

**DATE:** May 6, 2021

**FILE:** 5600-01/BCOB

**TO:** Chair and Directors  
Black Creek - Oyster Bay Services Committee

Supported by Russell Dyson  
Chief Administrative Officer

**FROM:** Russell Dyson  
Chief Administrative Officer

***R. Dyson***

**RE: Black Creek - Oyster Bay Water Local Service Area Development and Capital Improvement Charge Bylaw Amendment**

---

### **Purpose**

To amend the Black Creek - Oyster Bay (BCOB) Water Local Service Area (WLSA) Development Cost Charge (DCC) and Capital Improvement Cost Charge (CICC) bylaw to include campsites as a type of development.

### **Recommendations from the Chief Administrative Officer:**

1. THAT Bylaw No. 2392 being the “Black Creek/Oyster Bay Water Local Service Area Development Cost Charge Bylaw 2001” be amended to include campsites as a form of development as per the redline version attached as Appendix A to staff report dated May 6, 2021.
2. THAT Bylaw No. 2462 being “Black Creek - Oyster Bay Water Local Service Area Capital Improvement Charge Bylaw No. 2462, 2002” be amended to include campsites as a form of development as per the redline version attached as Appendix B to the staff report dated May 6, 2021.

### **Executive Summary**

- Following the March 8, 2021 BCOB services committee meeting a virtual open house was held on May 4, 2021, presenting the proposed amendments to the DCC and CICC bylaws along with providing a general update on the service. Feedback at the event was generally positive with a number of questions being asked in regard to the current DCC project list.
- Following the February 8, 2021 BCOB services committee meeting, Comox Valley Regional District staff obtained a legal review on the terminology and interpretation of campsites within the bylaw and updated accordingly, including adding the definition of a structure to the bylaw.
- The BCOB DCC and CICC bylaws are currently written so that different types of development, i.e. residential and commercial, are required to pay the associated DCCs and CICC on a per unit basis.
- Also defined as a type of development within the bylaw are tourist accommodation; however, within the definition of tourist accommodation unit, campsites are not clearly articulated.
- The purpose of the bylaws are to recover from developers a portion of the capital improvements required to provide the service to additional customers following a development or expansion in the BCOB WLSA.
- Campgrounds typically consume higher volumes of water in summer months when water scarcity can be a concern. However, most campsites are not serviced in the same way as a

residential property and as such the development of a fair equivalent per unit charge is needed.

- To ensure that the capital costs associated with providing additional capacity for campgrounds are captured, staff are recommending an amendment to both the DCC and CICC bylaws to include a new definition for campsites and an equivalent per unit charge.
- The current per unit charge for a single family residential dwelling and tourist accommodation unit is \$6,058 per unit. In comparing the maximum day water demands for the various type of development uses and associated charges, and researching what other Vancouver Island jurisdictions have in place, staff propose an equivalent per campsite DCC/CICC rate of \$1,414 per campsite.
- The rate for campsites was developed focusing on maximum day demand as water infrastructure is sized to handle the peak flows the system experiences. These peak flows typically occur in summer months, therefore the distinction between longer term campsites facilities where winter stays may occur does not impact the DCC rates developed as the maximum day demand is the driver of the rate.
- Attached as Appendix A and B to this report are the redline drafts of the both bylaws with the proposed changes, incorporating the recommended changes following the legal review. The DCC bylaw will require inspector of municipality approval.

Prepared by:

Concurrence:

Concurrence:

***K. La Rose***

***M. Rutten***

---

Zoe Berkey, EIT  
Engineering Analyst

---

Kris La Rose, P.Eng  
Senior Manager of  
Water/Wastewater Services

---

Marc Rutten, P.Eng  
General Manager of  
Engineering Services

**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

Strathcona Regional District	✓
------------------------------	---

Attachments: Appendix A – Redline Draft of Bylaw No. 2392  
Appendix B – Redline Draft of Bylaw No. 2462



**Black Creek – Oyster  
Bay Water  
Development Cost  
Charge Bylaw**

The following is a consolidated copy of the Black Creek – Oyster Bay water service development cost charge bylaw and includes the following bylaws:

