



## ***MEMORANDUM***

FROM: Administration  
TO: Chair Pruiim, Reeve Harwood, All Councillors  
SUBJECT: Planning Committee Meeting

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A meeting of the Planning Committee will be held on:

**Monday, April 6, 2020 @ 8:30 a.m.  
Remote Meeting**

Please join the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/433296309>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

Canada: +1 (647) 497-9391

- One-touch: <tel:+16474979391,433296309#>

Access Code: 433-296-309

## **AGENDA**

1. Call to Order
2. Adopt Agenda
3. Planning Carryforward Action List
4. 9:00 am Delegation – Robert Risling – N ½; SE 23-36-4-W3 – Division 1
  - Condition of Subdivision Approval 2019/09 & Bylaw 24/19 – Easement Agreement
5. Saskatoon North Partnership for Growth (P4G) Regional Plan
  - Update on P4G Regional Plan
6. Corman Park Servicing Agreements
  - Outline of Servicing Agreement Drafting
7. Adjourn

## PLANNING Carryforward Action List-CURRENT

\*\*Yellow highlighted text indicates latest status update\*\*

	<b>Date/Source</b>	<b>Action Item/Request</b>	<b>Status</b>
1.	March 2014	<p><b>District Sq. Footage Increase</b></p> <p><b>Issue:</b> Council wants to remove the maximum square footage restrictions in the Planning District.</p>	<ul style="list-style-type: none"> <li>• Mar. 5, 2014 – R.M. Administration provided a Bylaw for First Reading at the DPC meeting.</li> <li>• Mar. 18, 2014 – R.M. Council deferred First Reading of Bylaw 04/14 to allow for additional discussion between the R.M. of Corman Park and City of Saskatoon.</li> <li>• Feb. 17, 2015 – The R.M. agreed to partner in the Grasswood Mixed Use Node Market Impact Study with the City of Saskatoon, with one of the outcomes of the study to consider changes to the sq. footage limitations.</li> <li>• Nov 19, 2018 – Grasswood Mixed Use Node Market Impact received as information with direction that the Study recommendations be considered during the South East Concept Plan project and the preparation of the new P4G bylaws.</li> <li>• Jan 2019 – correspondence sent to P4G partners confirming that expectation is to not include square footage in new P4G Zoning Bylaw</li> <li>• Aug 23, 2019 – PAC discussed square footage limitations; follow up discussions scheduled for upcoming REC/ROC meetings.</li> <li>• Dec 19, 2019 – Discussion on REC agenda; intent is to remove square foot limitations and replace it with a regional retail policy framework</li> <li>• Jan 20, 2020 – notice of motion regarding elimination of the 35,000 square footage restriction deferred to May Council meeting</li> </ul>
2.	June 20, 2016	<p><b>Planning Fees</b></p> <p><b>Issue:</b> That Administration further investigate options related to a subdivision application/deposit fee</p>	<ul style="list-style-type: none"> <li>• Feb. 12, 2018 – Council asked that Administration consider costs for consolidation requests as part of the Planning Fee Bylaw. R.M. Administration recommends our fees are re-addressed in 2019</li> <li>• Nov 2018 – Strategic Planning input confirms reviewing Planning Fee Bylaw in 2019</li> <li>• Jan &amp; Feb 2019 – initial discussions with Community Planning on fee review to ensure any considerations for updates to processes are included (i.e. how to include fees for subdivision review)</li> <li>• April 8, 2019 – planning fee review was identified for Q4 2019.</li> <li>• Jan 20, 2020 – Motion to proceed with RFP for fee review based on the proposed project deliverables and \$100,000 budget and that a recommendation be brought back to Council to award the contract</li> <li>• Mar. 23, 2020 - Planning Fee Bylaw review deferred</li> </ul>



## Planning Committee Presentation Item 4

April 6, 2020

### Reeve and Councillors

**Re: 9:00 am Delegation – Robert Risling – N ½; SE 23-36-4-W3 – Division 1**

### Background:

At the June 17, 2019 R.M. Council meeting the application of Robert Risling to subdivide and rezone portions of the N ½; SE 23-36-4-W3 was approved subject to conditions; one of them being the requirement to enter into an easement agreement to provide for a 5 metre (m) wide road widening easement adjacent to Range Road 3041 along the length of the full property.

The subject property is 32.35 ha (80.4 acres) with the proposal to subdivide proposed Parcel 'B' for 2.03 ha (5 acre) of which encompasses the existing residential yard site on the parcel. The submitted and landowner signed Plan of Proposed Subdivision included the proposed roadway easement; see attached images for more information.

The landowner does not want to sign the easement agreement citing concerns with future road build ups and widening.

### Analysis:

In February 2018, a report was brought forward to Council regarding the history, policies and use of road easement agreements in Corman Park. As noted, at the time of subdivision the R.M. will request dedication of a road easement for future road upgrades and widening. The practice, which has been done since at least 1996, was intended to provide for future road widening in areas where the road allowance is only 20 m and now requires a larger right-of-way. The R.M. has a variety of road standards and 20 m is no longer sufficient.

