

City of Salmon Arm

Development Cost Charge Bylaw No. 3600, 2007

A bylaw to impose development cost charges.

WHEREAS pursuant to Sections 932 to 937 of the Province of British Columbia *Local Government Act* the Council of the City of Salmon Arm wishes to impose development cost charges and 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:

- (a) providing, constructing altering or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities; and
- (b) providing and improving parkland,

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;
- (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; and

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 Long Term Financial Plan of the municipality; and
- (b) related to capital projects consistent with the Official Community Plan Bylaw of the municipality;

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1.0 TITLES

This Bylaw may be referred to as “City of Salmon Arm Development Cost Charge Bylaw No. 3600”.

2.0 REPEAL AND EFFECTIVE DATE

2.1 Repeal

Development Cost Charge Bylaw No. 2261 and all amendments thereto are hereby repealed.

2.2 Effective Date

This Bylaw shall come into full force and effect and be binding on all persons as and from the first day of April 2007 or the date of final adoption by Council, whichever is later.

3.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“Approving Officer” means a person appointed under Section 77 of the *Land Title Act* as an Approving Officer for the municipality.

“Building” means any construction used or intended for supporting or sheltering any use or occupancy.

“Building Official” means the Manager of Permits and Licensing and any other person appointed as a Building Official for the municipality.

“Bylaw” means the City of Salmon Arm Development Cost Charge Bylaw No. 3600, as amended from time to time.

“Commercial” means a commercial 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 principal uses, is of a commercial nature.

“Council” means the duly elected Council of the City of Salmon Arm.

“Developable Land” means all areas of a parcel as measured in hectares with development potential and excludes riparian areas, steep slopes, dedicated parkland, and covenanted or development permit areas which do not allow 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 in the Zoning Bylaw, a Residential Unit A or Residential Unit B, or Mobile Home as defined in this Bylaw, and may mean a recreational vehicle or park model trailer sited on a permanent basis.

“Gross 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.

“High Density Residential” means a residential subdivision or building where the density is greater than 40 parcels or dwelling units per hectare.

“Highway” means 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 an institutional 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 institutional nature.

“Low Density Residential” means a residential subdivision or building where the density is less than or equal to 22 parcels or dwelling units per hectare.

“Medium Density Residential” means a residential subdivision or building where the density is greater than 22 but less than or equal to 40 parcels or dwelling units per hectare.

“Mobile Home” means a factory built dwelling unit certified by the Canadian Standards Association as complying with Z-240 or A-277 standards suitable for long term occupancy and designed to be transported on wheels.

“Municipality” means the City of Salmon Arm.

“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.

“Residential Unit A” means upper floor dwelling unit, assisted living housing unit, resort residential unit, church manse, each as defined in the Zoning Bylaw, and may mean a caretaker’s suite, manager’s suite, or any similar form of an accessory dwelling unit, all of which contain kitchen facilities.

“Residential Unit B” means an accessory dwelling unit, an assisted living housing or sleeping unit, boarding homes unit, each as defined in the Zoning Bylaw, or any similar form of an accessory dwelling unit, all of which do not contain kitchen facilities.

“Recreational Vehicle Campground” means a campground as defined in the Zoning Bylaw, which provides individual sites or pads used for the temporary siting of recreational vehicles and tents.

“Recreational Vehicle Strata Park” means land that is subdivided into parcels under the Strata Property Act and used for the siting of recreational vehicles on a seasonal basis.

“Service Area” means a prescribed geographical portion or area of the municipality within which a development cost charge is levied, as shown on the service area maps in Schedule “B” attached to and forming part of to this Bylaw.

“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 defined in the Zoning Bylaw.

“Zoning Bylaw” means the City of Salmon Arm Zoning Bylaw No. 2303, as amended from time to time.

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 Title Act* and the *Local Government Act*.

4.0 GENERAL PROVISIONS

4.1 Severability

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.

4.2 Administration

This Bylaw shall be administered by:

- (a) the Approving Officer of the municipality with respect to subdivision of land;
- (b) a Building Official; or
- (c) any other officer appointed by Council.

4.3 Measurements

All measurements in this Bylaw are expressed in the metric system. Bracketed (equivalents) expressed in Imperial units included in Schedule "A" are for convenience purposes only and are not an integral part of this Bylaw.

