



POLICY C-PD16

Municipal Reserve Disposition

Prepared By: Planning and Development Services

Effective Date: April 26, 2011

References: Procedures PD16-P1
 Municipal Government Act
 Municipal Development Plan
 Land Use Bylaw
 Recreation, Parks & Open Space
 Master Plan

Council Approval Date: April 26, 2011

Council Resolution No.: 113-11

Previous Revision Date: January 9, 2007
 (Policy PD 016)

LAS Endorsement:

Function:

Property Management

PURPOSE

The purpose of this policy is to outline under what circumstances Parkland County will not support the disposition of Municipal Reserve within Parkland County

POLICY STATEMENT

Although Section 674 of the *Act* allows for the disposition of Municipal Reserve, Parkland County is committed to ensuring that all County residents benefit from the dedication and distribution of Municipal Reserve land and will therefore be heedful when considering any request for the disposition of Municipal Reserve. In this respect, Parkland County will not support the disposition of County Municipal Reserve land if Council deems the Municipal Reserve to have community and/or environmental significance.

DEFINITIONS

1. "Act" means the *Municipal Government Act* being the Revised Statutes of Alberta, 2000, Chapter M-26.1, and amendments thereto
2. "May" means discretionary compliance or a choice in applying policy.
3. "Municipal Reserve" means land owned by the County and designated as Municipal Reserve (MR) as defined under the *Act*. It also includes Undesignated Reserve land that, based on an assessment of reserve as completed by the County, is equivalent to MR relative to the criteria outlined in the *Act*. Municipal Reserve land does not include Environmental Reserve (ER) or School Reserve (SR) as defined under the *Act*.
4. "Shall" means mandatory compliance.
5. "Undesignated Reserves" means reserve lands in older subdivisions that may be known as community reserve, park, or simply reserve (R) as described on the legal subdivision plan. These designations refer to language that was used in previous legislation, prior to 1980 in Alberta.

SCOPE

This policy applies to any application received for the proposed disposition and sale of Municipal Reserve land in Parkland County.

RESPONSIBILITIES

- 1 Administration is expected to:
 - a provide input and recommendations to Council with respect to reserve disposition applications,
 - b provide Council with a review of the reserve's significance as set out within this policy, and
 - c administer the reserve disposition process, under the authority of the Act.
- 2 The Manager of Planning and Development Services is responsible for the development, implementation, monitoring, and evaluation of this policy.

STANDARDS

- 1 Council will not approve the disposition of Municipal Reserve land if it is deemed to have community and/or environmental significance. In determining a reserve's significance, Council shall consider the following:
 - a The reserve parcels proximity to a water course or water body. Municipal Reserve land adjacent to lakes, rivers, streams or any significant water feature(s) will not be approved for disposition;
 - b The ecological value of the Municipal Reserve, including an evaluation of natural amenities including treed areas, hills, lookouts, views, ravines, wetlands, etc., to ensure protection of environmentally significant and valuable natural features. If the Municipal Reserve lands fall within an environmentally significant area as defined within the County's Municipal Development Plan and Environmental Conservation Plan, a Biophysical Assessment shall be required as part of the disposition application;
 - c The role of the reserve as a linkage between existing and future municipal and environmental parcels to ensure the long term development of a continuous linked recreation/open space or trail system;
 - d The role the Municipal Reserve land plays in meeting the existing and future open space and recreational needs of the subdivision and/or surrounding community;
 - e If applicable, the role of the Municipal Reserve as a buffer between incompatible land uses;
 - f The number and usefulness of other Municipal Reserve in the surrounding community;
 - g The suitability of the Municipal Reserve for the intended use as indicated in the application requesting its disposition;
 - h The Petition of Support obtained within the required sixty (60) day period submitted with the application. At Council's discretion, an application for the disposition of Municipal Reserve may proceed with or without a Petition and regardless to the results of any petition forwarded by the community. In multi-parcel residential subdivisions, Council may reason that should the Petition not contain support from at least two-thirds (2/3) of the registered landowners in the subdivision, the application may be refused.
 - i If applicable, the fragmentation of the Municipal Reserve resulting in smaller, less valuable recreational land;
 - j If applicable, all relevant policies for the Municipal Reserve land as identified under the County's Recreation, Parks & Open Space Master Plan; and
 - k Public Input through a Public Hearing as outlined in the Act and amendments thereto.
- 2 All applications requesting the disposition of Reserve Land will be processed in accordance with the Act, as well as the process outlined in Procedure PD16-P1.
- 3 If Municipal Reserve is approved for disposition, money obtained from the sale of such lands shall be allocated to the County's Reserve Trust Fund in accordance with the Act to purchase or enhance parks or natural areas in Parkland County.



