



BOARD REPORT

TO:

Chair and Directors

File No: 6140 10 04

SUBJECT:

Parkland Deferment Agreement - Shuswap Lake Estates Electoral Area C

DESCRIPTION:

Report from Ryan Nitchie, Team Leader, Community Services, dated March 2, 2018. Request for an extension to the Parkland Deferral Agreement with changes and to amend the Section 219 Covenant (Land Title Act).

RECOMMENDATION #1:

THAT: the Board approve an extension of a Parkland Deferment Agreement KX187727 over Lot 1 Plan KAP63720 except Plans KAP79982, KAP87392 and EPP5815, expiring on April 8, 2021;

AND THAT: the Chief Administrative Officer be authorized to execute all related documents to affect the extension of the Parkland Deferral Agreement.

SHORT SUMMARY:

In 2005, during the subdivision of property, a Parkland Deferment Agreement was entered into by the Board and Shuswap Lake Estates Ltd., the property owner. A restrictive covenant was placed on title as a requirement of the deferment agreement. The deferment agreement was extended in 2011 and expired in 2016. The 2011 agreement provided for an opportunity for extension for an additional five years provided that the developer is not in default of its obligations under this agreement. Following consultation with the property owner, they wish to again extend the agreement for five years.

VOTING:

Unweighted
Corporate



LGA Part 14
(Unweighted)



Weighted
Corporate



Stakeholder
(Weighted)



BACKGROUND:

The parkland property for dedication is located south of the Trans-Canada Highway in the Shuswap Lake Estates area commonly known as "The Highlands" within Electoral Area C. The Board agreed to enter into a Parkland Deferment Agreement as a condition of satisfying the parkland dedication as a function of subdivision in accordance with the *Local Government Act*. The agreement was entered into prior to adoption of Policy No. F-16 "Parkland Dedication Deferral Fees". The term of the Parkland Deferment Agreement expired on April 8, 2016. The landowners have paid the required application fee and are requesting an extension to the Parkland Deferment Agreement be considered by the Board. Staff recommend that the extension to the deferment agreement be retroactive to April 8, 2016 for a five year term, expiring on April 8, 2021.

It appears the initial parkland deferral was granted as there was no road constructed to the park land at that time. The agreement was extended in 2011 based on a slower than anticipated rate of lot sales. The agreement indicates the park dedication will be immediately dedicated once a road is constructed to the subject property or an exceedance of 50 lots are sold, or 50 dwelling units created beyond those that exist as of April 29, 2011.

POLICY:

Policy No. P-5 "Park Land Dedication as a Function of Subdivision" and Policy No. F-16 "Parkland Dedication Deferral Fees".

FINANCIAL:

An application to extend a Parkland Deferment Agreement requires a \$650 fee be included in the application to extend. This \$650 fee has been paid by the property owner. Any legal costs associated with the preparation of the agreement or covenants, and filing of these documents, will be borne by the applicant.

KEY ISSUES/CONCEPTS:

Policy No. F-16 "Parkland Dedication Deferral Fees" allows landowners to request an extension to a Parkland Deferment Agreement to the Board of Directors.

IMPLEMENTATION:

The Chief Administrative Officer will authorize the Parkland Deferment Agreement and provide same to the landowners to execute for filing with the Land Title Office.

COMMUNICATIONS:

Legal counsel will be advised to execute the agreement and file appropriate covenants with the Land Title office.

DESIRED OUTCOMES:

The Board approve the recommendations and extend the Parkland Deferment Agreement and register the covenants for an additional five year term expiring on April 8, 2021.

BOARD'S OPTIONS:

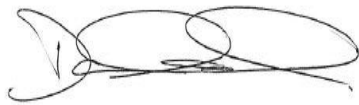
1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

Report Approval Details

Document Title:	2018_03_02_Shuswap Lake Estates_Deferral_Agreement_Extension.docx
Attachments:	- SLE Highland Parkland Deferment Agreement .pdf
Final Approval Date:	Mar 19, 2018

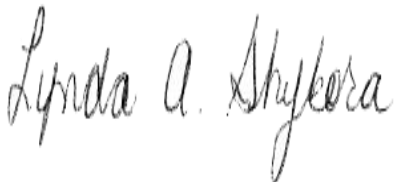
This report and all of its attachments were approved and signed as outlined below:



Darcy Mooney - Mar 19, 2018 - 12:08 PM



Jodi Pierce - Mar 19, 2018 - 12:14 PM



Lynda Shykora - Mar 19, 2018 - 2:27 PM



Charles Hamilton - Mar 19, 2018 - 2:35 PM