

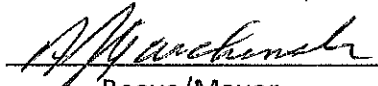
BYLAW NO. 4-2013

**A BYLAW TO PROVIDE FOR ENTERING INTO THE RM OF ITUNA BON ACCORD,
TOWN OF ITUNA AND VILLAGE OF HUBBARD DISTRICT PLANNING AGREEMENT
WITH THE FOLLOWING RM OF ITUNA BON ACCORD AND VILLAGE OF HUBBARD:**

The Council of the Town of Ituna in the Province of Saskatchewan, enacts as follows:

1. The Town of Ituna is hereby authorized to enter into an Agreement known as *The RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard District Planning Agreement* identified as Schedule "A" that is attached to and forms a part of this bylaw for the purpose of establishing a Planning District to advise the parties and guide development in the specific area.
2. The Mayor and Administrator of the Town of Ituna are hereby authorized to sign and execute the attached Agreement identified as Schedule "A".




Reeve/Mayor

Certified true copy of Bylaw 4 – 2013 adopted
by resolution of council at regular meeting
held on August 27, 2013.


Administrator


Diane Smith, Administrator





**MINISTER'S ORDER
TO ESTABLISH
THE RM OF ITUNA BON ACCORD, TOWN OF ITUNA AND
VILLAGE OF HUBBARD PLANNING DISTRICT**

Pursuant to section 99 of *The Planning and Development Act, 2007*, I hereby order the establishment of the RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard Planning District as described below.

In accordance with their respective bylaws to authorize the execution of an Agreement for the RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard Planning District, the following municipalities are affiliated with the planning district:

Affiliated Municipalities

Rural Municipality of Ituna Bon Accord No. 246	(Bylaw No. 2013-02)
Town of Ituna	(Bylaw No. 4-2013)
Village of Hubbard	(Bylaw No. 1-2013)

Area Description

The RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard Planning District shall consist of the lands within the corporate limits of the affiliated municipalities listed above, as these limits may be altered from time to time.

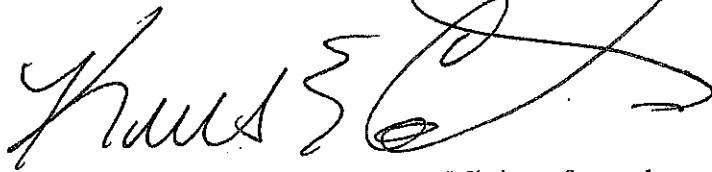
Appointment of the District Planning Commission

The affiliated municipalities, pursuant to subsection 97(1) of *The Planning and Development Act, 2007*, have agreed to the "RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard Planning District Commission" consisting of one member appointed by each affiliated municipality.

Arrangements

The matters referred to in subsection 97(2) of the aforementioned Act are set out in Sections 2-4 of the Agreement attached hereto.

Dated at Regina, in the Province of Saskatchewan,
the 11th day of February, 2014.

A large, stylized handwritten signature in black ink, appearing to read "Keith Comstock".

Keith Comstock, Assistant Deputy Minister for and on
behalf of the Minister of Government Relations

The Establishment of the RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard Planning District

This Agreement made as of the 22 day of October 2013.

Membership of the Planning District includes the following affiliated municipalities:

The RM of Ituna Bon Accord No. 246, the Town of Ituna and the Village of Hubbard

With invitation to First Nation(s) in the District.

The municipalities named above are entering into an agreement pursuant to the provisions of *The Planning and Development Act, 2007* (PDA) to establish a Planning District to advise the parties and guide development in the areas shown on the map attached as Attachment "1", showing the Town of Ituna, the Village of Hubbard and the Rural Municipality of Ituna Bon Accord No. 246.

AREA OF DESCRIPTION (enclose map)

1. The area of the said Planning District shall comprise all those lands situated within the said Rural Municipality and Urban Municipalities which is outlined in a bold dashed line on the plan hereto attached and identified as Attachment "1" to this Agreement, such plan being hereby declared to form part of this Agreement.