PROCEDURES PD16-P1

Municipal Reserve Disposition

Related Policy: C-PD16

Prepared By: Planning and Development Services

Effective Date: May 17, 2011

Previous Revision Date: New

APPROVALS:

CAO

General Manager

Manager

LAS Endorsement:

Function:

Property Management

PURPOSE

These procedures support Municipal Reserve Disposition Policy C-PD16, and are to be applied when applications are received by the County for the disposition and sale of Municipal Reserve in Parkland County.

ACTION STEPS

1. Applications for the disposition of Municipal Reserve shall be subject to the following requirements. These requirements are the responsibility of the applicant and shall be provided to the satisfaction of the Manager of Planning & Development Services in order for an application to be deemed complete:
 - a. The Application Form (refer to attached Schedule "A") which must explain the intended use of the requested Municipal Reserve land.
 - b. The Statement of Support Form (refer to attached Schedule "B").
 - c. The Petition of Support (refer to attached Schedule "C") from registered landowners within the subdivision in which the subject Municipal Reserve or portion thereof is located, if applicable, as determined through pre-consultation with Planning and Development Services.
 - i. Council must receive a valid and proper Petition of Support requesting Municipal Reserve disposition before any reserve disposition is considered in any residential multi-parcel subdivision. Outside of a residential multi-parcel, the requirement for a Petition of Support shall be at the discretion of Council;
 - ii. The Petition(s) of Support must be completed on the attached forms. Petition(s) of Support not utilizing the attached forms will not be accepted.
 - iii. The Petition of Support shall demonstrate support for the proposed Municipal Reserve disposition from at least two-thirds (2/3) of the registered landowners in the subdivision. Parkland County shall withdraw its property(s) within the subdivision from those to be counted in determining the sufficiency of a petition. Only one (1) registered landowner per parcel within the subdivision may sign the Petition of Support.
 - iv. Signatures on the Petition of Support must be obtained within a sixty (60) day period that begins on the date of the first petition signature, and ends on the date the Petition of Support is submitted to Parkland County.
 - d. The application must be accompanied by a detailed site plan showing the requested reserve, or portion thereof.

- e Where the application for Municipal Reserve disposition involves an encroachment onto the reserve land from an adjacent property, the application shall include a Real Property Report (RPR) to show the nature and extent of the encroachment.
 - i The RPR must be no older than one (1) year from the date of application for disposition.
 - ii The RPR must show all existing development on or adjacent to the property line.
- f The application fee for a reserve disposition application, as set out in the Fees and Charges Schedule approved by Council as part of the Capital and Operating Budget.

On receipt of a complete application for Municipal Reserve disposition, Administration will determine the sufficiency of the application materials against these procedures, Policy C-PD16, and the petition requirements as set out in the *Act*. Administration will report to Council within thirty (30) days of the Applicant's accepted complete application.

- 2 All applications will be processed in accordance with the procedures below and as further prescribed by the *Act*:
 - a It is the function of Council to consider the formal reserve disposition application. Council may decide not to proceed any further with the application. In this case, the process is terminated and the application fee will be refunded to the applicant, minus 50% of the application fee to be retained by the County for administrative costs.
 - b If Council wishes to proceed with the disposition application at this time, the application must be referred to a public hearing, pursuant to the *Act*. The purpose of the public hearing is to receive public input on the proposed Reserve Land disposition. Advertising and notification requirements of the *Act* shall apply and there are no further refunds to the applicant once this process starts.
 - c Upon completion of the public hearing, and after considering any public input received, Council may decide not to pass a resolution to remove the reserve designation from the subject lands. In this case, the process is terminated. No refund of the application fees is given.
 - d Upon the completion of the public hearing, and after considering any public input received, Council may pass a resolution to remove the reserve designation from all or part of the subject Reserve Land. If the resolution affects only part of the Reserve Land, the applicant must forward to the County's Subdivision Authority a complete application for subdivision approval for a lot-line adjustment pertaining to the subject Reserve Land within sixty (60) days of Council's decision.
 - i The Subdivision Authority, regardless of Council's decision to dispose of the reserve land, shall decide on the application for the lot line adjustment and may approve with or without any conditions it deems necessary, or refuse the application providing reasons of refusal.
 - ii If the Subdivision Authority approves the subdivision application for the lot line adjustment, the County will only release the Statutory Declaration or Bylaw to remove the reserve designation when the County releases the endorsed registrable instrument.
 - e If Council decides to pass a resolution to dispose of the reserve, or portion of the reserve, Council shall consider:
 - i Sale to the applicant to correct encroachments or to expand the applicant's lot on a portion of Municipal Reserve,
 - ii Public tendering, if the entire reserve parcel is to be considered for disposal, or
 - iii. Public tendering, if a portion of Municipal Reserve land is to be disposed of to create a new parcel.

