

Subject: Voluntary Community Amenity Contributions at Time of Rezoning	
Category: Planning Services	Policy Reference: 6410-00

Purpose

Development often highlights a need for community amenities beyond what can be provided by development cost charges. To secure such community amenities, the Comox Valley Regional District (CVRD) may identify desired community amenities through density bonus zoning. Alternatively, the CVRD may accept voluntary community amenity contributions that are negotiated as part of a rezoning process when increased density is sought by a development proponent.

This policy is intended to guide discussions between CVRD staff and development proponents that are considering a voluntary offer of community amenities at the time of rezoning application. The policy may also be used to guide the board's consideration of density bonus zoning.

The CVRD recognizes the relationship between housing affordability and community amenity contributions and will strive to ensure balance and equity between the provision of community amenities and the supply of housing that can be affordably accessed.

This policy is based on the Ministry of Community, Sport and Cultural Development's March 2014 publication: *"Community Amenity Contributions: Balancing Community Planning, Public Benefits and Housing Affordability"*.

Interpretation

"Community amenity" means any public benefit, improvement or contribution that can enhance the quality of life for a community and includes, but is not limited to, public spaces, land or an interest in land, affordable and/or special needs housing, and facilities, which meet a range of social, environmental, cultural, recreational and infrastructure needs of the community.

"Community amenity contribution" (CAC) means provision of a community amenity, or a contribution towards the capital cost of a community amenity, agreed to by the development proponent and the CVRD, as part of the development proponent's rezoning application process.

"Density bonus zoning" means zoning under Section 482 of the *Local Government Act* (RSBC, 2015, c. 1) and is intended to provide options to a developer to build at either a "base" density or higher density with the provision of community amenit(ies).

"Phased development agreement" means an agreement under Section 516 of the *Local Government Act* (RSBC, 2015, c. 1) and is intended to secure the zoning and/or subdivision servicing requirements of a development over a defined period subject to terms and conditions.

Policy

1. Planning staff are authorized to implement this CAC policy as part of the rezoning application process where applicants propose an increase in residential density or increase in commercial/industrial floor area.
2. Planning staff will inform applicants and potential applicants of this Board policy through the pre-consultation process and/or at the time of zoning amendment application.

3. The board may refer to this policy in its consideration of density bonus zoning for amenities as provided for in Section 482 of the *Local Government Act* (RSBC, 2015, c. 1); in the preparation of a phased development agreement that includes the provision of amenities as provided for in Section 516 of the *Local Government Act* (RSBC, 2015, c. 1); or upon the voluntary offer of community amenity by a development proponent.
4. This policy will be publicized on the CVRD's website.
5. One or more of the following sources may provide guidance with respect to the type of CAC to an applicant considering a voluntary offer of CAC:
 - a. Regional Growth Strategy
 - b. Comox Valley Sustainability Strategy
 - c. Rural Comox Valley Official Community Plan (and associated Local Area Plans)
 - d. Rural Comox Valley Parks and Greenways Strategic Plan
 - e. Comox Lake Watershed Protection Plan
 - f. Other board adopted plan or strategy
 - g. Cash contribution to a board endorsed initiative
 - h. Capital contribution to a board strategic priority
6. Upon the voluntary offer of a CAC, the CAC will be negotiated on a case-specific basis as each development proposal is unique, generating different community impacts. Negotiation will be based on the following principles:
 - a. Nexus: in that there is a demonstrable link between the CAC and the community that is receiving the proposed increase in density;
 - b. Proportionality: in that the CAC is proportional to the anticipated impact that the new development generates; and
 - c. Equity: in that the CAC is comparable to CACs made by other rezoning applicants.

Acceptance:

7. Proposed CACs will be referred to the CVRD's Electoral Areas Services Committee for consideration and a recommendation made to the board regarding acceptance.
8. An agreed-upon CAC would be obtained by the CVRD if, and when, the board approves the Zoning Amendment Bylaw.
9. The board may opt to accept a CAC where it considers that the CVRD's future budgets will be able to support the estimated life cycle costs of operating, maintaining and repairing the community amenity.
10. Where it is anticipated that a new community amenity will benefit both existing and new residents and businesses, an estimate may be made of the proportion of costs that is attributable to new development. In determining the proportion of costs attributable to new development, the development cost charge policies and procedures of the CVRD may be applied.
11. In establishing the value of a proposed community amenity, hard costs, soft costs, land costs and life cycle costs may be considered, such as:
 - a. Hard costs – all material and labour costs for the construction of the community amenity;
 - b. Soft costs – all fees and costs for the design of the community amenity;
 - c. Land costs – eligible only where land or an interest in land comprising the community amenity is transferred to the CVRD; and
 - d. Life cycle costs – all recurring costs over the lifespan of the community amenity.
12. The provision of CACs may be secured through one or more of the following methods, prior to final reading of the relevant Zoning Amendment Bylaw. All costs associated with preparation, review and registration of any of the following will be at the expense of the applicant.
 - a. Phased development agreement (Section 516 of the *Local Government Act* (RSBC, 2015, c. 1));
 - b. Housing agreement for affordable or special needs housing (Section 483 of the *Local Government Act* (RSBC, 2015, c. 1));
 - c. Covenant (Section 219 of the *Land Title Act*);
 - d. Transfer of land or an interest in land to the CVRD.

13. The transfer of a voluntary CAC to the CVRD will occur only if and when the CVRD Board adopts a Zoning Bylaw Amendment.

Transparency, Monitoring and Board Discretion:

14. The CVRD will maintain a public record of all CACs that the CVRD Board has accepted.
15. The CVRD will monitor affordable housing supply and annually assess whether acceptance of CACs is impacting housing supply trends.
16. Nothing in this CAC policy shall impair or fetter the discretion of the CVRD Board in its consideration of an application to amend a Zoning Bylaw.

Approval History

Adopted by CVRD Board	May 28, 2019
Amended:	