



POLICY C-PD15

Dedication of Municipal Reserve

Prepared By:	Planning and Development Services	Council Approval Date:	May 24, 2011
Effective Date:	May 24, 2011	Council Resolution No.:	161-11
References:	Procedures PD15-P1 Municipal Government Act Municipal Development Plan Area Structure Plans Subdivision & Development Regulation Recreation, Parks & Open Space Master Plan	Previous Revision Date:	Sept. 26/00 (PD 015) Feb. 26/03 (PD 030) Nov. 8/05 (PD 032)
		LAS Endorsement:	
		Function:	Planning and Development

PURPOSE

The purpose of this policy is to establish principles for where land should be dedicated as Municipal Reserve, when money-in-place of Municipal Reserve would be acceptable, and when Municipal Reserve may be deferred by way of deferred reserve caveat by the County's Subdivision Authority within all land use districts in Parkland County.

POLICY STATEMENT

Pursuant to the *Act*, Parkland County's Subdivision Authority may require the dedication of Municipal Reserve lands. Municipal Reserves provide park and open space for area residents, as well as provide buffers between incompatible land uses. The dedication of Municipal Reserves is fundamental to the enhancement and enjoyment of a community; thus given the authority provided for by the *Act*, Parkland County shall require the dedication of Municipal Reserve lands when Municipal Reserve is owing and is the subject of a subdivision application.

DEFINITIONS

1. "Act" means the *Municipal Government Act* being the Revised Statutes of Alberta, 2000, Chapter M-26.1, and amendments thereto.
2. "Gross Developable Area" means the titled area of the lands that are the subject of a subdivision application, less: the area of land taken as Environmental Reserve (ER) or as an Environmental Reserve Easement (ERE), and the area of the land required for roads, public utilities in excess of the 30% allowed by the *Act*.
3. "May" means discretionary compliance or a choice in applying policy.
4. "Municipal Reserve (MR) Land" means lands defined by the *Act* as MR, and all land owned by the County where the acquisition of the land has been funded by the Money-in-Place of Reserves Account.
5. "Public Utilities" means those systems or works that provide a utility service for public consumption, benefit, convenience or use, as defined by the *Act*.
6. "Public Utility Lot" means land required to be given for public utilities, as defined by the *Act*.
7. "Recreation, Parks, and Open Space Master Plan" means the plan accepted by Council from time-to-time as Parkland County's Recreation, Parks, and Open Space Master Plan.
8. "School Reserve" means land required to be given for school purposes, as defined by the *Act*.
9. "Shall" means mandatory compliance.

SCOPE

This policy applies to all subdivision applications submitted to Parkland County and reviewed by the County's Subdivision Authority which are eligible for MR dedication as provided for under the *Act*.

RESPONSIBILITIES

Administration is expected to:

- provide input and recommendations to the Subdivision Authority regarding the dedication of MR lands throughout the County;
- ensure that appropriate conditions are attached to subdivision approvals to ensure that MR lands are dedicated pursuant to decisions of the Subdivision Authority; and
- maintain a record of the dedication of MR lands throughout the County to ensure that reserve dedications on developing lands are current and timely as to not delay the processing of subdivision applications;

The Manager of Planning and Development Services is responsible for the development, implementation, monitoring, and evaluation of this policy.

STANDARDS

This policy shall apply with the following provisions:

General Principles

1. When proposed subdivisions are considered where Municipal Reserves are owing on the subject lands, the County shall require the dedication of MR at 10% of the Gross Developable Area, as defined by the *Act* and in accordance with this policy.
2. Pursuant to the *Act*, the Subdivision Authority shall not require the dedication of MR lands if:
 - a. One (1) lot is to be created from a quarter section of land;
 - b. Land is to be subdivided into lots of 16.0 hectares (39.5 acres) or more and is to be used only for agricultural purposes;
 - c. The land to be subdivided is 0.8 hectares (2.0 acres) or less; or
 - d. Reserve land, environmental reserve easement or money in the place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former *Act*.
3. In addition to the instances identified under the *Act* and repeated under Article 2 of this Policy, the Subdivision Authority shall also not require the dedication of MR with respect to the following subdivision applications:
 - a. Agricultural districted parcels that are severed due to natural or man-made features (i.e. application meets the policies of a fragmented parcel within the County's Municipal Development Plan); and
 - b. Lot-line adjustments;
4. In all cases, when a subdivision application involves MR owing, the Subdivision Authority shall, as its first priority, require the MR owing to be dedicated as land, unless as otherwise stipulated under this policy. In considering the location, configuration, and extent of land dedication, the Subdivision Authority where applicable may be guided by the following, in no particular order:
 - a. The North Saskatchewan Regional Plan;
 - b. The Capital Region Growth Plan;
 - c. The County's Municipal Development Plan;
 - d. The Area Structure Plan / Area Redevelopment Plan adopted for the lands that are the subject of the application, if any;

