
SERVICING OFFICERS 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 land 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. APPLICATION

3.1 This policy is intended to guide decision-making surrounding the deployment of Servicing Officer powers under *Local Government Act ss.513.2* and *5.13.3*,

3.2 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) Exterior 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 (in 2025 dollars, adjusted for inflation).

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

3.3 The following situations are identified as exceptions to 3.2 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.

4. LAND REQUIREMENT FOR ROADS AND ALTERNATIVE FORMS OF TRANSPORTATION

4.1 In identifying whether land is required for road purposes under *Local Government Act s.513.2* or *s.5.13.3*, the servicing officer shall have due regard to the following:

- (a) Official Community Plan;
- (b) Master Transportation Plan or similar Servicing Plans;
- (c) Development Cost Charge Bylaws;
- (d) Asset Management Plans or works arising as a result of asset management requirements;
- (e) Any Local Area Plan in effect;
- (f) Any provincial government, statutory authority, or other local government plan or policy of relevance;
- (g) 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.

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

4.3 The Municipality will proactively identify potential variances it may support that would mitigate the impact of any land dedication.

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

5. ADMINISTRATION

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

5.2 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.5.1. Where such dedication is identified as being required, this should be clearly indicated on any issued development permit or development variance permit.

5.3 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.

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

5.5 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.

APPROVAL HISTORY

WRITTEN BY: C. Osborne, Planning Manager	APPROVED BY: Council	DATE: September 17, 2025
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