ESTABLISHMENT OF COMMISSION

2. A District Planning Commission, designated as the "RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard District Planning Commission" is hereby recognized under the provision of *Section 97(b) of The Planning and Development Act, 2007*, such Commission to consist of six (6) members to be annually appointed in the following manner:
 - 2.1 Two (2) members shall be appointed annually by the Council of the Rural Municipality of Ituna Bon Accord No. 246, at least one of whom shall be a member of the Council of the Rural Municipality;
 - 2.2 Two (2) members shall be appointed annually by the Council of the Town of Ituna, at least one of whom shall be a member of the Council of the Town;
 - 2.3 Two (2) members shall be appointed annually by the respective Council of the Village of Hubbard, at least one of whom shall be a member of the Council of the Village.

INVITED TO PARTICIPATE

3. With an option of having two (2) members at large, which shall be appointed by the Councils of the Rural Municipality Town and Village who have an interest pertaining to community planning in the District.
4. An invitation for two (2) members shall remain open for any First Nations, Metis or government agency who reside in the District and have an interest pertaining to community planning on matters such as environmental, economic, social or cultural sustainability.

FILLING VACANCIES

5. Where vacancies arise in respect of Council/Board appointees, otherwise than by reason of the expiry of the designated term of office of the appointee, the Council/Board concerned shall appoint someone to complete the unexpired term only.

POWERS AND DUTIES OF THE PLANNING COMMISSION

6. As per *Section 100 and 104 of the Planning and Development Act, 2007*, the duties and powers of the said Commission shall be to:
 - 6.1. Make rules of procedure that are not contrary to law or inconsistent with *The Planning and Development Act, 2007* or its regulations for the conduct of its business, the governing of its proceeding, the calling of meeting and the requirements for quorum;
 - 6.2. Establish and permit procedures for the affiliated municipalities to permit the holding of joint public hearings for the adoption, amendment or repeal of a District Plan, an Official Community Plan or Zoning Bylaw;
 - 6.3. Appoint any consultants or employees that may be necessary for the exercise of any of its powers or the performance of any of its duties and fix their remunerations;
 - 6.4. Appoint advisory committees, consisting of one or more of the members of the District Planning Commission or any other person and fix their remunerations;
 - 6.5. With the consent of an affiliated municipality, utilize the services of any officer or employee of that municipality;
 - 6.6. Hold joint public meetings and publish information for the purpose of obtaining the participation and co-operation of the residents of the Planning District and any adjacent area in determining the solution to problems or matters affecting the development of any part of the Planning District;
 - 6.7. Suggest to any Council ways and means of financing works to be carried out by public authorities over a specified period;
 - 6.8. At the request of Council, an investigation or study of proposed subdivisions or developments within and adjacent to the planning district can be undertaken. Reports and concurrent recommendations on behalf of these studies are to be submitted to the appropriate Council;
 - 6.9. Prepare and submit to the affiliated municipalities an operating budget for the next ensuing fiscal year.
7. As per *Section 101 of The Planning and Development Act, 2007*, **no member of the District Planning Commission or a District Planning Authority may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest.**
8. The parties hereto agree that pursuant to *Section 97 of The Planning and Development Act, 2007*; the Councils of the **affiliated municipalities** shall have the power to pay each member of the District Planning Commission and advisory committees such remuneration and any expenses as may be fixed by the respective Commission.
9. The parties agree that:
 - 9.1. The Councils of **affiliated municipalities** shall have the power to remunerate and pay expenses to their appointees to the Commission and that the amount of remuneration and expenses, if any, will be fixed and provided by the respective Councils.
 - 9.2. Any jointly appointed members of the Commission shall be paid by the Planning District and remuneration and expenses, if any, **will be fixed by the Commission during the first meeting of the calendar year.**