The easement agreements are for a specific piece of the land, such as a 5 m strip along the roadway, and do not change ownership of the land but do allow the R.M. to utilize the specified lands for roadway improvements if necessary in the future.

Currently the R.M. requires an easement agreement to be provided at the time of subdivision without compensation. Legislatively the ability to require road dedication without compensation falls under section 184 of *The Planning and Development Act*. While compensation for the easement isn't provided, the R.M. will relocate existing fencing on the property to a location adjacent to the road right-of-way easement should the fencing require relocation to accommodate upgrades or grading.

Within the February 2018 report, a number of options were provided for Council to choose from should they want to reconsider the use of easement agreements including:

1. compensating for easement agreements including the need for budget dollars to be allocated on an annual basis (currently not funded);

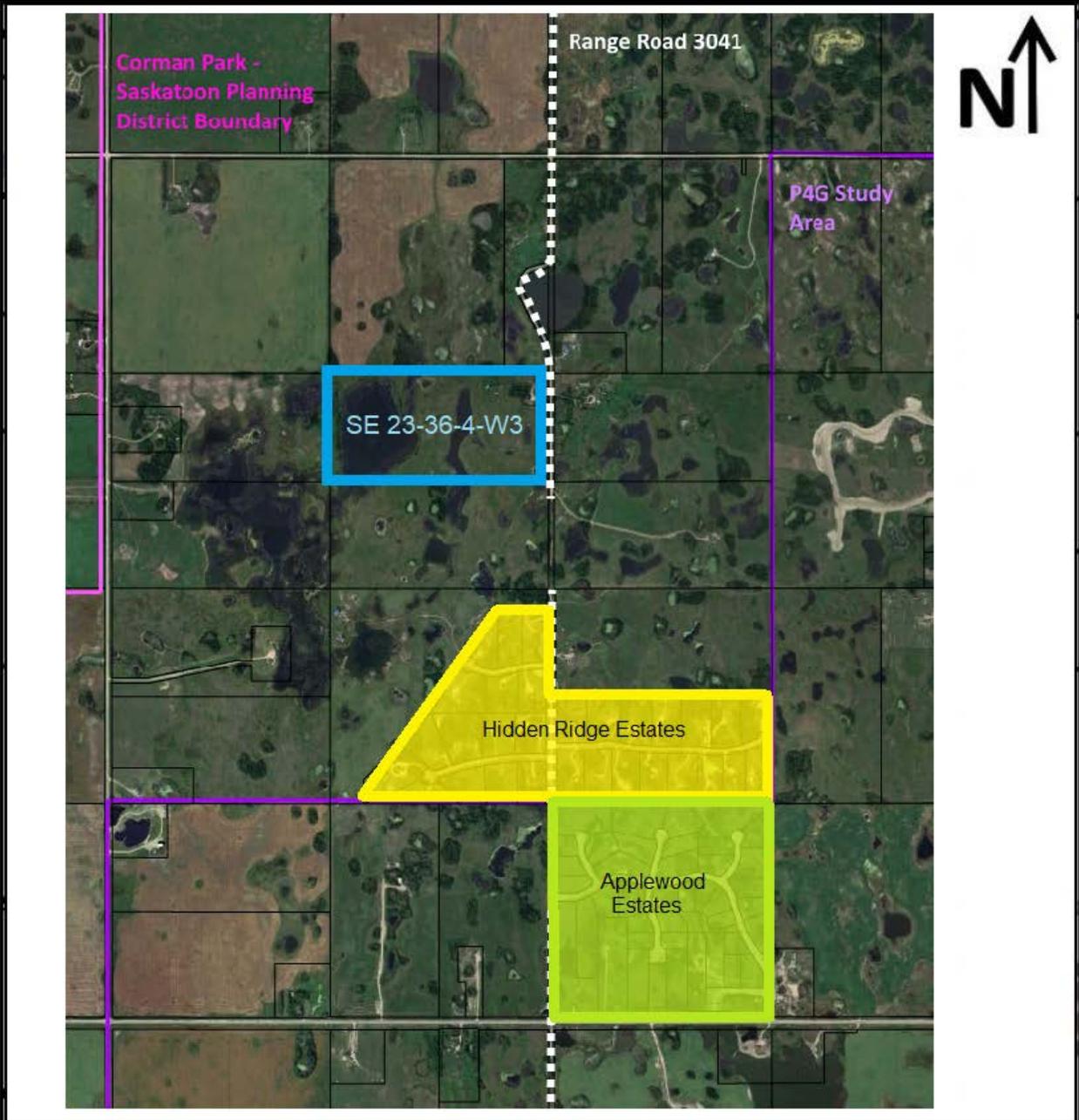
2. remove the requirement for road easement agreements at the time of subdivision however it was noted this would have a negative impact on the costs and timelines for road construction projects;
3. create an infrastructure plan which prioritizes the roads that the R.M. will upgrade and only obtain the easements for these roadways (with the same considerations for easement and construction budget dollars as noted above); and
4. status quo and require an easement agreement without compensation.

