

The Dedicated Lands Regulations

being

Chapter P-13.1 Reg 2 (effective April 17, 1984) as amended by
Saskatchewan Regulation 20/88, 29/2000 and 78/2005.

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 2
The Planning and Development Act, 1983

Title

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

Interpretation

2 In these regulations, “**Act**” means *The Planning and Development Act, 1983*.

25 May 84 cP-13.1 Reg 2 s2.

Designation of dedicated lands on plan of subdivision

3(1) For the purposes of subsection 205(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.

25 May 84 cP-13.1 Reg 2 s3.

Buffer strips

4(1) 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, as authorized by subsection 193(4) of the Act, may only be used as a buffer strip.

(2) The sale of a buffer strip may only be authorized pursuant to section 187 of the Act if the owner of the buffer strip is satisfied that it is no longer required to separate adjacent incompatible land uses.

(3) A buffer strip may be leased for any agricultural or horticultural use.

25 May 84 cP-13.1 Reg 2 s4.

Leases

5(1) Subject to sections 6 and 6.1, 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;
- (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 an environmental reserve, public reserve or municipal reserve is \$1.

(4) Where 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.

25 May 84 cP-13.1 Reg 2 s5; 5 May 2000
SR 29/2000 s3; 29 Jly 2005 SR 78/2005 s3.

Additional uses of public reserves and municipal reserves

6(1) In addition to the uses prescribed in clauses 197(1)(a) to (g) of the Act, a public reserve or municipal reserve may be used for any purpose that would facilitate the use of the reserve as a public recreation area.

(2) The term of a lease entered into for the purposes described 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.

(3) Any development carried out on a public reserve or municipal reserve pursuant to a lease entered into in connection with any of the uses described in subsection (1) is required to be removable once the lease is terminated or to be compatible with the eventual use of the reserve.

25 May 84 cP-13.1 Reg 2 s6; 29 Jly 2005 SR 78/
2005 s4.

Lease by a council that is an approving authority

6.1(1) A council that has been declared an approving authority pursuant to clause 135(2)(b) of the Act may enter into a lease respecting all or part of:

- (a) a municipal reserve for any use in accordance with section 197 of the Act; and
 - (b) an environmental reserve for any use in accordance with subsections 192(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 basic planning statement or development plan.
- (4) Sections 5 and 6 do not apply to a lease entered into pursuant to this section.

29 Jly 2005 SR 78/2005 s5.

Moneys received re dedicated lands

7 All moneys received by a municipality pursuant to section 194 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 be:

- (a) expended only for the purchase of land to be dedicated to the public use; or
- (b) used for the development and maintenance of existing public reserves, municipal reserves or environmental reserves within the municipality or within any other municipality.

25 May 84 cP-13.1 Reg 2 s7; 13 May 88 SR 20/88 s2.

Exemption

7.1(1) Notwithstanding any other provision of these regulations, the minister may exempt an agreement pursuant to section 198 of the Act or a lease, sublease or an assignment of lease from all or any part of sections 5, 6 and 7 of these regulations where:

- (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 198 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 lease, and those parties shall comply with those terms and conditions.

5 May 2000 SR 29/2000 s4

Easements

8 The amount of land subject to an easement authorized by section 204(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.

25 May 84 cP-13.1 Reg 2 s8.

Density

9 The density prescribed for the purposes of subsection 193(6) is 50 or more dwelling units per hectare.

25 May 84 cP-13.1 Reg 2 s9.

Northern Saskatchewan

10(1) Subject to subsection (2), any environmental reserve, municipal reserve or public reserve located in the Northern Saskatchewan Administration District may be used for:

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

if, in the case of an environmental reserve or public reserve, it is leased by the minister to whom the administration of *The Northern Municipalities Act* is assigned to a northern municipality for such purposes.

(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 described in subsection (1).

25 May 84 cP-13.1 Reg 2 s10.