

Mackenzie County

TITLE	Reserve Policy	Policy No:	DEV005
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LEGISLATION REFERENCE	Municipal Government Act – Part 17, Division 8
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PURPOSE
Establish a framework for the dedication of Reserve lands.

POLICY STATEMENT

Mackenzie County receives various applications for subdivisions, within both urban and rural areas. As per the Municipal Government Act (MGA), the County may require the dedication of Municipal Reserve (MR), Environmental Reserve (ER) or Conservation Reserve (CR). This policy will and clarify the different types of reserve lands, and provide criteria to guide and manage MR, ER, and CR in Mackenzie County.

DEFINITIONS

The following definitions are used for the purpose of this policy:

Conservation Reserve (CR) – land dedication collected during the subdivision application process for lands that do not meet the requirements of Environmental Reserve and that the County deems environmentally significant and wishes to conserve, as designated under Division 8 of the Municipal Government Act (MGA).

Examples of CR:

- Wildlife corridors
- Significant tree stands

Environmental Reserve (ER) – land dedication collected during the subdivision application process for lands that are considered undevelopable, unstable, or present a significant risk of personal injury or property damage during development or use of the land, as per Division 8 of the Municipal Government Act (MGA).

Examples of ER:

- Swamp, gully, ravine, or natural drainage course
- Lands that are subject to flooding
- A strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water

Municipal Reserve (MR) – land dedication collected during the subdivision application process for lands that the subdivision authority wishes to set aside for the provision of future services, as per Division 8 of the Municipal Government Act (MGA).

Examples of MR:

- Public parks
- Groomed parkland of all sizes
- Sports field, including athletic parks
- Land for arenas, pools, leisure, community or cultural centres
- Open space areas around schools or other facilities
- Pathways
- Golf courses
- Redeveloped landfill sites for recreational parks
- Fire Hall
- Municipal infrastructure

GENERAL PROVISIONS

This policy is intended to be used in conjunction with the requirements of the Municipal Government Act (MGA), the Subdivision and Development Regulations and applicable County Bylaws (including the Land Use Bylaw). Where a conflict exists between this policy and the aforementioned provincial requirements and/or County Bylaws, the provincial requirements and County Bylaws will apply.

This policy will provide direction for the acquisition of reserve lands in new subdivisions, the ongoing management of reserve lands, and the considerations required for the disposal of existing reserve lands.

The Municipal Government Act states the required purposes for each type of reserve land as follows:

Municipal Reserve: to allocate lands for use as a public park, a public recreation area, school board purposes, or to separate areas of land that are used for different purposes, as set out in the MGS s.671.1(1,2).

Environmental Reserve: to avoid development of unstable lands, to ensure safe public access to lands, to preserve the natural features of the land and to prevent pollution of land adjacent to water bodies, as set out in MGA s.664(1.1).

Conservation Reserve: to enable the municipality to protect and conserve land that the subdivision authority deems environmentally significant, as set out in the MGA s.664.2(1)(c,d).

For all municipal, environmental or conservation reserve designations, the County shall consider the viability of the project and the developer's economic case. The deciding

factor for amount of designation, location of designation, or money in lieu of land shall always be made in the interest of bettering the community at large.

Stormwater ponds that are considered a “natural drainage course” may be designated as ER. If the stormwater pond has a recreational function, it may be designated as MR. A stormwater pond will be designated as a Public Utility Lot (PUL) if the pond is used to reduce peak flow rates to downstream sewer systems and/or watercourses. Another use that would be acceptable is to provide a temporary receiving area for major drainage flows.

As per Section 663 of the MGA, there are several situations where reserves are not required for a subdivision:

- one lot is to be created from a quarter section of land,
- land is to be subdivided into lots of 16.0 hectares or more
- land is to be used only for agricultural purposes,
- the land to be subdivided is 0.8 hectares or less, or
- reserve land, environmental reserve easement or money in place of it was provided in respect to the land that is the subject of the proposed subdivision under this Part or the former Act.

RURAL SUBDIVISIONS

Conservation Reserve (CR):

Lands that the County deems environmentally significant but do not meet the requirements of ER shall be dedicated as CR.

Environmental Reserve (ER):

Environmentally sensitive areas shall be dedicated as either MR or ER, whichever is deemed more beneficial to the County.

