

## PURPOSE

The purpose of the Open Space Dedication Policy is to ensure the Municipality of East Hants receives fair market value in all Open Space negotiations 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. Through the policy, a method of financial accounting for open space funds received has been established, including regions in which the funds will be distributed. The policy also extends authority to the CAO to make decisions under certain provisions of the Subdivision Bylaw. Part IX, Section 273 of the Municipal Government Act, R.S.N.S. 1998, c. 18 gives the authority for a Municipality to receive cash-in-lieu of open space and states how the funds shall be used.

## SCOPE

The Open Space Dedication 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.
Development Agreement	Means an agreement made pursuant to the provisions of the Municipal Government Act for the purpose of regulating the development of land.
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.
Open Space	Means land transferred to the Municipality pursuant to the Subdivision Bylaw or a Development Agreement and shall be useable land or equivalent value.
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.
- (2) The CAO has the authority to sign Open Space Agreements and approve open space acquisitions in accordance with this policy.
- (3) When considering cash-in-lieu open space contributions, 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.
- (4) Council shall create an Open Space Reserve Fund, which shall be divided into three regions: 'Rural', 'Mount Uniacke' and 'Corridor', as per gas tax allocations. Council shall have the ability to acquire and channel open space funds through the following four means:
  - a. cash-in-lieu contributions under the Subdivision Bylaw, 100% will go back into the region from which it was received;
  - b. interest collected on the principal of the cash-in-lieu contributions will go into the same region as the principle;
  - c. cash from the sale of Municipal-owned lands acquired through the Subdivision Bylaw, and determined by Council to be no longer needed for open space purposes, and interest on same, will go into the region from which the land was sold category; and
  - d. financial donations for parks, open space and similar public recreational purposes will be directed as per the request; unspecified financial donations and interest on the same will go proportionately into the three regions based on residential tax assessment.
- (5) Open space projects shall be funded from the open space reserve fund regions as follows:
  - a. shall be used for land acquisition, capital improvements for community open space and for the operating budget where improvements to open space infrastructure (non-capitalized expenditures) is required and the funds shall be used in the region of the Municipality from which they were received; and

- b. where significant municipal-wide open space projects are undertaken, funds, as per Council's direction, may be used from each of the regions for land acquisition and capital improvements.

- (6) Notwithstanding the above provisions, open space cash contributions negotiated as part of a development agreement shall be administered as per of the requirements of the relevant development agreement.

## 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 Parks, Recreation & Culture	Staff from Parks, 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
Parks, Opens Space and Active Transportation Master Plan		Strategic Plan

## VERSION LOG

Version Number	Amendment Description	Amendment/Policy Owner	Approved By	Approval Date
1.0		Development Officer	Council	May 28, 2014
2.0	Update language and reflect changes made to the Subdivision Bylaw, combined open space reserve fund information from the 2002 Open Space Policies.	Development Officer	Council	September 23, 2020

## CERTIFICATION

I, Kim Ramsay, Municipal Clerk for the Municipality of East Hants, hereby certify that this policy was duly approved.




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Kim Ramsay  
Municipal Clerk