

## COUNCIL POLICY

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# BELL MCKINNON LOCAL AREA PLAN LAND ACQUISITION COMMUNITY AMENITY CONTRIBUTION POLICY

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## 1. PURPOSE

The purpose of this policy is to provide guidance for developers, staff, and Council in negotiating appropriate CACs at the time of application for zoning bylaw amendment in the short term. The CACs will generally be secured by covenant prior to adoption of the zoning amendment bylaw.

This policy is intended to be temporary, and sections will become obsolete as various bylaws are updated and adopted (e.g., DCC Bylaw, Servicing and Subdivision Bylaw, Development Permit Areas, Amenity Cost Charge Bylaw).

## 2. SCOPE

North Cowichan staff will consider this policy when reviewing any applications for zoning bylaw amendments for properties within the BMLAP area. Staff will communicate this policy to the development industry, property owners, and the public.

In considering applications for zoning bylaw amendments for properties within the BMLAP area, North Cowichan Council will consider this policy. However, nothing in this policy fetters Council's discretion in considering applications for such zoning bylaw amendments.

## 3. ACRYNOMS & DEFINITIONS

### 3.1. Acronyms

The following acronyms are used in the place of the full term.

Acronym	Full term
ALR	Agricultural Land Reserve
BMLAP	the Bell McKinnon Local Area Plan, as described in Appendix 2 of the OCP to which excludes the area north of Herd Road
CAC	Community Amenity Contribution
DCC	Development Cost Charge
OCP	Official Community Plan
SPEA	Streamside Protection and Enhancement Area
UCB	Urban Containment Boundary, as identified in the OCP

### 3.2. Definitions

The following defined terms are italicized when used in this policy.

**“Public Land”** means land dedicated for the following public uses in the amounts and locations established conceptually in the BMLAP:

- Blue-Green Network:
  - Parks
  - Storm water detention areas
  - ALR and Highway Buffers

For clarity, public land does not include roads and laneways, streams, wetlands, and SPEAs that are protected by the Riparian Areas Protection Act and other provincial and federal legislation.

**“Subject Property”** means the property that is the subject of an application for a zoning amendment application.

## 4. PUBLIC LAND ACQUISITION FUND

As an existing rural residential area, the BMLAP area has characteristics of greenfield development complicated by existing property boundaries. Land is required for public uses including water and sanitary infrastructure, parks, and stormwater management facilities. While the existing property boundaries have been considered, it is not possible to distribute the *public land* requirements perfectly equally across all properties and still create a functional community.

On average, 21% of the area is required for *public lands* leaving 79% for developable lands and transportation infrastructure (roads and laneways).

- 4.1. All development within the BMLAP is expected to contribute towards realizing the vision for the BMLAP by dedicating *public land* dedication in accordance with the Blue Green Network Plan (Section 6.3.2) established by the BMLAP as applicable and/or through a cash contribution as described below in section 4.2 of this policy.
- 4.2. All applications for zoning amendment within the BMLAP will be asked to calculate the percentage of the total *subject property* required for *public land*.
  - a) Where less than 21% of a *subject property* is required for *public land*, the applicant will be asked to contribute to a fund to support *public land* acquisition in the BMLAP area. The amount of the requested contribution is:
    - Equal to the value of 21% of the *subject property*, less the value of the portion of the subject property land being dedicated for *public land*.
    - Payable at the time of approval of the first subdivision for the property or issuance of the first Building Permit, whichever occurs first.
  - b) Where more than 21% of a *subject property* is required for public land, the Municipality will attempt to offset the requirement by purchasing the land subject to the availability of funds, using funds collected according to the previous clause.

- c) Where the financial offset payable under clause a) or b) is less than \$50,000<sup>1</sup> then no transfer will be considered.

**5. BELL MCKINNON AREA: ADHERE TO THE POLICIES AND VISION OF THE BMLAP**

5.1. All development is expected to follow the policies established by the BMLAP, including:

- a) Built Form & Site Design (Section 4.4)
- b) Streets, Laneways, & Greenways (Section 5.3), including Street, Laneway, & Greenway Network Plan (Section 5.3.3) and Street Typologies (Section 5.3.4)
- c) Landscape Plan Requirements – 40% Tree Canopy Coverage and 10% Effective Impervious Area (Appendix A)

**6. INTERIM COMMUNITY AMENITY CONTRIBUTION POLICY**

6.1. For clarity, the Interim Community Amenity Contribution Policy also applies in the BMLAP area.

**RELATED POLICIES & PROCEDURES**

**North Cowichan Official Community Plan (including the Bell McKinnon Local Area Plan in Appendix 2)**

**Interim Community Amenity Contribution Policy**

**APPROVAL HISTORY**

WRITTEN BY: Bell McKinnon Local Area Plan Technical Steering Committee	APPROVED BY:	DATE: <a href="#">Click here to enter a date.</a>
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1 Equals 5% of a one-acre property, assuming an average land cost of \$1,000,000 per acre.