

Property Owner's Guide to Subdivision of Land

2023

Preamble

This document is intended to provide an overview of the subdivision and development process for lands in Saskatchewan. Written for landowners, private developers, municipalities, and citizens, the guide is a tool to provide clarity for the subdivision and development processes outlined in *The Planning and Development Act, 2007* (PDA), *The Dedicated Lands Regulations, 2009*, *The Subdivision Regulations, 2014*, and *The Statements of Provincial Regulations*. The PDA and the regulations listed are available from Publications Saskatchewan, should be referred to for details, and supersede this guide.

In Saskatchewan, 10 municipalities have been delegated authority to approve subdivisions within their boundaries. These include the cities of Estevan, Lloydminster, Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Swift Current, Weyburn and Yorkton. The subdivision of land within all other municipalities requires approval from the Director of Community Planning within the Community Planning branch of the Ministry of Government Relations.

The information in this document is primarily intended for subdivision occurring in a municipality that has not been designated as an approving authority under section 13 of the PDA.

Please contact the Ministry of Government Relations' Community Planning branch with questions about the PDA, the associated regulations or this handbook via email at muninfo@gov.sk.ca, communityplanning@gov.sk.ca, or:

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Introduction

This guide is for anyone interested in subdividing land in Saskatchewan. The processes outlined in this guide are the same for rural and urban areas and for any development, from a farm site to lakefront development to a new commercial centre.

What is Subdivision?

Subdivision is the division of land that will result in the creation of a surface parcel or parcels, or the re-arrangement of the boundaries of an existing parcel. Examples of subdivisions:

- Creating a new parcel for a farm site from a quarter section.
- Creating parcels and a road along a lake for the development of cabins.
- Changing the property line between two neighbouring parcels.
- Removal of a parcel tie between two or more parcels.

Subdivision approval is also required for other instances which are referred to as “subdividing instruments.” These are interests in land less than title based on an agreement, easement, lease or mortgage, or any other document or group of documents. Examples of subdivision instruments are:

- A lease for only part of a parcel, combined with any renewals, that exceeds 10 years.
- A document or group of documents conveying use of part of the land.

The Ministry of Government Relations’ Community Planning branch (CPB) is the subdivision approving authority for all municipalities in Saskatchewan with the exclusion of 10 cities. Estevan, Lloydminster, Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Swift Current, Weyburn, and Yorkton have all been declared approving authorities for subdivision and have their own processes for review and approval of subdivisions, in alignment with the PDA and the regulations. While this guide may be useful for proposed development in the 10 approving authorities listed, it is intended for areas where CPB is the approving authority.

