



COMMUNITY AMENITY POLICY FOR THE ELECTORAL AREAS

Applicability: Cowichan Valley Regional District Electoral Areas

Effective Date: **DRAFT**

PURPOSE:

To establish a policy on community amenity contributions within the electoral areas and replace the parameters previously contained within electoral area official community plans.

BACKGROUND:

Enabling legislation for land use management in British Columbia provides several tools with which local governments may ensure that land development carries an appropriate share of the cost burden in relation to the demands that it places on local infrastructure and the livability of communities. These tools include parkland and highway dedication requirements for subdivision, development cost charge bylaws, density bonus provisions in zoning bylaws that may secure community amenities and affordable and special needs housing, and phased development agreements, which may also secure community amenities. The Regional Board may also exercise its discretion regarding rezoning applications to ensure that the incremental value derived from rezoning is used to mitigate the impact of the development in question and generally enhance community amenities. The purpose of this policy is to guide the Regional Board, Regional District staff, the development community, advisory planning commissions and members of the public in regard to this latter aspect of the Regional Board's land use management function.

SCOPE:

1. This policy applies to residential development, including residential development in mixed-use and comprehensive development zones.
2. This policy applies to residential development involving a minimum of ten subdivision lots or ten dwelling units on a single parcel.
3. This policy is based on the principle that any incremental land value derived from rezoning is a community asset, and that developers are adequately compensated by ordinary profit margins on the development of the additional residential units enabled by rezoning.

4. Additional to be considered

POLICY:

1. In electoral areas and communities that are deficient with respect to park space, applicants for rezoning are expected to dedicate as park land, in addition to any park land dedication required under the *Local Government Act*, park land having a value on the date of the rezoning application equal to the incremental land value derived from rezoning and having a location and configuration acceptable to the Regional Board. The park land should be designated as such on a plan registered in the Land Title Office, in the same manner as park land dedicated under the *Local Government Act*. Applicants may obtain information on parks from Regional District staff.
2. In other circumstances, applicants for rezoning are expected to provide, in kind or by payment of cash in lieu, community amenities acceptable to the Regional Board mitigating the likely impact of their development on the local community or meeting other community needs that are beyond the Regional District's financial resources and having a fair market value equal to the incremental land value derived from rezoning. This may include recreation facilities; scenic amenities, such as waterfront walkways, trails and viewpoints; additions to provincial parks; environmentally sensitive areas, such as marshes and Garry oak meadows; public plazas; enhanced roadway treatments, such as landscaped boulevards and ornamental lighting and paving; or other community amenities acceptable to the Regional Board. Prior to making their application, applicants are encouraged to consult with affected communities to identify needed and desirable community amenities, and with the Ministry of Transportation and Infrastructure regarding any proposed roadway amenities.
3. The Regional Board may accept the most recent B.C. Assessment Authority valuation of the land as evidence of the value of land proposed to be dedicated as park land, or it may require the applicant to prepare an appraisal by a qualified appraiser acceptable to the CVRD.
4. The Regional Board may require the applicant to provide the opinion of a suitably qualified consultant acceptable to the CVRD as to the incremental land value derived from the applicant's proposed rezoning, and the opinion of a suitably qualified person on the fair market value of any in-kind amenities that the applicant proposes to provide.
5. In considering the suitability of proposed amenities, the Board should consider the ability of the Regional District to operate and maintain the amenity over time, and any proposals the applicant may make for the provision of an operation and maintenance endowment or the establishment of a local service area.
6. Cash in lieu of amenities provided pursuant to this policy should be placed in statutory reserve funds to be spent, with accrued interest, on community amenities.
7. It is not the Board's intention that zoning amendments would be approved pursuant to this policy so as to exceed any residential density maximum specified in an official community plan, unless the plan specifically contemplates that such amendments might be approved.

PROCEDURE

1. This policy will initially be implemented via the Regional Board's handling of applications to amend any electoral area zoning bylaw.
2. An applicant may propose to provide in-kind amenities or cash in lieu in phases in the case of multi-phase development, provided that the applicant enters into an enforceable agreement with the Regional District that requires the provision of amenities or cash in lieu at a specified time and that binds the applicant's successors in title.

3. When preparing zoning bylaws and implementing the Regional District's Official Community Plan for the Electoral Areas, Planning staff will consider including density bonus provisions in zones that permit residential development involving ten or more subdivision lots or ten or more dwellings on a single parcel.
4. Density bonus provisions in draft zoning bylaws will implement the community amenity policy described in this document.
5. All information provided to the Regional District pursuant to this policy, including all consultant's reports and opinions, must be disclosed to the public in connection with any public hearing on a rezoning application.

Approved by: Approval date: Amended:
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