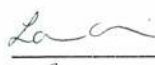





ADMINISTRATIVE DIRECTIVE A-LM01

## County Land Interest

### Lease, License, Acquisition and Disposal

PREPARED BY:	Municipal Land Management	LS REVIEW DATE:	March 16, 2023
EFFECTIVE DATE:	May 24, 2023	APPROVALS:	
PREVIOUS REVISION DATE:	NEW	DIRECTOR:	
REFERENCES:	<i>Municipal Government Act</i> <i>Expropriation Act</i> Policy C-PD16 – Municipal Reserve Dispositions Policy C-F105 Restricted Surplus Policy RP-001 – Municipal Reserve Recreational Use Policy C-ES07 – Contaminated Sites Directive C-ES01 – Environmental Site Assessment Bylaw 2014-30 – CAO Bylaw	GENERAL MANAGER:	
		CAO:	<i>Laura Swain</i>
		FUNCTION:	Management of County Land Interest

### PURPOSE

To provide direction for Parkland County Land Leases, Licenses, Acquisitions and Disposals.

### DIRECTIVE STATEMENT

Parkland County staff are to ensure any interest in land, either acquired or disposed, is in compliance with the direction set out in this Administrative Directive.

### DEFINITIONS

1. **Closed Road** – road allowance or road right-of-way closed by bylaw in accordance with the *Municipal Government Act* (MGA).
2. **Contaminated Site** – land or location with the existence of chemical, organic, or radioactive material in the soil, water, or sediment in amounts that exceed the applicable environmental standards.
3. **County Land** - land owned by Parkland County as identified on Certificate of Title and roads closed by bylaw.
4. **County Land Inventory** –the combined record of County Lands and Interests in Land.
5. **Designated Lands** – land with a Reserve Designation; Municipal Reserve (MR), Environmental Reserve (ER), Conservation Reserve (CR), Park Reserve (PR), School Reserve (SR), Municipal/School Reserve (MSR), Public Utility Lot (PUL) and general reserve lands undefined (R).
6. **Interest in Land** – interest expressed through agreement for the right to utilize the land owned by another. examples: Crown Disposition, Lease, License, Easement.
7. **Legacy Lands** – all land, or interests in land, held or acquired by the County with a purpose of conserving the natural environment, essential biological diversity, cultural and/or historical value to the County; includes all designated lands with environmental, conservation and park reserve designations.

8. **Market Value** – The most probable price a willing buyer would pay, and a willing seller accept, both being fully informed, and the property exposed for a reasonable period. The market value may be different from price a property can be sold for at a given time.
9. **Municipal Reserve** – See Designated Land definition.
10. **Non-Designated Lands** – all lands held by the County under fee simple title which are not identified with a Reserve Designation.
11. **Restricted Surplus**– accounts as defined in Policy C-F105.

## **SCOPE**

This Directive applies to all Parkland County staff.

## **RESPONSIBILITIES**

1. **Municipal Land Management:**
  - a. Implement, monitor, and evaluate this Directive.
  - b. Manage all County land leases, licenses, and disposals in accordance with County policies, procedures, and applicable legislation.
  - c. Ensure fair market compensation through valuation and negotiation for all interests in County lands and for all County Interests in privately owned lands based on use and impact.
  - d. Continuously review and manage use on all lands within the County Land Inventory.
  - e. Identify surplus land and provide administration with surplus land disposal recommendations.
2. **Agricultural and Community Sustainability Services:**
  - a. Manage the physical needs of County Land as it relates to Agricultural use and licensing.
  - b. Assist Municipal Land Management with identifying County land available for agricultural licensing.
  - c. Perform inspections, as required, of the Agriculture Licensing Program lands and inform Municipal Land Management of any concerns.
  - d. When requested, review and provide feedback on Interest in land circulations.
  - e. Determine, upon request, County lands deemed as environmentally significant.
  - f. Identify, assess, track, and oversee risk management in relation to contamination on County lands as per Policy C-ES07.
3. **Chief Financial Office:**
  - a. Keep an ongoing record of all County land assets through the recording of all disposal and acquisition of County land.
  - b. Manage restricted surplus funds.
  - c. Support with Market Valuations