- 9.3. Any members of an advisory committee established by the Commission, that are not municipal appointees to the Commission, shall be paid by the Planning District and remuneration and expenses, if any, will be fixed by the Commission; and,
- 9.4. Any consultants or employees of the Planning District will be paid by the Planning District and remuneration and expenses, if any, will be fixed by the Commission.
10. The District Planning Commission shall **annually** appoint a Chairperson and a Deputy Chairperson for the Commission, from among the appointed representatives, **during the first meeting of the calendar year**. In the absence of the Chairperson, the Deputy Chairperson shall act on the behalf of the Chairperson.
11. The Commission may hire or appoint a Secretary to *administer and manage* the business of the Planning District under the direction of the Planning Commission.
12. The Secretary position may be:
- 12.1. Responsible for ensuring administration of the Commission and managing meetings, hearings, agendas, financial reporting, accounting, advertising, keeping of minutes, issuance of decisions and other business;
 - 12.2. Responsible for hiring and management of other Planning District personnel, under the direction of the Commission;
 - 12.3. Compensated for the finances of the Commission; and
 - 12.4. Appointed/hired by the Commission which will set out, in writing, any:
 - 12.4.1. Remuneration and related increases;
 - 12.4.2. Benefits;
 - 12.4.3. Length of parameters of employment, if by contract; and,
 - 12.4.4. Additional responsibilities of the position.
13. Any policy plans and Zoning Bylaws having effect within the Planning District may be administered by the **Development Officer** appointed by the Planning Commission for the **benefit/purpose of the Planning District**.
14. Funds required to meet the expenses of the Planning District and the Planning Commission, as approved by the Councils of the **affiliated municipalities** shall be contributed by each of the Urban and Rural Municipalities on a per-capita basis.
- 14.1. Office space and facilities used by the Commission shall be provided by the affiliated Municipalities and shall be contributed by each of the Urban and Rural Municipalities on a per-capita basis.
15. In addition to referrals regarding planning and zoning within the area of the Planning District:
- 15.1. The affiliated municipalities agree to refer all development permits and subdivision applications within the designated planning area to the Commission for information;
 - 15.2. The Town of Ituna and Village of Hubbard agree to refer all development permits and subdivision applications on their boundary to the Commission for information;
 - 15.3. The parties shall send for comment, any development located on the periphery to the Indian Reserve, to the

affected First Nation;

- 15.4. First Nations parties may send information pertaining to significant developments to the Planning District for information.

