



District of Maple Ridge

TO: His Worship Mayor Ernie Daykin
and Members of Council

FROM: Chief Administrative Officer

SUBJECT: Amenity Zoning Study – Update

MEETING DATE: November 26, 2012

FILE NO:

MEETING: Workshop

EXECUTIVE SUMMARY:

Over the past number of months, Council has discussed changes to the Albion Area Plan, specifically in the northern portion of the plan area, near Kanaka Creek Regional Park. Following a public open house held in May 2012, Council directed that the proposed changes to the Official Community Plan be prepared but that in advance of the OCP amending bylaw preceding to Council, that a study on the potential for amenity zoning in the Albion Area be completed.

City Spaces Consulting was retained to complete the Amenity Zoning Study in part, due to their familiarity with the Maple Ridge Zoning Bylaw and their expertise on the issue. The Study, attached as Appendix A, provides a detailed discussion on the components of the amenity zoning conversation as well as options for Council to consider should they wish to establish an amenity zoning framework in the Official Community Plan.

The report concludes that amenity zoning is possible within the District of Maple Ridge and on that basis it is recommended that the District move forward with a pilot project for amenity zoning.

RECOMMENDATIONS:

THAT

1. The report prepared by City Spaces Consulting entitled Amenity Zoning: Analysis and Options be received;
2. The area within the Albion Area Plan boundaries be used as a pilot project for amenity zoning in the District;
3. Staff be directed to report back on a list of potential amenities within the Albion Area Plan boundaries and the appropriate mechanisms for achieving those amenities; and
4. The process identified to conclude the implementation of amenity zoning in the Albion Area be approved.

DISCUSSION:

a) Background Context:

In 2011, the concept of amenity zoning as a potential mechanism to achieve amenities was raised with Council. Discussion on the item was deferred to the 2012 Business Plan, at which time Council approved a review of amenity zoning as part of the Planning Department's 2012 work plan.

In May 2012, Council was provided with an information report that outlined:

- the legislative authority provided under the *Local Government Act*;
- a discussion on amenity zoning principles and tools;
- an overview of the approaches taken by other Lower Mainland municipalities;
- a general discussion on the Maple Ridge context; and
- the components of the Amenity Zoning Study to be undertaken by City Spaces Consulting.

The report also included a brief discussion on the proposed Albion Area Plan policy amendments and process for those applications that are currently in-stream in the development application review process.

Amenity Zoning can take the form of a density bonus or a community amenity contribution (CAC) that provides an amenity that cannot otherwise be obtained through the development approval process (direct provision of lands such as 5% park dedication at the time of subdivision) or through Development Cost Charges. The CAC can take the form of the direct provision of an amenity – such as a daycare facility within a new development, or as a cash-in-lieu payment if the amenity is not provided on the development site. The Study prepared by City Spaces Consulting provides a detailed discussion of the various options and their respective ease and clarity of implementation.

Legislation

Section 904 of the *Local Government Act* outlines the options a municipal Council has when a zoning bylaw is established.

904 (1) A zoning bylaw may

- establish different density regulations for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions under paragraph (b) are met, and*
- establish conditions in accordance with subsection (2) that will entitle an owner to a higher density under paragraph (a).*

(2) *The following are conditions that may be included under subsection (1) (b):*

- conditions relating to the conservation or provision of amenities, including the number, kind and extent of amenities;*
- conditions relating to the provision of affordable and special needs housing, as such housing is defined in the bylaw, including the number, kind and extent of the housing;*
- a condition that the owner enter into a housing agreement under section 905 before a building permit is issued in relation to property to which the condition applies.*

- (3) *A zoning bylaw may designate an area within a zone for affordable or special needs housing, as such housing is defined in the bylaw, if the owners of the property covered by the designation consent to the designation*

Reserve Fund

Part 6, Division 4 – Reserve Funds of the *Community Charter* establishes the rules for reserve funds as follows:

- S. 188 (1) *A council may, by bylaw, establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund.*
- S. 189 (1) *Subject to this section, the money in a reserve fund, and interest earned on it, must be used only for the purpose for which the fund was established.*

Should Council decide to establish an Amenity Zoning Framework within the Official Community Plan and the list of desired amenities on a District-wide or area plan basis have been identified, a reserve fund must also be established in order to identify where the funds collected through community amenity contributions will be allocated.

b) Amenity Zoning Study

The Official Community Plan contains the following policy respecting density bonuses and the provision of amenities:

- 3-30 *Maple Ridge will undertake a further study to consider density bonussing as a means of encouraging the provision of affordable, rental and special needs housing and amenities.*

To address the above policy, the District has retained the services of City Spaces Consulting to prepare a report on the options available to Council to secure amenities through the development process. The attached report entitled Amenity Zoning: Analysis and Options is attached as Appendix A and provides a detailed discussion on the:

- legislative authority in the *Local Government Act* for amenity contributions;
- the options available to Council to secure amenities through development;
- an overview of the ease and clarity of implementation for each option; and
- a brief discussion on what level and approach for amenity contributions would be suitable within the District.

