

## Summary Assessment of Provincial Legislative Framework SASKATCHEWAN

Overall, the strength of Saskatchewan’s legislative framework for protecting farmland is **moderate**. The strongest aspect of the framework is its integration of public priorities across jurisdiction, which strongly connects the provincial statements of public interest with local government planning. A profile of the provincial legislative framework is provided at the end.

### Strength of Provincial Legislative Framework: Summary Assessment

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
<b>Saskatchewan</b>	**	****	***	**

\* = Very weak; \*\*\*\* = Very strong

#### Maximise stability

The stability of the legislative framework for land use planning rests upon the *Planning and Development Act* (PDA) and *The Statements of Provincial Interest Regulations* (SPI). The purpose of the PDA is to establish the planning system in the province, identify provincial interests, and enable co-operation among municipalities through their planning efforts. For this purpose, among other things, the PDA sets requirements for statutory plans, including Official Community Plans (OCPs), District Plans, regional plans, zoning bylaws, and subdivision bylaws. Under the PDA, municipalities can form planning districts with other municipalities and then adopt a district or regional plan. There are no direct statements in the PDA that refers to protecting farmland, although the PDA refers to the SPIs, which includes a statement of interest in agriculture and value-added agribusinesses.

The purpose of the SPI (s.1) is to guide provincial and municipal planning decisions. The SPI is a comprehensive set of fourteen statements of interest to the Province and six principles to guide planning efforts and implemented through statutory plans. Every planning document and decision must be consistent with the SPI, insofar as practical. Section 6.1 is the statement related to agriculture, as follows:

The province has an interest in supporting and promoting a sustainable and dynamic agricultural sector that optimizes the use of agricultural land for growth opportunities and diversification in primary agricultural production and value-added agribusiness.

#### Planning Documents and Decisions

To assist in meeting the province’s agricultural interests, planning documents and decisions shall, insofar as is practical:

1. Recognize the value of agricultural land for sustainable growth in agricultural activities;
2. Provide opportunities for growth, diversification and expansion of agricultural and value-added agribusiness development; and
3. Consider the compatibility of neighbouring land uses in the approval of agricultural activities and value-added agribusinesses.

This statement does not refer directly to protecting farmland, only to optimising the use of agricultural land for growth opportunities and development.

The Ministry of Government Relations (GR) reviews and approves bylaws and subdivisions in rural municipalities. In addition, the PDA requires that OCPs be prepared in consultation with a registered professional planner. These mechanisms enable the GR to incorporate farmland protection policies into new planning bylaws. For example, most land use bylaws contain a policy to preserve quarter section as a means to support agricultural uses.

Additional acts and regulations have either direct or indirect impacts on the agricultural land base. Of note, these legislative documents include *The Agricultural Operations Act*, *The Pastures Act*, *The Saskatchewan Farm Security Act*, and corresponding regulations. The focus of relevant policy documents focus on growth and development without regard for protecting farmland. An exception among these is the Planning Handbook produced by the Ministry of Municipal Affairs.

#### Integrate public priorities across jurisdictions

An important element of the legislative framework is the emphasis on consistency of local planning efforts and documents with provincial interests. This focus on consistency is evident in both the PDA and SPI (refer to table below). For example, the PDA (s.8) requires that “Every official community plan, subdivision bylaw or zoning bylaw adopted or amended pursuant to this Act shall be consistent with the provincial land use policies and statements of provincial interest.” A stated purpose of the SPI (s.2) is to “align provincial and municipal planning objectives to facilitate orderly development that is beneficial to communities.” This interest in consistency is also included among the SPI Planning Principles (3.1). A complementary strength of the Saskatchewan legislative framework for land use planning is the role of the Ministry of Government Relations (GR) as a centralised approving authority of statutory plans (e.g., OCPs, bylaws). Among other things, the GR uses an enterprise-wide approach to ensure that local plans and bylaws comply with the SPI. Together, the requirements for integration across jurisdictions and the central role of the GR help to ensure that provincial interests in preserving farmland are reflected in municipal plans.

#### Minimise uncertainty

Several elements of the legislative framework (PDA and SPI, specifically) help to minimise uncertainty. Of these, the emphasis on consistency across jurisdictions noted above helps. An element that contributes to uncertainty, however, is the “insofar as practical” clause in the SPI that opens the statements of interest to interpretation.

