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|  | Planning & Design POLICIES | Policy Number 2018-13 |
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RESERVE LAND: COMMERCIAL AND INDUSTRIAL SUBDIVISIONS POLICY

Summary

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| Title of Document: | Reserve Land: Commercial and Industrial Subdivisions Policy |
| Title of Designated Responsible Manager: | General Manager, Planning & Design |
| Original Date Approved: | Sep 18, 1989 |
| Approved By: | City Council |
| Last Revision: | N/A |
| Next Review Date: | Not Defined |

Purpose

The purpose of this Policy is to ensure commercial and industrial developments set aside sufficient amounts of land for municipal purposes (reserve). This land is to be used for public needs (such as buffers, parks etc) as the City sees fit.

Background

Prior to the implementation of this Policy, the practice of reserve land was based on a 1984 policy to require 5% cash-in-lieu (in-lieu of land) for industrial developments only. However the Planning and development Services Director presented a letter to Council recommending extending the policy to commercial subdivisions as well given the City’s emphasis at the time on economic development. This new Policy replaced the existing one, and is outlined in more detail under ‘Policy Statement’.

Supporting Research and Analysis

Research undertaken in the creation of this policy included an analysis of a letter from the Office of City Clerk dated September 20, 1989 to the Planning Superintendent. The letter confirms that Council passed the recommendations of the Planning Superintendent and the new recommendations outlined in the letter were used as the basis in the creation of this Policy. Other findings in the research included:

- relevant government policy and legislation
 - **Municipal Government Act Section 666(1):** allows municipalities to require the owner of a parcel of land that is proposed for subdivision, to provide part of a parcel of land for municipal reserve (or money in place of land).

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- **Municipal Government Act Section 666(2):** establishes that land for the municipal reserve cannot exceed 10% of the parcel of land (after environmental reserves are taken).
- **Municipal Government Act Section 666(3):** states that the total amount of money that may be required cannot exceed 10% of the appraised market value of the parcel of land (after environmental reserves are taken).
- The Policy is consistent with the strategic directions of the City for economic development, and is also in compliance with the MGA Section 666.
- This Policy builds and adds to the existing 1984 Policy for industrial land reserves. This new Policy expands the scope of money in-lieu of land to be required for commercial developments as well.

Policy Statement

- **On both commercial and industrial lands, the City should take municipal reserve (if required) up to 10%.**
- **In development areas where reserve is required, all landowners will contribute to the required reserve on a pro-rata basis (either by land or cash-in-lieu as necessary).**
- **When no municipal reserve is required for a commercial or industrial development, the maximum amount of cash-in-lieu requested will be 5%**
- **If municipal reserve requirements are less than 5%, the maximum amount of cash-in-lieu requested should be calculated on the difference between 5% of total land area and actual reserve required.**
- **Reserve requirements for commercial and industrial subdivisions should be calculated separately from residential land reserve requirements, even if the commercial or industrial development is part of a larger residential subdivision.**

Supporting Information (attached)

- Letter confirming City Councils approval of the Planning Superintendents recommendations regarding reserve land, in City Council Meeting of June 20, 1989 – Appendix ‘A’
- Municipal Government Act, Section 666 – Appendix ‘B’

Responsibility for Policy Implementation & Monitoring

- General Manager, Planning & Design

Key Functional Stakeholders

- Planning & Design Department

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Definitions

Municipal Reserve (defined in 'MGA Review Discussion Paper')

- “These types of reserves can be used for a public park, recreation area, school board purposes, or to separate lands that are used for different purposes (e.g., as a buffer). At the time of subdivision, a total of 10 per cent of the original parcel (less the amount taken for environmental reserve) can be taken as these types of reserves. In specific circumstances, an additional five per cent may be requested. Rather than asking for land, a municipality may require money in place of reserve land or choose to defer receiving the reserve land until a future subdivision occurs on the land. Calculation of money in place of reserve land is based upon either market value appraisal of the land or a value that is agreed upon between the developer and the subdivision authority”

