

BYLAW 1088
**“A BYLAW OF THE TOWN OF OXBOW TO ENTER INTO THE RURAL
MUNICIPALITY OF ENNISKILLEN AND THE TOWN OF OXBOW
DISTRICT PLANNING AGREEMENT”**

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

1. The Town of Oxbow shall enter into an Agreement identified as Schedule “A” attached to and forming part of this bylaw for the purpose of establishing a Planning District to advise the parties and guide development in the specified area.
2. The Mayor and Administrator of the Town of Oxbow are hereby authorized to sign and execute the attached Agreement identified as Schedule “A”.
3. Bylaw 1060 “To Enter Into the Rural Municipality of Enniskillen and the Town of Oxbow District Planning Agreement” is repealed
4. This bylaw shall come into force on third and final reading.

1st Reading:

2nd Reading:

3rd Reading:

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of
Bylaw 1088 adopted by
the Council of the Town of Oxbow
this day of 2016.

Chief Administrative Officer

SCHEDULE 'A' TO BYLAW 1088

The Establishment of the RM of Enniskillen and Town of Oxbow Planning District

This Agreement made as of the day of 2016.

Membership of the Planning District includes the following affiliated municipalities:

The RM of Enniskillen No. 3 and the Town of Oxbow

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 Oxbow and the Rural Municipality of Enniskillen No. 3.

AREA OF DESCRIPTION

1. The area of the said Planning District shall comprise all those lands situated within the said Rural Municipality and Urban Municipality 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 Enniskillen No. 3 and Town of Oxbow District Planning Commission" of six (6) members is hereby recognized under the provision of *Section 97(b) of The Planning and Development Act, 2007*.
 - 2.1 Three (3) members shall be appointed annually by the Council of the Rural Municipality of Enniskillen, two of which shall be a member of the Council of the Rural Municipality; and
 - 2.2 Three (3) members shall be appointed annually by the Council of the Town of Oxbow, two of which shall be a member of the Council of the Town.
 - 2.3 Members of the Commission shall elect from among the commission members a Chair and Vice Chair at the first meeting of the Commission each calendar year.
 - 2.4 The Oxbow/Enniskillen Joint Board shall appoint a secretary to the Commission who shall be the Chief Administrative Officer of one of the affiliated municipalities.
 - 2.5 The Oxbow/Enniskillen Joint Board shall recommend to the Councils of the affiliated municipalities an annual budget for the Commission based on requests from the Commission.
 - 2.6 The cost of the Commission shall be shared by the affiliated municipalities pursuant to a formula recommended by the Oxbow/Enniskillen Joint Board.
 - 2.7 Administrative and facility support for the Commission shall be provided by the Town of Oxbow/RM of Enniskillen No. 3 offices and staff.

FILLING VACANCIES

3. Where vacancies arise, otherwise than by reason of the expiry of the designated term of office of the appointee, the relevant Council concerned shall appoint someone to complete the unexpired term only.

POWERS AND DUTIES OF THE PLANNING COMMISSION

5. As per *Section 100 and 104 of the Planning and Development Act, 2007*, the duties and powers of the said Commission shall be to:
 - 5.1. Make rules of procedure that are not contrary to law or inconsistent with *The Planning and Development Act, 2007* or its regulations or, the Procedures Bylaw of the affiliated municipalities, for the conduct of its business, the governing of its proceeding, the calling of meeting and the requirements for quorum;
 - 5.2. Establish procedures for the affiliated municipalities for the holding of public hearings for the adoption, amendment or repeal of a District Plan, an Official Community Plan or Zoning Bylaw;
 - 5.3. Make recommendations to the Oxbow/Enniskillen Joint Board regarding the hiring of any consultants or employees that may be necessary for the exercise of any of its powers or the performance of any of its duties;
 - 5.4. Appoint advisory committees, consisting of one or more of the members of the District Planning Commission or any other person;
 - 5.5. Investigate and study proposed subdivisions or commercial developments within and adjacent to the planning district and submit to the appropriate council reports and recommendations in that respect.
 - 5.6. Hold 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;
 - 5.7. Prepare and submit an annual report to the Oxbow/ Enniskillen Joint Board. The report shall review the activities of the previous year and outline plans for the coming year along with budgetary implications.

CONFLICT OF INTEREST

6. As per *Section 101 of The Planning and Development Act, 2007*, no member of the District Planning Commission may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest.

DISTRICT PLAN AND ZONING BYLAW

7. The affiliated municipalities shall adopt a District Plan for the Planning District in accordance with *The Planning and Development Act, 2007*.
8. 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.

