

SER-008-015

Strathcona County
Municipal Policy Handbook

Dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement

Date of Approval by Council: 06/27/95; 06/28/05;
01/22/2013

Resolution No: 553/95; 474/2005
41/2013

Lead Role: Chief Commissioner

Replaces: n/a

Last Review Date: January 22, 2013

Next Review Date: 01/2016

Administrative Responsibility: Planning and Development Services

Special Notes:

Cross reference with Policy SER-009-032, Biophysical Assessment.

Policy Statement

The Municipal Government Act provides authority to the Subdivision Authority of a municipality that it *may* require the dedication of Municipal Reserve and Environmental Reserve.

The purpose of this Policy is to affirm that the Subdivision Authority of Strathcona County shall require the dedication of Municipal Reserve and Environmental Reserve when reserves are owing on lands that are the subject of a subdivision application.

The purpose of this Policy is also to establish guidelines and roles and responsibilities for the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easements in Strathcona County.

Definitions

Buffer means

a strip of land of variable width placed on the landscape and managed in such a way so as to maintain desired ecological processes and provide economic and societal benefits.

Environmental Reserve (ER) means

lands defined as Environmental Reserve in the Municipal Government Act.

Environmental Reserve Easement (ERE) means

an easement created for purposes specified in the Municipal Government Act.

Environmentally Sensitive Lands means

areas which:

1. provide an important linking function and permit the movement of wildlife over considerable distances, including migration corridors and migratory stopover points;
2. perform a vital environmental, ecological or hydrological function such as aquifer recharge;
3. contain rare or unique geological or physiographic features;
4. contain significant, rare or endangered plant or animal species;
5. are unique habitats with limited representation in the region or are a small remnant of once large habitats;
6. contain an unusual diversity of plant and/or animal communities due to a variety of geomorphological features and microclimatic effects;
7. contain large and relatively undisturbed habitats and provide sheltered habitat for species which are intolerant of human disturbance;
8. are excellent representatives of one or more ecosystems or landscapes that characterize a natural region;

9. have intrinsic appeal due to widespread community interest or the presence of highly valued features or species such as game species or sport fish; and
10. have lengthy histories of scientific research.

Gross Developable Area (GDA) means

the title area of the lands that are the subject of a subdivision application, less:

- the area of land taken as environmental reserve or as an environmental reserve easement, and
- the area of the land required for roads, public utilities or both in excess of the 30% allowed by the Municipal Government Act.

Municipal Reserve (MR) means

lands defined by the Municipal Government Act as Municipal Reserve, and all land owned by the county where the acquisition of the land has been funded by the Public Reserve Trust account.

Open Space means

public land that provides social and environmental benefits and outdoor infrastructure that promote an identity or sense of place for the community and improves the quality of the life for residents. Open spaces may include, but are not limited to, landscaped areas, natural areas, active and passive recreational areas and outdoor community gathering spaces.

Public Utilities means

those systems or works that provide a utility service for public consumption, benefit, convenience or use, as defined by the Municipal Government Act.

Public Utility Lot means

land required to be dedicated for public utilities, as defined by the Municipal Government Act.

Strathcona County Design and Construction Standards means

Policy, as adopted by Council, that provides the details, requirements and specifications for land development in both urban and rural areas of Strathcona County.

Riparian means

transitional land of variable width and extent above and below ground, between upland and wetland ecosystems. Riparian lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological and other physical characteristics that reflect the influence of water and hydrological processes.

Road means

lands defined by the Municipal Government Act as road.

Rural Service Area means

the territory of Strathcona County excluding the Sherwood Park Urban Service Area as defined by Order In Council 761/95, as amended by Council resolution from time to time.

Urban Service Area means

the Sherwood Park area that provides a predominantly residential function; a diversified commercial and industrial base; as well as local and regional services and facilities as defined by Order In Council 761/95, as amended by Council resolution from time to time.

Guidelines

When proposed subdivisions are considered that involve environmentally sensitive lands, the Subdivision Authority will require the dedication of Municipal Reserve, Environmental Reserve and/or Environmental Reserve Easement under the authority of the Municipal Government Act. The goal is to incorporate reserve land into the County's green infrastructure inventory for public benefit and to ensure long term sustainability of the natural landscape.

When proposed subdivisions are considered where Municipal Reserves are owing on the subject lands, the Subdivision Authority will require the dedication of Municipal Reserves at 10% of the Gross Developable Area, as defined by the Municipal Development Plan and this Policy.

When the density of a proposed subdivision is 30 dwelling units or more per hectare of gross developable area, in accordance with the Municipal Government Act, the County may require additional Municipal Reserve dedication as allowed under the Act and the Subdivision and Development Regulation.

In order to meet Alberta Environment and Sustainable Resource Development's goal to have adequate riparian buffers established between development and a lake, river, watercourse, or wetland, the use of Environmental Reserve lands are required.

The Subdivision Authority shall not require the dedication of Municipal Reserve and Environmental Reserve if:

- 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 and 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 the place of it was provided in respect of the land that is the subject of the proposed subdivision pursuant to the Municipal Government Act.

Roles & Responsibilities

1. The Manager of Environmental and Open Space Planning is responsible to:
 - a. assess and review proposed Municipal Reserve, Environmental Reserve and Environmental Reserve Easement dedications, and
 - b. provide input to the Subdivision Authority regarding the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement.
2. The Manager of Land Development Services is responsible to:
 - a. receive input regarding the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement and to incorporate that input into recommendations to the Subdivision Authority
 - b. ensure that appropriate conditions are attached to subdivision approvals to ensure that Municipal Reserve, Environmental Reserve and Environmental Reserve Easement are dedicated pursuant to the decisions of the Subdivision Authority
 - c. maintain a record of the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement to ensure that reserve dedications are tracked accurately so that assessments for reserve dedications on developing lands are current and timely, and
 - d. provide input to the Manager of Land Management Services, as required, with respect to reserve closure applications.
3. The Manager of Land Use and Policy Planning is responsible to:
 - a. assess and review proposed Municipal Reserve, Environmental Reserve and Environmental Reserve Easement dedications, and
 - b. provide input to the Subdivision Authority regarding the dedication of Municipal Reserve, Environmental Reserve and Environmental Reserve Easement.
4. The Manager of Land Management Services is responsible to:
 - a. maintain accurate and complete records of all Municipal Reserve, Environmental Reserve and Environmental Reserve Easement that are acquired pursuant to this policy, and
 - b. administer the reserve closure process, under the authority of the Municipal Government Act.
5. The Manager of Land Management Services, working with the Transportation & Agriculture Services Department and Special Constable and Bylaw Services, is responsible in the Rural Services Area to:
 - a. carry out enforcement measures when County-owned reserve lands are encroached upon or

used for non-public purposes.

6. The Manager of Land Management Services, working with the Recreation, Parks and Culture Department and Special Constable and Bylaw Services, is responsible in the Urban Services Area to:
 - a. carry out enforcement measures when County-owned reserve lands are encroached upon or used for non-public purposes.

Procedures

Procedures have been developed to ensure effective implementation of the policy (Doc. #PDRS Admin 4020707).