**4. Community Services:**

- a. Oversee Land Use Licenses for Registered Community or Recreational Associations and act as liaison as per Policy RP-001.
- b. Present new or amended Community or Recreational Association Land Use Licenses to Council for approval.
- c. Provide Municipal Land Management, once approved by Council, any new or revised License requirements.
- d. Review and provide feedback on Interest in land circulations.

**5. Economic Diversification:**

- a. Represent Parkland County with Land Developers, Brokers, and Real Estate Investors on opportunities to incorporate County land into development opportunities.
- b. Refer Economic Diversification requests, including Direct Buyer Sales, involving, or impacting County land to Municipal Land Management.

**6. Engineering Services:**

- a. Ensure fair market compensation through valuation and negotiation for all interests in land, based on use and impact, for County infrastructure programs and initiatives.
- b. Acquire land and interests in third party land, as required for County infrastructure programs and initiatives, in accordance with the *Expropriation Act*.
- c. Provide, as required, recommendations and input to Executive Committee, Mayor, and Council with respect to the valuation and acquisition of land and interests for County infrastructure programs and initiatives.
- d. Close road rights-of-way for sale or lease as per applicable legislation.
- e. Provide Municipal Land Management with a lease or disposal referral once roads have been successfully closed by bylaw.
- f. Review and provide feedback on Interest in land circulations.

**7. Planning and Development Services:**

- a. Administer the dedication of land or cash-in-lieu as resulting from Subdivision.
- b. Administer the removal of designation on County Land as per Policy C-PD16.
- c. Provide Municipal Land Management with referral for disposal of County land once designation removal is complete and approved by Council.
- d. Review and provide feedback on Interest in land circulations.

## STANDARDS

1. The County will acquire, use, maintain, and dispose of land in accordance with applicable legislation, County policies, directives, and procedures.
2. The County will acquire land in a timely and efficient manner to meet the current and future needs of infrastructure, organizational programs, and services.
3. The County will identify lands with environmental significance. These lands may be acquired and will create a Legacy Land inventory of important natural places for the benefit of current and future use.
4. Prior to acquisition or disposal, under Directive A-ES01, a review will be conducted to ensure any contamination and environmental liability is identified and fully delineated.
5. The County shall evaluate the County Land Inventory on a continual basis to determine designated and non-designated lands deemed as no longer required for current or future needs. The County will ensure dispositions of land are at fair market value and economically beneficial to the County.
6. License
  - a. The County Land Inventory will be reviewed on a continual basis to determine lands available for licensing as well as the status of current Licenses.
  - b. Licenses may be granted on all County land; designated or non-designated.
  - c. Where possible, the licensing process for available land shall prioritize agricultural use and the needs of Registered Community or Recreational Associations.
  - d. The County, at its discretion, may choose not to enter a licensee.
  - e. Land will not be licensed if doing so may result in a reduction in the lands environmental biodiversity, sustainability, significance, or value.
  - f. Licenses for telecommunication facilities may be considered on County land but are limited to non-designated lands or lands designated as Municipal Reserve or Public Utility.
  - g. Licenses for County land, non-designated exceeding a 5-year term shall be approved in accordance with Bylaw 2014-30.
  - h. Legacy Land will not be licensed unless approved by Council.
  - i. Licenses for Legacy Land shall not exceed 3 years and must be for use which promotes the environmental sustainability of the land.
  - j. Revenue generated from the licensing of Legacy Land shall be allocated in accordance with Policy C-F105.
  - k. Council may approve a Bylaw to grant a License of Occupation (LOC) as a means of permitting an encroaching structure or improvement to remain on County land. For the option of a LOC to be considered, Administration must first approve the application based on the following conditions:
    - i. An Encroachment Agreement cannot be granted.
    - ii. The encroachments are deemed as anchored and/or fixed to the land.
    - iii. County land damage is anticipated through the removal process.
    - iv. Public use of the County land shall not be restricted.

