

DISTRICT OF ELKFORD
Development Cost Charge Bylaw No. 860, 2021

A Bylaw to impose Development Cost Charges in the District of Elkford

WHEREAS pursuant to the *Local Government Act*, RSBC 2015, c. 1 S. 559, a 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 municipality in paying the capital costs of providing, constructing, altering, or expanding sewage, water, drainage and highway facilities, excepting off-street parking facilities, and providing and improving park land to service, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS the Council of the District of Elkford 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 municipality;
- b) Will not deter development in the municipality;
- c) Will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality; and
- d) Will not discourage development designed to result in a low environmental impact in the municipality;

AND WHEREAS Council has considered the charges imposed by this bylaw in relation to future land use patterns and development, the phasing of works and services and the provision of park land described in the Official Community Plan, and how development designed to result in a low environmental impact may affect the capital costs of sewage, water, drainage, and highways and providing and improving park land;

AND WHEREAS Council would like to encourage development within the downtown core;

AND WHEREAS in the opinion of the Council, the charges imposed by this Bylaw are related to capital costs attributable to project included in the municipality's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan.

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

1. TITLE

- 1.1. This bylaw may be cited as ***“Development Cost Charge Bylaw No. 860, 2021”***.

2. DEFINITIONS AND INTERPRETATION

2.1. For the purposes of this bylaw, the definitions of words or 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.

2.2. In this bylaw:

“Affordable Rental Housing” means a type of housing that is of a rental tenure with rents which are controlled to stay below the average rates in the private-market.

“Building” means an exterior Structure used or intended for supporting or sheltering any use or occupancy.

“Building Permit” means a permit issued by the District of Elkford authorizing **Construction** of a **Building** or **Structure**.

“Commercial” means a **Development** used or intended to be used for the carrying on of any business, including the sale or provision of goods, accommodation, entertainment, meals or services, but excludes an **Industrial, Institutional** or **Residential Development**.

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

“Dwelling Unit” means a **Building** or portion thereof containing one or more habitable rooms used or intended to be used for living and sleeping purposes and containing sleeping, sanitary facilities and not more than one (1) set of cooking facilities.

“District” means the District of Elkford.

“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.

“Development Cost Charge” means charges imposed under this bylaw.

“Downtown Core” means any lands zoned C-1 Town Centre Commercial in the District’s Zoning Bylaw.

“Gross Floor Area” or “GFA” means the sum of the total horizontal area of all floors of a **Building**, excluding, hallways, stairwells, elevator shafts, storage rooms, heating, ventilation, air conditioning and mechanical rooms, swimming pools, open sun decks, balconies, and any portion used for parking.

“Industrial” means a **Development** used or intended to be used for manufacturing, production, assembly, testing, warehousing, distribution or storage of products and materials, but excludes a **Commercial, Institutional**, or **Residential Development**.

"Institutional" means a **Development** intended to be used only on a non-profit basis for cultural, recreational, social, religious, governmental, public hospital or educational purposes, but excludes a commercial, **Industrial**, or **Residential Development**.

"Low Environmental Impact" means a **Development** which, by design, will result in lower impacts to natural features within the site and which the proposed **Buildings** and/or transportation infrastructure will reduce energy use.

"Mobile Home" means any **Structure**, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to a CSA Z240MH standard and which is moved from one place to another by being towed or carried on its own chassis, and which contains a **Dwelling Unit**.

"Mobile Home Lot" means an area of land within a **Mobile Home Park** occupied or intended to be occupied by one Mobile Home.

"Mobile Home Park" means Land used for the accommodation of two or more **Mobile Homes**.

"Multiple-Unit Residential" means a **Building** containing three (3) or more **Dwelling Units**.

"Residential" means a use permitted in a Residential **Zone**, or a **Dwelling Unit** permitted in a Commercial **Zone**, created by the **Zoning Bylaw**.

"Single-Unit Residential" means a dwelling containing one (1) **Dwelling Unit**, but that may include a secondary suite as defined in the **Zoning Bylaw**.

