

A Guide to the Municipal Planning Process in Saskatchewan

**An overview of the municipal planning, development permit
and the subdivision approval processes in Saskatchewan**

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I. Introduction

In Saskatchewan, the primary responsibility for managing community planning, development issues, land use and municipal services rests with local municipalities. Municipalities are authorized to carry out local and regional planning, establish zoning bylaws, and require development permits, servicing agreements, or development levies to manage land use, development, infrastructure, and community growth issues.

This guide is intended to assist municipal staff and officials in understanding:

- the municipal processes for developing and servicing land as prescribed by *The Planning and Development Act, 2007*;
- municipal bylaws to manage land use and development issues; and
- the municipal development permit process and avenues for appeal.

II. Planning and Development Authority

The Planning and Development Act, 2007 (PDA) establishes the Saskatchewan land use planning and development authority of:

- urban, rural and northern municipal councils;
- the Minister of Government Relations;
- district planning commissions; and
- district planning authorities.

A. Municipal Authority

Municipalities can use an official community plan (OCP) and zoning bylaw to:

- set out a desired framework for development by defining goals, objectives and policies;
- inform residents of a community about how council intends to direct and manage community needs and expectations;
- help clarify the municipal role in the development process;
- guide current and future councils in making municipal decisions;
- enforce land use decisions;
- reduce land use conflicts;
- provide opportunities for public participation in community planning; and
- establish a framework for land use, growth and development, inform the public and create certainty for developers.

B. Ministerial Authority

The PDA authorizes the Minister of Government Relations to co-ordinate all land use planning issues in the province, including the authority to:

- establish statements of provincial interest, reflected in the creation of *The Statements of Provincial Interest*, adopted March 29, 2012;
- establish provincial land use policies;
- approve the subdivision of land (outside of 10 designated approving authorities);
- approve the creation or dissolution of planning districts or district planning authorities;
- approve OCPs, zoning bylaws or subdivision bylaws; and
- undertake any necessary studies pertaining to land use planning.

The Ministry of Government Relations (ministry) also ensures provincial interests are incorporated into local planning to reduce conflict and incorporates municipal interests into provincial initiatives.

C. District Planning Commissions & District Planning Authorities

Saskatchewan legislation gives a municipality significant authority to manage municipal servicing, use of land, development and subdivision. Municipalities may also choose to do this in partnership with another community or even a regional level planning district.

Municipalities are authorized to establish district planning commissions to assist and advise councils in managing land use and development interests between jurisdictions. A commission provides a formal process for inter-municipal discussion about mutual interests and creates opportunities for consistent land use policies and zoning between affiliated municipalities.

Municipalities may also establish district planning authorities to manage land use and development. District planning authorities are formal corporations under the PDA which adopt a district official community plan and local zoning bylaws. Members of such an authority delegate responsibility for land use and development decisions to the authority. The board is made up of council members from each municipality and any other members they mutually elect.

III. Municipal Planning Bylaws

The PDA enables Saskatchewan municipalities to address local land use and development issues through the preparation of an OCP and zoning bylaw. Together, these bylaws provide residents and investors a clear indication of the community's vision, council's goals and objectives and a legal method of implementing land use controls. The Crown, under section 5 of the PDA, is bound by municipal bylaws. This means the Crown must obtain a development permit from the municipality prior to development. Only the OCP, zoning bylaw, concept plan and interim development control bylaws authorize a municipality to exercise land use control.

A. Official Community Plans

The OCP is the keystone of the planning process and is essential in managing future growth and development. The OCP must be prepared in consultation with a professional community planner. The purpose of the OCP is to provide a comprehensive policy framework to guide the physical, environmental, economic, social and cultural development of the municipality or any part of the municipality.

A community plan is a growth management strategy for a municipality. An OCP enables a municipality to set development goals, objectives and policies which council can use to manage land use, subdivision, municipal services, and public utilities in the municipality. An OCP must incorporate, insofar as practical, any applicable provincial land use policies and statements of provincial interest.

An OCP is **required** to identify policies that address:

- sustainable current and future land use and development in the municipality;
- current and future economic development;
- the general provision of public works;
- the management of lands that are subject to natural hazards including flooding, slope and instability;
- the management of environmentally sensitive lands;
- source water protection;
- implementation of the OCP; and
- coordination of land use, future growth patterns and public works with adjacent municipalities.

