

Option 1 Draft

**COMMUNITY BENEFITS POLICY FOR THE ELECTORAL AREAS 2023**

Applicability: Electoral Areas

Effective Date: DRAFT

PURPOSE

To establish a comprehensive policy on community benefits for CVRD electoral areas.

This policy is a guideline only.

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 built and natural 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 benefits. The Board may also exercise its discretion regarding rezoning applications to ensure that development impacts on regional services and amenities are mitigated by applicants for rezoning. The purpose of this policy is to guide the Board, CVRD staff, the development community, advisory planning commissions and members of the public in regard to this latter aspect of the Board's land use management function.

SCOPE

1. This policy applies to applications for residential, commercial and industrial development, including development in mixed-use and comprehensive development zones.
2. This policy applies to residential development involving a minimum of four subdivision lots or four dwelling units located on a single parcel.
3. This policy is based on the principle that incremental land value derived from rezoning enables rezoning applicants to provide enhancements to CVRD services, amenities and affordable and special needs housing that benefit the community impacted by development.

POLICY

1. In electoral areas and communities that are determined by CVRD staff to be deficient with respect to park space, applicants for rezoning may dedicate as park land, in addition to any park land dedication required under the *Local Government Act*, additional park land having a location and configuration acceptable to the Board. Parkland dedicated in addition to that required under the *Local Government Act* will be transferred at the Board's discretion in one of the following ways:
 - a. Separately on a plan registered in the Land Title Office as fee simple land vested in the ownership of the CVRD. A covenant may be required in favour of the CVRD limiting the use of the parkland to park use.
 - b. Designated as parkland on a plan registered in the Land Title Office, in the same manner as parkland dedicated under the *Local Government Act*.
 - c. As otherwise directed by the Board.
2. In other circumstances, applicants for rezoning may provide, in kind or by payment of cash in lieu, enhancements to CVRD services, amenities or affordable or special needs housing acceptable to the Board mitigating the likely impact of their development on the local community.
3. Community benefits may include, in addition to any amenities identified in local area plans:
 - a. Infrastructure
 - i. lands and/or infrastructure to support the provision of potable water including water treatment or storage capacity, sewage treatment or stormwater management
 - ii. lands and/or infrastructure to support CVRD or improvement district fire protection or emergency services
 - iii. transit supportive infrastructure
 - iv. active transportation and roadside improvements
 - v. recreation or childcare facilities
 - b. Cultural, Built Environment & Natural Environment
 - i. access to or infrastructure to support groundwater monitoring
 - ii. heritage restoration projects
 - iii. protection, restoration and/or dedication of environmentally sensitive areas for conservation and protection of biodiversity and key natural infrastructure
 - iv. protection and/or dedication of sites of archaeological importance
 - v. scenic amenities such as waterfront walkways, trails and viewpoints
 - vi. additions to community, regional and/or provincial parks and amenities within parks
 - vii. public plazas or enhanced roadway treatments beyond requirements of development permit or works and services bylaw requirements
 - viii. protection and/or dedication of hazard management areas, such as unstable slope areas, flood attenuation areas and community firebreaks
 - ix. Use of roofs in the development for biomimicry and cooling objectives

4. Affordable or special needs housing, secured by a Housing Agreement, which may include any of the following, or cash contributions towards development of any of the following:
 - a. affordable housing, in which shelter costs are equal to less than 30% of total before-tax household income
 - b. assisted living for seniors and people with disabilities that includes on-site hospitality and personal-care support services
 - c. emergency shelter, which includes immediate, short-stay housing for people who are homeless or at risk of becoming homeless
 - d. Indigenous housing, culturally safe and appropriate housing of Indigenous people living off reserve.
 - e. low-barrier housing, where a minimum number of expectations are placed on people who wish to live there.
 - f. non-market rental, which offers rents lower than average rates in private-market rental housing
 - g. transition housing, which is a type of temporary housing for women and children experiencing violence
5. In considering the suitability of proposed CVRD infrastructure enhancements or benefit, the Board should have regard to the ability of the CVRD to operate and maintain the facility 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 facilities 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 to exceed any density maximum specified in an official community plan, unless the plan specifically contemplates that such amendments might be approved.

NEGOTIATION PRINCIPLES

Negotiations for public benefits will be based on the following principles:

1. Nexus: a demonstrable link between the benefit and the community that is accommodating the proposed increase in density or change in use.
2. Proportionality: the benefit is proportional to the anticipated impact that the new development generates.
3. Equity: the value of benefit is comparable to the value of benefits provided by other rezoning applicants, where appropriate.
4. Viability: an applicant is in no circumstances expected to provide benefits having a value that exceeds the incremental land value derived from rezoning, as quantified by a qualified appraiser if the applicant and the CVRD are not in agreement on the incremental land value.

IMPLEMENTATION

1. This policy will be implemented via the Board's handling of applications to amend any electoral area zoning bylaw.
2. To identify needed and desirable benefits, applicants should work with staff, review local area plans and other plans that may identify desired amenities, and consult with affected communities, where appropriate. Applicants are also encouraged to communicate with the Ministry of Transportation and Infrastructure regarding any proposed roadway amenities.
3. A community benefits statement is expected for all rezoning applications to which this policy is applicable. The statement must outline:
 - a. relevant policy guiding the contribution
 - b. input received, including from staff and through community consultation, which supports the benefit proposal that has been made
 - c. current financial value and future value of the benefits
 - d. consideration for operation and full life cycle costs
4. Community benefits will be secured prior to final reading of the relevant amendment bylaw via one or more of the following methods:
 - a. cash payment
 - b. covenant
 - c. housing agreement
 - d. phased development agreement
 - e. transfer of land or interest in land to the CVRD

All costs associated with preparation, review and registration of any of the above will be at the expense of the applicant.

5. An applicant may propose to provide in-kind benefits or cash in lieu in phases in the case of multi-phase development, provided that the applicant enters into an enforceable agreement with the CVRD that requires the provision of benefits or cash in lieu at a specified time and that binds the applicant's successors in title.
6. When preparing zoning bylaws and implementing the CVRD'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.
7. Density bonus provisions in draft zoning bylaws will be considered in conjunction with the community benefit policy described in this document.
8. All information provided to the CVRD pursuant to this policy, including all consultants' reports and opinions, must be disclosed to the public in connection with any public hearing on a rezoning application.