

CATEGORY: Administration
POLICY #: C.d. 030
OWNER DEPT: Planning
COUNCIL APPROVAL: December 4, 2018

TITLE: MUNICIPAL AND SCHOOL RESERVES

POLICY

POLICY STATEMENT:

The Town of Slave Lake will implement a Municipal and School Reserves Policy with the intent of ensuring that all new subdivisions contribute municipal and school reserves in order to ensure the orderly and planned development of parks and schools within the Town.

The Policy will also address the use and disposal of Municipal and School Reserves.

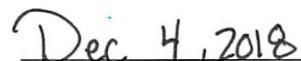
POLICY OBJECTIVES:

The objective of this policy is to:

1. To ensure the municipal and school reserves process is consistent with the Town's Municipal Development Plan and applicable Area Structure Plans.
2. To create a clear, consistent and transparent process that conforms to the Municipal Government Act and ensures developers are aware of the requirement to provide Municipal and School Reserves.
3. To ensure sufficient reserve lands are available to meet the needs of public school authorities.
4. To ensure sufficient reserve lands are available to meet the Town's need for parks and recreation.
5. To ensure the use and disposal of municipal and school reserves is transparent and consistent with Provincial legislation.



Brian Vance, Chief Administrative Officer



Date

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1.0 DEFINITIONS

1.01 Act

“Act” shall mean the Municipal Government Act, RSA 2000, C. M-26, as amended.

1.02 CAO

“CAO” shall mean the Chief Administrative Officer of the Town of Slave Lake, or his authorized representative.

1.03 Council

“Council” shall mean the duly elected Town Council.

1.04 Deferred Reserve Caveat

“Deferred Reserve Caveat” is an instrument registered on the Title of lands that serves as a notice or a caution that at the time the subject parcel is further subdivided municipal reserve may have to be provided.

1.05 Developer

“Developer” shall mean the owner of land or the person to whom a development permit or subdivision approval has been granted.

1.06 Municipality

“Municipality” shall mean the Town of Slave Lake.

1.07 Municipal and School Reserves

“Municipal and School Reserves” means land and/or money set aside for the development of parks and school sites as defined in the Municipal Government Act.

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1.08 Municipal Planning Commission

The Municipal Planning Commission is a body appointed by Bylaw and acts as the Town's Subdivision Authority.

1.09 Recreation Master Plan

"Recreation Master Plan" means a Plan adopted by the Town of Slave Lake that outlines the needs of the citizens with respect to recreation resources. The Recreation Master Plan guides future development decisions in order to respond to those needs by defining the need for and location of recreation programs, facilities, parks and open spaces.

1.10 Statutory Plan

"Statutory Plan" means a plan that has been adopted by bylaw and that has undergone a public hearing and three readings. Once adopted there is a legal obligation on the part of both the municipality and residents to adhere to the Plan. Statutory Plans include the Municipal Development Plan, Area Structure Plans and the Land Use Bylaw.

2.0 RESPONSIBILITIES

2.01 Town Council:

Approves the Municipal and School Reserves Policy.

2.02 Chief Administrative Officer (CAO):

Ensures the Municipal and School Reserves Policy is implemented and followed.

2.03 Director of Planning & Development:

Ensures that Municipal and School Reserves are allocated, in accordance with Policy, as part of subdivision approvals.

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3.0 STANDARDS/GUIDELINES

- 3.01 The Municipal Planning Commission (MPC), as the Town's Subdivision Authority, will determine if the Municipal and School Reserves are to be provided in the form of a land dedication, money and land or money in place of land. The MPC must have regard to all of the Town's statutory plans and the Act when making its determination regarding Municipal and School Reserves.
- 3.02 The Municipal Planning Commission may require the owner of a parcel of land that is the subject of a proposed subdivision to:
 - 3.02.01 to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve;
 - 3.02.02 to provide money in place of municipal reserve, school reserve or municipal and school reserve, or
 - 3.02.03 to provide any combination of land or money referred to in 3.02.01 and 3.02.02.
- 3.03 In accordance with the Municipal Development Plan and the Act, the Town of Slave Lake will require the developer of a subdivision to provide Municipal and School Reserves equivalent to not more than 10% of the appraised market value, determined in accordance with the Act, of the parcel of land, less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.
- 3.04 The total amount of money that may be required to be provided under 3.02 may not exceed 10% of the appraised market value, determined in accordance with the Act, of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

Combination of Land and Money

- 3.05 When a combination of land and money is required to be provided, the sum of:
 - 3.05.01 the percentage of land required under section 3.03; and

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3.05.02 the percentage of the appraised market value of the land required under section 3.04;

may not exceed 10% or a lesser percentage set out in the Municipal Development Plan.