An OCP **may**:

- address the coordination of municipal programs relating to development;
- contain statements of policy regarding the use of dedicated lands;
- contain concept plans for future planning of development;
- contain a map or series of maps that denote current or future land use or policy areas;
- if a council has been declared an approving authority, contain policies respecting site plan control for specific commercial or industrial development; and
- contain any other statements of policy relating to the physical, environmental, economic, social or cultural development of the municipality that the council considers advisable.

Development plans or basic planning statements adopted under a previous Act are deemed to be an OCP and continue pursuant to the PDA, except where they are inconsistent with the PDA or a statement of provincial interest.

B. Zoning Bylaws

The primary legal and administrative means of implementing an OCP is the zoning bylaw. It divides a municipality into zoning districts and regulates development and use of land in those districts. A zoning bylaw permits a council to set local standards for the subdivision and use of land, and helps manage the delivery of municipal services and resources to new developments.

A zoning bylaw usually contains:

- an **Introduction** to articulate the legal authority of the bylaw;
- an **Interpretation** section which contains definitions;

- an **Administration** section that:
 - authorizes an officer to process development applications;
 - outlines development permit procedures;
 - establishes a Development Appeals Board;
 - provides for minor variances;
 - prescribes fees for permits and amendments; and
 - provides penalties.
- **General Regulations** that apply in every zoning district such as restrictions for building on hazardous land, development standards, and requirements for only one principal building or use per site; and
- **Zoning Districts** that divide a municipality into areas of land with common development standards or regulations. The regulations for each district may specify which land uses are prohibited, permitted, or permitted at the discretion of a council in conformity with the policy plan.

Each zoning district may have regulations that specify:

- the area and dimensions of new lots or parcels of land;
- size, location, dimensions, and types of buildings;
- provision of parking spaces or payments in lieu;
- outdoor storage and landscaping;
- size and location of signs and lighting;
- removal of soil or vegetation; and
- acceptable noise levels.

Amending a zoning bylaw requires the same steps as adopting the original bylaw.

If a council believes the zoning bylaw should be amended to accommodate development, it shall take the following actions:

- authorize staff to prepare the draft amendment to the zoning bylaw for council's consideration;
- if desirable, pass first reading of the bylaw amendment;

- advertise in a fashion similar to the original bylaw and prepare a notice in accordance with Section 207 of the PDA;
- hold a public hearing to consider representations concerning the bylaw; and
- give 2nd and 3rd reading to the bylaw to formally adopt it; or refuse the amendment.

Approval from the ministry is required for rural zoning bylaw amendments. Urban municipalities must file their zoning bylaw changes with the ministry (with the exception of approving authorities). All municipalities must have OCP amendments approved by the ministry. *(See Flowchart 1.0 Planning Bylaw Amendments)*

C. Concept Plans

Concept plans are prepared and are part of an OCP. They provide a framework for subsequent subdivisions and development. Concept plans may describe:

- land use proposed for the area, generally or specifically;
- density of the development proposed, generally or specifically;
- general location of services proposed; and
- phasing of development proposed.

A concept plan forms a part of a municipality's OCP. Therefore, pursuant to section 44 of the PDA, a municipality that has not been declared an approving authority pursuant to section 13 of the PDA must adopt and amend any concept plan by bylaw which requires ministerial approval. A municipality that has been declared an approving authority may adopt a concept plan by resolution.

