



TOWN OF LADYSMITH
POLICIES AND PROCEDURES MANUAL

TOPIC:	Community Amenity Contribution (CAC) Policy
APPROVED BY: Council	DATE: January 19, 2015
RESOLUTION #: 2015-018	
<i>(Repeals 06-2320-A)</i>	
<p>1. OBJECTIVE</p> <p>The objective of the Community Amenity Contribution Policy (the “CAC Policy”) is to offer guidance for the provision of Community Amenity Contributions (CACs) in the Town of Ladysmith (the “Town”) through a fair and equitable approach. The demand on public facilities and services can increase when land is rezoned, due to the potential addition of new businesses, residents, employees and customers in an area. Thus, Council encourages rezoning applicants to consider proposing CACs towards needed infrastructure and amenities as a way of ensuring that the proposed development is seen as making a positive contribution to the neighbourhood and the community at large. CACs offered at the time of a rezoning application can address the increased demand or pressure by adding, improving, and expanding public facilities and services.</p> <p>2. INTERPRETATION</p> <p>“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, aesthetic features, public spaces, land or an interest in land, affordable and special needs housing, and facilities, which meet a range of social, cultural, environmental, recreational and infrastructure needs of the community.</p> <p>“Community Amenity Contribution” or “CAC” means a contribution of a Community Amenity or a contribution toward the capital cost of a Community Amenity agreed to by the applicant/developer and Town, as part of a rezoning process that is initiated by the applicant/developer.</p> <p>3. POLICY</p> <ol style="list-style-type: none"> i) Residents of the Town expect that new development will not constitute a burden on existing taxpayers, but instead will pay its own way and contribute to the public facilities and services from which the new development will also benefit. Thus, rezoning applicants are generally encouraged to consider proposing a Community Amenity Contribution as part of a rezoning application, where appropriate in the circumstances. ii) Staff are directed to implement this CAC Policy as part of the development application process where CACs are proposed by rezoning applicants; and CACs will be referred and reported to Council for consideration and to obtain final approval. iii) The provision of an agreed-upon CAC to the Town would be obtained by the Town if, and when, Council adopts the relevant rezoning bylaw. iv) One or more of the following sources of information may provide guidance with respect to the types of CACs that are appropriate in the circumstances of a rezoning application: <ul style="list-style-type: none"> • Official Community Plan (and associated Area Plans); • A Community Vision for a Sustainable West Coast Town; 	

TOPIC: Community Amenity Contribution (CAC) Policy

APPROVED BY: Council

DATE: January 19, 2015

RESOLUTION #: 2015-018

(Repeals 06-2320-A)

- Community Energy Plan;
 - Ladysmith Bicycle Plan;
 - Parks Master Plan; and
 - Sustainability Action Plan.
- v) The following list provides examples of CACs that may be appropriate, depending on the circumstances:
- Contribution of land for a civic or institutional use (i.e. school);
 - Contribution of land for special needs housing or affordable housing;
 - Improvements to public facilities or public buildings;
 - Heritage conservation;
 - Provision of park improvements or park land (beyond statutory requirements);
 - Protection of environmentally significant areas beyond minimum requirements;
 - Public realm improvements beyond statutory requirements (i.e. public plaza, pedestrian and cycling linkages);
 - Contribution of land for the purpose of watershed protection;
 - Viewscape protection;
 - Neighbourhood enhancement project; and
 - Provision of cash to the Town of Ladysmith Amenity Fund (i.e. recommended contribution of \$1000 per residential unit to be constructed in the development, or as adjusted periodically) for a future Community Amenity.
- vi) Council may choose to accept CACs where it considers that the Town's future budgets will be able to support the estimated lifecycle costs of operating, maintaining and repairing the Community Amenity.
- vii) CACs will be negotiated on a case specific basis as each development proposal is unique, utilizing the principles of:
- Nexus – such that there is a direct, demonstrable link between the CAC and the impact of the new development; and
 - Proportionality – such that the CAC is proportional to the impact that the new development generates and is consistent with the CACs made by other rezoning applicants.
- viii) 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 applicable DCC policies and procedures of the Town may be applied.
- ix) In lieu of providing a Community Amenity, the Town may accept the cash value of the Community Amenity, or an appropriate contribution to the Community Amenity, to be held in the Town's Community Amenity Fund, and which the Town will provide, construct, or install in the future.
- x) In establishing the value of a proposed Community Amenity, hard costs, soft costs, land costs and lifecycle may be considered, such as:
- Hard costs – all material and labour costs for the construction of the Community Amenity;
 - Soft costs – all fees and costs for the design of the Community Amenity; and
 - Land costs – eligible only where land or an interest in land comprising the Community Amenity is transferred to the Town.

TOPIC: Community Amenity Contribution (CAC) Policy

APPROVED BY: Council

DATE: January 19, 2015

RESOLUTION #: 2015-018

(Repeals 06-2320-A)

- Lifecycle costs – all recurring costs over the lifespan of the Community Amenity.
- xi) Not-for-profit organizations serving the community will not normally be expected to make CACs.
- xii) The provision of CACs may be secured through one or more of the following methods, prior to final reading of the relevant rezoning amending bylaw. All costs associated with preparation, review and registration of any of the following will be at the expense of the applicant.
- Phased development agreement (Section 905.1 of the *Local Government Act*);
 - Housing agreement for affordable or special needs housing (Section 905 of the *Local Government Act*);
 - Covenant (Section 219 of the *Land Title Act*);
 - Transfer of land or an interest in land to the Town of Ladysmith;
 - Cash contribution to the Town of Ladysmith Community Amenity fund(s);
 - Written agreement between the parties; or
 - Other methods as appropriate in the circumstances.
- xiii) Council may consult this Policy in its consideration of zoning for amenities and affordable housing pursuant to section 904 of the *Local Government Act*.
- xiv) Nothing in this CAC Policy is intended to impair or fetter the discretion of Council with respect to the adoption of any bylaw.

01 – 6410 - A