Municipal Reserve (MR):

For all subdivisions that require an MR dedication, the County’s preference for type of dedication received shall be:

- Commercial/Industrial subdivisions – Land dedication only as required to provide adequate buffer strips between potentially conflicting land uses, to protect environmentally sensitive areas, to provide linear trail and drainage areas or for future municipal infrastructure. The remainder of the dedication shall be as cash in lieu of land.
- Single lot residential subdivisions (excluding the first subdivision from a quarter section) – Cash in lieu of land

- Rural country residential subdivisions – A combination of land and cash in lieu of land. Land dedication shall be sufficient to allow for a future park and/or municipal service, linear trail or drainage areas, as buffer strips between potentially conflicting land uses, and to protect environmentally sensitive areas.
- For parcels of land that are designated for community recreational purposes, the allotted 10% MR dedication may be waived by the County.
- It is the discretion of the County to determine the percentage of MR dedication regarding recreational uses, whereby the County will evaluate the size of the proposed recreational area.

URBAN SUBDIVISIONS

Conservation Reserve (CR):

Lands that the County deems environmentally significant but do not meet the requirements of ER shall be dedicated as CR.

Environmental Reserve (ER):

Environmentally sensitive areas shall be dedicated as either MR or ER, whichever is deemed more beneficial to the County, when considering the long term impact and growth of the surrounding community.

Municipal Reserve (MR):

For all urban subdivisions, MR dedication shall be:

- Commercial/Industrial subdivisions – Land dedication only as required to provide adequate buffer strips between potentially conflicting land uses, to protect environmentally sensitive areas, to provide linear trail and drainage areas or for future municipal infrastructure. The remainder of the dedication shall be as cash in lieu of land.
- Residential subdivisions – Land, or a combination of land and cash in lieu of land. Land dedication shall be sufficient to allow for a future park and/or municipal service, linear trail or drainage areas, as buffer strips between potentially conflicting land uses, and to protect environmentally sensitive areas.

VALUE DETERMINATION

Conservation Reserve:

The Municipality is required to compensate the developer, as the land is set aside and therefore unable to be sold or developed. The value determination process for CR shall be the same as that of MR.

Environmental Reserve:

Municipalities are not required to compensate the developer.

Municipal Reserve:

Where cash is required in lieu of land, MR value shall be determined based on the market value for proposed use and the existing servicing of the land in question. Proposed improvements shall not be considered when determining the land value for the purpose of calculating the Municipal Reserve levy.

The MGA states that the applicant shall provide the market value appraisal, and that it must be provided to the County within 35 days of applying for the subdivision approval. As the County has authority over Municipal Reserve lands, Mackenzie County has established a process that will simplify this process for the applicant. Six (6) Municipal Reserve Valuation Areas have been determined within the boundaries of Mackenzie County (see *Appendix A for map*). Each area includes a pre-determined dollar value per acre for both residential and non-residential use. For the purposes of this map, residential refers to any subdivision of a new or existing yard site, and non-residential refers to any other uses such as commercial or industrial. The map in Appendix A includes the majority of the developed areas within Mackenzie County and does not display the entirety of County's boundaries; therefore, it is noted that the pre-determined values for Areas 2 and 6 do apply to lands that extend beyond what is shown on the map.

Should the applicant not be satisfied with the value determined by the County, they may refer back to the MGA and get an independent third party market value appraisal completed and provide it to the County. The County and applicant will then meet to discuss the variation in the assessed values, and jointly agree on the final value.

The total amount of Municipal Reserve money that shall be paid to the County will be included with the subdivision approval.

The MGA states that the maximum amount of land to be designated as municipal or school reserve cannot exceed 10% of the original parcel area, less any lands designated for environmental reserve.

There are a few instances where an exemption from Municipal Reserve is permitted, as per Section 663 of the Municipal Government Act (MGA).

Lands dedicated for the provision of roads or utilities, including storm-water management systems, shall be considered developable lands and will be included in the calculation of MR.

CALCULATIONS

To provide clarity on the calculations for ER dedication:

Environmental Reserve needed:

Area of parcel to be subdivided:	40.00 ha
Lands to be designated environmental reserve:	<u>3.50 ha</u>
Area of parcel to be considered for municipal or school reserve:	36.50 ha
Total maximum municipal and/or school reserve dedication (10%):	3.65 ha

No Environmental Reserve needed:

Area of parcel to be subdivided:	40.00 ha
Lands to be designated environmental reserve:	<u>0.00 ha</u>
Area of parcel to be considered for municipal or school reserve:	40.00 ha
Total maximum municipal and/or school reserve dedication (10%):	4.00 ha

DEFERRAL

Municipal Reserve (MR):

The subdivision authority may, in some cases, direct that municipal reserve requirements be deferred against. Deferral is only permitted for the remainder of the parcel that is the subject of the proposed subdivision, or for other lands within the municipality that are owned by the person who is applying for subdivision approval. The subdivision authority must file a caveat in a land titles offices against the title of the land to which the deferral relates, as per Section 669 of the MGA.

