

This guide applies to anyone subdividing land where the Province of Saskatchewan is the subdivision approving authority. In this situation subdivisions are reviewed by the Community Planning branch (CPB) of the Saskatchewan Ministry of Government Relations (GR).

The subdivision approval process is similar whether you are a private land developer or a municipality. All subdivisions must comply with *The Statements of Provincial Interest Regulations, The Dedicated Lands Regulation, 2009* and *The Subdivision Regulations, 2014* as set out under *The Planning and Development Act, 2007 (PDA)*.

Understanding the issues that may arise, the government agencies involved and the information they require will help facilitate the subdivision process and avoid or limit delays.

### Do I require subdivision approval?

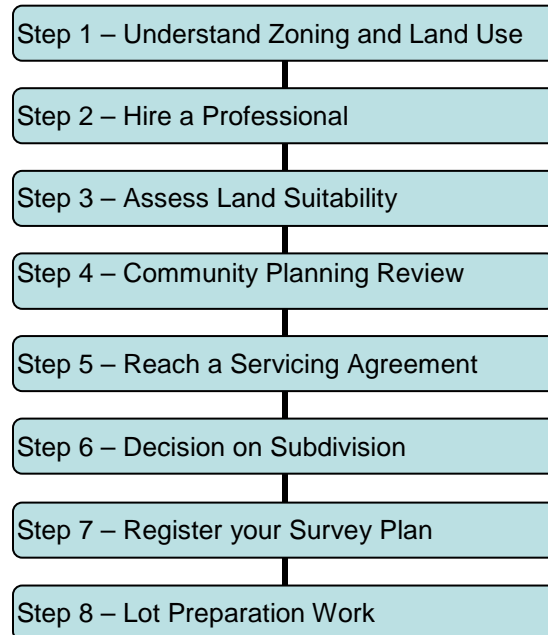
Subdivision approval is required to:

- obtain a new title to part of an existing parcel;
- move an existing property line;
- divide land into lots or roadways;
- subdivide property by removing a “parcel tie”;
- secure an interest in part of a parcel for mortgage, sale or easement; or
- secure an interest for a lease of part of a parcel with a term of 10 or more years.

Applications to subdivide require a plan prepared by either a Saskatchewan land surveyor (SLS) or a registered professional planner (RPP).

Remember: until the review of an application is complete and a decision is issued, no binding contracts for the land should be made and no construction or site preparation work should be started.

The following step-by-step guide explains the subdivision process. It will help save time and money and help identify unexpected costs. The information in this guide is organized into eight steps:



### Step 1: Understand Zoning and Land Use

If a municipality has a zoning bylaw it will establish zoning districts for areas within the municipality and list the permitted and discretionary uses in each zone. If a use is not listed within a zone as “permitted” or “discretionary” it is considered to be prohibited.

**Permitted Use** – A permitted use is a use of land or buildings or a form of development that is allowed in a zoning district. It also needs to comply with specific requirements in that particular zone such as development standards. If all requirements are met a request for a permitted use must then be submitted to and approved by the development officer.

**Discretionary Use** – A discretionary use is a use of land or buildings or a form of development that may be allowed at the discretion of a municipal council in a zone if certain

standards or conditions can be met. Prior to making a decision, council must evaluate the discretionary use's compatibility against criteria in the zoning bylaw, notify the public and hold a public hearing. Council may approve a discretionary use and may attach standards or conditions to the approval. The standards and conditions can be appealed to the local Development Appeals Board but the decision on the use cannot.

If your proposed development is in an area which is not zoned for that particular use you may wish to apply to council for a bylaw amendment. Depending on the situation council will consider adding the proposed land use to the list of permitted or discretionary uses within the existing zone or rezoning the land for a different use. For example, land may be rezoned from *Agriculture* to *Residential* to accommodate new housing developments.

Alternately you may revise your proposal to meet the existing bylaw requirements or relocate your proposal to a different zone where it is a permitted or discretionary use.

## Step 2: Hire a Professional

Hiring a professional SLS or RPP is necessary in most cases to obtain approval.

Plans of proposed subdivision are required for all subdivision applications except some parcel tie-code removals. The plans must be prepared by an SLS or RPP.

Land surveyors and community planners deal with subdivision proposals regularly. Their experience and technical expertise can help speed up the process.

