

The Dedicated Lands Regulations, 2009

being

Chapter P-13.1 Reg 3 (effective May 13, 2009)
as amended by Saskatchewan Regulations 71/2009.

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 3
The Planning and Development Act, 2007

Title

1 These regulations may be cited as *The Dedicated Lands Regulations, 2009*.

Interpretation

2 In these regulations, “**Act**” means *The Planning and Development Act, 2007*.

22 May 2009 cP-13.1 Reg 3 s2.

Designation of dedicated lands on plan of subdivision

3(1) For the purposes of subsection 203(1) of the Act:

- (a) a buffer strip is to be designated on a plan of subdivision as:
 - (i) “Buffer Strip PB1” or “Buffer Strip PB2” and so on as the case requires, if title is to issue to the Crown;
 - (ii) “Buffer Strip MB1” or “Buffer Strip MB2” and so on as the case requires, if title is to issue to a municipality;
- (b) an environmental reserve is to be designated on a plan of subdivision as “Environmental Reserve ER1” or “Environmental Reserve ER2” and so on as the case requires;
- (c) a municipal reserve is to be designated on a plan of subdivision as “Municipal Reserve MR1” or “Municipal Reserve MR2” and so on as the case requires;
- (d) a public reserve is to be designated on a plan of subdivision as “Public Reserve PR1” or “Public Reserve PR2” and so on as the case requires;
- (e) a walkway is to be designated on a plan of subdivision as “Walkway W1” or “Walkway W2” and so on as the case requires.

(2) If title to dedicated lands is to issue to a municipality, the name of the municipality is to be indicated on the plan of subdivision.

22 May 2009 cP-13.1 Reg 3 s3.

Buffer strips

4(1) Subject to subsections (2) and (6), land designated as a buffer strip and included in the calculation of the amount of land required to be dedicated as municipal reserve or public reserve pursuant to subsection 186(6) of the Act may only be used as a buffer strip.

(2) Subject to subsection (3), in addition to the use of a buffer strip for the purpose mentioned in subsection 177(1) of the Act, a buffer strip may also be used for a public park purpose.

- (3) The owner of a buffer strip may restrict motor vehicle access to the buffer strip.
- (4) If motor vehicle access to a buffer strip is restricted pursuant to subsection (3), no person shall access the buffer strip by motor vehicle without specific authorization of the owner mentioned in subsection (3).
- (5) The sale of a buffer strip may only be authorized pursuant to section 179 of the Act if the owner of the buffer strip is satisfied that the buffer strip is no longer required to separate adjacent incompatible land uses.
- (6) A buffer strip may be leased for agricultural or horticultural use if the abutting land is used for the same agricultural or horticultural use.

22 May 2009 cP-13.1 Reg 3 s4.

Leases

- 5(1) Subject to sections 6 and 7, a lease of the whole or any part of an environmental reserve, public reserve or municipal reserve is required to:
 - (a) be for a term specified in the lease and not exceeding 40 years; and
 - (b) embody any other terms and conditions that may be required by the minister or the council in order to conserve the public right and enjoyment and the permitted uses of the reserve.
- (2) Subject to the approval of the minister, a council may sublease the whole or any part of a public reserve or environmental reserve that has been leased to it for any use permitted by the Act and these regulations.
- (3) The rental fee to be charged in connection with any lease or sublease of environmental reserve, public reserve or municipal reserve is \$1.
- (4) If a board of education or the conseil scolaire has leased the whole or any part of a municipal reserve from a municipality for any use permitted by the Act and these regulations, the school board or the conseil scolaire may:
 - (a) assign the lease of the municipal reserve for any use permitted by the Act and these regulations; or
 - (b) sublease the whole or any part of the municipal reserve for any use permitted by the Act and these regulations.

22 May 2009 cP-13.1 Reg 3 s5.

Additional uses of public reserves and municipal reserves

- 6(1) In addition to the uses prescribed in clauses 192(1)(a) to (g) of the Act, and subject to subsection (6), all or part of a public reserve or municipal reserve may be used for the following:
 - (a) a use mentioned in subsection 8(1), if all or part of the public reserve or municipal reserve abuts a navigable water body;
 - (b) any use that facilitates the use of the public reserve or municipal reserve as a public recreation area;
 - (c) a use as a municipal owned water well or as a facility for the supply, transmission or treatment of potable water.