"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*.

"Zone" means the zones identified and defined in the **Zoning Bylaw**.

"Zoning Bylaw" means the District of Elkford Zoning Bylaw in effect at the time of application of this bylaw.

3. DEVELOPMENT COST CHARGES

3.1. **Development Cost Charges** are hereby imposed on every person who obtains:

- 3.1.1. Approval of a **Subdivision**; or
- 3.1.2. A **Building Permit** authorizing the **Construction**, alteration, or extension of a **Building** or **Structure**; or
- 3.1.3. A **Building Permit** authorizing the **Construction**, alteration or extension of a **Building** or **Structure** that will, after the **Construction**, alteration or extension, contain fewer than four (4) self-contained **Dwelling Units** and be put to no other use than the **Residential** use in those **Dwelling Units**.

Who shall pay to the **District** the **Development Cost Charge** in the amount set out in Schedule "A" which is attached to and forms part of this bylaw. The **Development Cost Charge** shall be paid prior to approval of a **Subdivision** or issuance of a **Building Permit**, as the case may be.

4. EXEMPTION OF CHARGES

- 4.1. Despite any other provision of this bylaw, a **Development Cost Charge** is not payable if any of the following applies:
 - 4.1.1. The **Building 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) or 224(2)(f) of the *Community Charter*;
 - 4.1.2. The **Building Permit** authorizes the **Construction** or alteration of a **Building** where the value of the work authorized by the **Building Permit** does not exceed \$50,000;
 - 4.1.3. The size of the **Dwelling Unit** is 29 square metres or less; or
 - 4.1.4. 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 **District**.

5. CALCULATION OF APPLICABLE CHARGES

- 5.1. The amount of **Development Cost Charges** payable in relation to a particular **Development** shall be calculated using the applicable charges set out in Schedule "A" attached to this bylaw and:
 - 5.1.1. The number of additional lots being created by the application for a **Subdivision** for **Residential** use.
 - 5.1.2. The number of additional lots being created by the application for a **Subdivision**, including creation of a bare land strata within a **Mobile Home Park**.
 - 5.1.3. For a duplex **Building**, one **Development Cost Charge** shall be imposed for the second **Dwelling Unit** at the time of issuance of a **Building Permit** authorizing the **Development**. The charge for the additional **Dwelling Unit** shall be equivalent to the **Single-Unit Residential** charge. A charge will have been already paid (or assumed to have been paid) for the first **Dwelling Unit** upon **Subdivision** to create the lot that accommodates the duplex.
 - 5.1.4. For a **Multiple-Unit Residential Building**, one **Development Cost Charge** shall be imposed for each **Dwelling Unit** at the time of issuance of a **Building Permit** authorizing the **Development**. A charge will have been already paid (or assumed to have been paid) for the first **Single-Unit Residential** or **Multiple-Unit Residential Building** upon **Subdivision** to create the lot that accommodates the **Multiple-Unit Residential**. This charge is subtracted from the amount payable based on the number of new **Dwelling Units** proposed.

- 5.1.5. The number of new **Mobile Home Lots** being created by the application for **Development** of a **Mobile Home Park**, where the **Mobile Homes** are not located on their own individual lots or bare land strata lots.
- 5.1.6. The **Gross Floor Area** of a **Commercial, Industrial, or Institutional Building**, at the time of issuance of a **Building Permit** authorizing the **Development**.
- 5.1.7. Where **Development Cost Charges** are payable in accordance with paragraph 3 above, in the amount of \$50,000 or greater, the developer may elect to pay them by installments, subject to the terms and conditions set out below:
- (a) one third (1/3) of the total **Development Cost Charges** owing in accordance with this Bylaw shall be paid at the time of **Subdivision** approval or **Building Permit** issuance;
 - (b) one half (1/2) of the balance within one year after the date of **Subdivision** approval or **Building Permit** issuance;
 - (c) the balance shall be paid in full within 2 years after the date of **Subdivision** approval or **Building Permit** issuance;
 - (d) where a developer elects to pay the charge by installments and fails to pay an installment within any time required for payment herein, the total balance of the charge becomes due and payable immediately;
 - (e) no interest is payable on the unpaid balance of a charge 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 section 11(3) of the Taxation (Rural Area) Act, for the period of non-payment;
 - (f) a developer electing to pay a charge by installments must deposit with the Treasurer at the same time as the payment of the first installment:
 - (i) an irrevocable letter of credit or undertaking from a bank, credit union or Trust Company registered under the Financial Institutions Act, or
 - (ii) a bond or surety licensed under the Insurance Act, or
 - (iii) a security duly assignedwhich ensures to the satisfaction of the Treasurer that upon default the balance of the unpaid charge will be recoverable from the person, the bank, the surety or from the proceeds of the realization of the security, as the case may be.