Council decided option 4 status quo and the conditions of approval on planning applications have continued to reflect this decision. Council should determine if they want to reconsider their approach to road easement agreements and determine if they want to select one of the other options as noted above.

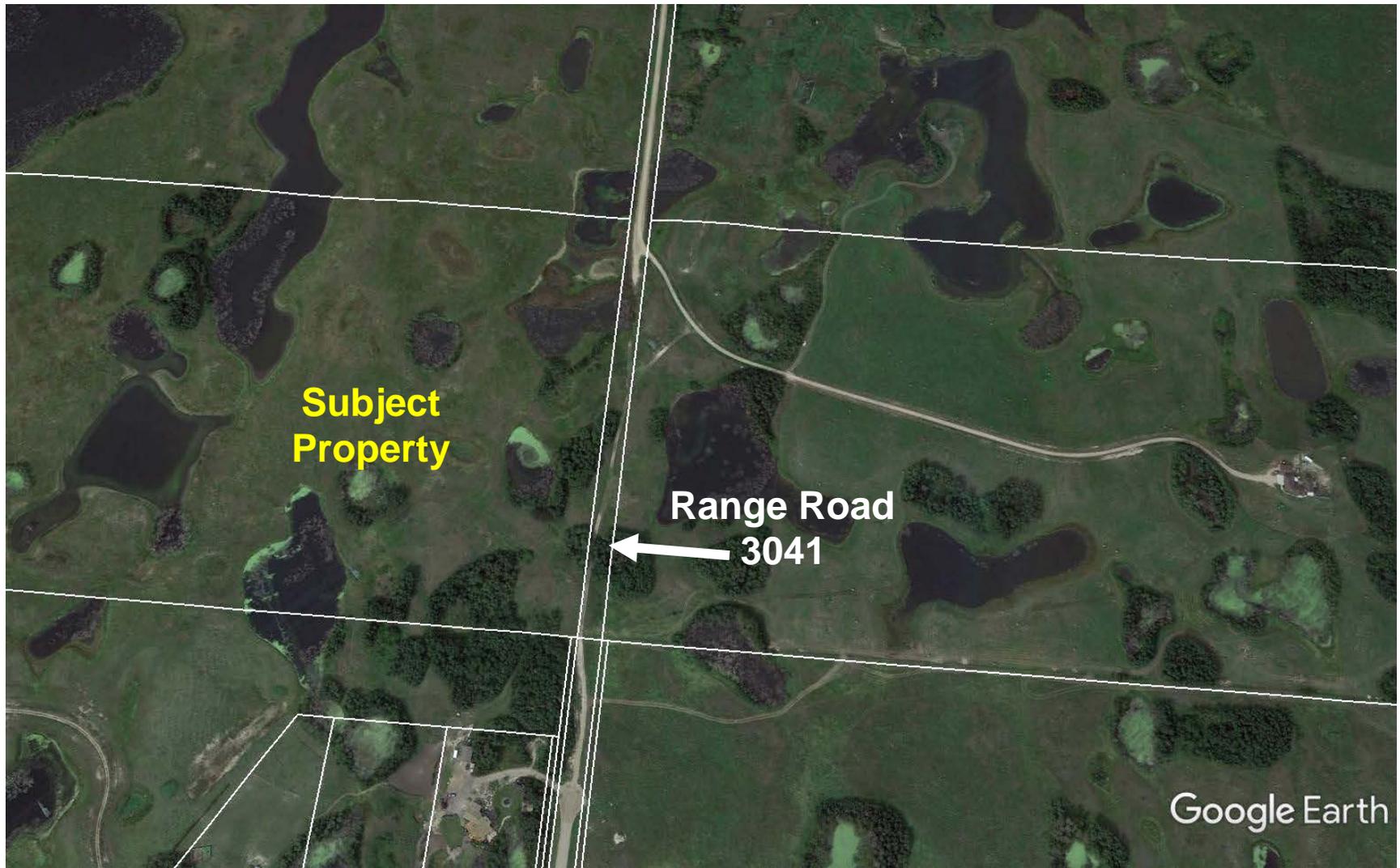
**Recommendation:**

*“That Council receive the delegation as information and determine if the current process of requiring easement agreements without compensation is acceptable.”*

Enclosures: Aerial images; Approved Plan of Proposed Subdivision



<p align="center"><b>Subject Property Map</b></p>	<p><b>Applicant:</b> Robert Risling</p>
<p> Subject Property</p>	<p><b>Legal Land Description:</b> SE 23-36-4-W3</p>

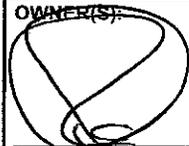


**Subject  
Property**

**Range Road  
3041**

Google Earth

**PLAN OF PROPOSED SUBDIVISION**  
of Part of  
**S.E. 1/4 Sec. 23 - Twp. 36 - Rge. 4 - W.3Mer.**  
**R.M. of Corman Park No. 344**  
**Saskatchewan**  
**Mathieu M. Bourgeois, S.L.S.**  
**2019**  
**Scale 1:5000**

**OWNER(S):**  
  
Robert Anthony Risling

Measurements are in metres and decimals thereof.  
Measurements are approximate and may vary by ±10m.  
Area to be approved is outlined in bold dashed line  
and contains 2.03 ha (5.00 ac).  
Elevations shown are referenced to CACS Monument  
GSD-965001, Elev. = 600.674, and are referred to the  
CGVD28 vertical datum.

