

The Subdivision Regulations

being

Chapter P-13.1 Reg 1 (effective April 17, 1984)
as amended by Saskatchewan Regulations 11/86,
65/87, 95/87, cL-5.1 Reg 3, 50/2002 and 62/2005.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-13.1 REG 1
The Planning and Development Act, 1983

Title

1 These regulations may be cited as *The Subdivision Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Planning and Development Act, 1983*;
- (b) “**cul-de-sac**” means a street or lane with only one end open to traffic;
- (b.1) “**parcel**” means a parcel as defined in *The Land Surveys Act, 2000*;
- (b.2) “**registered owner**”, with respect to a parcel, means:
 - (i) a registered owner as defined in *The Land Titles Act, 2000*;
 - (ii) the grantee of a power of attorney for the registered owner;
 - (iii) if the registered owner is deceased, the executor or administrator of the estate of the registered owner;
 - (iv) a person who is entitled to buy, sell, dispose of or encumber the land on behalf of the registered owner; or
 - (v) a person who is otherwise authorized by law to act in the place of the registered owner;
- (c) “**standing body of water**” means a lake, pond, reservoir, lagoon, swamp, marsh or any other area containing standing surface water, either permanently or intermittently;
- (d) “**utility line**” means a water or gas transmission pipe, an electrical supply cable, a telecommunications transmission line or a sewage pipe, whether privately or publicly owned, providing service to property in the municipality or in an immediately adjacent area and located in the ground or overhead, and includes any facilities that are required to enable the local delivery of the utility;
- (e) “**water course**” means a river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently.

25 May 84 cP-13.1 Reg 1 s2; 30 Jne 2005 SR 62/
2005 s3.

Application of regulations

3 These regulations do not apply to the subdivision of land under the jurisdiction of a council that is designated as an approving authority pursuant to the Act and that has passed a bylaw making subdivision regulations that is approved by the minister.

25 May 84 cP-13.1 Reg 1 s3.

Register

4 Each approving authority shall keep a register of subdivision applications.

25 May 84 cP-13.1 Reg 1 s4.

Application for subdivision approval

5(1) Subject to subsection (2), a person who wishes to obtain subdivision approval must apply to the appropriate approving authority in the form required by the approving authority.

(2) Every application for subdivision approval must include:

- (a) a plan of the proposed subdivision prepared in accordance with section 6;
- (b) a copy of the title for the land to be subdivided;
- (c) subject to clause (4)(b), the appropriate fee as set out in section 10; and
- (d) any other document required by section 6.

(3) No application for subdivision approval shall be submitted to the approving authority without the prior written agreement of the registered owner of the land to be subdivided unless the land is being subdivided pursuant to a legal expropriation, a replotting scheme, a required subdivision or a court order.

(4) An approving authority shall not approve an application for subdivision unless:

- (a) all fees set out in section 10 have been paid; or
- (b) the applicant has established an account with the approving authority and has entered into an agreement with the approving authority to pay the fees set out in section 10 from that account.

30 Jne 2005 SR 62/2005 s4.

Plan of proposed subdivision

6(1) A plan of proposed subdivision must:

- (a) be prepared in either electronic or manual format under the supervision and with the approval of:
 - (i) a Saskatchewan land surveyor as defined in *The Land Surveyors and Professional Surveyors Act*; or
 - (ii) a professional community planner as defined in *The Community Planning Profession Act*;
- (b) be titled "Plan of Proposed Subdivision";
- (c) be geo-referenced in accordance with the requirements for plans of the Information Services Corporation of Saskatchewan, and be in a co-ordinate system consistent with provincial standards if that information is available for the parcel to be subdivided;
- (d) show contour or land elevations, as may be required by the approving authority, consistent with provincial standards;
- (e) be drawn at a scale to clearly show the content of the plan;

