



ADMINISTRATIVE PROCEDURES C-

*Dedication of Municipal Reserve,
Environmental Reserve and
Environmental Reserve Easement*

APPROVALS:

Related Policy: Dedication and Use of Municipal Reserve,
Environmental Reserve and Environment
Reserve Easement Policy C-PD15

CAO _____

General Manager _____

Prepared By: Planning and Development Services

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Function: Planning and Development
Services

PURPOSE

These procedures support Policy C-PD15, and shall apply to all subdivision applications submitted to Parkland County and reviewed by the County's Subdivision Authority which are eligible for Municipal Reserve (MR), Environmental Reserve (ER) and Environmental Reserve Easement (ERE) dedication as provided for under the *Act*.

ACTION STEPS**General Principles**

1. When proposed subdivisions are considered where Municipal Reserves are owing on the subject lands, the County shall calculate the amount of MR owing as 10% of the Gross Developable Area, as defined by the *Act* and in accordance with Council Policy C-PD15.
2. Pursuant to the *Act*, the Subdivision Authority shall not require the dedication of MR, **ER or ERE** 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 agricultural districted parcels that are severed due to natural or man-made features (i.e., the application meets the policies of a fragmented parcel within the County's Municipal Development Plan (MDP)).

4. 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, **ER or ERE** with respect to lot line adjustments.

5. 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 MR, ER or ERE 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 Slope Stability Test, Geotechnical or RSMM).
 - 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 internal department, provincial agency, local resident, group or community association regarding the application.
6. The dedication of MR lands shall:
 - a. involve larger parcels of lands of at least 1.5 ha in size, as opposed to smaller parcels wherever possible. However, the Subdivision Authority may consider the dedication of lineal corridors of no less than 10.0m in width to support passive, non-intensive recreational uses where identified within the County's Recreation, Parks and Open Space Master Plan;
 - b. be accessible to the public from a registered and constructed road;
~~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. consist predominately of developable land as defined under the County's Municipal Development Plan, unless otherwise determined by the County's Subdivision Authority;
 - d. 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;
~~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~~
 - e. 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.
7. Land dedicated towards Environmental Reserve, Environmental Reserve Easement or Conservation Easement ~~or for a Public Utility Lot shall not be considered as compensation for Municipal Reserve~~ owing will only be considered as compensation for Municipal Reserve owing, where the need for additional ER, ERE or Conservation Easement would be of greater benefit to the County as determined by the Subdivision Authority.

Dedication of Environmental Reserves and Environmental Reserve Easements

Note: Policies 8-19 apply to all land use districts within the County.

8. The Subdivision Authority will utilize Environmental Reserve dedication to achieve the following goals:
 - a. Prevent environmental and water quality degradation;
 - b. Protect hazard lands (flood hazard areas and unstable slopes);
 - c. Conserve riparian areas and other important habitat areas within subdivisions;
 - d. Provide limited and managed public access to lakes, watercourse, and wetlands;
 - e. Protect local and regional biodiversity;
 - f. Contribute to an integrated open space system and natural area; and
 - g. Protect environmentally significant areas as identified in the Environmental Conservation Master Plan (ECMP).
9. Where Environmental Protection is required, the Subdivision Authority considers the following dedication methods to be in order of desirability:
 - a. Environmental Reserve
 - b. Environmental Reserve Easement
 - c. Conservation Easement
 - d. Transfer of Development Credits
 - e. Municipal Reserve
 - f. Other Methods.
10. As the Municipal Government Act does not allow for the deferral of ER, the Subdivision Authority will protect ER at the first opportunity possible.
11. Where ER is required within an ESA or within an area with a Groundwater Susceptibility Index Value of 28 or greater and is adjacent to a body of water, the Subdivision Authority will require the use of the Riparian Setback Matrix Model to determine site specific setbacks for Environmental Reserve Dedication at the time of subdivision if a biophysical is not required.
12. Where ER is required for Multiparcel Subdivisions, or, a subdivision intended to accommodate a Major Development, the Subdivision Authority shall require a biophysical assessment, consistent with the policies in Parkland County's MDP, to determine the amount of land to be dedicated as Environmental Reserve at the time of subdivision.
13. The Subdivision Authority will consider alternative conservation tools such as Conservation Easements, Transfer of Development Credits and Alternative Land Use Services (ALUS) as a way of preserving significant environmentally sensitive areas and areas that do not qualify as Environmental Reserve or Environmental Reserve Easement under the Municipal Government Act.
14. Where the provision of Environmental Reserve is considered to be appropriate at the time of subdivision, to conserve and protect an environmentally sensitive area, but the proposed subdivision falls under the exceptions stated in the Municipal Government Act, new lot lines shall be aligned to accommodate the dedication of environmental reserve upon the future subdivision of the subject lands.
15. Where lands meeting the criteria for Environmental Reserve dedication fall completely onto a remnant parcel of 16.0 hectares (39.5 acres) or more and are proposed to be used solely for agricultural purposes, or fall within a quarter section with four parcels or less that has a Groundwater Susceptibility Index Value of 28 or less and is not within an ESA, the Subdivision Authority shall determine whether the dedication is reasonable or necessary. Where it is considered to be unreasonable or unnecessary, the County will use tools such as Conservation Easements and ALUS.

