

RURAL MUNICIPALITY OF LAIRD NO. 404 PLANNING AND DEVELOPMENT FEE BYLAW RATIONALE DOCUMENT

Introduction:

Planning and development fees are intended to allow a municipality to recoup all or a portion of the costs involved in the review, advertising, approval, enforcement, regulation and issuance of development permits, discretionary uses, minor variances, and planning bylaw amendments. For the purpose of this document, these matters will generally be referred to as land use planning and development **tasks and actions**.

A rationale for the fees prescribed in Schedule 'A' of Bylaw 03-2025, known as the *Planning and Development Fee Bylaw*, is hereby provided in accordance with subsection 51(2.1) of *The Planning and Development Act, 2007* (PDA).

Whereas the Rural Municipality of Laird No. 404 (RM) does not employ a dedicated staff person trained and specializing in land use planning and development. The volume of development within the RM does not warrant a full-time planner on staff. Retaining the services of a private planning consultant on an on-demand basis is more cost-effective option for the RM. This approach will be reviewed on a periodic basis.

As such, the RM generally contracts out most matters relating to land use planning and development to an outside planning consultant or consulting firm to aid in the review and facilitation of land use planning tasks and actions to ensure that planning decisions are made in accordance with the provincial land use planning framework, its own interests, and those of its ratepayers.

The estimated time required, and consultant costs to the RM, to facilitate those matters covered by the *Planning and Development Fee Bylaw* varies by the individual type of task or action requested of the RM. The prescribed fees within the *Planning and Development Fee Bylaw* have been generally structured by task or action category and complexity. A minimum estimated average amount of time required for these tasks or actions is provided in this rationale document, as are other processes and costs of the RM as rationale for the fees. The *Planning and Development Fee Bylaw* contains mechanisms for the waiver or reduction of fees. The *Planning and Development Fee Bylaw* also contains a mechanism for a retainer to be applied to where it is foreseeable that a particular application will require work or consultation with other professional services.

For the purpose of this rationale document, the fee for on-demand service from a private planning consultant or firm in Saskatchewan has been conservatively estimated at an average of \$150.00/hr, although this varies dependent on the type of action or task. In addition to this, the RM incurs internal labour costs, overhead, and other costs relating to planning and development tasks and actions. As will be detailed throughout this rationale document, there are other costs to the RM which are not captured by hourly rate and have been factored into the formulation of the prescribed fees.

The fees prescribed in Schedule 'A' of the *Planning and Development Fee Bylaw* may be lesser than the general estimated costs to the RM listed in this rationale document. Council may elect to adopt a fee schedule lesser than estimated costs at its discretion. The fees prescribed are a conservative estimate and reflecting an average amount of municipal time and resources involved and are not intended to exceed cost-recovery.

The Process for Tasks and Actions:

The sections below outline the duties and responsibilities of the RM upon receipt of an application for a task or action, its process for review and the resources required, or having some of those responsibilities handled by a retained planning consultant. The stated labour times are intended to be conservative average of the RM and planning consultant time related to the intake, review, and processing of tasks or actions.

Application for Permitted Uses (Principal, Accessory, and Ancillary): **min. 3 -4 hours**

Signs: **1 hour**

The review and permitting process may include some or all the following:

- Review of the physical application for completion;
 - While the RMs permit application form have been created to identify to an applicant what information needs to be provided for application completion, the RM's experience is that permit applications are received as incomplete or insufficient for review and processing or to determine bylaw compliance. In such cases, the RM must take additional time to identify the deficiencies to an applicant and make requests for additional or revised information.
- Determination of applicable land use designation and zoning;
- Review of site plan, real property report, or engineering compliance certificate where applicable;
- Review of the application for bylaw compliance and requirements for the specific development;
- Finding the roll number, SAMA file, and reviewing the file for previous development;
- Review of aerial imagery, cadastral, and land titles information;
- Retrieval of a copy of title to determine if there are any interests or restrictions placed on the land;
 - Where development standards or other restrictions are placed on the title: review of the standards and application compliance thereto; clarification of the standards or restrictions by the issuer thereof; and, advising an applicant what must be provided by way of supporting application information or application modification to adhere to the standards or restrictions;
- Determination of the suitability of a proposed development, the review and clarification of supporting information regarding suitability, and the determination of any required development standards or permit conditions to be issued in conjunction with any approval (addressed in more detail in a separation following section);
- Preparation and presentation of any materials or information for Council and the generation of development reports;
- Bylaw interpretation and evaluation by Council;
- Identification of suitable road access and servicing requirements;
- Consultation with governmental ministries or agencies;
- Drafting of notices of decision;
- Internal file and data management;
- Post-approval follow up and confirmation of adherence to any applicable permit conditions or development standards.

