

Municipal Reserve

Resolution Category:

Subject:

Year:

2017

Status:

Sponsor:

City of St. Albert

Active Clauses:

NOW THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association request that the Provincial Government amend Section 668 of the *Municipal Government Act* to enable it to be utilized by municipalities.

Whereas Clauses:

WHEREAS Section 668 of the *Municipal Government Act* allows municipalities to take an additional 5% of municipal and school reserve land in addition to that required under Section 666 of the *Municipal Government Act*, and

WHEREAS the way in which Section 668 of the *Municipal Government Act* is worded in such a way that makes it impractical for municipalities to make use of the provision.

Resolution Background:

Currently, municipalities are allowed to take 10% of the parcel of land (less the land required to be provided as an environmental reserve and the land made subject to an environmental reserve easement) as municipal reserve, school reserve, or municipal and school reserve (MGA S.666 (2), 2000). The planning for this is done at the Area Structure Plan (ASP) stage, but the land is taken at the time of subdivision.

Additionally, Section 668 of the MGA allows municipalities to take an additional 5% of municipal and school reserve at densities of 30 or more units per hectare based on a

proposed subdivision . Planning for the 5% at the subdivision level has proven too impractical for municipalities to be able to implement for the following reasons:

- Section 668 provides for the acquisition of additional land, but not money in place (cash in lieu);
- Taking the additional land at the subdivision level does not result in usable additional municipal reserve to serve the purposes of a neighbourhood; and
- Taking the additional land at the subdivision level has the potential to require an Area Structure Plan amendment if the municipal reserve taken varies from the ASP.

This is the first time this resolution has been submitted by the City of St. Albert. There was an AUMA resolution passed in 2013 with respect to “School Sites for our Communities Future” which outlined the need for an increase in the initial allowable percentage of municipal reserve land that can be taken from 10% to 15%. This proposed increase did not include the additional 5% that is available to municipalities in higher-density areas. This proposed resolution differs from the former in that it is not seeking to increase the percentage of municipal or school reserve, it is seeking to amend a section of the *MGA* to enable municipalities to practically implement it.

The City of St. Albert raised this issue in the course of the *MGA* Consultations conducted by Municipal Affairs. The Ministry acknowledged that municipalities are not using the additional 5% made available to them in Section 668 and asked why. The City of St. Albert hosted a session in January 2016 with the Cities of Edmonton, Leduc, Spruce Grove, Red Deer, and Airdrie and invited representatives from the Provincial Government. The issue of why municipalities are not using Section 668 was subsequently more thoroughly examined, and it was determined that because of the wording specifying the 5% be taken based on densities at the subdivision level, it is impractical for municipalities to implement.