



Single Parcel Residential Subdivisions (Agriculture Zoning District)

This guide is for landowners who own a full quarter section of land located in the Agriculture (AG) Zoning District who wish to subdivide a residential site (i.e. acreage) from their quarter section.

Background:

Full quarter sections in the RM of Lumsden No. 189 are zoned AG. In the AG District, a maximum of two residential sites (where the principal/primary use is the dwelling/acreage) may be allowed to be subdivided on a discretionary basis (i.e. requires Council approval). The minimum parcel size for such subdivisions is 2.01 ha (4.97 ac) and the maximum parcel size is 4 ha (9.88 ac).

Pursuant to the Official Community Plan (OCP), Council may permit a larger or smaller site size to:

1. Accommodate development along the valley that will include natural areas and valley slopes.
2. Minimize prime agriculture land to be taken out of production.
3. Accommodate existing developed farmyard sites.
4. Accommodate sites fragmented from the balance of the quarter section by either natural (river, creek, coulee etc.) or man-made (developed road, railway, etc.) barriers.

Process - Step 1:

Before submitting an application, it is greatly recommended that you book a **pre-application meeting** with a staff member from the RM Planning & Development Department to go over the process and identify any early development constraints, requirements, and potential issues/concerns. **There is no cost for a pre-application meeting.**

Process - Step 2:

The RM is not a subdivision approving authority and therefore all applications to subdivide land must also be made through 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>

A subdivision application must also be made to the RM by submitting a RM development permit application, plan of proposed subdivision (PPS) and the \$250.00 single parcel subdivision application/review fee. An RM development permit application may be obtained from the municipal office or website.

Upon receipt, the Planning & Development Department reviews the application for compliance with the Official Community Plan, Zoning Bylaw, Provincial regulations and any other applicable planning related bylaws, policies, etc. After the Planning & Department's initial review of the application, if the application is deemed complete, a date for Council's consideration of the application will be set.

Since the subdivision of a residential site in the AG District is discretionary, notices to assessed adjacent landowners within seventy-five metres of the applicant's property must be sent out a full two weeks in advance of the meeting in which Council will consider the application. The notice will provide an overview of the application and state when the application will be considered by Council. Furthermore, the notice will state that the adjacent landowners may submit comments in advance of the council meeting in which the application will be considered at. **Comments are accepted until noon on the day of the meeting.**

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:

Council may approve, conditionally approve, deny, or table a subdivision application. Regardless of the outcome, applicants will be notified in writing of Council's decision. Upon approval or conditional approval, the RM will notify the applicant and CPB of Council's decision. Conditions of approval may include such things as entering into a servicing agreement, dedication of municipal or environmental reserve, upgrading roadways, providing a geotechnical report, remitting a development levy fee, providing a heritage resource impact assessment, providing an environmental assessment, etc.

Once municipal conditions of approval have been met, the RM will notify CPB. 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.

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.

Screening:

During the Planning & Development Department's review of an application, several potential development constraints are reviewed including:

- **Road frontage:** single parcel residential subdivision and development will only be permitted where direct all-weather public road access has been provided to the satisfaction of Council or the development of a direct all-weather public road is undertaken to the satisfaction of Council. If a road is required to be upgraded as a condition of approval for an application, a Road Servicing Agreement will need to be executed between the RM and applicant in accordance with the RM Road Development Policy. A copy of the policy may be accessed by following the link below:
<https://lumsden.ca/app/uploads/2016/11/Revised-Road-Development-Policy-Jun-25-2020-CLEAN.pdf>
- **Environmental Sensitivity:** the proposed subdivision land will be screened to determine if it has rare & native species, is located in an environmentally sensitive area, or is located in a recognized conservation area.
- **Hazard Lands:** applications in areas with potential unstable slopes, flood plain or wetlands may require additional geotechnical analysis as a condition of subdivision approval.
- **Separation Distances Between Uses:** pursuant to the OCP, new residential development is not to occur within a certain distance of various land-uses (e.g. intensive livestock operation, gravel pit, solid or liquid waste management facility, hazardous industrial activity, etc.). Please refer to Table 6-1 from the OCP for a complete listing of the minimum separation distances between uses or contact the Planning & Development Department.
- **Proximity to Provincial Highways:** Ministry of Highway & Infrastructure (MHI) permits are required to building new highway approaches or other development within ninety metres of a Provincial highway. Land may be required for highway widening or service roads. Landowners are responsible for road and/or driveway construction.

Development Levies & Servicing Fees:

On June 15, 2017, Bylaw No. 11-2016, “The Development Levy Bylaw” was ratified by the Ministry of Government Relations 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 the 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.