

TOWN OF OSOYOOS
BYLAW NO. 1322
A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

WHEREAS pursuant to Section 559 of the *Local Government Act, RSBC 2015*, Council may, by bylaw, impose development cost charges under the terms and conditions of that section and all other sections of Division 19 - Development Cost Recovery;

AND WHEREAS in the consideration of Council, development cost charges may be imposed for the sole purpose of providing funds to assist the Town in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities (other than off-street parking facilities), and providing and improving parkland, to service, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS in the consideration of Council, the charges imposed under this bylaw:

- a) are not excessive relative to the capital cost of prevailing standards of service in the Town;
- b) will not deter development in the Town;
- c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Town; and
- d) will not discourage development designed to result in a low environmental impact;

AND WHEREAS in the opinion of Council, the charges imposed under this bylaw are:

- a) related to capital costs attributable to projects included in the Town's financial plan; and
- b) related to capital projects consistent with the Town's Official Community Plan;

NOW THEREFORE the Council of the Town of Osoyoos, in open meeting assembled, hereby enacts as follows:



1. Title

This bylaw may be cited for all purposes as “Development Cost Charge Bylaw No. 1322, 2016”.

2. Interpretation

In this bylaw:

“Building” means a structure wholly or partly enclosed by a roof or roofs supported by walls or columns and used for shelter or accommodation of persons, animals, or real property.

“Carriage Suite” means a self-contained dwelling constructed over a garage that is separate, subordinate in size, and accessory to the principal dwelling on the same lot.

“Commercial” means a building or portion of a building used for any retail, tourist accommodation, personal or professional service, entertainment or recreational use, or other commercial use allowed in a zone, but excluding a “recreational vehicle park or campground”.

“Dwelling Unit” means a building or a portion of a building designed and used for human habitation for one family or one person, containing sleeping facilities, a set of kitchen facilities and a bathroom. For the purposes of this bylaw, kitchen facilities means a room or area in which food is cooked or prepared and has plumbing and wiring services to provide for such things as kitchen cabinets, a sink, stove, dishwasher, refrigerator and other appliances.

“Garden Suite” means a self-contained one-storey dwelling that is separate, subordinate in size, and accessory to the principal dwelling on the same lot.

“Gross Floor Area” means the combined area of all floors within a building, including any basement or cellar, measured to the inside surface of the exterior walls of the building, but excluding areas used only for vehicle parking, elevator shafts, stairwells and heating and ventilating fixtures, and crawl spaces less than 1.5 metres in height.

“High Density Residential” means a multiple-family or resort multiple-family dwelling unit, or assisted living facility unit in a zone allowable within a designated High Density Residential (HR) area in the Official Community Plan; or any dwelling within an equivalent density Comprehensive Development (CD) zoned area.

“Industrial” means a building used or intended for industrial purposes.

“Institutional” means a building used or intended for non-profit recreational, social, religious, governmental, public hospital, care facility or educational purposes, and excludes an assisted living facility.

“Low Density Residential” means a single family or two family dwelling unit in a zone allowable within a designated Low Density Residential (LR) area in the Official Community Plan.

“Medium Density Residential” means a multiple-family or resort multiple-family dwelling unit, assisted living facility unit, dwelling unit in a manufactured / mobile home park or strata development in a zone allowable within a designated Medium Density Residential (MR) area in the Official Community Plan; or any dwelling in an equivalent density Comprehensive Development (CD) zoned area, or in an Intensive Residential Development (IRD) zoned area; or an allowed carriage suite or a garden suite in any area.

“Not-for-Profit Rental Housing” means rental housing subsidized by the Province of British Columbia or by a non-profit agency, which enables rents to be provided at below-market rates on a percentage of income basis, and is owned and operated by either a public or a non-profit agency.

Official Community Plan means the Town of Osoyoos Official Community Plan.

“Recreational Vehicle Park or Campground” means a property with sites for temporary tourist accommodation purposes, including tents, recreational vehicles or park model trailers, but excluding commercial buildings on the property.

“Subdivision” means a subdivision under the *Land Title Act* or the *Strata Property Act* and for purposes of this Bylaw also includes a site layout plan for a non-strata recreational vehicle park or campground.