- f. If a portion of Municipal Reserve is disposed of and sold to correct an encroachment or for lot expansion purposes, the land must be consolidated with the adjacent parcel owned by the purchaser of the portion of Municipal Reserve, subject to subdivision approval. If the proposed consolidated lot boundaries are located within a multi-parcel residential subdivision, the proposal must meet the requirements of the County's Municipal Development Plan, Land Use Bylaw as well as any other relevant Statutory Documents.
- g. If an entire Municipal Reserve parcel to be disposed of by sale is sufficiently large enough to be developed for a residence in accordance with the applicable land use district of the Land Use Bylaw, the parcel shall only be sold by public tender in accordance with Policy AD 003 – Sale of Properties.
- h. Pursuant to Section 2(e)(iii) above, if the portion of Municipal Reserve land to be disposed of is of sufficient size to create a separate lot for a residential or industrial/commercial use, the proposal must meet the requirements of the County's Municipal Development Plan, Land Use Bylaw as well as any other relevant Statutory Documents adopted by Parkland County.
- i. The purchaser shall be responsible for all costs associated with the reserve disposition application, market value appraisal, lease agreement, subdivision, and title transfer fees (if required). If a purchase is contemplated for a partial disposition as referred to in Section 2(e)(i) or (iii), the purchaser (either the reserve disposition applicant or person awarded the tender) must pay the agreed upon price for the property within one (1) year from the date of the approval of the subdivision (unless an extension has been granted for that approval). In the case of a full disposition sale, the person awarded the tender in the public tendering process must pay the agreed upon price within sixty (60) days. If the parcel is not purchased within this period, it will remain County Reserve unless Council agrees to re-advertise the lot for public tender.
- j. If the purchaser is not the reserve disposal request applicant (in the case of public tendering), the applicant will be reimbursed by the County for the full amount of the disposition. The fee will then be recoverable from the person whose tender has been accepted through the public tendering process.



**Schedule "A" to Reserve Land Disposition Procedures C-PD16-P1
Reserve Disposition Application Form**

I HEREBY MAKE AN APPLICATION FOR RESERVE DISPOSITION IN ACCORDANCE WITH THE PLANS AND SUPPORTING INFORMATION SUBMITTED HEREWITH.

APPLICANT: _____

MAILING ADDRESS: _____

TELEPHONE NO. (Residence) _____ (Business) _____ (Cell) _____

EMAIL ADDRESS: _____

REGISTERED OWNER (if different from applicant): _____

ADDRESS (if different from above): _____

RESERVE: LOT _____ BLOCK _____ PLAN _____ SUBDIVISION _____

PART _____ SECTION _____ TOWNSHIP _____ RANGE _____ W _____ MERIDIAN

AMOUNT OF RESERVE REQUESTED FOR DISPOSITION: _____ HECTARES

EXISTING PARCEL THE RESERVE LAND IS PROPOSED TO BE CONSOLIDATED WITH (IF APPLICABLE):

LOT _____ BLOCK _____ PLAN _____ SUBDIVISION _____

PART _____ SECTION _____ TOWNSHIP _____ RANGE _____ W _____ MERIDIAN

DESCRIBE THE INTENDED USE AND /OR EXISTING ENCHROACHMENTS IN DETAIL (OR ATTACH ACCOMPANYING LETTER EXPLAINING WHY YOU WISH THE COUNTY TO CONSIDER THIS APPLICATION):

PLEASE CHECK OFF BOX FOR THE FOLLOWING ITEMS SUBMITTED WITH THE APPLICATION FORM:

- ☐ Application Fee ☐ Statement of Support ☐ Petition of Support ☐ The Plan
- ☐ Real Property Report ☐ Biophysical Assessment

I, being the registered owner or authorized applicant, hereby give my consent to allow all authorized persons the right to enter the above land and/or buildings and to release any personal information provided herein with respect only to this application.

