

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW 1463, 2020

A Bylaw to impose Development Cost Charges for the East Trunk pursuant to the provisions of the *Local Government Act*

WHEREAS pursuant to the *Local Government Act*, the Board of the Regional District of Central Okanagan may, by Bylaw, impose development cost charges to assist in sanitary sewer infrastructure;

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 sewer infrastructure in the City of West Kelowna and Westbank First Nation (by service agreement), 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 taken the following into consideration:

- (a) future land use patterns and development;
- (b) the phasing of works and services;
- (c) how development designed to result in a low environmental impact may affect the capital costs of infrastructure;
- (d) whether the charges are excessive in relation to the capital cost of prevailing standards of service in the jurisdictions;
- (e) whether the charges will, in all the jurisdictions:
 - (i) deter development,
 - (ii) discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or
 - (iii) discourage development designed to result in a low environmental impact.

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

1. **DEFINITIONS**

1.1 For the purpose of this bylaw, the definitions of words and phrases that are not included in this section shall have the meaning assigned to them in the *Local Government Act* or the *Community Charter*, as the case may be.

“Building Permit” means any permit required by the jurisdiction having authority that authorizes the construction, alteration or extension of a building or structure.

“Commercial” means a commercial development in a Commercial zone as defined in the Zoning Bylaw applicable within the jurisdiction, 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 a commercial nature.

“Construct” includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore.

“Construction” includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring.

“Development” means the construction, alteration, or extension of buildings and/or structures for any use authorized by the zoning bylaw that requires the issuance of a building permit, but does not include internal alterations of a building and/or structure where the principal use of the building and/or structure, or part thereof, is not changing.

“Duplex Unit” means a dwelling unit in a residential building containing two dwelling units, but does not include a secondary suite or carriage house.

“Dwelling Unit” means accommodation providing sleeping rooms, washrooms, and a kitchen intended for domestic use, and used or intended to be used permanently for a household. This use does not include a room in a hotel or a motel, and does not include recreational vehicles.

“Floor Area, Gross” means the sum of the total horizontal area of all floors of a building or structure contained or partially contained within the exterior and basement walls including without limitation stairways, elevator shafts, storage rooms, mechanical rooms and basements, but excluding parking areas or parking structures that are provided as an accessory use to the building or structure.

“Industrial” means an industrial development in an Industrial zone as defined in the Zoning Bylaw applicable within the jurisdiction, 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 an institutional development in an Institutional zone as defined in the Zoning Bylaw applicable within the jurisdiction, 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.

“Lot” means the smallest unit into which land is subdivided as shown on the records of the Land Title Office.

“Manufactured Home” means a transportable single-family residential dwelling unit meeting minimum Canadian Standards Association CSA Z240-92MH Series Standard and which is designed to be transported on wheels or chassis to the manufactured home site.

“Mobile Home” means a transportable single-family residential dwelling unit meeting minimum Canadian Standards Association Z-240, suitable for long-term occupancy, and designed to be transported on wheels.

“Modular Home” means a factory built single-family residential dwelling unit meeting Canadian Standards Association A277, suitable for long-term occupancy, and designed to be placed on a permanent foundation.

“Multiple Housing Residential” means housing on a single lot that contains three or more dwelling units within a building.

“Regional District” means the Regional District of Central Okanagan.

“Residential” means a residential development in a Residential zone as defined in the Zoning Bylaw applicable within the jurisdiction, 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 a residential nature.

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

“Structure” means any construction fixed to, supported by or sunk into land or water, excluding asphalt or concrete paving or similar surfacing of a lot.

“Subdivision” means a subdivision as defined in the *Land Title Act* or *Strata Property Act*.

“Triplex Unit” means a dwelling unit in a residential building containing three dwelling units, but does not include a secondary suite or carriage house.

2. DEVELOPMENT COST CHARGES

2.1 Those Development Cost Charges set out in Schedule ‘A’ attached hereto and forming part of this bylaw, are hereby imposed on every person who:

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

2.2 As enabled under section 561 (6) of the *Local Government Act*, Development Cost Charges set out in Schedule ‘A’ attached hereto and forming part of this bylaw, are hereby imposed on every person who obtains a building permit authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained dwelling units and be put to no other use than the residential use in those dwelling units. *[note: this clause has been included in the bylaw to meet requirements of the Local Government Act in order to allow the Regional District to impose a development cost charge on building permits for buildings that contain 1, 2, or 3 residential dwelling units]*

2.3 Development cost charge rates shall be paid by all development to the lands in the City of West Kelowna within the area as set out in Schedule ‘B’ East Trunk Sewer Sector map and within the boundaries of Westbank First Nation IR#9 and IR#10.