The Planning Handbook, produced by The Ministry of Municipal Affairs, is an aspirational policy that helps municipalities to interpret and implement the SPIs. To guide municipal planning efforts, for each statement of provincial interest the Handbook provides a description of the context that “provides interpretive information,” as well as a set of “suggested and common practices” for implementing each interest. This information is supported by lists of relevant acts, regulations, and policies. For the statement on agriculture and value-added businesses, the Handbook includes several guidelines for planning decisions that are relevant to preserving farmland, each of which is supported by a list of considerations. Under “Recognise the value of agricultural land for sustainable growth in agricultural activities,” the Handbook states, among other things, that planning documents should limit the premature conversion of prime agricultural areas for other development; encourage retention of the quarter section as the basic agricultural land unit; and generally discourage the ad hoc fragmentation of arable agricultural land, except where supported by the official community plan. Also, planning decisions should consider the quality of agricultural land when considering land use decisions. Under

“Consider the compatibility of neighbouring land uses in the approval of agricultural activities and value-added agribusinesses,” the Handbook states, among other things, that planning documents should discourage intrusion of incompatible land uses in predominantly agricultural areas. Altogether, the Handbook helps to minimise uncertainty when interpreting and implementing the SPI.

#### Accommodate flexibility

Given the lack of direct statements about protecting farmland, there is less need to include elements within the framework that accommodate flexibility. Notwithstanding this limitation, the SPI, while emphasising consistency, also accommodates some flexibility without contributing unnecessarily to uncertainty. This characteristic is evident in the introduction to the SPI. At the outset, the SPI acknowledges the diversity of issues affecting Saskatchewan. The regulation also informs users how to interpret the statements, noting that they should be read in their entirety to gain an appreciation of the breadth of considerations that affect planning decisions (4.1) and that there is no implied priority among the statements based on the order in which they appear (4.8). Both of these statements, among others, infer that municipalities are responsible for finding a balance appropriate to their circumstances. Another statement that serves to accommodate flexibility is the matter of “insofar as is practical” (4.2).

Summary Assessment of Provincial Legislative Framework: Saskatchewan

Legislative Framework for Saskatchewan

	<b>POLICY</b>	<b>LEGISLATION</b>	<b>GOVERNANCE</b>
<b>PROVINCIAL</b>	<p>Ministry of Municipal Affairs Planning Handbook</p> <p>Saskatchewan Plan for Growth</p> <p>Ministry of Agriculture Operational Plan for 2015-2016</p> <p>Ministry of Agriculture Crop Strategy</p>	<p><i>The Planning and Development Act (2007)</i></p> <p><b>The Statements of Provincial Interest Regulations (2012)</b></p> <p><b>The Subdivision Regulations (2014)</b></p> <p><i>The Saskatchewan Farm Security Act</i></p> <p><i>The Agricultural Operations Act</i></p> <p><i>The Agricultural Operations Regulations</i></p> <p><i>The Pastures Act</i></p> <p><i>The Pastures Regulations</i></p>	<p>Agricultural Operations Review Board</p> <p>Farm Land Security Board</p>
<b>REQUIRED INTEGRATION</b>	<p><i>Planning and Development Act</i></p> <p>8 Every official community plan, subdivision bylaw or zoning bylaw adopted or amended pursuant to this Act shall be consistent with the provincial land use policies and statements of provincial interest.</p> <p>30 The Minister has authority to direct a municipal council to prepare and adopt an OCP or an amendment to an existing plan to achieve consistency with the Statements of Provincial Interest.</p> <p>32(1) An OCP shall incorporate, insofar as is practical, any applicable provincial land use policies and statements of provincial interest.</p> <p>36(2) An OCP has no effect unless it is approved by the minister.</p> <p>119.8(10) [regional plan] If an included municipality has an OCP, the OCP must be consistent with the regional plan.</p> <p><b>Subdivision Regulations</b></p> <p>15(1) An approving authority shall not approve an application if the proposed subdivision is inconsistent with <i>The Statements of Provincial Interest Regulations</i> made pursuant to the Act.</p>		
<b>REGIONAL</b>		<p><i>Regional Plan</i></p> <p><i>District Plans</i></p>	<p>Regional Planning Authority district planning commission</p>
<b>LOCAL</b>	<p><b>Intermunicipal development agreements</b></p>	<p><i>Official Community Plans</i></p> <p><b>Zoning Bylaws</b></p>	<p>Municipal Planning Commission</p>

*Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]*

**Enforceable policy, regulations pursuant to acts [bold]**

Aspirational policy at all levels [plain text]