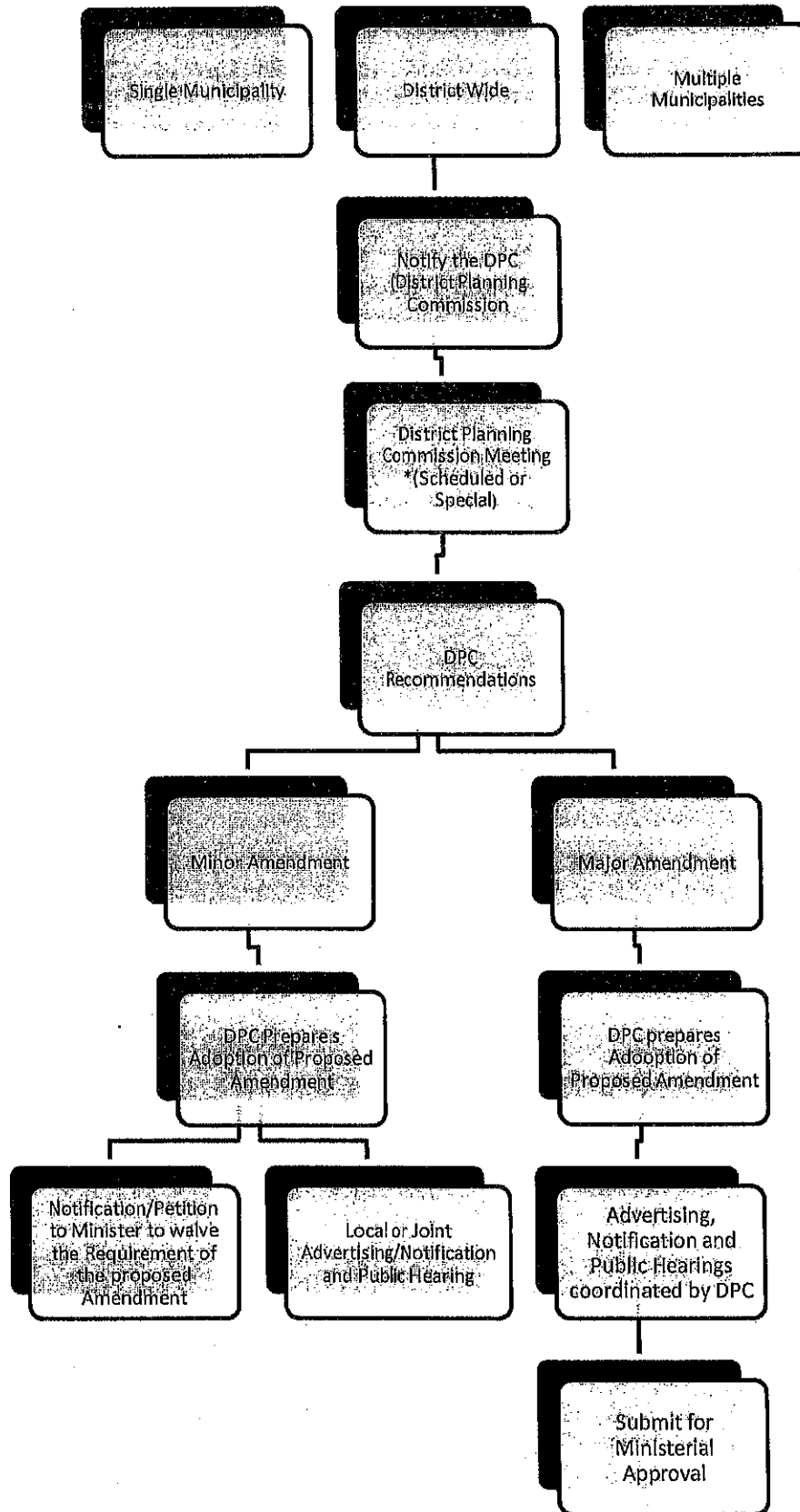
DISTRICT PLAN AND ZONING BYLAW

16. The affiliated municipalities shall adopt a District Plan for the Planning District in accordance with *The Planning and Development Act, 2007*.
17. Pursuant to Section 103 of the Act and concurrent adoption of a District Plan pursuant to subsection 102(3) of the Act, each affiliated municipality will pass, in accordance with the Act, a Zoning Bylaw consistent with the District Plan.
18. Subject to the approval of the Minister, where land located within the RM of Ituna Bon Accord and the Town of Ituna and Village of Hubbard Planning District is subject to an alteration of the Town or Village boundary pursuant to *The Municipalities Act*, the said land shall be removed from the RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard Planning District concurrent with the boundary alteration.

AMENDMENTS TO AN AFFILIATED MUNICIPALITY'S PLAN AND DISTRICT PLAN

19. For the purposes of this agreement, the Town of Ituna has a separate Official Community Plan as per Section 32 of *The Planning and Development Act, 2007*. The RM of Ituna Bon Accord, Town of Ituna and Village of Hubbard District Plan acts as the Official Community Plan for the Rural Municipality Ituna Bon Accord and the Village of Hubbard as per Section 102 (14) of *The Planning and Development Act, 2007*.
 - 19.1. The amendment process for Official Community Plans and the District Plan is provided in the following sections of this Agreement. Figure 1 below illustrates the Official Community Plan and District Plan amendment processes.

Figure 1: Amendments to an Affiliated Municipality's Plan and the District Plan



OFFICIAL COMMUNITY PLAN AMENDMENT

20. The Town of Ituna's Official Community Plan retains their autonomous decision-making with regards to Land Use Planning in their municipality. Any amendments made to the Official Community Plan shall be forwarded to the Planning Commission for information purposes.

20.1. Any amendments made to the Official Community Plan are required to be consistent with the overarching District Plan. Proposed amendments to the Official Community Plan shall be forwarded to the Planning Commission for information purposes;

20.2. Proposed amendments which suggest a major deviation contrary to the intent and provisions of the District Plan shall be forwarded to the Planning Commission for their recommendation when the proposed amendment is either located adjacent to or may affect another affiliated municipality in the Planning District.