0	Issued	Mar. 6, 2019	JT - SD - MB
REV.	REVISION	DATE	INITIALS

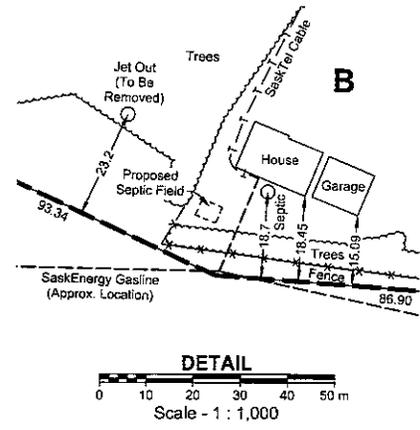
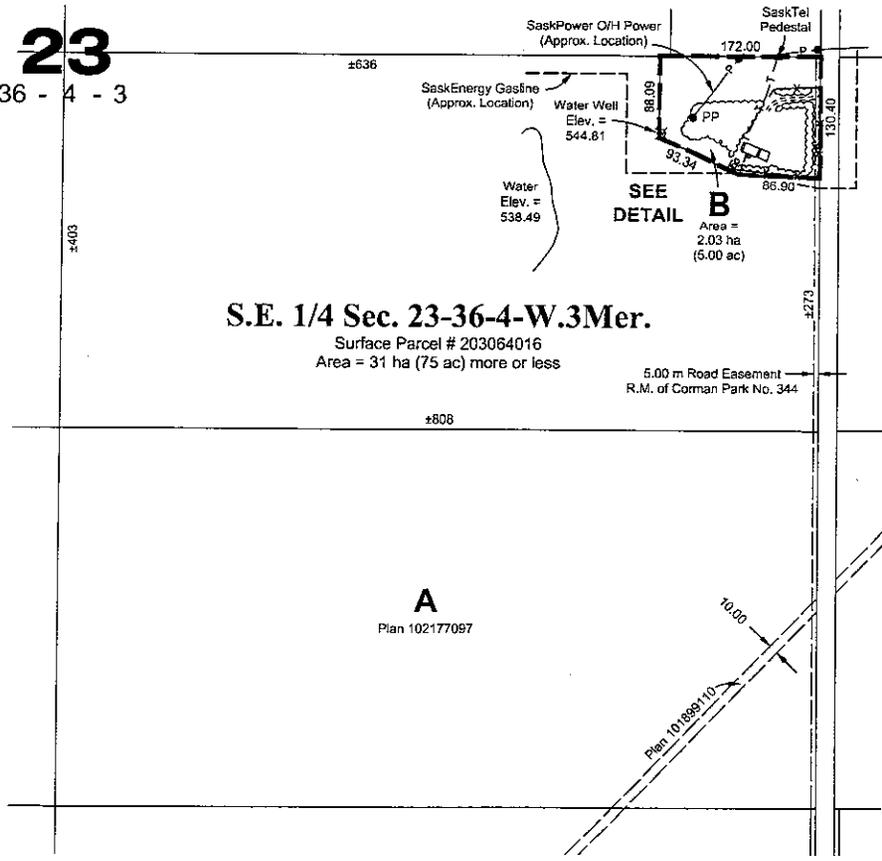
Job No.: 209780 | File:209780PR  
Preliminary Survey: July 4, 2018

Dated at Saskatoon in the  
Province of Saskatchewan this  
6th day of March, 2019.

Saskatchewan Land Surveyor  
  
**Altus Group**  
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COMMUNITY PLANNING

**23**  
36 - 4 - 3





## Planning Committee Presentation Item 5

April 6, 2020

**Reeve and Councillors**

**Re: Saskatoon North Partnership for Growth (P4G) Regional Plan**

**Background:**

The Regional Oversight Committee (ROC) meeting scheduled for March 26, 2020 was postponed due to COVID-19 and is currently being rescheduled to be held remotely at the end of April.

The draft P4G Official Community Plan (OCP) is nearing its final draft stages. A number of outstanding issues were identified by the P4G Director and are being discussed by the municipalities. Some of the larger issues include items like regional retail/35,000 sq. ft. limitations and interim development. A number of other smaller issues are being revisited after the final draft of the District Zoning Bylaw is completed as there may be a better policy approach to take by moving some components to that policy document, instead of including them in the OCP such as separation distances. One of the more immediate next steps is to finalize a draft OCP for review by Community Planning to flag any issues that they see arising prior to formal submittal of the documents later in 2020.