- (f) show clearly:
 - (i) the boundaries, the parcel numbers and the full legal descriptions of the land to be subdivided to the extent that the information exists in the Land Registry;
 - (ii) the area of the land to be subdivided;
 - (iii) the orientation to true north; and
 - (iv) the date of the preliminary survey;
- (g) show:
 - (i) all water courses and standing bodies of water with the bank and the level of water at the date of preliminary survey;
 - (ii) the approximate outline of wooded areas;
 - (iii) the location of existing wells and on-site sewage disposal systems, including any effluent discharge points;
 - (iv) the location of existing permanent buildings and other developments; and
 - (v) the approximate location of all existing and proposed bridges and road crossings over a water course;
- (h) show the location and dimensions of adjacent parcels and registered plans, including all streets, lanes and blocks with their designations;
- (i) show the location, dimensions, area and boundaries of the following if within or abutting the parcels to be subdivided:
 - (i) each new parcel to be created;
 - (ii) dedicated lands, if any;
 - (iii) all existing or proposed utility lines and the right-of-way for each utility line;
 - (iv) all existing or proposed railway lines or spur tracks;
 - (v) all provincial highways and public highways;
 - (vi) all streets, roads and lanes; and
- (j) if the proposed subdivision abuts a provincial highway that is designated for widening by the Department of Highways and Transportation or a public highway that is designated for widening by the municipality, show the proposed or eventual widening of the highway.

(2) In the case of a proposed subdivision intended to subdivide part only of a larger area, the whole of which may eventually be subdivided, the approving authority may require that the proposed subdivision:

(a) shows contours and other topographical information for the whole of the larger area; or

(b) includes a suitable design concept for future subdivision showing the general scheme of subdivision for the whole area and the parts of the subdivision intended for different uses, including dedicated lands, residential, schools, commercial and industrial development, and indicating the utilities to be provided.

(3) If a plan of proposed subdivision has been prepared in electronic format, the approving authority may require that an electronic file of the plan be submitted in a format acceptable to the approving authority.

(4) The approving authority may publish its requirements in a manual or manuals to guide applicants in the preparation of applications and plans of proposed subdivisions.

25 May 84 cP-13.1 Reg 1 s6; 28 Feb 86 SR 11/86 s3; 28 Aug 87 SR 95/87 s3; 30 Jne 2005 SR 62/2005 s5.

Registration of interests

6.1(1) If the Act provides that an approving authority may register an interest in relation to an application for subdivision approval, the approving authority may register the interest in the Land Titles Registry against the affected parcel or parcels before the approving authority issues a certificate of approval for the subdivision.

(2) An approving authority may withhold issuing a certificate of approval until it is notified that an interest has been registered in accordance with subsection (1).

(3) After an approving authority issues a certificate of approval, the approving authority may cause an interest that has been registered in accordance with subsection (1) to be discharged if, in the opinion of the approving authority, the continuance of the registration is not required.

(4) A registered owner may apply to an approving authority to discharge an interest that has been registered in accordance with subsection (1) on providing the approving authority with a copy of the title showing the registration of the interest.

30 Jne 2005 SR 62/2005 s6.

Subdivision into constituent parcels

6.2(1) An application for the subdivision of a parcel mentioned in subsection 134(9) of the Act into two or more constituent parcels by removal of an electronic code as defined in clause 2.1(a) of *The Land Titles Conversion Facilitation Regulations* may be submitted to the approving authority without a plan of proposed subdivision if the application is accompanied by:

- (a) a copy of the affected title;
- (b) a parcel picture with the dimensions and area of each proposed parcel;
and
- (c) a statement of the intended use for each proposed parcel.

(2) If, in the opinion of the approving authority, more information is required than is provided pursuant to subsection (1), the approving authority may require the submission of a plan of proposed subdivision in accordance with section 6 and any additional information in accordance with section 9.