- l. Every license shall have a condition of indemnity and cancellation to protect the County from liability and to ensure the lands can be made available if required for County purposes.
- m. Licenses granted for any purpose outside of agriculture or use by Registered Community or Recreational Associations shall be subject, in accordance with the MGA, to annual assessed taxation.

**7. Lease**

- a. The County Land Inventory will be reviewed on a continual basis to determine lands available for lease as well as the status of current Leases.
- b. The County, at its discretion, may choose not to enter a lease.
- c. Land will not be leased if doing so may result in a reduction of the land's environmental biodiversity, sustainability, significance and/or value.
- d. Leases of County Land, non-designated, and closed roads exceeding a 5-year term shall be approved be in accordance with Bylaw 2014-30.
- e. Leases for County designated land or facilities shall not exceed 5 years unless approved by Council.
- f. Legacy Lands with environmental, conservation or park designation, shall not be leased.
- g. Legacy lands outside those with environmental, conservation, or park designation will only be leased following Council approval and for a term not to exceed 3 years.
- h. Revenue generated from the lease of Legacy Land shall be allocated in accordance with Policy C-F105.
- i. Should a road be determined to no longer be required for public travel, Council may approve a bylaw to lease the road to an adjacent landowner at the County approved rate.
- n. Every lease shall have a condition for indemnity and cancellation to protect the County from liability and to ensure that the lands can be made available if required for County purposes.
- o. All leases may be subject to annual assessed taxation.

**9. Acquisition**

- a. The County will endeavor to acquire land or interest in land through discussion, negotiation, and agreement.
- b. Should an agreement of acquisition not be reached between the County and the landowner, the County may begin expropriation proceedings according to the MGA and the Expropriation Act.
- c. Land acquired for the purpose of creating a municipal, conservation, and/or park reserve shall be funded from the Municipal Park Restricted Surplus.
- d. Land acquired for current or future infrastructure services, programs, or other needs identified by the County will be funded through Council approved budget.
- e. The County shall base compensation on the current market value rate for the property rights acquired.
- f. Compensation above market value is required to be approved by Council.
- g. Compensation levels shall remain consistent on County projects unless otherwise approved by Council.

- h. Land acquisition for County projects shall be undertaken with the principle of fair and equitable compensation across all landowners unless otherwise approved by Council.

10. **Disposal**

a. **Non-Designated Lands**

- i. The County Land Inventory shall identify non-designated lands no longer required for current or future County needs. These lands will be deemed as surplus and may be retained or disposed.
- ii. County land selected for disposal will have an estimated market value determined through an independent appraisal and/or a comparative market analysis.
- iii. Options for selling County land are:
  - i. Tender
  - ii. Real Estate Market Listing
  - iii. Direct Sale upon approval by Council
- iv. County land to be disposed through Buyer Direct or for less than Market Value must adhere to the MGA requirements and receive Council authorization.
- v. Legacy Land without designation will only be sold through Council resolution.
- vi. Non-designated land sale proceeds will be allocated in accordance with Policy C-F105.

b. **Designated Lands**

- i. Authorization for disposal of Designated Lands, including Legacy Lands, must be approved by Council and in accordance with the MGA and County Policy C-PD16, Municipal Reserve Disposition.
- ii. Once a designation is removed from County land, and the land is sold, the funds obtained through the disposal will be allocated to the Municipal Park Restricted Surplus in accordance with Policy C-F105.

c. **Closed Roads**

- a. If a road is determined through Council approved Bylaw as no longer required for public access and travel, it may be sold for the purpose of consolidation into adjacent lands.
- b. Closed Roads shall be sold for market value as determined through an appraisal or market valuation.
- c. Proceeds from the sale of Closed Roads will be allocated in accordance with Policy C-F105.