D. Interim Development Controls

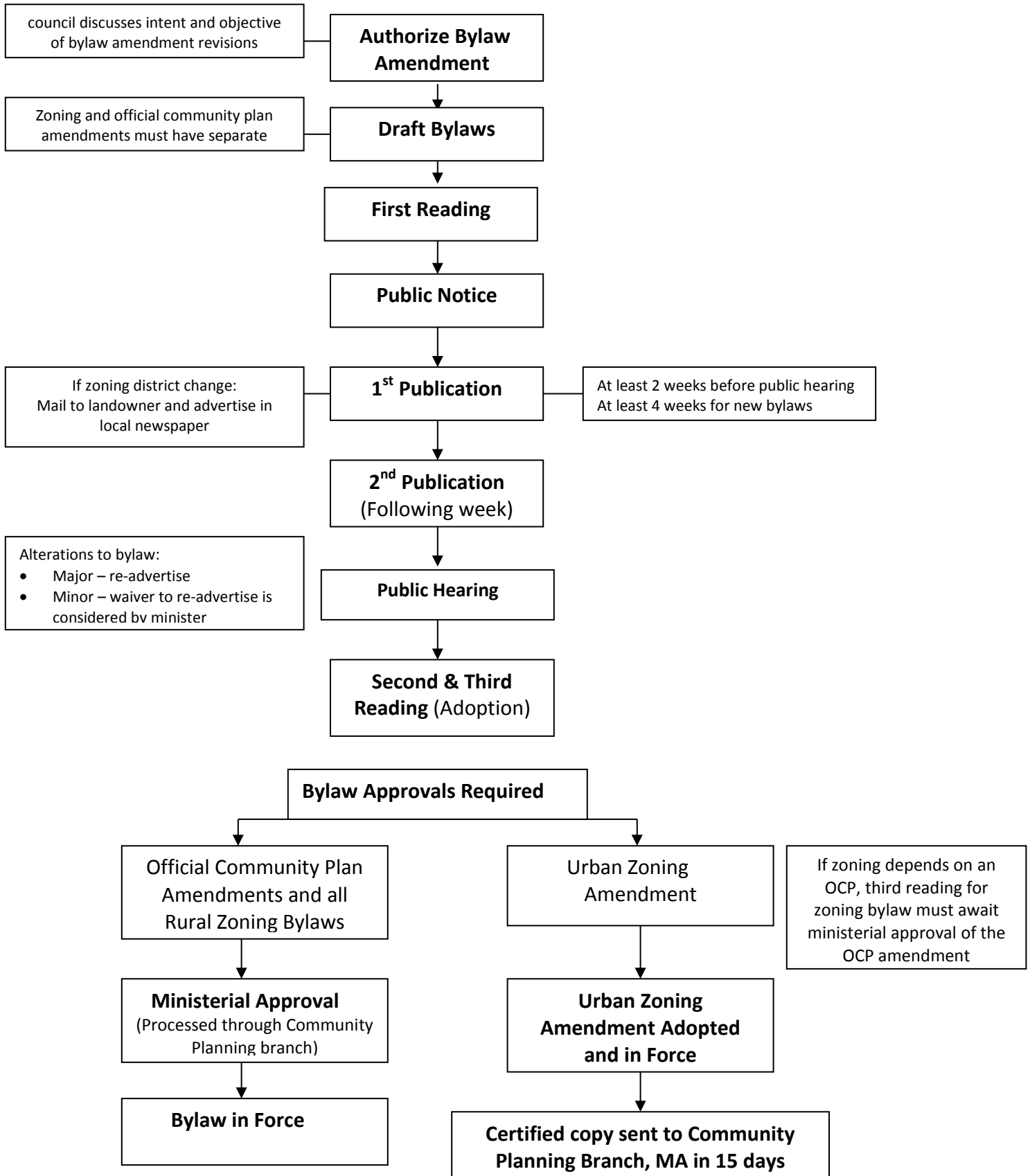
The purpose of interim development control is to enable a council to regulate development in the municipality while it prepares and adopts an official community plan and a zoning bylaw. Interim development control allows a council to review and approve or refuse development proposals. All interim development control bylaws require ministerial approval except for a council that is an approving authority.

If a zoning bylaw and OCP are in effect when a council adopts interim development control, its decision must be consistent with existing land use policy in the municipality. If the intent is to change provisions within an existing zoning bylaw or OCP, rather than using an interim development control, the council should amend the bylaws in accordance with the amendment procedures. *(See Flowchart 1.0- Planning Bylaw Amendments)*

If a council adopts an interim development control in order to exercise control of an area while preparing an OCP or zoning bylaw, it may choose to include policies that

help guide its decisions. An interim development control may not designate lands for certain development, but may provide general standards for forms of development. Council may refuse development proposals, but any decision of council under interim development control may be appealed to the Saskatchewan Municipal Board. A sample interim development control bylaw is available on saskatchewan.ca.

