

BYLAW NO. 572	
Bylaw name:	Comox Valley Sewerage Service Development Cost Charges Bylaw No. 572, 2019
Participants:	City of Courtenay, Town of Comox
Purpose:	A Bylaw to impose development cost charges for the Comox Valley Sewerage System
Amends bylaw:	N/A
Repeals bylaw:	Bylaw No. 2445 being “Comox Valley Sewerage System Development Cost Charges Bylaw No. 2445, 2002”
Staff contact:	Marc Rutten, General Manager of Engineering Services Branch

STATUS	
Committee approval:	<p>February 5, 2019 Sewage Commission:</p> <p>THAT Bylaw No. 572, being the “Comox Valley Sewerage System Development Cost Charges Bylaw No. 572, 2019”, attached to the staff report dated January 31, 2019 as Appendix B, be considered for adoption;</p> <p>AND FURTHER THAT Bylaw No. 2445, being the “Comox Valley Sewerage System Cost Charges Bylaw No. 2445, 2002” be repealed.</p>
1st & 2nd readings:	
3rd reading:	
Ministry approval:	
Final adoption:	

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 572

A Bylaw to Impose Development Cost Charges for the Comox Valley Sewerage System

WHEREAS under section 559(6) of the *Local Government Act*, where the board of a regional district has the responsibility of providing a service in a participating municipality, the board may by bylaw under section 559(1) of the *Local Government Act* impose a development cost charge that is applicable within that municipality for the purpose of providing funds to assist the Regional District to pay the capital costs of providing, constructing, altering or expanding facilities required to service, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS the City of Courtenay and the Town of Comox (the “Participating Municipalities”) are participating areas in the service of sewage interception, treatment and disposal provided by the Comox Valley Regional District under the authority of *Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003*;

AND WHEREAS in setting the development cost charges under this Bylaw the Board of the Comox Valley Regional District has considered the following:

- a) future land use patterns and development;
- b) the phasing of works and services;
- c) how development designed to result in a low environmental impact may affect the capital costs of infrastructure referred to in section 559(2) and (3) of the *Local Government Act*;
- d) whether the development cost charges under this Bylaw are excessive in relation to the capital cost of prevailing standards of service in the Regional District; and
- e) whether the development cost charges under this Bylaw will deter development, discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or discourage development designed to result in a low environmental impact in the Participating Municipalities.

NOW THEREFORE the Board of the Comox Valley Regional District, in open meeting assembled, enacts as follows:

PART 1 - CITATION

1. This bylaw may be cited as the “Comox Valley Sewerage Service Development Cost Charges Bylaw No. 572, 2019”.

PART 2 - SCHEDULE

2. The following Schedule is attached to and forms an integral part of this Bylaw:

- a) Schedule "A" – Development Cost Charge Calculation.

PART 3 – DEFINITIONS

3. In this Bylaw the following words have the following meanings:

- a) "Building permit" means a permit issued by a Participating Municipality authorizing the construction, alteration or extension of a building or structure;
- b) "Carriage house" has the same meaning as under the City of Courtenay Zoning Bylaw No. 2500, 2007, as amended or replaced from time to time;
- c) "Coach house" has the same meaning as under the Town of Comox Zoning Bylaw 1850, as amended or replaced from time to time;
- d) "Commercial" means a building or structure intended to accommodate a commercial use such as, but not limited to, service commercial, office commercial, or other commercial use as permitted under the authority of the zoning bylaw of the Participating Municipality, as applicable to the land where the development is located;
- e) "Comprehensive development" means any development that includes two or more residential uses, non-residential uses or a combination of residential and non-residential uses;
- f) "Congregate care facility" means a building containing four or more sleeping units providing permanent residential accommodation and living facilities intended for persons age fifty-five (55) or older which has a common living area, common kitchen and dining area where meals are provided, housekeeping, and a common area where health care, skilled nursing, cultural, social and other services may be provided through a central management structure or service;
- g) "Dwelling unit" means a self-contained residential unit consisting of one or more habitable rooms designed, occupied or intended for occupancy as a separate household of only one person or family with a separate entrance and sleeping, sanitary and cooking facilities;
- h) "Gross floor area" means the sum total of the gross horizontal area of each floor of a building or structure as measured from the inside surface of the outermost exterior walls;
- i) "Industrial / utility" means a building intended to house an industrial operation or utility such as, but not limited to light, domestic, or heavy industrial use, manufacturing, warehouses, mini-storage, minor repair, fabrication, fuel storage, electrical power, natural gas, telephone, cablevision systems, and similar utility use, supply, storage, distribution, utility service building, and plant facilities, as permitted under the authority of the zoning bylaw of the Participating Municipality, as applicable to the land where the development is located;

