

BYLAW NO. 7-2020

A BYLAW OF THE RURAL MUNICIPALITY OF SASMAN NO. 336 IN THE PROVINCE OF SASKATCHEWAN TO IMPLEMENT A PLANNING AND DEVELOPMENT FEE SCHEDULE

The Council of the Rural Municipality of Sasman No. 336, in the Province of Saskatchewan, enacts this bylaw as follows:

1. This bylaw may be cited as the “Planning and Development Fee Bylaw”.
2. In this bylaw, the following definitions apply:
 - a) “Administrator” – shall mean the administrator of the municipality;
 - b) “Council” – shall mean the Municipal Council of the Rural Municipality of Sasman No. 336;
 - c) “Municipality” – shall mean the Rural Municipality of Sasman No. 336.
3. In accordance with Section 51 of *The Planning and Development Act, 2007*, the Municipality may prescribe a schedule of fees to be charged for the application, review, advertising, approval, enforcement, regulation and issuance, as the case may be, of:
 - a) A development permit;
 - b) A discretionary use;
 - c) A minor variance; and
 - d) An amendment to an official community plan or zoning bylaw.
4. The schedule of fees is to be set is included as Schedule ‘A’ attached hereto and forming part of this bylaw.
5. The rationale supporting the setting of the fees is contained in Schedule ‘B’ attached hereto and forming part of this bylaw.

This bylaw shall come into effect on the date of approval of Council.

Reeve

Seal

Administrator

Certified a true and correct copy of
Bylaw 7-2020 adopted by resolution
of Council on the 20th day of October, 2020.

Administrator

**RURAL MUNICIPALITY OF SASMAN NO. 336
SCHEDULE "A"**

TO BYLAW NO. 7- 2020

Planning and Development Fee Schedule (fees include applicable taxes)

Development permits and minor variances

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| a) Permitted use | \$150.00* |
| i. Signs (where permitting is required) | \$50.00 |
| b) Discretionary use | \$300.00* |
| c) Minor variance | \$125.00 |

*Permitted and discretionary ancillary or accessory uses requiring permitting under the Zoning Bylaw are subject to the same fee as the principal permitted or discretionary use.

Official Community Plan and Zoning Bylaw Amendments

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|--|----------|
| a) Official Community Plan Textual Amendment | \$600.00 |
| b) Zoning Bylaw Textual Amendment | \$600.00 |
| c) Official Community Plan Future Land Use Map changes | \$600.00 |
| d) Zoning Map amendments from any Class to: | |
| i. Class 1 | \$200.00 |
| ii. Class 2 | \$400.00 |
| iii. Class 3 | \$800.00 |

Where an application to rezone land involves rezoning land to two or more classes of zoning districts, the sum total of the fees for the class changes shall apply (e.g. rezoning to partially Class 2 land and Class 3; \$400.00 + \$800.00=\$1200.00).

Class 1 Districts:

- Agricultural Resource District (AR)

Class 2 Districts:

- Country Residential Acreage District (CR)
- Hamlet Residential District (H)

Class 3 Districts:

- Summer Resort District (SR)
- Commercial/Industrial District (C/I)

Except for Permitted Use permit applications, in addition to the review and administrative costs above, the applicant will also be responsible for all costs related to advertising of any required public notice, any subsequent public hearing required by legislation or deemed necessary by the municipality, and time (at the hourly rate listed in Schedule "B") or other resources used in preparation and response to the same. This may include but is not limited to: advertisement in a local newspaper; written notice to landowners; posting of public notice on-site or in other public places; any materials required in the preparation or posting of the notice; any separate facility rental to accommodate the public hearing if a venue larger than Council's chambers is required; and responding to public inquiries.

For all permitting and amendment-related matters where engagement with outside planning, engineering, legal, or other professional expertise is deemed necessary to prepare or review materials related to an application, and/or implement the decision of the Development Officer or Council, applicants will be solely responsible for those costs. Costs will vary on a case-by-case basis. Where costs to the municipality exceed those in the schedule of fees above, the applicant shall be advised, and informed that they will be responsible for any additional costs charged at the hourly rate listed in Schedule "B". Where upon application a development is deemed requiring outside expertise and professional or technical review, the municipality may require an applicant to provide a retainer fee of up to \$1,000.00 to be applied to said costs. Applicants will be required to cover any additional costs over and above the retainer should they be incurred.

