

CITY OF POWELL RIVER

BYLAW 2561, 2019

A Bylaw to impose development cost charges for the capital cost of providing, altering or expanding infrastructure and park land improvements

WHEREAS pursuant to the Local Government Act, s. 559 to 569 of Part 14, Division 19, *Council* may, by bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the *City* in paying the capital cost of providing, constructing, altering, or expanding roads, storm, sewage and water infrastructure, and improving park land in order to service, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS in consideration of *Council*, the charges imposed by this bylaw;

- a) are not excessive in relation to the capital cost of prevailing standards of service;
- b) will not deter development in the *City*;
- c) will not discourage construction of reasonably priced housing or the provision of reasonably priced serviced land; and
- d) will not discourage the development or redevelopment of commercial or industrial properties that would otherwise provide employment and economic diversity and stability in the *City*;

AND WHEREAS *Council* has considered future land use patterns and development, the phasing of works and services, and the provision of park improvements as set out in the Official Community Plan Bylaw;

AND WHEREAS pursuant to the Community Charter and the Local Government Act, *Council* may, by bylaw, delegate powers to an officer or employee of the *City*;

NOW THEREFORE, the *Council* of the *City* of Powell River, in open meeting assembled, enacts:

PART 1: TITLE & APPLICATION

1.1 Title

This Bylaw may be cited for all purposes as the "City of Powell River Development Cost Charge Bylaw 2561, 2019."

1.2 Application

This Bylaw applies to all lands and premises within the boundaries of the *City* and to all applications for *subdivision*, development or issuance of a *building permit*, as the case may be and as set out by Schedule A attached hereto and forming a part of this Bylaw.

1.3 Severability

The provisions of this Bylaw are severable. If any provision is for any reason held to be invalid by the decision of a court of lawful jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

1.4 Administration

The *Authorized Person* shall administer this Bylaw.

1.5 Repeal of Previous Bylaw

Development Cost Charge Bylaw 2230, 2009 and all amendments thereto are hereby repealed.

PART 2: DEFINITIONS

All words or phrases have their normal or common meaning except where they are changed, modified or expanded by the following definitions and hereafter are generally shown in italics for reference:

AFFORDABLE HOUSING UNITS means non-market housing units managed by a non-profit society for persons on low income or with disabilities or market housing units under the terms of a Housing Agreement with the City that would be affordable to households of low and moderate incomes (household incomes that are 80% or less than the median household income in City of Powell River as reported by Statistics Canada)

AUTHORIZED PERSON means the person appointed by *Council* as the Director of Finance in respect of all matters relating to *DCC* payment and the Manager of Engineering Services as regards calculation of charges, or any person designated by the *Authorized Person* to carry out any act or function under this Bylaw.

BUILDING PERMIT means the authorization in writing or permit issued under the *City Building Bylaw* 2141, 2008, as amended or superseded, and includes development of exterior *gross site area* of commercial or industrial uses where no buildings are proposed.

CITY means the City of Powell River.

COMMERCIAL means development of a lot or structure used or intended to be used to carry on one or more business undertakings,

- a) including but not limited to, the sale or provision of goods, meals, transient accommodation, entertainment or services, and
- b) located in and conforming to a *commercial zone* but excluding *industrial*, *institutional*, or residential uses regardless of zoning and of provisions under Part 10 of the *Zoning Bylaw*.

COUNCIL means the Council of the *City* of Powell River.

DETACHED ACCESSORY DWELLING UNIT (CARRIAGE HOUSE) means an accessory use residential *dwelling unit* subordinate to the principal dwelling in terms of scale and siting. They are stand-alone, self-contained dwelling units. They consist of a single level of habitable living space either ground-oriented or above a garage/workshop.

DEVELOPMENT COST CHARGES (DCCS) means the applicable rates as set out in Schedule A attached to this Bylaw.

DWELLING UNIT means a building, or a self-contained part of a building designed for or occupied exclusively by one family, unless legally used as a short-term rental or boarding house, with one or more sleeping units, bathroom facilities, and not more than one cooking facility.

DWELLING, CLUSTER HOUSING (TOWNHOUSE) means a block of three or more attached *dwelling units* on one lot, where each dwelling unit in the block has separate external access, shares one or more party walls with another dwelling and which may be separated from its neighbour by a floor and has a separate patio or garden.

