

# **Dedicated Lands Information Sheet**

*(from the RM of Bjorkdale No. 426)*

Dedicated lands are parcels of land created at the time of subdivision to serve the recreational needs of the community in which they are located. They are owned by the municipality or the Crown and held in trust for the community they serve.

Dedicated lands are for parks, open space and other public amenities. There are four types: buffer strips, environmental reserves, municipal reserves, and walkways. Any person subdividing land must provide, without compensation, dedicated lands to the municipality in which the land is located. The provision, ownership, use and sale of dedicated lands are governed by *The Planning and Development Act, 2007*, and *The Dedicated Land Regulations*.

Sections 177 - 201 of *The Planning and Development Act, 2007* outlines the legislation regarding dedicated lands.

## **Buffer Strips**

These parcels are used for separating different land uses such as residential and commercial areas or residential lots and major roadways. New buffer strips are identified in subdivision plans as Buffer Strip MB#. Buffer strips may be landscaped as a council requires or leased for horticultural or agricultural purposes.

## **Environmental Reserves**

These parcels may contain:

- ravines;
- coulees;
- swamps;
- water courses;
- land that is flood prone or unstable; and/or
- land needed to help prevent pollution;
- land needed to preserve river;
- land needed to preserve creek banks;
- land needed to preserve lake shores; or
- land needed to help protect against floods.

Before 1983, such land was surveyed as public reserve (see section 10). New plans must show environmental reserves as Environmental Reserve ER#. An environmental reserve may be left in its natural state or developed as a public park while having regard as to why the land is environmental reserve.

## **Municipal Reserves**

Municipal reserves may be used for:

- open space;
- parks;
- recreation facilities;
- public buildings;
- schools;

- natural areas;
- horticultural uses; and
- agricultural uses.

The land may be leased for any of the permitted uses listed above or for buildings or facilities owned by charitable corporations. Municipalities and school divisions may negotiate agreements for the joint use and maintenance of municipal reserves.

The location and suitability of land to be dedicated as municipal reserve is subject to the approval of the Director of Community Planning.

New municipal reserves are to be identified on survey plans as Municipal Reserve MR#. Every subdivision for residential purposes must designate 10 per cent of its gross area as municipal reserve; for other subdivisions the designation is five per cent. The gross area includes all the proposed lots, parcels, streets and lanes and the remainder of the land being subdivided if it cannot be further subdivided.

Exemptions from the municipal reserve requirement are made for:

- single agricultural lots;
- parcels for utilities;
- public use; and
- re-subdivisions.

Sometimes dedication may be met by a monetary settlement such as cash-in-lieu or deferred to a future subdivision proposal.

### **Walkways**

These parcels are required for pedestrian paths through long blocks, at the end of cul-de-sacs or between crescents. New walkways are identified on survey plans as Walkway W#. Walkways created before April 17, 1984 were surveyed like streets or roads and do not have identifiers on plans. These walkways are owned by the Ministry of Highways and Infrastructure.

### **Public Reserves**

The Province of Saskatchewan owned all dedicated land until January 1, 1991 when The Planning and Development Act, 1983 was amended to transfer existing dedicated lands to municipalities. The amendment eliminated the need to reissue the titles. The province kept ownership of some dedicated lands in which a provincial interest existed by issuing a Minister's Order that exempted certain lands from this transfer. Dedicated lands still owned by the Province are called public reserves and more information can be obtained from the Community Planning branch.

### **Dedicated lands subject to zoning (Section 193)**

The use and development of municipal reserve, public reserve, and environmental reserve is also subject to any limitations in an official community plan and zoning bylaw.

### **Approval of temporary development (Section 194)**

Development on dedicated lands without the approval of the municipality is not allowed. Council may allow some development of landscaping or temporary structures by permit. Council may remove unauthorized structures and developments. Any temporary use must be within what is permitted by the regulations or the Act.

This section prohibits any development that would privatize any part of the municipal reserve; thus a private person cannot fence off and refuse entry to part of the municipal reserve. Permits issued pursuant to this section are not transferable to any other person, unless provided in the regulations. Therefore, the rights given in the permit do not accrue to the property and cannot be sold.

Subsections (6) through (9) provide for the removal of the temporary structures or development, and enforcement if the person does comply, or if the person has not obtained permission of council. Failure to remove the item results in loss of all rights to that item. The same power applies to development or structures that were in place before this section was approved in the Act, but additional notification and hearing requirements apply [s. 194 (10) to (12)].

The costs of removal and repair can be applied to the taxes of the person who placed the structure on the site [s. 194(15)] or otherwise collected as a debt. The proceeds from disposal, if any, can be applied against the cost of removal.

For public reserve or Crown environmental reserve, the Minister has the same authority as a council, and may designate a provincial civil servant to exercise those powers.

### **Enforcement**

As per *The Planning and Development Act, 2007*, Section 242 and 243 the Municipality may issue and enforcement order for unauthorized development on dedicated lands. Enforcement orders can require restoration to pre-development conditions or to stop work until a permit is approved. Failure to comply with the Enforcement Order and upon conviction, liable to a fine of not more than \$10,000.00 or to imprisonment for up to one year or to both, and an additional daily fine for noncompliance of up to \$2500.00 per day or portion thereof.