



Licensing of Municipal Lands Policy

C-3A.020

Section: 3.0 Planning and Community Services
- A. Planning and Development Services

Authority: Council

Administering Department: Planning and Community Services

Statement

The Municipal District of Bonnyville (M.D.) shall have a policy regarding the licensing of municipal lands not required for municipal purposes.

Purpose

The purpose of this policy is to ensure that municipally titled parcels not required for municipal purposes are licensed in a specified manner that is consistent and fair and provides a reasonable return for the lands.

Definitions

For the purposes of this policy:

- (1) “Adjacent” means identified land that is contiguous to the area of land that is subject to being licensed and includes land that would be contiguous if not for a highway, road, river, or stream;
- (2) “Chief Administrative Officer” (CAO) means the Chief Administrative Officer of the M.D. appointed by Council, or their authorized delegate;
- (3) “Council” means the duly elected Council of the M.D.;
- (4) “Licensing” means a contractual right to use the property, but does not create an interest in the property itself;
- (5) “Other Lands” means lands other than Tax Forfeiture title lands owned by the M.D. that are not required for municipal purposes including land acquired in accordance with Section 428.2 of the *Municipal Government Act, R.S.A. 2000, c. M-26* (clear title acquired 15 years after public auction);
- (6) “Tax Forfeiture Lands” means lands held in the M.D.’s name under Tax Forfeiture title that are not required for municipal purposes;
- (7) “Tax Forfeiture Title Lands” means lands that have gone to public auction for tax arrears but were not sold at the public auction.

Policy

- (1) Licensing Lands
 - (a) Lands subject to this policy may be licensed through a Municipal Land Licensing Agreement for a term no longer than three (3) years with the option to be extended for one (1) additional three-year term.
 - (b) Licensed lands are subject to conditions set by Council.

Date Adopted:

Resolution No:

Date Amended:

Resolution No:

- (i) The Licensee shall have the right of first refusal to extend the license term before the expiration of the license. Failing notice of intent to extend the license term by the Licensee before the expiration of the license, the M.D. shall have the right to advertise the license for public tender.
- (c) All licenses for lands subject to this policy shall be awarded through tender.
 - (i) If the tender is not awarded to the current Licensee after the expiry of their license term, the Licensee shall have the opportunity to match the awarded tender bid and re-enter a Municipal Land License Agreement for a term no longer than three (3) years with the option to be extended for one (1) additional three-year term.
 - (ii) If a Licensee fails to provide written notice of intent to match the awarded tender within five (5) business days of the tender award date, the M.D. shall have the right to enter into a Municipal Land License Agreement with the awarded tender bid.
- (d) The public notification process for licensing land will be in accordance with the M.D. Public Notification Bylaw.
- (e) All licenses shall expire on December 31st of the third year of the license.
- (2) Municipal Land Agricultural Classification
 - (a) Standards and Methods for Assessment of Farmland
 - (i) The rating measures the ability of soil to produce crops, modified by climatic conditions and adjustments to reflect cost of operations under normal practices. The rating of a specific parcel of land is accomplished by identifying the physical properties and how it compares to the provincial base rating.
 - (ii) The Soil Productivity Final Rating Formula Final Rating is Net Soil Productivity Rating (PR) minus Increased Cost of Production Rating (CR) as determined by M.D. Assessment Services.
 - (b) License Valuation Based on Soil Productivity Final Rating

Soil Productivity Final Rating*	Minimum Licensing Amount Per Acres
Very Poor = 0% to 13%	\$3.00
Poor = 13% to 32%	\$12.00
Fair = 32% to 44%	\$20.00
Good = 44% to 55%	\$25.00
Very Good = 55% to 74%	\$30.00

**Soil Productivity Final Rating is calculated by the M.D. of Bonnyville Assessment Department for the appropriate taxation year at the time of this Policy's approval. Soil Productivity Final Rating will be reviewed at the time of Policy review or as necessary.*

- (3) Tax Forfeiture Title Lands
 - (a) The M.D. may acquire Tax Forfeiture title to parcels of land. Tax Forfeiture title lands may be licensed subject to the requirements of provincial and municipal legislation.

- (4) Available Properties
 - (a) Lands owned by the M.D. may be considered for license; however, these will be evaluated on an individual basis at the discretion of the CAO.
- (5) Taxes
 - (a) The Licensee will be issued a tax notice on the municipal land and will be responsible to pay the annual taxes directly to the M.D. on or before the property tax deadline of each and every year of the licence term.
 - (b) Failure to pay the annual taxes by a Licensee will result in termination of the license.
- (6) Noxious Weeds
 - (a) If a noxious weed as designated under the Weed Control Act is found on a licensed municipal land parcel, Environmental and Protective Services will notify the Licensee requesting that the weed be controlled within seven (7) days by an appropriate method as designated by Environmental and Protective Services.
 - (b) The municipal land will be re-inspected following the seven (7) day period by an M.D. Weed Inspector. If the noxious weed is not controlled upon re-inspection, the license will be terminated immediately. There will be no return of license fees or any other form of compensation to the Licensee.
 - (c) Environmental and Protective Services shall at its sole discretion be authorized to spray or maintain any part of licensed municipal land that is not under crop, hay, or pasture in order to control any noxious weeds.
- (7) Pastureland
 - (a) When lands are designated as pastureland, the Licensee will pasture the said lands to graze livestock.
 - (b) The Licensee will not impoverish, waste or abandon the lands and will use the lands and premises for primary agricultural use only.
 - (c) Should a Licensee desire to fence any municipal land for pasture on which a license has been granted and had not been fenced prior will require permission from the planning and Development Department prior to installing the fence and shall be required to construct and maintain the fence to a standard which is acceptable to the M.D. pursuant to the Land Use Bylaw.
 - (i) All fences shall be constructed to appropriate specifications with regards to the livestock that will be present on the lands.
 - (ii) No electrical fencing is permitted on municipal lands.
 - (d) The Licensee shall remove any fence constructed by the Licensee at the end of their license term, as provided in the licensing agreement, failing which the fence shall become the property of the M.D.
- (8) Cultivation of Municipal Land
 - (a) The cultivation of municipal land shall only be to the extent necessary to break and re-seed the land down to a hay mixture. The continuous cropping of municipal land shall not be permitted; however, a nurse crop during the re-seeding process is permissible.

- (b) Should the Licensee desire to break and cultivate any municipal land on which a license has been granted, then that Licensee shall obtain consent from Planning and Development.
- (9) Exceptions
- (a) The M.D. may exempt lands from License by Tender in the following circumstances:
- (i) If a parcel has limited or no physical or legal access, or if the use or development of a parcel is severely restricted so as to make the parcel of little or no value to anyone except an adjacent landowner, Council may license the parcel to an adjacent landowner or licensee.
 - (ii) If a parcel may be used for the benefit of a community or a charitable or benevolent purpose, Council may license the parcel to a not-for-profit entity for such purpose.
- (b) The license of lands under this policy will be subject to the requirements of provincial and municipal legislation.

Policy Review

Within five (5) years from date adopted / amended / reviewed.

For administrative use only:

Previous Policy Number: (prior to July 24, 2019)	30.34.02
Related Documentation: (plans, bylaws, policies, procedures, etc.)	Bylaw: M.D. Public Notification Bylaw

Date Adopted:

Resolution No:

Date Amended:

Resolution No: