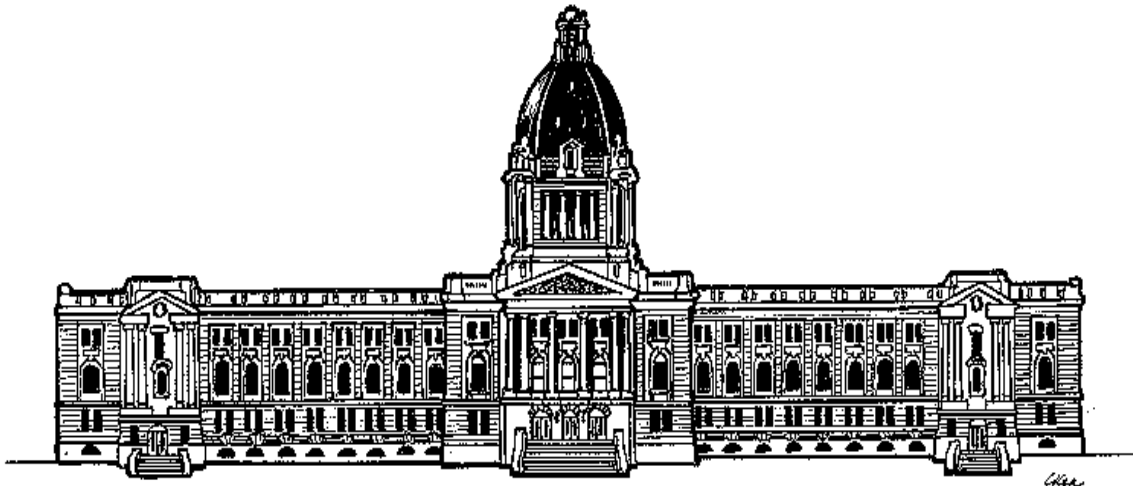




# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND INFRASTRUCTURE**

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND INFRASTRUCTURE  
2007**

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Regina Northeast

Ms. June Draude, Deputy Chair  
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Wood River

Mr. Andy Iwanchuk  
Saskatoon Fairview

Hon. Len Taylor  
The Battlefords

Mr. Kim Trew  
Regina Coronation Park

[The committee met at 09:00.]

**Bill No. 12 — The Planning and Development Act, 2006**

**The Chair:** — I will call the meeting to order, the meeting for the Standing Committee on Intergovernmental Affairs and Infrastructure. The item of business before the committee today is the consideration of Bill No. 12, The Planning and Development Act, from the Department of Government Relations.

Before we get to that, I'd like to draw to the committee's attention that we have three substitutions today. We have Mr. Morgan sitting in for Mr. Huyghebaert, Mr. McCall sitting in for Mr. Trew, and Mr. Yates sitting in for Mr. Iwanchuk.

With that, I see the minister and his officials are here. So with that, Mr. Minister, we will open the session by having you first introduce your officials.

**Hon. Mr. Van Mulligen:** — Thank you very much, Mr. Chair. Seated beside me on my right is Maryellen Carlson who is the assistant deputy minister of Government Relations. Immediately on my left is Ralph Leibel. He is the director of community planning for the Regina office. And seated beside him is Len Kowalko who is the director of community planning at the Saskatoon office.

**The Chair:** — Thank you, Mr. Minister. Now if you have an opening statement, we'll be more than happy to receive that now.

**Hon. Mr. Van Mulligen:** — I do have an opening statement, and I appreciate this opportunity. It's my pleasure to speak to the committee today to expand on the intent and scope of Bill 12, The Planning and Development Act. This is a new Act, and it continues a long tradition of planning in this province and will be replacing The Planning and Development Act, 1983. This Act builds upon the principles and concepts of the existing legislation and is designed to provide municipalities with the authority and flexibility to effectively manage land use and promote community development.

The new Act provides a community planning system that promotes economic growth, environmental sustainability, social and cultural development, and sustainable communities; strengthens communities by providing municipalities with clear, consistent, and effective tools for community planning; and fosters co-operation and partnerships among municipalities, governments, First Nations, entrepreneurs, and all citizens so that they can invest in and build communities.

This Act provides a planning system that provides more local autonomy and authority, streamlines planning processes, and provides clear and flexible ways to administer planning bylaws. Also this Act provides support for initiatives including the safe drinking water strategy, the green strategy, the recommendations of the action committee on the rural economy, and the joint recommendations of the Saskatchewan Association of Rural Municipalities and Saskatchewan Urban Municipalities Association's Clearing the Path initiative.

In the fall of 2005, Government Relations initiated extensive stakeholder and public consultations in response to requests from municipal, business, and community stakeholders for legislation that was responsive to land use planning needs. These consultations were undertaken with municipal governments, associations, industry sector groups, academic institutions, environmental agencies, planning districts, the transportation sector, professional associations, First Nations and Métis communities, and provincial government departments.

A review committee representing 50 stakeholder organizations was established. This committee contributed significantly by providing the direction and advice on how this legislation should support developing Saskatchewan communities. In addition to collaborating with stakeholders, 16 public open house meetings were held in various communities, including four northern communities, in May and June 2006.

The consultations with stakeholders in the public focused on five subject areas that included municipal authority for the management of land use and development, subdivision processes to ensure timely development decisions and address local circumstances, public participation of the citizens in the formulation of the community's policies in direction for growth and development, interjurisdictional planning opportunities for communities to jointly develop and address regional needs, and provincial interests to clarify and guide the management of land use.

Stakeholders brought forward a wide range of planning issues, including matters of municipal planning capacity and authority, provincial planning policy, clarity and consistency in municipal planning documents, timelines and predictability of local development decisions, regional planning inclusive of First Nations participation, planning needs in the North, and support for economic development that is environmentally sustainable.

A report, *Building a Sustainable Future: The Planning and Development Act Review: A Summary of Stakeholder Discussions* summarizes the consultations, and I've distributed a copy of that to you, Mr. Chair, and the Clerk and also to members of the committee. The input received from the stakeholder and public consultations provided a basis for developing this new Act, and I would like to identify now some of the key provisions.

Mr. Chair, stakeholders agreed that planning should be permissive in nature. This new Act maintains the voluntary community planning system and builds upon the existing framework and foundation called the current planning Act. Municipalities can undertake planning to meet the economic, social, environmental, and cultural goals of communities without the government mandating this process.

This Act continues the principle of providing subdivision-approving authorities with greater autonomy, planning tools, and flexibility consistent with their capacity and The Cities Act. The province grants approving authority to municipalities that have the administrative and planning capacity to be responsible for local planning decisions independent of the province and, if memory serves me

correctly, that would then apply to 10 of the 13 cities in Saskatchewan.

Legislative provisions further increase local autonomy for approving authorities by allowing them to set their own public notice requirements for discretionary use applications. Also this Act enhances the existing planning tools available to approving authorities by providing for site plan control. This is a new tool to address traffic and pedestrian safety on commercial and industrial sites. Approving authorities will be permitted to delegate development decisions for site plan control, discretionary uses, and direct control districts to the development officer. This added authority will streamline the review time for development proposals which responds to both industry and the municipal stakeholder concerns.

Finally, approving authorities can establish subdivision fees in a separate bylaw, and the principle of cost recovery respecting setting of fees is maintained. Industry stakeholders supported the setting of fees on a cost recovery basis which is important in minimizing development costs. No new fees are being proposed in this Act.