DWELLING, MULTI FAMILY means any building or development consisting of three or more *dwelling units* each of which is occupied or intended to be occupied as the permanent home or residence of one family and includes apartments and cluster housing.

DWELLING, SINGLE FAMILY (SFD) means a building, consisting of one *dwelling unit*, used or intended to be used as the permanent home or residence of one family; or as a community care facility licensed under the Community Care and Assisted Living Act; or as a residential shelter. A single-family dwelling shall not be construed to include a recreational vehicle or tent.

DWELLING, TWO FAMILY or DUPLEX (2FD) means a structure containing two *dwelling units* within one building located on a single lot which is used or intended to be used as the residence of two families and which may or may not be strata titled.

FINAL APPROVAL means the stage of approval granted by the Approving Officer who then affixes his signature to the final *subdivision* plan for the purpose of Land Title Office registration.

GROSS FLOOR AREA means the total area of all floors measured in square metres, of all the buildings on a lot, measured to the extreme outer limits of the building, of all areas giving access thereto, and enclosed balconies, enclosed porches, elevator shafts, and accessory buildings, but excluding: storage areas where the height from the top of the floor to ceiling is less than two metres; areas used for motor vehicle parking and cycling storage.

GROSS SITE AREA means the total area of land, measured in hectares, containing improvements for the proposed use of the land, including building footprint, areas required for semi-open structures, exterior storage, loading and other exterior operations, but excluding onsite storm detention or groundwater recharge systems, landscaped areas, setbacks, and any lands not comprising a part of the industrial use, all as approved by the *Authorized Person*.

INDUSTRIAL means development of a lot or building on titled or leasehold land, used or intended to be used for industrial purposes, including but not limited to warehousing, wholesale, manufacturing, processing, assembly, testing, distribution, servicing and repairing of products or materials, and that is located on a parcel in a commercial or industrial *zone* classified as such and conforming to Part 10 and 11 of the *Zoning Bylaw*.

INSTITUTIONAL means development of a lot or building used or intended to be used for cultural, recreational, religious, social, library, school, government or hospital use for the benefit of the public in general, and that is located on a parcel in a *zone* under Part 12 or any other *zone* which permits civic and institutional uses in the *Zoning Bylaw*;

MANUFACTURED HOME means any building in the R4 *zone* under the *Zoning Bylaw* that is manufactured in a factory for transport, assembly and completion as a *dwelling unit*, including placement on a foundation and is certified as being constructed to the requirements of the CSA National Standard CAN/CSA Z240 or A277, but is not designed to be transported on its own wheels or undercarriage.

SECONDARY SUITE means an accessory, self-contained *dwelling unit*, located within the principal dwelling on a lot and having a lessor floor area than the principal dwelling unit and may not be subdivided.

SUBDIVISION means the division of land into two or more parcels, whether by plan or by metes and bounds description.

ZONE means the areas into which the *City* is divided in accordance with this Bylaw and schedules appended hereto; and for which specific regulations are hereinafter outlined.

ZONING BYLAW means "City of Powell River Zoning Bylaw 2100, 2006" as amended or superseded.

PART 3: DEVELOPMENT COST CHARGES

3.1 General Provisions

3.1.1 Except as provided for under section 3.2, every person who obtains from the *City*;

- a) *Final Approval* of a *subdivision*; or
- b) *Building Permit* for a *Single Family* or *Duplex dwelling*; or,
- c) a *building permit* authorizing the construction of a new building or the placement of a *manufactured home*;

must, for the classes of development prescribed herein and prior to the approval of the *subdivision* or issuance of the *building permit*, pay the applicable *development cost charge(s)* as stipulated in Schedule A

3.1.2 The classes of development as defined in this Bylaw and listed on the schedules, shall

apply to *commercial, industrial, and institutional* development, and for residential development that includes, *single family, two family, cluster dwellings, multi family, and manufactured housing*.

