

**POLICY # PD 004**
**LAND MANAGEMENT**

<b>APPROVAL DATE:</b>	July 2001	<b>CROSS-REFERENCE:</b>	
<b>RESPONSIBILITY:</b>	Administration		
<b>APPROVER:</b>	Council	<b>APPENDICES:</b>	
<b>REVISION DATE (s):</b>	11-08-01; 07-09-01; 24-02-04; 75-09-04; 62-11-04; 07-12-04 (December 2004); May 28, 2019	<b>REVIEW DATE:</b>	May 2021

## POLICY STATEMENT

To manage lands through various mechanisms thereby providing the best long term benefits to the residents of the County of Vermilion River.

## BACKGROUND

Lands owned by the County of Vermilion River are actually owned by the Ratepayers of the County of Vermilion River. As such, it is the County's belief that the Ratepayers should benefit from the revenues derived from specific lands.

The County of Vermilion River has historically obtained lands through:

- The Tax Recovery Process under the Municipal Government Act Section 428.2;
- Purchase(s), when exercising natural person powers under the Municipal Government Act Section 6;
- Acquisition under the subdivision process for an environmental reserve, municipal reserve or municipal school reserve under the Municipal Government Act Part 17 Division 8;
- Allocations from public lands; and
- Donations from residents or private groups.

The types of lands that the County of Vermilion has historically managed are:

- 1) Leased lands;
- 2) Reserve lands;
- 3) Purchased lands; and
- 4) Other Special Purpose Lands.

## OBJECTIVE

The County acknowledges that the greatest advantage to its Ratepayers is accomplished by:

- 1) Maintaining ownership of lands that have:
  - a. The potential for significant future value;
  - b. Environmental or access issues associated with them; or
  - c. A Special Purpose that is to be respected.
- 2) Returning small fractured parcels, in “as is” condition, to adjacent parcels to provide for the management of the lands, remove liability, and increase the tax base;
- 3) Charging a lease or license fee for the use of various lands;
- 4) Collecting fees and negotiating agreements and renewals with companies and entities that require access to County lands for seismic, survey, well lease or other activities; and
- 5) Selling lands that are evaluated to carry their present value in the future and can generate significant revenue from their disposal.

## SCOPE

INTERNAL STAKEHOLDERS	EXTERNAL STAKEHOLDERS
Administration	Ratepayers
Council	

## DEFINITIONS

**Casual Recreation** is informal, amateur recreational activities that do not require the use of motorized recreational vehicles.

**Council** is the whole of the elected officials for the County of Vermilion River in the Province of Alberta.

**County** is the County of Vermilion River.

**MGA** is the Municipal Government Act including amendments made thereto.

**Ratepayer(s)** are taxpaying residents of the County of Vermilion River.

**Special Purpose Land(s)** are lands selected for the purpose of current or future facility or infrastructure planning of the County of Vermilion River.

**Specific Land(s)** are County of Vermilion River owned lands identified by Council for leasing, licensing or rental purposes.

## GUIDING PRINCIPLES

### Inventory

The management of County owned lands is facilitated through an inventory of lands which is compiled and updated annually prior to June 1<sup>st</sup>. This inventory list indicates the following:

- Legal land description and location;
- Assessed value of the lands and total acres;
- Structural improvements;
- Type of land and present use;
- Any agreements or leases that apply to the lands including their timelines;
- Mineral rights; and
- Royalty, lease and license revenues.

### Leased/Licensed Lands

The leasing or licensing of County owned lands is subject to the following conditions, restrictions and covenants:

- 1) The County maintains the right to offer for sale any lands under ownership at the end of any lease or license period;
- 2) The lessee or licensee only benefits from the use of the lands for the intended purpose of the lease or license;
- 3) The lessee or licensee is entitled to have prior rights of renewal of the lease or license granted that the payment of the annual lease or license, at the rate established by Council by bylaw, is made on or before the first of January annually or as outlined in the lease or license;
- 4) If the lease or license fee is not received by the required date, the lease or license may not be renewed at the discretion of Council. Any and all deviations from full payment, including non-sufficient fund cheques, are deemed to not have been paid.
- 5) The lessee or licensee must refer any seismic, survey or well site representative for oil and gas companies to the County who is responsible for negotiating compensation for any inconvenience, loss of land use, damages to fences or any other improvement to be paid to the lessee or licensee.
- 6) Improvements are not permitted to be installed without written consent from the County. Should improvements be permitted, they are to be paid by the lessee or licensee resulting

in no cost to the County. Upon termination of the lease or license, the lessee or licensee must either remove the improvements or leave the improvements thereby transferring ownership of the improvement to the County. When improvements are transferred to the County and not removed from the lands, the County does not provide any compensation.

- 7) The lessee or licensee must be the primary user of the lands and must not sublet, in whole or in part, nor assigned the lease or license to any other party.
- 8) The lessee or licensee must be a Ratepayer in the County.
- 9) The lessee or licensee indemnifies and holds harmless the County from and against any and all claims, actions, damages, liability, and expenses in connection with personal injury, loss of life, or damage to persons or property, arising from or out of the occupancy or use of the demised lands or any part thereof by the lessee or licensee, and occasioned wholly or in part by the negligent acts or omissions of the lessee or licensee, his agents, contractors, employees, or invitees, or any other persons from whom the lessee or licensee is legally responsible.
- 10) In the case where any of the above conditions have not been met, the lease or license is null and void.