Mr. Chair, this Act enhances planning principles and tools for all municipalities. With respect to statutory plans, stakeholders have said that it would more appropriate if there was one policy plan for managing community development. This new Act creates one form of policy plan called the official community plan. The official community plan replaces both the development plan and the basic planning statement. The preparation of such plans under the direction of a professional community planner creates an opportunity for building municipal planning capacity. Stakeholders identified the need for plans to be guided by a professional to maintain consistency for planning documents and for developing best policy practices.

To ensure consistency in zoning bylaws, existing provisions have been enhanced through mandatory and permissive legislation. This Act contains provisions that streamline and expedite review processes which are important for sharpening the province's competitive edge for economic development.

First, municipalities are able to establish concept plans that outline future development and subdivision layout. This provides an opportunity to coordinate development with infrastructure services.

Second, municipalities and planning districts can hold joint public meetings minimizing the time required to implement planning bylaws for development.

Third, this Act requires municipalities implementing discretionary uses in a zoning bylaw to clearly establish criteria to serve as a basis for making decisions. These criteria must be provided in municipal planning bylaws to promote greater predictability in local decision making where there are clear and consistent rules for development. For example, there was considerable stakeholder discussion on intensive livestock operations as a discretionary use. Established criteria on acquiring approval for intensive livestock operations will assist developers in planning for new ventures. Municipalities may choose to control intensive livestock development through the

discretionary use process or a permitted use. Council retains the right to apply conditions to any discretionary use approval and applicants retain the right to appeal such conditions.

Fourth, municipalities are able to reimburse certain servicing agreement fees. This provides flexibility for the municipality and developer when addressing current and future servicing needs.

Fifth, nonconformity provisions are enhanced to minimize hardship to property owners by increasing the period of discontinuance from six to twelve months, clarifying the building value and providing for appeals for nonconforming buildings.

Mr. Chair, this new Act strengthens the existing planning district framework by creating more regional opportunities for municipalities to plan together. First Nations and government agencies such as regional economic development authorities may be appointed to district planning commissions. District planning provides an opportunity to enhance intermunicipal planning, coordinate planning bylaws, and provide for more harmonious regulations, share resources, build municipal planning capacity, and address specific sectors of development and issues that transcend municipal boundaries.

Proposed provisions enable municipalities to convert advisory planning districts into decision-making or corporate district planning authorities and transfer duties to these authorities similar to delegating to the administrator the responsibilities of the development officer for a municipality. This provides opportunity for municipalities to share planning resources. A formal commitment to planning on a regional basis may contribute to building a municipal planning capacity.

This Act enhances northern planning opportunities by providing authority to include participation by other government agencies, First Nations, and northern communities. It further provides opportunity to coordinate planning and zoning in the North by integrating northern planning district areas with other government land-use plans. With respect to subdivision, existing provisions have been revamped, clarified, and made consistent with the information services corporations, land titles, and plan registration processes.

Mr. Chair, transparency and public participation in community planning processes and appeals are maintained. Existing provisions are clarified for advertising and holding of public hearings. The provision for development appeals and subdivision appeals have been combined. More flexibility is provided in the organization and operation of the development appeals board which will make holding and hearing appeals more efficient. For example municipalities may jointly form a district development appeals board.

This Act permits municipalities to engage in voluntary dispute resolutions processes in addition to appeals, adding flexibility for resolving planning or subdivision-related disputes and streamlining local development decisions.

This Act responds to stakeholders' request to improve clarity in the Act by reorganizing the layout and using simpler language. Related provisions have been consolidated within particular

parts of this new Act. For example, provisions respecting servicing agreements and development levy agreements are now integrated into one part. Other housekeeping changes such as removing redundant provisions have been made.

In closing I am confident that the new legislation addresses stakeholders' requests for more local autonomy, more flexibility, additional planning tools, a greater clarity and streamlining of community planning processes, and enhanced interjurisdictional opportunities for communities.

And again I brought with me copies that I've distributed of building a sustainable future, The Planning and Development Act review, a summary of stakeholder discussions. I trust that this committee will regard this legislation as the system for communities and regions to proactively plan for their future directions, individually or through partnerships, to create a stronger Saskatchewan. I welcome any questions that the committee may have.

**The Chair:** — Thank you, Mr. Minister. Ms. Draude.

**Ms. Draude:** — Thank you, Mr. Minister. I have a number of questions on the Bill. And my first question is, the response that we have received from some of the stakeholders, mainly the inland terminals, were not very excited about the Bill. Did you meet with them in your planning and then your public consultations?

**Hon. Mr. Van Mulligen:** — We've certainly consulted with many industry groups respecting this legislation. I know that grain terminals have a concern about a different piece of legislation that we are currently considering, but we have not brought forward. We're in a consultation process, and I note that from material that's been provided to me by some of those organizations that they are in fact referring to a completely different Act.

**Ms. Draude:** — Okay. Thank you. You did mention that you'd met with the First Nations during the regional planning. And I'm wondering if you can tell me, did you meet with specific bands, or did you meet with the chiefs, or who was involved in the plans?

**Hon. Mr. Van Mulligen:** — Yes, I think we provide opportunities for specific bands. It may provide opportunities for other First Nations organizations should they be so constructed, such as tribal councils. I think those opportunities exist, recognizing that the — you know, with respect to First Nations as with our communities — direct control over First Nations rests with the specific First Nations on that reserve.

The primary issue that concerns us is the need to ensure that when it comes to developments where there is clearly a duty to consult that there's opportunity provided to do so.

**Ms. Draude:** — Is your department involved with the duty to consult?

**Hon. Mr. Van Mulligen:** — Sorry I didn't hear that. My mike is still on here, and it seems to override the speaker here.

**Ms. Draude:** — Does your department have specific duty to

consult guidelines, or do you use the other departments?

**Hon. Mr. Van Mulligen:** — We will have specific expectations, and perhaps I'll let one of my staff deal with the specifics of that.

**Ms. Carlson:** — We would generally use the same duty-to-consult guidelines that all government departments are using to guide their activities. That being said, we are working as closely as we can with municipalities to guide them in their obligation to consult with First Nations as well. It's a joint responsibility. And so we have a portion of that but they, too, do as well. And so we are in consultation with municipalities in fulfilling their obligation.

**Ms. Draude:** — Thank you. When I look on the website with the two departments of SERM [Saskatchewan Environment and Resource Management] and with First Nations and Métis affairs, the duty to consult appears to have, there appears to be different amount of emphasis or different guidelines between the two departments, so I'm wondering which department you are following.

**Ms. Carlson:** — We are following the guidelines that have been published and are dispersed and are available to the public.

**Ms. Draude:** — Okay. Did you get direct correspondence from any of the First Nations?

**Hon. Mr. Van Mulligen:** — We had representatives of the following First Nations attend a meeting in September 13, 2005 in response to an invitation that we sent to all First Nations and Métis communities. And the representatives of the First Nations who attended were those representing the File Hills Qu'Appelle Tribal Council, the Wahpeton Dakota Nation, the Mistawasis First Nation, and the Whitecap Dakota First Nation. We had provided an opportunity to all First Nations to attend, and all organizations, but those are the ones that did respond to our invitation. We continue to have discussions with the Federation of Saskatchewan Indian Nations.

With respect to one of the regulations that will be fleshed out subsequent to the adoption of this legislation will be a statement of provincial interest that should guide planning. And one of the principles that we hope that will be included in that to guide planning will be the issue of the duty to consult, and we are having discussions with the Federation of Saskatchewan Indian Nations as to how that particular expectation will be articulated in that statement of provincial principles.