- e. Parkland County's Recreation, Parks and Open Space Master Plan;
 - f. A recommendation from a qualified professional in support of a subdivision application (i.e. Biophysical Assessment or equivalent).
 - g. The Outline Plan accepted for the lands that are the subject of the application;
 - h. Other County Policies; or
 - i. Any referral comment received from any provincial agency, local resident, group or community association regarding the application.
5. The dedication of MR lands shall:
- a. involve larger parcels of lands, as opposed to smaller parcels wherever possible. However, the Subdivision Authority may consider the dedication of lineal corridors to support passive, non-intensive recreational uses where identified within the County's Recreation, Parks and Open Space Master Plan;
 - b. be consistent with the target allocation for land development of parks and open spaces based upon the following breakdowns on a quarter section basis as discussed in the County's Recreation, Parks, and Open Space Master Plan:
 - i. 50% to County Wide Park / Open Space;
 - ii. 30% to Lineal Corridors, Greenways and Local Parks / Playgrounds; and
 - iii. 20% to Flex Space.
 - c. be accessible to the public from a registered and constructed road;
 - d. consist predominately of developable land (i.e. stable slopes and lands with a shallow water table greater than 2.13 m from the ground surface) as defined under the County's Municipal Development Plan, unless otherwise determined by the County's Subdivision Authority;
 - e. be contiguous with adjacent environmental or municipal reserves wherever possible to allow for the development of a continuous linked recreation/open space or trail system. Or, be dedicated adjacent to land on adjoining titled areas that has the potential for dedication as environmental or municipal reserve when the adjoining titled area is subdivided.;
 - f. incorporate treed areas, environmentally sensitive areas, wildlife habitat, and wildlife travel corridors wherever possible to protect environmentally significant and valuable natural features within the County; and
 - g. be consistent with the County's Recreation, Parks, and Open Space Master Plan and standards as far as the size of the parcel, and its suitability for development as a park/school and/or open space.
6. Land dedicated towards Environmental Reserve, Environmental Reserve Easement, Conservation Easement, or for a Public Utility Lot shall not be considered as compensation for Municipal Reserve owing.

MR within Agricultural Land Use Districts

7. In all Agricultural Land Use Districts, the dedication of MR shall be further determined by the following principles:
- a. Agricultural lands are the primary land use in the County. Council supports the conservation of agricultural lands and related uses. Therefore, the main objective within the agricultural land use districts within the County is to keep productive and supporting agricultural lands in use and not prematurely convert them to other uses, including MR. Therefore, the Subdivision Authority shall be heedful in considering when the dedication of land is appropriate;
 - b. For an application in which the Subdivision Authority has determined the subdivision to not be terminal for a title area, MR owing may be deferred by way of deferred reserve caveat against the unsubdivided remnant lands (i.e. a 10 acre residential parcel subdivided out of an 80 acre parcel) pursuant to Section 669 of the Act;

- c. In the case of a subdivision where MR is still owing against a titled area in the County's agricultural area and the amount of MR owing is generally less than 0.81 ha (2.0 ac):
 - i. and the MR owing cannot be dedicated as land in a location or configuration to enhance existing or future reserves on adjacent lands; and
 - ii. and the Subdivision Authority is satisfied that the above criteria for dedication of MR in the agricultural area have been exhausted;

the Subdivision Authority may require the MR to be provided as money-in-place. Determination of money-in-place of MR shall be in accordance with Procedure PD15-P1.

