



Request for Decision

Council Meeting: May 14, 2019

8.14 - Request for Path Development on Lot 1ER, Block 1, Plan 0224389 Adjacent to Lot 4, Block 1, Plan 0226222

Request

The potential purchaser of Lot 4, Block 1, Plan 1120579 has submitted a request to create private lake access across the municipally owned environmental reserve (ER).

Section 671(1) of the Municipal Government Act states that subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.

The Reserve Lands Management Policy Dev-93 allows for the creation of public access points at the discretion of Council. Section C (6) states that no private access facilities will be permitted on ER or CR lands.

The Land Use Bylaw 2013-50 provides for the issuance of a development permit in the event Council grants permission. All development permits are subject to the following conditions in addition to any others that the Development Authority may deem reasonable or necessary:

- a) the applicant shall indemnify the County from liability for the development; and
- b) the permit may be revoked at any time if, in the sole opinion of the Development Authority, the development poses a hazard to public safety, impedes public access, or interferes with the use and enjoyment of neighbouring properties.

Section 676(1) of the Municipal Government Act states that a council may by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 230, (a) use an environmental reserve for a purpose not specified in section 671(1). The Act goes on to say that terms and conditions may be included as part of this bylaw.



Alternatives

Council uphold sections 671(1) of the MGA and the Reserve Lands Management Policy Dev 93 by denying the request.

Council approve the request and proceed with first reading of a bylaw as per section 676(1) of the MGA. A public hearing in Council will also be required prior to second reading of the proposed bylaw. Council may include additional terms and conditions in relation to this bylaw.

Recommendation

Administration is recommending that Council uphold Section 671(1) of the MGA and the Reserve Lands Management Policy Dev 93 by denying the request.

Submitted by: Krystle Fedoretz, Director of Planning and Development