



Legislation Text

File #: PH-16-012, **Version:** 1

Land Exchange - Erin Ridge North

Presented by: Robin Beukens, Planner

RECOMMENDATIONS

That the Public Hearing be adjourned to April 3, 2017.

If Council wishes to approve on March 20, 2017, that Council close the Public Hearing by unanimous vote and authorize the City Manager to proceed with the Municipal Reserve Disposal and Land Exchange as outlined in Alternative A of this report.

PURPOSE OF REPORT

Landrex Inc. is requesting a land exchange with the City of St. Albert. The land exchange would create a more uniform park, enable better lotting for the residential subdivision, and improved connectivity to the MR 200 parcel. There would be no loss of MR land, just a reconfiguration. To create this change of land parcel shape, the following would have to occur:

1. The City of St. Albert would dispose of 0.155 ha \pm (0.38 acres \pm) of Municipal Reserve. Section 674 of the *Municipal Government Act* (MGA) requires a public hearing be held for any disposition of municipal reserve.
2. Landrex will enter into a land agreement with the City for the land exchange.
3. The City of St. Albert will dedicate the newly acquired 0.155ha \pm (0.38 acres \pm) as Municipal Reserve (MR).

COUNCIL DIRECTION

Municipal Development Plan (MDP) Policy 17.3 requires compliance with other statutory plans. The Municipal Reserve (MR) land exchange is being proposed as part of future amendments to the Erin Ridge North Area Structure Plan (ASP) and the Land Use Bylaw (LUB), both of which would be in compliance with the MDP. The MDP identifies that the City can require and designate land as MR. This MR land exchange would be in compliance.

BACKGROUND AND DISCUSSION

Landrex Inc. has applied to engage in a Municipal Reserve (MR) land exchange with the City. This is being done to accommodate proposed amendments to the Erin Ridge North ASP Bylaw 33/2009 and Land Use Bylaw 9/2005. The applicant feels that the current configuration of the property lines at the northeast edge of the subject site (Former King of Kings Lutheran Church site) is awkward for development; and that the MR land exchange will make the site more conducive for development while maintaining the existing amount of parkland in the area as seen on the map entitled "Municipal

Reserve Proposed Reconfiguration". The parcels that would be involved in the MR land exchange are shown on the "Municipal Reserve Disposal and Land Exchange" map and described in the attachment entitled "Description of Land Exchange Parcels".

The proposed MR land exchange is part of a larger set of applications aimed at facilitating development at the subject site in the Erin Ridge North Neighbourhood. The following is a summary of the steps required to enable development:

- Previously approved by Council
 - Intermunicipal Development Plan (IDP) Bylaw 7/2001, approved April 7, 2015
 - Municipal Development Plan (MDP) Bylaw 15/2007, approved April 7, 2015
- Current applications before Council, outcomes of which will affect the proposed ASP and LUB amendments
 - Municipal Reserve Disposal and Land Exchange
- Future applications to come before Council (May 15, 2017)
 - Amendment to Erin Ridge North Area Structure Plan (ASP) Bylaw 33/2009
 - Amendment to Land Use Bylaw (LUB) 9/2005

The disposal of Municipal Reserve must occur before Council considers the proposal for the ASP and LUB amendments.

The *Municipal Government Act* (MGA), Sections 671, 674, and 675 govern the disposal of municipal reserve. The MGA gives Council authority to sell, lease, or otherwise dispose of municipal reserve. When municipal reserves are disposed of, the proceeds from the disposition can only be used for any (or all) of the purposes listed in MGA, Section 671(2), which include:

- (a) a public park;
- (b) a public recreation area;
- (c) school board purposes; and
- (d) to separate areas of land that are used for different purposes,

or for any matter connected to such purposes.

In this case, the proceeds of disposal are an equal sized portion of adjacent land. The market value for each exchange parcel is equal. Therefore, the exchange of the land parcels requires no further financial compensation from either the City or Landrex. There is no new municipal reserve owing for lands on the former King of Kings Lutheran Church site.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Notification of the request for the MR land exchange was provided to adjacent landowners as per MGA Section 606.