The survey or planning firm can:

- prepare an application and the plan of proposed subdivision;
- submit the application for the subdivision to CPB to review;
- help you acquire additional information requested by government agencies reviewing the subdivision; and
- assist you with any revisions to your subdivision application that may be needed.

Depending on the nature and complexity of the project, developers may also require the services of other professionals such as engineers to prepare geotechnical reports.

Note: Survey plans are not required in some parcel tie-code removal subdivisions. For additional information about parcel tie-code removals please visit the website at the end of this document.

## Step 3: Assess Land Suitability

Before purchasing land for subdivision a developer should assess land suitability. Many of the problems that delay subdivisions may be avoided if the land chosen is suitable for subdivision and development.

### Land Assessment Checklist

This checklist identifies the factors considered by the CPB when reviewing a subdivision and will help you recognize potential issues that may arise in an application. You may not be able to answer all the questions without seeking professional advice however the questions do identify the issues which should be addressed. Developers should be aware that each subdivision is unique and additional information may be required during the subdivision process.

### List of Abbreviations

AG – Ministry of Agriculture  
CPB – Community Planning Branch  
DFO – The Department of Fisheries and Oceans Canada  
ECON – Ministry of Economy  
ED – Ministry of Education  
ENV – Ministry of Environment  
GR – Ministry of Government Relations  
HER – Heritage Branch of the Ministry of Parks, Culture and Sport  
HI – Ministry of Highways and Infrastructure  
ISC – Information Services Corp  
LSB – Local School Board(s)  
MUN – Municipality  
RHA – Regional Health Authority  
SWC – Saskatchewan Water Corporation  
SKE – SaskEnergy  
SKP – SaskPower  
SKT – SaskTel  
TG – Trans Gas  
WSA – Water Security Agency of Saskatchewan

If the answer to any of the following questions regarding the proposed site is "yes" seek advice from the agency or professional organization listed.

### Topography

◆ Are there obvious topographic issues that could affect your ability to develop or potentially cause structural failure:

- land containing steep slopes;
- building sites on or near a drop-off such as a hill, cliff or coulee; or
- slumping, creeping or other indicators of slope instability?

For information contact: CPB, MUN.

### Soils

- ◆ Is there any evidence of:
- loose or swampy soils;

- soils shifting, heaving or cracking such as. damaged foundations in the area;
- showing evidence of expansive soil conditions; or
- soils which may be polluted by a prior use or adjacent to a potentially polluting use?

For information contact: CPB, MUN, ENV, WSA

### Surface and sub-surface drainage

- ◇ Is there obvious evidence of:
  - streams, ditches or natural drainage pathways;
  - pooling of water where buildings are existing or proposed;
  - drainage which may or may not be polluted from neighbouring lands onto your property;
  - possibly polluted drainage onto the land from adjacent uses; or
  - drainage from your property onto adjacent lands?

For information contact: CPB, WSA, ENV, MUN.

### Potential for flooding, subsidence, landslides or erosion

- ◇ Is there:
  - a history of flooding in the area;
  - land below the safe building elevation which is 1:500 year flood elevation plus ½ metre for wave action;
  - building proposed near a water body;
  - swampy or wet soils; or
  - evidence of previous landslides or erosion?

For information contact: MUN, CPB, WSA, DFO, ENV.

### Easements or Interests

- ◇ Are there any registered or non-registered easements/interests on the land?

Note: Utility companies are not required by law to register all interests on title.

- For information about registered easements/interests contact the ISC.
- For information on non-registered easements, to request line locations and to verify utility ownership, contact *Sask 1<sup>st</sup> Call* at 1-866-828-4888.

### Communal Water Supply, Sewage Disposal and Solid Waste Disposal

- ◇ Will the municipality require the subdivision to provide:
  - water;
  - sewage disposal;
  - solid waste disposal; and/or
  - on-site septic requirements?

For information contact: MUN, CPB, ENV, RHA, WSA, SWC.

### Servicing

- ◇ Does your subdivision proposal address:
  - road access;
  - graded, graveled or paved streets and lanes;
  - fire, police and ambulance services;
  - water and sewer connections;
  - power lines;
  - phone lines;
  - gas lines;
  - surface drainage systems; or
  - a temporary or permanent disruption to services elsewhere in the municipality?

Note: In order to facilitate servicing which meets development timelines, developers should contact utility companies as early as possible to discuss processes and scheduling requirements.

