern of use of land and buildings, and the timing of development or parts of the project. It can specify public amenities, access patterns, landscaping, walkways, lighting, and storage areas for refuse and other materials. It can govern construction of roads, sidewalks and utilities for the project; provisions for contracting the municipality to undertake any of the improvements on behalf of the project; and maintenance provisions [s. 65 (2)].

The right to architectural control was added to provide control over building exteriors in architectural theme and historic preservation areas.

Section 66 provides for approving authorities to delegate decision-making in direct control districts to a development officer.

Section 67 specifies the right of appeal of the applicant if the municipality does not approve the development or enter into an agreement. For approving authorities the appeal is first to the local *development appeals board*; for others it is to the *Saskatchewan Municipal Board*.

Section 69 - **Contract zoning**
Contract zoning may be provided for in the *official community plan*. This technique allows council to enter into an agreement with a developer to re-zone land to allow for a specific development. Guidelines as to the terms of the agreements will be specified in the official community plan. The agreement must be registered against the title, as an interest, before the rezoning will take effect and the development can occur. Zoning reverts to the original zone if the development is found in breech of the agreement. Council may require a performance bond to ensure completion of the agreement.

Section 70 - **Exception to development standards**
Permits council to relax specific provisions in the zoning bylaw when the developer provides certain facilities, services or addresses matters set out in the zoning bylaw. The provisions must be in the zoning bylaw, and the *official community plan* must have policy on the use of the provisions.

Section 71 - **Holding provision**
This technique allows council to pre-zone areas based on a concept plan and to restrict development until conditions are right to allow development to proceed. The developer is protected in that the zoning district decision is made. Council has the ability to remove the holding symbol when they consider it appropriate without advertising or ministerial approval. If council refuses to remove the holding symbol, the developer has the right to appeal first to the *development appeals board* and subsequently to the *Saskatchewan Municipal Board*. This approach is often used when development is being completed in phases.

Section 72 - **Demolition control**
Provides council the authority to designate an area on their development plan as a demolition control district. Within a demolition control district, demolition of residential building requires a permit and in some cases a development permit must also be obtained. Applicants may appeal if they are not successful in obtaining a permit or if council has imposed terms and conditions on the permit. Provisions and policies for demolition are required in the *official community plan*

and council must have building and maintenance bylaws in place. For example, this designation is sometimes used to protect residential housing forms in heritage areas.

Section 73 - **Architectural control**
Provides council with the authority to designate an area as an architectural control district in a zoning bylaw (by adding "AC" to any districts or parts of districts that comprise the area) provided it has first adopted guidelines for architectural control in its *official community plan*. The provision is most commonly used to create a heritage district or a theme district in the municipality. Council may refuse permits or apply conditions to permits, based on the general standards listed in the zoning bylaw for control over architectural detail in the designated areas. 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 have the right to, in their bylaws, modify time limits for review of proposals.

Section 74 - **Delegation for demolition and architectural control**
A council may put provisions in a zoning bylaw which delegates to the development officer the authority to issue, issue with conditions, or refuse permits pursuant to demolition and architectural control provisions.

Section 75 to 76 - **Zoning bylaw adoption and approval**
Zoning is adopted and amended by bylaw governed by Part X (consultation, notice and hearing provisions).

The Minister has the authority to approve, refuse, approve in part, or conditionally approve a zoning bylaw. Repeal of a zoning bylaw also requires ministerial approval. Council's consent is no longer required as part of this process. The Minister is given 90 days to review a new bylaw and 30 days for an amendment, unless extended by the Minister. For example, extensions may be granted to meet the Crown's duty to consult with First Nations or to consult with other agencies where a matter of provincial interest is involved.

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 zoning bylaws and amendments, by order. Currently urban municipalities are exempted from approval of amendments to zoning bylaws. Municipalities must, submit a certified true copy of the bylaw to Saskatchewan Government Relations within 15 days of adoption. This allows the department (on behalf of the Minister) to check for consistency with provincial land use policies or statements of provincial interest, and for any other duties of the department.

Section 79 - **Zoning bylaw binds municipality**
Once a zoning bylaw or amendment comes into force, the bylaw binds council and all other persons to the provisions of the bylaw. (Council is not granted the authority to waive its bylaws.)

DIVISION 2 - Interim Development Control

Section 80 to 87 - **Interim development control bylaws**
Section 80 allows council to pass an interim development control bylaw for any area that may be affected by a proposed *official community plan*, a zoning bylaw, or a proposed amendment, during the period of study and preparation of that bylaw. This type of bylaw is not allowed for review and consolidation of bylaws. An interim development control 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.

Ministerial approval is required for all interim development control bylaws except those passed by an approving authority [s. 81]. This is the key change from the previous act. Any municipality passing such a bylaw must submit certified copies of the bylaw to the Minister. Ministerial approval may include conditions.

The bylaw is limited to two years duration or the adoption of the new planning bylaw under development [s. 82]. Once lapsed, a new interim development control bylaw may not be adopted for the affected area for a period of three years [s. 87].

Notice is required within 30 days of ministerial approval (with copy to the Minister) [s. 83]. Approving authorities follow their notice bylaw [s. 24].

Section 84 provides the authority to approve, deny, or approve applications affected by the interim development control bylaw. Approvals may be subject to conditions and standards. Provision is made for extensions by agreement to address complicated problems requiring further study.

Section 85 allows council to delegate the authority, in the bylaw, to a development officer. (The officer may refer the decision back to council).

Section 86 outlines the appeal process. Applicants may appeal to the *development appeals board* where the municipality has an *official community plan* or zoning bylaw or the *Saskatchewan Municipal board* where there is no plan or bylaw in place.

DIVISION 3 - Non-conforming Uses, Buildings and Sites
This division determines the rights of a development made non-conforming by the passing of a bylaw or amendment of a bylaw.

Section 88 - **Existing non-conforming uses, buildings, and sites**
This section allows a non-conforming building, non-conforming use, or non-conforming site to continue if this development pre-existed the adoption of a bylaw or an amendment to the bylaw.