<b>Bylaw No.</b>	<b>Bylaw Name</b>	<b>Adopted</b>	<b>Purpose</b>
2392	Black Creek/Oyster Bay Water Local Service Area Development Cost Charges Bylaw 2001	March 25, 2002	To impose development cost charges for the Black Creek/Oyster Bay water local service area
2461	Black Creek/Oyster Bay Water Local Service Area Development Cost Charges Bylaw 2001, Amendment Bylaw No. 1, 2002	January 27, 2003	To amend the development cost charge bylaw for the Black Creek/Oyster Bay water local service area
63	Black Creek/Oyster Bay Water Local Service Area Development Cost Charges Bylaw 2001, Amendment No. 2	November 23, 2010	To replace Schedule A, definition of service area and section 2
	<u>Black Creek/Oyster Bay Water Local Service Area Development Cost Charges Bylaw 2001, Amendment No. 3</u>		<u>To include the definition of a campsite and associated charges.</u>

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**

**COMOX VALLEY REGIONAL DISTRICT**

**BYLAW NO. 2392**

**A Bylaw to Impose Development Cost Charges for the Black Creek/Oyster Bay  
Water Local Service Area**

**WHEREAS** under Section 933(9) of the Local Government Act, where a Board has the responsibility of providing a service in a participating municipality, the Board may, by bylaw, under section 933(1) impose a development cost charge;

**AND WHEREAS** Bylaw No. 1557 being "Black Creek/Oyster Bay Water Local Service Area Conversion and Establishment Bylaw, 1993" was adopted by the Regional District Board on the 30<sup>th</sup> day of January 1995;

**AND WHEREAS** the development cost charges imposed by this Bylaw are for the purpose of providing funds to assist the Regional District to pay the capital cost of providing, altering or expanding water facilities to service directly or indirectly, development in respect of which the charges are imposed;

**AND WHEREAS** the Regional District is authorized to construct the facilities for which development cost charges are imposed under this Bylaw;

**AND WHEREAS** the Board of the Regional District has taken into consideration:

- a) future land use patterns and development; and
- b) the phasing of waterworks and services

in the Local Service Area;

**AND WHEREAS** the Board of the Regional District considers that the development cost charges imposed by this Bylaw:

- a) are not excessive in relation to the capital cost of prevailing standards of service; and
- b) will not deter development; and
- c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land

in the Local Service Area;

**AND WHEREAS** this Bylaw requires the approval of the Inspector of Municipalities prior to adoption;

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

1. Definitions:

**"Dwelling, Single Family"** means a detached building or mobile home containing one dwelling unit used or intended for residential use.

**"Dwelling Unit"** means a self-contained unit consisting of one or more rooms designed occupied or intended for occupancy as a separate household with sleeping, sanitary and cooking facilities.

#63

**"Service Area"** means that part of that part of Electoral Area 'C' (Puntledge – Black Creek) of the Comox Valley Regional District and Electoral Area 'D' (Oyster Bay – Buttle Lake) of the Strathcona Regional District located within the local service area created under Bylaw No. 1557 being "Black Creek/Oyster Bay Water Local Service Area Conversion and Establishment Bylaw, 1993" as amended from time to time.

"Structure" includes on-site sewage disposal infrastructure, potable water infrastructure, washroom and shower facilities, administrative offices, maintenance and storage facilities, and other structures that support the development or expansion of a Campground.

**"Tourist Accommodation"** means a use providing for the temporary accommodation of the travelling public.

**"Tourist Accommodation Unit"** means a self-contained unit constructed in a building consisting of one or more rooms used or intended for a tourist accommodation use.

"Campground" means the use of land for providing the temporary accommodation of persons for vacation or recreational purposes in Recreational Vehicles or tents; but excludes Mobile Home Parks or hotels

"Camping Space" means a defined area in a Campground intended for the temporary occupation of one Recreational Vehicle or one or more tents.

