

# Community Amenity Contribution Policy

Department:	<u>Development Services</u>	Policy No.:	<u>DEV-009</u>
Sub-department:	<u>Planning</u>	Created By:	<u>Development Services</u>
Approved By:	<u>Council</u>	Amended By:	<u></u>
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## INTENT

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Village Council has established a Community Amenity Policy (Policy) in order for Village to capitalize on the opportunity to gain public facilities, services and amenities through voluntary contributions from proponents in the rezoning process. This policy is intended as a framework for how the Village of Pemberton will define community amenities, and a framework for establishing and securing Community Amenity Contributions through the rezoning process.

## DEFINITIONS

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**Community Amenity Contribution:** means a voluntary contribution made by a proponent of a residential or mixed-use rezoning application to provide land, improvements to land, or funds provided in lieu of land or improvements for a public or community benefit. Community Amenity Contributions are over and above any land dedications, works or services required under provincial legislation or municipal policy to service the development. Examples of Community Amenities include, but are not limited to, affordable housing, recreation land and facilities development, public buildings or attractions, public art, and other improvements deemed by the Village to provide broad public benefit over and above what is required to service the development, as determined by the Village of Pemberton.

**Community Benefit Contribution:** means lands, improvements to land for a public benefit, or other contributions towards the community which are a required component of a development project, but provide broader public benefits. Examples of Community Benefits include, but are not limited to, on-site trail connections, excess usable park dedication, significant park and playground improvements on public park-land, off-site utility services that improve existing public infrastructure, or other improvements made by the proponent that are deemed to add benefit to the public beyond what is required to service the development as determined by the Village of Pemberton.

**Required Service:** means any land, improvement to land, or other contribution required to service an individual development in accordance with provincial and municipal regulations, or generally accepted engineering practices. Examples may include, but not be limited to, park dedications under provincial legislation, road dedications and improvements, habitat setback areas, utilities and infrastructure. Required Services also include excess or extended works and services, or other works or services subject to a Latecomer's Agreement, Development Cost Charge Bylaw offsets, or any other means of cost recovery.

## INTRODUCTION

Land development in the Village of Pemberton provides an opportunity to realize the vision for the community contained in the Village of Pemberton Official Community Plan (OCP). The OCP describes a community of diverse people living in a community rich with opportunity and amenity. Often the physical amenities that help form a community are delivered through voluntary contributions from developers through rezoning processes that add value to their land.

In recent years, the *Local Government Act* has given increasing authority to municipalities to negotiate community amenity contributions through the rezoning process. Specifically, there is a legislated ability to secure community amenities in specific amenity zones, and the range of tools available to municipalities to secure affordable housing contributions continues to grow.

This Policy describes how the Village of Pemberton will define, negotiate, and secure community amenity contributions through the residential and mixed-use rezoning process. It is intended to acknowledge that community amenities are an important component of the rezoning process, while also recognizing that land development in small communities often involves the potential for different costs and different market responses than in large cities. The goal is to ensure the Village of Pemberton has a predictable process for assessing community amenities on a case-by-case basis that ensures a balance between the *Community Amenity Contribution negotiations* and the financial capability of each project to contribute.

## PURPOSE

The purpose of this policy is to serve as a framework for negotiating voluntary *Community Amenity Contributions* with developers of residential and mixed-use development projects applying for rezoning. It establishes definitions around which contributions will qualify as community amenities, a framework for how the amenities will be negotiated and expectations for how the Community Amenity Contributions will be secured in advance of the rezoning process.

The intent of this policy is to provide greater certainty and a fair and equitable approach for community amenity negotiations to provide clarity to Council, the community, and the development industry.

## APPLICABILITY

1. This Policy applies to all rezoning applications for residential or mixed-use development that propose an increase in density, development opportunity, or any other zoning change that will increase the land value of land subject to the application.
2. This Policy is companion to other municipal policies and bylaws that may impose development requirements or suggest amenities, such as any Affordable Housing policies, recreation and trails plans and policies.
3. This Policy does not apply to rezoning applications to facilitate affordable housing, seniors housing, or other non-market housing projects as determined by the Village of Pemberton.
4. This Policy supersedes any and all previous *Community Amenity Contribution* policies.

## ROLES AND RESPONSIBILITIES

5. Council of the Village of Pemberton is responsible for the formal acceptance of *Community Amenity Contributions* through the rezoning process.

6. The Manager of Development Services and/or Chief Administrative Officer is responsible for leading the *Community Amenity Contribution* negotiations in the context of other *Community Benefits* and project *Servicing Requirements*, and making recommendations to Council on the nature and type of amenities offered and the recommended means of securing them contemporaneously with the rezoning process.