I SWEAR/AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant _____

Registered Owner(s) _____

Date of application _____

Registered Owner(s) _____

The information collected on this form will be used for the purposes allowed under the authority of the *Municipal Government Act*. The personal information that you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Questions regarding the collection and use of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Parkland County, 53109A HWY 779, Parkland County, AB T7Z 1R1, Phone: 780-968-3229



Schedule "B" to Reserve Land Disposition Procedure C-PD16-P1
Statement of Support Form

Applicant(s) *Please print:*

Mailing Address *Please print:*

Municipal Address _____

Legal Description _____

Phone (H) _____ (W) _____ (Cell) _____

I/We, being the above owners of property within the county residential subdivision known as _____, do hereby apply to Council of Parkland County for the (*please circle one*) FULL / PARTIAL removal of the reserve designation on Lot _____, Block _____, Plan _____ in the _____ subdivision. This Statement of Support is submitted to meet the requirements of County Policy C-PD16, acknowledging that submission of the Statement of Support is the first step in the disposition process and does not constitute an approval for the Reserve Land disposition request.

I/we acknowledge that if Council decides to proceed with the Reserve Land disposition request, Council must hold a public hearing on the matter to meet the requirements of the Municipal Government Act before Council can consider a final decision on the request.

I/We, acknowledge that I/We shall be responsible for all costs associated with the Reserve Land disposition application, market value appraisal, lease agreement, subdivision, and title transfer fees (if required)

Applicant (s) Signature _____ Date _____

Applicant (s) Signature _____ Date _____

Date Statement of Support Received: _____

Received by: _____

The information collected on this form will be used for the purposes allowed under the authority of the *Municipal Government Act*. The personal information that you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Questions regarding the collection and use of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Parkland County, 53109A HWY 779, Parkland County, AB T7Z 1R1, Phone: 780-968-3229

Schedule "C" to Reserve Land Disposition Procedure C-PD16-P1

Petition of Support Form

We, the undersigned support the request to cancel all or part of Reserve Lot _____, Block _____, Plan _____ in the _____ subdivision. (All entries including names must be legible and complete)

DATE	PRINTED PROPERTY OWNER'S NAME	SIGNATURE	LEGAL DESCRIPTION	WITNESS SIGNATURE
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	
			Lot ____ Block ____ Plan ____	

Page ____ of ____

The information collected on this form will be used for the purposes allowed under the authority of the Municipal Government Act. The personal information that you provide may be made public, subject to the provisions of the Freedom of Information and Protection of Privacy Act. Questions regarding the collection and use of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Parkland County, 53109A HWY 779, Parkland County, AB T7Z 1R1, Phone: 780-968-3229

8 RECREATION AND OPEN SPACE

Most recreational activity in the County is centred on its lake shores and river corridors. Many of these lakes have significant recreation potential, and are important provincial or regional recreational resources.

Policies are required to protect the municipality's recreational and open space resources and to ensure continued co-operation between the County and its urban communities in providing recreational opportunities.

The recreation and open space needs of residents are as diverse as the geography and human settlement pattern of the County. Recognizing and accommodating these diverse needs within the scope of available resources requires cooperative planning and management practices.

Goal

To plan and manage recreation facilities and public open spaces for the advantage of all County residents.

Objectives

- Continue to support urban communities in the provision of recreational services and opportunities that enhance the quality of life of County residents.
- Encourage community involvement in the development and operation of open space areas.
- Provide a variety of recreational and open space opportunities while protecting the natural environment.

