

WaterWolf Planning District Agreement

**A BYLAW OF THE RESORT VILLAGE OF MISTUSINNE TO PROVIDE  
FOR A PLANNING DISTRICT AGREEMENT**

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The Council of the Resort Village of Mistusinne in the Province of Saskatchewan enacts as follows:

Whereas, Section 97 of The *Planning and Development Act, 2007* provides for an agreement regarding the establishment of planning districts; the Council of the Resort Village of Mistusinne in the Province of Saskatchewan enacts as follows:


1. The Planning District Agreement between the Resort Village of Mistusinne and the following municipalities: R.M. of Fertile Valley No. 285, R.M. of McCraney No. 282, R.M. of Loreburn No. 254, R.M. of Canaan No. 225, R.M. of Huron No. 223, R.M. of Eyebrow No. 193, R.M. of King George No.256, Town of Dundurn, Town of Central Butte, Town of Outlook, Town of Hanley, Village of Dinsmore, Village of Conquest, Village of Broderick, Village of Glenside, Village of Kenaston, Village of Bladworth, Village of Hawarden, Village of Strongfield, Village of Loreburn, Village of Elbow, Village of Beechy, Village of Lucky Lake, Village of Tugaske, Village of Eyebrow, Village of Macrorie, and Whitecap Dakota First Nation, as set forth in Exhibit "A: attached hereto and forming part of this bylaw, respect the establishment of a planning district known as the "WaterWolf Planning District".
2. The Mayor and the Administrator are authorized to sign the Agreement on behalf of the Resort Village of Mistusinne.
3. Bylaw # 09-09 is hereby repealed.
4. This Bylaw shall come into force and effect on the date the attached Planning District Agreement is approved by the Minister.



  
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Mayor

  
\_\_\_\_\_  
Administrator

Certified a true copy of Bylaw No. 03-20  
adopted by resolution of Council  
on the 17<sup>th</sup> day of October, 2020.

  
\_\_\_\_\_  
Administrator

**WATERWOLF PLANNING DISTRICT AGREEMENT**

**THIS AGREEMENT** made as of this 17<sup>th</sup> day of October, 2020.

**BETWEEN:**

<b>THE RURAL MUNICIPALITY OF CANAAN NO.225</b> P.O. Box 99, Lucky Lake, SK, S0L 1Z0	-and-
<b>THE RURAL MUNICIPALITY OF EYEBROW NO.193</b> P.O. Box 99, Eyebrow, SK, S0H 1L0	-and-
<b>THE RURAL MUNICIPALITY OF FERTILE VALLEY NO.285,</b> P.O. Box 70, Conquest, SK, S0L 0L0	-and-
<b>THE RURAL MUNICIPALITY OF HURON NO.223</b> P.O. Box 159, Tugaske, SK, S0H 4B0	-and-
<b>THE RURAL MUNICIPALITY OF KING GEORGE NO.256</b> P.O. Box 100, Dinsmore, SK, S0L 0T0	-and-
<b>THE RURAL MUNICIPALITY OF LOREBURN NO.254</b> P.O. Box 40, Loreburn, SK, S0H 2S0	-and-
<b>THE RURAL MUNICIPALITY OF McCRAANEY NO.282</b> P.O. Box 129, Kenaston, SK, S0G 2N0	-and-
<b>TOWN OF CENTRAL BUTTE</b> P.O. Box 10, Central Butte, SK, S0H 0T0	-and-
<b>TOWN OF DUNDURN</b> P.O. Box 185, Dundurn, SK, S0K 1K0	-and-
<b>TOWN OF HANLEY</b> P.O. Box 270, Hanley, SK, S0G 2E0	-and-
<b>TOWN OF OUTLOOK</b> P.O. Box 518, Outlook, SK, S0L 2N0	-and-
<b>VILLAGE OF BEECHY</b> P.O. Box 153, Beechy, SK, S0L 0C0	-and-
<b>VILLAGE OF BLADWORTH</b> P.O. Box 69, Bladworth, SK, S0G 0J0	-and-
<b>VILLAGE OF BRODERICK</b> P.O. Box 29, Broderick, SK, S0H 0L0	-and-
<b>VILLAGE OF CONQUEST</b> P.O. Box 250, Conquest, SK, S0L 0L0	-and-

