



1. Amount of Park Dedication

The Regional District will collect up to the maximum five percent park dedication as provided by Section 941 of the Municipal Act.

2. Land Dedication or Cash in Lieu

The SLRD will develop policies and assess future community park site dedication needs as part of the Official Community Plan preparation and review process. Community plans will be used to provide direction regarding whether land or cash will be provided in conjunction with a particular subdivision.

3. General Assessment Criteria

To guide both applicants and staff in preparation and evaluation of subdivision proposals, the following criteria will be used by the Regional Board in as a guide in determining which land areas are appropriate for dedication as parks:

- (a) Is the proposed land dedication for park, recreation and open space needs suitable for its intended use? Suitability should be based on an assessment of factors such as potential recreational uses, location, size and shape of the proposed park dedication, slope, site geology/soil conditions, access, and availability of water.
- (b) Does the dedication assure the continuity of trails, greenways, and other major components of the recreation system?
- (c) Will the park land dedication contribute significantly to protection of natural or historic features, scenic vistas, watersheds, significant natural vegetation, or fish or wildlife habitat?
- (d) Park dedications intended to be used for trail rights of way should conform to the following additional criteria:
 - (i) The minimum width for the trail dedication shall be based on the reasonable needs of the trail, its location, the surrounding terrain, and the anticipated usage. In no instance should the trail width be less than 3 metres.
 - (ii) User safety should be a primary consideration in locating a trail dedication.
 - (iii) There shall be provision for public access to the trail dedication from within the subject property.

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(iv) The trail dedication may overlap and include land included in other easements, rights of way or covenants; however, no trail dedication may compromise the functional use of any other easement.

(e) Where an existing trail is to be dedicated as park, can the entire length of trail through the subject property be acquired? If not, are there funds available to purchase the balance or can arrangements be made to reserve the remainder of the trail for future acquisition by the Regional District?

(f) Where park land is to be dedicated next to a body of water, consideration should be given to locating the park area adjacent to any road dedication to the water required by the Ministry of Transportation and Highways Approving Officer pursuant to the *Land Title Act*.

4. Referral to Area Director

Per SLRD Policy 6.8, all land use applications must be referred to the Electoral Area Director for comment.

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APPENDIX A

Municipal Act extract re: Provision of park land

- 941** (1) An owner of land being subdivided must, at the owner's option,
- (a) provide, without compensation, park land of an amount and in a location acceptable to the local government, or
 - (b) pay to the municipality or regional district an amount that equals the market value of the land that may be required for park land purposes under this section determined under subsection (6).
- (2) Despite subsection (1), if an official community plan or a rural land use bylaw contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land under subsection (1) (a) or money under subsection (1) (b).
- (3) The option established by subsection (1) does not apply if a regional district does not exercise a power to provide a community parks service.
- (4) Subject to section 942 (6), the amount of land that may be required under subsection (1) (a) or used for establishing the amount that may be paid under subsection (1) (b) must not exceed 5% of the land being proposed for subdivision.
- (5) Subsection (1) does not apply to:
- (a) a subdivision by which fewer than 3 additional lots would be created,
 - (b) a subdivision by which the smallest lot being created is larger than 2 hectares, or
 - (c) a consolidation of existing parcels.
- (6) If an owner opts to pay money under subsection (1) (b), the value of the land is whichever of the following is applicable:
- (a) the average market value of all the land in the proposed subdivision calculated as that value would be on either:
 - (i) the date of preliminary approval of the subdivision, or
 - (ii) if no preliminary approval is given, a date within 90 days before the final approval of the subdivision, as though

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- (iii) the land is zoned to permit the proposed use, and
 - (iv) any works and services necessary to the subdivision have not been installed;
 - (b) if the local government and the owner agree on a value for the land, the value on which they have agreed.
- (7) If an owner and a local government do not agree on the market value for the purpose of subsection (6), it must be determined in the manner prescribed in the regulations that the minister may make for the purpose.
 - (8) If an area of land has been used to calculate the amount of land or money provided or paid under this section, that area must not be taken into account for a subsequent entitlement under subsection (1) in respect of any future subdivision of the land.
 - (9) Subject to subsection (11), land or payment referred to in subsection (1) must be provided or paid to a municipality or regional district before final approval is given, or the owner and the local government may enter into an agreement that the land or payment be provided or paid by a date, specified in the agreement, after final approval has been given.
 - (10) Notice of an agreement under subsection (9) must be filed with the registrar of land titles in the same manner as a permit may be filed and section 927 applies.
 - (11) Despite subsection (9), the minister may, by regulation,
 - (a) authorize the payment that may be required by this section to be made by installments, and
 - (b) prescribe the conditions under which installments may be paid.
 - (12) If an owner pays money for park land under this section, the municipality or regional district must deposit this in a reserve fund established for park land acquisition purposes, and sections 496 and 503 apply.
 - (13) If land is provided for park land under this section, the land must be shown as park on the plan of subdivision.

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