- 3.1.3 Any person required to pay *development cost charges* pursuant to Section 3.1.1 shall pay the appropriate charges as follows;
- a) sanitary sewer facilities *DCCs* are applicable to all areas within the boundaries of the *City*;
 - b) water facilities *DCCs* are applicable to all areas within the boundaries of the *City*;
 - c) storm sewer facilities *DCCs* are applicable to all areas within the boundaries of the *City*;
 - d) road improvement *DCCs* are applicable to all areas within the boundaries of the *City*; and
 - e) park land improvement *DCCs* are applicable to all areas within the boundaries of the *City*.
- 3.1.4 *DCCs* imposed under this Bylaw for development pursuant to the Strata Property Act, including: bare land strata, strata conversion, or phased strata; shall be calculated based upon the land use classification and must be paid to the *City* prior to *building permit* issuance or *Final Approval* of a strata *subdivision*, whichever is first in time. Where a strata is phased, the charge shall be calculated and levied as applicable by the increment of the given phase.
- 3.1.5 Where a *manufactured home* is placed or *building permit* is issued for placement in any zone except the R4: Mobile Home Park Residential, the *DCC* imposed and paid shall be under the *Single-Family Dwelling* class of development. Removal and replacement of a given *dwelling unit* shall not be imposed a *DCC*.
- 3.1.6 Where a lot, previously granted *Final Approval* based upon a *single-family dwelling* use, is developed for a *duplex* or *two-family dwelling*, then at time of *building permit* issuance, *DCC* charges for an additional *single-family dwelling* shall be imposed and paid.
- 3.1.7 Where a development to which *DCCs* apply contains two or more uses, the charge to be paid will be calculated separately for each use within the development with the total charge being the sum of the *DCCs* for all uses in the development. In the case of buildings in a commercial or industrial zone containing residential uses or units, the floor area of the residential use and the area of any required vehicle parking spaces associated with the residential use shall be deducted from the *gross floor area/gross site area* of the *commercial* or *industrial* use and shall pay the stipulated *DCCs*.
- 3.1.8 When an application involves an addition to an existing building or the expansion of an existing *industrial* development, the *DCCs* shall be calculated only on that portion that exceeds the *gross floor area* of the existing building, or the *gross developed site area* of the existing *industrial* development, as the applicable case may be.

3.2 Exemptions and Reductions

- 3.2.1 No charge is payable under section 3.1 for the proportion of development where a:
- a) *building permit* authorizes the construction, alteration or extension of a building that is, or

will be, after the construction, alteration or extension, exempt from taxation under s. 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; or

- b) *building permit* authorizes development and construction of *affordable housing units*.
- c) Where a *building permit* authorizes development and construction of a *secondary suite* and/or a *carriage house*, no charge is payable in addition to the charge due for the principal dwelling unit.

3.2.2 A 50% charge is payable under section 3.1 where a:

- a) *building permit* authorizes development and construction of a building that meets both of the following building standard and greenhouse gas (GHG) emissions requirements:

	Building Standards	GHG Emissions Requirements
Part 9 Buildings	BC Energy Step Code Step 3 OR Build Green Gold or Platinum	The building must utilize a low-carbon, non-fossil-fuel space heating, cooling and domestic hot water system. This includes air and ground source heat pump systems, waste heat recovery systems, solar thermal, or other systems approved by the City.
Part 3 Buildings	BC Energy Step Code Step 2 for concrete residential and commercial, Step 3 for wood frame residential	The building's space heating, cooling and domestic hot water system must derive a minimum 70% of its energy demand from a renewable energy source.

3.2.3 Where an owner or applicant installs onsite storm drainage works that will, in the judgement of the *Authorized Person*, eliminate or reduce the City's capital cost burden, the applicable class of storm *DCCs* shall be reduced by the value of the works provided that:

- a) the works are designed, and the construction of the works are certified by a qualified professional engineer registered in the Province of British Columbia;
- b) the design of the works and the owner's arrangements for the maintenance and operation of the works, including all calculations, certification, manuals and documentation are submitted to and are acceptable to the *Authorized Person*; and
- c) the development is a land use other than *single family* or *two-family* development.
- d) If the works are not completed prior to *building permit* issuance, the *Authorized Person* may require the applicant to pay the storm *DCCs* at time of issuance and then refund the applicant the value of the onsite works up to the total amount of storm *DCCs* paid, upon completion of the storm drainage works. The applicant must submit engineer's certification and a copy of the works operations and maintenance manual prepared by a qualified professional engineer to the *City*.