**VILLAGE OF DINSMORE**  
P.O. Box 278, Dinsmore, SK, S0L 0T0 -and-

**VILLAGE OF ELBOW**  
P.O. Box 8, Elbow, SK, S0H 1J0 -and-

**VILLAGE OF EYEBROW**  
P.O. Box 159, Eyebrow, SK, S0H 1L0 -and-

**VILLAGE OF GLENSIDE**  
P.O. Box 99, Glenside, SK, S0H 1T0 -and-

**VILLAGE OF HAWARDEN**  
P.O. Box 7, Hawarden, SK, S0H 1Y0 -and-

**VILLAGE OF KENASTON**  
P.O. Box 129, Kenaston, SK, S0G 2N0 -and-

**VILLAGE OF LOREBURN**  
P.O. Box 177, Loreburn, SK, S0H 2S0 -and-

**VILLAGE OF LUCKY LAKE**  
P.O. Box 99, Lucky Lake, SK, S0L 1Z0 -and-

**VILLAGE OF MACRORIE**  
P.O. Box 37, Macrorie, SK, S0L 2E0 -and-

**VILLAGE OF STRONGFIELD**  
P.O. Box 87, Strongfield, SK, S0H 3Z0 -and-

**VILLAGE OF TUGASKE**  
P.O. Box 159, Tugaske, SK, S0H 4B0 -and-

**THE RESORT VILLAGE OF MISTUSINNE**  
P.O. Box 160, Elbow, SK, S0H 1J0 -and-

**WHITECAP DAKOTA FIRST NATION**  
P.O. Box 28, R.R.#5, Saskatoon, SK, S7K 3J8

**THE PARTIES AGREE AS FOLLOWS:**

**Definitions:**

1. In this Agreement:
  - a. "Act" means *The Planning and Development Act, 2007*;
  - b. "Affiliated Municipalities" means the parties to this agreement;
  - c. "commission" means the district planning commission established pursuant to subsection 2(b);
  - d. "district" means the WaterWolf Planning District established pursuant to subsection 2(a);
  - e. "minister" means the minister to whom the administration of the Act is assigned.

**Establishment of Planning District, District Planning Commission & Executive Board**

2. Subject to Sections 98 and 99 of the *Act*, the Affiliated Municipalities hereby agree to the establishment of:
  - a. a planning district:
    - i. to be known as the "WaterWolf Planning District;" and
    - ii. to consist of all of the corporate boundaries of the Affiliated Municipalities outlined on the plan attached as Schedule "A" to this agreement, recognizing that the Whitecap Dakota First Nation is a member but not a Municipality as defined under *The Planning and Development Act, 2007*; and
  - b. a district planning commission consisting of those persons appointed to the commission pursuant to section 3 of this Agreement.
  - c. an executive board consisting of no more than 10 commission members as appointed by the commission that will consist of a chairperson and vice chairperson with all others deemed members at large.

**Members of Commission**

3. (1) On or before the 30<sup>th</sup> day of November in each calendar year thereafter, each Affiliated Municipality will appoint a council member to the commission with the term of the member to begin on January 1<sup>st</sup> of the following year.
- (2) An appointed member of the commission holds office:
  - a. for a term of one year;
  - b. until the member's successor is appointed;
- (3) An appointed member of the commission is eligible for reappointment.

