

# Municipalities and the Subdivision Process

2024

## Introduction

Under *The Planning and Development Act, 2007* (Act), a subdivision is defined as “a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel.” The Act and *The Subdivision Regulations, 2014* (regulations) are the legal basis for subdividing land. Examples of subdivisions include:

- The creation of a new parcel for a farm site from a quarter section.
- Moving an existing property line between two neighbouring parcels.
- Removal of a parcel tie linking two or more parcels.

Unless exempt under the Act, every subdivision or subdividing instrument (interests less than title based on a lease, easement, etc.) requires the relevant authority's approval. Examples of subdividing instruments that require approval include easements and a lease for only part of a parcel that, combined with renewal terms, exceeds 10 years and certain easements.

The Community Planning branch (CPB) of the Saskatchewan Ministry of Government Relations reviews subdivision applications for all municipalities that have not been granted approving authority status under the Act.

## Municipalities and Subdivisions

As a part of the subdivision review process under the regulations, every subdivision application is circulated to the municipalities affected by the subdivision. The participation of municipalities in the review process helps to ensure that each subdivision contributes to a municipality's growth objectives, promotes the efficient development of infrastructure, and improves public services, public health and safety. As municipal administration and council members live in the community, municipalities can also contribute local knowledge on the site's suitability for subdivision.

Municipalities can actively participate in the subdivision review and approval process by:

- Preparing decisions on any necessary bylaws or amendments if required (e.g., zoning, road closure, etc.).
- Requesting the preparation of a concept plan prior to a zoning bylaw amendment, if necessary.
- Discussing the proposed subdivision with the developer before it is submitted for review.
- Providing information and comments to CPB during the subdivision review process.
- Negotiating a servicing agreement with the developer, if necessary.
- Determining dedicated land requirements and identifying public lands that will serve the community's recreational needs.

## Participating in the Subdivision Approval Process

In some cases, a subdivision applicant may contact a municipality before submitting a subdivision application to CPB for review. As early in the process as possible, the municipal administrator should take the opportunity to initiate a conversation with the developer of the proposed subdivision. The administrator often represents the municipality, provides information and advice, and acts as a liaison with the council. Relationships are important and a good relationship will help clarify the needs, interests and specific zoning requirements of the municipality for the developer. This relationship will help the developer to prepare their plan of subdivision.

When a subdivision application is submitted to CPB, it is assigned to a Planning Consultant who will work with the applicant and the municipality throughout the process. Once the Planning Consultant has reviewed the subdivision application, a copy of the application is sent to the municipality for comment.

Administrators should review the application and referral from CPB for consistency with their OCP and zoning bylaw, review the suitability of the site for the subdivision, and prepare a report for council to discuss:

- How the subdivision will be serviced (e.g., road design and lot alignment, municipal water and sewer capacities) and whether a servicing agreement is required.
- If a zoning bylaw amendment is necessary (or desirable).
- Any concerns with the suitability of the proposal (e.g., conflicting land uses, drainage, flooding, etc.).
- If municipal reserve land is required, how is it recommended to be met.
- Any other information council needs to be made aware of (e.g., legislation or regulation requirements, species at risk, heritage, etc.).

The municipality is encouraged to discuss any concerns they have with the proposal with CPB as early as possible. Issues or concerns should be formally communicated in the review period.

If the municipality is part of a planning district, the subdivision would also be sent to the district for comment.

### **Servicing Agreements**

A servicing agreement is a legal contract a municipal council may require of a subdivision applicant. With this agreement, council accepts responsibility for maintaining services in a new subdivision in exchange for the developer installing the services needed for the subdivision. A servicing agreement can also include fees for capital costs for providing, altering, expanding, or upgrading services that support the subdivision (e.g., wastewater, water, drainage, road, and parks and recreation facilities).

Servicing agreements may only be entered into at the time of subdivision. As such, it is important for a municipality to consider whether a proposed subdivision will require new services or upgrades to existing services that could be included under a servicing agreement. If council requires a servicing agreement, the municipality will provide CPB with a copy of the executed agreement. For more information on servicing agreements, please see the [Subdivision Servicing Agreement fact sheet](#).