30 Jne 2005 SR 62/2005 s6.

7 Repealed. 30 Jne 2005 SR 62/2005 s7.

8 Repealed. 30 Jne 2005 SR 62/2005 s7.

Additional information

9(1) An approving authority may require information to be supplied by an applicant in addition to that required pursuant to sections 5, 6 and 6.2, if the approving authority is of the opinion that such additional information is necessary in order to comply with section 14.

(2) If an approving authority requires additional topographic information pursuant to subsection (1), the approving authority may require that the proposed subdivision show:

- (a) if there are great variations in the height of the land, contour lines which:
 - (i) are at one-metre intervals or less;
 - (ii) are based on elevations referred to the National Datum; and
 - (iii) extend beyond the land to be subdivided a distance equal to one half the width and length of the subdivided portion or 150 metres, whichever is lesser; or
- (b) if there are small variations in the height of the land, spot elevations at each change of direction along the boundary of the land to be subdivided.

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(2.1) An approving authority may require an applicant to provide the following information identifying a sufficient source of potable water for any subdivision containing parcels intended for residential use or identifying a source of suitable quality water for a use requiring significant supplies of water:

- (a) in the case of a ground water supply located within the subdivision or to be developed for the parcels in the subdivision, an engineering report of sufficient tests to prove the adequacy and quality of the source;
- (b) in the case of water to be supplied by another person, an agreement to supply the water;
- (c) in cases other than those mentioned in clauses (a) and (b), an engineering report providing an adequate design for the supply of water from the stated source.

(2.2) An approving authority may require an applicant to provide information identifying an appropriate domestic sewage system and any agreement for the disposal of domestic sewage for any subdivision containing parcels intended for residential use.

(3) **Repealed.** 28 Feb 86 SR 11/86 s4.

25 May 84 cP-13.1 Reg 1 s9; 28 Feb 86 SR 11/86 s4; 30 Jne 2005 SR 62/2005 s8.

Fees

10(1) The fee for examination of an application for approval of a subdivision is \$100 for each new parcel to be created pursuant to the plan of proposed subdivision, excluding those parcels designated on the plan as public highway, dedicated lands or parcels to be used for public works.

(2) The fee for a certificate of approval issued by the approving authority is \$150.

(3) The fee for re-issuance of a certificate of approval is \$25.

(4) In addition to the fees mentioned in subsections (1) to (3), the applicant shall pay to the approving authority a fee equal to any fees charged by the Government of Saskatchewan or an agency of the Crown in right of Saskatchewan to the approving authority in connection with the review and approval of the proposed subdivision and the registration of any interests respecting the proposed subdivision.

(5) If an approving authority registers an interest against a parcel in accordance with section 6.1, the registered owner of the parcel shall pay to the approving authority a fee equal to any fees charged by the Government of Saskatchewan or an agency of the Crown in right of Saskatchewan to the approving authority to discharge the registration of that interest.

25 May 84 cP-13.1 Reg 1 s10; 28 Aug 87 SR 95/87 s4; 28 Jun 2002 SR 50/2002 s2; 30 Jne 2005 SR 62/2005 s9.

When application is complete

11 An application is deemed not to have been received in complete and final form until all information required of the applicant by the approving authority is received.

25 May 84 cP-13.1 Reg 1 s11; 28 Feb 86 SR 11/86 s5.

Referral of application to other authorities

12(1) On receipt of an application for subdivision approval containing the information required pursuant to sections 5 and 9, the approving authority:

- (a) shall send a copy of the application to, and request the comments of, the council of the municipality; and
- (b) may send copies of the application to, and request the comments of, all or any of the following:
 - (i) the district planning commission for each district in which the proposed subdivision is located in whole or in part;
 - (ii) any department or agency of the Government of Saskatchewan with a stated or potential interest in, or responsibility for, the land or area of the proposed subdivision;
 - (iii) any other person, authority, agency, department, council or board that, in the opinion of the approving authority, may be affected by the proposed subdivision.