1.0 Planning Bylaw Amendments



IV. Development Permit Process

Development is defined by the PDA as “... the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land.” Where a municipality has a zoning bylaw, all development must obtain a development permit prior to beginning a project.

Most land use activities are defined as development and therefore, require a municipal development permit from a municipality with a zoning bylaw. Municipalities with zoning bylaws follow the development permit review process described below. (*Also see Figure 2.0 Development Permit Process*)

A. Development Permit Application

The applicant must contact the municipal administrator and submit a development permit application to the municipality. It should include as much information as possible to assist in making an informed decision. The required information may include:

- dimensions and size of sites;
- location of development on the site;
- location of utilities;
- environmental considerations and mitigation measures;
- access management information;
- municipal road impacts and resolution opportunities; and
- reclamation considerations.

To minimize delays, developers are advised to discuss their project with a municipal council and administrator prior to submitting an application. Councils and administrators will provide experience, assistance, and information, to anticipate problems thereby saving time and reducing potential costs. Municipalities are helpful in planning and managing development that affects municipal services. The development permit process is an opportunity to learn about the development, and its implications for the community, and to work with industry to promote development opportunities.

The municipality has a responsibility to judge the suitability of a proposal with respect to:

- infrastructure needs (roads, sewer, water, housing, etc.);
- essential community services (fire, policing, recreation, health, etc.); and
- land use compatibility and sustainability.

B. Permitted and Discretionary Uses

The time frame for receiving a permit decision will vary depending on the amount and complexity of technical information required to assess a development. As such, it is recommended a development permit application be submitted well in advance of the project start date. The development officer of a municipality reviews proposals in the context of the bylaw. A proposal may be classified in the local zoning bylaw as:

1. Permitted Use

Where a development proposal is identified by the municipal zoning bylaw as a permitted use, the development officer for the municipality may be able to issue the permit provided all information and relevant forms are completed and attached.

2. Discretionary Use

Where a development proposal is identified by the municipal zoning bylaw as a discretionary use, the application must be advertised pursuant to section 55 of the PDA and presented to the council by the development officer at its next council meeting for review and decision. It is important to coordinate presentations with municipal council meetings and developers should be invited to present information and answer question on their application.

3. Neither Permitted nor Discretionary

Where a development proposal is not identified in the municipal zoning bylaw as a permitted or a discretionary use, the development is prohibited. In such a case, the proponent may apply to council for a zoning bylaw amendment. The proposed development is then presented to council at its next council meeting for review and decision following an approved amendment to the zoning bylaw.

C. Municipal Development Permit Decision

1. Permit Approval

Applications that comply with the municipality's OCP and zoning bylaw must be approved. In the case of a permitted use, the development officer approves the application and issue the development permit. In the case of a discretionary use, the council will render a decision on the discretionary use permit based on the criteria established in the zoning bylaw. If the permit is approved by council, the development officer will issue the permit when all conditions of the approval have been met. If refused, the development officer must provide written confirmation of the refusal and the reasons why it was refused.

The approval of a development may be conditional and subject to development standards. In most municipal zoning bylaws, a municipality has established its authority to require development standards to ensure a project will meet specific criteria (e.g. flood-proofing where the land may be subject to flooding or securing an appropriate water source to service the development).

2. Refusal of a Development Permit

Where a permit application is refused, the municipality is required to provide reasons why it was refused and did not satisfy the criteria, if applicable, outlined in the zoning bylaw. In the case of a permitted use, an avenue exists for applicants to appeal a decision to a local Development Appeals Board (DAB), and if necessary, to the provincial Planning Appeals Committee of the Saskatchewan Municipal Board (SMB). In the case of a discretionary use, an applicant may not appeal a refusal, but may appeal conditions of an approval.

D. Seeking a Bylaw Amendment

Should a development not comply with a zoning bylaw, the applicant may ask council to amend its bylaw. PDA allows a council to amend its zoning bylaw to add or update regulations, or rezone the land for development. A council, in considering the policies of the OCP and any relevant statements of provincial interest, determines whether a zoning bylaw should be amended. The steps to amending a zoning bylaw can be found in the **Amending Planning Bylaws** document available on saskatchewan.ca.

