ADMINISTRATIVE REPORT

Topic: Proposed Land Exchange between Parkland County and the Burghardt's (Applicant's)

Discussion

The Application:

The County has received a request from the Applicant's to dispose of a portion of Parkland County's Municipal Reserve Land (Lot R1, Block 2, Plan 7820188 totaling approximately 0.54 ha (1.3 ac)) in exchange for the Applicant's environmental/ecological sensitive parcel of undevelopable land (Lot 2, Block 2, Plan 7820188 consisting of 1.2 ha (3 ac)) located within Duffield Downs Subdivision (NW 02-53-3-W5W) of Parkland County.

Administrative Recommendation's to GPC:

That the Committee review, consider and instruct Administration whether to move forward with the Applicant's request to dispose of a portion of Municipal Reserve .54 ha (1.3 ac) for the purpose of acquiring the Applicant's Lot # 2, 1.2 ha (3 ac) of undevelopable environmentally sensitive land.

Background Information and Discussion:

On September 7, 1977 Block 2 of the Duffield Downs Subdivision was proposed and later that year 11 residential lots were created, which included Lots 2 and 3 currently owned by the Applicant's.
On multiple occasions the Applicant's have tried to sell Lot 2 for residential development and have even gone as far as to combine the sale of both Lots 2 and 3 to allow for a more marketable Lot. However, it has become clear to the Applicant's that to create the needed 0.8 ha (2 ac) developable envelope as stated in the MDP and Land Use Bylaw the cost's become prohibitive; due to regulations and design/construction that would be associated in the creation of Lot 2 becoming a suitable residential parcel.

In addition, if such development took place it could have negative impacts and damage on the surrounding habitat, flora and fauna and water quality of the area. Environmental Guidelines for the Review of Subdivisions in Alberta states in Chapter 4, Section A, Subsection (ii); that development within a "at flood risk area can lead to bank erosion, destroy fish and wildlife habit and increase the chance that sewage effluent will contaminate the watercourse". Alberta Environment regulation's recommend that at least a 33m buffer area is maintained to allow for proper protection of a stream or watercourse (Stepping Back from the Water, setbacks and buffers, Pg. 23,). Taking these documents into account Lot 2 has even less of an ability to become a developable residential Lot.

Upon further inspection, it appears that the County of Parkland should not have allowed Lot 2 to be created in its current configuration, due to the lack of a 0.8 ha (2 ac) developable envelope and the environmental importance of the parcel. Thus, current Administration ultimately judges Lot 2 to be an undevelopable Lot under existing regulations.

Analysis

Compliance with Municipal Development Plan and Approved County Policies:

I. **Municipal Development Plan (MDP), Section 8**
States that Parkland County is to plan, protect and manage recreation open space and resources for the advantage of all County residents.

II. **Municipal Development Plan (MDP), Section 6, Goal 2**
States that the "County supports protecting environmentally significant areas and, in particular, it supports maintaining the environmental integrity of the County's rivers, streams and lakes."

III. **Municipal Development Plan (MDP), Section 3, Subsection 3.10(b) and Land Use Bylaw, Section 3(a)(ii)**
State that Lots created in Parkland County must have at least 0.8 ha (2.0 ac) of contiguous developable land.

Administration's and Applicant's Current Proposal:

In July of 2013 the Applicant's, approached Administration as outlined in the attached letter dated July 2, 2013 about what could be done with their land(s). After review of Lot 2 and 3 Administration believes that this issue can be rectified by a land exchange. The land exchange proposed by Administration and the Applicant's would be two fold and is as follows:

I. The first exchange of land would consist of a portion of Municipal Reserve Land owned by Parkland County to be transferred to the Applicant's. Approximately .54 ha or 1.3 ac of land will be combined through a Lot Line Adjustment to the Applicant's Lot 3; increasing Lot 3's total size from 1.22 ha (3.03 ac) to 1.76 ha (4.33 ac). This will require a Municipal Reserve Disposition Application and a Subdivision Application to go before Council;

II. The second exchange of land will be to transfer all of the Applicant's Lot 2, 1.2 ha (3 ac)- using a Lot Line Adjustment- to combine Lot 2 to the Duffield Downs Municipal Reserve consequently, increasing its size from 14.7 ha (36.4 ac) to 15.36 ha (38.1 ac). (Refer to Map A for Visual details);

III. The land exchange proposed would enlarge and protect an important environmentally/ecologically sensitive piece of property and water body as supported by Council in the Municipal Development Plan and as outlined in Policy PD016-P1 & C-PD16 Municipal Reserve Disposition Land;

IV. Administration recommends that Council consider waiving the petition requirements as outlined under Policy C-PD16. Administration believes the proposed land exchange will benefit Parkland County in that the exchange would remedy a Lot that should never been allowed to be developed as far back as 1977. In addition, the exchange will further protect the environment/ecologically sensitive areas, enhance and shelter watercourses and water bodies, increase linkages and access of Municipal and Environmental reserves and create a larger more developable residential Lot (The proposed Lot 3 & the portion of Municipal Reserve) thus, creating increased tax revenue for Parkland County;

V. The Applicant's will benefit from the land exchange by relieving them of a tax burden of an undevelopable Lot (the current Lot 2) and creating a larger more marketable residential Lot (the current lot 3 combined with the portion of Municipal reserve).

4. The Applicants further request the following items from Parkland County:

I. Can the county ease the requirements of future agricultural land use agreements on the Applicant's remaining four other properties?

II. Can the 3 years of taxes paid on the undevelopable piece of property (the current Lot 2) be reimbursed?

III. Since the Lot that they would be giving up was probably over assessed, could the assessment for Lot 3 be left unchanged until the next general assessment of Parkland County? "What is being requested is of minimal dollar value but would be an appreciated gesture".

5. Internal referrals and comments:

- If the General Practice Committee (GPC) directs Administration to proceed with the proposed land exchange; Administration will forward all needed information to internal agencies for review and comment.

6. Financial Impact:

- The Applicant's understand that there will be fees and costs associated with the land exchange. If the Committee wishes Administration to proceed with the request such fees and costs will be outlined, explained and if needed negotiated at a later date.

Alternatives:

1. GPC may table the proposal and disposition of land(s) and further request Administration and/or the Applicant's to provide additional information, research, or policy information.
2. GPC may direct Administration to advise the Applicant's that they do not support the proposed land(s) exchange.

Justification:

Administration supports this proposed land exchange to dispose of a portion of Parkland County's Municipal Reserve .54 ha (1.3 ac) of land for the purpose of acquiring the Applicant's Lot 2, 1.2 ha (3 ac) of undevelopable environmentally sensitive property. This is in keeping with Mayor and Councils wish under the Municipal Development Plan (MDP) Section 3; Subsection 3.10(b), Section 6; Goal 2, Section 8 and Land Use Bylaw, Section 3(a)(ii).

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