



TOWN OF BROOKS

POLICY NO: E-002-019

REFERENCE:	ADOPTED BY: Resolution #02/637	SUPERSEDES: NEW
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PREPARED BY: Planning Department	DATE ADOPTED: December 2, 2002
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TITLE:
DEDICATION OF MUNICIPAL RESERVE LANDS

POLICY STATEMENT:

The Town of Brooks values open space within the community and will utilize the provisions of the Municipal Government Act to acquire municipal reserve lands.

THE PURPOSE OF THIS POLICY IS TO:

Provide direction to Administration in the preparation or revision of statutory plans and the review of subdivision applications by:

- Establishing a procedure to administer the determination of when and where municipal reserve land will be required by the Town of Brooks at the statutory plan level or as a result of subdivision of land in accordance with the Municipal Government Act.
- Establishing a framework by which direction may be given to Administration to ensure a consistent approach to the acquisition of municipal reserve land when a statutory plan is prepared or amended or where subdivision of land occurs.



PROCEDURE

AUTHORITY: **EFFECTIVE DATE:** **POLICY NO: E-002-019**
Page 2 of 9

TITLE:
DEDICATION OF MUNICIPAL RESERVE LANDS

DEFINITIONS

Cash-in-lieu – Money paid to the Town in place of land dedication for municipal reserve.

County – Means the County of Newell No. 4.

Municipal Reserve (MR) Land - All land specified as municipal reserve according to the authority of the planning legislation and registered as such at the Land Titles Office.

Subdivision Approving Authority – Is deemed to be the Intermunicipal Planning Commission or its successor.

Terminal Subdivision – A subdivision application involving a parcel that is, in the opinion of the municipality, unlikely to be further subdivided once the application has been approved by the subdivision approving authority.

Town – Means the Town of Brooks.

PROCEDURES

PLANNING PROCESS

Municipal reserve may be identified within the statutory plan review process. This may be done through the municipal development plan or an area structure plan. General policies on open space have been identified within the municipal development plan adopted by Council in 2001. These policies are to be considered/applied in any review of statutory plan amendments or revisions for land that may include the requirement for municipal reserve.

In the review process for an adoption or amendment to an area structure plan, gross definition of open space and linear pathways will be determined by Administration for each neighbourhood within a Plan Area. The Parks, Recreation and Culture Master Plan adopted in 2000 identified a maximum distance of 400 m from a residence to a neighbourhood park. A general rule to follow in the preparation of, or revision to, an area structure plan is to ensure new areas of the community have a neighbourhood park designated within 400m of each residence.



PROCEDURE

AUTHORITY: **EFFECTIVE DATE:** **POLICY NO: E-002-019**
Page 3 of 9

TITLE:
DEDICATION OF MUNICIPAL RESERVE LANDS

PROCEDURES continued...

Through the area structure plan review process, general locations for neighbourhood parks may be established through Council, Committee and staff review and public input.

When Administration reviews subdivision applications, municipal reserve may be identified as a requirement of approval. Municipal reserve may be required in the form of land, money in place of land or a combination of them, or by caveat. In reviewing each application, Administration will make reference to the Parks, Recreation and Culture Master Plan to ensure to the extent practical that a maximum distance of 400 m from a residence is maintained in a neighbourhood. Administration shall also review municipal reserve requirements with each applicant at the statutory plan review stage or subdivision review stage; whichever is the most applicable for an application.

RESPONSIBILITIES

Manager of Planning Services

The Manager of Planning Services has a responsibility to advise Administration and Town Council on the development of land use policies, statutory plans and other related regulations relative to the dedication of municipal reserves.

The Manager of Planning Services has a responsibility to advise an applicant at the time of application or when an inquiry is made of the need for municipal reserve, in what form and where it should be located based on the Parks, Recreation and Culture Master Plan guidelines. When all or a portion of the municipal reserve requirement is to be resolved by the payment of cash, the Manager of Planning Services will advise the applicant of the uses on which the municipality can expend the cash-in-lieu.