- (4) The office of the member of the commission becomes vacant if a member;
  - a. ceases to be a council member of the Affiliated Municipality that appointed the member;
  - b. resigns or dies;
  - c. fails to fulfill his or her duties under a conflict of interest policy or code of conduct established by the commission pursuant to subsection 6(2).
- (5) Within 30 days of the office of a member of the commission becoming vacant, the Affiliated Municipality whose council member ceased to hold office must appoint a council member to fill the vacancy for the remainder of the term for that office.
- (6) Within 30 days of making an appointment pursuant to subsection 3(7), the commission will provide written notice of the appointment to all Affiliated Municipalities.
- (7) The executive board may designate one of the members of the executive board as appointed by the commission as chairperson and one other member as vice-chairperson.
- (8) If the chairperson is absent or is unable to act or if the office of the chairperson is vacant, the vice-chairperson may exercise all the powers and will perform all the duties of the chairperson.
- (9) An Affiliated Municipality will pay for any remuneration and expenses of the person it appoints to the commission at rates established by the Affiliated Municipality.

#### **Powers of the Commission**

4. (1) The commission shall regulate its own procedure and business as set out in the document "What the Commission Is" Rules and Procedures Guide.
- (2) The commission may establish procedures for the Affiliated Municipalities that permit the holding of joint public hearings respecting adoption, amendment or repeal of a District Plan or Zoning Bylaw.
- (3) The commission may 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 remuneration.
- (4) The commission may appoint advisory committees consisting of one or more the members of the commission or any other person, and, subject to subsection 3(13), fix their remuneration.
- (5) The commission may avail itself of the services of an officer or employee of an Affiliated Municipality with the consent of that municipality.

#### **Duties of Commission**

5. The commission may:
  - a. assist an Affiliated Municipality in the preparation of a zoning bylaw or any other bylaw authorized by the Act;

- b. review:
  - i. any proposed zoning bylaw or amendment to a zoning bylaw submitted to it pursuant to subsection 103(2) of the Act; or
  - ii. any existing zoning bylaw or bylaw passed pursuant to the Act;
- c. after a review pursuant to clause (b), submit to the Affiliated Municipality suitable amendments to the bylaw with a recommendation that they be passed;
- d. assist an Affiliated Municipality in the preparation of a District Plan or District Plan amendments;
- e. review:
  - i. any proposed District Plan or amendment to the District Plan submitted to it pursuant to subsection 102(8) of the Act;
- f. hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the residents of the district and any adjacent area in determining the solution to problems or matters affecting the development of any part of the district;
- g. suggest to any council of the Affiliated Municipality ways and means of financing works to be carried out by the public authorities over a specified period;
- h. investigate and study the following proposed subdivisions or developments within and adjacent to the district and submit to the appropriate Affiliated Municipality reports and recommendations in that respect;
  - Multi Parcel Commercial
  - Multi Parcel Industrial
  - Multi Parcel Residential
  - Intensive Livestock Operations (ILO)
  - District Plan Amendments
  - Concept Plans; and
- i. identify the social and economic implications of the commission's recommendations.

#### **Conflict of Interest & Code of Conduct**

- 6. (1) No member of the commission may hear or vote on any decision that relates to a matter with respect to which he or she has a pecuniary interest as defined in subsection 2(2) of the *Act*.
- (2) The commission may establish:
  - a) a conflict of interest policy for its members in addition to the rule set out in subsection 6(1); and
  - b) a policy respecting a code of conduct for its members.

#### **Annual Operating Budget**

- 7. (1) On or before the 1<sup>st</sup> day of December in each year, the Commission will prepare and submit to each Affiliated Municipality, for consideration and approval, an annual operating budget for the commission's next fiscal year.