Discretionary Use Applications for Development Permits (Principal, Accessory, and Ancillary): min. 4 - 6 hours

In addition to the process involved for reviewing a permitted use, the review of a discretionary use application also involves the following resulting in additional time and resources required for review and processing:

- Discretionary uses applications require additional resources and time for review. The nature of a discretionary use warrants special consideration by Council on its operation and effect(s) on surrounding land uses and overall intent for the zoning district in which they are located.

- Each discretionary use application must be presented to Council. A detailed report summary of the proposed use must be prepared to outline all the relevant regulations and development standards related to said use, and any evaluative criteria that Council must apply in its decision-making process. Further information gathering specific to the site and the proposal is often required for inclusion in the summary.
- Applications for discretionary use are also subject to the public notification requirement in section 55 of the PDA. In addition to the costs incurred by the municipality to provide adjacent landowners with notice (which are addressed separately below), there may be additional time required by administration or outside planning services to process and present to Council any feedback that was received as a result of adjacent landowner notification. Further, where public requests have been received to speak to a particular discretionary use proposal, additional time of the RM staff, Council, and a retained planning consultant is required; and,
- The review of a discretionary use application may also require consultation with other outside professionals, government ministries or agencies.

Additional Administrative and Operational Costs Related to Tasks or Actions:

variable

Other administrative costs are attributable to the review of development-related tasks or actions, are factored to some degree for inclusion in the fees listed in Schedule 'A' of the *Planning and Development Fee Bylaw*, and are as follows:

- Pre-application consultation if or where requested of the RM.
- Initial intake and review of the permit application;
- Internal file and data management;
- Printing and copying material related to the permit review and for circulation to Council (where required);
- Site visit(s) by the Development Officer, other RM staff, or a retained planning consultant;
- Consultation with outside professionals, government ministries or agencies;
- Municipal office operational overhead

Minor Variance Applications:

min. 3 - 4 hours

The review process includes:

- Review of the physical application for completion;
- Determination of land use designation and zoning;
- Determination of whether the proposed variance meets the legislated provisions for a variance;
- Assess for potential impact on adjacent landowners;
- Retrieval of a copy of title to determine if there are any interests or restrictions placed on the land;
- Preparation of any materials or information for Council;
- Notification to adjacent landowners and the processing or presentation of any potential response;
- Consultation with governmental ministries or agencies (where required);
- Drafting of materials related to a decision;
- Internal file and data management;
- Maintenance and updating of the legislatively-required record of minor variances;

Planning Bylaw Amendments:

Official Community Plan Map and Textual Amendments:

6 hours (minimum)

Zoning Bylaw Textual Amendments:

6 hours (minimum)

Zoning Bylaw Map Amendments:

varies based on Class change

The fees for bylaw amendment in Schedule "A" of the *Planning and Development Fee Bylaw*, represent an average approximation of the cost and time required to receive, process, prepare and gain provincial approval for a bylaw amendment, and update working consolidated copies of the RM's planning documents.

The bylaw amendment process may include some or all the following:

- Review of existing bylaw content or maps for determination of what must be executed in an amendment;
- Ensuring consistency between the RM's enabling planning policy and regulation;
- Ensuring consistency between the RM's planning bylaws and the requirements of the provincial planning framework;
- Discussion with the provincial planning authority (Community Planning branch) regarding approaches to amendment drafting such that said amendment may be deemed approvable by the planning authority;
- In the case of mapping amendments, the creation of any required map to accurately display any lands affected;
- The use of geographic information system (GIS) tools for map creation;
- The creation of any required public notice;
- Legislated requirements for advertisement in the local newspaper; and where applicable, direct written notice to affected landowners;
- Supplementary posting of notices and proposed amendments on the RM's website;
- Council, administrative, and retained consultant time for any public hearing;
- Preparation of bylaw submission materials for provincial review, processing, and approval;
 - Additional time may be required to facilitate or respond to questions in a provincial review;
- Post-approval, updating of working consolidated copies of the RM's planning bylaws for internal and public use;

