

Policy No: 120/16 Policy Title: Management of MR and ER Lands Department: Planning & Development Council Approval: Reviewed: January 18, 2016 Revised: N/A Supersedes Policy/Bylaw: n/a	M# RES. 26/16 Date: JANUARY 26, 2016
--	--

Policy Statement

1. Reason for Policy

- 1.1 Municipalities may request a landowner who is subdividing land to dedicate a portion of their property as municipal and/or environmental reserve as per the current Alberta Municipal Government Act. All reserve lands once subdivided are owned and managed by the municipality.
- 1.2 The purpose of this policy is to provide direction for the management of Town owned reserve lands, how to deal with existing encroachments on reserves, the potential disposal and leasing of existing reserve lands and the acquisition of reserve lands in new subdivisions.

2. Related Information

2.1 Use and Management of Municipal Reserves (MR)

MR lands are intended to provide land area for public recreation and park space use for the enjoyment of Town residents and the general public as identified in the current Alberta Municipal Government Act. MR lands may provide important access links to other lands, and can also offer undeveloped green spaces that act as buffers between different land uses.

The Town supports the following uses of MR lands:

- (i) Recreation facilities including indoor and outdoor ice arenas,
- (ii) indoor and outdoor sport fields,
- (iii) playgrounds,
- (iv) passive park and greenspaces,
- (v) trail systems,
- (vi) other facilities utilized for recreation and leisure activities and associated facilities supporting these amenities including parking lots and public washrooms.

2.2 Use and Management of Environmental Reserves (ER)

Environmental Reserve lands are intended to protect the natural environment, protect people and property from hazardous conditions (e.g. flooding) and provide public access to or along lakes and rivers as identified in current Alberta Municipal Government Act.

The Town will manage ER lands as follows:

- (i) ER lands will be generally left in their natural condition as much as possible.
- (ii) Public trails may be developed within a dedicated Environmental Reserve where conditions are suitable above the 1:100 flood levels with a minimum setback at 5metres within the 15metre Reserve area requirement.

2.3 Encroachments and Unauthorized Structures on Reserves

The Municipality will protect Municipal Reserves and environmental Reserves within its Municipal boundaries from unauthorized encroachments. All encroachments on reserves will be removed through the identified process outlined in the attached procedure.

2.4 Disposal of Reserves

The Town will not normally dispose of reserve lands. Sale or lease will only be considered in exceptional circumstances where the Town has carefully considered existing and future use of the property and has determined the reserve lands to be surplus to the Town needs.

Where the Town is considering disposal of reserve lands, a public hearing will be held to receive public input prior to deciding to proceed.

3. Definitions

- 3.1 **Development Authority (DA)** as defined under the current Town of Blackfalds Land Use Bylaw.
- 3.2 **Municipal Reserve (MR)** shall mean land designated as municipal reserve, held by the Town under the current Alberta Municipal Government Act.
- 3.3 **Environmental Reserve (ER)** shall mean land designated as environmental reserve, held by the Town under the current Alberta Municipal Government Act.

4. Responsibilities

4.1 Municipal Council to:

- 4.1.1 Approve by resolution this policy and any amendments.
- 4.1.2 Consider the allocation of resources for successful implementation of this policy in the annual budget process.

4.1.3 Where the Town is considering disposal of reserve lands, a public hearing will be held to receive public input prior to deciding to proceed

4.2 Chief Administrative Officer to:

4.2.1 Implement this policy and approve procedures.

4.2.2 Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.

4.3 Director of the Department to:

4.3.1 Ensure implementation of this policy and procedure.

4.3.2 Ensure that this policy and procedure is reviewed every three years.

4.3.3 Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

4.4 Manager to:

4.4.1 Understand, and adhere to this policy and procedure.

4.4.2 Ensure employees are aware of this policy and procedure.

4.5 All Employees to:

4.5.1 Understand and adhere to this policy and procedure.

5. Exclusions

5.1 This policy does not dictate how much reserve land will be dedicated to the municipality at the time of new subdivision, only how to manage and dispose of said lands once the dedication has been completed as outline in the MGA and through development negotiations.

PROCEDURE

Policy No: 120/16 Policy Title: Management of MR and ER Lands Department: Planning and Development	
---	--

1 Maintenance of Municipal Reserves

1.1 Municipal forces will be utilized to maintain Municipal Reserves.

- 1.1.1 In MR locations that are in their natural state with or without developed recreation facilities, the removal of vegetation will be at the discretion of the Director of Community Services or the Director of Infrastructure. However, vegetation removal may be considered where there is a public safety hazard as determined by the Town.
- 1.1.2 Mowing will only occur to control weeds and to reduce fire hazards. Removal of vegetation and mowing will be undertaken by the Town or as approved by the Town.
- 1.1.3 Placement of fill material and other yard wastes (e.g. grass clippings, tree pruning's) or the removal of any material will not be allowed.

2 Encroachments on MR and/or ER Lands

- 2.1 Responsible partie(s) of the encroachment as determined by the DA will be asked to remove unauthorized materials and structures will be asked to remove the structure and reclaim the lands within a reasonable amount of time as determined by the DA and typically shall not exceed one year.
- 2.2 If the responsible party/parties do not comply with the DA's order, the Town may take the necessary action to remove said encroachment and will charge the owner for all costs incurred.
- 2.3 Public Pathways and trails may be authorized with the approval of the Town upon request.

3 Disposal of MR property by the Town

The following procedure shall apply to the disposal of MR Lands by the Town:

3.1 Declaration of Surplus MR Property

- 3.1.1. Prior to the disposal of MR land by the Town, Council shall declare the land to be surplus in the following manner:
 - (i) The Director of Infrastructure and Property Services in conjunction with the Community Services Director with the advice of the Manager of Planning and Development will submit a report to Council recommending that the land in question be declared surplus to the needs of the Town once any recreational

potential has been considered due to the importance of the property as open and environmental space;

- (ii) Where Council deems it advisable to adopt any recommendation from Administration with respect to declaring any MR land owned by the Town as being considered surplus for all municipal purposes;
- (iii) When the recommendation is to keep a site, the recommendation is forwarded to Council without neighborhood consultation. Council will determine whether to end the process or to proceed with neighborhood consultation and a disposal hearing
- (iv) If Council, in a meeting open to the public, passes a resolution declaring any such land surplus to the needs of the Town then Council must proceed with consultation in accordance with the current Alberta Municipal Government Act.

3.2 Notice of Consultation

3.2.1 Notice will be circulated to the residents in the area of the MR land to be disposed and shall state:

- (i) Council's consideration of selling the land
- (ii) Reasons for the consideration of the sale of the MR land and associated details
- (iii) A map of the subject land
- (iv) Time and date of Council's consideration of the issue and opportunity to make a presentation at that time.

3.2.2 Public Input and Council's Consideration

- (i) Based on information presented, including public presentations, Council will determine by majority vote, whether to proceed with the sale of the MR land.
- (ii) Council will determine the method by which the MR land is to be sold and staff will initiate the disposal process.
- (iii) Council will decide on the method of establishing a "price" for the market value of the MR land whether it be by appraisal or review of land sales in the area.

4 Removal of land base from the Town

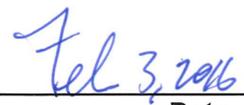
Administration will take all required steps to remove the land base from any Town records as required by the current Alberta Municipal Government Act.

5. End of Procedure

Approval



Chief Administrative Officer



Date