CITY OF WEST KELOWNA

POLICY

Title: Land Acquisition and Disposition
Department: Legal Services
Policy Number: 0005
File Number: 0340-50-0005

1. Purpose

1.1. This Policy promotes the responsible management and stewardship of the City's real property assets by:

1.1.1. aligning land acquisitions and dispositions with the City's strategic priorities and objectives, including those set out in the Land Strategy;

1.1.2. achieving Best Value for the City and the public;

1.1.3. promoting fairness, transparency, and accountability; and

1.1.4. supporting compliance with the City's statutory obligations under the *Community Charter* and other legislation.

2. Scope

2.1. This Policy applies to all matters concerning the acquisition of land or the disposition of City Land.

3. Definitions

3.1. Definitions used in this Policy shall have the following meanings:

(a) "**Best Value**" means the outcome, in the judgment of the City, having regarding to the circumstances of the transaction, that provides the City with the greatest overall benefit taking into account relevant financial and non-financial considerations.

(b) "**City**" means the City of West Kelowna.

(c) "**City Land**" means land or interests in land that are owned, leased or otherwise held by the City.

(d) "***Community Charter***" means the *Community Charter*, as amended, replaced or re-enacted from time to time.

(e) "**Delegation Bylaw**" means the District of West Kelowna Delegation of Council Authority Bylaw 2010 No. 0101, as may be amended, replaced or re-enacted from time to time.

(f) "**Land Strategy**" means the City of West Kelowna Land Strategy, as may be amended or replaced from time to time.

(g) "**Public Notice**" means public notice given in accordance with section 94 of the *Community Charter* and the Public Notice Bylaw.

(h) "**Public Notice Bylaw**" means the City of West Kelowna Public Notice Bylaw No. 0303, 2023, as may be amended, replaced or re-enacted from time to time.

4. Policy Statements

4.1. Role of Council and Staff

4.1.1. Decisions regarding the acquisition of land or disposition of City Land rest with Council.

4.1.2. Staff may undertake the actions and processes contemplated by this Policy, including conducting due diligence, obtaining valuation and other information, negotiating proposed terms, preparing recommendations and taking other administrative or preparatory steps necessary to advance a proposed transaction.

4.1.3. Staff may implement and administer acquisitions and dispositions approved by Council, including executing documents where authorized to do so under the Delegation Bylaw or otherwise authorized by law.

4.2. Best Value

4.2.1. The City shall seek to obtain Best Value when acquiring land or disposing of City Land.

4.2.2. For the purposes of section 4.2.1, Best Value is not necessarily the lowest acquisition price or the highest disposition price. In determining Best Value, the City may consider factors including monetary value, strategic objectives, timing, risk, development potential, transaction costs, ongoing costs, community benefits and other circumstances relevant to a particular transaction.

4.3. Alignment with City Strategic Priorities and Objectives

4.3.1. In considering the acquisition of land, the City shall have regard to whether the land is identified in, or supports the strategic priorities and objectives set out in Council's strategic plan, the Land Strategy, Official Community Plan, master plans and other applicable planning documents.

4.4. Due Diligence

4.4.1. Before acquiring land or disposing of City Land, the City may carry out such due diligence as it considers appropriate in the circumstances, having regard to factors including, but not limited to:

4.4.1.1. previous and proposed uses of the land;

4.4.1.2. the nature of the interest to be taken in the land;

4.4.1.3. the nature and type of land;

4.4.1.4. the monetary value of the acquisition or disposition;

4.4.1.5. available budget;

4.4.1.6. timing of the acquisition or disposition; and

4.4.1.7. the level and type of risks involved in the acquisition or disposition.

4.4.2. Depending on the circumstances, due diligence may include (without limitation) consideration of title and encumbrances, environmental contamination and other environmental considerations, zoning and permitted uses and applicable land use regulations, servicing, utilities and infrastructure, geotechnical conditions, natural hazards and other site conditions, building condition and other improvements, if applicable, access and other matters affecting the use and development of the land, market, financial or other economic considerations, where relevant and any other matters that the City considers relevant to the particular transaction.

4.5. Funding

4.5.1. Acquisition of land shall be subject to the available financial resources of the City.

4.5.2. Before an acquisition is approved, staff shall identify sources of funding available for such acquisition having regard to the applicable financial plan and any applicable statutory requirements. Where Council approval is required, the proposed sources of funding shall be included in the report to Council.

4.6. Identification of Land for Potential Acquisition

4.6.1. Staff shall periodically review the City's current and reasonably anticipated future land requirements to identify land that may be suitable for acquisition.

