

P O L I C Y



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Policy Title USE AND MANAGEMENT OF COUNTY RESERVE LANDS	Date: February 28, 2019	Resolution No. C/75/19

Background

Under the Municipal Government Act, the County may request a landowner who is subdividing land to set aside a portion of their property as municipal and/or environmental reserve. Municipal reserves are lands that are acquired by the municipality for parks or recreation purposes. Environmental reserves are generally intended to remain in their natural state. The County will request the dedication of lands as environmental reserve in order to prevent environmental damage that can result from development and to guard against development occurring on potential hazardous lands that may damage persons or property. Environmental reserves are also important in providing for public access to water bodies and water courses. All reserve lands are owned and managed by the municipality.

The purpose and use of reserve land is often misunderstood by subdivision residents and the general public. Reserve lands are not intended for private use by adjacent landowners. The County is responsible for ensuring that reserves remain safe and available for public enjoyment.

Policy Statement

Lacombe County recognizes that there is a need to carefully manage the County's reserve lands to provide benefits for existing and future residents of the County and the general public and protect the natural environment. The policy provides directions for the ongoing management of reserve lands, the removal or licensing of existing encroachments on reserves, the potential disposal of existing reserve lands and the acquisition of reserve lands in new subdivisions.

1. Municipal Reserves (MR)

1.1 Management Intent

The management of MR lands is intended to provide a suitable land base for the provision of recreation facilities for the use and enjoyment of County residents and the general public.

Municipal reserves may provide important access links to other lands, including water access, and can also offer undeveloped green spaces that act as buffers between different land uses.

1.2 Use and Management of MR

1.2.1 Lacombe County may provide or allow public recreation facilities on MR lands where there is sufficient interest and demand, as determined by the County. Typical facilities to be considered for municipal reserves include sports fields, play structures, picnic sites, swimming beaches, community fire pits, skating rinks, trails, pathways and associated facilities, such as parking lots, toilets or washrooms.

1.2.2 The County will require subdivision developers to provide recreation facilities in new subdivisions.

The County encourages local communities to work with the municipality to develop recreation facilities. The County may work with local residents, groups or community associations to conduct work bees to address ongoing maintenance requirements, like litter picking, sign and fence repairs, and weed control.

1.2.3 Public trails may be developed on MR lands, at the discretion of the County. Support from local residents will be considered as part of the County's decision. Local residents will be considered residents of the relevant subdivision or surrounding area as determined by the County.

1.2.4 Motorized use of trails will be restricted to designated trails in specific reserve locations approved by the County. Motorized vehicles will not be permitted on reserves lands where there are no approved trails.

1.2.5 Commercial facilities and services will generally not be permitted on MR lands. Exceptions may be considered under unique circumstances where there is support from local residents and at the sole discretion of the County. Local residents will be considered residents of the relevant subdivision or surrounding area as determined by the County.

1.2.6 In MR locations that are in their natural state without developed recreation facilities, the removal of vegetation will not be permitted. However, vegetation removal may be considered where there is a public safety hazard as determined by the County. Mowing will only occur to control weeds and to reduce fire hazards. Removal of vegetation and mowing will be undertaken by the County or as approved by the County. Placement of fill material and other yard wastes (e.g. grass clippings, tree pruning's) or the removal of any material will not be allowed.

1.2.7 MR lands may be leased for temporary agricultural purposes, especially where the agricultural activity will assist with weed control and fire hazard reduction. Agricultural activities must be conducted in such a way to allow for the eventual use of the property for public recreation or its return to natural vegetation conditions, as directed by the County.

- 1.2.8 Winter storage of boat docks and boat lifts may be permitted on MR lands at locations approved by the County.
- 1.2.9 Camping or overnight use of MR lands will generally not be permitted, except at community halls. The County may allow occasional overnight use of specific MR lands for special events (e.g. family reunions, weddings) or in designated locations (e.g. along rivers for boaters). Occasional uses will only be permitted where the County feels adjacent landowners will not be adversely affected. The County will decide if a special event will be allowed to proceed, at its sole discretion.

2. Environmental Reserves(ER)

2.1 Management Intent

The management of ER lands is intended to protect the natural environment of the reserve lands and surrounding area. They will also be managed to protect human life and property from hazardous environmental conditions (e.g. flooding, unstable slopes) and provide access to lakes and rivers.

