



Multi-Parcel Country Residential Subdivisions

This guide is for landowners/developers who are considering developing a multi-parcel country-residential subdivision.

Background:

The RM Zoning Bylaw has three country-residential zoning districts that vary based on parcel size and density. The purpose of these zoning districts and subdivisions is to accommodate residential development in a rural environment where land is primarily used for residential living rather than for productive agriculture purposes. Consideration of the rezoning and subdivision of lands for this purpose is considered by the RM Council based on the current supply of vacant multi-parcel country residential lots and the current demand for this form of a country residential lifestyle. The table below summarizes required parcel sizes, maximum subdivision area and servicing requirements for each respective country-residential zoning district.

COUNTRY-RESIDENTIAL ZONING DISTRICTS							
Subdivision Type	Rezoning Required	Min. Parcel Size (ha)	Max. Parcel Size (ha)	Max. Land Area (ha)	Water	Sewer	Roads
Low Density (CR1)	Yes	4.01	8.01	64/phase	Private	Private	Gravel
Medium Density (CR2)	Yes	1.01	4.0	64/phase	Communal/ Private	Communal/ Private	Gravel/ Paved
High Density (CR3)	Yes	0.4	1.0	64/phase	Communal	Communal	Paved

Process:

If an applicant wishes to proceed with a multi-parcel subdivision, they could expect the following process to occur. Of course, various other factors could cause deviation from this process, including subdivision locational challenges, issues that arise during Community Planning Branch's review of the application and others.

Process - Step 1:

Set up a **pre-application meeting** with a staff member from the RM Planning & Development Department. This is a crucial step, as staff can help identify any early locational challenges, development constraints and servicing requirements. Such constraints may include geotechnical, environmental, access etc. At this point, administration can also contact the Public Works Department to provide commentary on road quality and help determine whether or not a road upgrade would be required. All new developments need to have direct all-weather public road access. If this is not the case, then arrangements would need to be made with Council for

the upgrading of the portion of road which provides access to the subdivision. **There is no cost for a pre-application meeting.**

Process - Step 2:

Submit a RM development application, plan of proposed subdivision, \$500.00 subdivision review fee and a country-residential workbook to the RM Planning & Development Department. Copies of the development application and country-residential workbook can be found on the RM's website under the 'Development & Building Permits' tab. At this point, it is recommended to submit a subdivision application to the Community Planning Branch (CPB) of the Ministry of Government Relations (MGR). For a complete guide to the Provincial subdivision process, please follow the link below to visit the MGR's website:

<https://www.saskatchewan.ca/government/municipal-administration/community-planning-land-use-and-development/subdivision-zoning-and-land-use/municipalities-and-the-subdivision-process>

Preparing a Plan of Proposed Subdivision (PPS)

CPB and the RM both require a PPS to be submitted with their application. A PPS must be prepared by a certified Saskatchewan land surveyor or registered professional planner. The cost of the surveyor or planner will depend on the complexity of the project and time it takes to prepare and finalize information. The fees should be agreed upon before the work is started.

The PPS will show the location, dimensions & boundaries of the parcel(s) to be subdivided and includes a site's features such as: access, adjacent roadways, bodies of water, existing buildings, municipal or environmental reserve lands and utility rights-of-way.

A list of surveyors in the Regina-area can be accessed by clicking the following link:

https://www.slsa.sk.ca/survey_companies.php#Regina

Process - Step 3:

Next, the Planning & Development Department will conduct a preliminary review of the application for conformity with the RM Official Community Plan and Zoning Bylaw. In addition, a preliminary report based on the application and country-residential workbook submission will be submitted to Council for preliminary comments. After receiving preliminary comments, the applicant may wish to alter their proposal. **Please refer to the RM Official Community Plan and Zoning Bylaw to gain an understanding of the RM's development review criteria.**

A subdivision referral may be sent to a variety of different Provincial agencies for comments. Such agencies may include, but are not limited to: Ministry of Highways and Infrastructure, Ministry of Environment, Water Security Agency, Ministry of Parks, Culture and Sport, and Saskatchewan Health Authority. If the proposed development is bordering an adjacent municipality, a referral will also be sent to their office for comments.

Process - Step 3:

After all comments are received, the Planning & Development Department will prepare a development report to Council for the subdivision. Council may conditionally approve, deny, or request that applicant alters their proposal to satisfy comments or identified concerns. If an application is approved, conditions may include, but are not limited to:

- submission of an environmental/ecological assessment, study, or analysis;
- submission of a Heritage Resource Impact Assessment per *The Saskatchewan Heritage Property Act*;
- submission of a site-specific geotechnical report or analysis;
- submission of a flood hazard or slope hazard report;
- submission of a site grading/drainage plan;
- submission of a hydrogeological study to address water supply concerns;
- submission of engineering report to address sewage treatment disposal;
- execution of a hauling and sewage dumping agreement with a licensed sewage disposal facility;
- submission of a traffic impact analysis;
- payment of a development charge* in accordance with Bylaw No. 11-2016, known as the Development Levy Bylaw;
- payment of cash in-lieu of Municipal Reserve (MR) dedication**;
- execution of a servicing agreement***;
- execution of a road servicing agreement; and,
- others.

One definite condition of approval for multi-parcel country-residential subdivisions is the approval of a zoning bylaw amendment to rezone the land proposed to the desired country-residential zoning district.

Process - Step 4:

Rezoning land involves passing a zoning bylaw amendment, which is a legal process under Provincial legislation called *The Planning and Development Act, 2007*. It requires the RM to take certain steps during a rezoning process, which are described in this section. Before, beginning the rezoning process to a country-residential zoning district, applicants will be required to submit a \$800.00 application fee.