16. The Subdivision Authority will work with developers to functionally integrate ER lands into plans of subdivision to provide for recreation amenities and a range of ecosystem services.
17. The Subdivision Authority will work with developers to combine ER parcels into larger open spaces of greater recreational and ecological value using tools such as Transfer of Development Credits and Conservation Easements.
18. Environmental Reserve Easements shall follow the same dedication procedures as ER included within these procedures, however, ERE shall only be considered by the Subdivision Authority where lands meet the criteria for ER dedication under the Act and these procedures, and the Subdivision Authority deems the following to be applicable:
 - a. Access to the lands to be protected by the ERE is considered to be undesirable; and
 - b. Obtaining separate title to the natural feature under an Environmental Reserve designation is not necessary or practical.
19. In addition to the situations outlined in 13, 15 and 17 of this policy, Conservation Easements shall be considered by the Subdivision Authority where lands meet the criteria for ERE dedication under the Act and these procedures, and the Subdivision Authority deems the following to be applicable:
 - a. The existing and intended future use of the land is for a purpose other than the natural state and the Subdivision Authority deems this use to be acceptable for the location.

MR within Agricultural Land Use Districts

20. 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), and
 - i. the MR owing cannot be dedicated as land in a location or configuration to enhance existing or future reserves on adjacent lands, and
 - ii. 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 C-PD15-P1.

MR within Residential Land Use Districts

21. 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%)~~ Subdivision Authority may require up to 10% of the Gross Developable Area to be dedicated as MR 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~~ where deemed appropriate or where a continuous linked recreation/open space or trail system is feasible. However, no lineal corridor shall be less than 10.0 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 Procedures C-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

22. 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, 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~~ procedure. Determination of money-in-place of MR shall be completed in accordance with Procedures C-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 Procedures C-PD15-P1.
 - d. The Subdivision Authority may consider a proposal for the amount of MR owing on a property to be provided through the dedication of environmentally sensitive lands in the vicinity, but not within the physical boundaries of the subdivision application.

MR within Bareland Recreational Resort Land Use Districts

23. In all Bareland Recreational Resort Land Use Districts, MR shall be required in addition to the required Common Space as defined within Parkland County's Municipal Development Plan, 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. The Subdivision Authority may require up to 10% of the Gross Developable Area to be dedicated as land where the Subdivision Authority deems:
 - i. public access to the Municipal Reserve parcel to be desirable; or
 - ii. where continuous linked recreation/open space or trail system is feasible; or
 - iii. where the Manager of Community and Protective Services has requested that the land be dedicated through the subdivision referral process.
- c. Where 23(b) does not apply, money-in-lieu of reserve shall be paid prior to endorsement of the final phase of development. Determination of money-in-place of MR shall be in accordance with Procedures C-PD15-P1.

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

- 24. The dedication of MR in land use districts that fall outside of the County's agricultural, residential, industrial, commercial, or bareland recreational resort 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

- 25. 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

- 26. 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.

~~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.~~

~~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.~~

~~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.~~

- 27. 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.

RESPONSIBILITY

The Manager of Planning and Development Services and the Manager of Assessment Services are responsible for the monitoring and reviewing of these procedures.