

# DISTRICT OF TOFINO

## BYLAW NO. 1124, 2010

### A Bylaw to Impose Development Cost Charges

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**WHEREAS** a Municipality may impose Development Cost Charges for the purpose of providing funds to assist the municipality in paying the capital cost of providing, constructing, altering, or expanding sewage, water, drainage, and highway facilities, and providing and improving parkland and recreation facilities, in order to serve directly or indirectly, the development in respect of which the charges are imposed;

**AND WHEREAS** the Council of the District of Tofino deems it appropriate to impose Development Cost Charges for these purposes;

**AND WHEREAS** in the opinion of the Council of the District of Tofino 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 within the municipality;
- d. Will not discourage development designed to result in low environmental impact;

**AND WHEREAS** the Council of the District of Tofino has considered the charges imposed by this bylaw as related to future land use patterns and development the phasing of works and services, the provision of park land described in the Official Community Plan, and how development designed to result in low environmental impact may affect the capital costs of the infrastructure for which Development Cost Charges may be imposed;

**NOW THEREFORE** the Council of the District of Tofino, in the Province of British Columbia, in open meeting assembled **ENACTS AS FOLLOWS:**

#### Title

1. This bylaw may be cited as "District of Tofino Development Cost Charge Bylaw No. 1124, 2010".

#### Definitions

2. In this bylaw:

**Affordable Housing** means housing owned and administered by a non-profit entity or subject to the terms of a Housing Agreement with the District of Tofino, that is affordable to households with incomes which are 80% or less than the average household income in the District of Tofino as reported by Statistics Canada and as defined by CMHC.

**Building Inspector** means the person or persons appointed from time to time by the District as Building Inspector and includes chief, deputy and assistant Building Inspectors.

**Building Permit** means a permit issued for construction, alteration or extension of a building or structure required pursuant to the District of Tofino Building Bylaw.

**Commercial Tourist Accommodation** means a tourist accommodation use carried out for financial gain including, but not limited to, campgrounds and recreational vehicle parks, Guesthouses, Hostels, Hotels, Inns, Motels, Resorts, and Resort Condominiums.

**Multi-family residential** means a building that contains more than two dwelling units as per section 933 (4.1) (a) of the *Local Government Act*.

**Onsite Employee Rental Housing** means housing that is located on the same parcel of land as commercial tourist accommodation and that has been designated as housing for employees of a commercial tourist accommodation provider by means of a covenant under Section 219 of the Land Title Act in favour of the District of Tofino as per section 933.1 (1) b) of the *Local Government Act*.

**Short Term Vacation Rental** means the use of a dwelling unit for the accommodation of tourists during the absence of the residential occupant of the dwelling unit, where such use is permitted by the applicable zoning regulations.

### **Imposition of Development Cost Charges**

3. Every person who obtains approval of a subdivision of a parcel or a building permit must at the time of obtaining the approval, pay development cost charges in accordance with this Bylaw including Schedule A attached to and forming part of this Bylaw.
4. In the event that a structure will have mixed uses, Development Cost Charges will be charged on each portion of the structure according to its use as if it was a separate structure.
5. Where a type of development is not identified in this Bylaw and Schedule A the development cost charges for the most comparable type of development are to be used to determine the amount payable.

