



Hi Hilary,

Thank you for your letter and for the time and effort you have taken to better understand the history and future of Colwood Creek Park. We recognize the strong community interest in this issue and agree that clear, accurate information is essential to supporting informed public discussion.

Your letter raises three key questions:

1. What legislation currently applies to the park as land within the Agricultural Land Reserve (ALR);
2. What legislation would apply if the land were excluded from the ALR; and
3. What the park's current legal status is, including any dedication for park purposes.

We offer the following information to assist in clarifying these matters:

1. Legal Protections Under the Agricultural Land Reserve

Colwood Creek Park is currently subject to the *Agricultural Land Commission Act* and its regulations. Lands within the ALR are subject to significant restrictions on both use and subdivision.

Non-farm uses, subdivision, and certain structures may only be permitted where authorized under the Act, typically requiring application to and approval by the Agricultural Land Commission (ALC). Local governments are required to ensure that their bylaws and decisions are consistent with the Act and cannot approve uses or subdivisions that conflict with it.

As a result, the ALR designation provides a high level of provincial oversight and limits changes to land use, subdivision, and development.

2. Legal Protections if the Land is Excluded from the ALR

If the park were excluded from the ALR, it would remain subject to multiple layers of protection under provincial legislation and municipal bylaws.

- **City Ownership and Park Dedication**

The land is owned by the City of Colwood. Under the *Local Government Act* and *Community Charter*, there are strict limitations on the disposal or repurposing of parkland. Where parkland has been dedicated (either through subdivision or by bylaw), elector approval is required to remove that dedication or dispose of the land. In addition, proceeds from any disposition must be placed in a parkland acquisition reserve fund.

- **Zoning**

The property is currently zoned within the City's Land Use Bylaw (AG1

the property is currently zoned within the City of Colwood as an Agricultural zone), which strictly limits permitted uses to farming related activities and single-family dwellings. Any change to permitted uses or density would require a rezoning, which involves public notice and opportunities for public input.

- **Official Community Plan**

The City's Official Community Plan (OCP) designates the park as "Municipal Parks and Open Space." This designation supports uses such as recreation, environmental protection, and ecosystem restoration. Any change inconsistent with this designation would require an OCP amendment, which also requires a public hearing and broader public consultation.

- **Other Municipal Bylaws/Policies**

The park is subject to municipal bylaws such as the Park Management Bylaw, as well as guiding documents including the Parks and Recreation Master Plan and Colwood Creek Management Plan, which establish long-term expectations for its use and stewardship.

Together, these frameworks require Council decision-making, public notification, and opportunities for community input prior to any significant change in land use.

3. Current Legal Status of the Park

Colwood Creek Park is owned by the City of Colwood. The park consists of four different parcels of land – 3 of which are formally dedicated as park, and one is a fee-simple property. Historical information indicates that the park was created through the subdivision of the surrounding lands in the 1980s.

We agree that understanding the park's legal status and protections is essential to informed public discussion. Regardless of ALR status, multiple legal safeguards exist through provincial legislation and municipal processes that require transparency, public input, and Council approval for any significant change in land use.

We will continue to work toward providing clear documentation and information to the public in advance of any formal decisions.

Thank you again for your thoughtful engagement on this matter.

Sincerely,

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Manager of Planning

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