Planning Hierarchy in Saskatchewan

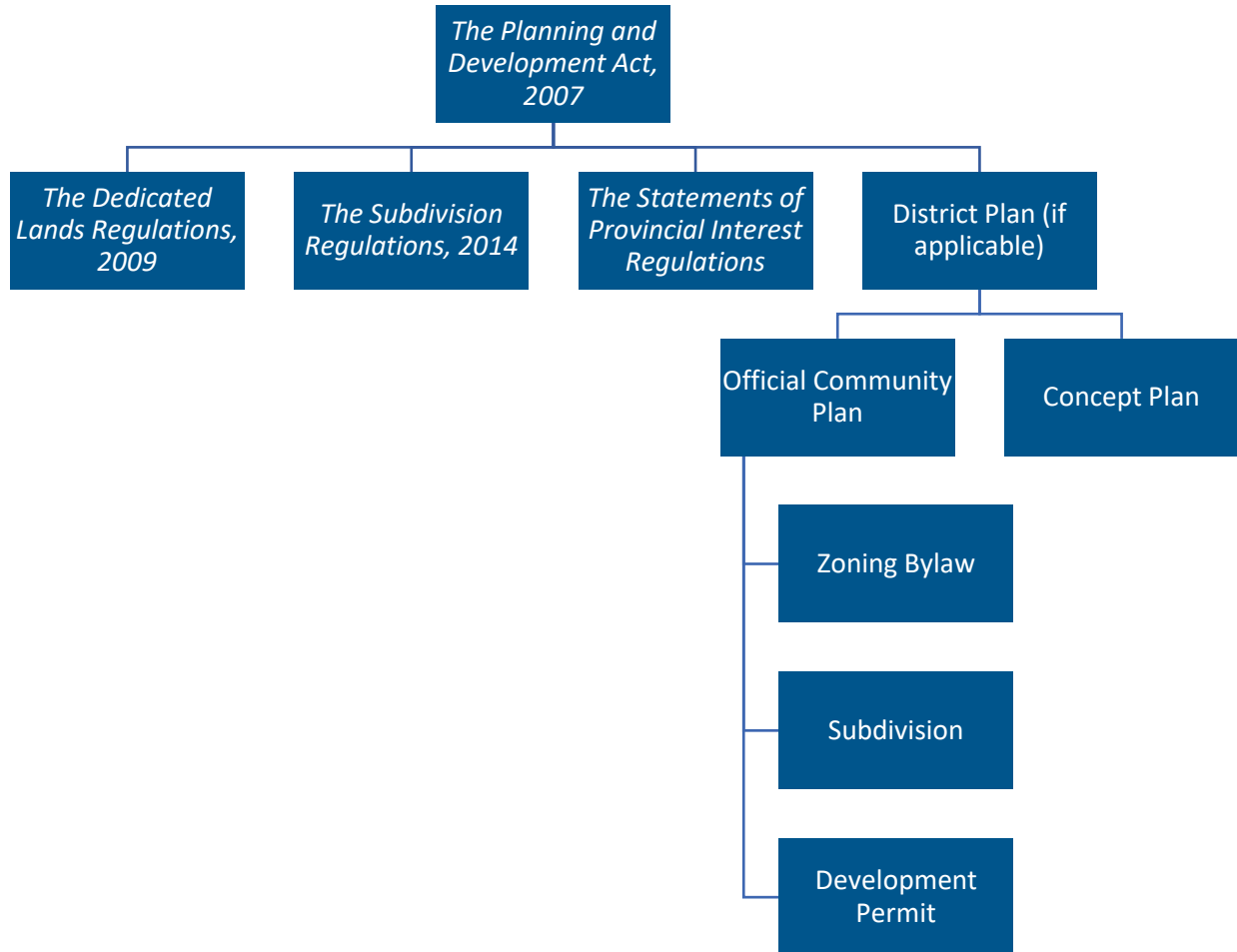
The PDA, along with its three sets of regulations, provide the framework for land use planning, subdivision, and development in Saskatchewan. All planning decisions and documents must comply with this provincial legislation. The PDA is the overarching legislation enabling municipalities to undertake land use planning. It also grants authority to subdivision approving authorities to review and approve the creation of new parcels of land.

The associated regulations establish requirements for addressing specific topics in the PDA to ensure suitable and safe development for citizens. Since the regulations were created pursuant to the PDA, they should be read and interpreted together.

The Dedicated Lands Regulations, 2009 expand on the requirements of Part IX of the PDA about the dedications of lands for public and community use. The term “dedicated lands” refers to parcels classified as municipal reserve, environmental reserve, public reserve, buffer strips, and walkways in the land titles system. Dedicated lands are often required by the approving authority at the time of subdivision. Existing parcels may also be dedicated post-subdivision with municipality approval.

The Subdivision Regulations, 2014 expand on specific items relating to subdivisions such as application requirements, criteria for assessment of suitability, approval limitations and road layout.

The Statements of Provincial Regulations identify high-level provincial interests to guide provincial and municipal planning decisions for the development of safe and sustainable communities. Per *The Statements of Provincial Regulations*, all planning decisions, including subdivision, shall conform to the statements.



