Summer Village Of Nakamun Park

Administrative Policy

Number	Title			
A-COM-DOCK-1	Temporary Dock and Mooring Request Policy			
Approval	Originally Approved		Last Revised	
	Resolution No:	42 - 23	Resolution No:	163-26
	Date:	April 19th, 2023	Date:	October 27, 2026

Purpose

The purpose of this policy is promote a transparent, consistent and efficient approach to the receipt, review and approval of requests related to dock and mooring placements on Nakamun Lake. This policy is not intended to supersede provincial jurisdiction, but rather reinforce the provincial approvals process for Temporary Field Authorizations in so far as the municipality's roll as an adjacent landowner on certain applications. Council wants to ensure that when the municipality has an obligation to participate in this process, there is a reasonable standard and consistent approach all parties can rely on.

Policy Statement

The Summer Village of Nakamun Park recognizes the desire for residents to participate in recreational use of Nakamun Lake, but also respects that there is a provincially regulated process in place for the approval of such uses and certain structures that may be sited in the Lake. Where the provincial approvals process for Temporary Field Authorizations now incorporates (as of 2018) the necessity to include consent (or a letter of no objection) from adjacent landowners on certain applications, and where the municipality is at times the adjacent landowner and must receive and review such requests, Council is desirous of a policy to promote a transparent and consistent approach to review same.

Standards

1. Residents must be aware, and such be reminded where necessary, that jurisdiction for matters on Nakamun Lake are under the purview of the Province of Alberta, and administrated by the designated ministry (Environment and Protected Areas, 2023). As such, the permit and approvals process for dock and mooring approvals, particularly applications for a Temporary Field Authorization, are made through the provincial department.

2. The Summer Village does not have any authority to establish or regulate the design standards, use, or location of docks or moorings within Nakamun Lake. However, the municipality does have an interest in ensuring that where the use of such installations has, or could reasonably have, an

impact on lands under the jurisdiction of the municipality a standard is established and followed to review and protect this interest for the common good of the community. In exercising this standard there must be an allowance for participation by Council, Administration, the Applicant, and where necessary the Provincial Department as this will encourage the more agreeable outcome respectful of all stakeholder interests.

3. As such, in making an application for the installation of a dock or mooring in Nakamun Lake, the following process will be encouraged:

    a. The Applicant (person requesting the installation) shall open a file with the provincial department on the matter, and complete the necessary permit application for same. No works shall be commenced until the permit is approved. To help facilitate this the municipality will make a reasonable effort to share the most recent regulation and application links to the provincial department (website, contact information, etc.) in the annual newsletters and on the municipal website.

    b. Where the application for a permit requires the consent of an adjacent landowner, and where that adjacent landowner is the municipality of the Summer Village of Nakamun Park, the Applicant shall request, in writing to the Chief Administrative Officer, a Letter of No Objection for their application. The request shall include details on the applicants name, contact information, intended location and design of the installation, as well as details on which municipal lands the installation are adjacent to and likely to impact. A $150.00 fee paid to the Summer Village of Nakamun Park will also be required.

    c. On receipt of a request for Letter of No Objection, and the $150.00 fee, the Chief Administrative Officer will confirm receipt of the request with the Applicant, check to see if the requested location is available, and arrange to have the request placed on the next available council meeting agenda for review by Council. If requests are received within 7 days of the next regularly scheduled council meeting, it is purely at the discretion of the Chief Administrative Officer if the subject request can yet be added to that agenda, or will have to wait until the next most immediate meeting. The deadline for submitting requests for the Letter of No Objection is February 1, of the year in which the request is being made.

    d. All requests for a Letter of No Objection shall be reviewed by Council and may be either approved, denied, or deferred for lack of information. Council shall not arbitrarily withhold review or approval of a request, but may consider relevant factors in making their decision, including:

i. Suitability of the noted adjacent lands for the expected impact on an adjacent installation;

ii. Applicant status as a Resident or Property Owner in the Municipality, where favour consideration shall be preferred to residents and property owners;

iii. Applicant parcel status as Improved or Vacant, where favourable consideration shall be preferred to applicants who own/reside on Improved parcels rather than Vacant parcels in the municipality;

iv. Historical records on the applicant in same or similar past uses in the community, for example any history of excessive noise complaints, abuse of municipal property, etc.;

v. Where the applicant is a resident or property owner in the municipality, any outstanding administrative, development, or legal obligations that would warrant withholding an approval of a Letter of No Objection. For example, property is tax arrears, or subject to a development Stop Order or Enforcement shall be denied their request;

vi. Any other matter Council deems appropriate, so long as that matter is not arbitrary and can be impartially applied to the review of other applications.

e. Having reviewed a request for Letter of No Objection, Council shall motion to approve, deny or defer a decision for lack of information. Where denied or deferred, Council shall clearly state the reason for same in the Motion. When approving a request, the Council may attach any conditions it deems appropriate relating to the use of the municipal lands (for example, requesting that the dock be located to promote access from the side of the subject parcel, rather than down the middle of it).

f. Once a decision is made by Council, the Chief Administrative Officer will make a reasonable effort to advise the Applicant of the Decision as soon as possible. As a guideline for this, the Chief Administrative Officer should make every effort to provide a reply, in writing, to the Applicant within two (2) weeks of the date of decision. If the decision is to defer for lack of information, the notice of decision should include the next council meeting date and advise that this is the next earliest time the request will be reviewed.

4. For all application approvals (by Applicant Name, not Applicant Property), Council shall approve a one (1) year Letter of No Objection. The Applicant must apply yearly for the Letter of No Objection.

5. Post approval obligations of the stakeholders are also important:

   a. The Applicant shall be required to provide updated information (contact information). The Applicant must also provide the Municipality with a copy of the Temporary Field Authorization permit approval and any changes to same for the municipal land file within thirty (30) days of the Applicant's receipt of same. The municipal address of the Applicant MUST be displayed on the Dock and/or Mooring.

   b. The Municipality shall monitor the use of the subject lands in relation to the Applicant's installation as part of the regular development inspection and enforcement process. Where inconsistencies between the permit approval and the use arise, the municipality should advise the provincial department of same, and where inconsistencies between the use and the Letter of No Objection approval arise, the municipality shall arrange for a review of the matter by Council. When considering inconsistencies or changes to the use, Council shall maintain the sole discretion to honour the previous approval, amend the approval, or revoke the approval.

   c. Failure to comply with the conditions of the permit, the Letter of No Objection or other municipal bylaw may be considered sufficient to revoke the municipality's Letter of No Objection. On review by Council of such a condition, the revoked approval shall be immediate and the notice of same shall be provided to the provincial authority as soon as possible by the Chief Administrative Officer.

Legal References:

Cross References:

Revisions:

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