

## PURPOSE

The purpose of the Open Space Agreement Policy is to ensure the Municipality of East Hants receives fair market value in all Open Space Agreements including those specifying cash or facilities, services or other value in kind, in lieu of land conveyance requirements as well as those including land conveyance alone. The policy also extends authority to the CAO to make decisions under certain provisions of the Subdivision Bylaw.

## SCOPE

The Open Space Agreement Policy applies to all open space agreements negotiated in accordance with the Municipality of East Hants Subdivision Bylaw.

## DEFINITIONS

Term	Definition
Assessor	A person whose job it is to officially determine the market value of a property and/or structure.
Equivalent Value	Includes cash or facilities, services or other value in kind, related to parks, playgrounds and similar public purposes or any combination thereof, determined by the municipality to be equivalent to the value of the land as determined by the assessor pursuant to the MGA.
Market Value	The probable price that a property will sell for, on the date of appraisal.
PVSC	Property Valuation Services Corporation (PVSC) is a not-for-profit organization responsible for assessing all property in Nova Scotia as mandated under the Nova Scotia Assessment Act.

## POLICY

### POLICY STATEMENT

- (1) The CAO has authority to make decisions on behalf of the Municipality in conjunction with Section 13 Public Open Space of the Subdivision Bylaw. The following shall provide the CAO guidance in the interpretation of Section 13.8 of the Subdivision Bylaw:

Equivalent value contributions will be considered in the following and similar circumstances:

- a) Where there is an existing open space within reasonable walking distance of the proposed development; and, it is determined that the future residents of the proposed development can have their recreational needs better met by applying the open space contribution toward further development, rehabilitation or expansion of an existing open space parcel.
  - b) In the case of small developments, where the proposed open space would be too small to enable a reasonable use.
  - c) Cash only contributions may be considered where it has been determined that open space and recreational needs associated with the proposed development can be met through existing developed facilities that are within a reasonable walking distance.
- (2) The CAO has the authority to sign Open Space Agreements in accordance with this policy.
- (3) Steps will be taken by staff to ensure receipt of value equivalent to fair market value, including appeal of the value determined by PVSC if warranted and hire of a private assessor if deemed prudent to do so.

## ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Chief Administrative Officer (CAO)	The CAO is responsible for reviewing all Open Space Agreements and to ensure the Municipality receives market value where cash or facilities, services or other value in kind, are offered in lieu of land conveyance.
Development Officer	The Development Officer is responsible for administering the Subdivision By-law and for ensuring the Open Space Agreement is negotiated in accordance with the Public Open Space regulations of the Subdivision By-law. The Development Officer is also responsible for registering the Open Space Agreement once it has been approved and reviewed by the CAO.
Municipal Department of Recreation & Culture	Staff from Recreation & Culture are responsible for negotiating the draft Open Space Agreement with the Subdivider, subject to CAO approval. Staff is also responsible for working with the Development Officer to ensure the Agreement is negotiated and written in accordance with the regulations of the Subdivision By-law.
Policy Owner	The policy owner (see Version Log) is responsible for reviewing the policy as required for relevancy and potential updates.

## RELATED DOCUMENTATION

Related forms, processes, procedures and other documents that support the policy.

Document Name	Document ID	Document Type
East Hants Official Community Plan		Planning Policies & Regulations
Municipal Government Act		Policy
Open Space Agreement Process		Process



## VERSION LOG

Version Number	Amendment Description	Amendment/Policy Owner	Approved By	Approval Date
<1.0>		Development Officer	Council	May 28, 2014