2.2 Use and Management of ER

- 2.2.1 ER lands will be left in their natural condition as much as possible. The removal of vegetation from ER lands will not be permitted, except where there is a public safety hazard as determined by the County. Mowing will only occur to control weeds and to reduce fire hazards. Removal of vegetation and weed control will be undertaken by the County or as approved by the County. Placement of fill material and other yard wastes (e.g. grass clippings, tree pruning's) or the removal of any material will not be allowed.
- 2.2.2 Public trails may be developed on ER lands, at the discretion of the County. Support from local residents will be considered as part of the County's decision. Local residents will be considered residents of the relevant subdivision or surrounding area as determined by the County.
- 2.2.3 Motorized use of trails will be restricted to designated trails in specific reserve locations approved by the County. Motorized vehicles will not be permitted on reserves lands where there are no approved trails.
- 2.2.4 In subdivisions along lakeshores and rivers, a limited number of public access facilities, like pathways and stairs, may be permitted to allow safe access across ER lands to the water's edge. The number and location of access facilities will be determined by the County. The access facilities must be built and maintained in a safe and environmentally responsible manner. Stairs and staircases shall meet building code requirements or

be certified by a professional engineer. Public access facilities developed by the County, subdivision developers or a community association, with County approval, will not require a license.

After adoption of this policy, no new private access facilities will be permitted on ER lands.

2.2.5 Commercial facilities and services will generally not be permitted on ER lands. At the County's sole discretion, exceptions may be considered under unique circumstances where there is support from local residents and environmental conditions are suitable as determined by the County. Local residents will be considered residents of the relevant subdivision or surrounding area as determined by the County.

2.2.6 ER lands will not be leased for agricultural purposes.

2.2.7 Winter storage of boat docks and boat lifts may be permitted on ER lands at locations approved by the County. The environmental integrity of ER lands shall not be compromised to accommodate temporary storage locations.

2.2.8 Camping or overnight use of ER lands will generally not be permitted. The County may allow occasional overnight use of specific ER lands for special events (e.g. family reunions, weddings) or in designated locations (e.g. along rivers for boaters). Occasional uses will only be permitted where the County feels there will be no negative environmental impacts and adjacent landowners will not be adversely affected. The County will decide if a special event will be allowed to proceed, at its sole discretion.

3. Encroachments and Unauthorized Structures on Reserve Lands

3.1 Encroachments and Unauthorized Structures on MR

Private facilities and structures, such as sheds, fences, gardens, material storage, driveways and buildings, are occasionally found to be located on MR lands.

This part of the policy deals primarily with encroachments and unauthorized structures that existed on MR prior to the adoption of this policy. Developments that occur after adoption of this policy will be expected to adhere to the following policies, thereby avoiding new encroachments and unauthorized structures on reserve lands.

3.1.1 The owner of an unauthorized building or structure on MR will be asked to remove the structure and reclaim the lands within a reasonable amount of time that shall not exceed one year. If the owner does not comply, the County may take the necessary action and charge the owner for its costs.

- 3.1.2 The County may consider allowing an encroachment to remain on MR if there are extremely unusual or extenuating circumstances. If the County considers it appropriate to allow an encroachment to remain, the owner shall enter into a license agreement with the County. Fees will be paid by the owner to the County for the encroachment to remain on County land.

Conditions in the agreement would include a specific time limit and address the permitted use of the building or structure, indemnities and insurance requirements. The agreement will specify that minor maintenance may be undertaken, but the building or structure could not be improved, expanded or replaced. At such time as the building or structure reaches the end of its useful life, the owner will be required to demolish the building or structure and reclaim the County's MR land. The County may allow the transfer of the license to another party.

- 3.1.3 If a private facility located on MR lands is causing any environmental damage, or there is a risk of environmental damage, or the private facility seriously impedes public access to the MR lands (as determined by the County), the owner will be required to remove the facility as soon as possible. If the owner does not comply, the County may take the necessary action and charge the owner for its costs.

3.2 Encroachments and Unauthorized Structures on ER

Private facilities and structures like pathways, stairs, decks, lawns, fire pits and sheds are often found to be located partially or entirely on ER lands, especially ER lands along lake shorelines.

This part of the policy deals primarily with encroachments and unauthorized structures that existed on ER prior to the adoption of this policy. Developments that occur after adoption of this policy will be expected to adhere to the following policies, thereby avoiding new encroachments and unauthorized structures on reserve lands.

- 3.2.1 The County may allow existing trails, pathways and stairs that provide access to the water's edge to remain on County ER lands. The access facilities must be built and maintained in a safe and environmentally responsible manner. Stairs and staircases shall meet building code requirements or be certified by a professional engineer. The owner of the stairs will be required to provide the County with an inspection report from a qualified building code inspector or professional engineer confirming compliance with safety requirements.

If an existing set of stairs or staircase is not considered safe, the County may consider allowing replacement of the stairs with a new structure that meets the building code or is designed by a professional engineer. The

new stairs shall be designed to minimize the removal of vegetation and erosion risk.

The owners will be required to enter into a license agreement with the County for the access facilities. Conditions in the agreement would include a specific time limit and address the permitted use of the structure, ongoing maintenance, indemnities and insurance requirements. License fees will be paid by the owner to the County for the access facility on County ER lands. The license agreement can be transferred to another party.