E. Right of Appeal – Development Appeals Board

The decision of a municipality, concerning an existing or proposed development, may be appealed within 30 days of the development officer's decision. Affected persons may appeal the decision:

- where it is alleged that the development officer misapplied the zoning bylaw in approving the proposal;
- when the development officer refuses to issue a development permit because the proposal contravenes the zoning bylaw;
- when council approves a discretionary use (or form of development) with development standards or conditions (*Note: only the standards or conditions may be appealed, not the decision to approve or refuse the development*);
- where the permit was refused, approved with terms and conditions, or revoked for requiring a minor variance;
- under an Interim Development Control Bylaw, that a permit is refused, approved with terms or development standards, or not decided within 60 days;
- if a development agreement was not entered into within 90 days after the date on which the plans or drawings were submitted to the municipality; or
- if they are subject to enforcement under section 242 of the PDA.

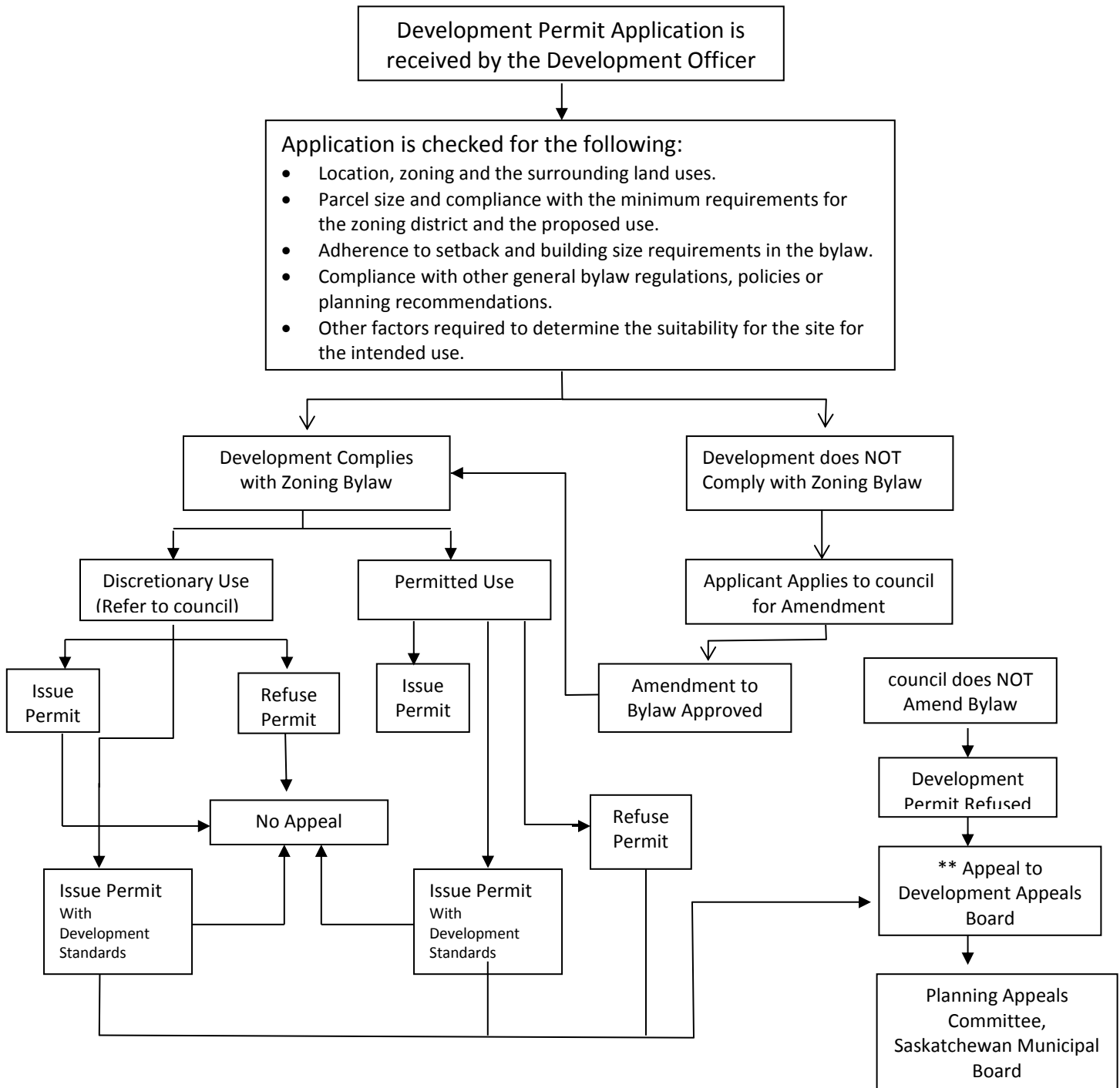
An appeal may not be made to a DAB:

- when a permit is refused because a proposal contravenes the zoning bylaw, the proposed use is not a permitted use under the zoning bylaw, the use is a discretionary use, or a prohibited use under the zoning bylaw;
- when council refuses to approve a land use rezoning application; or

- when the decision concerns a subdivision application where the municipal council is not designated as a subdivision approving authority under the PDA.

Within 20 days of the DAB decision, the applicant or municipality, as the case may be, may appeal the decision to the Planning Appeals Committee, SMB.

2.0 Development Permit Process



**** Note: Where permits are issued with development conditions, the applicant may appeal to the DAB.**

V. Subdivision Approval Process

Subdivision is defined by PDA as, “a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, as surface parcel is defined in *The Land Titles Act, 2000*.” The PDA and *The Subdivision Regulations, 2014* are the legal basis for subdividing land. A review of the subdivision process can be found in the **A Step-by-Step Guide to Subdivision** publication.

A. Subdivision Application

Unless a municipality is an approving authority, the developer must submit an application to subdivide to the Community Planning branch. The following information must be included:

- a plan of the proposed subdivision;
- for tie code removal, a parcel picture of the parcels to be subdivided;
- a copy of the title of the land to be subdivided;
- the appropriate fee; and
- any other information required by *The Subdivision Regulations, 2014* to aid in the decision process.

B. Government Relations’ Review of the Application

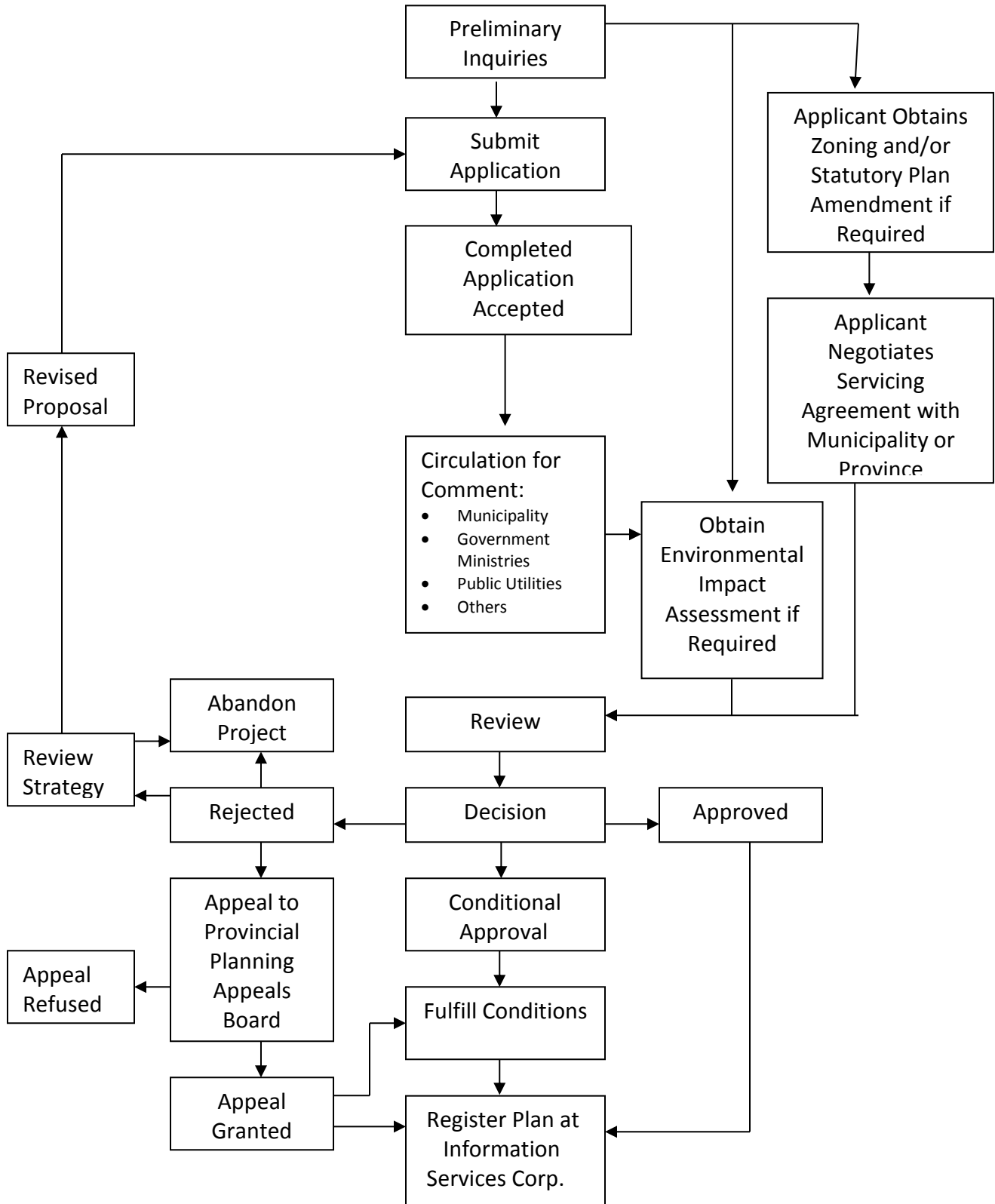
The Community Planning branch will assess each proposed subdivision based on conformance with local, municipal, and provincial planning standards and land use policies, such as:

- site suitability;
- conformity to local land use policy plans and zoning bylaws;
- heritage potential;
- environmental considerations;
- utility servicing requirements;
- flood protection and slope stability;
- legal and physical access to a public roadway for each parcel; and
- other considerations outlined in the PDA and its regulations.

The Community Planning branch must account for the interests of other provincial agencies. During the review, referrals may be sent to agencies responsible for health, environment, highways, and various public utilities (*See flowchart 3.0 Subdivision Approval Process*).

Subdivision applications are referred to the municipality in which the development will be located. If a zoning amendment is required, the municipality will advise the Community Planning Branch and state whether the amendment is being considered.

3.0 Subdivision Approval Process



C. Decisions

The Community Planning branch, as the approving authority, has 90 days from the date a complete application is received to make a decision. Decisions are sent in writing (or email) to the applicant, municipal council and applicable agencies. The approving authority may issue any of the following decisions:

- approved;
- approved in part;
- approved subject to a servicing agreement or development standards;
- revoked; or
- refused.

If the subdivision application is refused, approved in part, approved subject to conditions, revoked, or agreements have not been entered within a specific time limit, the applicant may appeal the approving authority's decision.

Note: subdivision approving authority has been delegated to the cities of Saskatoon, Regina, Prince Albert, Moose Jaw, Swift Current, North Battleford, Lloydminster, Yorkton, Weyburn and Estevan.

D. Interests

There are a number of exceptions to requiring subdivision approval. For example:

- new rural roads and diversions if located more than 2.5 kilometres from small urban boundaries;
- easements or rights-of-way for major transmission lines for various utilities, etc., if they are more than 2.5 kilometres from small urban boundaries;
- new rural roads and diversions if located more than 5 kilometres from a city's limits;
- easements or rights-of-way for major transmission lines for various utilities, etc., if they are more than 5 kilometres from a city's limits;
- leases where the term is 10 years or less;
- surface leases for oil and gas development;
- leases in connection with granting the use of, or right to, part of a building; and
- easements or rights-of-way for minor distribution, service connection or collection lines for various utilities, etc.

Contact

For more information contact the Community Planning branch of Saskatchewan Ministry of Government Relations:

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For more detail about the planning and development process, please visit: www.saskatchewan.ca