Policies

Open Space Master Plan	8.1	A Strategic Open Space Master Plan that considers the needs of all County residents shall be developed and implemented.
Parks Guidelines	8.2	Guidelines for the location, types of uses and activities and required improvements to parks contained within new country residential subdivisions shall be considered by the Strategic Open Space Master Plan.
Trail Systems	8.3	Appropriate locations for trail systems, a trail sharing protocol and trail ownership and management strategies shall be considered by the Strategic Open Space Master Plan
Low Impact Parks	8.4	The County will support low impact low maintenance parks and open space in country residential subdivisions
Recreation Agreements	8.5	Existing recreation agreements with urban neighbours are supported and may be renewed.

6 ENVIRONMENTAL MANAGEMENT

Parkland County's most significant and enduring resource is its land base, primarily the County's natural and environmentally significant lands. These lands are irreplaceable and contribute immensely to the high quality of life enjoyed by the residents of Parkland County. The use of land, therefore, must be carefully managed to retain its integrity and value for the benefit of future generations.

The County recognizes the importance of the environment as a major contributor to the quality of life of residents by commissioning the preparation of a comprehensive Environmental Conservation Plan. This plan, completed in 2004 by Westworth Associates Environmental Ltd., identifies and prioritizes environmental areas in Parkland County as being provincially, regionally or locally significant. Map 5 shows the prioritized environmentally significant areas. The Environmental Management Policies listed below will assist in protecting these areas.

Goals

The County supports communities that are designed to minimize air, water, and soil pollution, reduce resource consumption and waste, and protect natural systems that support life.

The County supports protecting environmentally significant areas and, in particular, it supports maintaining the environmental integrity of the County's rivers, streams and lakes.

Objectives

- Protect environmentally significant areas as identified by the Environmental Conservation Plan from inappropriate development.
- Reduce the impact of development on the natural environment to the extent possible.
- Apply Environmental Reserve and other provisions to protect environmentally significant areas.
- Protect water quality and quantity through effective subdivision design.
- Require a Biophysical Assessment as part of the development process.
- Promote public awareness regarding the impact of development on the environment.

Policies

Protect Environmentally Significant Lands

- 6.1 Lands deemed to be environmentally significant shall be protected using a variety of legislative and voluntary techniques such as Environmental Reserve dedication or the placement of Conservation Easements with particular emphasis on protecting the environmental integrity of the County's rivers, streams and lakes.

	PERMITTED	DISCRETIONARY	NOTES
	Note: Grey shading denotes Discretionary Uses subject to Development Authority (excluding Development Officer) Approval.		
Bylaw No. 31-2010		Secondary Suite	Compliant with Section 12.13 Secondary Suite
	Shipping Container (maximum 2)		Compliant with Section 12.22 Shipping Containers
		Small Animal Breeding and/or Boarding Services	Compliant with Section 12.16 Small Animal Breeding/Boarding
		Telecommunication Tower	Compliant with Section 12.1 Antennas Satellite Dishes and Telecommunication Towers
		Tourist Campground, Destination	Compliant with Section 12.17 Tourist Campground
		Tourist Campground, Enroute	Compliant with Section 12.17 Tourist Campground
		Utility Services - Major Infrastructure	
Bylaw No. 31-2010	Utility Services – Minor Infrastructure		
		Wind Energy Converter Systems (WECS) - Major	Compliant with Section 12.19.1 Wind Energy Converter Systems (WECS) -Major
Bylaw No. 31-2010	Wind Energy Converter System (WECS) – Minor (1 System)		Compliant with Section 12.19.2 Wind Energy Converter Systems (WECS) -Minor
Bylaw No. 31-2010		Wind Energy Converter System (WECS) – Minor (2 Systems)	Compliant with Section 12.19.2 Wind Energy Converter Systems (WECS) -Minor

3. Subdivision

a) Parcel Area Requirement (for purposes of new parcel creation only)

- (i) Extensive agriculture and extensive livestock shall have a minimum parcel area of 16.2 ha (40.0 ac) more or less. The minimum parcel frontage shall be 399.9 m (1,312.0 ft), more or less.

- (ii) Manufactured home (single wide) and dwelling, single detached shall have a minimum parcel area of 0.8 ha (2.0 ac) of contiguous developable land and a maximum parcel area of 4.1 ha (10.0 ac) for a single parcel residential subdivision, unless greater area is required to include shelterbelts, natural features, on-site sewage disposal and water services, buildings or other improvements related to the residential component of a existing farmstead and the applicant can demonstrate to the satisfaction of the County that existing farming operations on the remnant quarter section will not be restricted.