Money in Place of Land

3.06 Where money is provided in place of a land dedication for municipal and school reserves, the Developer must provide:

3.06.01 a market value appraisal of the existing parcel of land, as of a specified date occurring within the thirty five (35)-day period following the date on which the application for subdivision approval is made;

- as if the use proposed for the land that is the subject of the proposed subdivision, conforms with any use prescribed in a statutory plan or land use bylaw for that land; and
- on the basis of what might be expected to be realized if the land were in an un-subdivided state and sold in the open market by a willing seller to a willing buyer on the date on which the appraisal is made;

or

3.06.02 if the Developer and the subdivision authority agree, a land value based on a method other than that described in 3.06.01;

3.06.03 if money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must specify the amount of money required to be provided at the same time the subdivision approval is given.

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Deferred Reserves

3.07 Instead of requiring municipal reserve, school reserve or municipal and school reserve or money in play of any of them, a subdivision authority may direct that the requirement to provide all or part of those reserves be deferred against:

- 3.07.01 the remainder of the parcel that is the subject of the proposed subdivision approval; or
- 3.07.02 other land of the person applying for subdivision approval that is within the same municipality as that parcel of land;
 - or both.

Allocation of municipal and school reserve

3.08 When reserve land is required to be provided, the subdivision authority must specify the amount, type and location of reserve land that is to be provided, regardless of whether money is also required to be provided, and allocate the municipal reserve, school reserve and municipal and school reserve between the municipality and each school board concerned, as joint owners or as separate owners:

- 3.08.01 in accordance with an agreement made between the municipality and the school boards, or
- 3.08.02 in the absence of an agreement, in accordance with the needs of each of them as those needs are determined by the subdivision authority.

3.09 When money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must allocate money between the municipality and each school board concerned either jointly or separately:

- 3.09.01 in accordance with an agreement made between the municipality and the school boards, or

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3.09.02 in the absence of an agreement, in accordance with the needs of each of them as those needs are determined by the subdivision authority.

3.10 When a combination of land and money is required to be provided, the subdivision authority must:

3.10.01 specify the amount, type and location of the reserve land that is to be provided; and

3.10.02 allocate the municipal reserve, school reserve or municipal and school reserve or money in place or all of them between the municipality and each school board concerned;

in accordance with an agreement made between the municipality and the school boards, or in the absence of an agreement, in accordance with the needs of the municipality and the school boards as determined by the subdivision authority.

3.11 A decision concerning the allocation of municipal reserve, school reserve, municipal and school reserve or money in place of any or all of them must be made before an application for subdivision approval is granted.

Use of Municipal and School Reserves

3.12 Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school board or by them jointly for any or all of the following purposes:

- a public park;
- a public recreation area;
- school board purposes;
- to separate areas of land that are used for different purposes.

3.13 Despite that land is designated as municipal reserve, school reserve or municipal and school reserve, the municipality and one or more school boards may enter into any agreement they consider necessary with respect to a use referred to in subsection 3.12 or for any matter related to the use.

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3.14 Money provided in place of municipal reserve, school reserve or municipal and school reserve and the interest earned on that money:

- o must be accounted for separately, and
- o may be used only for any or all of the purposes referred to in section 3.12.

Disposal of Municipal and School Reserves

3.15 If a council wishes to sell, lease or otherwise dispose of municipal reserve, or a council and a school board wish to sell, lease or otherwise dispose of municipal and school reserve, a public hearing must be held in accordance with Section 230 and must be advertised in accordance with Section 606 of the Act.

3.16 In addition to the noticed required under Section 3.15, notices containing the information required under Section 606 of the Act must be posted on or near the municipal reserve, or municipal and school reserve that is the subject of the hearing.

3.17 A council in the case of municipal reserve or a council and a school board in the case of municipal and school reserve, may after taking into consideration the representations made at a public hearing under Section 674 of the Act, direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve or municipal and school reserve.

3.18 If the Registrar is satisfied that this Part has been complied with the Registrar must remove the designation in accordance with the request made under Section 3.17.

3.19 On removal of the designation, the municipality or the municipality and the school board may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used in the case of sale, lease or other disposition of a municipal reserve or municipal and school reserve, only for any or all of the purposes referred to in Section 3.12.

