



COUNCIL POLICY

Subject: Neighbourhood Park Land

Policy No: 07-231
Previous Policy No: 07-616
Approved by Council: 2009-02-16
Revised by Council: 2016-05-30

1. Purpose

- 1.1. To provide a consistent approach to secure and fund Neighbourhood Park Land as regulated by the *Local Government Act* (the "Act").

2. Background

- 2.1. In accordance with the Langley Development Cost Charges Bylaw approved by Council in July of 2008, Park land acquisition charges do not include Neighbourhood Level Parks. The Act allows for up to 5% of land being subdivided to be provided to meet park land requirements. Alternatively, this requirement can be met by the property owner providing monies equal to 5% of the value of the land at time of preliminary approval of subdivision, or if no preliminary approval is given, a date within 90 days before the final approval of the subdivision. These funds will then be used to acquire Neighbourhood park land where required.

3. Related Policy

- 3.1. The Approving Officer is empowered to make decisions as to the requirement of the 5% park land dedication or cash in lieu from subdivision proposals.

4. Policy

Determination and Collection of 5%

- 4.1. The Developable Land is defined as the land being proposed for subdivision minus areas being dedicated for greenways and streamside protection.
- 4.2. The value of the 5% will be established according to Section 941 of the Act using average market value of the developable 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.

- 4.3. Where a property owner and the Township of Langley (the “Township”) do not agree on the market value of the land under Section 941(6) of the Act, the value shall be determined by a qualified appraiser appointed jointly by the owner and the Township. If the owner and the Township fail to agree on the appointment of a qualified appraiser, the Inspector of Municipalities shall, upon the application of either party, appoint an appraiser to determine the market value. Unless otherwise agreed, the cost of the appraiser shall be borne equally by the owner and the Township.
- 4.4. The 5% value shall be paid to the municipality before final approval is given for the subdivision.
- 4.5. All monies collected for park land acquisition shall be deposited in a reserve fund established for the purpose of acquiring neighbourhood park land and be used to purchase land for Neighbourhood Parks to allow new neighbourhoods to proceed with development.
- 4.6. All residential developments shall contribute to the acquisition of Neighbourhood Park land. The provision of neighbourhood park land may also be considered an amenity for the purposes of this policy.
- 4.7. Section 904(1) of the Local Government Act provides for the establishment of different density regulations for a zone, one generally applicable for the zone and the other applicable if conditions including those relating to the provision of amenities are met. Where Council proposes to rezone a property pursuant to Section 904(1) it may choose to include the cost to provide the amenity as an amenity for the purposes of that bylaw.
- 4.8. Where the amenity cost is determined to be an amenity for the purposes of the bylaw adopted pursuant to section 904 and the developer wishes to take advantage of the higher density set out in the bylaw referred to in Section 4.7 by providing amenities, including the cost of the amenity, the amenity cost will be referenced in the zoning bylaws and may be provided as follows: equal to 5% of the value of the developable land established 90 days prior to final reading of the rezoning.

Purchase of Neighbourhood Park Land

- 4.9. To facilitate the development of new neighbourhoods, any zoning amendment for the purpose of residential development in a new development area must be consistent with the Official Community Plan with respect to park and school site provisions.
- 4.10. The purchase price to be paid for Neighbourhood Park and School sites shall be market value determined by an appraisal undertaken by or on behalf of the Property Management Department of the Township of Langley to a maximum value equal to the land value contained in the most recent Langley Development Cost Charges Bylaw.
- 4.11. Nothing in this policy will fetter the discretion of the Council of the Township to exercise its legislative powers and functions.