

BILL 41 MUNICIPAL GOVERNMENT AMENDMENT ACT

The provisions of Bill 41 amending the *Municipal Government Act* with respect to community service reserves were proclaimed on November 24, 2010.

What is Community Services Reserve and how does it apply to reserve lands?

This legislation created a new category of reserve land designation, Community Services Reserve (CSR), for surplus school building sites. The CSR designation can only be applied to the building envelope portion of municipal or school reserves where the school board declares that it no longer requires the site for school purposes. CSR lands can be used for a broader range of public purposes that benefit the community.

What is the process to designate a reserve parcel as Community Services Reserve?

During subdivision, the owner of a parcel of land may be required to dedicate up to 10 per cent of land for Municipal Reserve (MR), School Reserve (SR), or Municipal and School Reserve (MSR). The parcel will have a land title that designates it as a reserve with MR, SR, or MSR in the name of the municipality and/or the school board, for example, Lot 1MR, Block 1, Plan 082-1234. These lands may be used for park, recreation or school purposes only.

If a school board no longer requires a site for school purposes it may declare the site surplus and transfer its interest to the municipality. This declaration will not take effect until it is approved by the Minister of Education. If the Minister of Education approves the surplus declaration, the municipality may, by bylaw, designate the school building envelope of the site to CSR and direct the Registrar of Land Titles to create a new title with the CSR designation.

What uses are allowed on Community Services Reserve sites?

A community service reserve site may be used for any of the following:

- a public library,
- a police station, a fire station or an ambulance services facility,
- a non-profit day care facility,
- a non-profit senior citizen facility,
- a non-profit special needs facility,
- a municipal facility providing direct service to the public, and
- affordable housing.

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The logo for the province of Alberta, featuring the word "Alberta" in a stylized, cursive script font, followed by a small square icon containing a stylized 'A'.

CSR sites must remain in the name of the municipality and the title may not be encumbered by a mortgage or other instrument.

What is the relationship between Community Services Reserve and the municipality's land use bylaw?

Each municipality in Alberta is required to adopt a land use bylaw that divides the municipalities into districts and provides for permitted and discretionary uses within each district. Some reserve sites are designated as "Public Services District" while other may be designated as an "Urban Services District", or "Neighbourhood Park Site." Regardless of the designation in the municipal land use bylaw municipal and school reserve lands may only be used for park, recreation or school purposes.

The use of community services reserve lands must comply with the uses allowed in section 671(2.1) of the *Municipal Government Act (MGA)*, and with the uses provided for in the municipality's land use bylaw. As a result, it may be necessary for a municipality to amend its land use bylaw designation of a community services reserve to allow for the uses permitted under section 671(2.1) of the *MGA*.

Currently, an amendment to a statutory plan or land use bylaw requires the municipality to give notice, hold a public hearing, and consider the views of all affected parties before approving, amending, or refusing the amendment. Amendments may be required to municipal plans and bylaws to allow for the broader range of uses permitted on CSR lands. If the amendment of the statutory plan or land use bylaw is to allow for the broader range of uses on CSR land, the municipality is exempted from the requirement to give notice and hold a public hearing prior to the approval of the amendment.

Legislative Changes

Bill 41 amends the following sections of the *MGA* in respect of CSR:

- 616(a.2) adds the definition of "community services reserve" to the list.
- 616(r.1) adds the definition of "non-profit", in respect of a day care, senior citizens or special needs facility to the list.
- 616(zz) amends the definition of "reserve land" adding community services reserve to the list of reserve land.
- 616(bb) replaces "school authority" with "school boards" in the list of definitions.
- 671(2.1) lists the purposes for which community services reserve land may be used.
- 671(5) to (8) outlines the power and process by which the Minister of Education determines school board purposes.
- 672(1) to (5) outlines the process by which the municipality designates a surplus school site as municipal reserve or community services reserve.
- 674 and 675 outlines the process by which the municipality disposes of reserve lands as well as the uses of the proceeds from the sale of reserve lands.
- 692(6.1) exempts the municipality from the requirement of giving notice and holding a public hearing for a bylaw amendment to a statutory plan or land use bylaw to provide for the broader range of public uses allowed for on CSR.

What actions might be required by municipalities?

This CSR designation applies only to municipal and school reserve sites that a school board declares it no longer requires for school purposes. Not every municipality will have sites that meet this qualification.

- Some municipalities may need to review their land use bylaw and their statutory plans for the potential for expanded uses of municipal reserve lands.
- Some municipalities may need to review any agreements with school board to address the CSR provisions.

For further information regarding this bulletin, please contact the Local Government Services Division of Alberta Municipal Affairs. For toll free access, call 310-0000, then 780-427-2225.