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4.0 POLICY PROCEDURES

- 4.01 Administration will determine if there is a requirement to provide municipal reserves, school reserves or municipal and school reserves, as the case may be.
 - 4.01.01 The Director of Planning and Development will conduct a search of the Title of the lands, which are the subject of a subdivision, as well as other lands that are owned by the Developer within the Town boundary, to determine if a Deferred Reserve Caveat(s) is present.
 - 4.01.02 If a Deferred Reserve Caveat(s) has been registered on Title, the Director of Planning and Development will determine, through examination of the applicable Statutory Plans and the Recreation Master Plan; if a park and/or school site is proposed within the area of the lands that are the subject of the subdivision. Note: all Statutory Plans must align and as such, if a future park is recommended in the Recreation Master Plan, reference to that park should also be included in the applicable Area Structure Plan. Further, an Area Structure Plan should also indicate the need for a future public school site. If a future park and/or school site has not been referenced in a Statutory Plan or the Recreation Master Plan, then refer to Section 4.01.03.
 - 4.01.03 The Director of Planning and Development will then refer to and review any agreement between the applicable public school authorities and the Town of Slave Lake with respect to Municipal and School Reserve allocations. This agreement should direct the Town with respect to the allocation of reserves to the public school authorities. Currently there are no agreements between the Town of Slave Lake and the public school authorities.
 - 4.01.04 In the absence of an agreement, the Director of Planning and Development will confer, in writing, with the applicable public school authorities to determine their needs for a future school site. The applicable school authorities would have been notified during the preparation and adoption of an Area Structure Plan, regarding a future school site, if contemplated within the Plan and if required by the school authority.

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Land Dedication

4.01.05 If a park and/or school site is proposed within a Statutory Plan or Recreation Master Plan, the Director of Planning and Development will determine the approximate size of the proposed park and/or school site, as proposed in the Area Structure Plan or Recreation Master Plan, and compare that area to the amount of Reserves that have been deferred under the Deferred Reserve Caveat(s).

Sufficient Land

4.01.05 a. If it is determined that there are sufficient lands available between the Deferred Reserve Caveat(s) and the Municipal and School Reserve allocation required for the subject subdivision, the Director of Planning and Development will prepare a report for the MPC.

4.01.05 b. The Director of Planning and Development will include, as part of the Subdivision report for the MPC, the sections from the applicable Statutory Plans, Recreation Master Plan and the Deferred Reserve Caveat(s) to support the land dedication required for the proposed park and/or school site. Administration will also include a recommendation that the subdivision approval include the requirement to proceed with development of the park and/or school site, as the case may be, which will include the installation of municipal infrastructure.

4.01.05 c. The Municipal Planning Commission's decision shall include conditions requiring the Developer to enter into a development agreement for the subject subdivision and a separate development agreement for the future park and/or school site.

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4.01.05 d. The Developer shall be provided with the Municipal Planning Commission's decision in writing and afforded the appropriate opportunity to appeal in accordance with the Act. If no appeal is launched, the Developer is required to provide a tentative plan of subdivision for the new park and/or school site, as the case may be.

4.01.05 e. The Director of Planning and Development will ensure the development agreement for the subject subdivision addresses the Reserve allocation as approved by the MPC; and that a separate development agreement is required for the new park and/or school site and that the development agreement also addresses the provision of municipal infrastructure to the new park and/or school site.

4.01.05 f. Once the Deferred Reserve Dedication has been met, the Caveat(s) shall be discharged from Title.

Insufficient Land

4.01.05 g. If is determined that there is insufficient land available between the Deferred Reserve Caveat(s) and the Municipal and School Reserve allocation required for the subject subdivision, to satisfy the proposed park and/or school site, Administration will prepare a report for the MPC.

4.01.05 h. The Director of Planning and Development will include, as part of the Subdivision report for the MPC, the sections from the applicable Statutory Plans, Recreation Master Plan and the Deferred Reserve Caveat(s) to support a land dedication. Further the report will advise that there is insufficient land available to fulfill the required dedication for the proposed park and/or school site. The report will

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recommend the MPC register another Deferred Reserve Caveat with respect to the required Reserve allocation for the subject subdivision i.e. defer the Reserve allocation for the subject subdivision.

- 4.01.05 i. The MPC, while considering the report from Administration, must also consider the risk of waiting for a future subdivision of the subject lands to occur in order to settle the deferred reserve allocation. The need for a park and/or school site may arise before the land required under a deferred reserve allocation becomes available through subdivision. Note: funding for new public schools does not include the land or services for school sites, but rather only for the building itself.
- 4.01.05 j. The Developer shall be provided the Municipal Planning Commission's decision in writing and afforded the appropriate opportunity to appeal in accordance with the Act. If no appeal is launched, Administration prepares the Deferred Reserve Caveat in accordance with the Act and ensures it is registered concurrently with the subject subdivision plan.
- 4.01.05 k. The Director of Planning and Development will ensure that the land required to be dedicated for the subject subdivision approval does not exceed 10% of the Market Value of the appraised lands, in accordance with the Act.
- 4.01.05 l. The Director of Planning and Development will ensure the development agreement for the subject subdivision addresses the Reserve allocation as approved by the MPC.