Stakeholder and public engagement slated for later in the year will focus on new zoning use definitions and development standards, updates to the regional plan policies since it was endorsed in 2017 and drafted into an OCP and the potential changes to the P4G boundary. More information on the proposed public engagement will be provided once available including any considerations for changes to the proposal engagement due to COVID-19.

Work continues remotely on the P4G North Concept Plan. The second engagement session expected at the conclusion of the concept plan for public information may also be re-arranged as needed such as undertaking remote engagement in order to have the project continue towards completion; additional updates will be provided once available.

**Recommendation:**

*“That the Saskatoon North Partnership for Growth (P4G) Regional Plan update be received as information.”*



## Planning Committee Presentation Item 6

April 6, 2020

### Reeve and Councillors

**Re: Corman Park Servicing Agreements**

### Background:

At the March 16, 2020 Administration Committee meeting a recommendation was made by Councillor Pruum in conjunction with discussions regarding Municipal Reserve contribution requirements related to Grasswood Estates, as follows:

*“Pruum: That Administration provide information regarding the mechanics of creation of servicing agreements.*

*Carried Unanimously”*

Part VIII of *The Planning and Development Act (the Act)* outlines the ability of municipalities to impose development and servicing requirements, levies and/or fees on properties where development or subdivision is occurring. Section 172-176 of the Act providing specifics on servicing agreements and what can be contained within.

*“172 (1) If there is a proposed subdivision of land, the municipality in which the subdivision is located may require a subdivision applicant to enter into a servicing agreement to provide services and facilities that directly or indirectly serve the subdivision.”*

A copy of the applicable section(s) of the Act are appended to this report for review.

The R.M. of Corman Park utilizes servicing agreements as a means to clearly outline legal obligations of both the municipality and developers in relation to the servicing of an approved subdivision. The agreements have traditionally been a condition of approval by Council for all subdivisions, and are subsequently entered into prior to the province providing a Certificate of Approval for any subdivision.

The agreements are tailored to each individual subdivision application utilizing a template developed by legal counsel, and can be very simple or more complicated depending on the scale of the proposal and servicing needs. R.M. Administration negotiates servicing agreements with developers following Council approval, utilizing conditions or approval by Council and other feedback received at the time of approval and other previously set policies and precedents of Council such as subdivision servicing fees.

Agreements are registered on title of the affected parcels and ensure that provisions carry forward to future owners in the event of a sale or other transfer. An appeal mechanism exists at a provincial level for the subdivision application if a developer is unable/unwilling to enter into an agreement, or is concerned about any specific provisions of any agreement.

Items contained within servicing agreements may include, but are not limited to the following:

- 1) servicing fees including payment plans;
- 2) roadway build ups and/or contributions;
- 3) potable water system requirements;
- 4) shallow utilities (i.e. power, natural gas, telecommunications);
- 5) legal fees;
- 6) servicing of recreation and park facilities;
- 7) stormwater management and drainage plans/easements;
- 8) area grading;
- 9) time limits for servicing completion;
- 10) developer insurance and financial security; and
- 11) other considerations as per the Act.

Municipal reserve dedication or cash-in-lieu considerations are not permitted to be contained within servicing agreements, as they fall under a different section of the Act.

Copies of a recent multi-parcel country residential agreement (Edgemont) can be downloaded at the following link for review.

<http://rmcormanpark.ca/DocumentCenter/View/2904/Development-and-Servicing-Agreement---Final---EXECUTED>

**Recommendation:**

*“That Council receive the Corman Park Servicing Agreement report as information.”*

**Compensation subject to limitations and charges**

**166** The compensation mentioned in section 165 stands in the stead of the land with respect to which it was proposed or awarded and is subject to the limitations and charges, if any, to which the land was subject.

2007, c.P-13.2, s.166.

**Removal of buildings**

**167** A council may, as required by a replotting scheme, demolish, reconstruct or move any building or public utility.

2007, c.P-13.2, s.167.

**PART VIII**  
**Development Levies and Servicing Fees**

**Interpretation of Part**

**168** In this Part, “**capital cost**” means the municipality’s estimated cost of providing construction, planning, engineering and legal services that are directly related to the matters for which development levies and servicing agreement fees are established pursuant to sections 169 and 172, as the case may be, but does not include any cost of maintaining roadways, other related infrastructure and public facilities.

2007, c.P-13.2, s.168; 2012, c.28, s.28.

**Development levy bylaw**

**169(1)** If a council has adopted an official community plan that authorizes the use of development levies, the council may, by bylaw, establish development levies to recover the capital costs of services and facilities as prescribed in subsections (2) and (3).

