

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1068

A Bylaw to impose Development Cost Charges pursuant to the provisions of the Local Government Act.

WHEREAS pursuant to the Local Government Act, and Regulations passed pursuant thereto, the Board of the Regional District of Central Okanagan may, by Bylaw, impose development cost charges;

AND WHEREAS the development cost charges may be imposed for the purpose of providing funds to assist the Regional District in paying the capital cost of providing, constructing, altering, or expanding sewage, water, drainage, and providing and improving park land, in order to serve directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS the Board of the Regional District of Central Okanagan, has deemed the charges imposed by this bylaw:

- (a) are not excessive in relation to the capital cost of prevailing standards of service in the Regional District;
- (b) will not deter development in the Regional District;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Regional District;

AND WHEREAS the Board has considered the charges imposed by this bylaw as related to future land use patterns and development, the phasing of works and services and the provision of parkland described in an Official Community Plan;

NOW THEREFORE the Board of the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

DEFINITIONS

In this Bylaw all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions in the Local Government Act, the Interpretation Act, and the Regional District Zoning Bylaw, except that the definitions set out below shall take precedence:

"Capital Cost Burden" means a burden placed on the Regional District to undertake any portion of a capital project, in the present or at any time in the future. If development has any impact on sewer, drainage, parks or any other capital under the jurisdiction of the Regional District, then it places a capital cost burden on the Regional District. If development utilizes existing capacity in a Regional District capital work, then it has a capital cost burden on the Regional District.

"Commercial" means a commercial development in a C zone listed in the Zoning Bylaw, or a similar development in another zone permitted in accordance with the Zoning Bylaw, in which

the predominant use, as determined by its general purpose and list of principal uses, is of a commercial nature.

“Gross Floor Area” means the sum of the floor areas of each storey in each building on a parcel, measured between the exterior walls of such buildings. The gross floor area includes unfinished areas such as basements but excludes residential parking garages.

"Industrial" means an industrial development in an I zone listed in the Zoning Bylaw, or a similar development in another zone permitted in accordance with the Zoning Bylaw, in which the predominant use, as determined by its general purpose and list of permitted uses, is of an industrial nature.

"Institutional" means development of an institutional nature in a P zone listed in the Zoning Bylaw, or a similar development of an institutional nature permitted in another zone in accordance with the Zoning Bylaw.

“Multiple Housing Residential” means an Apartment, Townhome, or Fourplex, with four or more units in any zone that permits Apartments, Townhomes or Fourplexes.

“Not for profit Rental Housing” means Rental Housing that:

- is provided to low income households who have an affordability problem (pay in excess of 30% of their income on housing) and earn less than the median Income for the Central Okanagan, but are capable of Independent living;
- is subsidized by the Province of British Columbia or by a non-profit agency, which enables rents to be provided below-market rates on a “geared to income” basis;
- is typically publicly owned or owned and operated by a non-profit agency; and does not include shelters or transitional housing.

“Parcel” means any lot, block or other area in which land is held, or into which land is subdivided, including a bare land strata parcel, but does not include a highway.

"Sector" means a prescribed geographical portion or area of the Regional District within which a development cost charge is levied.

“Single Detached Residential” means the use of land for a single detached house.

"Zone" means the zones identified and defined in Regional District of Central Okanagan Zoning Bylaw No. 871 as amended from time to time.

"Zoning Bylaw" means the Regional District of Central Okanagan Zoning Bylaw No. 871 as amended from time to time.

PART 1 - DEVELOPMENT COST CHARGES LIABLE

1.1 Every person who obtains:

- (a) approval of a subdivision, or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure,

shall be liable to the Regional District for payment of the development cost charges as set out on the following Schedules and Sector Maps attached hereto and forming part of this bylaw, namely:

SCHEDULE "A" Parks Development Cost Charge
SCHEDULE "A-1" Parks Sector Map

SCHEDULE "B" East trunk sewer Development Cost Charge
SCHEDULE "B-1" East Trunk Sewer Sector Map

- 1.2 Not For Profit Rental Housing units will be exempt from the development cost charges set out in this bylaw, provided that the owner registers a covenant on title which provides the following undertaking:

“Should the status of the rental housing change from Not For Profit Rental Housing to any other form of use, the covenantor will pay the Regional District of Central Okanagan an amount equivalent to the development cost charges in effect at the date of the change.”

PART 2 - MIXED USE DEVELOPMENTS

- 2.1 For mixed use developments, the development cost charge payable shall be calculated separately for each portion of the development in accordance with the zones and land uses which are contained in the building permit, or subdivision application. The total payable will be the sum of the development cost charges for each portion of the development.

PART 3 - PAYMENT OF DEVELOPMENT COST CHARGES

- 3.1 Development Cost Charges pursuant to this bylaw shall be paid to the Regional District under Section 1.1(a) or Section 1.1(b) of this bylaw at the time of subdivision or building permit, as determined by the Regional District.