- j) "Institutional" means a building or structure intended to accommodate an institutional use such as, but not limited to government use, hall, library, recreational, public or private schools, colleges, universities, hospitals and private care facilities, or other institutional use as permitted under the authority of the zoning bylaw of the Participating Municipality, as applicable to the land where the development is located;
- k) "Multi-family residential" means a building or series of buildings containing two or more separate dwelling units (other than a secondary suite) used or intended for residential use on a single parcel;
- l) "Regional District" means the Comox Valley Regional District;
- m) "Secondary suite" means a self-contained dwelling unit of less than 90 m² or 40% of the habitable floor space of the main dwelling unit, whichever is less, which is located within a single family residential building, and is accessory to the principal use being made of the lot upon which the secondary suite is located, with a separate entrance and exit, and with the following water efficient features:
 - a. high efficiency appliances;
 - b. low flow faucets and shower heads;
 - c. a maximum of one bath or shower unit per suite;
 - d. a maximum of one toilet per suite, which must be a low-flush toilet (4.8 liters per flush or less); and
 - e. a meter-ready water connection for the lot on which the secondary suite is situated;
- n) "Single family residential" means a detached free standing building or manufactured home containing one dwelling unit that is used or intended for residential use, but excludes a recreational vehicle or tent;
- o) "Single family residential second dwelling" means a second detached, free-standing building or manufactured home containing one dwelling unit used or intended for residential use that is in addition to the first single family residential building or mobile home on the property, and for certainty includes a coach house or carriage house, but excludes a recreational vehicle or tent;
- p) "Sleeping unit" means, in reference to a congregate care facility, a private or semi-private living area containing a bed provided for the use of a resident of the facility;
- q) "Structure" means a construction of any kind, whether fixed to, supported by or sunk into land or water; and
- r) "Subdivision" means a subdivision of land under the *Land Title Act* or the *Strata Property Act*.

PART 4 - APPLICATION

4. This Bylaw applies to all applications for subdivision or issuance of a building permit for parcels of land located within the Participating Municipalities.

PART 5 - DEVELOPMENT COST CHARGE PAYABLE

5. A person who obtains a building permit or approval of a subdivision within a Participating Municipality must pay the applicable development cost charge under this Bylaw to the Participating Municipality, at the time of the issuance of the building permit or approval of the subdivision.

PART 6 - CALCULATION OF DEVELOPMENT COST CHARGE

6. Development cost charges imposed under this Bylaw shall be calculated in accordance with the rates prescribed in Schedule "A", and as provided in sections 7 to 9.
7. Development cost charges payable upon approval of subdivision for single family residential use shall be calculated by multiplying the development cost charge prescribed in Schedule "A" by the number of parcels being created.
8. Development cost charges payable upon issuance of a building permit shall be calculated by multiplying, as applicable:
 - a) for a single family residential second dwelling, the number of dwelling units by the per unit development cost charge specified in Column 3 of the table in Schedule "A";
 - b) for a building to be used for a commercial or institutional use, the gross floor area of the building to be constructed by the development cost charge specified in Column 3 of the table in Schedule "A";
 - c) for a multi-family residential building, the number of dwelling units by the per unit development cost charge specified in Column 3 of the table in Schedule "A";
 - d) for a congregate care facility, the number of sleeping units in the facility by the development cost charge specified in Column 3 of the table in Schedule "A"; and
 - e) for a building to be used for an industrial / utility use, the gross floor area of the building to be constructed by the development cost charge specified in Column 3 of the table in Schedule "A".
9. Where land is to be developed for a comprehensive development, the development cost charge shall be calculated separately for each use within the development and the total charge to be paid shall be the sum of the development cost charges for all uses in the development.

PART 7 – COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES

10. Each Participating Municipality shall collect the development cost charge imposed under this Bylaw at the applicable time set out in Schedule "A".
11. Where a development cost charge is collected by a Participating Municipality under this Bylaw, the Participating Municipality shall by the twentieth business day of the following month:
 - a) remit to the Regional District the development cost charges imposed and collected under this Bylaw; and
 - b) provide the Regional District with an accounting of the source and amount of the development cost charge.

PART 8 - EXCEPTIONS AND EXEMPTIONS

12. A development cost charge is not payable if any of the following apply in relation to a development authorized by a building permit:
 - a) the 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 the *Community Charter* as a place of public worship;
 - b) the permit authorizes the construction, alteration or extension of a building or part of a building, other than a single family residential second dwelling on the property, that will, after the construction, alteration or extension, contain fewer than two self-contained dwelling units and be put to no other use than residential use in that dwelling unit, pursuant to section 561(6) of the *Local Government Act*;
 - c) the value of the work authorized by the permit does not exceed \$50,000;
 - d) the permit authorizes the construction, alteration or extension of self-contained dwelling units in a building if each unit is no larger in area than 29 square metres and each unit is to be put to no other use other than the residential use in those dwelling units;
 - e) the permit authorizes the construction, alteration, or extension of a secondary suite, which is hereby established under section 563 of the *Local Government Act* as an eligible form of "for profit affordable rental housing"; or
 - f) if a development cost charge for the Comox Valley Sewerage System was previously paid for the same development, unless as a result of further development, new capital cost burdens will be imposed on the Regional District.

PART 9 - SEVERABILITY

13. If any part of this bylaw is determined to be invalid by a court of competent jurisdiction, that part of the bylaw may be severed from the remainder of the bylaw and this shall not affect the validity of the remainder of the bylaw.

Corporate Legislative Officer

Schedule 'A'
Comox Valley Sewerage System Development Cost Charges Bylaw No. 572

Calculation of Development Cost Charges Payable

Type of Development	Upon Subdivision Approval	Upon Issue of Building Permit
Single family residential	\$6,941 per building lot being created	Not applicable
Single family residential second dwelling	Not applicable	\$6,941 per unit
Multi-family residential	Not applicable	\$5,687 per dwelling unit
Congregate care facility	Not applicable	\$3,062 per sleeping unit
Commercial	Not applicable	\$24.50 per square metre of gross floor area
Institutional	Not applicable	\$26.80 per square metre of gross floor area
Industrial / utility	Not applicable	\$21.14 per square metre of gross floor area