(1.1) An approving authority may, at any time, forward any additional material received by it pursuant to section 9 to, and request the comments of, a council or other authority mentioned in clause (1)(a) or (b) in order for the approving authority to make its decision in accordance with section 14.

(2) Subject to subsection (4), the authorities from whom comments are requested by an approving authority pursuant to subsection (1) shall submit their comments to the approving authority within 40 days after the day on which the comments are requested.

(3) An approving authority may deal with an application for subdivision approval after the expiration of the 40-day time period described in subsection (2) or an extension granted pursuant to subsection (4), whether or not the comments have been received.

(4) An approving authority may extend the time for submitting comments on the written request of and for the benefit of a council or other authority described in clause (1)(a) or (b).

(5) A council or other authority described in clause (1)(a) or (b) may, by resolution, recommend approval or refusal of a subdivision application to the approving authority.

25 May 84 cP-13.1 Reg 1 s12; 28 Feb 86 SR 11/
86 s6; 30 Jne 2005 SR 62/2005 s10.

Time limit re decision

13 Notwithstanding any other provision of these regulations, the time prescribed within which an approving authority is required to make a decision on an application for subdivision approval is 90 days from the day on which the application is determined by the approving authority to be in its complete and final form.

25 May 84 cP-13.1 Reg 1 s13; 28 Feb 86 SR 11/
86 s7.

Considerations to be taken into account by approving authority

14 In making a decision as to whether or not to approve an application for subdivision approval, the approving authority shall:

- (a) consider the comments and resolutions submitted to it pursuant to section 12 but is not bound by them; and
- (b) consider the suitability of the land for the proposed subdivision having regard to:
 - (i) its topography;
 - (ii) its soil characteristics;
 - (iii) its surface and sub-surface drainage;
 - (iv) any potential flooding, subsidence, landslides and erosion;
 - (v) the availability and adequacy of a water supply, a sewage disposal system and solid waste disposal;
 - (vi) the economical provision of services;
 - (vii) the existing and prospective uses of land in the vicinity;
 - (viii) the provision for layout of streets and lanes;
 - (ix) the provision of access;
 - (x) the protection of provincial highways and major roads;
 - (xi) the segregation of pedestrian and vehicular traffic and of traffic flow between major and minor streets and the protection of public safety by ensuring adequate sight distances at intersections;
 - (xii) the design and orientation of the subdivision including the size and shape of each parcel;
 - (xiii) the need to minimize the likelihood of air, water or soil pollution by the subdivision or the need to protect the subdivision from such pollution by outside influences;
 - (xiv) the anticipated need for school sites, recreational facilities and parks;
 - (xv) the proposed storage or use of chemicals, flammable liquids or radioactive materials licensed by the Canadian Nuclear Safety Commission;
 - (xvi) the protection of critical fish and wildlife habitat; and
 - (xvii) the protection of significant natural or historical features.

Limitations on approval

15(1) No proposed subdivision located along or near a water supply or reservoir area or on a flood plain is to be situated:

- (a) within 1,500 metres of the intake for a water treatment plant; or
- (b) between the reservoir and a line which may be established by the proper authority for flood control or any other form of protection for a reservoir or water supply.

(2) An approving authority shall not approve an application for subdivision approval for residential purposes if the land that is the subject of the application is situated:

- (a) within 457 metres of land that is used or authorized for use as a landfill for the disposal of garbage or refuse;
- (b) within 300 metres of land that is used or authorized for use as:
 - (i) a sewage treatment plant or a sewage lagoon; or
 - (ii) an intensive livestock operation within the meaning of *The Agricultural Operations Act* that involves the rearing, confinement or feeding of more than 100 animal units or that requires an approved manure management or storage plan pursuant to that Act.