DISPOSAL

Conservation Reserve:

As per s.674 of the MGA, a CR designation may only be removed if the parcel of land is wholly or substantially destroyed by fire, flood or other event that is beyond a municipalities control and therefore, in Council's opinion, no longer has a purpose to be protected or conserved. Removal of designation may only be permitted through a public process. A public hearing must be held and notices must be posted on or near the CR that is subject of the hearing. Council must direct a designated officer to notify the Registrar and the CR will be removed upon approval. The Municipality then has the authority to sell, lease or otherwise dispose of the land. The proceeds must be used only for the purposes of protecting and conserving other lands that have environmental significance.

Environmental Reserve:

Change of boundaries or use, lease or disposal is permitted. A public hearing must be held and notices must be posted on or near the ER that is subject of the hearing. Proceeds may only be used to provide land for the purposes of a public park, public recreation area, school board purposes, or to separate areas of land that are used for different purposes

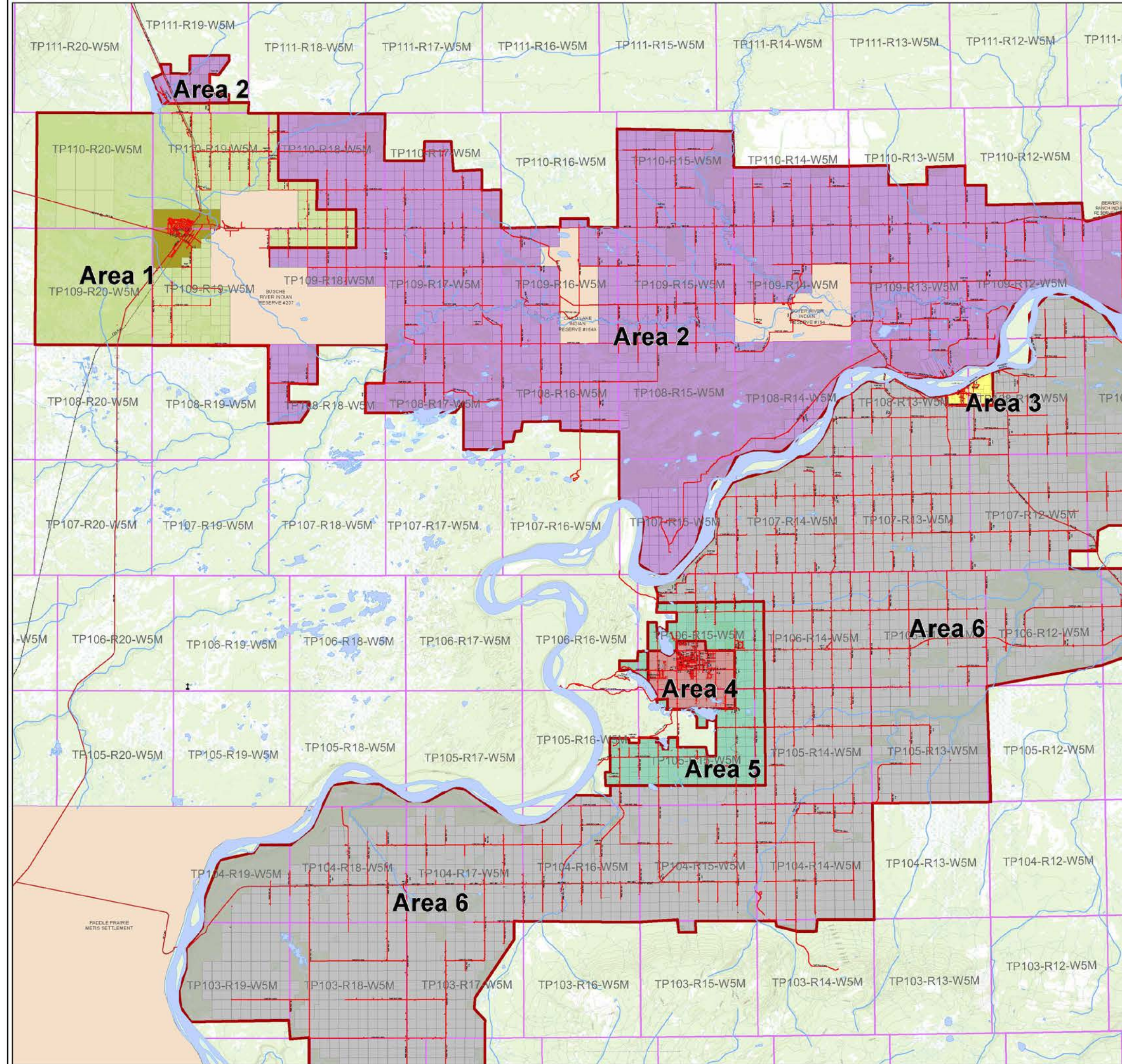
Municipal Reserve:

If Council wishes to sell, lease or otherwise dispose of MR, a public hearing must be held and notices must be posted on or near the MR that is subject of the hearing.