3. EXEMPTIONS

- 3.1 A development cost charge is not payable 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 set apart for public worship or part of such a building that is, or will be, after the construction, alteration or extension, exempt from taxation under Section 220 (1) (h) or 224 (2) (f) of the Community Charter;
 - (b) the value of the work authorized by the permit does not exceed \$50,000; or
 - (c) the square footage of the Dwelling Unit is no larger than 29 m².

4. CALCULATION OF APPLICABLE CHARGES

- 4.1 The amount of development cost charges payable in relation to a particular application shall be calculated using the applicable charges set out in Schedule 'A' and depends upon:
- (a) the number of new lots being created by the application for a single detached residential subdivision;
 - (b) the number of Duplex Units or Triplex Units permitted at the time of subdivision or lots that permit Duplex Units or Triplex Units;
 - (c) the number of new Dwelling Units proposed when applying for a Building Permit for development of a Mobile Home, Modular Home, Manufactured Home, where the units are not located on their own individual lots or bare land strata lots;
 - (d) the number of dwelling units proposed when applying for a building permit for multiple unit residential;
 - (e) the gross floor area that will be constructed when applying for a building permit for commercial, industrial, or institutional development; and
 - (f) the number of new lots being created by the application for a subdivision creating lots for Multiple Housing Residential, Commercial, Industrial, or Institutional use.
- 4.2 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.
- 4.3 Where a type of development is not identified on Schedule 'A' the amount of development cost charges to be paid to the Regional District shall be equal to the development cost charges that would have been payable for the most comparable type of development.

5. TIMING OF PAYMENT

- 5.1 Development cost charges imposed by this Bylaw must be paid in full to the Regional District at the following times:
- (a) where an application is made for the subdivision of land, including the creation of a bare land strata, within zones where single detached residential uses are permitted, at the time of approval of such subdivision;
 - (b) where an application is made for the subdivision of land, including the creation of a bare land strata, within zones where duplex units or triplex units are permitted, at the time of approval of such subdivision;
 - (c) for development of a Multiple Housing Residential Building, at the time of approval of a building permit authorizing the development;
 - (d) for development of a Mobile Home, Modular Home, or Manufactured Home, where the units are not located on their own individual lots or bare land strata lots, at the time of approval of a building permit authorizing the development;
 - (e) for Commercial, Industrial, and Institutional development, at the time of approval of a building permit authorizing the development;
 - (f) 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.

6. REPEAL

- 6.1 The Regional District of Central Okanagan Development Cost Charge Bylaw No. 1068, 2004, is hereby repealed.

7. CITATION

- 7.1 This bylaw may be cited for all purposes as “Regional District of Central Okanagan East Trunk Development Cost Charge Bylaw 1463, 2020”.

READ A FIRST TIME this 26th day of October 2020

READ A SECOND TIME this 26th day of October 2020

READ A THIRD TIME this 26th day of October 2020

APPROVED by the Inspector of Municipalities the day of 2020

ADOPTED this day of 2020

CHAIR

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1463 cited as the "Regional District of Central Okanagan East Trunk Development Cost Charge Bylaw 1463, 2020" as read a third time by the Regional Board on the 26th day of October 2020.

Dated at Kelowna, B.C. this
26th day of October, 2020

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1463 cited as the "Regional District of Central Okanagan East Trunk Development Cost Charge Bylaw 1463, 2020" as adopted by the Regional Board on the day of 2020.

Dated at Kelowna, B.C. this
day of 2020

DIRECTOR OF CORPORATE SERVICES

SCHEDULE 'A'

REGIONAL DISTRICT OF CENTRAL OKANAGAN EAST TRUNK DEVELOPMENT COST CHARGE BYLAW 1463, 2020

Land Use	Rate
Single Detached Residential (per parcel created at subdivision) Mobile Home, Modular Home, Manufactured Home - where the units are not located on their own individual lots or bare land strata lots (per dwelling unit) Duplex or Triplex (per unit permitted on the parcel at time of subdivision)	\$2,353
Multiple Housing Residential (per dwelling unit)	\$1,569
Industrial (per 100 m ² gross floor area)	\$1,020
Commercial (per 100 m ² gross floor area)	\$1,020
Institutional (per 100 m ² gross floor area)	\$863

SCHEDULE 'B'

EAST TRUNK SEWER SECTOR MAP
REGIONAL DISTRICT OF CENTRAL OKANAGAN EAST TRUNK
DEVELOPMENT COST CHARGE BYLAW 1463, 2020