For information contact: CPB, MUN, SKP, SKT, SKE, TG.

### Existing and proposed uses of land in the vicinity

- ◇ Is there a neighbouring, existing or proposed land use that could conflict with your development as a result of odour, dust, noise, traffic or light pollution such as:
  - a sewage treatment plant;
  - an industrial development;
  - a mining facility;
  - a large farming or intensive agricultural operation;
  - a storage site for gas, oil, mining materials or other flammable liquids on your property;
  - residential subdivisions; or
  - large entertainment complexes?

For information contact: CPB, MUN, AG, WSA, ENV, RHA.

### Streets, lanes, traffic flow and public safety

- ◇ Does your proposal include new streets, roads or lanes?

If so, the design of the infrastructure is required to meet the standards set out in Section 16 of *The Subdivision Regulations, 2014*.

- ◇ Is your proposal adjacent to a provincial highway?
- ◇ Does your subdivision comply with the local zoning bylaw concerning:
  - sidewalk locations and designs;
  - intersections and access points;
  - walkways; and
  - curb crossings?

For information, contact: CPB, MUN, HI

### Site design and orientation

- ◇ Does your subdivision comply with the local zoning bylaw concerning:
  - site size and shape;

- site location;
- site frontage;
- site shape;
- minimum front, side and back yard setbacks with a building;
- number of buildings allowed on a single site;
- building location and utility lines;
- minimum and maximum building size and height requirements; or
- maximum developable area for the proposed building(s)?

For information contact: CPB, MUN, *Sask 1st Call*, SKE, SKP, SKT, TG.

#### **The protection of fish and wildlife habitats**

- ◆ Is your proposed subdivision:
  - close to a wildlife reserve, protected wetland, environmental reserve land or other protected natural ecosystem;
  - draining into a lake or water body containing fish and wildlife; or
  - adjacent to a lake, river, or other tributary?

For information contact: CPB, MUN, WSA, DFO, or ENV.

#### **The protection of significant natural or historical features**

- ◆ Have you submitted a description of your subdivision for a heritage resource assessment? Check the website listed below.

For information contact: CPB, MUN, HER.

#### **Setbacks**

- ◆ Is your proposed residential subdivision:
  - within 1500 metres of a water intake for a water treatment plant;
  - between the reservoir and a line established for flood control or reservoir/water supply protection;
  - within 125 metres of an oil or gas well or facility;
  - less than 457 metres from a landfill;
  - less than 457 metres from a sewage treatment plant or sewage lagoon; or
  - within 300 metres of an intensive livestock operation?

For information contact: CPB, MUN, ECON, RHA, ENV, WSA, AG.

#### **Public Lands**

- ◆ Have you:
  - made arrangements to provide land for municipal reserve, school purposes, cash-in-lieu of land or have the requirement deferred; or
  - discussed where and how the reserve(s) must be given with council?
- ◆ Will the proposed subdivision:

- require a school, park or recreational facility;
- stress the capacity of existing civic facilities; or
- require additional civic facilities?

For information contact: CPB, MUN, EDU, LSB.

Although this checklist will not guarantee you will avoid delays in the subdivision and approval process, it will help you avoid common mistakes and predict possible issues.

### **Step 4: Community Planning Review**

Subdivision applications are assigned to a Planning Consultant at CPB who works with the applicant and the municipality throughout the process.

The Planning Consultant will review the application for:

- compliance with any local or district official community plans and zoning bylaws;
- compliance with the PDA, *The Statements of Provincial Interest Regulations, The Subdivision Regulations, 2014* and *Dedicated Lands Regulations, 2009*.
- site suitability; and
- access and servicing requirements.

The Planning Consultant also refers the application to ministries and agencies which have been determined to have an interest in the proposal for comment. The applicant will be advised of the need for any additional information.

### **Step 5: Reach a Servicing Agreement**

A servicing agreement is a legal contract a municipality may require a subdivision applicant to enter into under the PDA. A servicing agreement establishes the developer's responsibility to install or pay for services in a subdivision which will be maintained and operated by the municipality once installed.

The agreement may cover services and facilities that directly or indirectly serve the subdivision. It ensures that capital costs of servicing are paid for by the new development and that services are installed to municipal specifications and standards. Overall, it provides certainty and transparency for the developers, municipalities and homebuyers.