5.0 DEVELOPMENT COST CHARGES

5.1 Development Cost Charge Levy

Each person who obtains:

- (a) approval by the Approving Officer of a subdivision pursuant to the *Land Title Act*, or the *Strata Property Act*; or
- (b) a building permit authorizing the construction, alteration or extension of buildings or structures for any purpose except as exempted as follows:
 - i) a 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 expansion, exempt from taxation under Section 220 (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*;

- ii) the value authorized by the building permit does not exceed \$50,000 or any other amount the Minister may, by regulation, prescribe;
- iii) the development does not impose new capital cost burdens on the municipality; or
- iv) 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;

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.

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.

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

Where the applicable development cost charges as set out in Schedule “A” refer to a “service area”, the applicable development cost charges shall apply to all properties contained within the associated service area maps in Schedule “B” attached to and forming part of this Bylaw.

5.2 Oversized or Extended Works and Services Provided by Developer

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 that would otherwise be applicable to the subdivision or development.

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.

5.3 Credits for Parkland Dedication or Cash-in-Lieu of Parkland Dedication

Where an owner of a development where no subdivision included in the development has, with the approval of the municipality, provided parkland dedication or cash-in-lieu of parkland dedication, a credit in the amount of the value of the parkland dedication or cash-in-lieu of parkland dedication may be made to the Parks development cost charges that would otherwise be applicable to that development.

Where an owner of a subdivision of land has, with the approval of the municipality, provided parkland dedication or cash-in-lieu of parkland dedication in excess of five percent (5%) of the land being subdivided, a credit in the amount of the value of the excess parkland dedication or excess cash-in-lieu of parkland dedication may be made to the Parks development cost charges that would otherwise be applicable to that subdivision of land.

The amount of the credit given shall not exceed the amount of the parkland development cost charges that would otherwise be applicable to the development or subdivision.

6.0 BACKGROUND REPORT

6.1 Background Summary Report

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

7.0 ADOPTION

READ A FIRST TIME THIS 12th DAY OF February 2007.

READ A SECOND TIME THIS 12th DAY OF February 2007.

READ A THIRD TIME THIS 12th DAY OF February 2007.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE 9th DAY OF March, 2007.

ADOPTED BY COUNCIL THIS 26th DAY OF March 2007.

“M. BOOTSMA”
MAYOR

“C. BANNISTER”
CORPORATE OFFICER

I hereby certify the above to be a true copy of the Bylaw No. _____ 2007 as passed at three readings.

Certified a true and correct copy of Bylaw No. 3600, as adopted by Council on _____ 2007

A true copy of Bylaw No. _____ was registered in the office of the Inspector of Municipalities this _____ day of _____ 2007

INSPECTOR OF MUNICIPALITIES

Schedule “A”

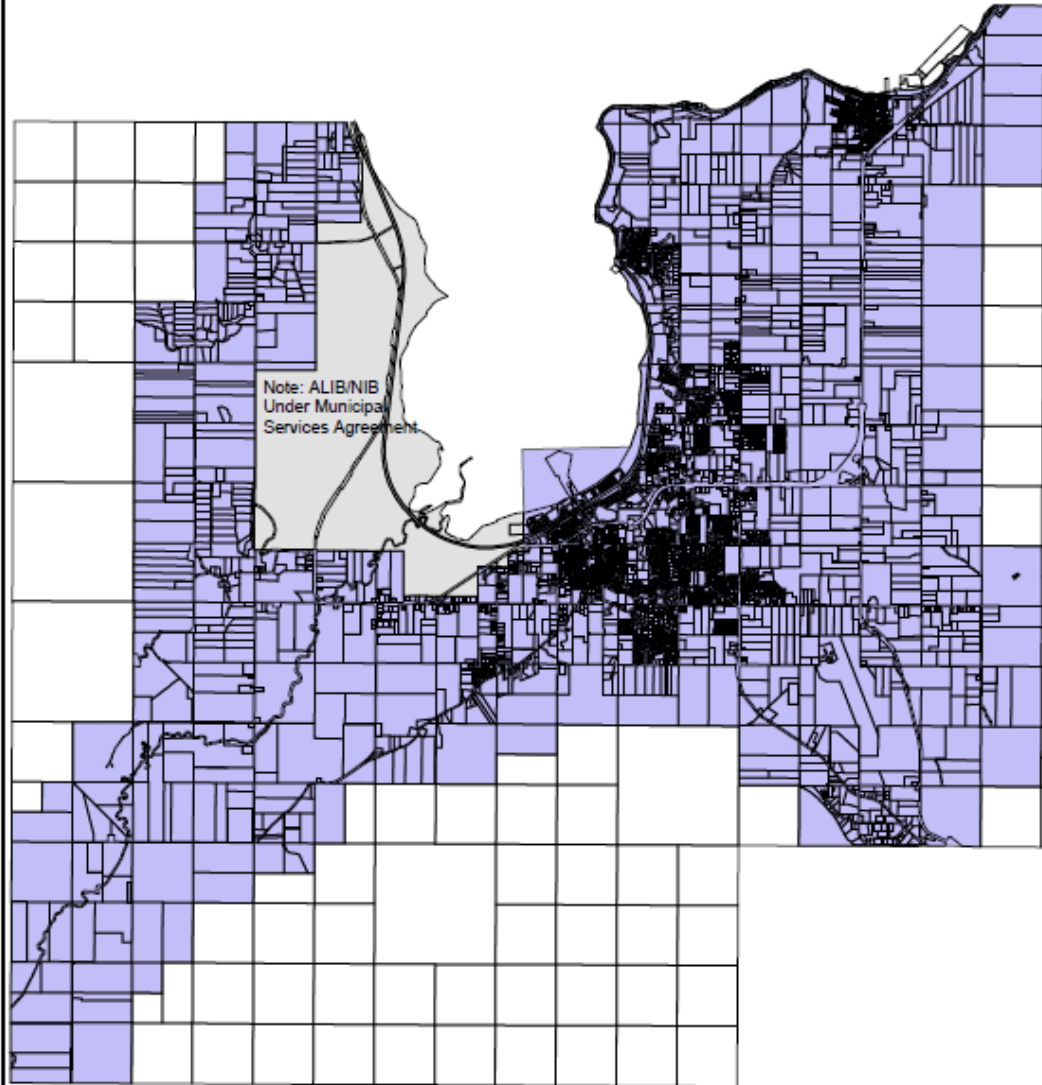
Development Cost Charge Collection Schedule for All Services Applicable to Development within the Municipality