- (2) The operating budget submitted will include:
  - a) the remuneration of any consultants, board members and employees hired or appointed by the commission pursuant to subsection 4(4);
  - b) the amounts, if any, that the commission expects to pay to members of advisory committees pursuant to subsection 4(5) and
  - c) any other expenses necessarily incurred by the commission or by advisory committees in carrying out their functions.
- (3) On or before the 31<sup>st</sup> day of December in each year, each Affiliated Municipality will:
  - a) consider the proposed operating budget;
  - b) pass a resolution approving or disapproving the proposed operating budget; and
  - c) advise the commission secretary in writing of its decision regarding approval of the operating budget.
- (4) The proposed operating budget will become the commission's operating budget for the next fiscal year if it is approved by a majority of the Affiliated Municipalities.
- (5) If the proposed operating budget is not approved by a majority of the Affiliated Municipalities, the Commission must immediately prepare a revised operating budget and submit the revised operating budget to the Affiliated Municipalities for approval.
- (6) Each Affiliated Municipality will pay their *appropriate* share of the commission's approved operating budget provided that no Affiliated Municipality will contribute less than \$500 per fiscal year. The *appropriate share* is based on the population of each Affiliated Municipality, with that population being obtained from the most recent federal census.
- (7) An Affiliated Municipality's share of the commission's approved operating budget will be:
  - a) due by the 31<sup>st</sup> of January in that fiscal year; and
  - b) as of the 31<sup>st</sup> of January in that fiscal year, a debt due and owing by an Affiliated Municipality to the commission.

#### **Adoption & Amendment of the District Plan**

8. (1) The commission will prepare a District Plan for the district in Accordance with section 102 of the *Act*.
- (2) The commission will submit the District Plan prepared pursuant to subsection 102(1) of the *Act* to the Affiliated Municipalities for adoption.
- (3) Pursuant to subsection 102(3) of the *Act*, the Affiliated Municipalities will adopt the District Plan in accordance with the *Act*.

- (4) The Affiliated Municipalities agree that where an amendment to the District Plan only affects one Municipality as per Section 102(16) of the *Act*, the affected municipality may adopt the amendment as per Section 102(17) of the *Act* and the amendment shall come into force and become part of the District Plan without adoption by any other municipality.
- a) The affected municipality shall follow Sections 35-38 of *The Planning and Development Act, 2007* when amending the District Plan.
  - b) The WaterWolf Planning Administrator shall inform, in writing, all Affiliated Municipalities of the affected municipality's intended changes to the District Plan.
  - c) Once the amendment has been approved by the Minister, the WaterWolf District Planning Administrator will formally incorporate the change(s) into the District Plan and maintain/recirculate a consolidated version of the District Plan to the Affiliated Municipalities.
- (5) If an Affiliated Municipality fails to adopt the District Plan submitted to it in accordance with subsection 102(3) of the *Act*, the Affiliated Municipality is subject to the Dispute Resolution process outlined in Section 10 of this Agreement.
- (6) If an Affiliated Municipality fails to adopt an amendment to the District Plan submitted to it in accordance with subsection 102(8) of the *Act*, the Affiliated Municipality is subject to the Dispute Resolution process outlined in Section 10 of this Agreement.
- (7) That an Affiliated Municipality shall submit any and all bylaws and amendments in duplicate to the Waterwolf Planning Administrator, who will then submit to the Community Planning Branch.
- a) Any and all decisions regarding the above, shall be submitted by Community Planning to the WaterWolf Planning Administrator and then the WaterWolf Planning Administrator will submit to the Affiliated Municipality.

#### **Zoning Bylaw**

9. Pursuant to section 103 of the *Act* and concurrent with adoption of a District Plan each Affiliated Municipality will pass a zoning bylaw consistent with the District Plan.

#### **Dispute Resolution**

10. In the event that a dispute arises between two or more of the Parties, the Parties will attempt to resolve the issue by following a progressive dispute resolution process by:
- a) Firstly, striking a negotiating committee, consisting of two elected officials and one staff member representing each affected municipal council, to negotiate a resolution;
  - b) Secondly, hiring a professional mediator to guide discussions to resolve the dispute working with the appointed committee;
  - c) Thirdly, seek non-binding arbitration from the professional mediator or a legal professional;



- d) Lastly, voluntarily refer the dispute to the Saskatchewan Municipal Board, in accordance with Section 393 of *The Municipalities Act*, for a binding decision.