When establishing a servicing fee municipalities should also consider the impact of the development on off-site infrastructure. For example, additional wastewater requirements from a new subdivision may require a new or expanded sewage lagoon. The total cost is then proportioned among existing and expected development that will use the lagoon. Off-site fees must be assigned to

a separate account along with accrued interest and may only be withdrawn for the specified construction projects.

A servicing agreement should have performance guarantees, construction specifications, time limits and a completion date. The agreement terminates when the developer completes construction of the services listed to the specifications of the municipality.

A servicing agreement will typically require the construction of the following on-site services:

- grading and leveling of the land;
- graded, graveled or paved roads, streets and lanes connecting to the subdivision;
- sidewalks, boulevards, curbs, gutters, lighting;
- storm sewers, sanitary sewers, drains, water mains, laterals, service connections and fire hydrants;
- street name plates and poles;
- landscaping of parks and boulevards;
- public recreation facilities; and/or
- any other public works that a council may require such as power, gas and telecommunication lines.

An agreement may also require the developer to pay servicing fees or off-site fees to the municipality to cover the capital costs of altering, expanding or upgrading infrastructure or services which directly or indirectly serve the subdivision. In this case the municipality installs the services which typically include:

- sewer, water, drainage or other utility systems;
- municipal streets and roads; and/or
- park and recreation space and facilities.

Most servicing agreements contain a warrantee period where the developer is required to repair any construction deficiency.

Note: As well as a servicing agreement developers will need to enter into a separate agreement with the individual utility companies, detailing the location and installation of services. Utility companies require approval from both the developer and the municipality before they will begin construction.

If a municipality requires a servicing agreement the applicant has 90 days to enter into the agreement. The time limit may be extended by mutual agreement.

Before a servicing agreement is signed the developer has the right to appeal the need for a servicing agreement or the terms of an agreement to the Saskatchewan Municipal Board.

The approving authority cannot approve the subdivision application if the servicing agreement is unresolved.

## **Step 6: Decision on Subdivision**

At this point in the process you have likely resolved any issues, provided all appropriate information and signed a servicing agreement, should one be required.

If your land is properly zoned and you have addressed provincial and municipal requirements a decision can now be made on your application.

Your subdivision application may be:

- approved;
- approved in part;
- approved with conditions; or
- refused.

The decision is sent to the subdivision applicant which may be the surveyor, the municipality and any other parties, usually ministries and/or agencies who were determined to have an interest in the application.

### **Revisions and Appeals**

If the developer disagrees with any conditions of approval an appeal can be filed with the Saskatchewan Municipal Board.

If a subdivision application is denied the developer may reapply once the issues have been resolved or the developer can appeal the decision to the Saskatchewan Municipal Board.

Information on appeals and an appeals guide can be found at the link at the end of this document

## **Step 7: Register Your Survey Plan**

Once your subdivision has been approved and you have accepted the conditions of the approval you or your surveyor may contact the ISC to register your survey plan and apply for new titles to your subdivided land. This is the last step in the subdivision process.

## **Step 8: Site Preparation Work**

Once the subdivision is registered sit, improvements can begin. After registering your survey plan you will need to prepare the site for building.

The developer is responsible for:

- acquiring all necessary permits and/or granting easements associated with the installation of utilities, infrastructure development or services;
- contouring as defined in the engineering plans;
- arranging for the installation of gas, telephone and electrical services. Contact with service agencies should be made in advance of final approval;

- arranging for the relocation of any existing utilities that do not conform to the purposed subdivision plan;
- installation of infrastructure outlined in the servicing agreement such as streets, curbs, lighting and/or sewer; and
- all applicable costs associated with joint use servicing charges.

Note: Do not wait until this final step to contact utility companies. Utility installation must be staged and shallow utilities such as telephone lines cannot be installed until the development is to final grade and deep utilities such as gas have been installed and the roads are completed to the sub-base stage.

At this point, the developer may also:

- begin marketing lots;
- develop sales contracts;
- obtain building permits;
- develop show structures; and
- begin municipal reserve development.

## **Conclusion**

Although the subdivision process can be straightforward delays may arise. Developments requiring re-zoning may take time as they involve a legislated public process. Good relationships between developers and municipalities will help facilitate timely decisions.

By working together the developer, municipality and community will ensure the development is a good fit and will meet the present and future needs and interests of the community.

# Subdivision Application Approval Process