	Date	Resolution Number
Approved	11-Mar-14	14-03-140
Amended	2019-11-27	19-11-718

APPENDIX A

**Municipal Reserve
Valuation Map**



- Area 1**
Residential - \$ 8,000/Acre
Non-Residential - \$ 11,000/Acre
 - Area 2 ***
Residential - \$ 6,000/Acre
Non-Residential - \$ 7,500/Acre
 - Area 3**
Residential - \$ 8,000/Acre
Non-Residential - \$ 9,500/Acre
 - Area 4**
Residential - \$ 15,000/Acre
Non-Residential - \$ 17,500/Acre
 - Area 5**
Residential - \$ 9,000/Acre
Non-Residential - \$ 11,000/Acre
 - Area 6 ***
Residential - \$ 7,000/Acre
Non-Residential - \$ 8,500/Acre
- * Note:
* Area 2 and Area 6 extend beyond what is shown in this Map.

- Town of HighLevel
- Cadastral Layer
- TWP Range Linework
- First Nation Reserves
- Road Network
- Highways
- Address Locations

Information on this map is provided solely for the user's information and, while thought to be accurate, is provided strictly "as is" and without warranty of any kind, either expressed or implied.

The Mackenzie County, its agents, employees or contractors will not be liable for any damages, direct or indirect, or lost profits or data arising out of use of information provided on this map.



APPENDIX B

**Reserve Policy
Quick Reference Chart**

Table 1. Comparison of conservation reserves, environmental reserves and municipal reserves with reference to the Municipal Government Act (MGA)

	Conservation Reserve (CR)	Environmental Reserve (ER)	Municipal Reserve (MR)
Purpose/Use	<ul style="list-style-type: none"> >To enable the municipality to protect and conserve environmentally significant areas s.664.2(1) >Land must remain in its natural state s.674.1(1) 	<ul style="list-style-type: none"> >To avoid development of unstable lands, to preserve the natural features of the land and to prevent pollution of land adjacent to water bodies as set out in the MGA s.664(1) > Land must be left in its natural state or be used as a public park s.671(1) 	<ul style="list-style-type: none"> To allocate lands for use as a public park, a public recreation area, school board purposes, or to separate areas of land that are used for different purposes, as set out in the MGS s.671.1(1,2).
Timing	At subdivision	At subdivision	At subdivision
Compensation	Municipalities are <u>required</u> to compensate the developer as the land is set aside and therefore unable to be sold or developed s.664.2(2)	Municipalities are <u>not required</u> to compensate the developer	Municipalities are <u>not required</u> to compensate the developer
Requirements	<ul style="list-style-type: none"> >Fair market value required >Must be deemed environmentally significant by the subdivision authority and lands must be identified in the Municipal Development Plan >Lands that could not be required as Environmental Reserve s.664.2(1) 	<ul style="list-style-type: none"> >Scientifically defensible setbacks to prevent pollution >Engineering report including unstable/hazardous lands >Determine lands are a natural drainage course >Determine lands are subject to flooding s.664(1) 	<ul style="list-style-type: none"> >The second subdivision out of a quarter section requires MR

<p>Disposal</p>	<p>>Disposal through public process only if lands have been significantly destroyed by unforeseen events >Removal of CR designation is permitted through a public process (public hearing and notices posted on or near CR) >A request is sent to the Registrar >Proceeds from lease/removal must be use only for the purposes of protecting and conserving land that has environmental significance s.674.1 s.674.2</p>	<p>>Change of boundaries or use, lease or disposal through public process (public hearing and notices posted on or near ER) >Proceeds may be used only to provide land for the purposes of a public park, public recreation area, school board purposes, or to separate areas of land that are used for different purposes s.676(1)</p>	<p>> MR is permitted to be sold, leased, or otherwise disposed of through a public process (public hearing and notices posted on or near MR)</p>
<p>Examples</p>	<p>>Wildlife corridors, tree stands >Any feature deemed environmentally significant by the subdivision authority</p>	<p>>A swamp, gully, ravine, coulee or natural drainage course >Land that is unstable, adjacent to a water body or subject to flooding</p>	<p>>Public parks, groomed parkland of all sizes, sports field, including athletic parks, land for arenas, pools, leisure, community or cultural centres >Open space areas around schools or other facilities >Pathways >Golf courses >Redeveloped landfill sites for recreational parks</p>