Sections 89 and 90 - **Non-conforming uses**
Prescribe the rights and conditions where the use of land or buildings is made non-conforming as a result of a bylaw or an amendment to a bylaw. A use or the 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.

The restrictions on the expansion of a non-conforming use have changed. Structural alterations are not allowed for the area occupied by the non-conforming use. Structural alterations are allowed to other parts of a building, where conforming uses exist, but the non-conforming use is restricted to its existing part of the building or site, and cannot be moved to another part of the building or part of the property. For example, a non-conforming business in a shopping centre is restricted from redevelopment, but the remaining land and buildings are no longer restricted.

Sections 91 and 92 - **Non-conforming of building or site**
Address situations where a use conforms to a new bylaw but the building's dimensions or size, or the lot dimensions or area do not conform to the new standards for that use. The concept of non-conforming site is new. In this case structural alterations that conform to the bylaw can be made as long as the element of non-conformity is not increased with respect to that use. (Note: a vacant site has no use and is not covered by this section.)

Section 92 requires that non-conforming buildings that are damaged must be replaced rather than repaired when the cost of repairing the non-conforming building exceeds more than 75% of the cost to replace the new building above its foundation. Replacement buildings must be in accordance with the bylaw.

Section 93 - **Change of occupancy**
Makes it clear that change or intended change of ownership or tenancy has no bearing on non-conforming status.

PART VI - PLANNING COMMISSIONS

DIVISION 1 - Municipal Planning Commissions

Section 94 - **Interpretation of part**
In this part, "affiliated municipality" and "agreement" specifically refer to agreements entered into under this part.

Section 95 - **Establishment**
Any council may by bylaw create, establish the composition, define the powers and duties, and establish a budget for a planning commission. The work of the commission is not limited but it may investigate, study, advise and assist the council with respect to community planning and development.

Section 96 - **Conflict of interest**
Applies conflict of interest rules to the operation of the commission.

DIVISION 2 - Planning Districts

Section 97 - **Agreement for establishment of planning district**
Planning districts may be established by agreement between two or more municipalities. The boundaries of the planning district may include any portion of the municipalities as may be logical. Boundaries may also be established based on topography, watershed or environmental management, development patterns, a variety of rural planning matters whether general or sector specific, common planning issues, and joint planning services.

This section addresses membership which has been expanded to allow for participation of First Nations, relevant agencies and any other persons from the district with an interest in planning. Planning districts will specify, within the agreement, the rules of appointment and operation of the commission and the budgetary responsibilities of the participating municipalities. This section also addresses procedures for amending the agreement and for withdrawal from or dispersal of the district as well as mechanisms for dispute resolution

Sections 98 and 99 - **Ministerial approval**
Ministerial approval and a Minister's order are required to establish or amend a district planning agreement. The Minister has the power to require changes. This ensures that 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 100 - **Powers of district planning commission**
The commission is given the authority to establish its rules and procedures of operation which may include procedures related to joint public hearing, the appointment and remuneration of consultants and advisory committees and arrangements to use the services of municipal employees.

Section 101 - **Conflict of interest**
The same conflict of interest requirements apply to members of the commission as with council and other planning bodies.

Section 102 - **Official community plan required**
The primary duty of the commission is to prepare and manage an *official community plan* for the district. The plan, and any amendments to the plan, are adopted by each municipality. Disagreements between municipalities over adoption may be resolved through dispute resolution as provided for in the agreement. Failing resolution, a municipality can apply to the Minister to withdraw from the district. The district *official community plan* may address any matter that a municipal plan can [s. 32], 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. The district is encouraged to work with other jurisdictions and with First Nations to co-ordinate community and land use services, and to create joint policy directions.

Section 103 - **Zoning bylaw**
A zoning bylaw for each municipality is required with a district *official community plan.* The commission must review and make recommendations to a municipality on each bylaw 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 preparation of the *official community plan*, zoning bylaw, or amendments to them.

Section 104 - **Other duties of commission**

In addition to managing land use, the commission may gather information and consult the public. It may investigate and recommend solutions to planning issues including financing public works, subdivision of land, social planning, and economic planning. The section provides specific authority to prepare an annual budget.

Sections 105, 106 and 107 - **Addition, withdrawal, and dissolution of a district**
Provide the process required if the commission wants to change the extent of the district. Additions to a district are requested by the commission and approved by the Minister after consultation with the affected municipality. They are subject to alteration of the *official community plan*.

Withdrawal from a district is initiated by a municipality and brought into effect by the Minister. The process is subject to the distribution of the assets and liabilities as set out in the agreement, or failing provision in the agreement, by order of the Minister.

The commission or a municipality may initiate termination of the district when withdrawal would leave one municipality. The Minister may also initiate this process when an *official community plan* has not been prepared. The Minister dissolves the district subject to distribution of the assets and liabilities as provided in the agreement or failing provision in the agreement, by order of the Minister.

Section 108 - **District planning authorities**
If municipalities wish to have planning and development matters managed by the district, the Act provides the authority to create a *district planning authority* as a corporate body for the area of a planning district. This authority would have all the powers of a council respecting planning and development, except the power to acquire, expropriate, or subdivide land [s. 109 (1). Section 108 outlines the process for converting a district planning commission to be a *district planning authority*.

On request of the participant municipalities the Minister creates the authority, by order, and determines the composition of the Authority. At least 50% of the members of the authority must be councilors appointed by each member municipality. The remaining members may be other people appointed by the municipalities jointly or appointed by the Minister. The order can include (at the Minister's discretion) such other matters as may be desirable to create a successful authority. This wording gives the municipalities and the Minister the flexibility to include provisions that may be unique to the particular local situation.

The rest of section 108 sets out procedures for addition to, withdrawal from and dissolution of the district. Additions are only made after consultation with the participating municipalities, in the district and the authority. Any *official community plan* or zoning bylaw in force at the time of the addition or the 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 in a Minister's order.

