

Request for Decision

Title	Proposed Lease of Municipal Reserve Lot - Portion of Lot R7, Block 4, Plan 762 1623
Proposed Motion	<ol style="list-style-type: none"> 1. That Council refuse the request to lease a portion of Municipal Reserve Lot R7, Block 4, Plan 762 1623. 2. That Council direct Administration terminate the existing landscaping agreement signed on May 11, 1993 by Sturgeon County, Mid-West Gas Transmission Ltd., and the owners of Lot 1, Block 4, Plan 762 1623 and direct Administration to work with the landowner to finalize a practical and timely plan to remove encroachments and landscaping on the Municipal Reserve with the intent to ensure remediation and public access to Lot R7, Block 4, Plan 762 1623.
Administrative Recommendation	Administration recommends that Council refuse the request to lease a portion of the Municipal Reserve, and direct Administration to terminate the existing landscape agreement with the landowner, with the intent of remediating the Municipal Reserve and allowing public access.
Previous Council / Committee Direction	None.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • The owners of Lot 1, Block 4, Plan 762 1623 (the landowners) have approached the County to lease a portion of the municipal reserve beside their property. • The owners have a landscaping agreement allowing for private landscaping to extend onto the municipal reserve in a non-exclusive manner and subject to termination at any time. • A Public Hearing held on August 23, 2022 noted both support and opposition to the application to lease the municipal reserve, with 4 persons in favour and 11 opposed. This included: <ul style="list-style-type: none"> ○ Two written submissions and two presentations in favour of the proposed lease; and ○ Ten submissions and one presentation in opposition to the proposed lease.

- Summarized reasons provided by those in support of the proposed lease pertained to the following:
 - The landscaping has beautified the area;
 - The County would not be required to maintain this part of the municipal reserve;
 - There is no need/desire for a public trail in the area; and
 - There is hardly any traffic in the crescent, and people can walk on the road if they need to.
- Summarized reasons provided by those in opposition to the proposed lease pertained to the following:
 - The reserve is there to provide pedestrian access in the area and keep people off the road;
 - The reserve provides an area for children to play;
 - The maintenance of the reserve has been less than desirable in the past (e.g., the storage of materials); and
 - Leasing reserve for exclusive use will set a problematic precedent.
- The Sturgeon County Open Space Plan accepted by Council on April 12, 2022 showcased a comprehensive analysis of County land and recommended no disposal of Reserves. Although a lease is not technically a disposal, if approved, this portion of the reserve system would effectively be removed from public access.
- Leasing the reserve for the exclusive use of the applicant is not recommended as this portion of the reserve system would effectively be removed from public access.
- As land develops for residential use to the north, pathway development could become more important to ensure the County provides a safe, off-road, connected pedestrian system.
- Approval of the lease would result in the County 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.
- Leasing public land for exclusive use impacts ongoing land management with respect to information and signage. Commercially available maps will continue to show the lot as a park and may impact enforcement.

External Communication

- Surrounding landowners were directly notified of the Public Hearing by mail.
- Newspaper notifications of the Public Hearing were placed in the St. Albert *Gazette* for two consecutive weeks (August 10 and August 17) in accordance with the advertising requirements detailed within section 606 of the *Municipal Government Act* (MGA).

	<u>Relevant Policy/Legislation/Practices</u> <ul style="list-style-type: none"> Pursuant to section 674(1) of the MGA, a public hearing must first be held before Council can consider leasing Municipal Reserve. Section 606(1) of the MGA sets the requirements for advertising a public hearing.
Implication of Administrative Recommendation	<u>Strategic Alignment</u> Thriving Communities – Refusing the proposed lease will support the development of integrated natural spaces and trail systems, cultivating safe, beautiful, and complete communities. <u>Organizational</u> Administration has the capacity to implement next steps, including to consult with the landowner and ensure a practical remediation of the subject reserve area. <u>Financial</u> None anticipated, but to be determined following a site inspection and any agreements reached with the landowner.
Alternatives Considered	Council could approve the termination of the existing 1993 agreement and support the application from the landowner to exclusively lease a portion of Municipal Reserve Lot R7, Block 4, Plan 762 1623.
Implications of Alternatives	<u>Strategic Alignment</u> This option would allow for the continued exclusive use of County public land by one landowner and challenge the County’s implementation of its open space plan / creation of integrated natural spaces and trail systems. <u>Organizational</u> Administration would compile a lease agreement and prepare the necessary terms. <u>Financial</u> If a lease agreement is approved for exclusive use, a market value lease cost will need to be determined. This would result in some revenue to the municipality.
Follow up Action	Work with the landowner of Lot 1, Block 4, Plan 762 1623 to finalize a practical and timely plan to removing encroachments and landscaping to provide appropriate public access to a portion of Municipal Reserve Lot R7, Block 4, Plan 7621623 by May 31, 2023 (Community Services – Parks and Open Spaces, with Planning and Development Services, September 2022).
Attachment(s)	Attachment 1: Location Map
Report Reviewed by:	Bonnie McInnis, Manager, Planning & Development Services Travis Peter, General Manager, Development & Strategic Services Reegan McCullough, County Commissioner - CAO

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 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"/>