### **Grazing Leases**

Grazing lease fees reflect and are established by:

- 1) Using the assessed value for farmland based on productive values:
  - a. Crop land – type of soils and potential crops; and
  - b. Grazing land – number of cow/calf units that can be supported.
- 2) Pro-rating the lands for the number of acres available for use;
- 3) Including the taxes for the property, as permitted under the MGA Section 333.1(2); and
- 4) Reviewing and blending the current market rates and government rates for leases once every three years.

### **Miscellaneous Leases and Licenses**

Miscellaneous leases and licenses fees reflect and are established by:

- 1) A minimum fee of \$30.00 including taxes for the property as permitted under the MGA Section 333.1(2). When existing leases expire, their rate increased to the current minimum fee.
- 2) A pre-determined fee on a parcel to parcel basis. A blend of current market rates and government rates are the starting point for establishing annual rates.
- 3) The length of the lease or license is determined in the lease or license agreement. Long term leases and licenses have a start and renewal date of January 1 annually.

## **Reserve Lands**

### *Environmental Reserves*

The long term benefit to Ratepayers is obtained by safeguarding environmentally sensitive lands to ensure their proper handling. To comply with this statement, these lands:

- 1) Have access restricted to casual recreational uses;
- 2) Must be left in their natural state; and
- 3) Must have an appropriate alternative management plan, approved by Council in conjunction with Alberta Environment and submitted by the adjacent landowner or landowner's association.

### *Municipal School Reserves*

The long term benefit to Ratepayers is obtained by:

- 1) Taking land only when a development plan is submitted demonstrating the need for open areas or other municipal or school uses and deemed appropriate by the County's Director of Planning and Development;
- 2) Requiring cash, in lieu of lands, when there are no municipal uses necessary or deemed aesthetically needed; and
- 3) Providing funds in lieu of lands for alternative park trust projects as outlined under the MGA Section 671 (1).

### *Reserve Properties*

The management of reserve properties is restricted to:

- 1) Being left in their natural state except for mowing of the lands as outlined in the County's Agriculture and Environment Policy AG 016; and
- 2) An alternative management plan submitted by the adjacent landowner(s) or landowner's association has been approved by Council.

### *Park Trust Funds*

The use of these funds is controlled by the MGA under Section 671(2) and 671(4) and is tracked as a liability and reported to Council on a quarterly basis. All funds for the school reserve portion must be held in trust and are remitted to the local school board on an annual basis as at December 31. Council considers projects based on applications and presentations that demonstrate a public recreation or public park usage of the facility and grounds in compliance with the MGA Section 671(1).

Funds are distributed upon resolution of Council using the following criteria. This criteria defines the appropriate allocation as well as the benefit of the whole of the region. The criteria is as follows:

- 1) To provide one time payments toward larger facility projects of:
  - a. Up to \$50,000 for projects up to \$10,000,000 in construction value;
  - b. Up to \$75,000 for projects exceeding \$10,000,000 in construction value.
- 2) To provide a one time payment toward smaller projects that benefit County residents or the majority of the residents in a community within the boundaries of the County. Projects must meet the criteria as outlined below:
  - a. 50% of the total cost of the smaller project to a maximum of \$10,000 per project in a five (5) year period;
  - b. Only one (1) similar project has been completed within the last five (5) years in the same community;
  - c. The group must enter into an agreement outlining the liability and risk management procedures for the project;
  - d. The group must specify the party responsible for the maintenance of the equipment and grounds and include such specifications in the agreement;
  - e. The project budget, plan and location for Council's review and consideration.
- 3) If an advance is approved for a particular project, the legal entity of whom received the advance must understand and agree that the advance must be refunded within one (1) year of the cheque being issued if the project did not proceed. If the advance is in excess of 50% of the total cost of the project, the excess amount must be refunded within (1) year of the cheque being issued if the project did not proceed.
- 4) Projects that fall under the "Adopt a Park" approach.

All applicants are advised in writing of Council's decision and are provided an information sheet outlining the source and purpose of the park trust funds. Funds approved by Council are remitted only when the applicant has successfully executed an agreement regarding liability, operations, maintenance and provided proof of the total project cost.

### **Purchased Lands**

The County purchases lands for various reasons to facilitate long term operations such as:

- 1) Waste management;
- 2) Utility corridors;
- 3) Tower sites;
- 4) Gravel sources;
- 5) County owned buildings; and
- 6) Road right of ways.

Lands are evaluated to determine the appropriate management required with particular attention given to:

- 1) Safety and insurance issues; and
- 2) Weed control.

Management is conducted via agreement with a person, organization or by the County.

**Special Purpose Lands**

Cemeteries owned by the County carry with them the provincial responsibility to manage the property under the regulations of Alberta Municipal Affairs. Management is conducted via agreement with a person, organization or by the County.

Donated lands for a special purpose are managed as per the agreement between the County and the donor.

**Penalties**

Penalties, as stated in the County’s Fee Bylaw, as well as the cost of remedial action for trespassing, non-compliance with designated uses or damage to County owned lands may be imposed at the discretion of the County’s Director of Planning and Development.

**ROLES & RESPONSIBILITIES**

<b>ROLE/TASK</b>	<b>TITLE (s) OF PERSON RESPONSIBLE</b>
<b>HANDLING INQUIRIES</b>	Director of Planning and Development
<b>MONITORING REVIEWS AND REVISIONS</b>	Director of Planning and Development in conjunction with the Executive Secretary
<b>IMPLEMENTING POLICY</b>	Council
<b>COMMUNICATING POLICY</b>	Chief Administrative Officer