



Central Coast
REGIONAL DISTRICT

P.O. Box 186, Bella Coola, B.C., V0T 1C0

INFORMATION REPORT

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To: Curtis Slingerland, CAO
CC: Board of Directors, CCRD
From: Evangeline Hanuse, CO
Meeting Date: May 12, 2022
Subject: Park Land Report

Issue/Background Summary:

The Board looked at a Subdivision Application for Douglas Drive/Highway 20 at the April 7, 2022 board meeting. The following motions were passed:

THAT the Board of Directors of the Central Coast Regional District authorizes Administration to submit the recommended comments and considerations regarding the Subdivision application for Douglas Drive and Highway 20 to the Ministry of Transportation and Infrastructure with emphasis on consultation with the Nuxalk Nation.

THAT the Board of Directors of the Central Coast Regional District requests that the Owner of the Subdivision on LOT 1, SECTION 10, TOWNSHIP 4, RANGE 3, COAST DISTRICT, PLAN 21093, EXCEPT PART IN PLANS 30348 and 40080, provide 5% of the subdivided land as park land to the Central Coast Regional District.

THAT the Board request the Province to refer to the Nuxalk Nation to provide comment on the subdivision application and archaeological impact assessments be met.

The Board also noted that the CCRD should make things easier as possible to subdivide.

Below is a summary of the requirement for provision of park land or payment for park purposes.

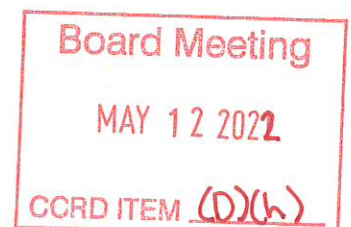
What triggers a park land dedication?

Division 11, Section 150 of the *Local Government Act* outlines the requirement for provision of park land or payment for park purposes and specifically states:

510 (1) Subject to this section and section 516 (3) (h) and (4), an owner of land being subdivided, 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 as determined under subsection (6) of this section.

As per Section 510, the requirement of a park land dedication does not apply if:

- The subdivision would result in fewer than 3 additional lots being created



- The smallest lot being created is larger than 2 hectares
- The consolidation of existing parcels

The park land dedication does not apply to a subdivision by which fewer than 3 additional lots would be created if the proposed parcel was itself created by a subdivision within the past 5 years. This is aimed at preventing the piecemeal subdivision of land as a means of circumventing the park land dedication requirement.

Based on the proposed subdivision plan of Douglas Drive/Highway 20, more than 3 additional lots are being created as it is a 10 lot subdivision. The smallest parcel being created is less than 2 Ha and it is not a consolidation of existing lots.

Who gets to decide if land or cash in lieu is required?

While Section 510 (1) of the *Local Government Act* as outlined above does state that the option for provision of park land or payment of cash in lieu is the owner’s option. Section 510 (2) goes on to say:

510 (2) Despite subsection (1), (a) if a regional district does not provide a community parks service, the option under subsection (1) (b) does not apply and the owner must provide land in accordance with subsection (1) (a), and (b) subject to paragraph (a), if an official community plan 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).

Section 3.6.2.1 of the Central Coast Regional District’s (CCRD) Official Community Plan (OCP) for the Bella Coola Valley, Bylaw No. 302 states the following:

“With regards to section 941 of the *Municipal Act* [superseded by the *Local Government Act*], the Regional District will determine for each individual subdivision whether 5% of the subdivided land or money in lieu may be required. In general, the Regional District will require land to be dedicated as park land as a condition of subdivision approval in cases where suitable land exists, both in terms of terrain and location, for the development of an active park, for being part of a trail system, or for protection/preservation of an environmental amenity.

The CCRD’s OCP provides the flexibility to not require park land and/or cash-in lieu in all instances.

The *Local Government Act* states that the amount of land required or used for establishing the amount that may be paid must not exceed 5% of the land being proposed for subdivision. While the Regional District can require up to 5% of the land and/or cash in-lieu, the Regional District can also require an amount of land and/or cash-in lieu less than this.

While the CCRD’s existing OCP and the *Local Government Act* do provide some flexibility for park land requirements to be evaluated on a case-by-case basis, the Regional District should consider adopting a consistent approach regarding park land requirements.

Section 13.78 of William Bulhozer’s *British Columbia Planning Law and Practice* report also describes a 2011 BC Supreme Court case where, in short, the court stated that if “an OCP is in place, the Regional District has the final say as to whether land is to be provided for a park or if money is to be paid in lieu.”

The Central Coast Regional District has the final say on whether the park requirements as part of a subdivision application are to be met through the provision of park land or cash paid in lieu. It should also be noted that Division 11, Section 510 (14) of the *Local Government Act* state that: "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 the purpose of acquiring park lands."

Submitted by: Evangeline Hanuse
Evangeline Hanuse, Corporate Officer

Approved by: 
Curtis Slingerland, Chief Administrative Officer