#### **Addition of a New Municipality**

11. A municipality may apply to become an Affiliated Municipality by:

- a) written request to the Commission;
  - a. upon receipt of the request, the applying municipality will be notified of the timeframe in which the Commission will meet;
- b) once the Commission has met and approved the addition;
  - a. the Commission secretary will draft a new replacement District Agreement to reflect the change in membership, and the adopting bylaws to be passed by all of the Affiliated Municipalities;
  - b. the Commission secretary will ensure bylaws are worded and passed correctly by all Affiliated Municipalities, coordinate and oversee the district's bylaw submission, then submit a letter from the District Planning Commission to indicate approval of the joining municipality and confirmation that the terms of *The Planning and Development Act, 2007* have been met along with the package of bylaws to the Community Planning Branch for the Minister's consideration.

#### **Termination of an Affiliated Municipality**

12. (1) An Affiliated Municipality may terminate:

- a) its affiliation with the district;

by providing the commission with 30 days' written notice of its intention to terminate its affiliation with the district.

- (3) Upon receipt of notification of an Affiliated Municipality's intention to withdraw from the planning district, the District Planning Commission:
  - a) will review assets and liabilities associated with the withdrawing municipality;
  - b) will seek input from the Affiliated Municipalities regarding the proposed change in membership;
  - c) will mediate/arrange for mediation of any local issues/disputes associated with the withdrawal;
    - a. if any dispute cannot be resolved, the District Planning Commission and the withdrawing municipality will follow the dispute resolution process outlined in section 10 of this Agreement.
  - d) will draft a new District Agreement, reflecting the revised membership in the district, and the adopting bylaws to be passed by the remaining Affiliated Municipalities (ensuring repeal of the bylaw which adopted the District Agreement in force and effect);

- a. ensuring bylaws are worded and passed correctly by all remaining Affiliated Municipalities, coordinate and oversee the District's bylaw submission, then submit a letter from the District Planning Commission to indicate approval of the withdrawing municipality and confirming the withdrawal terms of the District Agreement and *The Planning and Development Act, 2007* have been met along with the package of bylaws to the Community Planning Branch for the Minister's consideration.
- (4) To terminate an Affiliated Municipality's affiliation with the district pursuant to section 106 of the *Act*:
- a) The municipality requesting termination must submit a bylaw to repeal their bylaw to enter into the district and to adopt the original District Agreement.
  - b) the Affiliated Municipality forfeits any payments made to the commission in respect of the commission's operating budget; and
  - c) any debts owed to the commission by the Affiliated Municipality pursuant to subsections 3(15) and 7(8) remains debts due and owing to the commission and are not affected by the termination of this agreement.
  - d) the Affiliated Municipality has no further obligations under this agreement;
  - e) the Affiliated Municipality must address their needs for policy in the form of an Official Community Plan, in particular:
    - a. If the departing municipality has adopted the District Plan to serve as their Official Community Plan, they will need to engage a professional planner to revise the District Plan so it can serve as their OCP moving forward. The OCP will need to be passed by amending bylaw, and must comply with the requirements of *The Planning and Development Act, 2007*; or
    - b. If the departing municipality has adopted the District Plan and their own Official Community Plan, then they will need to pass a bylaw to repeal the District Plan and engage a professional planner to review the OCP to ensure compliance with *The Planning and Development Act, 2007* and if amendments are needed, they too must be passed by bylaw.

#### **Coming into Force**

13. This agreement comes into force when the minister:

- a) approves the agreement pursuant to section 98 of the *Act*; and
- b) issues an order establishing the district pursuant to section 99 of the *Act*.

#### **Counterpart**

14. This agreement may be signed in counterpart.

**Amendment**

15. Subject to section 98 of the *Act*, this agreement may be amended at any time by the approval of two-thirds of the Affiliated Municipalities.

**IN WITNESS WHEREOF** the parties have signed this agreement on the day and year first above written.



Resort Village of Mistusinne

Per: [Signature]  
Mayor

Per: [Signature]  
Administrator