The Study was focused around answering two key questions:

1. Is there potential for the District to secure amenities through Amenity Zoning? And
2. If so, what level of amenity contribution is viable in Maple Ridge?

The Study provides an overview of the approach taken by other municipalities across the region (Table 1, page 5) and provides an overview of the existing Town Centre density bonus provisions in the RM-6 Regional Town Centre High Density Apartment Residential zone. As indicated in the Table, the approach varies by municipality and the policy direction is often set in the OCP or in an area plan.

The Study also includes a number of case studies on five developments within the District to help identify the development and real estate market conditions and whether or not there could have been the potential to secure amenity contributions for each.

The results of the Study have concluded that there is the potential for the District to secure amenities, as outlined in the analysis of the case studies, prepared by GP Rollo and Associates as included in Appendix A to the Amenity Zoning report.

c) Process

Section 879 of the *Local Government Act* establishes the requirement for consultation during the development or amendment of an Official Community Plan. Council specifically must consider whether consultation is required with:

- i. The Board of the Regional District in which the area covered by the plan is located, in the case of a Municipal Official Community Plan;
- ii. The Board of any Regional District that is adjacent to the area covered by the plan;
- iii. The Council of any municipality that is adjacent to the area covered by the plan;
- iv. First Nations;
- v. School District Boards, greater boards and improvement district boards; and
- vi. The Provincial and Federal Governments and their agencies

To address the requirements of the *Act*, the recommended process for establishing an Amenity Zoning Framework in the Official Community Plan is as follows:

- Report back to Council on a potential list of amenities for the area within the Albion Area Plan;
- Consultation with the community, local developers and local organizations would occur and include discussions on:
 - the options available to Council to secure community amenities through amenity zoning;
 - general principles of amenity zoning;
 - the types of facilities that amenity contributions could help achieve; and
 - any other matters related to amenity zoning identified by Council.
- Preparation of a summary report outlining the feedback received from the consultation including changes and/or additions to the proposed policy options.
- Referral of the proposed OCP amending policies to the School Board for comment.
- Preparation of an Official Community Plan Amending Bylaw and First Reading report for an Amenity Zoning Framework including the identification of additional bylaw and policy amendments necessary to implement the Framework.

Policy Implications

Official Community Plan Policy Options

To implement an Amenity Zoning Framework, amendments to the Official Community Plan (Bylaw No. 6425-2006) are required to establish the policy basis for the Framework.

The following policy options could be considered by Council as amendments to the OCP:

- The District will establish an Amenity Zoning Framework as part of the methods Council may use to provide amenities in a sustainable and economically viable approach.
- The Amenity Zoning Framework will identify the conditions under which Council may consider density bonuses and Community Amenity Contributions for new development.
- Consider CAC's as part of development applications to help finance new community facilities in existing and developing neighbourhoods.
- The District will consider density bonuses and Community Amenity Contributions as part of the development review process for all Official Community Plan and Zoning Bylaw amendment applications to help provide a variety of amenities and facilities throughout the municipality.
- Community Amenity Contributions and density bonuses will form part of future area planning process as determined by Council.

These proposed policies also align with *Council Policy 5.52 - Financial Sustainability Plan* policy 6.0 to seek non-traditional revenue sources from other levels of government and the private sector.

OCP Section 10.2 Albion Area Plan

Chapter 10 of the Official Community Plan contains policies related to area planning and the formal area plans for Albion, the Town Centre and Silver Valley. The Albion Area Plan is contained within Section 10.2 of the OCP. The following new policy options are proposed amendments to the Albion Area Plan:

- The District will consider the use of density bonuses to provide non-market, seniors and/or rental housing within the Plan Area boundaries.
- The District will require Community Amenity Contributions (CAC) for developments seeking a change to their land use designation.
- The District will consider CAC's for rezoning applications on lands designated *Low Density Residential*, *Residential Low-Medium Density* and/or *Medium Density Residential* in the Albion Area Plan.

- The per unit / per lot rate will be based on the maximum number of dwelling units or lots potential on the property being subdivided, based on the minimum lot area and dimensions of the proposed new zone or zones established in the Zoning Bylaw.
- Land assembly or lot consolidation proposed in conjunction with development, redevelopment, conversion or infilling should meet the following conditions:
- That any residual lots or remaining land parcels are left in a configuration and lot area to be suitable for a future development proposal, or can be consolidated with other abutting residual lots or land parcels and complies with the applicable Land Use Designations and policies of the Albion Area Plan;
- The use of any residual abutting lots or land parcels can continue to function in accordance with the applicable Land Use Designations and policies of the Albion Area Plan;
- Residual abutting lots or land parcels are not isolated or left in a condition which is unsuitable for redevelopment or unsuitable for the maintenance of the existing land use; and
- The land assembly proposal will incorporate adequate site design and impact mitigation measures such as buffers, landscaping, building locations, arrangements and design to ensure compatibility with abutting existing land or future land uses.

