

DISTRICT OF LOGAN LAKE

BYLAW NO. 664, 2010

A bylaw to impose development cost charges for the District of Logan Lake.

WHEREAS pursuant to Sections 932 to 937 of the *Local Government Act* the Council of the District of Logan Lake wishes to impose development cost charges under the terms and conditions of those Sections;

AND WHEREAS the development cost charges may be imposed on every person who obtains approval of a subdivision or a building permit authorizing the construction, alteration or extension of a building or structure in order to assist the Municipality to pay the capital costs of providing, constructing, altering or expanding the water system in order to service, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS in the opinion of Council the charges imposed by this Bylaw;

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

AND WHEREAS in the opinion of Council the charges imposed by this Bylaw are;

- (a) related to capital costs attributable to projects included in the 2009 Water Supply Study of the Municipality, *and*
- (b) related to capital projects consistent with the *Official Community Plan* of the Municipality;

NOW THEREFORE the Council of the District of Logan Lake, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as "District of Logan Lake Development Cost Charges Bylaw 664, 2010".
2. In this bylaw, unless the context otherwise requires:

"APPROVING OFFICER" means a person appointed under Section 77 of the *Land Titles Act* as an Approving Officer for the District of Logan Lake.

"ASSESSORY RESIDENTIAL UNIT" means a dwelling unit that is located in a residential, industrial, commercial, or institutional development and which may, or may not, contain a separate entrance, and which does not include kitchen facilities, including sleeping and living units in rooming and boarding houses, post-secondary education dormitories and residences, assisted living housing, congregate housing, and other dwelling units without kitchen facilities.

"ASSISTED LIVING HOUSING" means housing intended for both independent and semi-independent living in the form of either congregate housing, dwelling units, sleeping units, or any combination thereof, within which is provided for the exclusive use of the occupants, their families and guests, daily common meal preparation using commercial cooking facilities, common dining area and laundry facilities. *Assisted living housing* may or may not accommodate health services such as nursing care, home support, rehabilitative and transportation services.

"BUILDING" means any construction used or intended for supporting or sheltering any use or occupancy and includes a mobile or modular home.

"BUILDING AREA" means the dimensional area enclosed by the exterior perimeter of a structure, including covered areas for the accommodation of permitted uses, excluding areas for parking required by the Zoning Bylaw.

"BUILDING INSPECTOR OR OFFICIAL" means a person appointed as a Building Inspector, Plumbing Inspector or Plan Checker for the District of Logan Lake.

"BUILDING LOT" means the smallest unit into which land is subdivided as shown on the records of the Land Title Office.

“COMMERCIAL” means a commercial development 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.

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

“DEVELOPABLE LAND” means all areas that are able (usable) to be developed (excludes creeks, lakes, steep slopes, permit areas not allowing development).

“DEVELOPMENT” means approval of a subdivision or issuance of a building permit authorizing the construction, alteration, or extension of a building or structure.

“DWELLING UNIT” means a dwelling unit as defined by the Zoning Bylaw.

“GROSS BUILDING FLOOR AREA” means the aggregate of all floor areas including mezzanines in a building, whether at, above or below grade, located within the exterior walls and required fire walls, including the space occupied by interior walls and partitions, but excluding an unfinished attic, crawl space, unenclosed roof top occupancies, vertical service spaces piercing the floor, any floor area used for parking of motor vehicles or an unenclosed loading area.

“GROUP HOME” means a care facility licensed as required under the Community Care Facility Act to provide room and board for residents with physical, mental, social, or behavioral problems that require professional care, guidance and supervision which is classed as an institutional use.

“HIGHWAY” means and includes any street, lane, walkway, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

“INDUSTRIAL” means an industrial development or similar development as 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 any institutional use as permitted in Section 25 – P3 Zone in the District's Zoning Bylaw.

“LOW DENSITY RESIDENTIAL”, means a building occupied by a single family and includes bare-land strata subdivision including modular or mobile home subdivisions, rural residential, estate residential, large lot residential and waterfront residential developments where residential density is less than 15 units per hectare.

“MEDIUM DENSITY RESIDENTIAL”, means a building or development containing duplex, triplex, or four-plex units, a secondary suite in a single family residential dwelling, and condominiums and townhouses developments where residential density is 15 units per hectare or greater but less than 75 units per hectare. Mobile/Modular homes in enclosed parks, mobile home pads, dwelling units in commercial, industrial or institutional development, assisted living housing units and other units with kitchen facilities, per dwelling unit.

“MOBILE HOME” means a transportable single family dwelling unit meeting minimum Canadian Standards Association Z-240 or A-277, or National Building Code Standards, suitable for long term occupancy, and designed to be transported on wheels.

“MOBILE HOME PARK” means land used or occupied by a person for the purposes of providing spaces for the accommodation of two or more mobile homes and for imposing a charge or rental for the use of such space.

“MOBILE HOME PAD” means a serviced area within a mobile home park that provides space for the accommodation of one mobile home for the purpose of imposing a charge or rental.

“MUNICIPALITY” means the District of Logan Lake.

“PARCEL” means any fee simple, bare land strata or phased Strata Lot, or other areas in which land is held or into which land is subdivided, but does not include a highway or portion thereof.

“RECREATIONAL VEHICLE SITE” means a serviced area within a recreational vehicle park that provides space for the accommodation of one recreational vehicle for the purpose of imposing a charge or rental.

