

<b>VULCAN COUNTY POLICY NO. 69-1004</b>	<b>PROVISION OF MUNICIPAL &amp; ENVIRONMENTAL RESERVES</b>
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## **PROVISION OF MUNICIPAL & ENVIRONMENTAL RESERVES**

### **PURPOSE**

To provide guidance to the Subdivision Authority and applicants for subdivision on the provision of municipal reserve (MR) and environmental reserve (ER), and to facilitate the responsible management of reserve of lands.

### **POLICY STATEMENT**

The *Municipal Government Act* (MGA) empowers Vulcan County to require a landowner who is subdividing land (unless exempted under Section 663 of the MGA) to set aside a portion of their property as municipal and/or environmental reserve.

Municipal reserves are lands that are acquired by the municipality for parks, recreation, as a buffer between different land uses, or for school board purposes. Environmental reserves are generally to remain in their natural state for the purposes of protecting the environment and are important in providing for public access to water bodies and water courses. All reserve lands are owned and managed by the municipality (except in the case of an environmental reserve easement).

### **PROCEDURE**

#### 1. Municipal Reserve (MR)

Pursuant to Section 663, 666, 667 & 669 of the MGA, and the relevant policies of the Municipal Development Plan and any other statutory plan, 10% of the parcel of land being subdivided (less any lands dedicated as ER) shall be required at the time of subdivision as either land or cash-in-lieu of land:

- a) **MR (land)** shall only be required where there is a demonstrated need, as determined by the Subdivision Authority, with regard to any applicable statutory plan, and where the proposed use of the land will be in accordance with Section 671(2) of the MGA, for one or more of the following:
  - i.) park or recreation space for the benefit of County residents and the general public;
  - ii.) a buffer space between land uses;
  - iii.) for school board purposes in accordance with an applicable Joint Use and Planning Agreement.

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- b) **MR (cash-in-lieu)** shall be required in all other scenarios. The rate for cash-in-lieu of MR shall be determined by one of the following methods:
  - i.) in accordance with Section 667(a) of the MGA, the applicant may provide a market value appraisal for the purpose of determining the value of the existing parcel of land; or
  - ii.) in accordance with Section 667(b) of the MGA, the applicant may elect to use the County’s general dollar value per acre rate to determine the cash-in-lieu of MR value, which is \$3,500 per acre.
    - a. Notwithstanding the foregoing, the Subdivision Authority may establish a different rate than the one in #2 (above) where the Subdivision Authority is of the opinion that the value of the lands subject of the subdivision is not consistent with the general rate.
- c) **MR (deferral)** may be deferred, in accordance with Section 669 of the MGA, where it is likely that resubdivision will occur in the opinion of the Subdivision Authority.
- d) **Disposal of MR** may be approved, in accordance with Sections 674 and 675 of the MGA, and upon taking into consideration the representations made at the public hearing, and any applicable Joint Use and Planning Agreement with a school board, at the discretion of Council. Council shall, at its discretion, determine an appropriate compensation amount with consideration for the anticipated market value of the lands.

2. Environmental Reserve (ER)

Pursuant to Section 663 & 664 of the Municipal Government Act (MGA), and the relevant policies of the Municipal Development Plan and any other statutory plan, environmental reserve (ER) may be required at the time of subdivision for the purposes of preserving the natural features of the landscape, preventing pollution, ensuring public access to a body of water, or to prevent development of the land where significant risk could occur during the development or use of the lands. The Subdivision Authority may require ER to be dedicated in accordance with the following:

- a) ER may be required for those portions of land that consists of or is adjacent to the physical features described in Section 664 of the MGA, including physical features like shorelines, coulees, ravines, steep slopes, drainage courses and wetlands. ER lands are to be left in their natural condition as much as is possible.

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- b) The County’s preference is normally to take ER as an environmental reserve easement, whereby an easement is registered against the land in favour of the County, as opposed to a land dedication where the County takes ownership.
- c) An Environmental Reserve Easement (ERE) normally doesn’t provide for public access. Therefore, ERE shall be utilized where public access isn’t required or where the environmental sensitivity of the site makes it unsuitable for public use.
- d) Shoreline areas along water bodies may not be suitable for ERE where public access is desired.
- e) An ERE agreement shall include clear statements as to how the site will be controlled and used.

3. Management of Reserve Lands & Cash-In-Lieu of Reserve Lands

In order to facilitate the responsible management of reserve lands the County the following provisions shall be considered by the relevant approving authority.

- a) The County may require that reserve lands be posted with a notice outlining the County’s interest in the lands.
- b) The County may require that reserve lands be fenced with a low-maintenance fence, to the satisfaction of the County, and dealt with in a development agreement, a condition of subdivision or development approval, or by other means.
- c) Public trails may be developed on reserve lands, at the discretion of the County.
- d) Camping or overnight use of reserve lands will not be permitted.
- e) Cash-in-lieu of land for MR shall be accounted for separately and may only be used for:
  - i.) improvements on reserve lands;
  - ii.) the acquisition of reserve lands outside of the subdivision process;
  - iii.) purposes in accordance with an agreement made between the County and a school board; or
  - iv.) capital recreation projects in urban municipalities within or adjacent to the County where there is a benefit to County residents.

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- f) The County will conduct a base line inventory of all reserve lands that identifies the condition of each reserve, any requirements for management actions and whether the land may be surplus to the County’s needs. Monitoring of reserve lands will be conducted annually to ensure ongoing compliance with this policy.