Section 109 - **Powers of district planning authorities**
Section 109 (1) gives a *district planning authority* the power to adopt, amend, and manage an *official community plan*, and the zoning bylaws 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.

In addition, the authority may (subject to ministerial approval) employ staff, obtain offices or other space to operate from, enter into joint agreements for staff and space with other district planning authorities and create a board to manage the space and staff on behalf of all the districts if needed. It may, by bylaw, provide municipal services to member municipalities, resident persons, or by agreement to others outside the district including to another municipality, organization, health region, government or First Nation. It may charge for its services, and set schedules, conditions, discounts, and generally manage its fees and penalties. The Act gives the authority a general power to other things that it considers necessary, to exercising its powers and providing the services it is authorized to provide.

Appeal from a decision of the authority, where appeal is provided for in the Act regarding a planning decision, go directly to the *Saskatchewan Municipal Board*.

The power to enter agreements is limited to matters of the Act. Therefore the more general power for the municipalities to enter into agreements pursuant to *The Municipalities Act* [s. 235] is not available to an authority.

DIVISION 3 - Planning Areas in the Northern Saskatchewan Administration District

Section 110 - **Northern planning area**
The Minister may, if he deems 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 particular 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, and any other government agency representative or other person with an interest in the area. The order addresses appointments to the commission, and the powers, duties, and procedures of the commission [s. 95(2)(a) and (b)]. 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**
If there may be a conflict of interest then no member of a northern planning commission can hear or vote on the decision under consideration.

Section 113 - **Official community plan, development control**
Provides the Minister with authority to adopt, by order, either development controls alone, or development controls as part of an *official community plan*. The section provides that the *official community plan* may contain any of the matters allowed in the content of other *official community plans,* [s. 32] but is exempt from requirements to include any particular provisions.

In addition, the northern *official community plan* can co-ordinate land use planning policies with other plans or strategies developed by a government agency (e.g. integrated forest land use plan or a source water protection plan, economic development strategy or environmental management strategy), or a First Nations land use 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 he considers appropriate for the locale.

The development controls may, but are not required to, cover anything in zoning bylaws, with such additions as the Minister considers necessary (e.g. to address northern issues, local issues or matters contained in the 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. Public input is to be by written submission to the formal notice. 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 order in the north.

Section 115- **Appeals**
Appeals against misapplication of the development controls or refusal to issue a permit under the development controls are made to the *Saskatchewan Municipal Board*. The procedures, limitations and powers of the *Saskatchewan Municipal Board* are the same as for a zoning bylaw appeal within the rest of the province. Appeals of standards and conditions may be granted, but not appeals on the use of land.

Sections 116 and 117 - **Powers of a development officer**
The development officer (including a person appointed to such duties by the Minister) has the authority to apply mandatory terms and conditions to a development control permit provided for in the order. In addition, that official can 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**
A *northern planning authority* can be established by Minister's order as a corporate body, with the same authority, duties, procedures, and structures of a *district planning authority* as detailed in the Act [s. 108 and 109]. Northern municipalities would form the core of any such authority.

PART VII - SUBDIVISION OF LAND

The concepts for review control and approval of subdivision of land is similar to that of the previous Act, with changes to complement the land titles and land survey system adopted in 2000, and changes to clarify problem areas identified with the previous Act.

DIVISION 1 - Control over Subdivisions

Section 120 - **Purpose and interpretation**
Section 120 precisely defines terms that are used when registration of underground pipes, lines, etc. require subdivision approval, and when the subdivision may be subject to dedication of lands (pursuant to Part IX).

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 the Act [s. 122 and 124].

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 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, or for a public highway or an easement or a transmission line more than 5 km from a city or 2.5 km from a town, village, or hamlet
- a letter of exemption from the approving authority (based on the Act).

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

Sections122, 123, and 124 - **Exemptions**
Section 122 lists the exemptions to the requirement for approving authority approval. The exemptions are:

- where the parcel is registered on a plan, but title has not been raised (excluding tied parcels)
- where whole parcels are being consolidated into one parcel (excluding tied parcels where a tie relates to an area outside the consolidation)
- for an interest related to a whole condominium unit
- for an interest affecting part of a building and not the parcel*
- for leases of less than ten years (including any renewal clause)*
- for leases or renewal of leases that predate *The Planning and Development Act, 1983**
- for oil and gas well surface rights leases (including connection lines and disposal wells)*
- for collection line, distribution line, or service connection (usually these involve utilities, see definitions in Section 120)*
- for a public highway or for an easement for a transmission line if more than 5 km to a city or 2.5 km to another urban centre (including hamlets)*
- for road widenings (the adjacent property is deemed to remain conforming to a zoning bylaw in spite of the reduction in land dimensions)
- for 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 circumstances of the agreement.

Note: Those marked * require an affidavit to register, since only the applicant would know the facts completely.

Interests requiring approval are invalid if the approval was not obtained.

Section 123 requires that the applicant notify the municipality, even though approval is not required, for oil and gas wells; for a collection line, a distribution line, or service connection; for a public highway or an easement for a transmission line; or for the consolidation of parcels. In each case, municipal duties of council can be affected by the change (e.g. taxation or license fees may be due, or rural roads may be affected).

Provincial agencies [for the purposes of s. 121(7)] are exempt from this requirement.

Section 124 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

Sections125 and 126 - **Regulations controlling subdivisions**
Section 125 provides the authority for the Minister to make subdivision regulations and provides direction on what those regulations may contain. Section 126 provides that a municipality that is an approving authority may adopt a subdivision bylaw [pursuant to s. 13] to address the 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 direction on where service streets are required.