AMENDMENTS TO AN AFFILIATED MUNICIPALITY'S PLAN AND DISTRICT PLAN

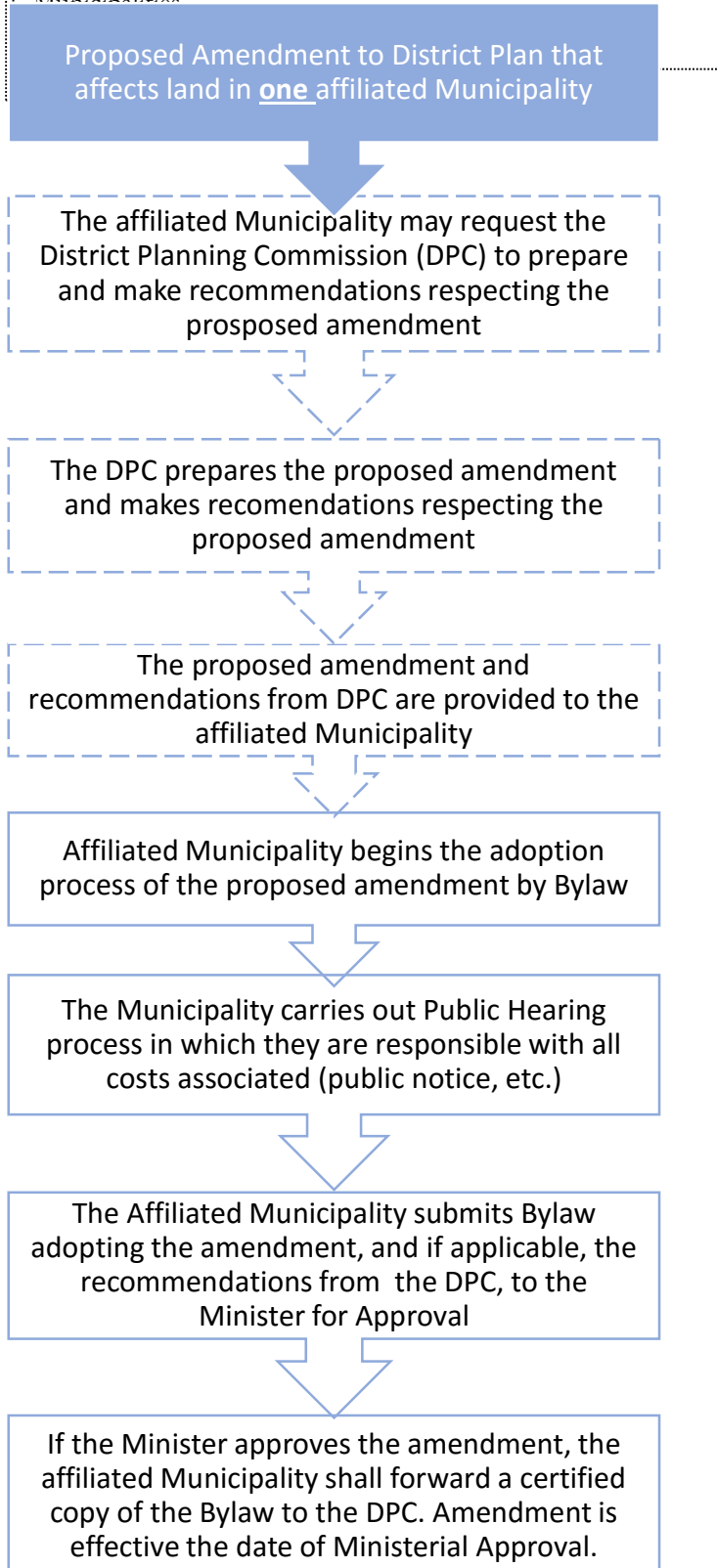
9. For the purposes of this agreement, the Town of Oxbow has a separate Official Community Plan as per *Section 32 of The Planning and Development Act, 2007*. The RM of Enniskillen and Town of Oxbow District Plan acts as the Official Community Plan for the Rural Municipality Enniskillen No. 3 as per *Section 102 (14) of The Planning and*

Development Act, 2007.

- 9.1 The amendment process for Town of Oxbow Official Community Plan and the Oxbow/Enniskillen District Plan is illustrated in Figure 1 and detailed in the following sections.

Figure 1: District Plan Amendment Process

Figure 1.2: Amendments of the District Plan which affect all Municipalities



Proposed Amendment to District Plan that applies to all Municipalities in the Planning District



The Municipality or all affiliated Municipalities shall notify the District Planning Commission (DPC) of the proposed amendment



The DPC prepares the proposed amendment and makes recommendations respecting the proposed amendment



The proposed amendment and recommendations from DPC are provided to all affiliated Municipalities



The affiliated Municipalities individually begin the adoption process of the proposed amendment by **Bylaw**
If an affiliated Municipality fails to adopt the amendment, the Municipalities shall follow the dispute resolution mechanism outlined in the District Planning Agreement



The DPC carries out the joint public hearing process in which the Commission may use funds as outlined in the Agreement.