The proposed MR land exchange was circulated with the proposed Erin Ridge North ASP amendment, the proposed LUB amendment, and the proposed road closure for a portion of Coal Mine Road, which is no longer proposed. Standard circulation to various stakeholders and affected landowners was undertaken, through mailings to residents within 100 meters of the affected properties and advertising in the St. Albert Gazette.

A public meeting was held by the developer on October 29, 2014, and an open house was held by the developer on January 19, 2017. No comments were received regarding the MR land exchange at these events.

With regards to the proposed MR land exchange, no objections were received internal stakeholders or external stakeholders during the circulation. From residents there was one in support and one against the MR land exchange. These are included in the attachment entitled "Feedback from Residents".

IMPLICATIONS OF RECOMMENDATIONS

Financial: The market value for each parcel is equal. The exchange of the land parcels requires no financial payments by either the City or Landrex.

Legal / Risk: Any proposed disposal of MR land, regardless of the value received in exchange, requires advertising and a public hearing in accordance with section 674 of the MGA (Disposal of Municipal and School Reserve).

Program or Service: None at this time.

Organizational: None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

- a) If there is interest by Council to proceed with closing the public hearing and approving the requested land exchange during the March 6 Council Meeting, the following Alternative Recommendations have been provided for use:
1. That the Public Hearing be closed.
(Note that passage of this motion requires unanimous consent.)
 2. That the City Manager notify the Registrar of Land Titles that the City has complied with the requirements of Division 9, Part 17 of the *Municipal Government Act* with respect to the disposition of a portion of Municipal Reserve land legally described as Part of Plan 132 5384, Block 7, Lot 164MR, identified on the map entitled "Municipal Reserve Disposal & Land Exchange" provided as an attachment to the agenda report dated March 20, 2017 agenda report entitled "Land Exchange - Erin Ridge North", and request that the Registrar remove the MR designation from this portion of land upon the subdivision of these lands from the remainder of Plan 132 5384, Block 7, Lot 164MR.
 3. That, provided the Municipal Reserve designation is removed from the referenced lands as requested, the City enter into a land exchange with Landrex to exchange a portion of the land presently known as Plan 132 5384, Block 7, Lot 164MR marked as Area A, with an area of

0.155 ha± (0.38 acres±), for a portion of Plan 942 3702, Lot C marked as Area B, with an area of 0.155 ha± (0.38 acres±), the respective areas of which are indicated on the map entitled "Municipal Reserve Disposal & Land Exchange", provided as an attachment to the March 20, 2017 agenda report entitled "Land Exchange - Erin Ridge North".

4. That, upon completion of the land exchange in which the City acquires the property, the portion of land which is part of Plan 942 3702, Lot C, with an area of 0.155ha± (0.38 acres±), and marked as Area B on the map entitled "Municipal Reserve Disposal & Land Exchange", provided as an attachment to the March 20, 2017 agenda report entitled "Land Exchange - Erin Ridge North", the acquired property be designated as Municipal Reserve (MR).

b) Refuse the municipal reserve land exchange. Implication would be that the applicant would be required to alter their proposed amendments to the Erin Ridge North ASP and Land Use Bylaw 9/2005 before these amendments could come to Council.

STRATEGIC CONNECTIONS

- a) Council's Strategic Outcomes and Priorities
 - CULTIVATE ECONOMIC PROSPERITY: A diversified, robust and resilient economic foundation to support growth and community service delivery.
 - Municipal reserve land exchange would facilitate development on the land located north of Coal Mine Road, south of Everitt Drive North, and east of St. Albert Trail.
 - CULTIVATE A GREEN COMMUNITY: A healthy natural environment for future generations that preserves and promotes enjoyment, conservation and responsible development.
 - Municipal reserve land exchange is preserving the existing supply of parkland.
- b) Long Term Plans
 - Erin Ridge North Area Structure Plan Bylaw 33/2009
 - Land Use Bylaw 9/2005
- c) Corporate Objectives
 - Ensure our customers are very satisfied
- d) Council Policies
 - C-ED-03 Land Transactions
- e) Other Plans or Initiatives
 - N/A

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