

Bylaw No. 2486, 2009 Okanagan Falls Sanitary Sewer Development Cost Charge Bylaw

Consolidated for convenience purposes.
Includes all amendments to the text up to:
June 18, 2015

Summary of Amendments

Bylaw No.	Adopted	Amendment	Purpose
2486.01	June 18, 2015	Replace Schedule A	To reduce DCCs to reflect a more accurate cost of the WWTP.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2486, 2009

A bylaw to impose Development Cost Charges.

WHEREAS pursuant to the *Local Government Act, RSBC 1996, c. 323*, as amended, the Board of the Regional District of Okanagan-Similkameen may, by bylaw, impose development cost charges under the conditions of that section;

AND WHEREAS development cost charges may be imposed for the purposes of providing funds to assist the Regional District of Okanagan-Similkameen to pay the capital costs of providing, constructing, altering or expanding sewer facilities to service, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS the Board of the Regional District of Okanagan-Similkameen 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 regional district;
- (b) will not deter development in the Regional District;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the Regional District; and,
- (d) will not discourage development designed to result in a low environmental impact;

AND WHEREAS in the opinion of the Board, the charges imposed by this bylaw are related to the capital costs attributable to projects included in the Regional District of Okanagan-Similkameen's capital financial plan and are consistent with the Regional Growth Strategy and the Official Community Plan for Electoral Area 'D' (D-2) – East Skaha, Vaseux;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, ENACTS AS FOLLOWS:

TITLE

1.1 This bylaw may be cited as the “Okanagan Falls Sanitary Sewer Development Cost Charge Bylaw No. 2486, 2009.”

DEFINITIONS

2.1 For the purpose of this bylaw, the definitions of words and phrases that are not included in this section shall have the meaning assigned to them in the *Local Government Act*.

2.2 In this bylaw:

“**Apartment**” means the residential use of part or all of a *building* comprised of 3 or more *dwelling units* which have a common hallway or entry area.

“**Building**” means any structure consisting of a roof supported by walls or columns *used* or intended to be *used* or intended for sheltering, accommodating or enclosing people, animals, goods, chattels or equipment.

“**Building Permit**” means the document authorizing the carrying out of a development, alteration or other work in accordance with the Regional District of Okanagan-Similkameen Zoning Bylaws, Building Bylaw, the BC Building Code or any other applicable statute or regulation.

“**Commercial**” means *use* of land or buildings for any retail, wholesale, tourist accommodation, personal or professional service, entertainment or recreational *use* or any commercial *use* as permitted under the Regional District’s Zoning Bylaws.

“**Dwelling Unit**” means one or more habitable rooms constituting one self-contained unit which has a separate entrance and which contains washroom facilities, one (1) kitchen facility and which is designed for use as a single house-keeping establishment.

“**Duplex**” means one of two *dwelling units* contained in a building with each unit having an independent exterior entrance.

“**Gross Floor Area**” means the total floor area of a building on a parcel measured to the outer limits of the building excluding uncovered parking, unenclosed swimming pools, uncovered balconies, sundecks and parking within a building.

“Single Detached Dwelling” means a building which is freestanding, separate and detached from other buildings or main structures and which contains only one (1) *dwelling unit*.

“Subdivision” means the division of land into two or more parcels, whether by plan, descriptive words or otherwise, under the Land Title Act or the Strata Properties Act.

“Townhouse” means the residential *use* of a *building* comprised of 3 or more *dwelling* units, separated from one another by party walls extending from foundations to roof, with each *dwelling unit* having a separate direct entrance from grade.

“Use” or “Used” means the purpose for which a *building* or other structure, or a parcel of land may be designed, arranged, intended, maintained or occupied, or an activity, occupation, business or operation carried on or intended to be carried on, in a *building* or other structure or on a parcel of land.

DEVELOPMENT COST CHARGES

3.1 Every person who obtains:

- (a) approval of a subdivision; or,
- (b) a building permit authorizing the construction, alteration or extension of a building or structure, including a permit authorizing the construction, alteration or extension of a building 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 residential use in those dwelling units

within the Okanagan Falls Sanitary Sewer Service Area, established by “Okanagan Falls Specified Area Sanitary Sewer Establishment Bylaw No. 1239, 1991”, as amended, shall pay to the Regional District of Okanagan-Similkameen at the time of the approval of the subdivision or the issuance of a building permit, as the case may be, the applicable development cost charges as set out in Schedule ‘A’ attached hereto and forming part of this bylaw.

EXEMPTIONS

4.1 No development cost charge is payable where:

- (a) the development does not impose new capital cost burden on the Regional District of Okanagan-Similkameen;
- (b) 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 Regional District of Okanagan-Similkameen;
- (c) the building permit authorizes the construction, alteration or extension to 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 and 224 (2) f of the *Community Charter*; or,
- (d) the value of the work authorized by the permit does not exceed \$50,000 or any other amount prescribed by regulation under the *Local Government Act*.

CALCULATION OF APPLICABLE CHARGES

5.1 Development cost charges are payable for all developments within the Okanagan Falls Sanitary Sewer Service Area, established by "Okanagan Falls Specified Area Sanitary Sewer Establishment Bylaw No. 1239, 1991", as amended.

5.2 The amount of development cost charges payable in relation to a particular application shall be calculated using the applicable charges set out in Schedule 'A' and the applicable number of dwelling units or gross floor area.

5.3 Where a type of development is not identified in Schedule 'A', the amount of development cost charges to be paid to the Regional District shall be equal to the development cost charges that would have been payable for the most comparable type of development.

5.4 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.

SEVERABILITY

6.1 In the event that any portion of this bylaw is declared ultra vires by a court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw with the intent that the remainder of the bylaw shall continue in full force and effect.

EFFECTIVE DATE

7.1 This bylaw shall come into force and take effect on the date of final adoption.

READ A FIRST, SECOND AND THIRD TIME this 21st day of May, 2009.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 10th day of September, 2009.

ADOPTED BY THE REGIONAL BOARD this 8th day of October, 2009.

RDOS Chairperson

Chief Administrative Officer

SCHEDULE 'A'¹

DEVELOPMENT COST CHARGE BYLAW NO. 2486, 2009

DEVELOPMENT COST CHARGES

Upon approval of a subdivision or the issuance of a building permit for any lands within the Regional District of Okanagan-Similkameen Okanagan Falls Sanitary Sewer Service Area, the following development cost charges shall be paid:

Land Use	Sanitary Sewer DCC	Units	When Payable
Single Detached Dwelling	\$5,900.00	per lot/ per dwelling unit	Subdivision approval or if subdivision is not required, then at building permit issue
Duplex	\$5,900.00	per dwelling unit	Subdivision approval or if subdivision is not required, then at building permit issue
Townhouse	\$4,200.00	per dwelling unit	Building permit issue
Apartment	\$4,200.00	per dwelling unit	Building permit issue
Commercial	\$19.00	per m ² gross floor area	Building permit issue
Industrial	\$19.00	per m ² gross floor area	Building permit issue
Institutional	\$17.00	per m ² gross floor area	Building permit issue

¹ Bylaw No. 2486.01, 2015 adopted June 18, 2015