### **Dedicated Lands**

Dedicated lands are used for public amenities, utilities, and environmental protection. They may include parks, open spaces, playgrounds, beaches, shorelines, natural areas, trails, walkways, sports fields, and recreational facilities. At the time of subdivision, an applicant might be required to provide various types of dedicated lands (e.g., land as an environmental reserve if there is land that is environmentally sensitive or naturally hazardous, land as a municipal reserve for public parks and community buildings, etc.).

Unless a subdivision is exempt from dedicating municipal reserve land under section 183 of the Act, 10 per cent of the total area to be subdivided for residential purposes must be dedicated as municipal

reserve land, and five per cent of the total area to be subdivided for non-residential purposes must be dedicated as municipal reserve. Municipal reserve dedication can be met through the following:

- The dedication of land.
- Providing money-in-lieu of that land based on the market value of the land that would have otherwise been dedicated. If money-in-lieu is provided, the money will need to be deposited into the municipality's dedicated lands account before the subdivision can be approved.
- Deferring the dedication to a future subdivision. In this case, an interest will be registered on the title to ensure this land is dedicated in the future.

The approving authority relies on comments from the municipality when approving how dedication may be met and the size and location of dedicated lands. For more information on dedicated lands, please see the [Dedicated Lands Handbook](#).

### **Other Considerations**

Depending on the specifics of the development, the municipality may also need to address issues such as road closures and/or land sales and exchanges.

### **Municipal Recommendation**

The municipality will provide CPB with a Resolution of Council stating whether they recommend approving or denying a subdivision application, and reasons for a denial. This resolution should also state what else may be required of the applicant (e.g., whether the municipality would prefer money-in-lieu be provided in place of land dedication, if a servicing agreement is required, if a road closure bylaw is being processed). CPB will also require confirmation from the municipal administration that these items have been completed.

## **Municipal Planning Bylaws**

The Act grants municipalities the authority to establish planning bylaws, including a district plan, official community plan (OCP) and a zoning bylaw. An OCP sets the municipality's development goals, objectives and policies, which council can use to manage land use, subdivision, municipal services, and public utilities. A zoning bylaw is the primary means of implementing an OCP and district plan by establishing the rules and regulations to carry out the goals and policies of those bylaws.

Municipal planning bylaws create certainty for developers, business owners and homeowners and help them make informed decisions about purchasing, subdividing and developing property in a community. These bylaws also guide municipal decision-makers and the Approving Authority, which is obligated to ensure a proposed subdivision complies with the adopted policies and standards.

### **Amending a Municipal Planning Bylaw**

Suppose a subdivision does not meet a requirement under the zoning bylaw (e.g., the use is not allowed in the zoning district). In that case, the subdivision applicant may apply to amend the zoning bylaw. This change may also require an amendment to the OCP or district plan (e.g., the area is identified for future commercial development, and it is designated in the OCP for future residential development).

Municipalities should advise developers this process takes time and is subject to public participation and council scrutiny, as well as provincial approval.

### **Concept Plans**

If a municipality has adopted an OCP, it may also adopt a concept plan as a part of the OCP. A concept plan provides a detailed layout of an anticipated subdivision of an area based on expected road design, location of services, drainage needs, and density or type of development. This tool is used to guide the development of a phased neighbourhood, coordinate the ongoing development of lands owned by a variety of parties, or outline the development of future neighbourhoods.

Concept plans must be consistent with the OCP goals and policies, are adopted by bylaws and become part of the OCP.

## Monitoring Development After Approval

Following subdivision approval, the municipality should monitor the progress of the project. This will ensure the project meets the approval standards and any technical requirements set out in the geotechnical or engineering plan or servicing agreement.

## Conclusion

Municipalities that are actively involved in the subdivision process from concept to construction will ensure that the development meets the needs and interests of their community. Good relationships and open discussions between administration, developers, and the community also help facilitate the subdivision process.

For more information about subdivision review under the Act, please contact the Ministry of Government Relations, Community Planning branch via email at [communityplanning@gov.sk.ca](mailto:communityplanning@gov.sk.ca) or:

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