

Topic: Panattoni Development Company request for Municipal Reserve land dedication transfer

Proposed Motions

- 1) That Council authorize Administration to enter into an agreement with Panattoni Development Company to transfer the Municipal Reserve land dedication from the donating lands, containing 12.64 ha., located in the North half of 28-52-26-W4M to the receiving lands in the S.W. 08-53-26-W4M containing 19.84 ha.
- 2) That Council support the Nature Conservancy of Canada (NCC) to acquire and manage the 19.84 ha. of Municipal Reserve land dedication to be located in the SW 08-53-26-W4M for conservation purposes.

Background

Panattoni Development Company is an owner/developer of land in the Acheson Industrial Park that has completed (is completing) subdivision and development activities in Zones 1 and 5. They are currently in the process of developing 126.48 ha (312.53 ac) of land (the N.W. and N.E. of 28-52-26-W4M), in Zone 7 of Acheson (see Map 1). Panattoni is seeking Parkland County's consideration for the in lieu dedication of environmentally significant lands "subject lands" (Map 1) – located within the Acheson Industrial Area Zone 1 – rather than the payment of "cash-in-lieu" for the anticipated subdivision activity as per Council Policy "C-PD15: Dedication of Municipal Reserve". The County has previously negotiated two (2) similar Agreements with other Acheson Industrial Park land owners/developers (Fath-Kolmes Natural Area and Trans America's Miller Lands) as noted on attached Map 2.

Panattoni and County Administration have discussed that it may be beneficial to continue securing, and locating/protecting, significant environmental lands as municipal reserves owing from certain subdivisions to protect a significant area within Acheson (Map 3). Panattoni has since optioned an environmentally significant 19.84 ha (49.04 ac) parcel located between the Fath-Kolmes Natural Area and Wagner Natural Area (immediately north of the Osbourne Acres subdivision) as noted on Map 2.

Additionally, Panattoni and Administration have secured the interest of the Nature Conservancy of Canada (NCC) in the protection and stewardship of these lands. The NCC also currently own property in the Wagner Natural Area. The NCC has indicated their support for the County to pursue an agreement with Panattoni to obtain ownership of these lands in exchange for municipal reserve credits and are willing to assume ownership and long term stewardship responsibility of these lands.

Panattoni desires to protect these significant lands 19.84 ha (49.04 ac) for conservation purposes and seek municipal reserve credits in exchange. Panattoni is requesting a similar Agreement as has been completed with TransAmerica (2006), and the Fath Group (2014) for the lands as shown in Map 1.

Discussion

Administration believes that this "MR" dedication transfer credit request from Panattoni has several advantages. It "completes" and would protect a significant environmental corridor/area within Acheson as shown in Map 3. The proposed dedication and conservation of these lands – and this corridor – provides an environmentally significant area sufficiently sized to potentially accommodate a mix of future passive recreational uses suitable when considered in conjunction with the NCC and the Wagner Natural Area. This property, if used for reserve purposes, would be best utilized for conservation and passive recreation with strong promotion for nature interpretation and education.

The acquisition and protection of these lands would finalize and expand the open space buffer between Osborne Acres to the south and the industrial/commercial uses developing north of Township Road 531A fronting Highway 16 in Zone 1 of Acheson. Administration believes that larger contiguous parcels of reserve/protected areas are more efficient to maintain rather than accepting a number of smaller (potentially far less environmentally significant) reserves throughout the Acheson Industrial Park area. The following relevant policies within the County's Municipal Development Plan (MDP) address the allocation and distribution of municipal reserves (MR) in the County.

- 7.4 *"Municipal Reserve may be required to protect environmentally significant and valuable natural features as identified by a Biophysical Assessment"*.
- 7.6 *"Resident groups (or other groups) may be encouraged to assume management of local park facilities through a variety of management strategies"*.
- 7.7 *"Municipal Reserve may be used as a buffer between industrial or commercial and residential or other incompatible land uses"*.

At its discretion Council may pursue the request to accept the proposed 19.84 ha (49.04 ac) parcel in exchange for municipal reserve credits that would be owing for the N.W. and N.E. of 28-52-26-W4M (up to 11.38 ha or 28.12 ac – depending on final plan(s) of subdivision).

Administration recommends that if Council concludes a land dedication (as being requested by Panattoni) that the exchange lands would be approximately equivalent to or exceed the value of municipal reserve the County would otherwise acquire from each individual subdivision through normal acquisition means within the Acheson Industrial area for which the exchange is sought.

