
SERVICING OFFICER POLICY

1. PURPOSE

This policy provides guidance to servicing officers regarding requirements for land dedication as a condition of issuance of a building permit.

Whereas the municipality is able to negotiate purchase during the rezoning process, or require land dedication during the subdivision process, expropriation has hitherto been the only mechanism to secure land at any other juncture in the development process.

The amendments to the Local Government Act wrought by "Bill 16" in 2024 allow the Municipality, through the designation of "Servicing Officers", to require land dedication for road or alternative transportation purposes as a condition of issuance of a building permit. This provides a mechanism to secure land where a development is proceeding under existing zoning.

2. SCOPE

This policy applies to all officials of North Cowichan designated as "servicing officers" under *Local Government Act s.513.2(4)*.

3. DEFINITIONS

[**"defined terms"** - Insert definitions if needed to clarify terms outside of ordinary meaning.]

4. APPLICATION

4.1 This policy is intended to guide decision-making; however, nothing in this policy shall fetter a Servicing Officer's professional judgment.

4.2 Generally, the requirement for land dedication under *Local Government Act ss.513.2 and 5.13.3* will not apply to the following types of building permit:

Residential:

- (a) Interior works
- (b) External renovations
- (c) Installation of suites and accessory dwelling units
- (d) Sheds, garages, carports, basements, ancillary outbuildings or structures
- (e) Additions to existing dwellings

Non Residential:

- (f) Interior works
- (g) External renovations
- (h) Building permits with construction value less than \$100,000.

- (i) Outbuildings ancillary to the principal use
- (j) Signage

4.3 The following situations are identified as exceptions to 4.2 whereby a land dedication requirement may potentially apply as condition of issuance for any building permit:

- (a) where such construction would materially inhibit, impede or diminish the ability to realize the expansion or upgrade of a road, and/or the installation of alternative transportation infrastructure, as shown in an adopted plan;
- (b) where the required land dedication is of minimal nature and would not cause any significant impact to the developability of a site or disruption to its frontage treatment and significant landscaping;
- (c) where the Municipality is actively acquiring land dedications and would otherwise and foreseeably utilize expropriation powers;
- (d) where renovations, additions or interior works, would extend the lifespan of a building or site that is otherwise in conflict with an identified road upgrade or transportation project, to ten or more years beyond the anticipated start date of the road or transportation project.

5. ROAD REQUIREMENT

5.1 In identifying whether land must be provided under *Local Government Act s.513.2*, the servicing officer should have due regard to the following:

- (a) Official Community Plan;
- (b) Master Transportation Plan or similar Servicing Plans;
- (c) Development Cost Charge Bylaws;
- (a) Asset Management Plans or works arising as a result of asset management requirements;
- (d) Any Local Area Plan in effect;
- (e) Any provincial government, statutory authority, or other local government plan or policy of relevance;
- (f) Any other material considerations relevant to the desirability or necessity of acquiring land for road purposes, including requests from the provincial Ministry of Transportation and Transit.

5.2 The amount of land required should not exceed what is foreseeably necessary to achieve the identified road standard, allowing for potential adjustments in eventual alignment.

5.3 A land requirement otherwise in accordance with this policy shall not be waived on the basis that it causes hardship to the subject property owner or may impact potential viability.

6. LAND REQUIREMENT FOR ALTERNATIVE FORMS OF TRANSPORTATION

6.1 In identifying whether land must be provided for alternative forms of transportation purposes under *Local Government Act s.513.3*, the servicing officer shall have due regard to the following:

- (b) Official Community Plan;
- (c) Development Permit Guidelines;
- (d) Master Transportation Plan or similar Servicing Plans;
- (e) Development Cost Charge Bylaws;
- (f) Asset Management Plans or works arising as a result of asset management requirements;
- (g) Any Local Area Plan in effect;
- (h) Any provincial government, statutory authority, or other local government plan or policy of relevance;
- (i) Any other material considerations relevant to the desirability or necessity of acquiring land for alternative transportation purposes.

6.2 The amount of land required shall not exceed what is foreseeably necessary, allowing for potential adjustments in eventual alignment.

6.3 A land requirement otherwise in accordance with this policy shall not be waived on the basis that it causes hardship to the subject property owner or may affect potential viability.

6.4 Land requirements for sustainable design features should be proportionate to the type and scale of development proposed.

7. ADMINISTRATION

7.1 Servicing officer powers are applied as a condition of building permit issuance; however, the intent to utilize such powers should be considered at any other prior stage of development.

7.2 Review of development permit (and/or variance permit) applications should seek to ensure that site design (including landscaping) anticipates land dedication requirements identified under s.7.1. Where such dedication is identified as being required, this should be clearly indicated on any issued development permit or development variance permit.

7.3 Use of land dedication powers by Servicing Officers does not limit the Municipality's ability to require land under any other powers, or to negotiate additional land dedications or use restrictions as part of discretionary processes such as rezoning.

7.4 Where practical, encroachment agreements may be considered on dedicated land where the upgrades are unlikely to be realized in the near term, in order to allow donor property owners to continue with exclusive use of the dedicated land (e.g. for landscaping, parking, fencing, signage, etc.) until such time as it is upgraded.

7.5 Where appropriate, the form of land that must be provided may include:

- (a) a binding commitment registered on title giving the Municipality the exclusive option to purchase the land at a future time at nominal cost, or
- (b) a statutory right of way.

RELATED POLICIES & PROCEDURES

Bell McKinnon Local Area Plan Land Acquisition Community Amenity Contribution Policy

APPROVAL HISTORY

WRITTEN BY: C. Osborne, Planning Manager	APPROVED BY: Council	DATE: Click here to enter a date.
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