DIVISION 3 - Requirements for Subdivision Approval

Section 127 - **Application for subdivision approval**
Requires an application and supporting documentation to be submitted to the relevant approving authority and provides the duty and authority to distribute that 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. The proposed use of land must be stated in the application. The decision as to what is suitable rests with the approving authority.
- The approving authority is bound by any *official community plan* or zoning bylaw. (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, or may not be allowed as to a (controlled access) provincial highway. The clause has specific exceptions where the approving authority may grant a waiver to the requirement (and may apply special conditions to such waiver to ensure that future access rights are protected). These include tied parcels with a single owner and used for a single purpose, and a number of situations where the access is impractical and unnecessary such as:
    - an island
    - several types of utility parcels
    - parcels in the un-surveyed parts of the Northern Administration District
    - parcels where the intervening parcel is a railway, canal or drainage ditch, over which access is provided

- dedicated lands or utility parcels where a lane can provide access (not allowed for other parcels)
- certain leasehold sites where right of access is guaranteed.

Specific authority is given to the approving authority to:
- approve the application
- approve the application in part
- approve the application subject to
    - the conditions of a servicing agreement [s. 172]
    - directives given respecting development on hazard lands [s. 130]
    - a requirement that parcels be linked by a parcel tie so that they are used as one parcel
- refuse the application.

This section has been updated to address the use of parcel ties in the LAND system.

Section 129 - **Certificate of approval**
Provides for the certificate of approval for a subdivision required by Information Services Corporation (ISC) to process the subdivision and issue titles or accept the subdividing instrument. The certificate is valid for 24 months, which may, upon request, be renewed provided that the subdivision still complies with the Act (the zoning bylaw) and the regulations. Non-conforming subdivisions cannot be renewed (unless successfully appealed). The approving authority can approve changes to the plan (deviations and alterations) needed to obtain ISC approval of the plan of survey. The certificate can be limited to approval of the specific instrument proposed (such as a leasehold).

Section 130 - **Development standards on hazardous lands**
The approving authority may determine that land is potentially hazardous and require that development may only occur if specific mitigation is done. The approving authority is required to consult with appropriate expert agencies in applying this section. Mitigation requirements may be enforced by registering an interest on the title.

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 decisions 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 to have a direct interest in the proposed subdivision. The Act specifically requires forwarding to the applicant, by registered mail or personal service, a copy of any decision refusing, approving in part, approving subject to hazard land standards, or revoking an approval. The applicant is given the right to see the reasons and decide on whether or not to appeal. The notice of decision must advise of appeal rights.

Section 132 - **Revocation of approval**
At any time between the issuing 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 plan of subdivision.

Section 133 - **Relief from compliance**
The approving authority is given the power to grant a waiver of certain subdivision regulations, or subdivision bylaw provisions, provided that this will not contravene *official community plan* or zoning bylaw provisions. Where the regulation is waived, the approving authority may, but is not required to, register an interest on the titles stating the waiver of the regulation. The application remains valid if the applicant does not exercise his option.

Section 134 - **Deemed refusal of approving authority**
If an approving authority fails to make, or refuses to make, a decision on a subdivision within the time prescribed in the bylaw, the applicant may treat the delay as a rejection and has 30 days following the date on which a decision should have been rendered in which to appeal to the *Saskatchewan Municipal Board.*

Section 135 – **Reapplication of the 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

Sections 136 to 143 - If development on a parcel contains two or more occupants and council is of the opinion 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 the 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

Sections 144 to 167 - A replotting scheme 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 total redesign of the area following a process of notification and a hearing. For example, this approach has been used as a way for cities to redesign early subdivisions that no longer meet current objectives of the official community plan. A replotting scheme could also be used to replot (redesign) 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 resolution of council and conducted under the direction of a council [s. 144] as a public project.

The major steps are:
- notification of owners in a possible replotting area and holding of a hearing
- resolution of council to authorize the preparation of a replotting scheme
- 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, proposed changes to buildings and utilities including upgrading, the lands that will be obtained without creating a new parcel for the owner with the compensation proposed, and the proposed distribution of costs amongst the owners and the municipality.
- copies of the scheme are sent to the Minister and to any affected utility
- notification of each registered owner of the contents of the scheme
- holding a public hearing to hear any owner
- obtaining consents of registered owners – minimum required to continue is 2/3 of both the owners and the value of the land they own (if this fails, council must by resolution discontinue the scheme and have the Registrar of Titles release the property)
- submission of the scheme and necessary documentation to the approving authority for approval as a subdivision
- submission of the scheme to the Controller of Surveys
- give notice to all registered owners of completion of the scheme
- deposit the scheme and a list of all non-consenting owners with the Court of Queen's Bench
- apply to the Registrar of Titles to raise the new titles to land (including discharge of certain interests).

This part of the 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 to the appellate court
- the municipality has 90 days to pay compensation.

The specific differences in the Act are:

1. the Act allows for new and upgraded utilities to be part of the scheme [s. 148 (c)]
2. the allowable costs include costs of subdivision approval, and any matters normally covered by a servicing agreement for other subdivisions [s. 149 (2)(c) and (d)]
3. clause 156 (1)(a) clarifies that the subdivision approval process applies.

PART VIII - DEVELOPMENT LEVIES AND SERVICING FEES

This part brings together development levies and servicing fees, and makes similar provisions for their respective use. This part implements the principle that the 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 a number of related costs, for capital construction related to development. 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 the development.

The requirements for the levies are:

- The capital costs have not been covered by a subdivision servicing agreement.
- The capital costs caused by the development are additional to capital costs previously recovered. (Double charging for the same work is not allowed.)
- The works must be sewage, water or drainage works; roadways and related infrastructure; parks; or recreational facilities.
- They must be based on studies that identify the current and future servicing requirements and their costs.
- The bylaw must specify the levy rates. These rates may vary by zoning district, by use category, by capital costs associated with different development categories, and by density of development (size or number of lots or units of development).
- The levies must be similar for developments that impose similar capital costs on the municipality.
- Exemptions are allowed (if written into the bylaw).
- Delegation to the development officer for the administration of development levies and servicing agreements is allowed in the bylaw, but only the council has the power to enter into agreements.
- Notice and hearing requirements apply to the adoption of the bylaw.