### **Amount of Development Cost Charges**

6. Subdivision of a parcel zoned for Detached Single and Two Family Dwelling Units shall incur a Development Cost Charge based on the Detached Single and Two Family Dwelling Unit Charge as indicated in Schedule A and multiplied by the number of parcels created by the subdivision.
7. A building permit that authorizes the construction, extension, or alteration of a multi-family residential building shall incur a Development Cost Charge based on the Multi-family Charge as indicated in Schedule A, and for that purpose the floor area of the building shall be the sum of the floor areas in square metres of all of the dwelling units in the building, measured to the interior surfaces of the exterior walls of the dwelling units.
8. A building permit that authorizes the construction, extension, or alteration of commercial tourist accommodation shall incur a Development Cost Charge based on the Commercial Tourist Accommodation Charge as indicated in Schedule A, and for that purpose a camping or recreational vehicle parking space in a campground or recreation vehicle park, an accommodation unit in a hotel, motel or resort, a bedroom in a guesthouse or hostel, and a dwelling unit used for short term vacation rentals shall be deemed to be a commercial tourist accommodation unit.
9. A building permit that authorizes the construction, extension, or alteration of commercial floor area shall incur a Development Cost Charge based on the Commercial Charge as indicated in Schedule A, and for that purpose the floor area of the building shall be the total of the floor areas of all floors of the building measured to the exterior surface of the exterior walls.
10. A building permit that authorizes the construction, extension, or alteration of institutional floor area shall incur a Development Cost Charge based on the Institutional Charge as indicated in Schedule A, and for that purpose the floor area of the building shall be the total of the floor areas of all floors of the building measured to the exterior surface of the exterior walls.
11. A building permit that authorizes the construction, extension, or alteration of industrial floor area shall incur a Development Cost Charge based on the Industrial Charge as indicated in Schedule A, and for that purpose the floor area of the building including any building or portion of a building used for permitted residential purposes shall be the total of the floor areas of all floors of the building measured to the exterior surface of the exterior walls and loading spaces shall be deemed to be floor area.
12. A building permit that authorizes the construction, extension, or alteration of public utility floor area shall incur a Development Cost Charge based on the Public Utilities Charge as indicated in Schedule A, and for that purpose the floor area of the building shall be the total of the floor areas of all floors of the building measured to the exterior surface of the exterior walls.
13. If a building permit authorizes an extension to or alteration of a commercial, institutional, industrial or public utility building, the floor area in respect of which development cost charges are imposed is the incremental floor area resulting from the addition or alteration and in the case of an industrial building includes any incremental area used for loading spaces.
14. If a building permit authorizes an extension to or alteration of commercial tourist accommodation, the number of units in respect of which development cost charges are imposed is the incremental number of units resulting from the addition or alteration.

15. If a building permit authorizes an extension to or alteration of a multi-family residential building, the floor area in respect of which development cost charges are imposed is the incremental floor area resulting from the addition or alteration.

### **Reduction of Development Cost Charges**

16. Residential subdivision or a building permit that authorizes the construction, extension, or alteration of affordable housing shall incur a Development Cost Charge equal to 50% of the applicable rate as indicated in Schedule A.
17. A building permit that authorizes the construction, extension, or alteration of onsite employee rental housing shall incur a Development Cost Charge equal to 50% of the Multi-family Charge as indicated in Schedule A as per section 933.1 (1) b) of the *Local Government Act*.
18. Subdivision of a parcel of land located within the Village Containment Boundary shown on Schedule B shall incur a Development Cost Charge equal to 85% of the Detached Single and Two Family Dwelling Unit Charge in the case of each parcel being created that has an area of less than 500 m<sup>2</sup> as permitted by *Local Government Act* 933.1 (1)(c).
19. A building permit that authorizes the construction, extension, or alteration of a multi-family residential building which ;
- a. Is indicated on the building permit application to be designed to an EnerGuide 80 rating (R-2000) standard; and
  - b. is indicated on the building permit application to contain a cistern or other rainwater containment facility usable for irrigation and other non-potable water uses and having a capacity of 190 litres per dwelling unit, or to be equipped with one rain barrel per dwelling unit;
- shall incur a Development Cost Charge equal to 90% of the Multi-family Charge as indicated in Schedule A.
20. A building permit that authorizes the construction, extension, or alteration of a multi-family residential building providing affordable housing which ;
- c. Is indicated on the building permit application to be designed to an EnerGuide 80 rating (R-2000) standard; and
  - d. is indicated on the building permit application to contain a cistern or other rainwater containment facility usable for irrigation and other non-potable water uses and having a capacity of 190 litres per dwelling unit, or to be equipped with one rain barrel per dwelling unit;
- shall incur a Development Cost Charge equal to 45% of the Multi-family Charge as indicated in Schedule A.
21. In the event that a building described in section 18 or 19 is not constructed in accordance with the building permit application in relation to EnerGuide rating or rainwater collection facilities, an additional 10% of the Multi-family Charge shall be paid prior to issuance of the occupancy permit for the building.