Schedule "A"

Amount of Development Cost Charges Payable						
Service Area Category (Refer to Maps in Schedule "B")	Roads (Map 1)	Drainage (Map 1)	Parks (Map 1)	Water (Map 2)	Sanitary Sewer (Map 3)	
Municipal Assist Factor	1%	1%	1%	2%	2%	
Land Use / Development Type						Total
Low Density Residential , per parcel or dwelling unit	\$1,529.20	\$1,185.52	\$1,056.66	\$2,868.20	\$2,890.04	\$9,529.62
Medium Density Residential , per parcel or dwelling unit	\$1,112.15	\$862.19	\$768.48	\$2,085.96	\$2,101.85	\$6,930.63
High Density Residential , per parcel or dwelling unit	\$973.13	\$754.42	\$672.42	\$1,825.22	\$1,839.12	\$6,064.31
Residential A , per dwelling unit	\$973.13	\$754.42	\$672.42	\$1,825.22	\$1,839.12	\$6,064.31
Residential B , per dwelling unit	\$556.07	\$431.10	\$384.24	\$1,042.98	\$1,050.92	\$3,465.31
Recreational Vehicle Strata Park , per parcel	\$556.07	\$431.10	\$384.24	\$1,042.98	\$1,050.92	\$3,465.31
Recreational Vehicle Campground , per site or pad	\$166.82	\$129.33	\$115.27	\$312.89	\$315.28	\$1,039.59
Commercial , per square metre of gross floor area	\$5.56 / m ² (\$0.52 / ft ²)	\$4.31 / m ² (\$0.40 / ft ²)	\$3.84 / m ² (\$0.36 / ft ²)	\$10.43 / m ² (\$0.97 / ft ²)	\$10.51 / m ² (\$0.98 / ft ²)	\$34.65 / m ² (3.22 / ft ²)
Institutional , per square metre of gross floor area	\$8.34 / m ² (\$0.78 / ft ²)	\$6.47 / m ² (\$0.60 / ft ²)	Exempt	\$15.64 / m ² (\$1.45 / ft ²)	\$15.76 / m ² (\$1.46 / ft ²)	\$46.21 / m ² (\$4.29 / ft ²)
Industrial , per square metre of gross floor area	\$2.78 / m ² (\$0.26 / ft ²)	\$2.16 / m ² (\$0.20 / ft ²)	Exempt	\$5.21 / m ² (\$0.48 / ft ²)	\$5.25 / m ² (\$0.49 / ft ²)	\$15.40 / m ² (\$1.43 / ft ²)
Plus						
Industrial , per hectare of developable land	\$2,780.37 / Ha (\$1,125.65 / acre)	\$2,155.49 / ha (\$872.66 / acre)	Exempt	\$5,214.91 / ha (\$2,111.32 / acre)	\$5,254.62 / ha (\$2,127.38 / acre)	\$15,405.39 / ha (\$6,237.01 / acre)

