REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2598

A bylaw to impose Development Cost Charges for providing and improving park land within the Fortune Parks District Designation Area 4

WHEREAS Section 933 *[Development cost charges generally]* of the *Local Government Act,* authorizes the Board of the Regional District of North Okanagan, by Bylaw, to impose development cost charges for the purpose of providing funds to assist the District to pay the capital cost of providing and improving park land, in order to serve directly or indirectly, the development for which the charges are imposed;

AND WHEREAS by Bylaw No. 1650, being the *Fortune Parks, Recreation and Culture Service Conversion and Service Establishment Bylaw No. 1650, 2000*, the District was authorized to exercise the powers of Section 933 in the member municipalities for the purposes of the Parks and Recreation function;

AND WHEREAS by Bylaw No. 546 being the *Fortune Parks and Recreation District Development Cost Charge Bylaw No. 546, 1983*, the Board imposed development costs charges for the purpose of providing and improving park land in the Fortune Parks and Recreation District Designation Area 4 (the "Development Area");

AND WHEREAS the City of Enderby and the Regional District of North Okanagan are desirous of increasing the Development Cost Charges imposed by Bylaw No. 546;

AND WHEREAS the Board has deemed the charges imposed by this Bylaw are related to capital costs attributable to projects included in the Financial Plan for the District;

AND WHEREAS the Board has taken into consideration the matters set out in section 934(4) of the *Local Government Act* and, in the opinion of the Board, the charges imposed by this Bylaw are consistent and compatible with the matters in section 934(4)(a) through (d) and, in relation to the following matters in section 934(4)(e), the charges:

(i) are not excessive in relation to the capital cost of prevailing standards of service in the Development Area;

(ii) will not deter development in the Development Area;

(iii) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Development Area, or

(iv) will not discourage development designed to result in a low environmental impact in the Development Area.

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, hereby ENACTS AS FOLLOWS:

CITATION

1. This bylaw may be cited for all purposes as "***Fortune Parks, Recreation and Culture Service Development Cost Charge Bylaw No. 2598, 2013***".

DEFINITIONS

2. (a) For the purposes of this bylaw and the recitals hereto, words and phrases that are not defined in this bylaw have the meaning assigned to them in the *Local Government Act*.

(b) For the purposes of this bylaw,

"Duplex Housing" means a building designed and constructed exclusively to accommodate two households in separate dwelling units sharing a common party wall. It does not include a secondary suite.

"Multiple Unit Housing" means a building used for duplex, triplex, fourplex, townhome or apartment housing, or manufactured homes within a mobile home park.

"Not-for-Profit Rental Housing" means housing that is owned by a non-profit charity / society or a government organization and is being constructed for the purposes of rental housing.

"Secondary Suite" means a self-contained, accessory dwelling unit that provides living accommodation based on rental periods of one month or greater. The secondary suite is located within a single detached house or accessory building that has its own separate kitchen, sleeping and bathing facilities. A secondary suite does not include townhome, duplex, triplex or fourplex housing, or apartment housing.

"Service Area" is the total area that includes the City of Enderby and Electoral Area "F" of the Regional District of North Okanagan.

"Single Detached Housing" means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household.

"Official Community Plans" means the Official Community Plan of the City of Enderby and the Official Community Plan for Electoral Area "F' of the Regional District of North Okanagan.

"Zoning Bylaws" means the Zoning Bylaw of the City of Enderby and the Zoning Bylaw of Electoral Area "F" of the Regional District of North Okanagan.

PAYMENT OF DEVELOPMENT COST CHARGES

3. (a) A person who obtains the issuance of a building permit, including a permit authorizing the construction, alteration or extension of a building or structure within the boundaries of the Development Area, must pay to the District the Development Cost Charges prescribed in Schedule A, calculated according to the multiplier set out in that schedule for the applicable category of development and approval or permit.

(b) The development Cost charges must be paid at the same time the permit referred to in subsection (a) is issued.

DEVELOPMENT COST CHARGES EXEMPT

4. (a) Section 3 does not apply in any of the circumstances where a person is exempted from payment under section 933 of the Local Government Act.

(b) Subject to section 933.1 of the Local Government Act, not-for-profit rental housing as defined in this bylaw may have the charges applicable under Section 3 waived.

SCHEDULE AND APPENDIX

5. (a) Schedule A attached to this bylaw is an integral part of and enforceable in the same manner as this bylaw.

(b) Appendix 1 is attached to this bylaw for the purposes of information and convenience of reference only and is not a part of this bylaw.

REPEAL

6. Bylaw 546, being the "Fortune Parks and Recreation District Development Cost Charge Bylaw No. 546, 1983" is hereby repealed.

Read a First, Second and THIRD Time	this	5th	day of	November, 2014
Approved by the Inspector of Municipalities	this	2nd	day of	March, 2015
ADOPTED	this	18th	day of	March, 2015

Chair
Rick Fairbairn

Deputy Corporate Officer
Paddy Juniper

SCHEDULE A

Fortune Parks, Recreation and Culture Service
Development Cost Charge Bylaw No. 2598, 2013

CALCULATION OF DEVELOPMENT COST CHARGES APPLICABLE TO CATEGORIES OF DEVELOPMENT (FOR PROVIDING AND IMPROVING PARK LAND)

1**. BUILDING PERMIT – Single Family**

Development Cost Charges are calculated by multiplying the sum of $910.00 by the total number of dwelling units, including secondary suites, to be constructed under the building permit.

