



COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 29, 2020

From: Stirling Scory, Planner II – Long Range

File No: P 20-02

Subject: **P 20-02, Proposed Park Land Acceptance Policy**

RECOMMENDATION

THAT Council adopt the “Park Land Acceptance Policy” dated September 29, 2020.

STRATEGIC AREA(S) OF FOCUS

Invest in Infrastructure – We will invest in annual capital programs that maintain core assets, extend sidewalk and active transportation networks, improve roadways, provide parks and recreation opportunities, and support numerous other infrastructure needs.

BACKGROUND

Council has inquired into the rationale behind the acquisition and maintenance of some existing City parks, their benefit, and the cost to tax payers. Council has also inquired into the rationale behind the acceptance and process by which the City has accepted remnant lands. The purpose of the *Policy* is to outline clear criteria and a consistent process that may be applied when reviewing park land proposals and remnant land management during the development application process. A copy of the *Policy* has been appended (*Attachment 1*) to this report.

DISCUSSION

Park Land Acceptance

Despite being able to identify what park land may be suitable, as defined in the Parks Master Plan, there are instances where determining the overall value of the proposed park land can be complex; the proposed park lands may have undesirable features, including geophysical hazards, steep or rocky slopes, exposed cliffs, potentially dangerous wildlife, or lack of accessibility. These factors all affect the operational impacts and whether these lands should be considered is not always clear. The intent of the *Policy* is to provide greater clarity on the criteria to be considered for park land acceptance, and to provide a process by which staff may review park land proposals that do not always

meet the standard acceptance criteria. The *Policy* will serve as a helpful guide when reviewing park land proposals to continue to ensure we accept quality park lands moving forward.

Policy Highlights – specific to park land:

- Describes the legislative authority and the circumstances for when park land may be accepted;
- Provides a definition for “park land”;
- Provides criteria acceptable for park land acceptance, such as:
 - It meets the general intent, policies, and objectives of the OCP and Parks Master Plan (PMP), and other relevant bylaws or policies;
 - It meets the specified requirements identified in the OCP and PMP with respect to community need, location, size, type, and potential use; and
 - Be of low risk, hazard, or liability to the City.
- Provides special criteria that may be considered, where the proposed park land does not meet the core criteria of the *Policy*, but may still be considered for park land acceptance, such as:
 - It provides social, recreational, cultural, historical, economic, geographic, topographic, visual, or environmental significance to the community;
 - It is not officially recognized as a park, but should be recognized as such under the *Policy*.
- Provides criteria to be considered with respect to access and right-of-ways;
- Requires that risk and liability considerations be taken through the requirement of professional reports and studies prior to acceptance;
- Allows at any time that an applicant may request that Council reconsider the decision made by staff under the *Policy*. (Enables reconsideration of a staff decision by Council); and
- The following are examples of some of the criteria that are to be considered with respect to park land acceptance in the *Policy*:



Figure 1 - Open/Green Space



Figure 2 - Viewpoints



Figure 3 - Greenway Connections

Remnant Land Management

Remnant lands are typically created through the subdivision process, though they may also be created through zoning amendment (rezoning) applications. Remnant lands are typically remaining land parcels that have been left undeveloped, and in some cases inaccessible because of their topographic, geophysical hazard or environmental constraints during the development process. Remnant lands are recognized and their value and community benefit are understood; however, where remnant lands have limited opportunities for development, use, and access as intended in the Official Community Plan and Parks Master Plan, these lands have significantly reduced value, and potential risk and liability. It is the intent of the *Policy* to provide a clear and consistent process by which staff and Council may manage remnant land to ensure that they remain privately held. Understanding that these lands may have the potential to provide community benefit, the *Policy* allows for the consideration of the acceptance of these lands, though only where they meet the criteria of the *Policy*. The policy serves as a guide for staff in their ability to review subdivision applications and a process by which they may manage any remnant land parcels.

Policy Highlights – specific to remnant land:

- Provides a definition for “remnant land”;
- Remnant lands will generally not be considered as park land for dedication purposes;
- Provides option for remnant lands to be considered for park land dedication, where there is significant social, cultural, historic values and adherence to master planning objectives;
- All remnant lands shall be attached to or remain part of the abutting parcel to ensure they remain privately held;
- All remnant lands shall be designated as lands unsuitable for future development through either OCP land use designation or land use approval process (zoning/subdivision); and
- All remnant lands shall be protected to limit future land use subject to existing hazards.

External Feedback

The *Policy* was referred to the Home Builders Association and Urban Development Institute in April, 2020. The Home Builders Association did not provide feedback. The Urban Development Institute initially provided a response including comments on the inclusion of land use designation requirements for remnant lands, a request for improved clarity on the intent and legislative authority of the City, and if there were possibilities in which the City would consider taking remnant land as park land. In response, the *Policy* was revised and provided to the UDI for further comments. The UDI sent a letter of support for the revised policy in August, 2020. A copy of the letter of support is appended (*Attachment 2*) to this report.

FINANCIAL IMPLICATIONS

The *Policy* intends to reduce the acquisition of remnant lands which carry long-term liability and cost for the City. It is not anticipated that there will be additional expenses for the review and acceptance of park lands. In the long-term, Council should anticipate additional budgetary requirements to meet staff capacity demands and servicing requirements as we continue to grow as a community and develop parks and trails. The provision of park land is a recognized priority of Council, and as such should be considered fundamental to the long-term growth and development of the City. Furthermore, there may be opportunities to hold park lands in reserve until it is required that these lands be improved, serviced and operated when there is a population to use them efficiently.

CONCLUSION

The *Policy* intends to reduce the acquisition of park land that does not meet the criteria determined to be acceptable by the *Policy* and remnant lands which carry long-term liability and costs. Additionally, the *Policy* should improve clarity and consistency with respect to the review and decision process for the acceptance of park land, and the review and management of remnant lands. Should Council adopt the *Policy*, staff, Council, and the public will be provided with a tool that may guide future land use decisions with respect to park land acceptance and remnant management which is vital to the future development of West Kelowna. The adoption of the *Policy* also fulfills Council's Strategic Area of Focus – Invest in Infrastructure.

Alternate Motion:

THAT Council postpone adoption of the Park Land Acceptance Policy.

Should Council wish to postpone adoption of the policy, it is requested that Council provide specific direction and feedback as to which changes should be made to the policy amendment(s) prior to reconsideration.

REVIEWED BY

Brent Magnan, Planning Manager

Stacey Harding, Parks and Fleet Operations Manager

Bob Dargatz, Development Engineering Manager

Mark Koch, Director of Development Services

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐

Attachments:

1. Park Land Acceptance Policy
2. Urban Development Institute Final Letter – Letter of Support