(3) An approving authority shall not approve an application for subdivision approval:

- (a) for the purpose of developing a landfill for the disposal of garbage or refuse, unless the landfill is situated at least 457 metres from any residential development or land that is authorized for use for residential purposes;
- (b) for the purpose of developing:
 - (i) a sewage treatment plant or a sewage lagoon; or
 - (ii) an intensive livestock operation described in subclause (2)(b)(ii);

unless the sewage treatment plant or lagoon or intensive livestock operation is situated at least 300 metres from any residential development or land that is authorized for use for residential purposes.

25 May 84 cP-13.1 Reg 1 s15; 30 Jne 2005 SR
62/2005 s12.

Streets

16(1) In this section:

- (a) **“arterial street”** means a street that serves major traffic flows between the principal areas of traffic generation with direct access to adjacent development being limited;
- (b) **“collector street”** means a street that serves traffic between local and arterial streets with access to adjacent development generally allowed;
- (c) **“expressway”** means a roadway or street with fully controlled access and intersections that are either at grade or grade-separated;
- (d) **“freeway”** means a roadway or street with fully controlled access, free-flowing traffic and all intersections grade-separated;

- (e) **“local street”** means a street providing direct access to abutting properties along its length and not intended to carry through traffic, other than to adjoining streets;
 - (f) **“minor street”** means a local street not exceeding 500 metres in length and includes a cul-de-sac.
- (2) Streets included in or adjacent to a proposed subdivision are to be classified with regard to present and future traffic requirements, adjoining uses and topography.
- (3) The minimum width for each class of street is:
- (a) in the case of a provincial highway or provincial highway connectors, the minimum width required by the Department of Highways and Transportation;
 - (b) in the case of a primary grid road, grid road, main farm access road, industrial access road, resort road, regional park road or Indian Reserve access road that is designated as such by the Minister of Highways and Transportation, the minimum width required by the Department of Highways and Transportation;
 - (c) in the case of freeways and expressways, 45 metres;
 - (d) in the case of an arterial street, 30 metres;
 - (e) in the case of a collector street, 22 metres;
 - (f) in the case of a local street providing frontage access to industrial, commercial or residential properties, but not connecting different land uses, 18 metres;
 - (g) in the case of a minor street which cannot be physically constructed beyond 500 metres or a cul-de-sac, 15 metres.
- (4) Street lengths may not exceed 400 metres between intersecting streets, but the approving authority may accept a greater length due to topography or special circumstances.
- (5) The length of a cul-de-sac including the turning area may not exceed 150 metres except when an emergency access is provided, in which case the length may be extended to 260 metres.
- (5.1) The turning area in a cul-de-sac must be a minimum of:
- (a) 30 metres if the cul-de-sac is a street; and
 - (b) nine metres if the cul-de-sac is a lane.
- (6) The maximum gradient for:
- (a) major and collector streets is 5%; and
 - (b) minor streets is 7%.
- (7) Streets and lanes are to be laid out so that they are constructed on land which has a natural cross slope of less than 15%.
- (8) Every lane is required to:
- (a) be a minimum of six metres and a maximum of 10 metres in width; and

- (b) connect at each end with a street or another lane but if one end is to be permanently closed and by the nature of the subdivision design cannot be extended in the future, a turning area having a diameter or a width that is not less than three metres wider than the width of the lane is required to be provided.
- (9) Walkways that are included in a proposed subdivision as secondary access are to be provided in such a way as to provide convenient pedestrian movement through the subdivision and to be of a minimum width of 1.5 metres.
- (10) Every parcel in a proposed subdivision is required to be accessible from a street.
- (11) A proposed subdivision that abuts a provincial highway must have:
- (a) access at a point approved by the Department of Highways and Transportation; or
 - (b) access provided to it by a street that connects with, or that can be connected with, the public highway system.
- (12) If a subdivision abuts a provincial highway but does not have access to it, a buffer strip may be required between the provincial highway and the proposed subdivision.
- (13) The following conditions and standards apply to the manner of laying out of streets:
- (a) streets other than cul-de-sacs are to be continuous or connected with an intersecting street;
 - (b) streets are to intersect as nearly as possible at right angles and street corners are to be rounded or cut off if considered necessary by the approving authority; and
 - (c) intersections sharing the same street as mentioned in clauses (a) and (b) are to be at least 45 metres apart as measured from the centre point of each intersection unless the approving authority waives this requirement due to natural features.
- (14) Every street is to be named or numbered in conformity with or continuation of an existing system of naming or numbering the streets in the vicinity.