2. This Bylaw applies to subdivisions and development in the Service Area.

3. Every person who obtains, in the local service area:

a) an approval of the subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act*, or;

b) A building permit, whose value of the work authorized by the permit exceeds fifty thousand dollars (\$50,000), authorizing the construction, alteration or extension of a building or structure that will be put to a use other than a residential use;

b)c) A building permit, whose value of the work authorized by the permit exceeds fifty thousand dollars (\$50,000), authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension

- 1) Contain two or more self contained dwelling units; and
- 2) Be put to no other use than the residential use in those dwelling units;

shall pay the applicable development cost charges as set out in schedule 'A' to the Comox Valley Regional District at the time of approval of the subdivision or the issuance of a building permit, whichever the case may be.

4. Bylaw No. 440 being "Black Creek/Oyster Bay Specified Area Development Cost Charge Bylaw, 1980" is hereby repealed.

#63

5. This Bylaw may be cited for all purposes as "Black Creek/Oyster Bay Water Local Service Area Development Cost Charges Bylaw 2001."

**Schedule 'A'**

#63

**Development cost charges payable under this bylaw are:**

<b>Type of Development</b>	<b>Upon Subdivision</b>	<b>Upon Issue of Building Permit</b>
Residential Dwelling, Single Family	\$6,058 per parcel created for one dwelling unit	Not applicable
Residential Dwelling, Single Family (duplex)	\$12,116 per parcel created for two dwelling units	Not applicable
Residential Dwelling, Single Family (triplex)	\$18,174 per parcel created for three dwelling units	Not applicable
Residential Dwelling, Single Family (fourplex)	\$24,232 per parcel created for four dwelling units	Not applicable
Residential Dwelling, Multi Family	\$6,058 per dwelling unit permitted to be constructed under zoning; or	\$6,058 per unit
Tourist Accommodation	Not applicable	\$6,058 per unit created
Commercial/Institutional (other than tourist commercial <u>or campground</u> )	Not applicable	\$6,058 per unit created
Industrial	Not applicable	\$6,058 per unit created
<u>Campground</u>	<u>Not applicable</u>	<u>\$1,414 per camping space located on the parcel</u>



Appendix B  
**BLACK CREEK/OYSTER BAY  
 WATER LOCAL SERVICE AREA  
 CAPITAL IMPROVEMENT  
 CHARGES**

The following is a consolidated copy of the Black Creek – Oyster Bay water local service area capital improvement charges bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
2462	Black Creek/Oyster Bay Water Local Service Area Capital Improvement Charge Bylaw No. 2462, 2002	August 26, 2002	To impose capital improvement charges to provide the service to additional customers or additional capacity for the Black Creek/Oyster Bay Water Local Service Area boundaries
64	Black Creek/Oyster Bay Water Local Service Area Capital Improvement Charge Bylaw No. 2462, 2002, Amendment No. 1	November 23, 2010	To replace Schedule ‘A’ – Definitions and capital improvement charges
613	Black Creek/Oyster Bay Water Local Service Area Capital Improvement Charge Bylaw No. 2462, 2002, Amendment No. 2	March 31, 2020	To amend the payment requirements for capital improvement charges
	<u>Black Creek/Oyster Bay Water Local Service Area Capital Improvement Charge Bylaw No. 2462, 2002, Amendment No. 3</u>		<u>To include the definition of a campsite and associated charges.</u>

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**



**COMOX VALLEY REGIONAL DISTRICT****BYLAW NO. 2462****A Bylaw to Impose Capital Improvement Charges  
for the Black Creek/Oyster Bay Water Local Service Area**

WHEREAS Bylaw No. 1557, being “Black Creek/Oyster Bay Water Local Service Area Conversion and Establishment Bylaw, 1993” was adopted by the Regional District on the 30th day of January 1995 which established the Black Creek/Oyster Bay Water Local Service;

AND WHEREAS Bylaw No. 2392, being “Black Creek/Oyster Bay Water Local Service Area Development Cost Charges, 2001” imposed development cost charges on the Local Service Area for the purpose of providing funds to assist the Regional District to pay the capital costs of providing, altering or expanding water facilities to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS Section 363 of the Local Government Act, made applicable to regional districts by way of Section 797.2, authorizes a board to, by bylaw, impose a fee or charge in respect of all or part of a service of the Regional District;