2. **BUILDING PERMIT – Multi Family**

Development Cost Charges are calculated by multiplying the sum of $910.00 by the total number of dwelling units to be constructed under the building permit

END of DOCUMENT

APPENDIX 1

Fortune Parks, Recreation and Culture Service
Development Cost Charge Bylaw No. 2598, 2013

PHOTOCOPY OF SECTION 933 OF THE *LOCAL GOVERNMENT ACT*

FOR INFORMATION AND CONVENIENT REFERENCE ONLY

Development cost charges generally

933 (1) A local government may, by bylaw, for the purpose described in subsection (2) or (2.1), 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.

(2.1) Development cost charges may be imposed under subsection (1) in a resort region for the purpose of providing funds to assist the local government to pay the capital costs of providing, constructing, altering or expanding employee housing to service, directly or indirectly, the operation of resort activities in the resort region in 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.

(3.1) Subsection (3) (a) does not apply to a development cost charge imposed under subsection (1) for the purpose referred to in subsection (2.1).

(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 220 (1) (h) *[statutory exemption for places of public worship]* or 224 (2) (f) *[permissive exemptions in relation to places of public worship]* of the *Community Charter*;

(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).

(4.01) A charge is not payable under a bylaw made under subsection (1) in relation to the construction, alteration or extension of self-contained dwelling units in a building authorized under a building permit if

(a) subject to a bylaw under subsection (4.1) (c) or a regulation under subsection (4.2) (c), each unit is no larger in area than 29 square metres, and

(b) each unit is to be put to no other use other than the residential use in those dwelling units.

(4.1) A local government may, in a bylaw under subsection (1), do one or more 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 value permitted under subsection (4.2) (b);

(c) establish an area for the purposes of subsection (4.01) (a) that is greater than the area otherwise applicable, subject to the maximum area permitted under subsection (4.2) (d).

(4.2) The minister may, by regulation, do one or more of the following:

(a) prescribe an amount for the purposes of subsection (4) (c) (ii);

(b) prescribe a maximum value that may be established under subsection (4.1) (b);

(c) prescribe an area for the purpose of subsection (4.01) (a);

(d) prescribe a maximum area that may be established under subsection (4.1) (c).

(5) A development cost charge that is payable under a bylaw under this section must be paid at the time of the approval of the subdivision or the issue of the building permit.

(6) As an exception to subsection (5), the minister may, in respect of all or different classes of developments, by regulation, authorize the payment of development cost charges in instalments and prescribe conditions under which the instalments may be paid.

(7) Despite a bylaw under subsection (1), if

(a) a local government has imposed a fee or charge or made a requirement under

(i) section 363 *[regional district fees and charges]*,

(ii) section 194 *[municipal fees]* of the *Community Charter*,

(iii) Division 11 *[Subdivision and Development Requirements]* of this Part, or

(iv) section 729 of the *Municipal Act*, R.S.B.C. 1979, c. 290, before the repeal of that section became effective,

for park land or for specific services outside the boundaries of land being subdivided or developed, and

(b) the park land or services referred to in paragraph (a) are included in the calculations used to determine the amount of a development cost charge,

the amount of the fee or charge imposed or the value of the requirement made, as referred to in paragraph (a), must be deducted from those classes of development cost charges that

are applicable to the park land or the types of services for which the fee or charge was imposed or the requirement was made.

(8) Despite a bylaw under subsection (1),

(a) if an owner has, with the approval of the local government, provided or paid the cost of providing a specific service, outside the boundaries of land being subdivided or developed, that is included in the calculations used to determine the amount of a development cost charge, the cost of the service must be deducted from the class of development cost charge that is applicable to the service, and

(b) if a work required to be provided under an agreement under section 937.1 (2) is included in the calculations used to determine the amount of a development cost charge, the following amounts are to be deducted from the development cost charge that would otherwise be payable for that class of work:

(i) for a development cost charge payable by a developer for a work provided by the developer under the agreement, the amount calculated as

(A) the cost of the work

less

(B) the amount to be paid by the municipality to the developer under section 937.1 (3) (b), other than an amount that is an interest portion under section 937.1 (6) (c);

(ii) for a development cost charge payable by a person other than the developer referred to in subparagraph (i), the amount calculated as

(A) the amount charged under section 937.1 (2) (b) to the owner of the property

less

(B) any interest portion of that charge under section 937.1 (6) (c).

(9) If a board or greater board has the responsibility of providing a service or park land referred to in subsection (2) in a participating municipality, the board or greater board may, by bylaw under subsection (1), impose a development cost charge that is applicable within that municipality.

(10) The municipality must collect and remit a development cost charge imposed under subsection (9) to the regional district or greater board in the manner provided for in the bylaw.

(11) As a restriction on

(a) sections 176 (1) (c) *[corporate powers — assistance]* and 183 *[assistance under partnering agreements]*, and

(b) sections 8 (1) *[natural person powers]* and 21 *[partnering agreements]* of the *Community Charter*,

but subject to section 933.1 *[development for which charges may be waived or reduced]*, a local government must not provide assistance by waiving or reducing a charge under this section.

(12) and (13) [Repealed 2008-23-26.]