### **Repeals**

22. The following bylaw is hereby repealed:

*District of Tofino Development Cost Charge Bylaw No. 1067, 2008*

### **Implementation**

23. This Bylaw shall come into full force and effect thirty days following adoption.

### **Severability**

24. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

READ a first time this 8<sup>th</sup> day of June, 2010

READ a second time this 8<sup>th</sup> day of June, 2010

RESCIND second reading this 14<sup>th</sup> day of September, 2010

READ a second time as amended this 14<sup>th</sup> day of September, 2010

READ a third time this 12<sup>th</sup> day of October, 2010

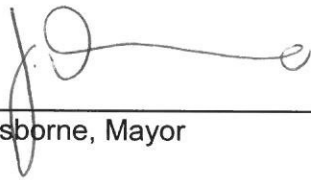
RESCIND third reading this 23<sup>rd</sup> day of November, 2010


READ a third time as amended this 23<sup>rd</sup> day of November, 2010

**Approved by the Inspector of Municipalities this 29<sup>th</sup> day of December, 2010**

ADOPTED by Council the 11<sup>th</sup> day of January, 2011

SIGNED by Mayor and CAO this 13 day of September, 2016

  
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Josie Osborne, Mayor

  
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Bob MacPherson, CAO

I hereby certify the foregoing to be a true and correct copy of "District of Tofino Development Cost Charge Bylaw No. 1124, 2010", as adopted by Council the 11<sup>th</sup> day of January, 2011.

  
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Bob MacPherson, CAO

SEPTEMBER 13, 2016  
Date

Schedule A

Attached to and forming part of the  
District of Tofino Development Cost Charge Bylaw No. 1124, 2010

Development Category	Function	Amount
<b>Detached Single and Two Family Dwelling Unit Charge</b>		<b>\$18,248.00</b>
• Per parcel.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$9,640.00 \$4,765.00 \$1,175.00 \$1,708.00 \$960.00
<b>Multi-family Residential</b>		<b>\$92.73 / m<sup>2</sup></b>
• Per m <sup>2</sup> of floor area.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$48.99 \$24.22 \$5.97 \$8.68 \$4.87
<b>Commercial Tourist Accommodation</b>		<b>\$8,511.00</b>
• Per unit.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$4,813.00 \$2,379.00 \$646.00 \$192.00 \$481.00
<b>Commercial</b>		<b>\$71.50 / m<sup>2</sup></b>
• Per m <sup>2</sup> of floor area.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$30.85 \$15.25 \$16.90 \$8.50 \$0.00
<b>Institutional</b>		<b>\$71.50 / m<sup>2</sup></b>
• Per m <sup>2</sup> of floor area.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$30.85 \$15.25 \$16.90 \$8.50 \$0.00
<b>Industrial</b>		<b>\$35.90/ m<sup>2</sup></b>
• Per m <sup>2</sup> of floor area.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$21.93 \$10.84 \$0.23 \$2.90 \$0.00
<b>Public Utilities</b>		<b>\$35.90/ m<sup>2</sup></b>
• Per m <sup>2</sup> of floor area.	Water Supply/ Dist. Sanitary Sewers Roads Storm Drainage Parks	\$21.93 \$10.84 \$0.23 \$2.90 \$0.00

Schedule B  
Attached to and forming part of the  
District of Tofino Development Cost Charge Bylaw No. 1124, 2010