AND WHEREAS capital improvements will be required to provide the service to additional customers or additional capacity purchased if an expansion of the Black Creek/Oyster Bay Water Local Service Area boundaries occurs and therefore the Board desires to impose a capital improvement charge on each parcel added to the Black Creek/Oyster Bay Water Local Service Area under a boundary expansion in an amount equivalent to the development cost charges;

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

1. The owner of any parcel of land proposed to be added to the Black Creek/Oyster Bay Water Local Service Area (“the Service Area”) subsequent to the enactment of this bylaw must pay to the Regional District the applicable charge set out in Schedule “A” to this bylaw for the service.
2. The charge imposed under Section 1 must be paid to the Regional District prior to the adoption of a bylaw amending the boundaries of the service area.
3. As an exception to Section 2, the regional district may amortize the applicable charge set out in Schedule ‘A’ to this bylaw over a ten (10) year period for those properties shown outlined in red on Schedule ‘B’.
4. This Bylaw may be cited for all purposes as **“Black Creek/Oyster Bay Water Local Service Area Capital Improvement Charge Bylaw No. 2462, 2002.”**

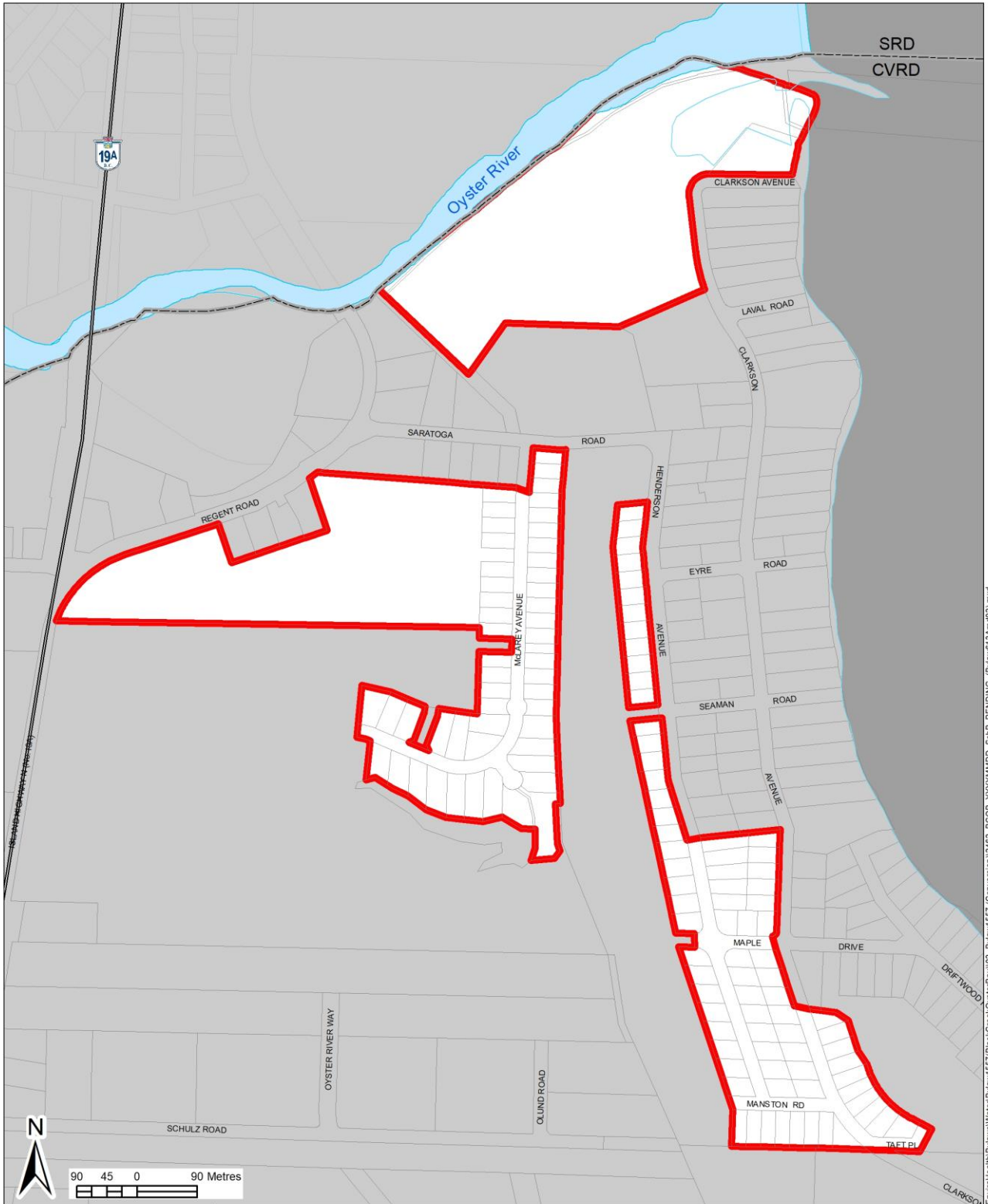
**REGIONAL DISTRICT OF COMOX-STRATHCONA****BYLAW NO. 2462****"Black Creek/Oyster Bay Water Local Service Area  
Capital Improvement Charge Bylaw No. 2462, 2002"****Schedule 'A'****Part 1 – Definitions**