25 May 84 cP-13.1 Reg 1 s16; 30 Jne 2005 SR
62/2005 s13.

Residential parcels

- 17(1)** The minimum dimensions and areas of residential parcels, if those matters have not been dealt with in a zoning bylaw, are:
- (a) in the case of residential parcels used for detached or semi-detached dwelling units, those set out in Table 1; and
 - (b) in the case of residential parcels other than those described in clause (a), those determined by the approving authority.
- (2) No residential parcel shall front on two parallel or approximately parallel streets.

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- (3) The side lines of all residential parcels must be at right angles or radial to the street centre line as nearly as possible.
- (4) The depth to frontage ratio for residential parcels shall not exceed 3:1.
- (5) The following requirements apply to the dimensions and layout of residential blocks:
 - (a) subject to clause (b), intersecting streets determining block lengths must be at intervals:
 - (i) of 400 metres or less; and
 - (ii) that adequately serve cross traffic;
 - (b) the approving authority may accept block lengths longer than 400 metres if topographic or other circumstances justify departure from the maximum set out in subclause (a)(i);
 - (c) in blocks longer than 150 metres, the approving authority may require walkways to be provided to ensure adequate pedestrian access;
 - (d) the width of a residential block must be sufficient to allow for two tiers of parcels having a minimum depth of 30 metres.
- (6) Nothing in this section or in Table 1 applies to parcels for use as public highway or dedicated lands.

30 Jne 30 SR 62/2005 s14.

Commercial or industrial parcels

- 18(1) The minimum dimensions and areas of commercial or industrial parcels, if those matters have not been dealt with in a zoning bylaw, are:
 - (a) frontage, 7.5 metres;
 - (b) area, 225 square metres; and
 - (c) depth, 30 metres.
- (2) No commercial or industrial parcel shall front on two parallel or approximately parallel streets unless, having regard to the circumstances of the intended development and the site, the approving authority is satisfied that the creation of a parcel that does front on two such streets is justified and approves such creation.
- (3) The side lines of all commercial or industrial parcels must be at right angles or radial to the street centre line as nearly as possible.
- (4) Nothing in this section applies to parcels for use as public highway or dedicated lands.

30 Jne 30 SR 62/2005 s14.

Inspection

- 19(1) Any land included in a proposed subdivision is subject to inspection by the approving authority or its appointed representative.
- (2) The approving authority or its appointed representative may at any reasonable time enter on land which is the subject of a proposed subdivision for the purpose of obtaining information in connection with the land and the proposed subdivision.

25 May 84 cP-13.1 Reg 1 s19.

Repeal

20 Saskatchewan Regulations 8/77 are repealed.

25 May 84 cP-13.1 Reg 1 s20.

Appendix

TABLE 1
(Section 17)

Residential Parcels

Type of Parcel		Frontage (metres)	Mean Width (metres)	Mean Depth (metres)	Area (square metres)
Detached dwelling units:					
rectangular parcels:	with lane	12	—	30	360
	without lane	15	—	30	450
non-rectangular parcels		11	15	30	450
Semi-detached dwelling units:					
rectangular parcels:	with lane	8.5	—	30	255
	without lane	10.5	—	30	315
non-rectangular parcels		7.5	10.5	30	315

30 Jne 2005 SR 62/2005 s15.

FORM A
Application to Subdivide Land

Repealed. 30 Jne 2005 SR 62/2005 s15.