Schedule “B”
Service Area Mapping for
Development Cost Charges

SCHEDULE "B"



ROADS / DRAINAGE / PARKS
SERVICE AREA

DEVELOPMENT COST
CHARGE BYLAW NO.3600

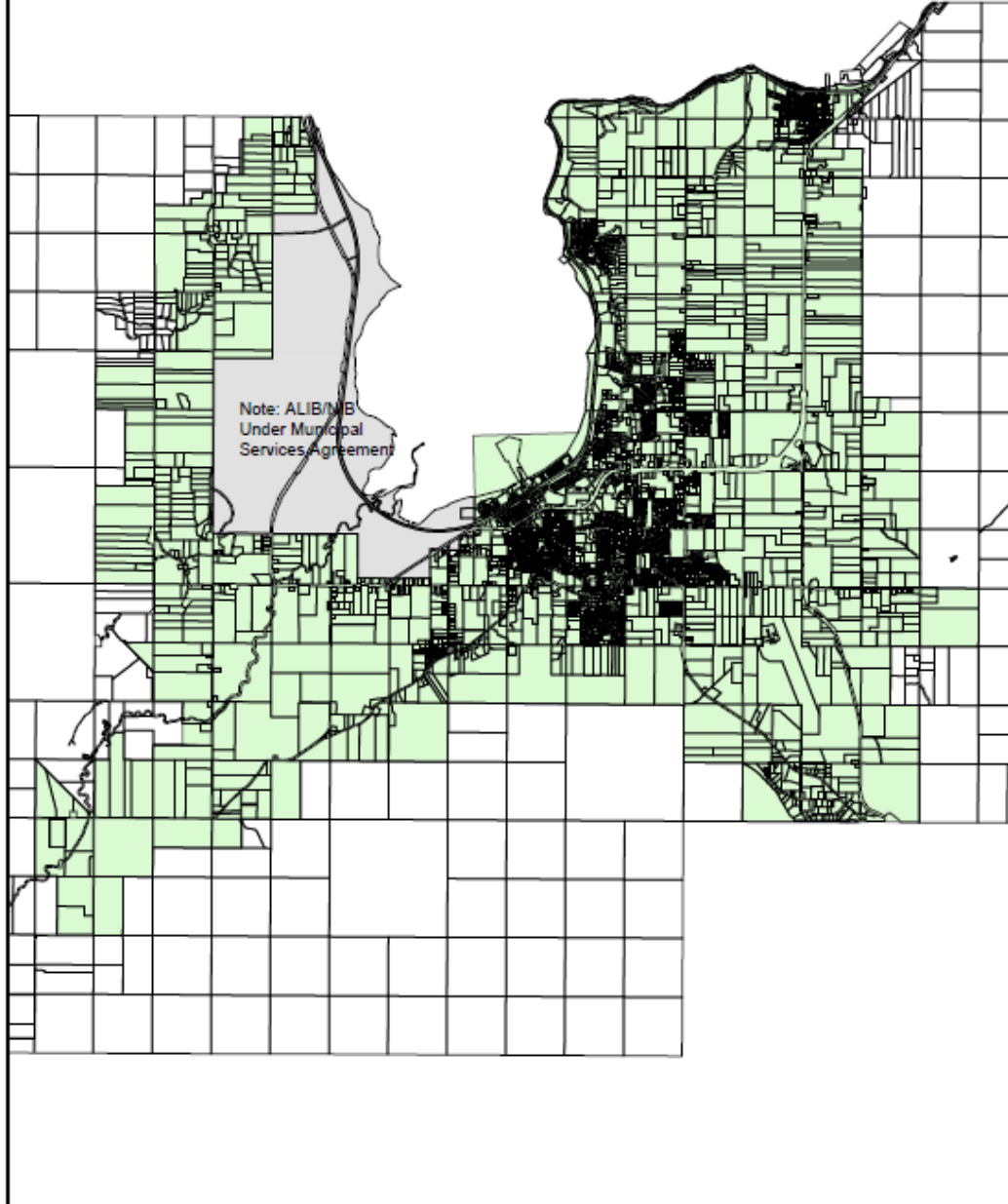
Scale:

1:53,000

Map:

1

SCHEDULE "B"



WATER
SERVICE AREA

Scale:

1:53,000

DEVELOPMENT COST
CHARGE BYLAW NO. 3600

Map:

2

SCHEDULE "B"