(2) If a development does not involve the subdivision of land, a council may impose development levies for the purpose of recovering all or a part of the municipality’s capital costs of providing, altering, expanding or upgrading the following services and facilities associated, directly or indirectly, with a proposed development:

- (a) sewage, water or drainage works;
- (b) roadways and related infrastructure;
- (c) parks;
- (d) recreational facilities.

- (2.1) If the subdivision of land is involved, development levies must not be used as a substitute for servicing agreement fees.
- (3) The development levy bylaw shall only permit development levies to be imposed if the municipality will incur additional capital costs as a result of the proposed development.
- (4) The levies in the development levy bylaw must be based on:
- (a) a study or studies that determine the capital costs of municipal servicing and recreational requirements that service the area for which the levy is applied; and
  - (b) consideration by council of future land use patterns and development and the phasing of public works.
- (5) The development levy bylaw must specify the levies to be made for services and facilities and may vary those levies having regard to:
- (a) zoning districts or other defined areas;
  - (b) land uses;
  - (c) capital costs as they relate to different classes of development as established in the bylaw; or
  - (d) the size or number of lots or units in a development.
- (6) The development levy bylaw must provide that similar levies be imposed for developments that impose similar capital costs to the municipality.
- (7) The development levy bylaw may exempt land uses, classes of development, zoning districts or defined areas specified in the bylaw from the levies.
- (8) The development levy bylaw may delegate to a development officer the authority to exercise all or any part of the council's powers, and to carry out all or any of the council's duties, pursuant to this section, section 171, and sections 173 to 176 of this Act and the bylaw, other than the power to enter into development levy agreements with an applicant or owner.
- (8.1) Notwithstanding subsection (8), a development levy bylaw adopted by a council that has been declared an approving authority pursuant to subsection 13(1) may delegate to a development officer the power to enter into development levy agreements with an applicant or owner.
- (9) Adoption of a development levy bylaw must be in accordance with the public participation requirements of Part X.
- (10) Subsection (9) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has adopted provisions related to development levy bylaws in a public notice bylaw pursuant to section 24;

(11) If providing, altering, expanding or upgrading of services mentioned in subsection (2) will result in capital costs for facilities located outside the municipality in which the proposed development is to occur, the development levy bylaw may require:

- (a) payment to the other municipality that will bear those capital costs; and
- (b) submission to the municipality of an agreement that satisfies the municipality that the other municipality will provide, alter, expand or upgrade those services and bear those capital costs.

2007, c.P-13.2, s.169; 2012, c.28, s.29; 2018, c.27, s.32.

**Bylaw requires ministerial approval**

**170(1)** The municipal administrator shall submit to the minister:

- (a) two certified copies of the development levy bylaw passed pursuant to section 169; and
  - (b) proof of compliance with the requirements of Part X in the form of a statutory declaration of the municipal administrator, together with a copy of all representations respecting the bylaw.
- (2) A bylaw mentioned in subsection (1) has no effect unless it is approved by the minister.
- (3) Notwithstanding subsections (1) and (2), a council that has been declared an approving authority pursuant to subsection 13(1) is exempt from obtaining the minister's approval of the adoption, amendment or repeal of a development levy bylaw.

2007, c.P-13.2, s.170.

**Development levy agreement**

**171(1)** If a person applies for a development permit, a council that has passed a development levy bylaw pursuant to section 169 may require the applicant or the owner of the land to pay any applicable development levies in accordance with that bylaw.

(2) If, in the opinion of the council, it is necessary to do so, the council or development officer may require the applicant or owner mentioned in subsection (1) to enter into a development levy agreement with the municipality respecting the payment of the development levies.

(3) Subject to subsection 169(3), a council may assess only one development levy on one development.

2007, c.P-13.2, s.171.

**Servicing agreement**

**172(1)** If there is a proposed subdivision of land, the municipality in which the subdivision is located may require a subdivision applicant to enter into a servicing agreement to provide services and facilities that directly or indirectly serve the subdivision.

(2) Subdivision applicants shall not receive a certificate of approval from the approving authority if a servicing agreement is required by the municipality and has not been signed by the parties to the agreement.

(3) Servicing agreements may provide for:

(a) the undertaking by the applicant to install or construct within the proposed subdivision, and in accordance with the specifications stated in the agreement, any storm sewers, sanitary sewers, drains, watermains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, gravelled or paved streets and lanes, connections to existing services, area grading and levelling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities or other works that the council may require;

(b) if council can reasonably demonstrate costs associated with the proposed subdivision, the payment by the applicant of fees that the council may establish as payment in whole or in part for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities, or park and recreation space facilities, located within or outside the proposed subdivision, and that directly or indirectly serve the proposed subdivision;

(c) time limits for the completion of any work or the payment of any fees specified in the agreement, which may be extended by agreement of the applicant and the municipality;

(d) provisions for the applicant and the municipality to share the costs of any work specified in the agreement;

(e) any assurances as to performance that the council may consider necessary;