- (2) Subject to subsection (6), space within a public building or facility of the owner of the public reserve or municipal reserve may be rented or leased for any use mentioned in subsection (1).
- (3) The term of a lease entered into for the uses mentioned in subsection (1) may not exceed five years and, notwithstanding subsection 5(3), the annual rental fee to be paid in connection with the lease is to be determined in accordance with the market rental value of the land as determined by the lessor.
- (4) A person shall enter into a lease pursuant to section 5 or subsection (3) before carrying out any development on a public reserve or municipal reserve pursuant to this section.
- (5) Any development carried out on a public reserve or municipal reserve pursuant to a lease entered into in connection with any of the uses mentioned in subsection (1) must:
- (a) be removable once the lease is terminated; or
 - (b) be compatible with the eventual use of the public reserve or municipal reserve.
- (6) Subsections (1) and (2) do not apply with respect to any lease that requires the subdivision of land.

22 May 2009 cP-13.1 Reg 3 s6; 11 Sep 2009
SR 71/2009 s2.

Lease by a council that is an approving authority

- 7(1) A council that has been declared an approving authority pursuant to subsection 13(1) of the Act may enter into a lease respecting all or part of:
- (a) a municipal reserve for any use in accordance with section 192 of the Act; and
 - (b) an environmental reserve for any use in accordance with subsections 185(3) and (5) of the Act.
- (2) A lease entered into pursuant to subsection (1) may be for any term and the rental fee to be paid in connection with the lease may be for any amount.
- (3) A lease entered into pursuant to subsection (1) may include any terms and conditions that the council considers necessary to implement the municipality's policies respecting municipal reserves or environmental reserves, as the case may be, as set out in the municipality's approved official community plan.
- (4) Sections 5 and 6 do not apply to a lease entered into pursuant to this section.

22 May 2009 cP-13.1 Reg 3 s7.

Additional uses of environmental reserves

- 8(1) Subject to subsection (2), in addition to the uses mentioned in subsection 185(3) of the Act, all or part of an environmental reserve provided pursuant to subsection 185(1) of the Act may be used for the following:
- (a) access to a navigable water body by watercraft, seaplanes and vehicles transporting watercraft;
 - (b) access to marinas located on or over the bed of a navigable water body;

- (c) watercraft access channels through the environmental reserve to inlet marinas;
 - (d) marina facilities owned by a public authority;
 - (e) subject to consultation with the Saskatchewan Watershed Authority, storm water impoundment and retention facilities.
- (2) Subsection (1) does not apply with respect to an environmental reserve that has been dedicated for the protection of wildlife habitat.
- (3) An approving authority shall indicate on a certificate of approval for a subdivision if an environmental reserve is dedicated for the protection of wildlife habitat.
- (4) If a use mentioned in subsection (1) is operated by a person other than the owner of the environmental reserve, that person must enter into a lease with the owner of the environmental reserve with respect to:
- (a) maintenance standards;
 - (b) public liability insurance requirements;
 - (c) any sublease provisions; and
 - (d) any other matter considered necessary by the owner of the environmental reserve.

22 May 2009 cP-13.1 Reg 3 s8.

Moneys received re dedicated lands

9 Subject to section 10, all moneys received by a municipality pursuant to section 187 of the Act or from the sale, lease or sublease of public reserves, municipal reserves and environmental reserves is to be paid into a special municipal account, to be known as the dedicated lands account, and may only be used for the following purposes:

- (a) the purchase of land to be dedicated for public use;
- (b) the development of public parks and public recreation facilities on existing public reserves, municipal reserves or environmental reserves within the municipality or within any other municipality;
- (c) the upgrading or replacement of existing public parks or public recreation facilities on existing public reserves, municipal reserves or environmental reserves within the municipality or within any other municipality.

22 May 2009 cP-13.1 Reg 3 s9.

Additional uses of dedicated lands account

10(1) In this section, “**specified public authority**” includes:

- (a) the Crown;
- (b) a municipality;
- (c) a board of education;
- (d) the conseil scolaire;