Policy Status

The purpose of this section is to provide the reader with a quick summary of the policy status. All items in dot points under the following headings:

Current Status

In effect

Date Effective

Sep 18, 1989

Approval Details

City Council

Endorsement Details

City Council

Next Review Date

Not defined

Policy Author

Planning Assistant

Authored date

June 18, 2018

Contacts

Planning Manager, Planning & Design

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Policy Location

- File Path:
 - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\Pla_Reserve Policies\Policy
- Website page

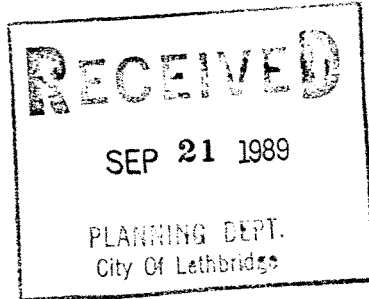
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copy to Barry P.*



City of Lethbridge

OFFICE OF
CITY CLERK

September 20, 1989



640-A
650-A

TO: Planning Superintendent

RE: Cash-in-Lieu for Reserve Land in Commercial
and Industrial Subdivisions

Your letter of June 20th was presented at a regular meeting of the City Council held on Monday, September 18th, and in this connection the following resolution was passed:-

"THAT letter from the Planning Superintendent, dated June 20, advising that in 1984 Council adopted a policy which requested 5% cash-in-lieu dedication for industrial subdivisions and in view of the current emphasis on economic development, there is merit in extending this policy to commercial subdivisions as well and after a complete review and with the concurrence of the Municipal Planning Commission, the following policies are recommended to replace previous industrial cash-in-lieu policy:

- 1) On both commercial and industrial lands, the City should take municipal reserve, if required, up to 10%.
- 2) In development areas where reserve is required, all landowners will contribute to the required reserve on a pro-rata basis (either by land or cash-in-lieu as necessary).
- 3) Notwithstanding policy 2, if no municipal reserve is required for a commercial or industrial development, the maximum amount of cash-in-lieu requested will be 5%.
- 4) If municipal reserve requirements are less than 5%, the maximum amount of cash-in-lieu requested should be calculated on the difference between 5% of total land area and actual reserve required.

. . . /2

5) Reserve requirements for commercial and industrial subdivisions should be calculated separately from residential land reserve requirements, even if the commercial or industrial development is part of a larger residential subdivision,

be filed, AND FURTHER THAT the recommendations be approved."



M. Jean Johnstone
CITY CLERK

MJJ:kn

cc: City Manager
City Solicitor
Administrative Services Manager
Development Services Manager

Appendix 'B'

Designation of municipal land

665(1) A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of

- (a) municipal reserve, which must be identified by a number suffixed by the letters “MR”,
- (b) public utility lot, which must be identified by a number suffixed by the letters “PUL”,
- (c) environmental reserve, which must be identified by a number suffixed by the letters “ER”,
- (c.1) conservation reserve, which must be identified by a number suffixed by the letters “CR”,
- (d) school reserve, which must be identified by a number suffixed by the letters “SR”,
- (e) municipal and school reserve, which must be identified by a number suffixed by the letters “MSR”, or
- (f) a lot, which must be identified by a number.

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.

RSA 2000 cM-26 s665;2016 c24 s117

Municipal and school reserves

666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision

- (a) to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,
- (b) to provide money in place of municipal reserve, school reserve or municipal and school reserve, or

(c) to provide any combination of land or money referred to in clauses (a) and (b).

(2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% 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) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, 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.

(3.1) For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

(4) When a combination of land and money is required to be provided, the sum of

- (a) the percentage of land required under subsection (2), and
- (b) the percentage of the appraised market value of the land required under subsection (3)

may not exceed 10% or a lesser percentage set out in the municipal development plan.

RSA 2000 cM-26 s666;2016 c24 s118

Money in place of municipal, school reserve

667(1) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the applicant must provide

- (a) a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made
 - (i) 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
 - (ii) on the basis of what might be expected to be realized if the land were in an unsubdivided state and sold in