Section 170 - **Bylaw requires ministerial approval**
A development levy bylaw is subject to 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 subdivision of land involved. A municipality may require an applicant for subdivision to enter into a servicing agreement.

The agreement may provide that the applicant will develop specific services to a specified standard and that the applicant will pay any or all of the costs of storm sewers, sanitary sewers, drains, watermains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and leveling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that the council may require.

In addition, the municipality may require payment of fees for capital cost 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. Time limits for completion of works, provisions to share costs with the municipality, and requirement for performance bonds or similar financial instruments can be included.

The section specifically prohibits charging for a 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.

A time limit is given of 90 days to conclude the agreement, subject to extension by mutual agreement.

Section 173 - **Terms and conditions of the agreements**
Addresses financial terms that may be part of either agreement. Instalment payments are allowed. The rates may vary with time for a phased development. Letters of credit, performance bonds and similar instruments may be required to ensure payment of the fees.

Sometimes it is necessary to complete a part of a capital work (such as a sewer main, major street or trunk water supply) before all the land-holders 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 then reimburse that person as the capital costs are recovered from the later developers.

Section 174 - **Use of levies and fees**
The fees and levies, along with all accrued interest, must be put in a separate account and only used for the capital works for which they were collected. The funds do not form part of municipal 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**
Appeal of the requirement for an agreement, or the terms of an agreement can be made to the *Saskatchewan Municipal Board*, or in the case of an approving authority, first to the local *development appeals board* and from there to the *Saskatchewan Municipal Board*. The board can determine the need for an agreement, and the content of that agreement.

PART IX – DEDICATED LANDS

Dedicated lands are parcels of land created at the time of subdivision to serve the recreational needs of the community in which they are located. They are owned by the municipality or the Crown and held in trust for the community they serve.

Approving authorities now have greater flexibility to manage dedicated lands. Other changes to the dedicated lands system have been made to complement the new Land Tiles system, and to address a number of minor technical issues.

DIVISION 1 – Buffer Strips

Sections 177 and 178 - **Provision and characteristics of buffer strips**
Where the design of a subdivision requires separation of proposed uses (such as industrial and residential parcels, or lots from access to a highway) the approving authority may require the creation, without compensation, of a buffer strip to be owned by the municipality. The locations, sizes and dimensions are all at the discretion of the approving authority. The amount of dedication is independent of any other requirements for dedicated lands.

Sections 179 and 180 - **Sale, lease, or exchange of buffer strips**
These two sections allow a registered subdivision to be re-designed, eliminating or re-locating buffer strips. Council may sell (or ask the Minister to sell, if owned) a buffer strip by bylaw, after public notice and ministerial approval [s. 179]. 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*. The provision is to allow restricted use of the land at times or in ways that will not compromise its function as a buffer strip [s. 180].

The Act allows for exchange of land dedicated as buffer strips in order to facilitate redesign of subdivisions involving relocation or changes in shape of the parcels requiring separation [s. 180]. This requires the same process as for sale. The Minister may waive the advertising requirement for a minor change. For example - rearranging the shape of a buffer strip to accommodate a relocation of a street – such cases do not affect the other land owners in the area.

DIVISION 2 - Dedication of Lands

Sections 181, 182, and 183 - **Authority requiring provision of dedicated lands**
Section 181 - Requirement of Owner
The owner of land being subdivided must provide land for *municipal reserve* or *environmental reserve*, without compensation, or alternatively provide money instead of some, or all, of the municipal reserve requirement. Section 182 explains that an owner can meet the requirements by dedicating other existing parcels of land before subdivision takes place if the dedication is acceptable. Section 183 lists the exceptions where municipal reserve cannot be demanded. The exemptions are limited to:

- the first parcel out of a quarter section
- isolated and remote single parcels in the Northern Administration District
- land to be subdivided into parcels of at least four hectares and to be used **exclusively for agriculture**
- subdivisions which 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 (including drainage ditches, canals, a line and facilities facility for electricity, natural gas, oil, radio, television, telecommunications, sewage or water transmission)

- dedicated roads and highways
- public sewer and water facilities
- cemeteries, dedicated lands, parks, wildlife habitat lands, historic sites, or archaeological sites
- provincial park or regional park land.

Sections 184 - **Dedication of public highways**
Streets, roads, lanes and other forms of public highway are to be dedicated to the Crown, in any amount and location that the approving authority considers necessary.

Section 185 - **Environmental reserve**
Environmental reserve is land that is dedicated to the public because it is environmentally sensitive or naturally hazardous for development. The requirement that land, in a proposed subdivision, be dedicated as *environmental reserve* is determined by the approving authority after consultation with the Minister of the Environment, Saskatchewan Watershed Authority, or other agency with expertise in the matter. The locations and extent of *environmental reserve* is determined by the approving authority at time of subdivision.

The approving authority can require dedication as environmental reserve land that is:
- 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 protection 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 regulations. It may be leased for those uses. It is not to be exchanged, and not to be sold unless the Minister determines that the conditions that lead to its dedication no longer exist. The municipality becomes the owner of any land dedicated *as environmental reserve* under this Act.

Section 186 - **Public or municipal reserve**
Public reserve is *municipal reserve* lands that are owned by the Crown, either because it is in the Crown administered Northern Administration District, or it is land that was held back when public reserves were transferred to the municipality [s. 189, 191].

Unless exempted by Section 183, the approving authority has the option of accepting dedication of *municipal reserve* in one of three ways; as land, as cash value of the required land, or as a combination of money and land. The authority does not have the option of waiving the requirement. The amount of land (or equivalent monetary value) is to be 10% of the area of a residential subdivision and 5% of a non-residential subdivisions exclusive of any land taken for *environmental reserve.*

Approving authorities are given the power to determine the methods, locations, and timing of dedication for land to be subdivided and developed in phases.

At the discretion of the approving authority, *environmental reserve* and buffer strips may be included, in whole or in part, to meet the required *municipal reserve* dedication for residential subdivisions. However, the land must be accessible and useable by the public as a park or other prescribed use. For non-residential subdivisions, buffer strips may be included if in the public interest according to the approving authority.