The Manager of Planning Services has a review and assessment responsibility regarding a recommendation to the Director, Engineering & Property Services, Municipal Planning Commission and Town Council for the dedication of municipal reserve lands for each subdivision application or area structure plan. This recommendation will include where and how municipal reserve land should be dedicated. The recommendation will be based on the Municipal Government Act



PROCEDURE

AUTHORITY:

EFFECTIVE DATE:

POLICY NO: E-002-019

Page 4 of 9

TITLE:

DEDICATION OF MUNICIPAL RESERVE LANDS

RESPONSIBILITIES continued...

and regulations, applicable provincial land use policies, the municipal development plan, area structure plan, Parks, Recreation and Culture Master Plan, comments received in the circulation of a subdivision application, statutory plan or amendment thereto, as well as this policy.

Where the density exceeds 30 dwelling units per hectare of developable land, the Manager of Planning Services may recommend that additional municipal reserve land be dedicated as provided under the Municipal Government Act and the municipal development plan.

Director, Engineering and Property Services

The Director, Engineering and Property Services, or designate, has a review and assessment responsibility regarding a recommendation to the Manager of Planning Services for each subdivision application or area structure plan proposal to determine where and how municipal reserve lands should be dedicated. If municipal reserve land is required in a subdivision application, the Director, Engineering and Property Services will be responsible for determining suitability of the site and site preparation in conjunction with the Director, Recreation and Parks Services.

Director, Recreation and Parks Services

The Director, Recreation & Parks Services has a responsibility to identify the long-range requirements for municipal reserve within the preparation of statutory plans or amendments thereto.

The Director, Recreation and Parks Services, has a review and assessment responsibility regarding a recommendation to the Manager of Planning Services for each subdivision application or area structure plan proposal to determine where and how municipal reserve lands should be dedicated. If reserve land is required in a subdivision application, the Director, Recreation and Parks Services will be responsible for determining suitability of the site and site preparation in conjunction with the Director, Engineering and Property Services.



PROCEDURE

AUTHORITY: **EFFECTIVE DATE:** **POLICY NO: E-002-019**
Page 5 of 9

TITLE:
DEDICATION OF MUNICIPAL RESERVE LANDS

RESPONSIBILITIES continued...

Town Council

The Town Council has a responsibility to determine the most appropriate form of municipal reserve with regard to the municipal development plan, area structure plan, the Parks, Recreation and Culture Master Plan, and this policy in order to provide a recommendation to the subdivision approving authority.

Town Council may waive or modify the application of this Policy on a case-by-case basis as circumstances warrant.

REVIEW AND ASSESSMENT

Area Structure Plan Review

At the time an area structure plan is created or revised, Administration shall assess areas for potential municipal reserve sites. Administration will determine the general location of reserve sites as well as general policies applicable to such sites in accordance with the Municipal Government Act, the municipal development plan, the Recreation and Culture Master Plan and this policy. Open space, parkland, as well as linear pathways connecting open spaces and parkland, will be determined in accordance to the policies of the municipal development plan and the Parks, Recreation and Culture Master Plan.

Subdivision Review

When a subdivision application is submitted to the Town or an inquiry is made about subdivision of a parcel, staff will review each application or inquiry to determine the need for municipal reserve and discuss requirements with the applicant or inquirer. This review will be based on:

- (a) Requirements of the Municipal Government Act;
- (b) Policies of the Municipal Development Plan;
- (c) Policies of an Area Structure Plan;
- (d) Parks, Recreation and Culture Master Plan; and,



PROCEDURE

AUTHORITY: **EFFECTIVE DATE:** **POLICY NO: E-002-019**
Page 6 of 9

TITLE: **DEDICATION OF MUNICIPAL RESERVE LANDS**

REVIEW and ASSESSMENT continued...

- (e) In the absence of policies within statutory plans for the subject parcel, this policy.

Where municipal reserve is identified as being required from an inquiry, staff will so advise the inquirer and the likely form that will be required. In an application, staff will advise an applicant once a review has been completed to address concerns at the time of application. Staff will formulate a recommendation to Town Council regarding the form in which it will be required, i.e., deferred reserve, land, cash-in-lieu or combination thereof.

Municipal reserve land will be provided according to the following manner in order of preference:

Residential

1. As land as part of the open space network established through the statutory planning process for the neighbourhood.
2. As a deferred reserve caveat where it can be shown that such open space is not required at the time of subdivision approval but may be required as part of a larger neighbourhood park in the future.
3. As cash-in-lieu only where it can be shown that a neighbourhood has sufficient open space and does not warrant additional municipal reserve land.
4. As part land and cash where it can be shown that additional land is required within a neighbourhood but not necessarily the amount available under the Municipal Government Act and monies can be used elsewhere in the community to refurbish existing parks or establish other open spaces. The distribution of the land and money will be determined on an application-by-application basis.