MR within Residential Land Use Districts

- 8. In all Residential Land Use Districts, the dedication of MR shall be further determined by the following principles:
 - a. At the time of subdivision as the Act allows, the full MR dedication entitlement (10%) as prescribed by the Act shall be dedicated as land to support low impact, low maintenance parks and open spaces to serve the community in country residential subdivisions. The Subdivision Authority may consider higher intensity and higher maintenance parks where considered and supported by the County's Recreation, Parks, and Open Space Master Plan and surrounding community.
 - b. The Subdivision Authority may defer land dedication by way of a deferred reserve caveat against the unsubdivided remnant lands pursuant to Section 669 of the Act, when they feel that land dedication at this point in time is premature.
 - c. MR in country residential areas shall typically involve larger parcels of land, as opposed to smaller parcels and walkways/trails. Short lineal corridors to provide passive recreational opportunities may be considered by the Subdivision Authority as long as the dedication is consistent with the allocation requirements and standards within the County's Recreation, Parks, and Open Space Master Plan. However, no lineal corridor shall be less than 6.0 m in width;
 - d. In the case of a subdivision where MR is still owing against the titled area and the amount of MR owing is less than 0.81 ha (2.0 ac), the Subdivision Authority may require the MR to be provided as money-in-place instead of land dedication. Determination of money-in-place of reserves shall be in accordance with Procedure PD15-P1.
 - e. When the density of a proposed residential subdivision consists of thirty (30) dwelling units or more per hectare of Gross Developable Area, as defined by the Act, the County may require additional MR dedication as allowed under the Act and the Subdivision and Development Regulation.

MR within Industrial/Commercial Land Use Districts

- 9. In all Industrial/Commercial Land Use Districts, MR as a combination of land and money-in-place of lands shall be further determined by the following principles:
 - a. For an application in which the Subdivision Authority has determined the subdivision to not be terminal (e.g. Phase 1) for a title area, MR owing may be deferred by way of deferred reserve caveat against the unsubdivided remnant lands pursuant to Section 669 of the Act.
 - b. In all instances where the amount of MR owing is equal to or greater than 1.60 ha (3.95 ac), no less than 10% of the Gross Developable Area shall be dedicated as land, of which up to 10% of the Gross Developable Area may be dedicated as money-in-place of MR pursuant to the Act. In no instance, shall the combination of land plus money-in-place not equal 10% of the Gross Developable Area. Any combination of land plus money-in-place shall be at the discretion of the County's Subdivision Authority in accordance with this standard. Determination of money-in-place of MR shall be completed in accordance with Procedure PD15-P1.
 - c. In those instances where the amount of MR owing is 1.60 ha (3.95 ac) or less, the Subdivision Authority may accept all MR owing be provided as money-in-place of MR pursuant to the Act. Determination of money-in-place of MR shall be in accordance with Procedure PD15-P1;

MR within Land Use Districts other than Agriculture, Residential, or Industrial/Commercial

10. The dedication of MR within land use districts that fall outside of the County's agricultural, residential, industrial, or commercial land use districts (examples: Conservation, Recreation, Resource Extraction, Public Service, etc.) may be at the discretion of the County's Subdivision Authority. In the instance of Direct Control Districts the dedication of MR shall be at the discretion of Council.

School Reserves

11. As identified within the County's Municipal Development Plan, where the need for a school site is identified within Parkland County, the County shall require the dedication of the school site as Municipal Reserve, and not School Reserve. Parkland County shall then negotiate and enter into a long-term lease agreement with the appropriate school authority for the use of the subject Municipal Reserve lands.

Public Input on the Dedication of New MR in the County

12. The County shall develop an ongoing public information campaign on the purpose of MR lands and the requirement to dedicate MR lands through the subdivision process as granted to the County under the authority of the *Act*.
13. The County shall develop a separate policy regarding the appropriate use and management of existing MR lands within the County once lands have been dedicated under this policy..
14. The County shall develop MR lands for only those uses permitted to occur on MR lands under the *Act* and in accordance with the County's Recreation, Parks, Open Space and Master Plan.
15. The County may require that fences or barriers be installed along MR boundaries where it is necessary to control vehicle access, off-highway vehicle access or other unauthorized activities.
16. Public input on the dedication of new MR lands, including location and configuration, shall be provided through the statutory and policy requirements during the adoption of Parkland County's Municipal Development Plan, Area Structure Plans, Area Redevelopment Plans, Redistricting Applications and the Subdivision Referral Process to adjacent landowners. Public input shall also be obtained through the development and/or amendment of the County's Recreation, Parks, Open Space and Master Plan.