The approving authority may require more than the 5% or 10% depending on the expected population density.

Section 187 - **Money in lieu of municipal reserve land**
Specifies the rules for calculating and using the money in lieu option.
The principles are:

- if provision of land for a *municipal reserve* is waived, money to the value of the land owed must be paid
- the value is based on the market value of the subdivided land
- the cost of providing services (also any servicing agreement fees) is removed from the calculation of the value of the land, since services will have to be provided by the developer anyway, whether or not land is dedicated
- the value must be estimated by a qualified appraiser, unless the developer, municipality and the approving authority agree to the value. This provision ensures that a reasonable approximation of market value is used without having to hire an appraiser in all cases.

Section 188 - **Acquisition of municipal reserve**
A council can acquire and dedicate any existing parcel as municipal reserve.

Section 189 - **Dedication by the Minister**
Allows the Minister to dedicate any Crown land as public reserve.

Section 190 - **Deferral of dedication**
Provides for deferring the dedication of *municipal reserve* to another parcel of land. The deferral creates a debt of land to be discharged when that parcel is subdivided in the future. Such deferral must be protected by an interest registered on the title to the parcel. The Act allows the deferral to be made to a remaining part of the area being subdivided or to another parcel owned by the applicant. The approving authority may accept or reject the proposed deferral plan.

When the land, to which the *municipal reserve* requirement was deferred, is to be subdivided *municipal reserve* (or cash in lieu) for the deferral is taken as well as *municipal reserve* (or cash in lieu) for the current subdivision. If the approving authority has evidence of a deferral under a previous Act, but no interest is registered on the parcel, the Act provides that the deferred *municipal reserve* is still owed upon subdivision of that parcel.

Section 191 - **Transfers to municipality**
As of January 1, 1991 all *public reserve, environmental reserve* and buffer strip parcels owned by the Crown were transferred to the municipality in which they were located, with the exception of a very few parcels that were, by Minister's order, retained by the Crown. All transferred *public reserve* parcels became *municipal reserves*.

No action is needed to change the ownership. Citing of this section is sufficient to transfer title and the rights and responsibilities respecting the parcel from the Crown to the municipality.

The Minister also has 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 the 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 community recreational facility)
- agricultural or horticultural uses (commonly an interim use while the surrounding subdivision is developing)
- uses prescribed by regulation (the regulations allow for private uses on short term lease that support the public use. (A common example is a beach concession.)

Approving authorities have flexibility in specifying uses, if the uses are addressed in the *official community plan* and are consistent with the principle of a public purpose [s. 22].

Section 193 - **Dedicated lands subject to zoning**
The use and development of *municipal reserve, public reserve*, and *environmental reserve* is 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 municipality is not allowed. Council may allow some development of landscaping or temporary structures by permit. Council may remove unauthorized structures and developments. Any temporary use must be within what is permitted by the regulations or the Act.

This section prohibits any development that would privatize any part of the *municipal reserve;* thus a private person cannot fence off and refuse entry to part of the *municipal reserve*. Permits issued pursuant to this section are not transferable to any other person, unless provided in the regulations. Therefore, the rights given in the permit do not accrue to the property and cannot be sold.

Subsections (6) through (9) provide for the removal of the temporary structures or development, and enforcement if the person does comply, or if the person has not obtained permission of council. Failure to remove the item results in loss of all rights to that item. The same power applies to development or structures that were in place before this section was approved in the Act, but additional notification and hearing requirements apply [s. 194 (10) to (12)].

The costs of removal and repair can be applied to the taxes of the person who placed the structure on the site [s. 194(15)] or otherwise collected as a debt. The proceeds from disposal, if any, can be applied against the cost of removal.

For *public reserve* or Crown *environmental reserve*, the Minister has the same authority as a council, and may designate a provincial civil servant to exercise those powers.

Section 195 - **Agreement for use of municipal reserve, public reserve**
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 with a school board. Since a school board and a municipality have the right to reasonable use of *municipal reserve* lands, the Minister may, in consultation with the Minister responsible for education, arbitrate lease of *municipal reserve* lands if agreement cannot be reached.

Section 196 - **Intermunicipal agreement for municipal reserve**
A municipality may enter into an agreement with one or more municipalities for dedicating any land as *municipal reserve* that they own, for administration and maintenance of *municipal reserve* and its facilities, and for use of cash in lieu on *municipal reserve* anywhere in the territory of the parties. This allows a municipality to dedicate land that it owns in another municipality as municipal reserve. A municipality can administer and maintain the municipal reserve, or use its money from cash in lieu payments on municipal reserve in another municipality.

Section 197 - **Use of certain money**
Any of the money received as cash in lieu, or from the proceeds of a sale or lease, must be used for purposes as provided in *The Dedicated Lands Regulations.* These regulations require that the money be spent on purchase of dedicated land or improvements, or on their maintenance, and must be placed in a special municipal account (including interest).

Section 198 - **Sale, etc., of public reserve**
The Minister has the authority to lease, sell or exchange for a parcel of equal size or value any *public reserve* land (subject to the Act and regulations.) If the sale or exchange is at the request of a municipality, the Minister may require a hearing and a bylaw, or may refuse the request.

Sections 199 and 200 - **Sale, etc., of municipal reserve**
A municipality may lease, sell or exchange for a parcel of equal size or value any *municipal reserve* land, subject to the Act and regulations. A public notice [Part X] and bylaw is required. Ministerial approval of the bylaw is required. The Minister may approve or reject the sale or exchange bylaw. The Minister may also waive the advertising requirement for a minor exchange. Approving authorities may use their own public notice policy bylaw, and are exempt from Ministerial approval. The Minister's involvement is to ensure that the principles behind the dedication of land in trust for the community are maintained.

Sections 201- **Walkways**
An approving authority may require dedication of any lanes or walkways that the authority considers necessary in considering a subdivision application. These are subject to *The Subdivision Regulations*. Walkways become municipal property and lanes become Crown property.