Where there is increased potential for a greater density of development, impacts to municipal service provision or greater potential for the introduction of land use conflict, an application review is generally more comprehensive and detailed to address all aspects of the proposal to ensure sustainable long-term planning and therefore, requires additional time and resources to review. The classes of zoning district identified in Schedule 'A' represent a spectrum of development possibilities. The zoning districts in Class 1 represent the lowest density of land use and are generally undeveloped and in large land holdings, whereas zoning districts in Class 2 represent higher density of development and increased potential for land use conflict, increased needs for amenities and servicing. The classes of zoning districts are distinguished by:

- The current zoning designations and the amount of land area currently zoned as such;
- The intensity of development and uses possible within the district(s);
- The potential to significantly affect existing land use patterns and environmental features;
- The location and whether potential hazard land need to be considered;
- Development possibilities which may impact Aboriginal Treaty Rights and which may warrant engagement with First Nations and Métis peoples;
- Any trigger within the RM's planning bylaws for a *comprehensive development review* and assessment thereof;
- The potential to introduce land use conflict with adjacent properties; and,
- Services or amenities required in support of new development;

Other Matters Relating to Tasks or Actions:

Retainer Fee and Increased Fees for Specific Uses or Situations

The use of a retainer fee is meant to address situations where engagement of professional expertise is needed by the RM in its independent review of a task or action. The RM shall make every effort to advise an applicant of any need for a retainer upon initial receipt and review of an application; however, as a review proceeds it may be determined engagement with professional expertise may be required and at such time a retainer may be required. This mechanism is primarily intended for situations as follows: where legal review of a document, agreement, bonding, or proposed action is warranted; the technical review of information provided by an applicant (eg. drainage planning, geotechnical or hydrological analysis, etc.); requirements for surveyed information; and similar items. The use of a retainer allows these costs to be recovered where specific to a proposed task or action rather than increasing fees across the board applicable to all tasks or actions to recover these costs. No use of the retainer may be applied to internal planning review.

In the case of increased fees for intensive livestock and aggregate operations, it has generally been the experience of the RM that applications are not submitted with the necessary application information as prescribed in the Zoning

Bylaw. As such, additional time has been required to outline the deficiencies, make requests for application completion, and update applications accordingly. In addition, the nature of these uses has a greater potential for impact(s) on adjacent land users, municipal services, and environmental considerations requiring additional municipal review.

In the case of increased fees for permit applications where the subject land is located in an area identified for potential hazard, or where provincial development standards are on title which must be adhered to in the RM's determination of suitability, it has generally been the experience of the RM that the applicant is unaware of the requirements of the Official Community Plan, Zoning Bylaw, or over-arching Provincial legislation as it pertains to hazard lands, or of the development standards on title. Consequently, applications are generally received which fail to address these matters, the specifics of the planning bylaws, legislation, and/or development standard requirements must then be communicated, and significant revision to an application is required. Upon receiving requested supporting information relating to potential hazard lands or prescribed development standards, the proposed development must then be reviewed for adherence to the requirements of the planning bylaws or development standard in the determination of the suitability of a proposed application.

The up-front collection of these fees, and the greater fees applied to these specific types of proposals, is intended to communicate the costs related to a review and recover said costs so as they are not a burden to general ratepayers.

It is noted that there is a mechanism for the reduction, waiver, or refund of an application fee to address situations where complete application information is received from an applicant and whereby the time for a municipal review can be minimized. Should the fees be found to be consistently in excess of municipal resources required for review for these uses and in these situations, Council may consider amendment or replacement to *The Planning and Development Fee Bylaw*.

Public Notification Costs – varies

It is the opinion of Council that the costs related to legislated public notification and participation triggered by tasks or actions be borne by applicants and not general ratepayers. Applicants will be required to cover all costs related to the production, publication, and delivery, of any public or landowner notice, and any related public hearing for a task or action. Decisions may be withheld for failure to pay any of these costs.

Upon request, the RM will provide an estimate of its expected costs to applicants prior to public notification and may require payment prior proceeding with notifications(s).

Enforcement

When reviewing applications, the municipality is ensuring the development conforms to municipal planning policy and regulations, and in its issuance of Notice of Decisions. In some instances where council refuses an application, or conditions are attached to a permit, follow-up and bylaw enforcement is required, which are additional costs to the RM. Where a matter is appealed, the RM must pay its Development Appeals Board to hear an appeal. There are limited mechanisms under the PDA to recover costs related to enforcement and appeal, and an appeals Board cannot assign costs incurred by either the appellant or respondent in any ruling. Therefore, the recovery of these costs can only be accumulated through each individual development permit application fee to assign the costs to developers and not the entire community. No specific portion of the planning and development fees have been attributed to enforcement, but it is recognized that that this is a factor in fees charged by the RM.