“Town” means the Town of Osoyoos.

“Zone” means a zone as set out in the Town of Osoyoos Zoning Bylaw.

3. Charges

3.1 Development cost charges are hereby imposed on every person who obtains:

- a) approval of a subdivision; or
- b) a building permit authorizing the construction, alteration or extension of a building:

who shall pay to the Town 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 in full prior to approval of a subdivision or issuance of a building permit, as the case may be at the Town’s discretion.

3.2 All charges imposed by this bylaw may be paid by instalments in accordance with B.C. Reg. 166/84 to the Local Government Act, being the Development Cost Charges (Instalments) Regulation.

4. No Exemption for Fewer than Four Dwelling Units

Pursuant to Section 561(6) of the Local Government Act, charges are payable under this bylaw in relation to proceeding Section 561(5) [fewer than four dwelling units].

5. Exemptions

No charge is payable under Section 3 of this bylaw where:

- a) 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 Sections 220(l)(h) and 224(2)(f) of the Community Charter;
- b) the value of the work authorized by the building permit does not exceed \$50,000; or
- c) the building permit authorizes the construction of not-for-profit rental housing.

6. Repeal

On the Effective Date of this Bylaw, the "Town of Osoyoos Development Cost Charge Bylaw No. 1234, 2007" is hereby repealed in its entirety, except as it may apply to "in-stream" development applications as set out by policy of the Town.

7. Effective Date

THAT this Bylaw shall take effect upon the date of its adoption by Council.

READ a first and second time this 4th day of July, 2016

PUBLIC MEETING was held this 4th day of July, 2016

READ a third time this 18th day of July, 2016

RESCIND third reading this 7th day of November, 2016

READ a third time this 7th day of November, 2016

APPROVED by the Inspector of Municipalities this 21st day of November, 2016

FINALLY ADOPTED on the 6th day of December, 2016

Original signed by Mayor Sue McKortoff

Mayor

Original signed by Janette Van Vianen

Corporate Administration Officer

SCHEDULE 'A'

The following development cost charges apply in Osoyoos for each dwelling, lot or site unit, or per square metre (m²) gross building floor area as applicable for different use classes as follows:

1. Low Density Residential Use:

	per dwelling or lot *
Water	\$1,355
Sanitary Sewer	\$2,725
Storm Drainage	\$289
Roads	\$1,581
Parkland	\$3,320
Total	\$9,270

*Lot charges for two family dwellings shall be payable for both dwelling units, regardless of whether or not each dwelling unit has its own lot.

2. Medium Density Residential Use:

	per dwelling, lot or site
Water	\$542
Sanitary Sewer	\$2180
Storm Drainage	\$156
Roads	\$1,023
Parkland	\$2,656
Total	\$6,557

3. High Density Residential Use:

	per dwelling
Water	\$406
Sanitary Sewer	\$1,635
Storm Drainage	\$95
Roads	\$961
Parkland	\$1,992
Total	\$5,089

4. Commercial Use:

	per m ² gross floor area
Water	\$2.98
Sanitary Sewer	\$14.17
Storm Drainage	\$0.92
Roads	\$10.85
Parkland (except see below *)	N/A
Total	\$28.92

*In addition to the above charges, a parkland charge of \$1,992 is payable per each hotel / motel unit.

5. Industrial Use:

	per m ² gross floor area
Water	\$2.98
Sanitary Sewer	\$5.45
Storm Drainage	\$0.46
Roads	\$4.65
Parkland	N/A
Total	\$13.54

6. Institutional Use:

	per m ² gross floor area
Water	\$2.98
Sanitary Sewer	\$12.00
Storm Drainage	\$0.86
Roads	\$13.95
Parkland	N/A
Total	\$29.79

7. Recreational Vehicle Park or Campground:

	per site
Water	\$119
Sanitary Sewer	\$566
Storm Drainage	\$36
Roads	\$434
Parkland	\$1992
Total	\$3,147

8. Mixed Uses

Where uses of a building or land encompass more than one the foregoing use classes, charges will be calculated separately for each use class and totalled together for all payable charges.

Schedule "A" of Bylaw No. 1322

Original signed by Janette Van Vianen

Corporate Administration Officer