

Mackenzie County

TITLE	Municipal Reserve Policy	Policy No:	DEV005
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LEGISLATION REFERENCE	Municipal Government Act – Division 8
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PURPOSE

Establish clarity on the dedication of Municipal Reserve lands.

POLICY STATEMENT

Mackenzie County receives various requests for subdivisions, both within the hamlets and in the rural areas. As per the Municipal Government Act (MGA), the County may receive municipal reserve (MR), in the form of land or money, or a combination there of, for the provision of future services. This policy will ensure consistency and clarity on how municipal reserve is collected and managed.

DEFINITIONS

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

Quarter Section - means 160 acres (64.75 Ha), more or less, as described in Sections 18 to 28 of the Alberta Surveys Act, RSA 2000.

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 addresses how the County will collect Municipal Reserve from urban and rural subdivisions, and how Municipal Reserve will be managed and the considerations required for the disposal of Municipal Reserve land.

The MGA states that reserve dedication is based on the original quarter section, with a land size of 160 acres more or less, as described within the Surveys Act of Alberta.

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.

For all municipal reserve, environmental reserve or school 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.

As per the MGA, there are several situations where an applicant is exempt from providing municipal reserve for a subdivision:

- Where only one lot is to be created from a quarter section of land;
- Where land is to be subdivided into parcels of 16.0 Ha (39.5 acres) or more and is to be used only for agricultural purposes;
- The land to be subdivided is 0.8 Ha (2.0 acres) in size or less; and
- Where reserves have already been provided for the subject parcel.

RURAL SUBDIVISIONS

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, or to provide linear trail and drainage areas. 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
- Multi-lot 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.
- Environmentally sensitive areas shall be dedicated as either municipal reserve or environmental reserve, whichever is deemed more beneficial to the County.

For parcels of land that are less than a quarter section, but where the remainder of the quarter section remains crown land, municipal reserve calculations shall be performed according to the entire quarter section.

For the purpose of this bylaw, all river lots shall be overlaid with the ATS grid, and municipal reserve calculations shall be calculated based on the theoretical quarter section.

URBAN SUBDIVISIONS

For all urban subdivisions, municipal reserve 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, or to provide linear trail and drainage areas. 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.
- Environmentally sensitive areas shall be dedicated as either municipal reserve or environmental reserve, whichever is deemed more beneficial to the County, when considering the long term impact and growth of the surrounding community.

VALUE DETERMINATION

Where cash is required in lieu of land, Municipal Reserve 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 within 35 days of applying for the subdivision approval.

The County will get their assessor to determine the Municipal Reserve levy, and the County will provide this value to the applicant. Should the applicant be satisfied with the value determined by the County assessor, the County will consider this as the applicants market value appraisal. Should the applicant not be satisfied with the value determined by the County assessor, they may 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.

CALCULATIONS

To provide clarity on the calculations for reserve 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

	Date	Resolution Number
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