- 3.2.2 All other private facilities like lawns, decks, fire pits and storage sheds will be removed from the ER lands and the lands reclaimed by October 31, 2008 or within one year of notification by the County. If the owner does not comply, the County may take the necessary action and charge the owner for its costs.
- 3.2.3 If removal of a private building or structure will result in an unacceptable level of environmental damage (as determined by the County), the County may enter into a license agreement that allows the structure to remain on ER lands. Conditions in the agreement would include a specific time limit and address the permitted use of the structure, ongoing maintenance requirements, indemnities and insurance requirements. License fees will be paid by the owner to the County for the facility to remain on County ER lands. The license agreement can be transferred to another party.
- 3.2.4 If a private facility located on ER lands is causing environmental damage, or there is a risk of environmental damage, or the private facility seriously impedes public access to or along the ER lands (as determined by the County), the owner will be required to remove the facility within a time period established by the County. If the owner does not comply, the County may take the necessary action and charge the owner for its costs.

4. Undesignated Reserves

Reserve lands in older subdivisions may be known as community reserve, park or simply reserve. These designations refer to language that was used in previous legislation, prior to 1980. Approximately half of the existing reserve parcels in Lacombe County are undesignated reserves.

The County can choose how to manage these undesignated reserves with regards to the current definitions of ER and MR. The following approach will be utilized for the purposes of implementing this Policy on the Management and Use of County Reserve Lands.

4.1 Management and Use of Undesignated Reserves

- 4.1.1 Lacombe County will manage and use undesignated reserve lands based on an assessment of the reserve parcel relative to the criteria outlined in the Municipal Government Act, as amended from time to time.
- 4.1.2 An undesignated reserve, or portion of a reserve, that encompasses a swamp, ravine, or natural drainage course, or is subject to flooding, or may be unstable will be managed by the County and used as if it is ER. Undesignated reserves adjacent to lakes, rivers, streams or other bodies of water will also be considered as ER.
- 4.1.3 Undesignated reserve land, or portion of a reserve, that is suitable for recreation activities, as outlined in Policy section 1.2.1 or serve as a buffer between different land uses, or provide an access link, shall be managed by the County as if they are MR.

5. Disposal of Reserves

The Municipal Government Act allows the County to prepare a bylaw to sell or lease MR land. However, ER cannot be sold and only short term leasing of ER lands is permitted (less than 3 years). The Act requires that Council give notice of its intent to sell or lease reserve lands and holds a public hearing.

5.1 Procedures for Disposing of Reserves

The County may consider the disposal of reserves based on the following procedures:

- 5.1.1 The County will not normally dispose of reserve lands. Disposal will only be considered in exceptional circumstances where the County has carefully considered existing and future use of the property and decided that the reserve property is surplus to County needs.
- 5.1.2 The County will review its present inventory of reserve holdings and may identify reserves that are considered surplus to the County's needs. Lands that play no major recreation role and are unlikely to serve a future recreation, environmental or utility purpose may be classed as surplus. Surplus reserve lands may be sold or leased for other purposes. Preference will be given to the sale of surplus reserve lands.
- 5.1.3 ER and undesignated reserves that are considered ER will not generally be considered for lease and shall not be sold. Leases (or license agreements) for ER lands will only be considered in accordance with policy directions outlined in Sections 2.2.4 and 3.2.1 (shoreline access stairs) and 3.2.3 (licensing of existing structures where removal may cause environmental damage).

- 5.1.4 A community meeting will be held with residents and landowners in the subdivision where a reserve is being considered for sale. The purpose of the community meeting will be to request public input on the proposed sale of the reserve. The County will consider input from local residents as it decides whether to proceed with disposal of a reserve.
- 5.1.5 A formal public hearing will be advertised and held to provide notice of the County's intention to pass a bylaw to sell or lease a reserve. Council will consider input received at the public hearing as it decides whether to proceed with the bylaw.
- 5.1.6 The County may consider subdividing surplus reserves for a use that conforms with the use of surrounding lands.
- 5.1.7 The disposal of surplus reserves will be implemented through a process of public tender, advertisement or auction. The opportunity to purchase surplus reserve land will normally be made available to the general public.
- 5.1.8 Money raised from the sale or lease of the surplus reserve lands will be placed in a Municipal Reserve Trust Fund as required by the Municipal Government Act. Proceeds may be used to support recreation development of existing reserves or for the acquisition of lands for new parks or open spaces.

6. Dedication of Reserves in New Subdivisions

As new subdivisions are proposed, the County has the opportunity to acquire new reserve lands, money in lieu of land dedication, or a combination of land and money. The following policies will guide the County's actions with regards to reserve requirements.