Affiliated Municipalities submit their individual Bylaws adopting the amendment and recommendations from DPC to Minister for Approval. Amendment is effective the date of Ministerial Approval.

OFFICIAL COMMUNITY PLAN AMENDMENT

10. Any amendments made to the Town of Oxbow Official Community Plan shall be in accordance with Section 39 of *The Planning and Development Act, 2007*.
11. All proposed amendments to the Official Community Plan shall be forwarded to the Planning Commission for review and recommendation.
12. The Commission may, on its own initiative, recommend an amendment to the Official Community Plan

DISTRICT PLAN AMENDMENT THAT AFFECTS LAND IN ONE AFFILIATED MUNICIPALITY

13. If an amendment is proposed to the District Plan which affects land within one affiliated municipality, the affiliated municipality may request the Commission to review and make recommendation(s) regarding the proposed amendment.
14. On receipt of the amendment(s) and recommendation(s) mentioned in Section 13 of this Agreement, the affiliated municipality will begin the adoption process of the proposed amendment(s) by bylaw.
15. Sections 102 (17) to (19) of *The Planning and Development Act, 2007* apply regarding Ministerial Approval of the District Plan amendment.
16. The affiliated municipality proposing the amendment(s) shall be responsible for all costs associated with the notification, advertising and holding of a Public Hearing.
17. 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

18. As per Section 102(8) of *The Planning and Development Act, 2007*, the affiliated municipalities may amend the District Plan for the Planning District.
19. An affiliated Municipality or all affiliated Municipalities shall notify the Commission when a proposal or interest is suggested to amend the District Plan.
20. The Commission shall consider the proposal and make recommendations to the affiliated municipalities. The recommendations shall include wording for the amendment.
21. On receipt of the amendment and recommendation mentioned in Section 20 of this Agreement, the affiliated Municipalities will, if they concur in the recommendations, begin the process of the amending the District Plan Bylaw.
22. If a council of an affiliated municipality fails to adopt an amendment:

- 22.1 The matter must be determined through the dispute resolution mechanism outlined in Section 27 of this Agreement; and
- 22.2 The District Plan, as may be amended in accordance with the dispute resolution mechanism, applies to the Planning District.
- 23. The Commission may hold a public meeting to discuss the amendments to the District Plan Bylaw.
- 24. The affiliated municipalities will submit to the minister a certified copy of the bylaw adopting the amendment and a certified copy of the recommendation mentioned in Section 28 of this Agreement for Ministerial Approval.
- 25. An amendment to the District Plan Bylaw is effective on the date of the Ministerial Approval.

DISTRICT PLANNING AGREEMENT AMENDMENT PROCESS

- 26. The District Plan Agreement will only be reviewed and amended upon:
 - 26.1.1 A request from the Council of one of the affiliated municipalities;
 - 26.1.2 Adoption of a new District Plan for the Planning District;
 - 26.1.3 Inclusion of a new municipality or government agency into the Planning District; or,
 - 26.1.4 A decision of an affiliated municipality or body to terminate its participation in the Planning District.
- 26.2 Amendments will be prepared and submitted to each Council by the Commission.
- 26.3 Amendments will not be submitted for approval from the Minister of Government Relations until each affiliated party has signed the new agreement; and
- 26.4 Amendments will not take effect until an order has been issued by the Minister of Government Relations.

DISPUTE RESOLUTION

- 27. In the event that a dispute arises between two or more parties, the parties will attempt to resolve the issue by proceeding in the following manner:
 - 27.1 Strike a negotiating committee, consisting of two elected officials and one staff member representing each affected municipal council, to negotiate a resolution.

If that is unsuccessful:
 - 27.2 Hire a professional mediator to guide discussions to resolve the dispute working with the appointed committee. Costs associated with hiring a professional mediator will be paid by the disputing parties.

If that is unsuccessful:
 - 27.3 Seek non-binding arbitration from the professional mediator or a legal professional.

If that is unsuccessful:

27.4 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

28. Upon written request from a new municipality, 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.
- 28.1 The Commission shall review and prepare any needed changes to the District Planning Agreement and the District Plan when a new party becomes affiliated to this agreement.
- 28.2 The all parties to the District Plan shall take the necessary steps to adopt the District Plan and District Planning Agreement as amended.
- 28.3 The Oxbow/Enniskillen Joint Board shall adjust the cost sharing formula with the addition of a new affiliated party.