First Reading:

After receiving the application fee, the Planning & Development Department will prepare a zoning bylaw amendment for first reading at an upcoming council meeting. If the application complies with all policy requirements and Council feels the application is warranted, they will give the zoning bylaw amendment first reading and set a public hearing date. In accordance with *The Planning and Development Act, 2007*, the public hearing must be held prior to Council's consideration of second and third readings.

Advertising/Public Notification:

After first reading, an advertisement indicating the reason for rezoning the land proposed for subdivision and date of the public hearing, is inserted in a local news publication for two consecutive weeks prior to the public hearing. **The cost of the newspaper advertisement (approx. \$800 - \$1,200) is the responsibility of the applicant.** Members of the public have the ability to view or discuss the proposed zoning bylaw amendment with the RM Planning & Development Department prior to the public hearing. Any written comments on the proposed zoning bylaw amendment received by the date and time indicated in the public notice advertisement will be included in the agenda package for Council's consideration on the date of the public hearing.

In addition, in accordance with the Zoning Bylaw, notice written notice of the proposed zoning bylaw amendment will be sent to assessed owners of property within a 1.6 kilometre (1 mile) radius of the legal boundaries of the land proposed for rezoning/subdivision. The notice is sent out after first reading of a rezoning bylaw amendment and at least 14 full business days before the public hearing.

Public Hearing

At the public hearing, the public has an opportunity to speak in favour of or in opposition to the proposed bylaw. Members of the public may sit in the gallery to witness the proceedings without speaking on the proposed zoning bylaw amendment. A specific procedure governs the public hearing process.

Decision on Bylaw

After the public hearing has closed, Council may give second and third readings of the proposed zoning bylaw amendment, or they may defeat the proposed bylaw denying the application for rezoning. If the application is denied, it cannot be appealed. If the bylaw is passed a statutory declaration will be sent to CPB for Ministerial Approval of the bylaw. The bylaw and rezoning come into effect on the date of the Ministerial Approval.

Timeline

The RM rezoning process typically takes 45-60 days depending on the complexity of the application and scheduled council meeting dates. Ministerial Approval for the bylaw can take approximately 4-8 weeks after the conclusion of the RM process.

Process - Step 5:

After the land proposed for subdivision is successfully rezoned and an applicant has met all other conditions of approval, the RM Planning & Development Department will notify CPB that all municipal requirements associated with the subdivision have been met. After all RM and Provincial conditions/requirements are met, CPB will be in a position to issue a Certificate of Approval (COA). The issuance of the COA will allow the plan to be registered with Information Services Corporation (ISC) in order to create the new legal titles for the new parcel(s) of land.

***Development Levies & Servicing Fees:**

On June 15, 2017, Bylaw No. 11-2016, "The Development Levy Bylaw" was ratified by CPB and came into force. The Development Levy Bylaw stipulates a development charge that applies to new development in the RM. The purpose of the Development Levy Bylaw is to provide the RM with a mechanism for reimbursement of certain capital costs that will be indirectly or directly incurred as a result of new development.

The development charge will vary depending on where in the RM the proposed development is located. In the west sector of the RM (all areas west of the intersection of HWY 11 & HWY 20), the development charge is equal to \$1,243.00 per hectare. While in the east sector of the RM (all areas east of the intersection of HWY 11 & HWY 20), the development charge is equal to \$1,054.00 per hectare.

Please note, in accordance with current Council policy, subdivisions that involve an existing, developed farmyard site, are exempt from being required to remit a development charge. Please visit the RM of Lumsden No. 189 website to view Bylaw No. 11-2016 in full.

****Municipal Reserve:**

Provincial legislation requires that Municipal Reserve (MR) dedications must be provided at the time of subdivision. For residential subdivisions 10% of the gross area of the proposed subdivision must be dedicated as MR and all other types of subdivisions must dedicate 5% of gross area. In most cases, the RM will accept cash in-lieu of municipal reserve dedication. The RM's policy is to collect a cash in-lieu payment of \$2,000.00 per new parcel being subdivided to satisfy the MR requirement.

MR is a Provincial requirement and in certain cases, Provincial legislation dictates possible exemptions to the MR requirement (i.e. first parcel out of a quarter section may be exempt). **The MR requirement cannot be verified until after CPB has referred a subdivision application to the RM.**

*****Servicing Agreement:**

A servicing agreement is a legal contract that Council may require to be executed with an application. With the agreement, Council accepts responsibility for maintain services in a new subdivision or development in exchange for the developer installing the services needed for the subdivision. A servicing agreement can provide services and facilities that directly or indirectly serve a subdivision. It ensures that:

1. a municipality will not incur all costs of servicing a new subdivision; and,
2. new services are installed in municipal specifications and standards.

A servicing agreement can have performance guarantees, construction specifications, time limits and may include items such as liability insurance and termination provisions. Applicants will be required to submit an irrevocable letter of credit or performance security equal to 125% of an engineer estimate of subdivision servicing construction costs. Servicing agreements will be registered on the title of the source land for the subdivision.

A servicing agreement may address on-site services such as:

- roads;
- water supply;
- sewage disposal;
- sidewalks;
- municipal reserve/park area standards;
- street lighting; and,
- others.

The servicing agreement will also require submission of engineered drawings that must be approved by the municipal engineer prior to installation. Any fees incurred by the RM as a result of the municipal engineer reviewing submitted drawings and performing required inspections, will be the responsibility of the applicant.

The cost of the municipal solicitor preparing the servicing agreement is the responsibility of the applicant.