DISTRICT PLAN AMENDMENT

DISTRICT PLAN AMENDMENT PROPOSED BY ONE AFFILIATED MUNICIPALITY

21. The municipality shall notify the Commission of their intention to amend the District Plan, citing the changes and the reason(s) for the proposed change.

22. The Commission shall provide recommendations to the proposed amendment prior to advertising for a public hearing at an upcoming scheduled meeting or at special meeting if needed.

23. The Commission will consider the proposed amendment and make a determination on whether it is a minor or major amendment.

24. If the proposed amendment is deemed to be of a minor nature, the Commission will request the Minister to dispense the requirements of advertisements and inspections of the proposed change.

25. If the proposed amendment is deemed to be a major change from the District's Plan original intent and provision, the Planning Commission shall apply for Ministerial approval of the proposed amendment in accordance with Section 102(16) to (19) of *The Planning and Development Act, 2007*.

26. The municipality proposing the amendment will be responsible for all costs associated with the notification, advertising and holding the Public Hearing.

27. When the amendment is approved, the District Plan shall be updated and the amendment recorded by Bylaw Number in the District Plan Amendment Schedule.

DISTRICT PLAN AMENDMENT PROPOSAL BY TWO OR MORE AFFILIATED MUNICIPALITIES

28. The municipalities shall notify the Commission of their intention to amend the District Plan, citing the changes and the reason(s) for the proposed change.

29. The Commission shall provide recommendations to the proposed amendment prior to advertising for a Public Hearing at an upcoming scheduled meeting or at a special meeting if needed.
30. The Commission will consider the proposed amendment and make a determination on whether it is a minor or major amendment.
31. If the proposed amendment is deemed to be of a minor nature, the Commission will request the Minister to dispense the requirements of advertisements and inspections of the proposed change.
32. If the proposed amendment is deemed to be a major change from the District Plan's original intent and provision, the Planning Commission shall apply for Ministerial approval of the proposed amendment in accordance with Section 102 (16) to (19) of the *Planning and Development Act, 2007*.
33. The municipalities proposing the amendment will be responsible for all costs associated with the notification, advertising and holding the Public Hearing. Joint advertising and a joint Public Hearing shall be encouraged by the Planning Commission.
34. When the amendment is approved, the District Plan shall be updated and the amendment recorded by Bylaw Number in the District Plan Amendment Schedule.

DISTRICT PLAN AMENDMENT PROPOSAL BY ALL AFFILIATED MUNICIPALITIES

35. The Commission shall notify the municipalities of their intention to amend the District Plan, citing the changes and the reason(s) for the proposed change.
36. The municipalities shall provide recommendations to the proposed amendment.
37. The Commission will make a determination on whether it is a minor or major amendment.
38. If the proposed amendment is deemed to be of a minor nature, the Commission will request the Minister to dispense the requirements of advertisements and inspections of the proposed change.
39. If the proposed amendment is deemed to be a major change from the District Plan's original intent and provision, the Planning Commission shall apply for Ministerial approval of the proposed amendment in accordance with Section 102(16) to (19) of *The Planning and Development Act, 2007*.
40. The Commission will be responsible for all costs associated with the notification, advertising and holding the Public Hearing. Joint advertising and joint Public Hearing(s) shall be encouraged. The Commission may use funds required as per Section 14 of this Agreement to meet these expenses.

41. In the case that the proposed amendment has been requested by a developer, the Commission may choose to have all associated costs be borne by the developer.

42. When the amendment is approved, the District Plan shall be updated and the amendment recorded by Bylaw Number in the District Plan Amendment Schedule.

