



Policy No.: 6100.02

Topic:  <p style="text-align: center;"><b>Land Management</b></p>	Effective Date: April 26,, 2005
	Approved By: RES 176-04-26-05
Subject Area:  <p style="text-align: center;">Planning and Development</p>	Date of Next Review: _____, 2010
	Date(s) Revised:

**Policy Statement:**

Yellowhead County is committed to manage County owned lands in a manner that is in the best interests of its citizens. The County will maintain County lands that are deemed necessary for municipal purposes, and will dispose of any surplus lands in the most expeditious manner possible. The County will act in accordance with the Municipal Government Act, and will require market value for land sales and rentals, unless accepting less than market value is deemed to be in the best interests of County as a whole.

**Purpose:**

To clarify responsibilities/expectations of the County with respect to management, retention and disposal of County lands.

**Council Principles:**

1. The Vision of Council is to maintain sufficient County lands for municipal purposes, but to dispose of all excess lands in the most expeditious manner possible.
2. The County will endeavor to maximize sale or lease funds from lands, except where it is in the best interests of the County as a whole to accept less than market value, in accordance with the Municipal Government Act.
3. The County may use County lands to further greater County objectives (e.g. land development) or consider land trades with others to resolve constraining issues (e.g. access).
4. In the case of tax recovery properties, the County will show diligence in researching past history or current condition of property, before acquiring title to property. If the County takes title to the tax recovery property, the land will be disposed of in the most expeditious manner possible.



**Council Guidelines:**

Review Inventory of Lands	Council will establish a list of County lands to determine their marketability and then which lands are to be disposed of or kept for municipal purposes, and may update the list as required. Those lands deemed marketable are deemed to be "for sale" and do not require additional Council approval to be marketed for sale.
Available to Public	Once Council has reviewed the inventory of County lands, the list shall be made available for public information.
Establish Minimum Asking Price	Council shall establish the minimum asking price for all land purchases and may use the County assessor to determine value or may use an independent appraisal, as the case warrants.
Consider Strategic Land Purchases	Council may consider strategic purchases of private or public land to further County objectives or to address other municipal requirements.
Process for Disposal	<p>Except as provided for by specific land management strategy (e.g. Evansburg subdivision), all lands will initially be offered for sale by public tender.</p> <p>If no acceptable offers are received at tender (e.g. do not meet minimum asking price), the lands may be marketed in any manner deemed most expeditious by the Chief Administrative Officer.</p> <p>In order to encourage a particular land use or development to proceed in the County, Council may consider offering lands for sale by Request for Proposal or other similar process.</p>
Review of Offers to Purchase	Council shall review all offers to purchase County lands with a minimum asking price greater than or equal to \$50,000.00.
Tax Recovery Lands	<p>Disposition for all lands taken for tax recovery will follow the procedure outlined in the Municipal Government Act.</p> <p>In the case of lands that may be contaminated, Council may elect <u>not</u> to take title to lands in tax recovery in order to collect taxes owing on the property, as the costs to remediate any contamination of the property may be in excess of any revenue collected from the sale of the lands.</p> <p>Pursuant to the Municipal Government Act and this policy, tax recovery lands may be rented; however, the maximum term of lease will be annually, with an option for the County to discontinue the lease due to land sale or other reason.</p>
Rentals/Leases	Council shall review all offers to rent or lease County lands or facilities, and any rental renewals. Council may determine that rental of land be tendered or put up for open bid, if sufficient interest is shown in a parcel of land.



	<p>For land leased for other than for agricultural purposes, land (and buildings) may be leased for terms up to a maximum of 5 years, with the County retaining the right to discontinue the lease at any time if the land is needed for any purpose.</p> <p>For land (and buildings) leased for other than agricultural purposes, the annual rental shall be 10% of the market value of the property.</p> <p>Rentals or leases for agricultural purposes shall be for 5 year terms, unless the lessee is required to fence the property for grazing purposes, in which case Council may consider 10 year lease term, with County retaining the right to discontinue the lease at any time if the land is needed for any purpose.</p> <p>For rental of land for agricultural purposes (e.g. pasturing), the following rental rates shall apply:</p> <ul style="list-style-type: none"><li>(a) for rental of land for haying or grain crop, rental rates shall be \$61.77/ha (\$25.00/ac.) annually;</li><li>(b) for rental of land for grazing purposes, rates are based on the average holding capacity of 25 cow/calf pairs, or 25 yearlings per quarter section (64.75 hectares or 160 acres). Rental rates shall be \$9.88/ha/month (\$4.00/ac./month).</li></ul>
Road Allowances/Hay Cutting Permits	<p>Road allowances shall not be rented or leased.</p> <p>Hay permits may be allowed to cut hay on road allowances or other parcels of land, at the rates determined in this policy. If it is determined that the cutting of hay is of benefit to the County (due to reduced mowing or maintenance costs), the fee may be waived.</p> <p>Hay permits may be granted on a "<i>First come, First served</i>" basis by the Chief Administrative Officer. Priority will be given to adjacent landowners. Hay permits are for seasonal hay cutting and are not grazing permits or leases.</p>