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Money in Place of Land Dedication

4.01.06 If a park and/or school site have not been proposed in a Statutory Plan or the Recreation Master Plan, then the Reserve will be required in the form of a money in place of land dedication.

4.01.06 a. If is determined through an examination of the applicable Area Structure Plans and Recreation Master Plan that a future park and/or school site are not planned, money shall be requested in place of a land dedication.

4.01.06 b. The Director of Planning and Development will include, as part of the Subdivision report for the MPC, references to the applicable Statutory Plans and Recreation Master Plan and a recommendation that money be provided in place of a land dedication. The report to the MPC shall include the needs of each of the public school authorities and the Town (i.e. parks) with respect to the money being allocated. Essentially, if the school authorities have not expressed a need, outside of a future school site which must be identified in an Area Structure Plan, no money shall be allocated to them. Further, if the applicable Statutory Plans and Recreation Master Plan do not identify the need for a Park, the money allocated is then provided to the Town's Parks Reserve.

4.01.06 c. The Developer shall be provided the Municipal Planning Commission's decision in writing and afforded the appropriate opportunity to appeal in accordance with the Act. If no appeal is launched, the Developer is then required to obtain a market value appraisal of the existing parcel of land in accordance with Section 3.06.01 and submit said appraisal within the thirty-five (35) day time frame prescribed.

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4.01.06 d. Once a Market Value Appraisal is received it is to be reviewed by an independent appraiser, secured by the Town, to ensure the assumptions and comparisons within the Appraisal are fair and reasonable.

4.01.06 e. If the Developer and the MPC agree, a land value based on a method, other than that described in Sections 3.06.01 and 4.01.06 d, may be used.

4.01.06 f. The Director of Planning and Development will ensure the money required to be dedicated for the subject subdivision approval does not exceed 10% of the Market Value of the appraised lands, in accordance with the Act.

4.01.06 g. The Director of Planning and Development will ensure the development agreement for the subject subdivision addresses the Reserve allocation as approved by the MPC.

4.01.06 h. The Director of Planning and Development will ensure the money dedication is paid, as per the Development Agreement, and that the applicable funds are deposited into the Town's MR (Park and School) Reserve and accounted for in accordance with Section 3.14.

Land and Money Dedication

4.01.07 If a park and/or school site is proposed within a Statutory Plan or Recreation Master Plan, the Director of Planning and Development will determine the approximate size of the proposed park and/or school site, as proposed in the Area Structure Plan or Recreation Master Plan, and compare that area to the amount of Reserves that have been deferred under the Deferred Reserve Caveat(s). The Director shall ensure that the Titles of all lands owned by the Developer are

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searched as there may be multiple Deferred Reserve Caveats. If the combined total of Reserves required to be dedicated for the subject subdivision and any deferrals can satisfy the land required for a future park and/or school site, with extra left over, then both a land and money dedication will be required.

- 4.01.07 a. If is determined that there are sufficient lands available between the Deferred Reserve Caveat(s) and the Municipal and School Reserve allocation required for the subject subdivision to satisfy the entire area of Reserve land to be dedicated, plus extra, the Director of Planning and Development will recommend both a land and money dedication.
- 4.01.07 b. The Director of Planning and Development will prepare a report for the MPC and include the sections from the applicable Statutory Plans, Recreation Master Plan and the Deferred Reserve Caveat(s) to support the land dedication required for the proposed park and/or school site. Administration will also explain that the required Reserve dedication will exceed the land required and recommend a cash dedication as well. Administration will also include a recommendation that the subdivision approval include the requirement to proceed with development of the park and/or school site, as the case may be, which will include the installation of municipal infrastructure.
- 4.01.07 c. The Developer shall be provided the Municipal Planning Commission's decision in writing and be afforded the appropriate opportunity to appeal in accordance with the Act. The decision shall indicate that Reserves will be required in the form of both land and money. The decision shall also include conditions requiring the Developer to enter into a development agreement for the subject subdivision and a separate development agreement for the future park and/or school site.