TERMINATION BY A MUNICIPALITY

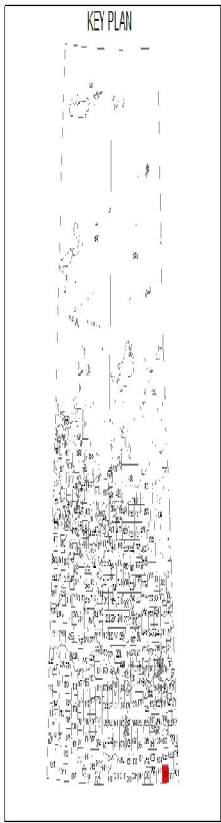
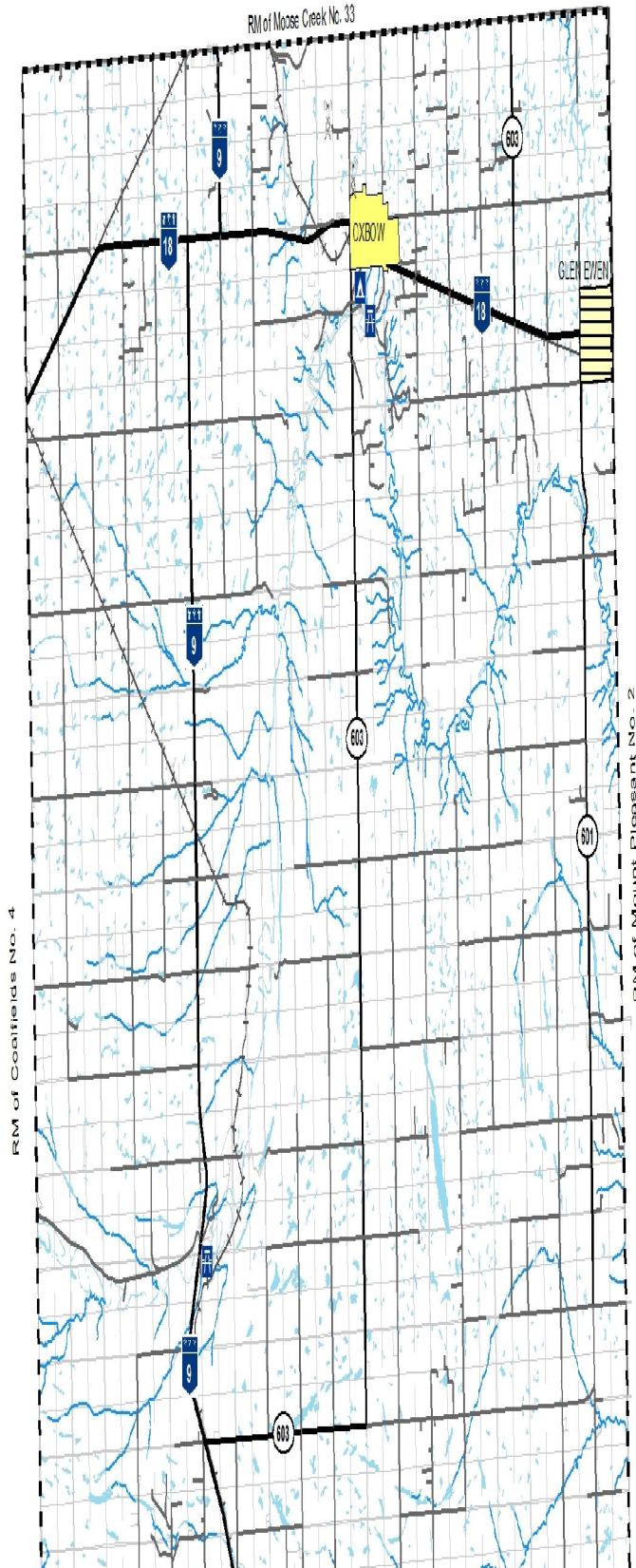
29. If a municipality terminates its participation in the Planning District when the Commission is comprised of two (2) affiliated municipalities, the municipalities must:
- 29.1 Provide 60 days' written notice to the Commission, stating the reasons for withdrawal from the Planning District; or,
- 29.2 Follow the dispute resolution mechanisms provided under Section 27 of this agreement.
30. 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 2.6 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.

Mayor/Reeve	Administrator	Date	Seal
R.M. of Enniskillen No. 3			
Town of Oxbow			

Attachment "1"

Draft - RM of Enniskillen and Town of Oxbow Planning District



Legend

- RM Boundary
- Major Highway
- Other Road
- + Railway
- Watercourse
- Waterbody
- Participating Urban Municipality
- Non Participating Urban Municipality
- Campground
- Picnic Site
- Tower

This map, titled Attachment "1", is subject to the Agreement established