6.1 New Municipal Reserves

- 6.1.1 In new industrial and commercial subdivisions near towns and villages, the County may require MR land dedication to set aside lands for community or regional recreational facilities. In other industrial and commercial subdivisions, the County may take cash in lieu rather than the dedication of land for MR. The County does not anticipate the need to provide recreation facilities in locations where there are no residences.
- 6.1.2 Linear corridors may be taken as MR in industrial and commercial subdivisions to provide connections to adjoining subdivisions, lands or other reserves where a demand for trails or pathways is anticipated.
- 6.1.3 The County may consider the dedication of MR in a rural residential subdivision where such dedication would serve one or more of the following purposes:

- responds to demand for recreation facilities and services that will benefit the future residents of the subdivision and any surrounding developments;
- provides land that is suitable and attractive for development of recreation facilities or opportunities;
- creates interconnected open spaces that provide trail links to adjoining subdivisions and other lands;
- protects natural features that cannot be protected by ER (e.g. treed areas); or
- achieves ecological connections for vegetation continuity or wildlife corridors.

6.1.4 Where a residential subdivision is proposed on or near a lakeshore or along a river, the County will require dedication of MR for one or more of the following purposes:

- to provide land that is suitable and attractive for development of recreation facilities and opportunities;
- to provide public water access. A minimum of 20% of the lakeshore frontage (behind the shoreline ER) will be dedicated as MR to provide improved public access to the water body. Where possible the MR dedication will be taken as a single parcel, with a minimum width of 30 metres to provide parking and vehicle turnaround. The MR parcel must be accessible from a public roadway. A minimum 5 metre wide strip of MR will be dedicated adjoining the lakeshore or river bank ER to allow for development of public access trails;
- to create interconnected open spaces that provide trail links to nearby shorelines, within the subdivision, or to adjoining subdivisions and other lands;
- to protect natural features that cannot be protected by ER; or
- to achieve ecological connections for vegetation continuity or wildlife corridors.

6.1.5 In new subdivisions where MR dedications are being taken, the subdivision developers will be required to build appropriate recreation facilities, as determined by the County (e.g. picnic areas, playgrounds and trails).

6.2 New Environmental Reserves

6.2.1 The County shall require the dedication of ER in new subdivisions to protect natural features such as shorelines, steep slopes, drainage courses, wetlands or other water bodies, areas susceptible to flooding, ground water recharge areas, natural vegetation, and fish and wildlife habitat.

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- 6.2.2 Dedication of ER may also provide public access to lakes, rivers and other bodies of water and water courses.
- 6.2.3 Where possible, the County will ensure that the dedication of new ER is contiguous with existing and potentially new ER lands in order to provide an interconnected system of open spaces.
- 6.2.4 The County may require developers to reclaim or remediate lands proposed to be dedicated as ER if the proposed reserve lands are in poor environmental or unsafe condition, as determined by the County. The reclamation or remediation work required by the County must be completed before the County accepts the reserve dedication.

6.3 Registration of Environmental Reserve Easements

Environmental reserve easements (ERE) are another tool that the County can use for the protection of the environment in new subdivisions. The natural features to be protected are the same as ER (e.g. drainage courses, wetlands). Lands subject to such an easement must remain in their natural condition. However, the lands are retained in private ownership and are not owned by the County as in the case of ER. An easement normally does not provide any public access.

The following policies will guide ERE registration:

- 6.3.1 The County will not normally accept the registration of ERE in new subdivisions.
- 6.3.2 An ERE may be considered to protect environmental features where public access is not required or the environmental sensitivity of the site makes it unsuitable for public use (e.g. wetlands). A clear statement on how the site will be controlled and used will be included in the ERE agreement.
- 6.3.2 Registration of ERE will not be considered in areas along lakes and rivers where public access to or along the shoreline may be required.

7. Policy Implementation

- 7.1 The County will develop an ongoing public information campaign on the purpose of reserve lands and the appropriate use and management of County reserves.
- 7.2 A municipal bylaw will be prepared that specifically addresses the implementation of this Policy on the Use and Management of Reserve Lands. The bylaw will address such items as permitted uses, license fees, penalties and enforcement orders.

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- 7.3 Council may transfer its authority for implementation of this policy to the County Manager or designate.
- 7.4 Signs will be posted along reserve boundaries to identify them as County land and explain permitted or restricted activities. Fences or barriers may be installed along reserve boundaries where it is necessary to control vehicle access or other unauthorized activities.
- 7.6 The County will conduct a base line inventory of all reserve lands that identifies the condition of each reserve, any requirements for management actions and whether the land may be surplus to the County's needs. Monitoring of reserve lands will be conducted annually to ensure ongoing compliance with this policy on the Use and Management of County Reserve Lands.
- 7.7 The County may work with local residents, groups or community associations to address ongoing maintenance requirements.

Approved: December 5, 2006