PROCEDURE

AUTHORITY: **EFFECTIVE DATE:** **POLICY NO: E-002-019**
Page 7 of 9

TITLE:
DEDICATION OF MUNICIPAL RESERVE LANDS

REVIEW and ASSESSMENT continued...

Non-Residential Parcels Subject to Subdivision Application

Where a non-residential parcel is to be subdivided and there is a statutory requirement for municipal reserve in the form of land, the Town will require an applicant to pay cash-in-lieu equivalent to ten percent of the subdivided parcel at market value until such time as the amount of municipal reserve remaining in the parent parcel is the amount of land the municipality requires for parkland or open space.

Non-Residential Parcels With an Existing Deferred Reserve Caveat

Where subdivision occurs of non-residential parcels with an existing deferred reserve caveat, the applicant will be responsible for providing ten percent of the proposed parcel's municipal reserve as cash-in-lieu. Cash-in-lieu will be based on the market value of the land. The applicant may also choose to pay in full all outstanding municipal reserve dedication for the subject and parent parcel at their discretion. Any outstanding municipal reserve requirement remaining after subdivision of the proposed parcel will be subject to a deferred reserve caveat being registered on the title of the parent parcel.

Terminal Subdivisions

When the municipality is of the opinion that a subdivision application is likely to be the final application affecting that property, the applicant will be responsible for ensuring that all municipal reserve obligations are fulfilled to its satisfaction.

Deferred Reserve Caveats

Where a deferred reserve caveat is registered against the remnant parcel and where the municipality has no requirement for land dedication from the remnant parcel, an agreement may be entered into between the Town and the landowner/applicant whereby the land may be charged with payment of cash-in-lieu within five (5) years of entering into the agreement. The value of the cash-in-lieu will be determined at the time of the approval as per the requirements of the Municipal Government Act. The landowner would be responsible for payment of this cash-in-lieu on or before the expiry date of the agreement.



PROCEDURE

AUTHORITY: **EFFECTIVE DATE:** **POLICY NO: E-002-019**
Page 8 of 9

TITLE:
DEDICATION OF MUNICIPAL RESERVE LANDS

REVIEW and ASSESSMENT continued...

Municipal Reserve in the Form of Land

Where municipal reserve is acquired in the form of land, the applicant will be responsible for providing such land in a form and location acceptable to the municipality. The Director, Recreation and Parks Services and the Director, Engineering and Property Services shall review each municipal reserve site to ensure that it meets municipal standards.

The use and disposal of municipal reserve land shall be subject to the Municipal Government Act, as amended.

School Reserve

School reserve may be taken as municipal reserve in residential areas as part of the school site requirements identified in the area structure plan review process. School reserve may be deferred by caveat for use at a future date where it can be shown that a school site is not required at the time of subdivision approval but may be required in the future. Cash-in-lieu may only be taken where it can be shown that a school site is not required in a neighbourhood.

Calculation of Municipal Reserve Requirement

The first 0.8 ha (2.0 acres) of a parent parcel is exempted from the municipal reserve requirement. This includes both residential and non-residential parcels. The following example demonstrates this principle:

- a) A 2.02 ha (5.0 acre) parcel normally requires 0.202 ha or 0.50 ac in municipal reserve. Instead of municipal reserve being based on the whole parcel, the municipal reserve requirement will be based on 1.21 ha or 3.0 acres.

This calculation will only occur where a parent parcel is greater than 0.80 ha or 2.0 acres, otherwise the requirements of the Municipal Government Act and the Municipal Development Plan apply.



PROCEDURE

AUTHORITY:

EFFECTIVE DATE:

POLICY NO: E-002-019

Page 9 of 9

TITLE:

DEDICATION OF MUNICIPAL RESERVE LANDS

REVIEW and ASSESSMENT continued...

The 0.8 ha (2.0 acres) exemption shall only apply to parcels of land existing as of the date this policy is adopted by the municipality. The 0.8 ha (2.0 acre) exemption shall only be applied once to each such parcel regardless of the number of times that it is subsequently subdivided.