Waiver and Refund of Fees:

- a) Council, at its discretion, may consider a waiver of any fee prescribed in this bylaw where:
 - i. Formal written request is made by the applicant;
 - ii. Municipal resources required to process the specific proposal are negligible, or the fees prescribed would be excessive in the specific circumstance; and
 - iii. A decision on the fee waiver is done by resolution of Council.
- b) Council, in a decision and at its discretion, may direct the refund of any fees, portion thereof, or retainer paid where in excess of costs required in the review of the application, reserving a portion to address general costs of administration and enforcement not specifically accounted for in the Schedules "A" and "B".
 - i. Where an application is refused, is otherwise unsuccessful, or withdrawn, only fees paid in excess of costs to the municipality shall be considered for a refund.

RURAL MUNICIPALITY OF SASMAN NO. 336

SCHEDULE "B"

TO BYLAW NO. 7 - 2020

Rural Municipality of Sasman No. 336 – Planning and Development Fee Bylaw Rationale

Introduction:

Planning and development fees are intended to allow the municipality to recoup at least a portion of the costs involved in the review, advertising, approval, enforcement, regulation and issuance of development permits, discretionary uses, minor variances, and planning bylaw amendments. A rationale for the schedule of fees prescribed in Schedule "A" is hereby provided in accordance with subsection 51(2.1) of *The Planning and Development Act, 2007* (PDA). The imposition of fees shall be done to recover costs only and the municipality shall operate in good faith to balance costs with an adequate level of review to determine and facilitate suitable and compliant development in the best interest of its ratepayers.

The time required for processing and hourly rate reflect a low estimate of contracted private planning services available in Saskatchewan. The volume of development within the RM of Sasman No. 336 (RM) does not warrant a full-time planner on staff. Retaining the services of a private planning consultant on an on-demand basis is more cost-effective option for the RM. This approach will be reviewed on a periodic basis.

It is noted that while the private planning consultant will assume responsibility for most of the review process provided for in this bylaw, additional time and resources will be required of the RM nonetheless and will vary from proposal to proposal.

The fees presented in Schedule 'A' may be lesser than the general estimated costs listed in this rationale document. Council may elect to adopt a fee schedule lesser than estimated costs at its discretion and in the best interest of the RM and its ratepayers. The fees prescribed are an estimate and reflect the average amount of municipal time and resources involved in a review and are not intended to exceed cost-recovery.

The Process:

The sections below outline the duties and responsibilities of the RM upon receipt of an application, and its process for review and the resources required, or having those responsibilities handled by an outside planning consultant.

Application for Permitted Uses (Principal, Accessory, and Ancillary): Three (3) hours \$125.00/hour

The review process may include some or all the following:

- Review of the physical application for completion;
- Determination of land use designation and zoning;
- Review of site plan, real property report, or engineering compliance certificate where applicable;
- Review of the application for bylaw compliance and requirements for the specific development;
- Finding the roll number and reviewing the file for previous development;
- Retrieval of a copy of title to determine if there are any interests or restrictions placed on the land;
- Preparation of any materials or information for Council (where required);
- Identification of municipal access and servicing requirements; and
- Consultation with governmental ministries or agencies (where required).

Discretionary Use Applications for Development Permits:

Four (4) hours @ \$125.00/hour

In addition to the process involved for review of a permitted use, the review of a discretionary use application also involves the following:

- Discretionary uses applications require additional resources and time for review. The nature of a discretionary use warrants special consideration by Council on its operation and effect(s) on surrounding land uses and overall intent for the zoning district in which they are located.
- Each discretionary use application must be presented to Council. A detailed summary of the proposed use must be prepared to outline all the relevant regulations and development standards related to said use, and any evaluative criteria that Council must apply in its decision-making process. Further information gathering specific to the site and the proposal is often required for inclusion in the summary.
- Applications for discretionary use are also subject to the public notification requirement in section 55 of the PDA.
 - In addition to the costs incurred by the municipality to provide adjacent landowners with notice, there may be additional time required by administration or outside planning services to process and present to Council any feedback that was received as a result of adjacent landowner notification.
 - Depending on the nature of the proposed development, significant time of the administrator or outside planning services may be required to receive and respond to inquiries related to the proposed discretionary use.
- The review of a discretionary use application may also require consultation with outside professionals, government ministries or agencies, to ensure proper development.

