

# Lac La Biche County *Policy*

**TITLE:** Land Lease Policy

**POLICY NO:** PD-61-004

**RESOLUTION:** 22.198

**EFFECTIVE DATE:** January 12, 2010

**DEPARTMENT RESPONSIBLE:**  
Planning and Development

**NEXT REVIEW DATE:** March 8, 2025

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## **POLICY STATEMENT:**

Lac La Biche County may consider entering into a Lease Agreement with a person(s), business(s) or corporation(s) who wishes to use land owned by or under the direction, control and management of the County. A Land Lease Agreement shall grant the Lessee exclusive rights to the lands and may be subject to conditions.

## **DEFINITIONS:**

“Assessor” means a registered land appraiser and or the County’s Tax Assessor, as defined in the *Municipal Government Act*, who will determine what Fair Market Value shall be. A realtor may also be used to determine the rate.

“Adjacent Landowner” means the registered landowner(s) of the parcels directly adjacent to the proposed leased area.

“Agricultural Uses” means for the use of land for animal life. The uses include, but are not limited to, the pasturing, grazing and watering of livestock

“Council” means the Municipal Council of Lac La Biche County.

“County” means Lac La Biche County.

“County Owned Land” means all land registered in the name of the County which is under the direction, control and or management of the County. This may include parcels of land designated as Municipal Reserve (MR), Environmental Reserve (ER), Reserve (R), School Reserve (SR), Public Utility lots and Road Allowances, as well as easements and rights-of-way registered in the County’s name across privately owned land.

“Fair Market Value (FMV)” means a lease rate based on a professionally prepared market value assessment to determine a fair market lease rate for the subject lands.

“Land Lease Agreement” means a contractual arrangement calling for the Lessee (renter) to pay the Lessor (property owner) for the exclusive use of land as per the terms of the agreement.

“Lessee” means the person(s), business(s) or corporation(s) using the lands for the term of the Land Lease Agreement.

“Public Hearing” means a hearing held in accordance with Section 30 of the *Municipal Government Act (MGA)* and advertised in accordance with Section 230 of the *MGA*.

“Relevant Operating Department” means internal departments of the County and or external organizations that may be affected by the Land Lease Agreement.

**PRINCIPLES:**

Planning and Development will manage the land lease process as defined under this Policy.

The maximum term for all Land Lease Agreement shall be five (5) years, unless otherwise approved by Council. At the end of every term, Administration will review the status of the request and determine if a new Land Lease Agreement is acceptable.

Planning and Development will consider all applications that meet the criteria under this Policy. If denied, Administration shall provide the applicant with a letter and the reason(s) for denial. If approved, a Land Lease Agreement shall be prepared.

Council will render a decision on:

- a. Lease Agreements that contemplate a lease rate less than what is in this Policy;
- b. On any lease term over five (5) years; and
- c. Will act as an appeal authority for when Administration refuses to lease a portion County Owned Land and the applicant disputes the rationale for this decision.

**Agricultural Land Lease Requests**

- Administration will receive the request and refer it to the applicable Relevant Operating Department for comments.
- Fees applied will be \$30.00 per acre and invoiced in January of each year for the term of the Land Lease Agreement.

**Road Allowance Lease Requests**

- Administration will receive the request and refer it to the applicable Relevant Operating Department for comments.
- Fees applied for agricultural uses on undeveloped road allowances shall be \$30.00 per acre and invoiced in January of each year for the term of the Land Lease Agreement.
- Fees applied for all other uses on undeveloped road allowance shall be based on the FMV assessment of the lands and invoiced in January of each year for the term of the Land Lease Agreement.

NOTE: A Road Closure Bylaw is required prior to accepting any applications to lease an undeveloped road allowance. \*See Road Closure Policy.

NOTE: Lac La Biche County will not accept applications to lease a Road, undeveloped road allowance or a portion thereof, if the applicant is not an adjacent landowner to the area.

**All Other Land Lease Requests**

- Fees applied for all other uses on County Owned Land shall be based on the FMV assessment of the lands and invoiced in January of each year for the term of the Land Lease Agreement.
- Fees applied for all other uses on County Owned Land shall be based on the FMV assessment of the lands.

Fair Market Value (FMV) shall be determined by the Assessor on the rental rates for the parcel. This amount is based on similar and comparable uses and land in the area.

Taxes shall be the responsibility of the Lessee as per Lac La Biche County Tax Bylaw.

Lac La Biche County will not allow subleasing of any leased area unless it has been authorized by the County.

