

# Dedicated Lands and Boat Launches

## Overview

Municipalities are responsible for the management of recreational lands and facilities. This can include parks, environmentally sensitive land, and public facilities. For communities that are located on or adjacent to waterbodies, this may also include docks, marinas, and boat launches. Outlined below are tools and information a municipality may consider when determining how to best provide this service to the public.

## Dedicated Lands

Municipalities have broad scope when deciding how to manage their recreation facilities. However, one area where this scope is limited is when recreation facilities are located on dedicated lands. *The Planning and Development Act, 2007* (PDA) and *The Dedicated Lands Regulations, 2009* (DLR) outline when these lands are taken, what may be permitted on them, and procedures for selling or exchanging them.

Dedicated lands are lands that are dedicated without compensation at the time of subdivision to the municipality in which the land is located. They are intended for parks, open space, and other public amenities. There are four types of dedicated lands:

- Buffer strips;
- Environmental reserves;
- Municipal reserves (some older parcels are referred to as “public reserves”); and
- Walkways.

A municipality may also, by resolution, designate any parcel of land it owns or acquires as municipal reserve. Removal of this designation via a sale or exchange of municipal reserve requires approval from the Minister of Government Relations and is explained later.

## Use and Public Access

The PDA and DLR outline the list of acceptable uses for each type of dedicated lands. Docks, marinas and boat launches are often located on environmental or municipal reserve, which is allowed by the PDA and DLR. Like public roadways, all dedicated lands must be available for use by the general public. This means that uses must be equally accessible to all members of the public, both within and outside of the municipality.

*For example: a municipality can regulate access to a swimming pool located on dedicated lands in many ways. This could include restricting hours of operation, constructing a fence around the property, or charging a fee to offset the operating costs. However, the municipality cannot limit access on the basis of where someone lives. For best practice and ease of administration, any fees charged should be the same for all users.*

If a dock, marina, or boat launch is not on dedicated lands, then a municipality may have more discretion to manage these facilities.

In some communities, boat launches are located on legally-designated road right of way. If a portion of any dock, marina, or boat launch extends into an open public road right-of-way, it must remain available for public use. Any change to the status of a roadway (e.g. a closure or sale) must be done in accordance with *The Municipalities Act*, *The Northern Municipalities Act, 2010*, or *The Cities Act* as the case may be. A municipality may want to consider other options, such as regulating the public's access to any roadway by bylaw. Municipalities are encouraged to consult their solicitor regarding this item.

Many municipal boat launches are located (in part) on lake shores or lake beds. These Crown lands are typically managed by the Ministry of Agriculture or the Ministry of Environment. Please consult the appropriate ministry regarding any facilities on Crown land.

Municipalities are encouraged to visit Information Services Corporation's (ISC) website at [www.isc.ca](http://www.isc.ca) to find more information on the legal designation and ownership of recreation lands in their community.

### **Development Adjacent to Lakeshores**

Beds and shores of lakes are Crown-owned public land for all to use and enjoy. Improvements that occur on the lake bed, bank, or boundary of a watercourse or waterbody may require an Aquatic Habitat Protection Permit from the Water Security Agency. These include for boat launches, boat houses, permanent docks, shoreline stabilization and vegetation removal. Further information on the Aquatic Habitat Protection Permit process can be found at <https://www.wsask.ca/Water-Programs/Aquatic-Habitat-Protection/>.

### **Sale of Exchange of Municipal Reserve, Environmental Reserve, Walkways, and Buffer Strips**

Certain forms of dedicated lands can be sold or exchanged by the municipality in which they are located. For example, a municipality may propose selling a municipal reserve parcel that is no longer needed or exchanging it for land of equal or greater value. To do this, the municipal council must provide public notice, hold a public hearing, and pass a bylaw. For municipalities that are not approving authorities, this bylaw requires approval from the Minister of Government Relations.

In deciding whether or not to approve this bylaw, the Minister of Government Relations considers if the sale or exchange would be in the public's interest and if selling or exchanging this land would eliminate a public recreation opportunity. If ministerial approval is obtained, the municipality must then submit the approved bylaw and any related documents with ISC in the Land Registry to complete the sale or exchange.

If a municipality sells municipal reserve land, it must deposit all money received into its dedicated lands account. Expenditures from the account can only be to develop or purchase dedicated lands, or to upgrade or replace parks or public recreation facilities. Expenditures can be located in any municipality, provided that the subject parcel(s) are dedicated lands.

*For example: a municipal council determines there is a surplus of park space in the community. It proposes to sell an underutilized park to a local developer with the proceeds to be placed in its dedicated lands account. After receiving ministerial approval, the municipality registers the change with ISC. The municipality can then enter into an agreement with a neighbouring municipality to jointly fund necessary upgrades at a public recreation facility its residents often utilize.*

## **Challenges**

It is recognized that many communities face challenges with the operation of docks, marinas and boat launches. Many boat launches are not built to accommodate larger boats that have become more popular in recent years. In addition, some boat launches are in poor condition. As a result of these factors, more stress is placed on the boat launches that are in better condition. Finally, maintenance and upgrade costs can make it difficult for municipalities to finance the work needed to keep these facilities in good shape.

## **Aging and Deteriorating Infrastructure**

Infrastructure requires maintenance because it deteriorates over time. Current information on the state of infrastructure is necessary to make timely decisions that extend its lifespan. An asset management plan can help a municipality identify the condition of all the publicly owned infrastructure in a community, including roads, pipes, bridges, and recreation facilities. An asset management plan informs a municipality:

- What infrastructure they own, its worth, condition, and capacity; and
- What maintenance and upgrade work the infrastructure needs, when it needs it, and the cost associated.

With this information, a community can make informed decisions to best utilize its finances.

## **Fees**

It can be expensive to maintain, upgrade, or replace docks, marinas and boat launches. In addition to funding available from property taxes, revenue sharing, and cost-sharing agreements with other municipalities, a municipality may collect user fees that offset costs associated with its recreation facilities. This could be in the form of a fee collected each time a citizen uses the facility, or a seasonal licence available from the municipal office. The amount a municipality may choose to collect is up to the discretion of the locally elected council. When deciding on a fee, the most important consideration is that the facility remain accessible for public use.

## **Residents from Other Municipalities Using Recreation Facilities**

Recreation facilities located on public land means residents from anywhere can utilize those facilities.

By working with their regional neighbours, municipalities can confront infrastructure challenges together. When executed to its full potential, regional planning is a proven and effective way to deliver cost-effective services and infrastructure.

*For example: A municipal council knows that their boat launch will need some costly repairs and upgrades in the coming years if it is to remain operational. It also knows that residents from some nearby municipalities use the boat launch. The municipality approaches those municipalities to request that a portion of the pending upgrades be shared for the benefit of all of their residents and the general public.*

Similar to other public services, dedicated lands are intended to be used by all members of the public. *The Planning and Development Act, 2007* and *The Dedicated Lands Regulations* provide a number of options for municipalities to manage their dedicated lands and should be consulted for further detail.

**For more information, please contact:**

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