



Incorporated

R.M. of Frenchman Butte No. 501

POLICY TITLE Municipal or Public Reserve Policy		ADOPTED BY RM Council Resolution No. 2017-05-11-027 EFFECTIVE DATE May 11, 2017	POLICY NO. 600-01
ORIGIN/AUTHORITY RM Council	JURISDICTION RM of Frenchman Butte No. 501	Amended: Rescinded:	Resolution No. Resolution No.

1. PURPOSE:

To establish policies for Municipal or Public Reserve

2. DEFINITIONS:

2.1 Act: Shall mean *The Planning and Development Act, 2007*

2.2 Approving Authority: means the Minister of Government Relations

2.2 Council: Means Council for the Rural Municipality of Frenchman Butte No. 501.

2.3 Dedicated Lands: Means municipal reserve, public reserve

2.4 Money in Lieu: sum of money the developer or applicant is required to pay to the municipality in lieu of that land required for Municipal or Public Reserve

3.0 SCOPE:

- a. Policy to determine money in lieu value for Municipal or Public Reserves
- b. Policy to determine acceptable uses for Municipal or Public Reserves

4.0 MONEY IN LIEU OF MUNICIPAL RESERVE POLICY:

4.1 Money in lieu of municipal reserve land *Section 187 of The Act*

187(1) If it appears to the approving authority that the dedication of land as municipal reserve would, for any reason, be unnecessary or undesirable at the time of subdivision, the approving authority may:

(a) direct that the requirements of the dedication of land to municipal reserve be waived in whole or in part; and

(b) require the applicant to pay to the municipality in lieu of that land a sum of money equal to:

(i) in the case of land subdivided for residential purposes, 10% of the value of the land that remains when the land required to be provided as environmental reserve has been subtracted from the subdivision; or

(ii) in the case of land subdivided for non-residential purposes, 5% of the value of the land that remains when the land required to be provided as environmental reserve has been subtracted from the subdivision

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(2) If a combination of land and money is required to be provided with respect to municipal reserve, the total of the following must not exceed an amount equal to the maximum applicable requirements for land dedication:

- (a) the percentage of land required;
- (b) the percentage of the value of the land required.

(3) For the purposes of this section, the value of the land shall be determined on the basis of its market value, on the basis that the land is in a subdivided un-serviced state.

(4) Notwithstanding subsection (3), the calculation of the market value mentioned in subsection (3) must exclude servicing fees as a result of a servicing agreement pursuant to subsection 172(3).

(5) The market value mentioned in subsection (3) must be determined by a qualified appraiser selected and paid for by the municipality, unless the value of the land is:

- (a) recommended by the municipality in which the land proposed for subdivision is located; and
- (b) agreed to by the applicant and the approving authority.

4.2 The municipality may use the following when determining market value:

1. Fair Market Value Assessment provided by SAMA for property and other properties comparable in size and location.
2. Land Sales Value as shown on “Change of Ownerships” received from ISC.
3. Compensation Paid for *Road Right of Way Purchases*
4. A report supplied by a qualified market appraiser.

5.0 MUNICIPAL AND PUBLIC RESERVE USES

5.1 Use of municipal reserve, public reserve *Section 192 of The Act*

192(1) Subject to subsection (2), a public reserve or a municipal reserve is only to be used for:

- (a) a public park or buffer strip;
- (b) a public recreation area;
- (c) school purposes;
- (d) a natural area;
- (e) a public building or facility;
- (f) a building or facility used and owned by a charitable corporation as defined in The Non-profit Corporations Act, 1995;
- (g) agricultural or horticultural uses; or
- (h) any other specific or general use that the minister may prescribe by regulation.

5.2 Any other uses provided in *The Dedicated Lands Regulations, 2009*

5.3 Council shall approve any building or structures prior to installation or placement on Municipal or Public Reserve



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6.0 RESPONSIBILITY/INTERPRETATION/REPEALING:

This policy shall be administered and interpreted by the Administrator; however, this policy cannot be amended without Council approval.

This policy replaces all previous policies and resolutions that have been passed by the Council of the Rural Municipality of Frenchman Butte No. 501 with respect to the application of any and all parts of this policy and the terms and conditions contained herein.

This policy shall come into force and take effect on May 11, 2017 shall continue in full force and effect until repealed or replaced by subsequent resolution of Council.