**Suspension of Leases:**

If taxes shall fall in arrears, or if the applicant fails to pay the lease fees, the lease shall be suspended until the monies owed are paid and current.

Subleasing without approval will result in a suspension and or end of the lease agreement.

Cutting hay does not fall under the regulations of this Policy.

The County will not consider entering into a Land Lease Agreement respecting any use of Environmental Reserve land \*see *Encroachment Policy* or any activity that will negatively impact the County operation or public Safety.

“Original Signed”  
Chief Administrative Officer

March 18, 2022  
Date

“Original Signed”  
Mayor

March 24, 2022  
Date

**SPECIAL NOTES/CROSS REFERENCE:** PD-61-004 LAND LEASE PROCEDURE

**AMENDMENT DATE:** March 8, 2022

# Procedure

**TITLE:** LAND LEASE PROCEEDURE

**PROCEDURE NO:** PD-61-004

**EFFECTIVE DATE:** January 12, 2010

**DEPARTMENT RESPONSIBLE:**  
Planning and Development

**NEXT REVIEW DATE:** March 8, 2025

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## GENERAL GUIDELINES:

Lac La Biche County receives requests from a private landowner(s), business(s) and or corporation(s) to lease County Owned Lands. In consideration of land use and operational needs, the County may lease select County Owned Lands under a Land Lease Agreement in accordance with the Land Lease Policy.

## DEFINITIONS:

*See definitions listed in Land Lease Policy*

## PROCEDURE:

Planning and Development shall manage Land Lease Agreements for County Owned Land which includes the following:

- Keep Record of all existing Land Lease Agreements;
- Send correspondence to Lessee with respect to collecting and updating information, termination, expiry or renewal of an existing Land Lease Agreement;
- Keep lease templates up to date and relevant; and

Planning and Development will receive all written requests to lease County Owned Land. The written request shall include:

- The legal land description and or civic address of the said lands;
- A detailed description of the intended use or activity on the said lands, which may include a map;
- Contact information of the applicant which includes a mailing address and phone number;
- Preferred lease term (if longer than five (5) years); and
- Preferred lease rate (if different than fees set out in the Policy).

Planning and Development will refer the request to the applicable Relevant Operating Department along with:

- A copy of the request and description of the proposal;
- The legal land description and map; and
- Any additional information necessary to render a decision.

Internal Department Referrals:

- Parks & Facilities for parcels designated as Municipal Reserve (MR), Reserve (R) or School Reserve (SR).
- Transportation Services for parcels designated or used as Road, Road Allowance or Road Right of Way.
- Utility Services for parcels designated as Public Utility Lot (PUL) or Utility Right of Way.

- Environmental Services for all requests for Agricultural Uses.
- The Chief Administrative Officer (CAO) for all other parcels owned by the County.

The Relevant Operating Department is to provide feedback and comment if the proposed use is suitable for the subject parcel of land under their respective area of responsibility

External Department Referrals:

- Alberta Transportation where the proposal is adjacent to a Provincial Highway.
- Alberta Environment and Parks where the proposal is adjacent to a waterbody.
- Utility Providers in the area and where a right of way is identified on the certificate of title.
- Agencies with an interest in the lands, as noted on the certificate of title.

Planning and Development may also wish to consult with adjacent landowners if the request is adjacent to privately owned property.

If the term being requested is greater than five (5) years, Planning and Development will prepare a report for Council to consider.

If the request is made for a lease amount less than what is outlined in the Policy, Planning and Development will create a report for Council to consider.

If the Lease is requested on a Municipal Reserve (MR), School Reserve (SR) or Reserve (R) parcel, Planning and Development will schedule a Public Hearing as per Section 674 of the *Municipal Government Act*. If the land lease request is for the use of a road or undeveloped road allowance, Administration shall ensure a Road Closure Bylaw has been prepared and completed in accordance with the *Road Closure Policy* prior to accepting the application.

Once a Lease Agreement has been fully executed, Planning and Development will send a copy to Finance who will be responsible for creating an accounts receivable based on the amount defined in the Lease Agreement and to ensure receipt of the yearly lease amount throughout the term of the lease.

Planning and Development shall keep a record of current insurance coverage prior to execution of the Land Lease Agreement.

It is the responsibility of the Relevant Operation Department to complete periodic inspections of leased land to ensure the lessee is complying with the terms of the lease.

“Original Signed”  
Chief Administrative Officer

March 24, 2022  
Date

**SPECIAL NOTES/CROSS REFERENCE:** PD-61-004 LAND LEASE POLICY

**AMENDMENT DATE:** March 8, 2022