3.3 Payment by Installment

- 3.3.1 Notwithstanding section 3.1, *DCCs* in excess of \$50,000 for a given application may be paid by installments in accordance with the Local Government Act and subject to the following:
- a) all *DCCs* owing must be paid in full within two years of the date of *subdivision Final Approval* or *building permit* issuance, by paying not less than:
 - i. 1/3 of the total charge at the time of either *Final Approval* or *building permit* issuance;
 - ii. 1/2 of the outstanding balance within the first year; and
 - iii. full payment of the charge remainder within two years.
 - b) where *DCCs* are paid in installments, and payment is not received in accordance with the preceding, the total balance becomes due and payable immediately; and
 - c) no interest is payable on the unpaid balance of a *DCC* until it becomes due and payable, but when it does, it is a condition of election under this section that interest is payable from that date until payment at the rate or rates prescribed under clause 11(3) of the Taxation Act for the period of non-payment.
- 3.3.2 Where an owner or applicant elects to pay *DCCs* by installment, he or she must deposit with the Director of Finance at time of the first installment, a security acceptable to the Director in the form of an irrevocable Letter of Credit from a chartered bank, ensuring that upon default, the balance of the unpaid charges will be recoverable from the person, the chartered bank, or from the proceeds of the realization of the security, as the case may be.

3.4 Refund of Development Cost Charges

Upon receipt of a written request, a *DCC* will be refunded where a *building permit* is cancelled or has lapsed and no construction was commenced, provided that the *City* has not undertaken any offsite works related to the development or building in respect of which the *DCCs* were paid whether requested by the applicant or initiated by the *City*.

3.5 Application of Fees and Municipal Assist Factor

- 3.5.1 All applications for *subdivisions* or *building permits* received on, or after the effective date of this Bylaw shall be assessed *DCCs* in accordance with this Bylaw as calculated by date of *building permit* issuance or *Final Approval* and not application date.
- 3.5.2 All *subdivision* applications received but not granted *Final Approval* prior to the effective date of this Bylaw, are not subject to the *DCC* payment prescribed in this Bylaw provided that the one-year term of preliminary approval has not lapsed.

3.5.3 The Municipal Assist Factor set at 1% shall be applied to all categories of DCCs

3.6 Effective Date

This Bylaw shall come into force and affect upon the date of the 5th day of November 2020.

READ A FIRST TIME the 19th day of December, 2019

READ A SECOND TIME the 6th day of February, 2020

READ A THIRD TIME the 6th day of February, 2020

THIRD READING RESCINDED the 20th day of August 2020

READ A THIRD TIME AS AMENDED the 20th day of August 2020

STATUTORY APPROVAL given the 13th day of October 2020

ADOPTED the 5th day of November, 2020



David J. Formosa, Mayor

Chris Jackson, Corporate Officer

SCHEDULE A

City of Powell River Development Cost Charge Program

POWELL RIVER DEVELOPMENT COST CHARGE PROGRAM 2019

Type	Unit	Sanitary Sewer	Water	Drainage	Roads	Park Improvement	Total
Single Family	<i>Dwelling Unit</i>	\$ 4,087	\$ 374	\$ 353	\$ 4,002	\$ 685	\$ 9,500
Town home/Duplex	<i>Dwelling Unit</i>	\$ 3,193	\$ 292	\$ 192	\$ 2,589	\$ 535	\$ 6,801
Apt/Condo/Trailer	<i>Dwelling Unit</i>	\$ 2,043	\$ 187	\$ 118	\$ 2,432	\$ 364	\$ 5,144
Commercial	<i>sq m GFA</i>	\$ 16.60	\$ 1.05	\$ 1.13	\$ 54.92	n/a	\$ 73.71
Institutional	<i>sq m GFA</i>	\$ 16.60	\$ 1.05	\$ 1.13	\$ 54.92	n/a	\$ 73.71
Industrial Building >40% coverage	<i>sq m GFA</i>	\$ 4.21	\$ 0.32	\$ 1.13	\$ 7.85	n/a	\$ 13.51
Industrial Site < 40% coverage	<i>sq m dev site area</i>	\$ 1.15	\$ 0.11	\$ 0.57	\$ 4.40	n/a	\$ 6.22

* Industrial development shall be charged the building fee when building coverage is equal to or greater than 40% site area OR charged per developed site area if buildings cover less than 40% site area.