Telecommunication Towers, Installations or Utilities	<p>For lands rented for purpose of telecommunication towers or other utilities not owned or operated by Yellowhead County, annual rental rates shall be 10% of the market value of the property.</p> <p>For rental of space on an existing Yellowhead County telecommunication tower, rates shall be \$275.00 per month.</p> <p>The County will endeavor to make space available on County towers or other structures for additional installations, in the interest of providing additional wireless services to our citizens.</p>
Special Management Areas	<p>There may be areas of the County that Council has adopted or is working on a special land management plan (e.g. Coalspur, Airport). Land management issues will be in accordance with that specific land management plan, and will be deemed to be in accordance with this policy.</p>
Maintenance of County Land	<p>County land shall be maintained in good condition and the land management budget shall address funds necessary to keep the properties in good condition.</p> <p>All properties, including Municipal or Environmental Reserve parcels, should be inspected no less than every three years, as resources permit, to determine there are no dangers to public safety or to private property.</p>
Non Profit Societies or Agencies	<p>Council may consider accepting less than market value for sales or rentals of County owned land, if it is deemed to be in the best interest of the County as a Whole and the buyer/renter is a Non Profit Society or Agency, as defined by Provincial legislation.</p>
Road Closure	<p>Market value shall be required for sale of all land for road closures, unless it is in the best interest of the County as a Whole to accept less than market value.</p>
Incidental Costs	<p>All incidental costs related to sale and transfer, including land titles, survey and legal fees, shall be borne by the purchaser, unless it is in the best interest of the County as a Whole to share in the various costs of transfer.</p>



County/Province Purchase or Trade	The County may work with the Province to effect strategic land trades which resolve issues for either party.
Encroachment Agreements	<p>Encroachments may be allowed to remain on County roadway or land, if the encroachment does not present an ongoing problem to County operations, and subject to entering into an encroachment agreement.</p> <p>Encroachments Agreements shall require that the encroachment may be required to be removed by the owner (adjacent landowner), at the expense of the owner (adjacent landowner) when the County determines that the encroachment must be removed, at the sole discretion of the County.</p> <p>For encroachments on County road right of ways or utility lots of major structures (e.g. fences, retaining walls, structures having value estimated to be equal to or greater than \$10,000.00), Council shall review and decide on possible encroachment agreements allowing the structure to remain on land, subject to all standard conditions.</p>

**Chief Administrative Officer Delegation of Authority/Limitations/Expectations:**

Keep Inventory of Lands	County administration will keep a complete inventory of County land, and Council shall review the inventory as required to keep the inventory current.
Method of Sale/Disposal	For lands deemed marketable, and in the case of tax recovery land that has been to tax sale, the lands may be marketed directly, by auction, real estate service or other method deemed appropriate by the Chief Administrative Officer.
Review of Offers to Purchase	Where Council has determined lands to be marketable and established a minimum asking price, and in the case of land sales with a minimum asking price of less than \$50,000.00, any offers or tenders (as the case may be), may be accepted by the Chief Administrative Officer, subject to the offer(s) meeting or exceeding minimum asking price plus incidental costs (transfer, legal fees, etc). The Chief Administrative Officer may take to Council any offers or transactions which do not appear to meet policy, but require further review or have merit to consider in the interest of the County as a whole.



Oil and Gas Installations, Seismic Applications	Due to the need for expedient answers to requests for access to County land for various oil and gas applications, all decisions may be made by the Chief Administrative Officer.  If the Chief Administrative Officer deems that there are issues Council or local landowners may have concerns with, the matter may be referred to Council for decision.
Encroachment Agreements	For encroachments on County road right of ways or utility lots of minor structures (e.g. fences, retaining walls, structures having value less than \$10,000.00), the Chief Administrative Officer shall have authority to review and enter into agreement allowing encroachment to remain on land, subject to all standard conditions.

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Reeve's Signature

April 26, 2005

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Date