- (e) a post-secondary institution recognized by the Minister of Advanced Education, Employment and Labour;
 - (f) a regional park authority as defined in *The Regional Parks Act, 1979*;
 - (g) Wascana Centre Authority;
 - (h) Meewasin Valley Authority;
 - (i) Wakamow Valley Authority; and
 - (j) any other entity that, in the opinion of the minister or a council that has been declared an approving authority pursuant to subsection 13(1) of the Act, is similar to one or more entities mentioned in clauses (a) to (i).
- (2) Subject to the approval of the minister, a council may, by agreement, use moneys from the dedicated lands account for the development of a public park facility or a public recreation facility on land other than dedicated lands if the land is owned by a specified public authority.
- (3) The minister may grant approval pursuant to subsection (2) if the minister considers it in the public interest to do so.
- (4) In granting the approval mentioned in subsection (3), the minister may impose any terms and conditions on the parties to the agreement that the minister considers appropriate.
- (5) In addition to any terms and conditions imposed pursuant to subsection (4), an agreement entered into pursuant to subsection (2) must state that:
- (a) the land developed pursuant to the agreement will be used for a public park or a public recreation facility;
 - (b) subject to clause (c), if the land is sold or ceases to be used for the public park or public recreation facility mentioned in clause (a), the value of any asset created by the use of the dedicated lands account funds provided pursuant to subsection (2) must be repaid to the dedicated lands account at the time of sale or cessation of use; and
 - (c) if the land is dedicated as a municipal reserve, the requirement for repayment mentioned in clause (b) does not apply.
- (6) The council shall register an interest based on any agreement entered into pursuant to subsection (2) in the land registry pursuant to section 235 of the Act.
- (7) A council that has been declared an approving authority pursuant to subsection 13(1) of the Act:
- (a) is exempt from:
 - (i) the requirement for ministerial approval pursuant to subsection (2); and
 - (ii) the requirements mentioned in subsections (5) and (6); and
 - (b) may register an interest based on any agreement entered into pursuant to subsection (2) in the land registry pursuant to section 235 of the Act.

Exemption

11(1) Notwithstanding any other provision of these regulations, the minister may exempt an agreement pursuant to section 195 of the Act or a lease, sublease or an assignment of lease from all or any part of sections 5, 6 and 9 of these regulations if:

- (a) the whole or any part of a municipal reserve, public reserve or any building or improvement located on a municipal or public reserve is the subject of:
 - (i) an agreement pursuant to section 195 of the Act or a lease between:
 - (A) a council and a board of education or the conseil scolaire; or
 - (B) a council, board of education and the conseil scolaire; or
 - (ii) a sublease or an assignment of lease by a council, board of education or the conseil scolaire; and
- (b) the parties to the agreement, lease, sublease or assignment of lease present evidence to the minister to satisfy the minister that it is in the public interest to grant the exemption.

(2) In granting an exemption pursuant to subsection (1), the minister may impose any terms and conditions that the minister considers appropriate on the parties to the agreement, lease, sublease or assignment of the lease, and those parties shall comply with those terms and conditions.

22 May 2009 cP-13.1 Reg 3 s11.

Easements

12 The amount of land subject to an easement authorized by subsection 202(1) of the Act is to be kept to a minimum size consistent with:

- (a) achieving the purpose of the easement;
- (b) preserving the effectiveness of the dedicated lands; and
- (c) maintaining the usability of the dedicated lands over which the easement is located.

22 May 2009 cP-13.1 Reg 3 s12.

Density

13 For the purposes of subsection 186(8) of the Act, the density is 50 or more dwelling units per hectare.

22 May 2009 cP-13.1 Reg 3 s14.

Northern Saskatchewan Administration District

14(1) Subject to subsection (2), any environmental reserve, municipal reserve or public reserve located in the Northern Saskatchewan Administration District may be used for the following purposes if, in the case of an environmental reserve or a public reserve, the environmental reserve or public reserve is leased by the minister responsible for the administration of *The Northern Municipalities Act* to a northern municipality for those purposes:

- (a) public airplane landing facilities; or
- (b) public boat or seaplane docking areas.

(2) Subject to the approval of the minister, a northern municipality may sublease all or any part of an environmental reserve or public reserve that has been leased to it for any of the purposes mentioned in subsection (1).

22 May 2009 cP-13.1 Reg 3 s14.

Agreements

15(1) For the purposes of subsection 194(4) of the Act, subject to the approval of the owner of the dedicated lands, the rights granted to a person pursuant to an agreement made pursuant to subsection 194(2) of the Act may be transferred to a subsequent owner of the land that is adjacent to the dedicated lands that are the subject of the agreement.

(2) The provisions of an agreement transferred pursuant to subsection (1) shall continue with respect to the new owner of the land that is adjacent to the dedicated lands that are the subject of the agreement.

22 May 2009 cP-13.1 Reg 3 s15.

R.R.S. c.P-13.1 Reg 2 repealed

16 *The Dedicated Lands Regulations* are repealed.

22 May 2009 cP-13.1 Reg 3 s16

Coming into force

17(1) Subject to subsection (2), these regulations come into force on March 31, 2009.

(2) If these regulations are filed with the Registrar of Regulations after March 31, 2009, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

22 May 2009 cP-13.1 Reg 3 s17.