5.2. Where a type of **Development** is not specifically identified in Schedule "A" the amount of **Development Cost Charges** to be paid to the **District** shall be equal to the **Development Cost Charges** that are payable for the most comparable type of **Development**.

5.3. The amount of **Development Cost Charges** payable in relation to 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.

6. TIMING OF PAYMENT

- 6.1. **Development Cost Charges** imposed by this bylaw must be paid to the **District** at the following times:
- 6.1.1. Where an application is made for the **Subdivision** of land zoned to permit **Residential** use at the time of approval of such **Subdivision**;
 - 6.1.2. Where an application is made for the **Subdivision** of land, including creation of a bare land strata, at the time of approval of such **Subdivision**;
 - 6.1.3. For a duplex unit, one **Development Cost Charge** due at the time of **Subdivision** creating the parcel which accommodates the duplex, the second **Development Cost Charge** due at the time of issuance of a **Building Permit** authorizing the **Development**;
 - 6.1.4. For **Development** of a **Multiple-Unit Residential Building**, at the time of issuance of a **Building Permit** authorizing the **Development**;
 - 6.1.5. For placement of a **Mobile Home**, where the unit is not located on an individual lot or bare land strata lot, at the time of issuance of a **Building Permit** authorizing the placement;
 - 6.1.6. For **Commercial, Industrial, and Institutional Development**, at the time of issuance of a **Building Permit** authorizing the **Development**.

7. GRACE PERIOD

- 8.1. This Bylaw shall come into effect for all lands within the District on January 1, 2024.

8. SEVERABILITY

- 9.1. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, or subparagraph.

10. REPEAL

- 10.1. Bylaw No. 140 cited as, "the Specified Area Cost Charges By-law, 1980" and any amendments thereto are hereby repealed.

READ A FIRST TIME this 22nd day of November, 2021.

READ A SECOND TIME this 22nd day of November, 2021.

READ A THIRD TIME this 28th day of February, 2022.

RESCINDED THIRD READING AND RE-READ AS AMENDED this 9th day of May, 2022.

RESCINDED THIRD READING AND RE-READ AS AMENDED this 13th day of June, 2022.

APPROVED by the Inspector of Municipalities this 21st day of July, 2022.

ADOPTED this 8th day of August, 2022.

Dean McKerracher - Mayor

Chantel Dawson – Director of Corporate Services

SCHEDULE "A"

Development Cost Charges

	Transportation	Storm	Sanitary Sewer	Water	Parks	Total Development Cost Charge
Single-Unit Residential	\$1,147.00	\$451.00	\$879.00	\$478.00	\$1,252.00	\$4,207.00 Per Dwelling Unit
Multiple-Unit Residential	\$697.00	\$262.00	\$471.00	\$256.00	\$671.00	\$2,357.00 Per Dwelling Unit
Commercial	\$15.75	\$1.44	\$3.77	\$2.05	\$5.37	\$28.38 Per m ² Gross Floor Area
Industrial	\$11.25	\$1.02	\$2.51	\$1.37	\$1.79	\$17.94 Per m ² Gross Floor Area
Institutional	\$15.75	\$1.44	\$3.77	\$2.05	\$5.37	\$28.38 Per m ² Gross Floor Area