**Ms. Draude:** — Did the bands that attended your hearings, did they show an agreement to it? Were they positive towards this Act?

**Hon. Mr. Van Mulligen:** — I think it was fair to say that it might have been a bit of an eye-opener for First Nations that . . . I'm not sure that they've had a great opportunity to participate in these discussions in the past. And I expect for some First Nations it might have been a question of, how does this pertain to us, and therefore did not participate.

But I think it's fair to say that the Federation of Saskatchewan Indian Nations appreciates the opportunity to work with us

collaboratively to articulate the provincial statement of interest, and that will then guide all municipalities when it comes to at least recognizing what provincial interest there might be that should guide the planning processes and decisions.

**Ms. Draude:** — So you're saying that they were in favour of the Act?

**Hon. Mr. Van Mulligen:** — I don't know if we've had specific sign-off. But I think again the Federation of Saskatchewan Indian Nations takes the position that, from their point of view, the relevant involvement for them comes when we define what is the provincial statement of interest that should guide planning — an interest that may change from time to time because there may be specific measures that are adopted by the legislature that should be considered. But you wouldn't necessarily change The Planning and Development Act every time you do that. So therefore it would be in the regulations and easier to change but nevertheless consistent with the legislation.

**Ms. Draude:** — Is there anything within this Act that your government is putting forward that you feel will limit the opportunities for First Nations to develop their resources?

**Hon. Mr. Van Mulligen:** — No. In fact it provides for the first time an opportunity to engage First Nations in district planning. That's a provision that's not been there before. And we wanted to open it up — district planning — to include more than strictly municipal people because many times there is, the reason that municipalities desire to work with others is for economic development reasons. So we've not only opened it up to organizations such as REDAs [regional economic development authority] to become involved in district planning bodies but significantly First Nations because sometimes they are either directly affected or wish to partner with other communities in economic development ventures.

**Ms. Draude:** — Thank you. I heard a lot when you made your opening remarks about the work with cities, but I didn't hear a lot with the work with SARM [Saskatchewan Association of Rural Municipalities]. Can you tell me what SARM's position is on this Bill?

**Hon. Mr. Van Mulligen:** — Both municipal organizations are supportive of the Act.

**Ms. Draude:** — I've had a number of the RMs [rural municipality] in my area express, I'm not going to say concern but it is a large Act that encompasses a lot of different facets of their work, and I'm not sure that they are all familiar with the impact it's going to have in all their areas. So one of the RMs in fact has mentioned that they are disappointed this Act had public hearings before the SARM convention. By public hearings I mean today's events. Did you have contact with any of the RMs that had indicated they wished to have further discussions on it?

**Hon. Mr. Van Mulligen:** — We had a number of issues identified by municipalities subsequent to public hearings that we've had. We've noted those and we'll throw those in the hopper for future changes to the Act. But as with any process when you invite I think over 250 organizations and . . . There's some expectation then that SARM and SUMA [Saskatchewan

Urban Municipalities Association] will do internal discussions and consultations with their member communities.

When you extend an invitation to that many entities to become involved in this process, have a committee — and I don't know if committee is the right term for any group that has 50 people on it, or 50 organizations on it — and then follow that up with 16 public meetings, including communities such as Moosomin and Assiniboia, there is a reasonable expectation that all of those that have concerns will have been provided an opportunity to express their concerns in that particular process.

And there will always be questions about specific aspects of this Bill or any other aspect of legislation and other legislation that will come to the fore at municipal conventions. But you know this is the process we have and you know, if the members of the committee feel strongly that there will be discussion at the SARM convention that weighs in on a major way in this Bill and that therefore is good reason to withhold your approval at this stage of the Bill, that's your decision to make. But I'm not aware of particular issues like that.

You know, we've had some issues identified but mostly by towns and cities, I believe, in terms of specific changes that they would like to see but came too late in the process. Because one of the things that we need to do in the process is to put before people what it is that we think we are going to do, and then if late in that process someone comes up with an idea of something else that we should be doing, we don't then have the opportunity to go right back through that whole process again and hold another round of 16 community meetings throughout the province. Because it's not fair to provide an opportunity for people to comment on something you're going to do then say, oh we're going to change it now in some substantial way but we're not really going to consult you. That's not fair either so, you know, we've arrived at this point again.

The two municipal organizations are supportive of this Act going forward. And in fact in the case of SUMA, because planning bylaws or zoning bylaws and the like have I guess greater applications for the more organized communities and the larger communities are, SUMA would have some strong thoughts about this going forward.

**Ms. Draude:** — Thank you, Mr. Minister. We know that, I believe it was last year there was a similar Bill brought forward and then it was withdrawn and the changes were made to, and we're now dealing with a new Bill as a result of that. I understand that when people have concerns, with that number of organizations there's bound to be somebody who says, I think it needs some tweaking. Can you tell me what specifically SARM has concerns with when it comes to this Bill?

**Hon. Mr. Van Mulligen:** — I don't think we have a specific letter but I'm advised that SARM supports this Act going forward.

**Ms. Draude:** — So there's nothing in this Bill that SARM believes can't be changed either or fixed either in regulations or an amendment to the Bill in the near future?

**Hon. Mr. Van Mulligen:** — Well if there's specific amendments to the Bill that, you know, people want to propose,

we'll certainly consider those. But I've not been advised of any amendments that would be of interest to SARM or to any other organization specifically with this Bill.

Having said that, we know that there have been specific proposals floated — mainly I think by the cities — for further amendments, but came too late in the process to really go back through the process again.

**Ms. Draude:** — I noted that when you made your opening statement you said that some of the areas that have financial planning capacity . . . And you'd indicated 10 out of the 13 cities had indicated that. I believe it's a good thing to be able to work with your neighbours. But what about the RMs? Are they considered to have sufficient financial planning capacity to deal with the works that are within this Bill?

**Hon. Mr. Van Mulligen:** — SARM certainly might be in that position in Saskatchewan. But you know, if one of my staff wants to speak to that specific question of planning capacity, if you like, I could . . .

**Mr. Leibel:** — Mr. Chair, the municipal planning capacity for municipalities, for rural municipalities, varies quite significantly depending on where they are. Some rural municipalities have professional planning staff working in their office; others do not. And it's a challenging situation for many municipalities to undertake an official community plan or development plan or basic planning statement and zoning process.

But of the 296 rural municipalities, I believe approximately 50 per cent actually have bylaws in place to manage land use and development. So they do an extremely good job at managing their development issues. And I think certainly most of them try to assure that the implementation of the existing Act is achieved at their local level.

**Ms. Draude:** — Thank you. This Bill is very, very important when it comes to the future of our province because a lot of the growth that we're going to see is within the natural resources, which is in rural and northern Saskatchewan. So this is going to have a huge impact on them. And not all of them have the financial capacity to spend time.

Most of those boards are volunteer boards. And they're trying to make a living themselves as well as planning for their community. So if they can't afford the professional community planner, they may not have been able to deal with their neighbours to take advantage of some of the growth that is in their area. Does the department, does your department have funding for any of these planners, for any of these people that will be working in making joint plans for areas?

**Hon. Mr. Van Mulligen:** — Yes. I might say that we provide some limited amount of planning assistance for communities if they ask for it. But we've also worked with SUMA, SARM, and the New North, the organization that represents northern municipalities, to hire three people who will assist all municipalities — should they request the services — to assist municipalities in the area of municipal capacity.