An official community plan (OCP) is the document that establishes council’s long-term goals, objectives and policies for the municipality’s future development. An OCP is a municipality’s highest order document and establishes policies council can use to manage land, investment, and services. An OCP may include a future land use map which identifies areas for future growth and identify the locations where certain types of growth should occur (e.g., agricultural, residential, employment areas). Without an OCP, a municipality cannot regulate development or land management and may be unable to coordinate services and capital planning. It may also be unable to separate incompatible land uses or protect development from locating on hazardous lands.

If a municipality has adopted an OCP, it may also adopt a concept plan as an amendment to the OCP. A concept plan outlines the future land use framework for a specific area. Concept plans may identify the proposed zoning and land uses, density, routing of major services, and phasing of development in an area. Concept planning is encouraged for developing a larger area of land, to better coordinate the provision of services and land use patterns.

A zoning bylaw is the primary legal and administrative means of implementing policies from the OCP. Through the establishment of zoning districts and development standards, the zoning bylaw facilitates appropriate development in areas identified by the OCP. A zoning bylaw must align with the OCP. Any part of a zoning bylaw that is inconsistent with the OCP has no effect insofar as it is inconsistent.

Subdivision

Pre-Development Analysis

A major portion of costs associated with a subdivision can occur before a formal application is made. An applicant must conduct analyses as described below to determine if the proposed development is feasible and suitable.

Pro Forma

Before undertaking a proposed subdivision, the applicant should conduct research to ensure it will be financially successful. Development can be costly, so reviewing all potential costs against expected returns to see if the proposal is viable is a good idea. This is commonly called pro forma.

Costs and requirements may vary by application and can include studies such as geotechnical or hydrological reports, additional survey work such as spot elevations or contours, planning and engineering consultant costs, municipal costs such as OCP and/or zoning bylaw amendments, money in lieu of municipal reserve, and servicing agreement fees, if applicable.

Community Planning recommends contacting the municipality prior to applying for subdivision to gain a stronger understanding of municipal requirements. A municipality will also determine if amendments are required to the OCP or zoning bylaw. The municipality can also identify servicing requirements such as road construction or other services. These items may be covered under a servicing agreement, if required by the municipality.

A pro forma is recommended for larger, multi-parcel subdivisions and may not be necessary for a single-lot subdivision, such as a farmstead being subdivided from the quarter section. However, the municipality should be contacted and all potential costs examined before applying for subdivision.

Suitability

When reviewing an application for subdivision, the approving authority utilizes section 128(1) of the PDA, which specifies four major criteria that must be met prior to issuing an approval:

1. The land is suitable for the intended purpose.
 - Suitability is partially determined by the considerations outlined in section 14 of *The Subdivision Regulations, 2014*, as well as the results of any additional background information requested under section 8 of *The Subdivision Regulations, 2014*.
2. The subdivision conforms to the OCP and zoning bylaw.
 - Compliance with the OCP and zoning bylaw are determined through the review of the bylaws and consultation with the municipality.
3. A servicing agreement, if required by the municipality, has been executed.
 - Completion of a servicing agreement if required by the municipality helps to address matters of suitability related to infrastructure and servicing.
4. Every lot has physical and legal access.
 - Physical and legal access, as clarified in *The Subdivision Regulations, 2014*, means each proposed parcel must abut a developed public road.

It is important for the subdivision applicant to be able to answer “yes” to the four criteria listed above. If any criteria are not met, the subdivision cannot be approved.

Application

Once the subdivision applicant is satisfied that enough pre-development analysis has been conducted, they may apply for subdivision to the Community Planning branch.

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

Application Requirements

All applications for subdivision must include:

1. A plan of the proposed subdivision prepared according to *The Subdivision Regulations, 2014*.
2. A current copy of the land title(s).
3. Payment of fees identified in *The Subdivision Regulations, 2014*.
4. Any other documents required by the approving authority which, depending on the proposed subdivision's circumstances, may include geotechnical reports, topographic information to help determine flood susceptibility, hydrogeological assessments, etc.