4.6.2. In identifying land for potential acquisition, staff shall have regard to the City's strategic priorities and objectives, as set out in Council's Strategic Plan, the Land Strategy, Official Community Plan, master plans and other applicable planning documents, as well as operational requirements and other municipal needs.

4.6.3. Where land is identified for potential acquisition, staff may undertake appropriate due diligence and assessment and present a recommendation to Council for consideration.

4.7. Identification of City Land for Potential Disposition

4.7.1. Staff shall review the City's inventory of City Land at least annually in conjunction with preparation of the City's financial plan, to identify land that may be suitable for disposition.

4.7.2. Where, following that review, City Land is identified as potentially excess to the City's current or reasonably anticipated future needs, staff will bring the land forward to Council with a recommendation regarding whether it should be considered for disposition.

4.7.3. In determining whether City Land is excess to the City's current or reasonably anticipated future needs, staff shall seek input from all relevant City departments and consider any identified operational, strategic, or other municipal use of the land.

4.8. Methods of Acquisition

4.8.1. The City may acquire land or interests in land through any method it considers appropriate in the circumstances, including by direct negotiation, public process or through a broker or other intermediary.

4.8.2. In determining the appropriate method of acquisition, the City may have regard to the nature and purpose of the acquisition, the availability of suitable properties, the intended use, strategic objectives, transparency and fairness considerations, transaction costs, timing, market conditions, value, and other relevant circumstances.

4.9. Methods of Disposition

4.9.1. The City may dispose of City Land or interests in City Land through any method it considers appropriate in the circumstances, including by direct negotiation, public process, or through a broker or other intermediary.

4.9.2. In determining the appropriate method of disposition, the City may have regard to the nature and value of the land, market conditions, the intended use, strategic objectives, transparency and fairness considerations, transaction costs, timing and other relevant circumstances.

4.10. Valuation

4.10.1. The City shall have regard to the market value of land proposed to be acquired or City Land to be disposed of. In determining or assessing market value, the City will consider the assessed value, appraisal evidence and other such relevant information.

4.10.2. Where warranted by the nature, value, complexity or other circumstances of a proposed acquisition or disposition, the City may obtain an independent appraisal or other professional valuation of the land.

4.10.3. Council may approve the acquisition of land for an amount that exceeds an appraised or otherwise determined market value where, in Council's judgment, the circumstances warrant the acquisition at that amount.

4.10.4. Council may approve the disposition of City Land for less than its market value where legally permissible under the *Community Charter* and where in Council's judgment, the circumstances warrant the disposition at that amount.

4.10.5. Monies received for the sale of excess land will be placed in a reserve fund for purchase of future land and in accordance with the *Community Charter* and *Local Government Act*.

4.11. Notice of Disposition

4.11.1. Prior to disposing of City Land, the City shall provide any Public Notice required by the *Community Charter* and the Public Notice Bylaw.

4.12. Confidentiality

4.12.1. Staff and Council shall manage information relating to proposed acquisitions and dispositions in accordance with applicable confidentiality, privacy and freedom of information requirements having regard to the City's negotiating interests.

4.13. Reporting

4.13.1. Staff shall report annually to Council on the City's land acquisition and disposition activities during the preceding year, including a summary of:

4.13.1.1. the land acquired and City Land disposed of by the City;

4.13.1.2. the costs associated with the acquisition of land;

4.13.1.3. the sources of funding used for the acquisition of land;

4.13.1.4. the proceeds received from the disposition of City Land; and

4.13.1.5. where applicable, material progress toward the Council's Strategic priorities and objectives, as set out in the Land Strategy, arising from land acquisitions and the disposition of City Lands.

5. Authority

5.1 The City's authority to acquire and dispose of land derives from its natural person powers under section 8(1) of the *Community Charter*.

6. Related Policies or Procedures

6.1. This Policy is to be read in conjunction with:

6.1.1. the City's Land Strategy;

6.1.2. the City of West Kelowna Official Community Plan Bylaw No. 0300, 2023;

6.1.3. the District of West Kelowna Delegation of Council Authority Bylaw 2010 No. 0101; and

6.1.4. the City of West Kelowna Public Notice Bylaw No. 0303., 2023.

7. Approval

Approved by	☐ CAO	☒ Mayor and Council
Approval date	October 6, 2026	
Council Resolution #	C264/26	
Signature	*[Original signed by Mayor]* MAYOR	

8. Additional Information

Category	☒ Council	☐ Administrative
Related procedure	☐ Yes	☒ No
Procedure number		
Date of last review		