I think this will be especially helpful for municipalities, as you

say, that want to work with other municipalities but don't necessarily have the sophistication that other municipalities might have, so I think this provides an opportunity for us to be able to respond to that. And as I say, we've worked with the organizations on putting these people in place. I know SARM — my last meeting with them — is very excited about these people starting their work.

**Ms. Draude:** — You'd indicated that there was interjurisdictional planning ability, and you'd also talked about planning districts. So I don't know if I'm stretching to put those two statements together, but if you are, then that looks to me more like a type of an accounting system where you have people from different jurisdictions within the areas talking to their counterparts in a bigger area. Is that the type of thing you're looking at?

**Hon. Mr. Van Mulligen:** — Again there's no requirement that people have to in one municipality work with people in another municipality. If they want to voluntarily work together . . . And in many areas of the province that is taking place now and especially around some of our cities where there's a need that's been identified by all concerned to work together, not just in terms of economic development where that might go, but also growth and how that might be accommodated in an area wider than the cities itself. But again it's voluntary. If municipalities don't want to participate, they don't have to. But if they do want to, then the Act does provide greater opportunities for them to formalize that relationship into corporate planning districts to which they might, if they're all in agreement, provide powers if they so, you know, agree to do that.

For example, there may be, you know, a number of municipalities might come to a decision that certain planning decisions ought not to be made by one municipality. It might be better made by some entity that represents all of our interests. But that's their decision to make. But we wanted to accommodate that.

And I might say that it was interesting that the first meeting that I had with municipalities following my appointment to office was at the SUMA convention, not this year but last year. I think I was appointed on a Friday, went to the SUMA convention on a Sunday. And on the Monday afternoon I met with the representatives from both a town and a rural municipality where both of them were interested in advancing an economic development measure but wondered if there was greater flexibility that might be provided in planning to enable them to work through that. And so that I think that meeting for me brought home the need to do exactly that. But again that was something that they had arrived at and we wanted to be able to respond to.

**Ms. Draude:** — We talked about district planning and that there would be a type of board. Who would appoint the members to the board?

**Hon. Mr. Van Mulligen:** — It would be up to the municipalities to agree as to how they should do that.

**Ms. Draude:** — The corporate district planning, did I hear you say that it still needed to be okayed by government?

**Hon. Mr. Van Mulligen:** — No. I think that what we're saying is that . . . Now I stand to be corrected on this but what we're doing is saying to municipalities that in addition to voluntarily coming together and looking at district planning, if there are specific powers that you now want to turn over in a corporate way . . . For example, that we have some municipalities that might have planners on staff but some of the municipalities in the district planning association do not have planners on staff, would we want those planners to then provide planning for the other municipalities in certain ways as well? Well then they might come together in a corporate planning district to enable them to do that. But that's their decision to do that. And I'm not sure that they need any further approval, but I'll let my staff speak to that.

**Mr. Leibel:** — The function of the planning district authority is established once the municipalities voluntarily agree that they would like to form this board so that it has the decision-making authority for development permits for that area. The municipalities of each participating municipality each have to agree to it. And once they have formalized an agreement on how they're going to operate, that would then be submitted in to the minister and the department for review and to establish the order that creates that corporate board — just like creating a municipality goes through certain processes, a new resort village wants to be created. In this case they voluntarily decide and if they choose to do so, they make their submission and it's basically processing an order to allow them the authority, granting them the authority to do that.

An example would be the Great Sand Hills Commission. The commission actually brought this one to our attention because they've been working since 1993 as a planning advisory district and they felt that for that specific area, sometimes those decisions might be able to be expedited or addressed better if the commission handled it. And they asked that that there be opportunity, voluntarily if they chose to do it as three municipalities participating in the area.

**Ms. Draude:** — So if this submission is received by your department, is there a guarantee it's just going to be rubber-stamped?

**Hon. Mr. Van Mulligen:** — I think the concern would be that their proposed structure is in keeping with the Act, the same as any other group that wants to constitute a municipality that we want to make sure that it's consistent with the Act in question.

**Ms. Draude:** — So if it's consistent with the Act, then there should be no reason . . . Whether your department would agree with what their long-term proposal is doesn't make any difference. As long as it meets the process, then you're fine.

**Hon. Mr. Van Mulligen:** — Yes, that generally is the principle here. Having said that, you know, almost any act of a municipality might be subject to appeal and question, and at some point someone might say, did the process conform to the expectations that might be in this Act or another Act? But generally the principle is that we want to ensure that the formation of your body is consistent with this Act to enable you to do the things that are anticipated in this Act.

**Ms. Draude:** — Thank you. I just have one other question. Last

night I heard on the news that the city of Regina and the government is going to the federal government to talk about moving the railroads in Regina, I believe, to the outskirts so that they can have a hub for railway cars, I believe it is. I don't know the terminology. Is that the type of thing that this Act will help in any way? Will it hinder it or is it an encouragement? Is there anything your department has to do with this proposal?

**Hon. Mr. Van Mulligen:** — Well putting aside the temptation to comment on air travel of late and maybe that trains would be welcomed to get us around, I would venture to say that there's nothing in this Act that would discourage that type of planning.

But again this is all within the corporate boundaries, as I understand it, of the city of Regina. So I'm not sure that there's anything in this Act that would necessarily change their authority in this. If there were other municipalities involved, theoretically there might be ways that the Act might provide greater opportunity for them to do that.

**Ms. Draude:** — Thank you, Mr. Minister.

**The Chair:** — Mr. Morgan.

**Mr. Morgan:** — Minister and officials, I'm new on this committee so pardon me if I appear not to have . . . wasn't there through sort of the history of this. When I've been involved with these things where there's been stakeholder consultation, I'm always intrigued by or interested by how the list of stakeholders was developed.

And I looked at the information that was here and I'm just wondering, were those entities groups that had had dealings with the department under the old legislation? Or I'm just wondering where this particular list came from.

**Hon. Mr. Van Mulligen:** — Well of course municipalities is a given and there are organizations that, over time, that we would identify as having a strong interest in planning and generally in municipal affairs that we would invite. For example, the Canadian Association of Petroleum Producers are forever having to deal with the local level of government. And there are many other organizations in a similar vein. Other professional organizations such as community planners would come to mind that we would identify. But I'll let my staff speak to if there's anything that I've missed in that general description as to who we would invite.

**Mr. Leibel:** — Mr. Chair, we try to take a broad perspective on what community planning is and try to invite different organizations that are impacted by land use, land use decisions at the municipal level. And so of course agriculture's very important, so we invited a number of agricultural organizations to participate, some of which participated on a review committee. We invited the oil and gas industry, we invited — sorry I need to get my list here — the developers' associations, the various development associations, things of that nature, and tried to get it as broad as possible.

**Mr. Morgan:** — Both SUMA and SARM had been involved?

**Mr. Leibel:** — Yes, SUMA and SARM, the municipal association, administrative associations were involved in as



well.

**Mr. Morgan:** — SAMA [Saskatchewan Assessment Management Agency]?

**Mr. Leibel:** — SAMA, I believe page 7 . . . No. I don't believe SAMA got involved in our discussions.

**Mr. Morgan:** — Would they have been made aware of it or would there been an invitation given to them? And I'm not sure what representations they might wanted to have made, but I tried to think, when I looked at this, as to anybody that would have had or could have been impacted by . . .