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4.01.07 d. If no appeal is launched, the Developer is then required to obtain a market value appraisal of the existing parcel of land in accordance with Section 3.06.01 and submit said appraisal within the thirty-five (35) day time frame prescribed.

4.01.07 e. Once a Market Value Appraisal is received it is to be reviewed by an independent appraiser, secured by the Town, to ensure the assumptions and comparisons within the Appraisal are fair and reasonable.

4.01.07 f. If the Developer and the MPC agree, a land value based on a method, other than that described in Sections 3.06.01 and 4.01.07 d, may be used.

4.01.07 g. The Director of Planning and Development will ensure that the land and money required to be dedicated for the subject subdivision approval does not exceed 10% of the Market Value of the appraised lands, in accordance with the Act for both the land and money dedication.

4.01.07 h. The Director of Planning and Development will ensure the development agreement for the subject subdivision addresses the Reserve allocation as approved by the MPC; and that a separate development agreement is required for the new park and/or school site, as the case may be. Finally, the Director of Planning and Development will ensure that the development agreement for the new park and/or school site also addresses the provision of municipal infrastructure to the new site.

4.01.07 i. The Director of Planning and Development will ensure the applicable school boards are consulted throughout the process of establishing the new school

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site to ensure the site meets the needs of the schools boards. The Tentative Plan of Subdivision shall indicate that the site is for School Reserve (SR) such that the new legal land description includes the SR designation. Finally, the Director of Planning and Development will ensure that the Title of the new school lands is in the name(s) of the respective school board(s).

- 4.01.07 j. Once the Deferred Reserve Dedication has been met, the Caveat(s) are to be discharged from Title.
- 4.01.07 j. The Director of Planning and Development will ensure the money dedication is paid, as per the development agreement, and that the applicable funds are deposited into the Town's MR (Park and School) Reserve and are accounted for in accordance with Section 3.14.
- 4.01.07 k. The Director of Planning and Development will process the subdivision plan for the new park and/or school site as the case may be.

Use of Municipal and School Reserves

- 4.01.08 In accordance with the Act, municipal and school reserves may only be used for the purposes outlined in Section 3.12.
- 4.01.08 a. Any encroachments onto municipal reserves shall be dealt with in accordance with the Encroachments on Public Lands Policy C.d. 025.

Disposal of Municipal and School Reserves

- 4.01.09 In accordance with the Act, a Developer or landowner may wish to have Council consider a request to dispose of municipal reserves.

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- 4.01.09 a. A request to consider the disposal of municipal reserves must be in writing and must be accompanied by the prescribed fee.
- 4.01.09 b. The Director of Planning and Development will prepare and present a report requesting Council's consideration of the disposal. If Council wishes to proceed with a disposal of municipal reserve, a date and time is established for the required Public Hearing.
- 4.01.09 c. An advertisement, completed in accordance with the Act, and advertised in accordance with the Town's Policy with respect to advertising, is prepared. Referral letters are prepared and sent to neighboring property owners advising of the proposed disposal and the date and time for the required Public Hearing. Finally, a poster mounted on a sandwich board, is posted on the subject municipal reserve lot announcing the proposed disposal and the date and time for the required Public Hearing. The sandwich board shall be removed after the Public Hearing is held.
- 4.01.09 d. Internal referrals are sent to the various Town departments notifying of the proposed disposal.
- 4.01.09 e. The Director of Planning and Development will prepare and present a report for the Municipal Planning Commission and shall include a recommendation from Administration, as required under the Act. The Municipal Planning Commission is required to provide Council with a recommendation with respect to all municipal reserves disposals.

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- 4.01.09 f. A report is prepared for the Public Hearing and Council meeting and shall contain any and all referral comments received with respect to the proposed disposal; as well as a recommendation from Administration as required under the Act.
- 4.01.09 g. The Developer or landowner is notified, in writing, of Council's decision. Council has unfettered discretion with respect to the disposal of municipal reserves and therefore there is no appeal to their decision.
- 4.01.09 h. Administration prepares a Removal of MR Designation form and submits the completed form, along with the prescribed fee, to the Alberta Land Titles office for registration.
- 4.01.09 i. If the disposal of Municipal Reserves involves the subsequent sale of the property, the file is turned over to the Director of Finance for the conveyancing process.
- 4.01.09 j. The sale of the Municipal Reserves, after disposal, shall be completed in accordance with the Vending of Town Owned Land Policy C.d. 003.
- 4.01.09 k. The Director of Finance will ensure the proceeds from the sale of the reserve lands is accounted for in accordance with section 3.14 and said funds are deposited into the Town's MR (Park and School) Reserve.