In addition to the above, the proposed amendments to the Albion Area Plan presented at the open house event on Wednesday May 30, 2012 included deleting the density transfer policies 10-5 through 10-8 and amending the Albion Zoning Matrix by adding

- RS-1 One Family Residential as a permitted zone in the *Residential Low Density* land use designation;
- R-1 Residential District as a permitted zone in the *Residential Low-Medium Density* land use designation.

Feedback from that event indicated general support by the participants for these proposed amendments.

Potential Community Amenity Contribution Rates

In order to clearly establish the rate or rates at which Community Amenity Contributions may be secured within the Albion area, it is recommended that further analysis be undertaken as outlined in the Amenity Zoning report.

Building on the work completed in the case study analysis by GP Rollo and Associates (Appendix A of [Amenity Zoning: Analysis and Options](#) attached to this report), the following table has been prepared that provides a range of potential CAC rates per dwelling unit, for Council's information:

Potential CAC Schedule per Dwelling Unit – Residential Zones				
% of lift Value	Single Family	Townhouse	Low Rise	High Rise
90%	\$9,000	\$7,200	\$14,400	\$5,400
75%	\$7,500	\$6,000	\$12,000	\$4,500
50%	\$5,000	\$4,000	\$8,000	\$3,000
25%	\$2,500	\$2,000	\$4,000	\$1,500

Other Council Policies and Bylaws

Council Policy 6.30 Area Planning Assessment

This Council Policy was established to provide direction for Council when considering future area planning processes in conjunction with annual business planning discussions. It includes five criteria that outline how and when neighbourhoods within the District will be evaluated for the preparation of an area plan. In order to add clarity to that Policy, the following addition to criteria #4 is proposed as indicated in **bold** text:

*“ 4. Once an area has been selected to undergo an Area Planning Process, a staff report identifying the public consultation process; elements and issues to be addressed in the Plan, **including desired future neighbourhood amenities; geographic boundary of the planning area; and scale of detail to be incorporation in the Land Use Schedule will be prepared for Council’s endorsement.**”*

d) Strategic Alignment (as appropriate):

The concept of amenity zoning aligns with the Corporate Strategic Plan through the goals of Financial Management by generating non-tax revenue and Smart Managed Growth by the provision of community facilities and amenities.

e) Citizen/Customer Implications:

The *Local Government Act* requires consultation during the preparation or amendment to an Official Community Plan. The proposed recommendation will meet the requirements of Section 879 of the Act. Generally, the open house will provide participants with an overview of amenity zoning, the options available to Council and the proposed policy amendments to the Official Community Plan. Feedback and input on that information would occur through one on one discussions and a questionnaire, the results of which will be summarized for Council prior to preparation of the OCP amending bylaw.

Notifications for the open house will be provided in the local newspaper, on the District’s website as well as invitations to the development industry, local organizations and any other groups Council identifies.

f) Interdepartmental Implications:

Prior to preparing an Official Community Plan amending bylaw to establish an Amenity Zoning Framework input would be sought from other municipal departments including, but not limited to Finance, Engineering and Parks and Leisure Services.

g) Business Plan/Financial Implications:

The Amenity Zoning Study was identified as part of the Planning Department's 2012 Business Plan.

CONCLUSIONS:

The Amenity Zoning report prepared by City Spaces Consulting provides a detailed overview of the legislative authority, options to secure amenities through development, case study analysis on 5 development sites within the District and a discussion on options for the District to consider should Council decide to establish an amenity zoning framework through policy amendments to the Official Community Plan.

The proposed policy amendments to the Official Community Plan will establish the overall framework for amenity zoning in the District and provide a clear and consistent approach in the future. A Reserve Fund must also be established by bylaw, that identifies the list of amenities to which the funds collected through community amenity contributions will be allocated. Should Council support the staff recommendations included in this report, community consultation on the proposed OCP amendments would occur in early 2013.

"Original signed by Jim Charlebois"

**Prepared by: Jim Charlebois, MURP, MCIP, RPP
Manager of Community Planning**

"Original signed by Christine Carter"

**Approved by: Christine Carter, M.PL, MCIP, RPP
Director of Planning**

"Original signed by Frank Quinn"

**Approved by: Frank Quinn, MBA, P.Eng
GM Public Works & Development Services**

"Original signed by J.L. (Jim) Rule"

**Concurrence: J.L. (Jim) Rule
Chief Administrative Officer**

Attachments:

Appendix A: Amenity Zoning: Analysis and Options, prepared by City Spaces (includes Case Study Analysis prepared by GP Rollo and Associates)