**Mr. Leibel:** — I don't see them on the list that I have. I know the website that we had up and notification across the board was . . .

**Mr. Morgan:** — Hopefully they might have heard of this from either SARM or SUMA or some of the municipalities that have been involved. My question that I would have to them had they been here is, will the assessment process be affected by any changes to how public reserve is set up, whether it's adjacent to private land or how the process might take place that would affect any of the valuation methodology or the existing valuations that are there?

**Mr. Leibel:** — With regards to the valuation, I could explain that I know in some cases — say along the shoreline, lakeshore development, where environmental reserve is dedicated between the lake and the properties — in order to set development back from flooding or ice action, there may be changes there. But that's actually more in the development decision. But the changes to the legislation from what I've reviewed wouldn't impact their processes.

**Mr. Morgan:** — Land valuations?

**Mr. Leibel:** — No.

**Mr. Morgan:** — Okay. One of the parties that made representation to you was the home builders' association, and I'm just wondering if you could tell me what the nature of their representation was.

**Mr. Kowalko:** — Mr. Chair, the home builders participated in the stakeholder consultations. They actually participated quite closely with our department over the years in amendments on previous legislation as well as on this Act. We held a specific meeting in Saskatoon with the home builders and there was representatives from the association there.

**Mr. Morgan:** — Okay. Did they support the Act in its draft form or did they ask for changes or was there participation to come on board and support it or did they ask for changes?

**Mr. Kowalko:** — The changes that we've made are in response to municipal requests, and what we have done is to include the home builders because there could be an impact in terms of their interest. And basically what they've responded is supporting the Bill that we have before the House.

**Mr. Morgan:** — So what you're telling us is that they did not

ask for any changes that have not been included.

**Mr. Kowalko:** — That is correct. What they've done is, there are some changes that will be reviewed later because they came late. They could have some implications in terms of the home builders, and that's why we would need additional time to consult with the association. So in terms of what we're going forward with, we're comfortable, and they support the Bill.

**Mr. Morgan:** — I appreciate you might be, but I'm more concerned about the position the home builders might want to take. And I guess my question was . . . And I want to be really clear on it; I'm not trying to be argumentative, please. What I want to know is the position that they asked for, the changes that they asked for, have they been included? And if they have and that's the end of it, I'm fine with that. But if there's other changes that are coming that they may not have been consulted with, then I guess where I'd be going with it, should we wait until there has been consultation?

**Hon. Mr. Van Mulligen:** — Yes, one of the concerns that have been expressed over time, not just by home builders but generally by the development industry, is the sense that when municipalities set fees for various development activities undertaken by the municipality to accommodate development and the building of homes and commercial buildings for that matter, is that the sense that the fees don't necessarily reflect the cost of doing business for the municipality, that those fees might be somewhat elevated.

And one of the provisions in this Act that I think will be well-received by the development industry and including the home builders is the principle that fees, development fees, hectareage development fees, whatever they might be, have to have a sound basis in cost recovery and not more than that. So I think that will be welcomed by the development industry.

**Mr. Morgan:** — I appreciate that and accept that, and any time fees are either reduced or reflective of the nature of services, I support that. But what my question is, did the home builders have concerns that have been addressed by changes to the legislation?

**Hon. Mr. Van Mulligen:** — My understanding is that their primary concern was cost recovery and it is addressed.

**Mr. Morgan:** — I presume they provided written correspondence or written representation. Is that something you can provide us today so we could look at it? I'd like to know whether there's other issues that they raised as well.

**Hon. Mr. Van Mulligen:** — You know, I assume that from the home builders' association that they're okay with releasing it publicly. And if they're prepared to do that, then we're certainly prepared to do that.

**Mr. Morgan:** — I don't have a hidden agenda. I haven't talked to them about it. They're on the list and I know it's one of our major industries in the province so it's important to us to know that the issues they've raised have been addressed, and if they haven't been and we're going ahead without addressing them, I want to know what issues are out there because I know I will be getting calls.

**Hon. Mr. Van Mulligen:** — We will undertake to, you know, to meet your needs in this.

**Mr. Morgan:** — Okay. Are we going to take an adjournment this morning so we can have a look and find out if they've got more questions on . . .

**Hon. Mr. Van Mulligen:** — We would have to come back to you later in the morning with that but . . .

**Mr. Morgan:** — Yes. You have the document. We don't have the document so, you know, if they're there . . . I mean, that's why we have these committees is to ask the questions so . . . And they're fair questions . . . [inaudible interjection] . . . Pardon?

**The Chair:** — Order. Order. Mr. Morgan.

**Mr. Morgan:** — In any event if we can, through the course of the morning, be provided with that I would appreciate that. And my next question: was the Meewasin Valley Authority one of the parties that was consulted?

**Hon. Mr. Van Mulligen:** — The urban parks association, which represents Meewasin and the other urban parks, was involved. And we would place an expectation on them to then engage specific parks as and when required.

**Mr. Morgan:** — So the MVA [Meewasin Valley Authority] did not receive direct invitation to participate?

**Hon. Mr. Van Mulligen:** — No. My sense is from the officials that Meewasin nor Wascana Centre nor the other urban parks would have been specifically asked for their views. But the organization that represents them would have been asked to collate whatever concerns the urban parks might have had.

**Mr. Morgan:** — There's been nothing that we've heard from either Wascana or from the MVA?

**Hon. Mr. Van Mulligen:** — No. Nothing that we can recall that . . .

**Mr. Morgan:** — The model for this legislation: was it adopted from or modelled after legislation that exists in another jurisdiction?

**Hon. Mr. Van Mulligen:** — I think it's fair to say that the legislation we have builds on the previous planning and development Act, 1983. You know, we always have over the years made specific changes to The Planning and Development Act but we felt, in this particular case, given the number of changes we're looking at, to simply revamp the Act and come in with a new Act. But it builds on the previous Act, which was adopted in 1983.

**Mr. Morgan:** — Did the department do comparisons or reviews with what was taking place in the other western provinces for their legislation?

**Mr. Leibel:** — Yes. The legislation, we did some comparisons. We looked at what's happening in Manitoba and their planning legislation, as well as Alberta, BC [British Columbia]. In

essence, the legislations are very similar.

**Mr. Morgan:** — So a business or individuals relocating or wanting to do a development of a subdivision here — a developer coming here, say, from Alberta or BC — would find this a reasonably seamless transition? Is that a fair . . .

**Hon. Mr. Van Mulligen:** — I think that's fair to say that.

**Mr. Morgan:** — Okay. Another one of the parties that are on there is the, that had submitted was Beyond Factory Farming Coalition. Is that an entity that you had sought input from or did they voluntarily provide it? And I guess I am wondering what their, what their input was.

**Mr. Leibel:** — That association requested input and requested to participate.

**Mr. Morgan:** — And what was the nature of their recommendations?

**Mr. Leibel:** — My understanding would be that the association was looking at how to manage intensive hog operations and to ensure that the local municipality retained the authority for making that local decision.

**Mr. Morgan:** — Were there, the changes that they wanted, were they incorporated into the legislation? Or was it more a matter of them expressing a concern that . . .

**Mr. Leibel:** — I would look at it as a concern that they were raising with us. And how the legislation works . . . And zoning and the management of land use sometimes can be fairly complicated depending on who's managed it, who's managing the process. And I guess my interpretation of their concern is that they wanted to make sure that that local process was retained and municipal council had the ability to prohibit certain types of development. And that authority rests with the municipal council in this current legislation.