Walkways that are no longer necessary may be sold by a bylaw approved by the Minister. Public notice is not required. Leasing of walkways is not permitted. Exchange may only occur if an area is being re-subdivided and the walkway is being moved to another location.

Approving authorities do not require ministerial approval for the sale or exchange of walkways.

DIVISION 3 - General

Section 202 - **Public roadways, utilities**
A council may authorize (subject to *The Dedicated Lands Regulations*) the development of a public roadway, a public utility line, or private domestic water well, water line or sewer line on, over or under dedicated lands. This may be registered as an easement interest on the title of the dedicated land. This also applies to the Minister for *public reserve* owned by the Crown.

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

The Minister can transfer the administration of Crown owned dedicated lands, except the power to 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* or *The Regional Parks Act, 1979*.

Section 203 - **Title**
This explains to the Registrar of Titles how to 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 the 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 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) [s. 191]. 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 reserve* on Crown Land.

Section 205 - **Regulations**
Allows the Minister to authorize *The Dedicated Lands Regulations.*

PART X - PUBLIC PARTICIPATION

Section 206 - **Exemption for approving authorities, public participation options**
Municipal approving authorities may set their own public participation processes by bylaw [s. 24].

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

Sections 207, 208, and 209 - **Notice of a bylaw**
These sections provide the minimum requirements for notice of planning bylaws (except for municipal approving authorities).

Notice is required for adoption, amendment, or repeal of the following bylaws:
- An *official community plan*
- A fee bylaw
- A zoning bylaw
- A development levy bylaw
- A bylaw to sell or exchange dedicated land.

The Public Notice Procedure is as follows:
- council authorizes the administrator to prepare the proposed bylaw
- the bylaw is given first reading
- the bylaw is advertised in the paper for two consecutive weeks unless the Minister approves another method
- the public hearing is held two clear weeks from the date of the first notice for bylaws other than a new *Official Community Plan* or zoning bylaw which require four clear weeks from the first notice

The content of the notice is intended to explain what is proposed, allow the reader to decide if they want to make a representation to council, and when and where this can be done. Amendments that involve a rezoning require a map. The notice should describe the affected area by including things like street names, addresses and maps over and above the legal property descriptions.

A copy of the proposed bylaw must be made available from the time the first notice appears [s. 208]. The proposed bylaw cannot be altered without first re-advertising (with minor exceptions) [s. 211].

Written notice is always required to the owner of a property that is being zoned, irrespective of who initiated the request.

Sections 210 and 211 - **Representations and alterations to the bylaw**
Council is bound to hear all persons wishing to make representations at the hearings. If there are too many representations for the time allotted council may adjourn the hearing to another time and place to complete the hearing [s.210]. If for any reason council decides to alter a bylaw as

written for first reading, re-advertising and a new hearing is required so that those affected by the change can comment on the alteration. That hearing is limited to the alteration.

The Minister can waive the re-adverting and hearing on minor changes – changes that do not alter the intent of the bylaw or the restrictions on persons or property. Approving authorities may also waive the requirements of a public notice and hearing if council is of the opinion that the alteration proposed to a bylaw is of a minor nature.

Section 212 - **Minister's approval**
When the Minister approves of the bylaw he/she is also approving the public notice procedure. Since the minister can approve alternate notice it is intended that his approval of notice is final. This guarantee does not exist with notices given by approving authorities.

PART XI - APPEALS

Matters relating to planning appeals have been reorganized into one section.

DIVISION 1 - Development Appeals Board

Section 213 - **Interpretation of part**
The term "board" is used throughout this part to refer both to a *development appeals board* and to a *district development appeals board*.

Sections 214 to 218 - **Creation of a board**
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 councillors, employees of the municipality, or members or employees of a planning district commission of which the municipality is a member.

A *district development appeals* board must consist of a least three members. Councillors from the municipalities may sit on the board as long as the councillors from one municipality do not form a majority. Employees of the municipality, or members or employees of a planning commission of which the municipality is a member, may not sit on the board.

A councillor cannot hear an appeal if the councillor was a member of a planning commission that made the original decision. Issues of quorum are addressed [s. 215].

The council is required to determine the term of office of members, the procedure for filling vacancies, and the payment of remuneration and expenses. It also appoints a secretary to the board, and sets the term of office, the duties, and the remuneration of the secretary. The board chooses its chairman and adopts its rules of procedure.

The Lieutenant Governor in Council may adopt regulations that will govern the operation of boards [s. 216].

Meetings are called by the secretary in consultation with the chairman. The same conflict of interest rules apply to members of the board as to councillors.

Approving authorities have additional flexibility with respect to 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 on that right.

An affected person may appeal a decision issued by the municipality where:

- a development permit has been issued but they believe that the permit has been issued in contravention of the bylaw
- a development permit has been issued with standards and conditions that the applicant considers to be excessive
- a development permit has been refused
- an order has been issued by the municipality to cease development. 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 the permit.

An appeal is not allowed if the use, or intensity of use, is not allowed by the bylaw, if it is a discretionary use or discretionary intensity of use that has not been approved by council, or if the use is prohibited.

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

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

Section 220 - **Application to appeal (and fees)**
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 $50.00 unless a schedule of fees is set by regulation adopted by the Lieutenant Governor in Council.

Section 221 - **Determining an appeal**
Provides the instructions to a board as to what decisions it can make. The decision 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 is one that it would give to another appeals applicant in similar situations, or in other ways not give the applicant a special privilege, would not be contrary to the intent of the zoning bylaw, and would not be particularly detrimental to a neighbour.

Section 222 - **Requirements of board in setting down appeal**
Sets out the procedural requirements for notice of an appeal. The board has 30 days to hear an application received. In the event that 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 the 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, and other property owners required by provisions in the zoning bylaw. The section gives rules as to delivery of the notice and what is required by the secretary of the board to document that the notice has been sent.

