



Number: 500-01-10
REGIONAL DISTRICT OF CENTRAL KOOTENAY
Policy Manual

Chapter: Community Services

Section: Parks & Recreation

Subject: Parkland Dedication Policy

Board Resolution: 276/24

Established Date: January 1, 2025

Revised Date: N/A

POLICY:

PURPOSE:

Section 510 of the *Local Government Act (LGA)* directs local governments to require the provision of parkland (parkland dedication) or payment for park purposes (cash-in-lieu of parkland dedication) at the time of subdivision.

The purpose of this Policy is to establish a consistent practice for the dedication of parkland or cash-in-lieu of parkland dedication. It provides general direction on how the authority under Section 510 of the *LGA* will be exercised by the Regional District of Central Kootenay (RDCK) Board of Directors.

All matters regarding parkland dedication or cash-in-lieu of parkland are pursuant to Section 510 of the *LGA*, and amendments thereto.

SCOPE:

This policy applies to the mandatory provision of parkland (parkland dedication) or payment for park purposes (cash-in-lieu of parkland dedication) at the time of subdivision. All new subdivision applications, including applications for existing subdivision proposals that have lapsed or expired and require re-application, are subject to this Policy.

DEFINITIONS:

Parkland: in the context of this Policy means land that is owned by the RDCK and used as a community park for the outdoor recreation and enjoyment of the public including playgrounds, playing fields, trails, skate parks, allotment gardens, green space, buffers, ecological and archaeological conservation areas, nature and cultural interpretation areas, and similar land uses. It may include buildings and structures ancillary to the community park.

POLICY:

1. Except as specified in Section 510(3) of the *LGA*, the Approving Officer cannot approve a plan of subdivision, including bare land strata subdivisions, unless Section 510 of the *LGA* is satisfied.
 2. Where parkland dedication is required, the RDCK Board of Directors shall make a decision on the location of the proposed parkland, by resolution, at an open Board meeting.
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3. The RDCK requires the owner of the parcel being subdivided to dedicate 5% of the parcel area for parkland or a cash-in-lieu payment that is equivalent to 5% of the value of the entire parcel of land, without compensation, prior to final approval of the proposed subdivision.
 4. The RDCK, at the discretion of the Board, may consider a combination of parkland dedication and cash-in-lieu to fulfill the 5% requirement.
 5. The RDCK will consider dedication of land as parkland where its location is acceptable and its physical characteristics are suitable, as described in Sections 6 and 7. Where the proposed parkland is deemed unacceptable or unsuitable, based on the criteria listed below, cash-in-lieu may be preferred.
 6. The acceptability of the location of proposed parkland may be based on any or all of the following:
 - a. relevant objectives and policies of an applicable Official Community Plan (OCP) or Comprehensive Land Use Bylaw (CLUB);
 - b. goals, objectives, and policies of the Regional Parks Plan;
 - c. recommendations of the Parks and Recreation Master Plans;
 - d. Electoral Area Director advice;
 - e. RDCK staff expertise;
 - f. local community input; and,
 - g. service participant input.
 7. The suitability of land to be dedicated for parkland purposes may be based on any or all of the following:
 - a. whether the land is contiguous and at least 2000m² in area;
 - b. the potential for additional dedication through future subdivision of adjacent parcels;
 - c. the average slope is <20%;
 - d. the lands are not subject to any obvious hazards;
 - e. the land is free and clear of any legal or physical encumbrances;
 - f. the present and future park needs of the community;
 - g. areas with scenic views;
 - h. waterfront access;
 - i. potential conflicts with agricultural land and whether sufficient buffers have been established;
 - j. outdoor recreational and neighbourhood park opportunities;
 - k. size, topography, and configuration of the land;
 - l. the need for trail connections;
 - m. areas containing or adjacent to natural features or environmentally sensitive areas;
 - n. areas for wildlife and nature appreciation;
 - o. areas of historical significance; and,
 - p. areas next to cultural or community facilities.
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8. Parkland or cash-in-lieu of parkland for phased developments shall be taken for the entire development at the time of Phase 1, unless land in a future phase is identified as superior and held via Restrictive Covenant with the RDCK as a Covenant Holder.
9. Despite Section 3 of this Policy, where the land desired for parkland dedication contains environmentally sensitive areas unsuitable for public access or is considerably more valuable than the rest of the parcel, the RDCK will use the Province of BC's *Parkland Acquisition Best Practices Guide*, as amended from time to time, to determine the amount of land to be dedicated.
10. For cash-in-lieu of parkland dedication, the BC Assessment assessed value of the land will be used as a baseline. The RDCK and property owner must agree that the assessed value reasonably represents the approximate value of the land. In cases where agreement cannot be reached, the property owner is responsible to pay for, and provide to, the RDCK a market appraisal of the land prepared by a Real Estate Appraiser registered with the Appraisal Institute of Canada. If agreement on the value of the land still cannot be reached, the RDCK will use the process outlined in the Province of BC's *Parkland Acquisition Best Practices Guide*, as amended from time to time, to resolve the situation.
11. Funds collected by the RDCK as cash-in-lieu of parkland dedication shall be directed to a parkland dedication restrictive reserve account for the Electoral Area in which the subdivision took place.

RELATED LEGISLATION:

Local Government Act s.510