All applications for a parcel tie removal must include:

1. A current copy of the land title(s).
2. A parcel picture with the dimensions and area of each proposed parcel.
3. A statement of the intended use for each proposed parcel.
4. A sketch plan and written information identifying boundaries, existing buildings, and water and sewer systems.

An application is not complete until the applicant has provided the information above, along with any additional information required by the approving authority as outlined in *The Subdivision Regulations, 2014*. Once an application is deemed complete, the approving authority must issue a decision within 90 days.

Review Process

When a subdivision application is submitted to the Community Planning branch (CPB), the review process begins. The application is assigned to the planner responsible for reviews in that portion of the province.

Initial Review and Acknowledgement

The planner conducts an initial review and identify potential matters such as zoning compliance, conformance with *The Subdivision Regulations, 2014*, and determine the amount of any dedicated lands required. Any items identified in the initial review is relayed to the applicant in an acknowledgement letter. It is the goal of CPB to identify as many issues as possible during the initial review. However, additional information may be required as the subdivision progresses.

Referral

CPB sends a copy of the application to external ministries, agencies, municipalities, and any parties who may be impacted by the subdivision with a request to review the application and provide comments. Referral comments provide additional review information such as any potential flooding concerns, health and safety concerns, requirements for road widening, proximity of oil and gas wells and facilities, and other information to allow the approving authority to make an informed decision. These external parties have 40 days to provide comments to CPB for consideration. This time may be extended if the referral agency requires additional time to complete their review. All referral comments will be provided to the applicant for their information.

Comments from external parties may result in additional applicant requirements (e.g., more information may be necessary for the sites to be considered suitable). Any additional applicant requirements are relayed to the applicant.

Servicing Agreement

During the referral process, a municipality may indicate it requires a servicing agreement for the subdivision to proceed. Per the PDA, a subdivision cannot be approved if a servicing agreement is required and has not been signed by all parties.

A servicing agreement is a contract between the municipality and the applicant for subdivision, outlining each party's responsibilities. Servicing agreements may include:

- Construction and installation of services required for the subdivision.
- Time limits for the completion of work.
- Cost-sharing with the municipality.
- Security for performance in a form that council considers necessary.
- The payment of fees in whole or in part for the capital cost of the municipality providing or upgrading the specified infrastructure services, either within or outside the proposed subdivision, that directly or indirectly serves the proposed subdivision.

Servicing agreements are a tool used by municipalities to:

- Ensure infrastructure meets municipal standards ; and
- Recoup the capital cost of infrastructure necessary to support development (and not by the existing ratepayers of the municipality).

If a servicing agreement is required by the municipality, the PDA requires that it be signed within 90 days. This timeline may be extended by mutual agreement of the applicant and the municipality. If the agreement is not signed within 90 days, or if the applicant has an objection to matters outlined within the agreement, it may be appealed to the Saskatchewan Municipal Board.

Dedication of Land

The review process will also identify if dedicated lands are required, and the method for meeting the requirement. If land must be dedicated, it must be shown on the proposed subdivision's plan. Dedicated lands become property of the municipality where the subdivision is located. The types and general use of dedicated lands are outlined below.

Environmental Reserve is intended to ensure public safety and environmental protection. When subdividing along a waterfront, it is standard practice to dedicate environmental reserve up to the 1 in 500-year flood elevation where land may be susceptible to flooding and erosion. This also allows public access to waterbodies and the beach. It may also be required for lands with sensitive natural areas such as wetlands.

Municipal reserve lands are used for recreation and public space and may include public parks and community buildings. During the subdivision process, dedication of municipal reserve is required in the following amount:

- 10 per cent of land being subdivided for residential purposes; or
- five per cent for land being subdivided for non-residential purposes.