Section 223 - **Additional material considered on appeal**
The council and the applicant are both required to submit relevant material to the board that will be used in the appeal at least 5 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 board must hear any person in addition to the applicant that 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, including a summary of the evidence, is required.

Sections 225 to 227 - **Decision of board and appeal of that decision**
The board has 30 days to render a decision in writing. If the permit issued by the board expires then the decision is no longer valid unless the development officer issues a new permit in accordance with the decision. The decision is only for the development as submitted to the board.

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

The Minister, council, appellant, or any person can, within 20 days, appeal to the *Saskatchewan Municipal Board*. The *Saskatchewan Municipal Board* acts as the senior appellate body, and can dismiss the appeal, or can make any decision that the board could have made. A board must submit copies of all its records to the *Saskatchewan Municipal Board* within 10 days of receiving notice of further appeal.

DIVISION 2 - Subdivision Appeals

Section 228 - **Right of appeal**
Appeals respecting subdivisions are made to the *Saskatchewan Municipal Board* unless the council of the municipality is the approving authority, in which case the appeal is first to the *development appeals board* of the municipality. The decision of the *development appeals board* however, can be appealed to the *Saskatchewan Municipal Board* by either the applicant or the council.

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 land [s. 130], or a revoking of approval. The applicant may appeal the failure to enter into a servicing agreement or appeal the standards required by a municipality in such an agreement [s. 172].

The applicant can also appeal the requirement of an approving authority (either provincial or municipal) to provide additional information beyond that required by the bylaw or regulations for an initial application. The right of appeal respecting subdivisions is not given to anyone other than the applicant.

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 a subdivision appeal is to be given to the applicant, the approving authority, the council if different than 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**
The same factors are to be followed in determining an appeal as under zoning appeals [s. 221]. The decision must comply with the *official community plan*, with the use or intensity of use requirements of the zoning bylaw, and with provincial land use policies and statements of provincial interest. 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 will be one that it would give to another appeals applicant in similar situations or in other ways not give the applicant a special privilege, would not be contrary to the intent of the zoning bylaw, or would not be particularly detrimental to a neighbour.

Appeals for servicing agreements are covered in Section 176.

Section 232 - **Endorsement of subdivision plan**
If a subdivision appeal is successful, an approving authority is required to 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 1 - General

Section 233 - **Voluntary dispute resolution**
This new section establishes a process for resolving planning-related disputes between municipalities. All parties must agree to refer a dispute to the *Saskatchewan Municipal Board* who appoints a mediator. If the dispute cannot be resolved by a board appointed mediator, the board will hold a hearing and settle the dispute. 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 in order to protect provincial interests. The *Saskatchewan Municipal Board* may be consulted prior to issuing such an order.

Section 235 - **General powers of council for purpose of carrying out Act, etc.**
Council may exercise the powers of the appropriate municipal acts to carry out provisions of this Act. The power does not need to be specifically mentioned in this Act. Council may enter into any agreement respecting land and land use with the owner of the land. The agreement can run with the land, bind successors in ownership, and be protected by registration of an interest against the title in the land registry.

Section 236 - **Rules for registered interests**
Any interest registered under this Act cannot lapse and be removed.

Section 237 - **Minister may charge council**
Where the Minister finds it necessary to exercise the power of council under this Act, he has 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 as a result of land use bylaws, actions, and regulations made under the Act.

Section 239 - **Authorized persons not liable**
Provides persons acting in good faith 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 using an address from the assessment roll is presumed valid.

Section 241 - **Service of notices**
The section provides the rules for when a registered mail notice is considered served.

DIVISION 2 - Enforcement

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 property to inspect for reasonably suspected violations of the Act or bylaw. 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 he 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, and complete all work necessary to comply
- setting a deadline for completion of the work
- advising of the right of appeal [s. 219]

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 interest would be removed by the development officer. An order may be further enforced by application to the Court of Queen's Bench, at which time the offenses and penalties section may be applied [s. 243].

Section 243 - **Offences and penalties**
Provides basic power to enforce provisions of the Act, its regulations and any bylaw pursuant to the Act, and the orders and actions of authorized persons undertaken as a result 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 (corporations) 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 the 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

Section 246 - **S.S. 1983-84, c.P-13.1 repealed**
The Planning and Development Act, 1983 is repealed.

Sections 247 to 257 - The following sections in Division 3 provide for how matters in transition from, or in place under, the former act are to be dealt with.

Section 247 - Municipal or district planning commissions continue.
Section 248 - A development plan or basic planning statement continues as an *official community plan* (except any provisions that are inconsistent with the Act or with provincial land use policies or statements of provincial interest).
Section 249 - An interim development control bylaw continues; but is only valid for the lesser of: two years from its original adoption, or until the council completes its study and adopts an official community plan and a zoning bylaw.
Section 250 - Every development permit issued under the former act is deemed a permit issued under this Act.
Section 251 - An appeal launched under the former act continues under the provisions that would have applied under the former act, with the exception that the *Saskatchewan Municipal Board* has all the powers of Section 231 of this Act, when considering an appeal from a *development appeals board*. In some cases this may expand the options the *Saskatchewan Municipal Board* has to grant or determine an appeal.
Section 252 - Every zoning appeals board continues as a *development appeals board.*
Section 253 - Zoning bylaws are continued, except for any provisions that are inconsistent with the Act, or with provincial land use policies or statements of provincial interest.
Section 254 - Replotting schemes in process are continued under the previous act for a maximum of six months (exclusive of additional time for judicial determination of compensation).
Section 255 - 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.
Section 256 - In order to clarify the status of pre 1968 un-registered plans of subdivision; subdivision plans that were not registered, or in the case of northern recreation subdivisions not filed, prior to the 1983 act, are revoked.
Section 257 - 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.

DIVISION 4 - Consequential Amendments

Sections 258 to 262 - These sections, including the schedule, make consequential amendments to other acts, all of which are to update references to the Act or its sections, without functional change to their provisions.

DIVISION 5 – Coming into force

Section 263 – The Act received Royal assent on March 21, 2007 and is in effect.