(f) the amount and location of any land for a municipal utility pursuant to section 172.1 that the municipality may require for the location of a public work or public utility;

(g) if the provision, alteration, expansion or upgrading of services mentioned in clause (b) will result in capital costs for facilities located outside the municipality in which the subdivision is to occur, a requirement that:

(i) payment will be made by the applicant to the other municipality that will bear those capital costs; and

(ii) there must be submitted to the municipality an agreement that specifies that the other municipality will bear those capital costs; and

- (h) if the provision of service requires capital costs to connect the development to a provincial highway:
  - (i) the applicant to enter into a transportation partnership agreement with the minister responsible for the administration of *The Highways and Transportation Act, 1997*; or
  - (ii) the payment of fees based on a transportation partnership agreement between the municipality and the minister responsible for the administration of *The Highways and Transportation Act, 1997*.
- (4) Servicing agreements shall not provide for the completion of any work by the applicant or the payment of any fees by the applicant that were previously addressed by the payment of development levies or in a development levy agreement pursuant to section 171, unless the municipality will incur additional capital costs as a result of the proposed subdivision.
- (5) If required to do so by the municipality, an applicant for subdivision approval shall enter into a servicing agreement within 90 days after the day that the municipality receives the subdivision application.
- (6) The period prescribed in subsection (5) may be extended by agreement of the municipality and the applicant for subdivision approval.

2007, c.P-13.2, s.172; 2012, c.28, s.30; 2018, c.27, s.33.

#### **Municipal utility parcels**

- 172.1(1) A council may require in a servicing agreement that the owner of land that is the subject of a proposed subdivision provide a part of that land as a municipal utility parcel for the purpose of locating a public work or public utility to be provided in accordance with clause 172(3)(a) or (b).
- (2) A municipal utility parcel must be designated on a plan of subdivision as “Municipal Utility MU 1” or “Municipal Utility MU 2” and so on as the case may require.
- (3) Land provided pursuant to this section as a municipal utility parcel is the property of the municipality in which the municipal utility parcel is located.
- (4) The municipality that owns a municipal utility parcel may lease the municipal utility parcel to a person providing a public work or public utility.
- (5) A municipality may, by resolution, do all or any of the following:
  - (a) designate any parcel of land that it owns as a municipal utility parcel and cause that designation to be registered on the title for the parcel;
  - (b) declare that any land that has been designated as a municipal utility parcel is no longer required as a municipal utility parcel and cause the designation to be removed from the title to the parcel if the public works or public utilities that were provided on the municipal utility parcel:
    - (i) have been relocated to other lands; or
    - (ii) are no longer required.

(6) If the Municipal Utility designation mentioned in subsection (2) has not been removed in accordance with clause (5)(b), a municipality shall not:

- (a) exchange a municipal utility parcel for other lands; or
- (b) sell a municipal utility parcel.

(7) Municipal utility parcels are not to be included as part of the land area proposed for a subdivision for the purposes of calculating the amount of land required for subsection 186(3).

2012, c.28, s.31.

**Terms and conditions of development levy agreements or servicing agreements**

**173** Development levy agreements and servicing agreements may contain provisions:

- (a) authorizing the payment of levies or fees in instalments;
- (b) applying a variable rate where the development is to be constructed in phases over a period;
- (c) providing for letters of credit, performance bonds or any other form of assurance the council considers necessary to ensure payment for the development levies or the servicing agreement fees, as the case may be;
- (d) allowing for:
  - (i) reimbursement of levies imposed pursuant to section 169, of fees imposed pursuant to clause 172(3)(b) or of the value of excess infrastructure capacity built pursuant to clause 172(3)(a) if the levies, fees or infrastructure capacity for which the application is being made benefit subsequent development or subdivision of the land; and
  - (ii) for the purpose of making a reimbursement in accordance with subclause (i), the collection of additional levies or fees from any person benefiting from the levies, fees or excess infrastructure capacity mentioned in that subclause; and
- (e) prescribing any other matter or thing that the council considers necessary to facilitate the agreement.

2007, c.P-13.2, s.173; 2012, c.28, s.32.

**Use of levies and fees**

**174(1)** A municipality shall deposit all development levies and servicing agreement fees received pursuant to sections 171 and 172 into one or more development levy or servicing agreement accounts, separate and apart from other funds of the municipality.

- (2) A municipality shall use the funds received, and any accrued interest, only:
  - (a) to pay the capital cost of providing the services and facilities described in subsection 169(2) or 172(3);

- (b) to pay a debt incurred by a municipality as a result of an expenditure described in subsection 169(2) or 172(3);
- (c) to reimburse an owner described in clause 173(d); or
- (d) in the case of fees collected pursuant to clause 172(3)(h) by a municipality, to pay those fees to the minister responsible for the administration of *The Highways and Transportation Act, 1997*, in accordance with any agreement with that minister.

2007, c.P-13.2, s.174; 2018, c27, s.34.

**Registration of development levy or servicing agreements**

**175(1)** A municipality may register an interest based on a development levy agreement or servicing agreement in the land registry against the affected title.