Agreement Summary

Administration has drafted a '*Land Dedication Agreement*' which includes following assumptions:

- 1) Panattoni would owe the County (upon the future anticipated subdivision of lands N.W. and N.E. of 28-52-26-W4M) up to approximately 12.64 ha (31.24 ac) of municipal reserves at the time of subdivision. A determination of the estimated potential municipal reserves owing is included at the end of this report for reference.
- 2) Panattoni would obtain (and agree to) an equivalent 100% credit for the estimated 12.64 ha (31.24 ac) of municipal reserves owing upon the dedication and transfer of the proposed 19.84 ha (49.04 ac) Conservation lands within the SW-8-53-26-W4M. The Conservation lands have significance from both an environmental and adjacent community (buffering) perspective.
- 3) Panattoni has provided a current market value Narrative Appraisal (dated May 2015) of the Subject Lands confirming an estimation of value based on current Districting of the Subject Lands.
- 4) Parkland County shall agree to the dedication of the Subject Lands to the Nature Conservancy of Canada for the purposes of the perpetual conservation of the Subject Lands.
- 5) Panattoni shall be responsible for payment of the entire required financial Endowment that must accompany the dedication of the Subject Lands to the Nature Conservancy of Canada.
- 6) Panattoni requests that the entire Subject Lands be redistricted within six months of the transfer to the PC (Conservation District) under the County's Land Use Bylaw to further recognize the environmental significance of these lands and to restrict the possibility of incompatible development.
- 7) Panattoni requests that all County fees associated with the redistricting of the Subject Lands to "PC" (Conservation) District be waived, and, that the County will initiate this application.
- 8) As no Industrial subdivision – or development will occur, there are no off-site levies owing to the County or recoveries owing to Other Developer's in the Acheson Area. All land within 200 metres of Osborne Acres was excluded from the County's Off-Site Levy Bylaws given their limited Development Potential as regulated under the County's Land Use Bylaw.

Justification:

Strategic Plan (2014-2018): This aligns with Strategic Plan Environment Commitments to “Implement measures to protect natural features and resources” and “Ensure development respects the environment”. It also serves the 20-year goal of “Parkland County respects its natural environment and actively identifies opportunities for environmental protection to act as a steward for future generations.” Regarding the Community commitment the proposed dedication aligns with the 20-year goal “Parkland County is a safe, inclusive, and healthy community that residents are proud to call home.”

Legislative: In accordance with Section 666 of the Municipal Government Act a subdivision authority may require the owner of a parcel of land that is subject of a proposed subdivision to provide part of that parcel of land as municipal reserve.

Statutory Plans: The subject lands are located within Priority Growth Area ‘A’ of the Capital Region Priority Growth Area. This Land Dedication Agreement is consistent with Policy 7.1 within the County's Municipal Development Plan which reads "at the time of subdivision, the full municipal reserve dedication entitlement (10%) as prescribed by the *Municipal Government Act* shall be required. It also is consistent with Policy 7.4 which reads that "municipal reserve may be required to protect environmentally significant and valuable natural features ". Further, Policy 7.7 states that "municipal reserve may be used as a buffer between industrial or commercial and residential or other incompatible land uses".

Recreation Parks and Open Spaces Master Plan: The Land Dedication Agreement is consistent with the following Objective under the Plan, *"provide a variety of recreational and open space opportunities while protecting the natural environment"*. The County would cooperate with the NCC to protect the environmental integrity of this property and conserve the natural features on the property consistent with the designation of these lands as “PC” (Conservation District).

Financial Impact:

The off-set of the MR land dedication from the north half of 28-52-226-W4M to the SW 08-53-26-W4M does not have a direct financial impact to the County. The developer, Panattoni Development Company is responsible for all financial cost associated with the purchase, and endowment, to the existing owner of the receiving parcel and to NCC.

Separately – from this Agreement – Administration does anticipate securing a twenty five (25) year lease (at \$1.00 per year) from the NCC of the existing residential home on the Subject Lands with the intent to repurpose the residential building for appropriate (post-dedication) County and/or community use. The NCC has expressed no interest in the house and requires another entity to be responsible for the home.

Alternatives:

1. Council could table this matter and request additional information from Administration prior to considering the matter.
2. Council could direct Administration to require "cash-in-lieu" for the lands located on the North half of 28-52-26-W4thM, and directly purchase the lands on the SW 08-53-26-W4M for conservation purposes.

Written by: Paul Hanlan, RPP MCIP

Date: June 15, 2015

DETERMINATION OF ESTIMATED MUNICIPAL RESERVE (MR) CREDIT

Legal Description	Calculations	Possible future MR Owing against Panattoni Industrial Lands
Future Panattoni Industrial Lands (N.W. 28-52-26-W4M)	Assume 10% MR Dedication against GTA = 64.75 ha X 10% = 6.47 ha	6.47 ha (15.99 ac)
Future Panattoni Industrial Lands (N.E. 28-52-26-W4M)	Assume 10% MR Dedication against GTA = 61.73 ha X 10% = 6.17 ha	6.17 ha (15.25 ac)
	Total Potential MR Owing	Up to 12.64 ha (31.24 ac)

SUBJECT LANDS (TO BE DEDICATED TO NCC)

(As shown on Schedule "B" of the Agreement):

Subject Lands (GTA) 19.84 ha (49.04 ac)

Statements:

Panattoni will owe the County up to 12.64 ha (31.24 ac) of MR against the 2 properties in Acheson at the time of future subdivision.

Per this Agreement Panattoni would obtain 100% credit for the (up to) 12.64 ha (31.24 ac) of MR owing on these two parcels.

Panattoni proposes to dedicate these MR equivalent "Subject Lands" at greater than a 1:1 ratio (in the favour of Parkland County).

- = Up to 12.64 ha of future "MR" owing (on the NW and NE of 28-52-26-W4M)
- = Subject Lands of 19.84 ha (to be dedicated to the NCC)
- = **1.57 : 1**