DISTRICT PLANNING AGREEMENT AMENDMENT PROCESS

43. With regards to amending this agreement:

43.1. The agreement will only be reviewed and amended upon:

43.1.1. Application from the Council of one of the parties to the agreements;

43.1.2. Adoption of a new District Plan for the Planning District;

43.1.3. Inclusion of a new municipality, First Nation, Metis or government agency into the Planning District;
or,

43.1.4. The termination of affiliation of a party to this agreement.

43.2. Amendments will be prepared and submitted to each Council by the sitting Commission for the Planning District;

43.3. Amendments will not be submitted for approval until each affiliated party has signed the new agreement;
and

43.4. Amendments will not take effect until an order has been issued by the Minister of Government Relations.

DISPUTE RESOLUTION

44. In the event that a dispute arises between two or more parties, the parties will attempt to resolve the issue by following a progressive dispute resolution process by:

44.1. Firstly, striking a negotiating committee, consisting of two elected officials and one staff member representing each affected municipal council, to negotiate a resolution;

44.2. Secondly, hiring a professional mediator to guide discussions to resolve the dispute working with the appointed committee;

44.2.1. Costs associated with hiring a professional mediator will be paid by the disputing parties.

44.3. Thirdly, seek non-binding arbitration from the professional mediator or a legal professional;

44.4. Lastly, voluntarily refer the dispute to the Saskatchewan Municipal Board, in accordance with section 394 of *The Municipalities Act* for a binding decision.

ADDITION TO THE PLANNING DISTRICT

45. Upon written request from a new municipality, First Nation, Metis, government agency or member organization wishing to join the District Planning Commission, each affiliated municipality must sign the new agreement and the Commission may consider applying to the Minister for approval of the addition.

45.1. Upon a municipality or First Nation party added to the affiliated municipalities, the Commission shall review and prepare any needed changes to:

45.1.1. The District Planning Agreement; and,

45.1.2. The District Plan.

- 45.2. The added municipality or First Nation shall take the necessary steps to adopt the District Plan and District Planning Agreement as amended; and
- 45.3. Any amendments made to the mentioned documents shall be adopted by the affiliated municipalities.
- 45.4. The added municipality or member organization must contribute an amount as determined by the Councils of the affiliated municipalities at the time a new municipality or member organization requests to join the Planning District.

TERMINATION OR AFFILIATION OF MUNICIPALITY

- 46. If a municipality terminates when the Commission is comprised of three (3) or more, the municipality must:
 - 46.1. Provide 60 days written notice to the Commission, stating the reasons for withdrawal from the Planning District;
 - 46.2. Seek unanimous approval of the Commission members to withdraw from the Planning District; or
 - 46.3. Follow the dispute resolution mechanisms provided under Section 44 of this agreement.
- 47. If a municipality terminates when the Commission is comprised of two (2) affiliated municipalities, the municipalities must:
 - 47.1. Provide 60 days written notice to the Commission, stating the reasons for withdrawal from the Planning District; or,
 - 47.2. Follow the dispute resolution mechanisms provided under Section 44 of this agreement.
- 48. Should a municipality terminate its affiliation with the Planning District or should the Planning District be dissolved all assets and liabilities of the Planning District will be distributed in proportion with the cost sharing formula outlined in Section 14 of this agreement.

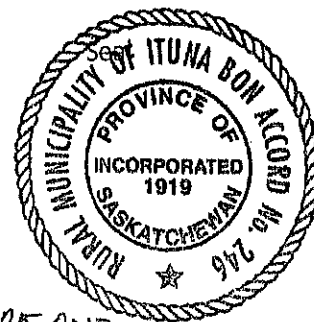
WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals, duly attested by the hands of their respective proper officers in that behalf, the day and year first above written.

Signing Authority for the Municipality (Mayor / Administrator)

Mayor/Reeve

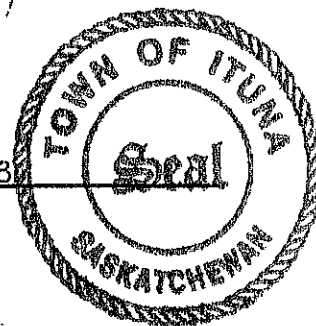
Administrator

Date



RM of Ituna Bon
Accord No. 246

Larry Bezyng Wilma Neely October 25, 2013



Town of Ituna

A Marchinski Diane Smith OCTOBER 22, 2013

Village of Hubbard

Ronald Fekesh Liane Oech Oct. 24/2013