**Mr. Morgan:** — Mr. Chair, I'm wondering at this point, it may be appropriate just to take a short break to give the officials the opportunity to see if they can locate the correspondence that had come. I don't know if there are other questions from any of the other members in the meantime.

**The Chair:** — Is it agreeable by the committee that we take a 10-minute break?

**Some Hon. Members:** — Agreed.

**The Chair:** — Thank you. We'll recess for 10 minutes and we'll be back here in 10 minutes, so take opportunity of the break.

[The committee recessed for a period of time.]

**The Chair:** — Ladies and gentlemen, we will reconvene the meeting and we'll start out with having a presentation from our witness who represents the Rural Municipal Administrators' Association of Saskatchewan. Would you please introduce yourself and give us your title for the record, please.

**Ms. Strudwick:** — Yes, good morning. My name is Donna Strudwick. I'm a director for division 2 of the Rural Municipal Administrators' Association of Saskatchewan, more commonly referred to as the RMAA. I am also the administrator of the RM of Edenwold, just east of the city of Regina.

**The Chair:** — Thank you. Go ahead. We'll be more than happy to entertain your presentation.

**Ms. Strudwick:** — Thank you for this opportunity. I don't have a written presentation, however I have provided you with a brief outline of a couple of the points that I wish to address.

The two issues that have been of concern to the RMAA are not earth shattering by any means, but they are concerns that we feel should be kept in the forefront and certainly where possible some consideration given to them. We did participate in the review committee which reviewed the provisions of the existing planning and development Act. I believe that review was, it was a very good review and it provided us all with ample opportunity to have an open discussion. And certainly the draft, *Building a Sustainable Future*, I believe fairly represents the discussions that took place at that level.

The one issue that has caused some concern for us as administrators and certainly councils throughout the province is the regulations regarding the expenditure of the dedicated lands account. Certainly rural municipalities, especially the ones around the larger centres, are experiencing increased development — both residential and commercial — and with that of course goes subdivision rezoning.

Under the current regulations in section 194 of The Planning and Development Act, the requirements for dedicating lands in the subdivision process are set out, and certainly we have absolutely no concerns over the process for dedicating lands. Where we have concern is when municipalities accept cash in lieu of municipal reserve. Those funds of course have to be held in a separate account, a dedicated lands account.

Going on to section 7 of the dedicated lands regulations, it clearly states how those funds can be expended and currently those funds can only be used for developing or maintaining an existing public reserve land or purchasing land to turn into a public reserve. We acknowledge that those funds can also be used in another municipality. However they still must be spent on dedicated lands, so lands that are designated as municipal reserve. And that's where we believe there is a problem.

The problem is that number one, a rural municipality, when we have development certainly we take some lands for dedicated public use. For the most part those will be walkways, lighted walkways, parks, and so on. Given the nature of rural municipality and urbans, most of the large facilities which our ratepayers use are of course located in the smaller urbans that lie within our boundaries. And by those I'm referring to the local arenas, the skating rinks, the curling rinks, the swimming pools, the soccer fields, and so on. And we enter into agreements with the urbans whereby our ratepayers can use those facilities, and along with the agreements goes a monetary contribution to accommodate that. And we believe that is fine.

But we believe that if those funds in that dedicated lands

account could be used to assist in the . . . Now I have to make it very clear that our thoughts are not in any way for those dedicated lands accounts to become just part of the general coffers of the municipality. We believe there have to be some regulations attached. But we believe the regulations should be expanded so that those funds can be used for things such as capital expenditure for recreation facilities in the neighbouring urban municipalities, and for things like capital for our fire departments, assisting in the purchases of a fire truck.

We have had some consultation with a lot of the smaller urbans that fall within some of the larger rural municipalities, and their facilities like the curling rinks and the skating rinks and the swimming pools are not built on municipal reserve property. They're constructed on properties that are owned fee simple by the municipality. Therefore we have rural municipalities and some small urbans who are sitting on thousands of dollars in a dedicated lands account that they just can't spend because the opportunity isn't there.

So having said that, our request is to consider expanding the regulations outlined in section 7 of the regulations. And again, not opening it up to general coffers, but I think that the ability to expend those funds in your municipality or a neighbouring municipality is warranted because it would assist those facilities that again are standing on fee simple property as opposed to municipal reserve property. So that in a nutshell is our one concern.

The other concern we have — and I acknowledge that this does not involve an amendment to the Act, but it is a concern that I think should be stated — and that is with ministerial approval on zoning amendments. Section 89 of the current P&D [planning and development] Act grants the minister the authority to exempt classes of municipalities from having to get ministerial approval on zoning amendments. And that order was granted, I believe, back in the early '80s when there were two departments, rural and urban, and we operated under two separate Acts. And an order was issued granting exemption to urban municipalities on ministerial approval for zoning amendments.

In all cases zoning bylaws and development plans or basic planning statements always require ministerial approval. Currently any time we in a rural municipality change the zoning of any property, we require ministerial approval. Urbans do not. Since the scene has changed dramatically — we no longer have two separate Acts; The Municipalities Act was enacted to provide more unity and parallel administration of the municipalities — we really believe that that order should be lifted or repealed. The Cities Act is now in effect so if the order . . . I mean, if the cities I believe will probably continue to be the approving authority for their zoning amendments. But I really believe, and so does our association, that the smaller urbans in rural Saskatchewan and rural municipalities should be following the same process.

It's our suggestion that all municipalities should require ministerial approval. While I have no doubt that municipalities are in most cases addressing the provincial interests and handling the zoning amendments very well, I believe that ministerial approval just provides that level of assurance that all interests have been addressed.

And so I guess our request would be to have that minister's order repealed so that all urban municipalities in rural Saskatchewan and rural alike would have to have ministerial approval on amendments to their zoning bylaws and development plan.

So those are the two issues that we feel warrant some consideration, and we ask that you make note of them and where possible consider them. And I'd certainly be willing to answer any questions if you have any.

**The Chair:** — Ms. Draude.

**Ms. Draude:** — Thank you very much. Of course you're involved in this work all the time and bringing forward the issues are something that you work with on a daily basis. I find it interesting that you're, instead of asking for RMs and small towns to have the same right as cities, you're just asking for cities to not have the right as well. Why would you do it that way?

**Ms. Strudwick:** — Well certainly I guess it would be great to say yes, the cities should too. I see that as . . . And again it is because they do have their own Act. Some of their processes are already different. I think at this point to ask the larger cities to revert to having ministerial approval on zoning amendments would not be well-received. And I guess I would like to know what the department's comments is, but I don't know whether they feel that need is there.

You know I think the cities, they have large planning departments for the most part that handle those sorts of things. And I think their processes are probably sufficient in-house to handle those things. I mean certainly if it was the feeling of everyone to include the cities, that would be great. But I see that as perhaps not being as easy to accommodate.

**Ms. Draude:** — I guess I misunderstood what you were saying, and I thought that you believe the cities should have to get ministerial assistance. But what you're saying is you believe that the RMs and small towns shouldn't have to any more than cities do.

**Ms. Strudwick:** — Yes. No, I . . . like the RMs now do and I think the small urbans should also, you know. I think we should all be doing the same thing. Our association would prefer having everyone do ministerial approval as we're certainly not asking for us to be able to do it on our own. And I should add I think that — and again I think this is the question that perhaps that the department might comment on — I see possible problems. And I'll just use an example that I envision.

