

COUNTY OF ST. PAUL #19

Policy Number

PW-93

Title
Reserve Lands Management
Policy

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Date Approved:
June 10, 2013

Objective:

The County of St. Paul No. 19 recognizes that there is a need to carefully manage the County's reserve lands to provide benefits for the general public and to protect the natural environment. This policy provides direction for administration regarding the 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.

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 and recreation purposes. Environmental reserves are intended to remain in their natural state.

The County will request the dedication of lands as environmental reserve to prevent environmental damage that can result from development and to guard against the 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 watercourses. All reserve lands are owned and managed by the municipality.

Reserve lands are not intended for private use by adjacent landowners. The County is responsible for ensuring that reserve lands remain safe and available for public enjoyment. The County will not provide maintenance and upkeep of reserve lands unless a significant public safety hazard is present.

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

The County of St. Paul may 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 but are not limited to sports fields, picnic sites, swimming beaches, community fire pits, skating rinks, trails, pathways and associated facilities such as parking lots, toilets, or washrooms.

The County may require subdivision developers to provide recreational facilities in new subdivisions.

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

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.

Motorized vehicles will not be permitted on reserve lands unless the County approves a parking lot within the MR lands.

Commercial facilities and services will not be permitted on reserve lands.

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

Winter storage of boat docks and boat lifts may be permitted on MR lands at locations approved by the County.

MR lands will not be leased under any circumstances.

The County is not required to provide recreational facilities on MR lands. Residents interested in creating pathways, stairs, or other facilities may do so by obtaining a permit as per Section 3.3 of the County Land Use Bylaw.

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 (flooding, unstable slopes, etc.) and provide access to lakes and rivers.

2.2 Use and Management of ER

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 reduce fire hazards. Removal of vegetation and weed control will be undertaken by the County. Placement of fill material or other yard wastes (grass clippings, tree prunings, etc.) or the removal of any material will not be allowed.

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.

Motorized vehicles will not be permitted on ER lands unless the County approves a parking lot within the ER lands.

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.

No private access facilities will be permitted on ER lands.

Commercial facilities and services will not be permitted on ER lands.

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.

ER lands will not be leased under any circumstances.

3. Encroachments and Unauthorized Structure on Reserve Lands

3.1 Encroachments and Unauthorized Structures on MR

Occasionally, private facilities and structures such as sheds, fences, gardens, material storage, driveways, and buildings are located on MR lands.

The owner of an unauthorized building or structure on MR will be asked to remove that structure and reclaim the lands within a reasonable amount of time that shall not exceed ninety (90) days. If the owner does not comply, the County may take necessary action and charge the owner for its costs.

The County will 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 may specify that minor maintenance 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.

If a private facility or structure located on MR lands is causing any environmental damage, or there is a risk of environmental damage, or the private facility or structure 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 the 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.

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 obtain the required permits from the County of St. Paul.

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.

The County requires all other private facilities like lawns, decks, fire pits, and storage sheds to be removed from ER lands and the lands reclaimed. If the owner does not comply, the County may take the necessary action and charge the owner for its costs.

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 may be transferred to another party.

If a private facility located on ER lands is causing environmental damage, or there is 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 the time frame established by the County. If the owner does not comply, the County may take necessary action and charge the owners for its costs.

4. Undesignated Reserves

Reserve lands in older subdivisions may be known to be community reserve, park, or simply reserve. These designations refer to language that was used in previous legislation prior to 1980.

The County can choose how to manage these undesignated reserves with regards to the current definitions of MR and ER.

4.1 Management and Use of Undesignated Reserves

The County of St. Paul will manage and use undesignated reserve lands on an assessment of the reserve parcel relative to the criteria outlined in the Municipal Government Act, as amended from time to time.

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.

Undesignated reserve land, or portion of a reserve that is suitable for recreation activities 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 County values the future potential of reserve lands and will not sell or lease municipal reserve or environmental reserve land under any circumstances.

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

In new industrial and commercial subdivisions near towns and summer villages, the County may require MR land dedication to set aside lands for community and regional recreational facilities. In other industrial and commercial subdivisions, the County may take cash in lieu rather than the dedication of land for MR.

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.

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 space that provide trail links to adjoining subdivisions and other lands
- Protects natural features that cannot be protected by ER such as treed areas
- Achieves ecological connections for vegetation continuity or wildlife corridors

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 water access
- To create interconnected open spaces that provide trail links to nearby shorelines, within a 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

In new subdivisions where MR dedications are being taken, the subdivision developers will be required to build appropriate recreational facilities, as determined by the County such as picnic areas, playgrounds, and trails.

6.2 New Environmental Reserves

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, groundwater recharge areas, natural vegetation, and fish and wildlife habitat.

Dedication of ER may also provide public access to lakes, rivers, and other bodies of water and watercourses.

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.

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.

7. 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 (drainage courses, wetlands, etc.). 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 County will not accept the registration of ERE in new subdivisions or in areas along lakes and rivers where public access to or along the shoreline may be

required.

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 (eg: wetlands). A clear statement on how the site will be controlled and used will be included in the ERE agreement.

8. General Matters

The County will periodically conduct a base line inventory of all reserve lands that identifies the condition of each reserve and any requirements for management actions.

Developments that occur after adoption of this policy will be expected to adhere to this new policy, thereby avoiding new encroachments and unauthorized structures on reserve lands.

The County of St. Paul recognizes that some situations precede the adoption of this policy. The County will continue to honour past agreements and will work diligently to remedy or mitigate challenges as they arise.

Notwithstanding the provision under 2.2 of this policy, the County of St. Paul will lease the following parcel of ER land:

28 ER, Block 2, Plan 8023220

	Date
Approved by Council	
Amended	
Amended	