## **PROCESS FOR NEGOTIATING COMMUNITY AMENITY CONTRIBUTIONS**

7. Potential *Community Amenity Contributions* will form part of the pre-application process for rezoning applications, and Staff shall make prospective applicants aware of Council's *Community Amenity Contribution* Policy and initiate discussion of potential amenity options to be considered in the application.
8. Upon acceptance of an eligible rezoning application, Staff shall commence negotiations on possible *Community Amenity Contributions*, with particular regard to bylaws and policies of the Village that may direct consideration of affordable housing, recreation amenities, or any other policy guidance regarding potential amenities for each application.
9. *Community Amenity Contributions* will be analyzed for each application in the context of project *Servicing Requirements* and *Community Benefits* that emerge through the application review process to establish a reasonable opportunity for *Community Amenity Contributions*.
10. *Community Amenity Contributions* will utilize a cost-based approach in which the estimated cost of each *Servicing Requirement*, *Community Benefit*, and *Community Amenity Contribution* will be analyzed in determining *Community Amenity Contributions*.
11. For large rezoning applications, Staff may request or prepare an estimate of the increase in land value proposed in the rezoning to assess reasonable levels of *Community Amenity Contribution* in relation to the land-value increase expected through the rezoning process.
12. In considering *Community Benefits* in the context of a *Community Amenity Contribution* negotiation, Staff shall estimate the proportionate cost of benefit allocated to the project and the proportionate providing benefit to the broader community.
13. In considering *Community Benefits* and *Community Amenity Contributions*, Staff shall assess the long-term and lifecycle cost burdens imposed on the Village by receiving and maintaining the amenity.
14. At the conclusion of the *Community Amenity Contribution* negotiations, Staff shall seek formal agreement in the form a *Community Amenity Contribution* offer letter or other summary from the Applicant clearly stating the proposed *Community Amenity Contributions* offered through the rezoning process.

## **PROCESS FOR DETERMINING COMMUNITY AMENITIES**

15. At consideration of First Reading of an eligible rezoning bylaw, Staff shall provide Council with a summary of the *Community Amenity Contribution* negotiation, identifying all relevant *Servicing Requirements*, *Community Benefits*, and *Community Amenity Contributions* associated with the project used to determine the *Community Amenity Contribution* offer.

16. At consideration of First Reading, Staff are encouraged to provide Council a *Community Amenity Contribution* offer summary from the Applicant wherever appropriate.
17. At consideration of First Reading, Staff will advise Council of the means by which the *Community Amenity Contributions* will be secured, and the estimated time to delivery of each amenity.
18. If necessary, Staff may seek a resolution of Council establishing any pre-requisites to zoning bylaw adoption necessary to secure and implement a *Community Amenity Contribution*.
19. A summary of proposed *Community Benefits* and *Community Amenity Contributions*, including the nature and type of contribution and the means to deliver or secure, shall be made available to the public in advance of Public Hearing to any eligible rezoning bylaw.
20. The *Community Amenity Contribution* negotiation shall be deemed complete upon Third Reading to the proposed rezoning bylaw.

### **SECURING DELIVERY OF COMMUNITY AMENITY CONTRIBUTIONS**

21. At any point before granting Third Reading to a proposed eligible rezoning bylaw, Council may establish pre-requisites to zoning bylaw adoption to direct the security of the *Community Amenity Contributions* by way of delivery, or agreement to deliver *Community Amenity Contributions* through the development.
22. Any necessary agreements in relation to *Community Benefit* and *Community Amenity Contribution* negotiations shall be executed by the proponents and delivered to the Village in a registerable form in advance of consideration of zoning bylaw adoption.

### **TRANSFER OF COMMUNITY AMENITY CONTRIBUTIONS**

23. Unless otherwise secured through a zoning bylaw amendment, servicing agreement, land development agreement or other agreement acceptable to the Village of Pemberton, all *Community Amenity Contributions* shall be provided prior to adoption of the eligible rezoning bylaw.
24. Any funds received by the Village in satisfaction of the *Community Amenity Contributions* of any rezoning application shall be deposited in the appropriate reserve account as determined by the Village prior to adoption of the rezoning bylaw. Should the rezoning bylaw not be adopted, the funds be to returned in full.

### **COUNCIL DISCRETION**

25. Nothing in this policy is intended to impair or fetter the discretion of Council with respect to adopting any bylaw or amendment thereof.