If a smaller urban municipality, like any — it could the town I'm living in — have a zoning bylaw and a development plan, and that has been approved by the department and of course is on file with the department, so if the department receives a subdivision application in that community, they of course would refer to the zoning bylaw and development plan that they have on file. But because amendments don't have to be forwarded to the department or for ministerial approval, the amendment is not necessarily on file. So the department would have to check with the urban municipality to see if there have been any amendments made. And, you know, certainly it just to

us seems that it would be a more efficient process if both small urbans and rurals would have to submit those for approval.

**Ms. Draude:** — Thank you. And I'd be interested to hear what the department has to say and this forum is a great opportunity to get an answer. I also . . . I'm interested in the dedicated land fund. I know how hard it is for small towns to keep their recreation buildings up. And if there's funds that could be used there, I would imagine it's something that should be kind of a no-brainer. You're talking about recreation equipment or capital costs for fire equipment. Is there any other area that you believe that the funds should be made, that it should be allowable for the funds to be spent on?

**Ms. Strudwick:** — I think, you know, any developer will agree that when a developer contributes cash in lieu to a municipality, he of course expects — and so he should — that those funds will be used in such a fashion that the people who are going to reside in that development will benefit from them. And I'm going to give you an example. And this is just our municipality, the RM of Edenwold, and where we are with that. We have a lot of residential development and we have a huge amount of dedicated land within that development. And that land has been developed — lighted walkways throughout the development, a large park with play equipment, and a soccer field.

And because of the amount of development that occurs, we now have \$32,000 in our dedicated lands account that has been cash in lieu because we really can't accommodate any more public reserve. We aren't going to build any large facilities because all of our ratepayers use the facilities in Pilot Butte, White City, and Balgonie. And we have agreements with those towns to contribute toward the operation and capital of those buildings.

So our walkways are lighted. They're paved. The grass is cut twice a week. Our soccer field is sodded and irrigated and lighted. And we really can't do much more to develop those municipal reserves.

We would dearly love to be able to say to one of those communities, you're building a new skating rink this year; here's an additional \$20,000 to put toward that. Or you have to put a new ice plant in your curling rink. And if we could use those funds for those purposes — again keeping in mind that the residents within the developed areas should be able to benefit from where that money goes — we suggest capital on recreation facilities, capital on fire protection. And we think that that would go a long ways to enable municipalities to spend that money in such a way that it could benefit the urban municipality as well as ours.

**Ms. Draude:** — Thank you. I just have one last question. Do you believe that you should have ministerial approval on the decision or do you think it's something that the RMs should be able to determine themselves?

**Ms. Strudwick:** — On the municipal reserve? What our suggestion is, is that section 7 of the regulations be expanded to include capital on recreation facilities and capital on fire protection.

**The Chair:** — Thank you, Ms. Draude. Mr. Yates.

**Mr. Yates:** — Thank you very much, Mr. Chair. I had two very short questions and one I think you just answered. Were there any other areas in which you thought these funds should be used, or are there any limitations you think should most definitely be there?

**Ms. Strudwick:** — At this point our association believes those are the two areas that should be included. We discussed other things; however it's our feeling that some of the other things we discussed would not really benefit all of the ratepayers. We feel that by targeting recreation facilities and fire protection, it benefits everyone in both communities.

**Mr. Yates:** — Okay, thank you very much. And my second question has to do with the concept of repealing the ministerial order exemption for small urbans. Do you have any examples where that exemption may have caused problems or something that's concrete to . . .

**Ms. Strudwick:** — I have two. I know there are more, but I haven't spoken to all the people involved, so I will not use those. The two that I know of . . . number one, RM of Edenwold, the town of Balgonie, the town of Pilot Butte, the town of White City — their hall, their skating rinks, the curling rink, the swimming pool, the ball diamonds are all located on property that is owned outright by the towns. So it's not on municipal reserve.

In the RM of Blucher which is just outside of the city of Saskatoon, they have smaller villages and hamlets, one being Clavet and Bradwell I believe is the other one, same situation. They would really . . . and they do contribute to the recreation facilities, but those smaller urbans have no municipal reserve, and they don't foresee any huge development occurring that would enable them to accumulate municipal reserve. So again I know that that rural municipality is experiencing the same concerns we are that we would like to be able to spend that money on capital projects.

**Mr. Yates:** — Thank you very much.

**The Chair:** — Mr. Taylor.

**Hon. Mr. Taylor:** — Indeed thank you very much and appreciate hearing the presentation here. You had indicated in your opening remarks that the RMAA has been a part of the review committee. So therefore I am given to believe since you haven't discussed much about that process that the Act as it's come forward is one that the RMAA has participated in developing and is supportive of the provisions as they currently exist. Is that correct?

**Ms. Strudwick:** — That's correct.

**Hon. Mr. Taylor:** — Thank you. And so with regards to section 7, how much discussion during this review process has occurred to date in that process about the expansion of section 7? Yes, that's the preliminary question. How much discussion of section 7 has occurred during this review process?

**Ms. Strudwick:** — There was considerable discussion regarding it at the . . . I believe it's outlined in this document. I believe I have it highlighted. Yes, it was discussed and it's

detailed on page 31 of the document. And there was considerable discussion.

It's one of those issues that the developers and the home builders and so on . . . They didn't have the same appreciation for our concern because it really didn't involve them. They know they have to pay this cash in lieu and I believe the developers would, you know, be supportive if that could be spent on other things. I mean certainly there are developers who would like the cash in lieu to be able to be spent on putting water and sewer in that development. But it was discussed openly at the review session and I think, you know, received ample discussion. Again I think it's our concern that even if that amendment isn't made immediately we want it to be considered at some point.

**Hon. Mr. Taylor:** — That actually answers my second question, but just maybe to elaborate on it just a little bit more. The Act as it stands is acceptable, but there are matters like this that if the department and government is willing to continue to talk about them this is an area that, do you think, that more consideration should be given to going forward?

**Ms. Strudwick:** — Exactly. Exactly. We in no way want to hold up any drafting of the Act simply because of these. We feel these are things that must be addressed, but we also realize that we don't have a problem with them being addressed at some point in the future. We just don't want to lose sight of them.

**Hon. Mr. Taylor:** — Thank you very much.

**The Chair:** — Thank you, Mr. Taylor. Seeing no further questions by the committee, I would like to thank you very much for coming in today and making your position known. Thank you very much.

**Ms. Strudwick:** — Thank you for allowing me the opportunity.

**The Chair:** — Thank you. I would now have the officials from the department along with the minister come forward, and we'll continue on with the questions at hand.

Okay, we'll reconvene the committee meeting. Mr. Minister, do you have any statement you wish to make at this time?

**Hon. Mr. Van Mulligen:** — I've listened to the previous witness, and I appreciate the comments that she's bringing forward. In the first instance she addresses the questions of regulations with respect to the use of cash in lieu and the dedicated lands where a developer, because of design, doesn't set aside specific land for municipal reserve but instead is asked to provide cash that can then be used in conjunction with cash from other developments to create the kind of park spaces or other uses that are envisaged.

The witness makes a suggestion that in their specific case they have more funds arriving from cash in lieu than they really require to meet municipal reserve expectations. And therefore she raises the question of whether the regulations, which are called The Dedicated Lands Regulations, might be tweaked to provide for the, you know, the situations that are obviously evident in the RM of Edenwold. All I can say is that we agree

that there is opportunity for review of those regulations to provide for that additional flexibility.