This bylaw may be cited as the Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004

READ A FIRST TIME THIS 21st DAY OF June 2004.
READ A SECOND TIME THIS 21st DAY OF June 2004.
READ A THIRD TIME THIS 21st DAY OF June 2004.
RESCIND AND READ A THIRD TIME AS AMENDED THIS 13th DAY OF September 2004.
Approved By The Inspector Of Municipalities this day of 2004.

RECONSIDERED AND ADOPTED THIS DAY OF 2004.

CHAIR

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1068 cited as the "Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004" as read a third time by the Regional Board on the 13th day of September, 2004.

Dated at Kelowna, B.C. this
14th day of September, 2004.

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1068 cited as the "Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004" as adopted by the Regional Board on the day of 2004.

Dated at Kelowna, B.C. this
day of 2004.

DIRECTOR OF CORPORATE SERVICES

Schedule A

Development Cost Charges for Parks

Use	Unit charged	Charge per unit
Single Detached Residential	For each parcel created at subdivision	\$1144
Duplex or Triplex	For each unit permitted on the parcel at time of subdivision	\$1144
Multiple Housing Residential	For each dwelling unit	\$1144

The Development Cost Charge for Parks shall be paid for a unit developed within the Parks Sector Boundary set out in Schedule A-1.

Note:

The Parkland DCC is for Community, Waterfront, and Athletic Parks, as well as improvements to Neighbourhood Parks. No DCC is collected for land required for Neighbourhood Parks. Land for Neighbourhood Parks is acquired through the Parkland dedication process as set out in the Local Government Act.

Schedule B

East Trunk Sewer Development Cost Charges

Use	Unit charged	Charge per unit
Single Detached Residential	For each parcel created at subdivision	\$564
Duplex or Triplex	For each unit permitted on the parcel at time of subdivision	\$564
Multiple Housing Residential	For each dwelling unit	\$395
Commercial	For each 100 sq. m. of gross floor area	\$233
Industrial	For each 100 sq. m. of gross floor area	\$260
Institutional	For each 100 sq. m. of gross floor area	\$233

In addition to the charges noted above, a Development Cost Charge shall be paid for a new parcel created for Multiple Housing Residential, Commercial, Industrial, or Institutional use; the charge shall be the amount imposed for one Single Detached Residential unit. This amount shall be paid at the time of subdivision. This amount will be held as a credit against the Development Cost Charges imposed at the time of building permit.

The east trunk sewer Development Cost Charge shall be paid for a unit developed within the East Trunk Sewer Sector Boundary set out in Schedule B-1.

Appendix A

Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004

This appendix is provided for information only and does not form part of the bylaw. The information set out below in the appendix is an excerpt from the Local Government Act as of June 2004. The Act may change from time to time and the excerpt set out below may not be the most recent. The Local Government Act, or any Act that replaces it, should be consulted for the most recent version.

The excerpt is as follows:

Excerpt from Local Government Act (This excerpt is as amended by Bill 36 – 2004)

Development cost charges generally

933 (1) A local government may, by bylaw, for the purpose described in subsection (2), impose development cost charges on every person who obtains

- a) approval of a subdivision, or
- b) a building permit authorizing the construction, alteration or extension of a building or structure.

(2) Development cost charges may be imposed under subsection (1) for the purpose of providing funds to assist the local government to pay the capital costs of

- a) providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities, and
- b) providing and improving park land

to service, directly or indirectly, the development for which the charge is being imposed.

(3) A development cost charge is not payable if

- a) the development does not impose new capital cost burdens on the municipality, regional district or greater board, or
- b) a development cost charge has previously been paid for the same development unless, as a result of further development, new capital cost burdens will be imposed on the municipality, regional district or greater board.

(4) A charge is not payable under a bylaw made under subsection (1) if any of the following applies in relation to a development authorized by a building permit:

- a) the permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under section 339 (1) (g);
- b) subject to a bylaw under subsection (4.1) (a), the permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension,
 - (i) contain fewer than 4 self-contained dwelling units, and
 - (ii) be put to no other use other than the residential use in those dwelling units;
- (c) the value of the work authorized by the permit does not exceed, as applicable,
 - (i) \$50 000, if no bylaw under subsection (4.1) (b) or regulation under subsection (4.2) (a) applies,
 - (ii) the amount prescribed under subsection (4.2) (a), if no bylaw under subsection (4.1) (b) applies, or
 - (iii) the amount established by bylaw under subsection (4.1) (b).

(4.1) A local government may, in a bylaw under subsection (1), do either or both of the following:

- (a) provide that a charge is payable under the bylaw in relation to a building permit referred to in subsection (4) (b);
- (b) establish an amount for the purposes of subsection (4) (c) (iii) that is greater than the amount otherwise applicable under subsection (4) (c), subject to the maximum permitted under subsection (4.2) (b).

(4.2) The minister may, by regulation,

- (a) prescribe an amount for the purposes of subsection (4) (c) (ii), and
- (b) prescribe a maximum value that may be established under subsection (4.1)