



COUNCIL POLICY C-PD15

Dedication and Use of Municipal Reserve, Environmental Reserve, and Environment Reserve Easement

Prepared By:	Planning and Development Services	Council Approval Date:	November 24, 2015
Effective Date:	November 24, 2015	Council Resolution No.:	N/A
References:*	Appraisals for Money-in-Place of Municipal Reserve Proc. C-PD15-P1	Previous Revision Date:	May 24, 2011 (C-PD15)
	Dedication of MR, ER & ER Easement Procedures C-PD15-P2	LAS Review Date:	March 24, 2015
	Use of MR, ER & ER Easement Procedures C-PD15-P3	Function:	Planning and Development Services

PURPOSE

The purpose of this policy is to provide direction for the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easements in Parkland County.

POLICY STATEMENT

Pursuant to the *Act*, Parkland County's Subdivision Authority may require the dedication of Municipal Reserve lands, Environmental Reserve and Environmental Reserve Easements. Municipal Reserves provide parks and open space for area residents, as well as provide buffers between incompatible land uses. Environmental Reserves and Environmental Reserve Easements protect and enhance the environment. The dedication of Municipal Reserves, Environmental Reserves and Environmental Reserve Easements is fundamental to the environmental social governance of Parkland County and the creation of strong supportive communities.

DEFINITIONS

1. "Act" means the *Municipal Government Act* being the Revised Statutes of Alberta, 2000, Chapter M-26.1, and amendments thereto.
2. "Bodies of Water" means lakes, rivers, streams, and wetlands of Class IV or higher under the Stewart and Kantrud Classification System.
3. "Buffer" means a strip of land of variable width placed on the landscape and managed in such a way so as to maintain desired biodiversity and provide economic and societal benefits.
4. "Environmental Reserve (ER)" means lands defined as Environmental Reserve in the Municipal Government Act.
5. "Environmental Reserve Easement (ERE)" means an easement created for the purposes specified in the Municipal Government Act.
6. "Environmentally Sensitive Lands" means lands that are susceptible to disturbance and its inherent resiliency or ability to be restored back to functioning pre-disturbance ecological condition. Areas considered to have high environmental sensitivity are often associated with landforms-soil-vegetation units that are highly erodible, steep, permeable, or have unstable slopes and poor soil quality.
7. "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*.
8. "May" means discretionary compliance or a choice in applying policy.

9. "Money-In-Place" Money taken in place of Municipal Reserve lands in compliance with the *Act*.
10. "Municipal Reserve (MR)" 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.
11. "Public Utilities" means those systems or works that provide a utility service for public consumption, benefit, convenience or use, as defined by the *Act*.
12. "Public Utility Lot" means land required to be given for public utilities, as defined by the *Act*.
13. "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.
14. "Riparian" means transitional land of variable width and extent above and below ground, between upland and wetland ecosystems. Riparian lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological and other physical characteristics that reflect the influence of water and hydrological processes.
15. "School Reserve" means land required to be given for school purposes, as defined by the *Act*.
16. "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, ER or ERE dedication as provided for under the *Act*.

RESPONSIBILITIES

1. The General Manager of Development Services is responsible for overseeing the development, implementation and monitoring of this policy.
2. Environment and Community Sustainability is responsible to:
 - a. Assess and review proposed Environmental Reserve, and Environmental Reserve Easement dedications; and
 - b. Provide input to the Subdivision Authority regarding the dedication of Environmental Reserve, and Environmental Reserve Easement.
3. Planning and Development Services is responsible to:
 - a. Receive input regarding the dedication of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement and to determine recommendations to the Subdivision Authority;
 - b. Ensure that appropriate conditions are attached to subdivision approvals to ensure that Municipal Reserve, Environmental Reserve, and Environmental Reserve Easements are dedicated pursuant to the decisions of the Subdivision Authority;
 - c. Maintain a record of the dedication of Municipal Reserve, Environmental Reserve, and Environmental Reserve Easement to ensure that reserve dedications are tracked accurately so that assessments for reserve dedications on developing lands are timely; and
 - d. Work with Community and Protective Services to carry out enforcement measures when County-owned reserve lands are encroached on, or used for, non-public purposes.
4. Community and Protective Services is responsible to:
 - a. Assess and review proposed Municipal Reserve dedications when requested by Planning and Development Services; and
 - b. Provide input to the Subdivision Authority regarding the dedication of Municipal Reserve dedications when requested by Planning and Development Services.

STANDARDS

When proposed subdivisions are considered where Municipal Reserves are owing on the subject lands, the Subdivision Authority shall calculate the amount of Municipal Reserves owing as 10% of the Gross Developable Area.

1. The Subdivision Authority may take Municipal Reserve dedications in one or more of the following forms, in accordance with Parkland County Procedure C-PD15-P2 and the Act:
 - a. Land
 - b. Money-in-Place
 - c. Deferred Reserve Caveat
 - d. Transfer of Land from an Alternate Location
 - e. Transfer of Development Credits
2. If the transfer of land from an alternate location in exchange for Municipal Reserve involves a change in zoning or must be redistricted to allow for another use, public consultation must be undertaken as outlined in the County's Public Consultation Policy C-AD17.
3. When proposed subdivisions are considered that involve environmentally sensitive lands, the Subdivision Authority will require the dedication of Environmental Reserve, and/or Environmental Reserve Easement under the authority of the Municipal Government Act unless lands are required for the purpose of stormwater management. The goal is to incorporate reserve land into the County's green infrastructure inventory and ecological landscape for the public benefit, and to ensure long-term biodiversity of the landscape.
4. Parkland County will protect our riparian areas through the establishment of adequate riparian buffers between development and a lake, river, watercourse, or wetland. The County will utilize a Riparian Setback Matrix Model developed using scientific methodology to determine adequate Environmental Reserve boundaries when a biophysical assessment is not required under Parkland County's Municipal Development Plan.
5. Pursuant to the *Act*, the Subdivision Authority shall not require the dedication of Municipal Reserve, Environmental Reserve or Environmental Reserve Easement if:
 - a. One lot is to be created from a quarter section of land;
 - b. Land is to be subdivided into 16.0 hectares or more and is to be used only for agricultural purposes;
 - c. The land to be subdivided is 0.8 hectares or less; and
 - d. Reserve land, Environmental Reserve Easement or cash-in-lieu was provided in respect of the land that is the subject of the proposed subdivision pursuant to the Municipal Government Act.
6. 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.
7. The uses permitted on Municipal Reserve, Environmental Reserve and Environmental Reserve Easements shall conform to those permitted in the Municipal Government Act and in accordance with County Procedures C-PD15-P3.
8. Where money-in-place of Municipal Reserve is required by the County in accordance with Dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement Procedures C-PD15-P2, the amount owing shall be determined by the County's Appraisal for Money-in-Place of Municipal Reserves Procedures C-PD15-P1.

***ADDITIONAL REFERENCES**

Municipal Government Act
Subdivision and Development Regulation
Municipal Development Plan
Area Structure Plans
Recreation, Parks and Open Space Master Plan
Environmental Conservation Master Plan