- All the above result in additional time and resources required for review.

Additional Administrative Costs Related to Permitting

Other administrative costs are attributable to the development permit review process, are included in the fees listed in Schedule 'A' of the Development Fee Bylaw, and are as follows:

- Initial intake and review of the permit application;
- File preparation, organization and filing;
- Printing and copying material related to the permit review and for circulation to Council (where required);
- Site visitation (where required); and
- Consultation with outside professionals, government ministries or agencies (where required).

Minor Variance Applications:

Two (2) hours @ \$125.00/hour

The review process includes:

- Review of the physical application for completion;
- Determination of land use designation and zoning;
- Determination of whether the proposed variance meets the legislated provisions for variance;
- Assess for potential impact on adjacent landowners;
- Retrieval of a copy of title to determine if there are any interests or restrictions placed on the land;
- Preparation of any materials or information for Council;
- Notification to adjacent landowners and the handling of any potential response; and
- Consultation with governmental ministries or agencies (where required).

Planning Bylaw Amendment Costs

The fees for bylaw amendment in Schedule "A" of the Development Fee Bylaw, represent an average approximation of the time required to receive an application, process, prepare, review, discuss, issue a municipal decision, and gain provincial approval for a bylaw amendment at the estimated rate for planning services of \$125.00/hr.

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| Official Community Plan Map and Textual Amendments: | Four (4) hours (minimum) @ \$125.00/hour |
| Zoning Bylaw Textual Amendments: | Four (4) hours (minimum) @ \$125.00/hour |
| Zoning Bylaw Map Amendments: | varies based on class change* @ \$125.00/hour |

* Where there is increased potential for a greater density of development, or greater potential for the introduction of land use conflict, an application review is generally more comprehensive and detailed to address all aspects of the proposal to ensure sustainable long-term planning and therefore, requires additional time and resources to review. The classes of zoning district identified in Schedule 'A' represent a spectrum of development possibilities. The zoning districts in Class 1 represent the lowest density of land use and are generally undeveloped and in large land holdings, whereas zoning districts in Class 3 represents higher density of development and increased potential for land use conflict. The classes of zoning districts are distinguished by:

- their current zoning designations and the amount of land area currently zoned as such;
- the intensity of development possible within the districts;
- the types of land use(s) generally accommodated within them;
- their potential to significantly affect existing land use patterns;
- their location and whether potential hazard land need to be considered;
- development possibilities that may impact Aboriginal Treaty Rights which may warrant engagement with First Nations and Métis peoples; and
- their potential to introduce land use conflict with adjacent properties.

Engagement with Outside Professionals

Fees collected through a retainer for the purpose of engaging outside professional expertise, and any additional fees for said expertise, are intended to allow the RM the ability to recover its costs related to the review of a permit or bylaw amendment application. Up front collection of fees is intended to communicate and recover the costs related to a review, that said costs are borne by the applicant.

Public Notification and Engagement Costs – varies

- It is the opinion of Council that the costs related to legislated public notification and participation triggered by applications be borne by applicants and not general ratepayers. Applicants will be required to cover all costs related to the production, publication and delivery, of any public or landowner notice, responding to public inquiries, and any public hearing, in accordance with the legislated public participation requirements relating to development permits, discretionary uses, minor variances, or planning bylaw amendments.
 - Notification costs include direct costs incurred by the municipality related to newspaper and letter publication, postage, and administrative time. These are generally set by a newspaper publication, postage rates, per unit costs for materials and administrative time.

- Engagement costs are more variable and depend on the specifics related to each proposal. Factors include: the rate of public inquiry following notification; any required public hearing including administrative time or the services of an outside professional; and the number of public representations or submissions to be heard or read in a hearing.
- Upon request, cost estimates may be provided based on the type of application received.

Enforcement

When reviewing applications, the municipality is ensuring the development conforms to municipal planning policy and regulations, and in its issuance of Notice of Decisions. In some instances where council refuses an application, or conditions are attached to a permit, follow up and bylaw enforcement is required which are additional costs for the RM. The covering of these costs should be accumulated through each individual development permit application fee to assign the costs to developers and not the entire community. No specific portion of the planning and development fees have been attributed to enforcement, but it is recognized that that this is a factor in fees charged by the RM.