

Briefing Note

Title	2:00 p.m. Public Hearing for Proposed Lease of a Portion of Lot R7, Block 4, Plan 7621623
Issue	Landowner Darrell Hyska is requesting to lease a portion of the adjacent Municipal Reserve (MR) for exclusive use for landscaping improvements. Section 674(1) of the <i>Municipal Government Act</i> (MGA) requires that a public hearing must be held before Council can consider leasing Municipal Reserve for exclusive use.
Previous Council / Committee Direction	None.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> On May 11, 1993, Sturgeon County, Mid-West Gas Transmission Ltd., and the owners of Lot 1, Block 4, Plan 762 1623 entered into an agreement that permitted the landowner to landscape a portion of Municipal Reserve Lot R7, Block 4, Plan 7621623 (Attachment 1). A location map and aerial images are also provided (Attachments 2 and 3). Mid-West Gas Transmission Ltd. has an underground gas pipeline that runs along the Municipal Reserve (MR). The County received complaints this past year from adjacent landowners that the lot was being used for unsightly storage of landscaping materials and access to the MR for walking was being restricted to the public and used exclusively by the agreement holder for their own purposes. The agreement signed by the three parties (Mid-West Gas, Sturgeon County and the landowner of Lot 1, Block 4, Plan 762 1623) does not allow for exclusive use of the portion of the Reserve. The landowners of Lot 1, Block 4, Plan 762 1623 were informed in May 2022 of the County's intention to terminate the lease agreement because the landscaping of the Municipal Reserve has been completed. The landowners were informed that the <i>Municipal Government Act</i> (MGA) allows for an application to be made for a lease of Reserve land for exclusive use subject to a public hearing and decision of Council. An application was received in May 2022 and was circulated internally and to Mid-West Gas Transmission Ltd. for comment.

Referral Comments

- Administration provided the following comments on the proposed lease:
 - Although the landowners have a lease agreement to do landscaping on the MR, the agreement does not allow for exclusive use or to restrict access to the public.
 - The *Municipal Government Act* (MGA) states that Municipal Reserve is intended for public use.
 - There have been complaints about access being restricted to the pathway over several years, and the landscaping has essentially extended the landowner's private property onto public land. The County received complaints from three individuals this past year.
 - Other actions were also taken regarding the agreement based on complaints received:
 - 2002: Storage of material and vehicles on MR had to be removed.
 - 2013: ATCO Energy Solutions required that a recreational vehicle on its right-of-way be removed as well as the removal of a cement parking pad.
 - 2021: Unsightly property - accumulation of hardscaping items had to be removed.
 - The function of this Reserve lot is to provide a pedestrian and non-motorized trail connection for internal circulation in the subdivision. As land develops for residential use to the north, developing a pathway will become more important to ensure the County provides a safe, off-road connected pedestrian system to adjacent lands (see trail 21 in Attachment 4).
 - The Open Space Plan review and update presented and accepted by Council on April 12, 2022 undertook a comprehensive analysis of County land and *recommended no disposal of Reserves*.
 - Furthermore, if Council were to approve the lease, the County would be giving up some interest in the control of the Reserve land, and depending on the terms of the agreement, may be limited in its ability to use the lands for public purposes when required.
 - The County's Open Space team does not support exclusive use of this parcel that would restrict public use and access or obstruct the future development of a pathway system in the Sturgeon Valley.
- Mid-West Gas Transmission Ltd. (now operating as Tidewater Midstream Ltd.) provided the following comments:

Tidewater does not have any issues with renewing the agreement. Our only concern is ensuring that we are not responsible for any damages, should we have to access the right-of-way in the future. I'm assuming the updated agreement will be similar to the original, including Clause 6.

	<p><u>External Communication</u></p> <ul style="list-style-type: none"> Surrounding landowners have been directly notified via mail of the Public Hearing. Newspaper notifications of the Public Hearing took place in the <i>Morinville Free Press</i> for two consecutive weeks (August 10 and August 17) in accordance with the advertising requirements detailed within section 606 of the MGA. <p><u>Relevant Policy/Legislation/Practices</u></p> <ul style="list-style-type: none"> Section 674(1) of the MGA states that a public hearing must be held before Council can consider leasing Municipal Reserve. Section 606(1) of the MGA sets the requirements for advertising a public hearing.
Implication	<p><u>Strategic Alignment</u></p> <p>Collaborative Governance: The public hearing provides a clear and supportive governance process that provides for effective community consultation and informed decision-making.</p> <p><u>Organizational</u></p> <p>Administration has the capacity to manage all required actions related to/following the Public Hearing.</p> <p><u>Financial</u></p> <p>None.</p>
Follow Up Action	<ol style="list-style-type: none"> Summarize all comments received during the Public Hearing and bring a recommendation to Council for consideration at a future Council meeting (Planning & Development Services, September 2022).
Attachment (s)	<ol style="list-style-type: none"> Attachment 1: Copy of Agreement Signed in 1993 Attachment 2: Location Map Attachment 3: Aerial Images Attachment 4: Excerpt from Sturgeon Valley Trail System Gap Analysis Report Attachment 5: Public Hearing Process Attachment 6: Public Hearing Submissions
Report Reviewed by:	<p>Bonnie McInnis, Manager, Planning & Development Services</p> <p>Travis Peter, General Manager, Development & Strategic Services</p> <p>Reegan McCullough, County Commissioner – CAO</p>

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
Planned Growth			
<ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Modern broadband and digital capabilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Low cost, minimal red-tape regulations 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thriving Communities			
<ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Stewardship			
<ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
<ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Meaningful connections with Indigenous communities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>