- a) **"Residential Dwelling, Single Family"** means a detached building or mobile home containing one dwelling unit used or intended for residential use.
- b) **"Dwelling Unit"** means a self-contained unit consisting of one or more rooms designed, occupied or intended for occupancy as a separate household with sleeping, sanitary and cooking facilities.
- c) **"Structure"** includes on-site sewage disposal infrastructure, potable water infrastructure, washroom and shower facilities, administrative offices, maintenance and storage facilities, and other structures that support the development or expansion of a Campground.
- b)d) **"Tourist Accommodation"** means a use providing for the temporary accommodation of the travelling public.
- e) **"Tourist Accommodation Unit"** means a self-contained unit constructed in a building consisting of one or more rooms used or intended for a tourist accommodation use.
- f) **"Campground"** means the use of land for providing the temporary accommodation of persons for vacation or recreational purposes in Recreational Vehicles or tents; but excludes Mobile Home Parks or hotels
- g) **"Camping Space"** means a defined in a Campground intended for the temporary occupation of one Recreational Vehicle or one or more tents.

**Part 2 - Capital improvement charges payable under this bylaw**

<b>Type of Development</b>	<b>Charges Payable</b>
a) Residential Dwelling, Single Family	\$6,058 per parcel on which is located one dwelling unit
b) Residential Dwelling, Single Family (duplex)	\$6,080 per parcel on which is located two dwelling units
c) Residential Dwelling, Single Family (triplex)	\$18,174 per parcel on which is located three dwelling units
d) Residential Dwelling, Single Family (fourplex)	\$24,232 per parcel on which is located four dwelling units
e) Tourist Accommodation	\$6,058 per tourist accommodation unit located on the parcel or that may be constructed on the parcel
f) Commercial/Institutional (other than tourist commercial <u>or campground</u> )	\$6,058 per unit located on the parcel or that may be constructed on the parcel
g) Industrial	\$6,058 per unit located on the parcel or that may be constructed on the parcel.
<u>h) Campground</u>	<u>\$1,414 per camping space located on the parcel</u>

### Schedule 'B'



**Schedule "B"**  
Bylaw No. 2462 being "Black Creek/Oyster Bay Water Local Service Area  
Capital Improvement Charge Bylaw No. 2462, 2002"

Path: R:\Services\190\_EnviroHealth\Bylaws\Water\Bylaw 1557\BlackCreek\OysterBay\102\_Bylaw 1557 (Conversion)\2462\_ECOB\_YYYYMMDD\_SchE\_PENDING\_(Bylaw613amd02).mxd