A subdivision may be exempt from providing municipal reserve if it meets specific criteria identified in section 183 of the PDA. The requirement for municipal reserve may be met in three different ways with the agreement of the approving authority and municipality:

- A sufficient amount of land dedicated on the plan;
- Money-in-lieu of land, based on the value of the land that would have been dedicated; or
- Deferral of the requirement where the development is being completed in phases.

A combination of the above methods may be used to meet the requirement.

Municipal Utility parcels are for public works and public utilities, such as storm water ponds, lift stations and power substations. A council may require a subdivision applicant to dedicate a parcel as municipal utility as part of a servicing agreement.

Municipal Buffer strips are used to separate incompatible land uses. The size and location of buffer strips are at the discretion of the approving authority.

Walkways may provide secondary and pedestrian access to special features or throughout a subdivision area. The size and location of walkways are at the discretion of the approving authority.

Land parcels can have special designations on subdivision plans and Certificates of Title depending on the type and use of the land. For example, the listed types above will often appear as “ER1”, “ER2”, etc., “MR1”, “MR2”, etc. The designation for municipal utility, municipal buffer, and walkways are “MU”, “MB” and “W”, respectively.

For more information on dedicated lands, see the [Dedicated Lands Handbook](#).

Decision

There are four main criteria for approving a subdivision application: land suitability, conformity with bylaws, servicing agreement (if applicable), and parcel access. With the municipality, referral agencies, and technical experts' help, the approving authority ensures all legislative requirements are met before issuing a decision.

A decision regarding the subdivision application may be:

- Approved;
- Approved in part;
- Approved subject to compliance with a development standard on hazardous lands (section 130 of the PDA); or
- Refused.

If an application for subdivision approval complies with the criteria in the PDA and with *The Subdivision Regulations, 2014*, the approving authority shall issue a certificate of approval with its decision. The decision is sent to the relevant parties indicated on the application which may include the surveyor, lawyer or other agent. The municipality and other parties such as ministries and/or agencies interested in the application are also sent copies for their records.

Registration

Once the subdivision has been approved and the applicant has accepted any conditions of the approval, the applicant and/or surveyor should contact the Information Services Corporation to register the survey plan and raise title to each of the parcels. This step requires a Saskatchewan Land Surveyor to complete a plan of survey and establish property pins to denote boundaries of newly created or modified parcels. If there is a variance between the approved plan and the plan of survey, they may apply to the Community Planning branch for a deviation.

Note that the certificate of approval issued on the subdivision application by the approving authority is valid for 24 months from the day it is issued. An approving authority may re-issue a certificate of approval to extend its validity for an additional 24 months if the subdivision still complies with the regulations at the time of reissuance. If the certificate of approval expires before it is registered with ISC, a new application is required.

Right of Appeal

The PDA outlines several instances where an applicant may appeal a subdivision or matters related to a subdivision to the Saskatchewan Municipal Board:

1. A refusal of an application for subdivision;
2. An approval in part of an application for subdivision;
3. An approval subject to compliance with development standards on hazardous lands (section 130 of the PDA);
4. A revocation of a subdivision approval;
5. A failure to enter into a servicing agreement with the municipality within the specified time limit;
6. Any terms or conditions outlined in the proposed servicing agreement; or
7. An objection to providing any additional information requested by the approving authority, other than information required to accompany the application (as outlined under the “Application Requirements” section earlier in this document).

Post-Approval

The property owner/applicant is responsible for completing the following actions after the subdivision is registered with ISC:

1. Fulfill any terms or conditions outlined in the servicing agreement;
2. Comply with any development standards outlined in the certificate of approval;
3. Obtain any necessary development and building permits from the municipality; and
4. Arrange for utilities to be installed (e.g., natural gas, power, internet, etc.).

Construction

Once the subdivision is registered and all necessary permits are obtained, site improvements such as grading and installing site services may begin. The developer may also begin marketing the lots and developing agreements with builders and purchasers.