(2) On registration of an interest based on a development levy agreement or servicing agreement, the rights and privileges in the development levy agreement:

- (a) enure to the benefit of the municipality; and
- (b) run with the land and are binding on the registered owner of the land and the registered owner's heirs, executors, administrators, successors and assigns.

2007, c.P-13.2, s.175.

**Appeals on development levy or servicing agreements**

**176(1)** If a council intends to request a payment of a development levy imposed pursuant to section 169 or a fee provided in a servicing agreement entered into pursuant to section 172, that request must be in writing.

(2) Unless a request for payment pursuant to subsection (1) is made pursuant to a development levy agreement, an applicant, within 30 days after receiving a request pursuant to subsection (1), may appeal the request to the Saskatchewan Municipal Board on any of the following grounds:

- (a) that the capital work or project for which the development levy or fee is to be collected does not directly or indirectly serve the proposed development or subdivision;
- (b) that the development levy is not for capital costs;
- (c) that the calculation of the development levy is incorrect;
- (d) that the levy or its equivalent amount has already been paid with respect to the proposed development.

(3) On an appeal pursuant to subsection (2), the Saskatchewan Municipal Board may:

- (a) dismiss the appeal;
- (b) grant the appeal; or
- (c) vary the amount of the development levy or fee requested by the municipality or vary the terms of the development levy agreement or servicing agreement.

(4) If a municipality requires an applicant or owner of the land to enter into a development levy agreement pursuant to section 171 or a servicing agreement pursuant to section 172 and the municipality and the applicant or the owner of the land are unable to enter into an agreement within 90 days after the date of the application for the development permit or proposed subdivision of land, the applicant or the owner of the land may apply to the Saskatchewan Municipal Board for a decision respecting all or any of the following:

- (a) whether or not a development levy agreement or servicing agreement is necessary;
- (b) the proposed terms and conditions of the development levy agreement or servicing agreement;
- (c) whether or not the application for the development permit or proposed subdivision of land is incomplete.

(5) The council and the applicant or the owner of the land may agree to extend the periods for making appeals pursuant to this section.

(6) Notwithstanding subsection (2) or (4), if the council has been declared an approving authority pursuant to subsection 13(1), any appeal by the applicant or the owner of the land pursuant to subsection (2) or (4) must be made, in the first instance, to the Development Appeals Board.

(7) A decision of the Development Appeals Board pursuant to subsection (6) may be appealed to the Saskatchewan Municipal Board in accordance with section 226.

2012, c.28, s.33.

## PART IX Dedicated Lands

### DIVISION 1 Buffer Strips

#### **Provision of buffer strips**

**177(1)** If, in the opinion of the approving authority, a plan of proposed subdivision requires the provision of land as a buffer between adjacent land put to a use not compatible with that proposed for the subdivision, the owner of the land shall provide, without compensation, land sufficient for that purpose.

(2) Any land provided pursuant to subsection (1) is in addition to the dedication of lands required by this Act.

2007, c.P-13.2, s.177.

**Size and location**

**178** The amount of land required to be provided as a buffer strip and the location of the buffer strip are at the discretion of the approving authority and, on issuance of title pursuant to the approved plan of subdivision, the land becomes the property of the municipality in which it is located.

2007, c.P-13.2, s.178.

**Sale of buffer strips**

**179(1)** Subject to any regulations made pursuant to section 205, a council may, by bylaw, authorize the sale of all or any part of a buffer strip to which it has title.

(2) In passing a bylaw pursuant to subsection (1), the council shall comply, with any necessary modification, with:

- (a) the public participation requirements of Part X; and
- (b) the ministerial approval requirements of section 200.

(3) Subject to the regulations made pursuant to section 205, the minister may, on the request of a municipality or on the minister's own initiative, authorize the sale of all or any part of a buffer strip to which the Crown has title.

(4) Before authorizing a sale pursuant to subsection (3), the minister may require the municipality to pass a bylaw pursuant to the requirements of subsection (2).

(5) The minister may refuse any sale of a buffer strip if the minister considers the sale undesirable.

(6) Clause (2)(a) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has adopted provisions related to the sale of buffer strips in a public notice bylaw pursuant to section 24.

(7) Clause (2)(b) does not apply to a council that has been declared an approving authority pursuant to subsection 13(1).

2007, c.P-13.2, s.179.

**Lease or exchange**

**180(1)** All or any part of a buffer strip may be leased for a use as specified in the regulations made pursuant to section 205.

(2) No buffer strip is to be exchanged for another parcel of land unless the exchange involves a re-subdivision that creates a new buffer strip.

(3) The exchange of a buffer strip shall comply, with any necessary modification, with the requirements of section 179.

(4) Notwithstanding subsection (3), the minister may, on the request of a council, dispense with the public participation requirements of Part X if he or she is of the opinion that the proposed exchange is of a minor nature.

2007, c.P-13.2, s.180.