“RESORT RESIDENTIAL” means a building consisting of four or more dwelling units that provides dwelling units for the accommodation by time-sharing of occupancy between one or more owners or for the purpose of imposing a charge or rental for non-owners use which is permitted under Section 11 – R4 Zone of the Zoning Bylaw.

“SERVICE AREA” means a prescribed geographical portion or area of the municipality within which a development cost charge is levied.

“SUBDIVISION” means the division of land into two or more parcels, whether by plan, apt descriptive words, or otherwise.

“ZONE” means a land use zone as provided for in the Zoning Bylaw of the District of Logan Lake, and all amendments thereto.

“ZONING BYLAW” means the District of Logan Lake Zoning Bylaw as amended from time to time.

3. All words and expressions used in this Bylaw shall have the same meaning assigned to them as like words or expressions contained in the *“Land Titles Act”* and the *“Local Government Act”*.
4. All measurements in this Bylaw are expressed in the Metric System.
5. This Bylaw shall be administered by:
 - a) The Approving Officer of the municipality with respect to subdivision of land; or
 - b) A Building Official; or
 - c) any other officer appointed by Council.
6. Development Cost Charge Levy:
 - a) Each person who obtains:
 - i) approval by the Approving Officer of a subdivision pursuant to the Land Title Act, or the Strata Property Act, or
 - ii) a building permit authorizing the construction, alteration or extension of buildings or structures for any purpose in the Municipality except as exempted as follows:
 - .1) a building permit authorizing the construction, alteration or extension of a building or part of a building that is, or will be, after the construction alteration or expansion, exempt from taxation under Section 221 (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;
 - .2) the value authorized by the building permit does not exceed \$50,000 or any other amount the Minister may, by regulation, prescribe;

shall make payment to the municipality at the time of the approval of the subdivision or the issuance of the building permit, as the case may be, the applicable development cost charges as set out in Schedule “A” attached to and forming part of this Bylaw.

- b) Where a type of development is not identified in Schedule “A”, the amount of the development cost charges to be paid to the Municipality shall be equal to the development cost charges that would have been payable for the most comparable type of development.
- c) The amount of development cost charges payable in relation to a mixed use type of development shall be calculated separately for each portion of the development, according to the separate use types,

which are included in the building permit application and shall be the sum of the charges payable for each type.

- d) Where the applicable fees as set out in Schedule "A" refer to a "service area", the applicable fees shall apply to all properties contained within the municipal boundary of the District of Logan Lake.
- e) As an exception to the above, the Municipality may waive or reduce the development cost charges where:
 - i) the development does not impose new capital cost burdens on the municipality;
 - ii) a development cost charge has previously been paid with respect to the same development, unless, as result of a further development, new capital cost burdens will be imposed on the municipality;
 - iii) the subdivision of small lots is designed to result in low green- house gas emissions;
 - iv) the subdivision or development is designed to result in a low environmental impact.
- f) Council in its sole discretion will establish the requirements and conditions that must be met in order to obtain a waiver or reduction of development cost charges.

7. "Oversized or Extended" Works and Services provided by Developer

- a) Where an owner has, with the approval of the Municipality, provided or paid for the costs of providing specific works and services located outside the boundaries of land being subdivided or developed, or oversizing of specific works and services located within the boundaries of land being subdivided or developed, that are included in the calculations used to determine the amount of a development cost charge, the cost of the respective works and services provided by the owner shall be deducted from those classes of development cost charges which would otherwise be applicable to the subdivision or development.
- b) Such deduction shall not reduce any individual applicable class of development cost charges to less than zero, nor shall the cost deducted for the respective works and services be greater than the cost calculations used in calculating the development cost charges.

8. Background Report

A background report describing the assumptions, calculations and capital projects used as a basis for calculating development cost charges is attached to this Bylaw for reference information only and does not form part of this Bylaw.

9. General Provisions

- a) The provisions of this bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.
- b) Development Cost Charge Bylaw No. 142 and all amendments thereto, are hereby repealed.
- c) This bylaw shall come into full force and effect and be binding on all persons as and from the date of adoption.

READ A FIRST TIME this 7th day of September, 2010

READ A SECOND TIME this 2nd day of November, 2010

READ A THIRD TIME AS AMENDED this 21st day of June, 2011.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 28th day of July, 2011.

RECONSIDERED AND ADOPTED this 24th day of August, 2011.

AS AMENDED

Schedule "A"
Development Cost Charge Collection Schedule for Water Service
Applicable to Development within the Municipality

(\$1,943 per Population Equivalent)

Land Use	Equivalent Population	Development Cost Charge
Low Density Residential	2.5	\$4,858.00 per dwelling unit
Medium Density Residential	1.8	\$3,497.00 per dwelling unit
Accessory Residential	1.0	\$1,943.00 per dwelling unit
Recreational Vehicle Pads	0.3	\$583.00 per pad
Commercial - per hectare - per sq. m.	6.19 0.0025	\$12,027.00/ha \$4.86/square metre of gross building floor area
Industrial – per hectare - per sq. m.	10.07 0.004	\$19,566.00/ha \$7.77/square metre of gross building floor area
Institutional – per hectare - per sq. m.	6.19 0.0025	\$12,027.00/ha \$4.86/square metre of gross building floor area

Note:

1. DCC charges for Low Density Residential Units are collected at the subdivision stage; all others are collected at the issuance of a building permit.
2. Where only one cost charge is shown, the charge may be collected at the subdivision stage or building permit stage.
3. Where two cost charges are shown, the charges can be collected at either subdivision or building permit stage.