We have to be careful that municipalities don't, on the one hand, say that here is an expectation on developers to put money aside for municipal reserve and then use those funds for some other unintended purpose. But if the purposes that were set down for those funds have been complied with but there are still funds that might then be used for some other worthwhile municipal purpose, then we want to look for ways to accommodate that in the regulations. So in short, yes, we agree.

With respect to the question of minister's orders and the approval of zoning amendments, that there still seems to be some difference in. From time to time we will come across these differences between rural and urban municipalities because the Acts that we have now have been combined. But we may, from time to time, run across where differences still exist.

We agree that this should be looked at. This is not a question of regulation, but a question of orders on my part as to who should be submitting zoning amendments for my approval. And I take her comments to heart, recognizing that in the spirit of trying to provide for one municipal Act that governs municipalities we ought to be consistent in this way too. So I take her comments to heart and would venture to say that as we move forward, with respect to minister's orders, that we'll make these consistent for rural and urban municipalities.

**The Chair:** — Thank you, Mr. Minister. Mr. Morgan.

**Mr. Morgan:** — Thank you. The minister had answered one of my questions already as to how we were going to . . . we heard the presenter's comments, and they were, I thought, valid. And I'm pleased that those will be taken into account.

I've received a copy of the correspondence from the Saskatchewan Home Builders' Association. I thank the officials for providing that.

There's two questions I have arising out of that. One of them is a recommendation that the Act stay with original listing of what things could be charged for. And I presume it's the position of the department that you want to go with the new section rather than stay with the older section that they want. I'm just wondering if you can answer why or what response we should give to the Home Builders' Association.

**Mr. Leibel:** — Yes, their request was specifically regarding section 175. And during the drafting and design and discussions with the committee members, we had tried to rewrite to make things easier, less prescriptive, more general comments as to what types of conditions or services could be charged. And they preferred to retain the existing prescriptive list that's in the current legislation, and we made sure that was retained.

**Mr. Morgan:** — So what's taken place is we've accepted their recommendation or their listing. Thank you.

And the other one deals with . . . They're talking about . . . there will be future consultation regarding flexible design standards and concept plans. So I'm wondering, is that something that

will be dealt with in another piece of legislation, or would there be other consultation with regard to this one? It's the second last paragraph of their letter.

**Mr. Leibel:** — With regard to the concept plans, my understanding is that they're in agreement with the changes and how it was reworked within the existing Bill.

**Mr. Morgan:** — With the existing Bill that's before us?

**Mr. Leibel:** — Yes.

**Mr. Morgan:** — And they're supportive of that?

**Mr. Leibel:** — Yes.

**Mr. Morgan:** — Okay. That's the only questions that I have. I think Mr. Allchurch has some questions. I want to thank you for your patience in dealing with them. Some people say we should do our homework, and frankly this is how we do our homework. We ask questions, and it's when we don't do that that we run into problems later on.

We had problems earlier in the session when legislation was passed dealing with smoking and casinos. The government went ahead and licensed casinos without addressing that issue, so I think it's incumbent on us, on opposition, not to be afraid, not to be shy to ask questions and challenge to prevent mistakes from being made and to prevent errors from coming into the process that leaves all of the province in an awkward situation, so it's certainly nothing personal or anything we want to challenge you on. It's that we have a role and an obligation, and we certainly intend to fill it in spite of some of the comments from some of the members opposite. That's certainly where we're going to go with it.

**The Chair:** — Mr. Allchurch.

**Mr. Allchurch:** — Thank you, Mr. Chair. Mr. Minister, welcome to your officials. I was going to pose a question before, but I thought I'd wait to hear from the presentation by the Rural Municipal Administrators' Association first. And that's in regards to this Bill and regards to taxation. And of course there's been a couple of years, especially last year, where there was a tax revolt. Does this piece of legislation address that issue with tax results for the rural municipalities?

**Hon. Mr. Van Mulligen:** — Well the short answer is no.

**Mr. Allchurch:** — The reason I ask is I had a couple of reeves phone me in regards to this legislation, and it somewhat addresses that problem where some RMs use tax revolts as an issue or a way to get the government to listen to their complaints. In this piece of legislation and in this . . . It's a huge piece of legislation. I was just only asking if in this piece of legislation it addresses the tax revolt issue. And if it doesn't, then that's fine.

**Hon. Mr. Van Mulligen:** — Mr. Chair, the provincial government has taken a number of steps to deal with concerns that have been raised over time, particularly with respect to the education portion of property tax, and especially, I might say, as it pertains to agricultural producers in Saskatchewan.

We have also put before the Legislative Assembly amendments in a different Acts to deal with the collection of property taxes that are paid by taxpayers and then are taken by municipalities and are expected to be remitted to school boards, but that's a subject of a different piece of legislation. And I think members will have an opportunity to deal with that legislation as we go forward.

**Mr. Allchurch:** — Thank you, Mr. Minister. I just thought this piece of legislation dealt with it.

**The Chair:** — Thank you, Mr. Allchurch. Seeing no further questions . . . Mr. Minister.

**Hon. Mr. Van Mulligen:** — Could I have one further comment? That I appreciate the comments by Mr. Morgan in terms of the obligations of the members of the committee to review legislation and to do their work, and I might say that the Legislative Assembly now provides funding greater than has ever been provided in the history of Saskatchewan for research to be done by the respective caucuses and especially the opposition caucus. So we appreciate the work that they do in this respect.

**The Chair:** — Thank you, Mr. Minister. Seeing no further questions, is the committee prepared to deal with the Bill? I'm going to ask, as Chair, the leave of the committee to deal with this Bill in parts. As you'll note, the Bill is fairly thick and it consists of 263 clauses. So if I could have leave of the committee, we'll just deal with this in parts.

Okay. Part 1, including clauses 1 to 3. Is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 263 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act respecting Planning and Development in Municipalities. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — I will invite a member to report the Bill without amendment.

**Mr. Yates:** — I would move that we report the Bill without amendment.

**The Chair:** — Mr. Yates has moved the Bill be reported without amendment. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. That concludes the business before the committee today. Mr. Minister.

**Hon. Mr. Van Mulligen:** — Well first of all, Mr. Chair, I'd like to thank you and the members of the committee for moving this Bill along. This is a Bill that, as you know, has been the

subject of extensive discussions and consultations. Might say that there's a big load that's been lifted off the shoulders of the people of my department that are responsible for that, although I'm going to tell them not to celebrate yet until third reading is completed. So we really appreciate the diligence that the committee has applied to this Bill.

I very much appreciate the comments and questions from the opposition as we proceeded through this Bill. These are good questions and help us to reflect and think upon the kinds of changes we have made and also what changes we should be looking at in the future.

I want to thank too the witness, Donna Strudwick, who was here, for her comments. Although these are not reflected in the legislation itself, they do speak to aspects or activities arising from the legislation, and she makes very good comments, and we will attend to those.

So in short I want to thank my officials for being with me here today and thank the members of the committee for their diligence and hard work. Thank you very much.

**Mr. Morgan:** — Mr. Chair, we would as well like to thank the minister and his officials and appreciate the respectful manner in which the questions were answered. So thank you very much all of you.

**The Chair:** — Thank you, committee members and, Mr. Minister, I also want to thank the committee members for their fine co-operation through this process on behalf of the Chair. And with that the committee now stands adjourned.

[The committee adjourned at 10:55.]