

CASH IN LIEU OF PARKLAND AT SUBDIVISION

The Comox Valley Regional District board, on occasion, elects to support province-wide concerns and issues in the form of a board resolution. These resolutions are normally forwarded first to the Association of Vancouver Island Coastal Communities (AVICC) for consideration but may also be forwarded directly to the Union of British Columbia Municipalities (UBCM). Based on the nature of the concern, UBCM will either endorse or not endorse the recommendation and if endorsed, will present the concern to the provincial or federal government on behalf of all BC municipalities and regional district.

Date of Board meeting: January 30, 2006

Board Resolution: WHEREAS section 941 of the Local Government Act requires subdivision developments to provide either five percent of the land as greenspace/parks or an equivalent amount of cash-in-lieu of parkland at the discretion of the developer, rather than the choice of the local government; AND WHEREAS current legislation does not ensure the cash-in-lieu option returns equitable value to the community or the local government; THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities recommend the provincial government amend the Local Government Act to ensure that, if cash-in-lieu is the option chosen, the amount be based on the expected sale value of the land after it is developed, as opposed to the value of the undeveloped property.

This resolution was referred to UBCM on, February 1, 2006

A response was received on October 24, 2006

Response from UBCM: On motion, as amended, was ENDORSED at the annual convention: WHEREAS pursuant to Section 941 of the Local Government Act, municipalities are given the authority to accept cash-in-lieu of parkland when processing subdivision applications ; AND WHEREAS Section 941(6)(a) states the following: "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
iii) the land is zoned to permit the proposed use, and
iv) any works and services necessary to the subdivision have not been installed" ; AND WHEREAS the cash-in-lieu value is based on undeveloped land, (in order to purchase parkland the municipality could be paying full market value of developed land) ; THEREFORE BE IT RESOLVED that the Union of British Columbia

Municipalities request that the provincial government review Section 941 of the Local Government Act in order to provide a more favourable way for local governments to determine the value of land for cash-in-lieu purposes .