

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW NO. 1390

To impose Development Cost Charges within Designated Area No. 2 described in the Regional District of North Okanagan's Supplementary Letter Patent dated March 31st, 1976 granting the function of Division XXVI - Community Parks and Recreation Programs and Facilities

WHEREAS pursuant to the provisions of Section 983 of the *Municipal Act*, the Regional Board may, by-law, impose development cost charges for that area of the Regional District including participating municipalities;

AND WHEREAS by Supplementary Letters Patent dated October 1st, 1981 amending the function of Division XXVI - Community Parks and Recreation Programmes and Facilities, the Regional District was authorized to exercise the powers of Section 983 of the *Municipal Act* in the member municipalities, for the purposes of the said function;

AND WHEREAS the Development Cost Charges may be imposed for the sole purpose of providing funds to assist the Regional District in paying the capital cost of providing and developing park land in order to serve, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS in the opinion of the Board, the charges imposed by the By-law are:

- (a) related to capital costs attributable to projects included in the capital expenditure by-law of the Regional District;

AND WHEREAS in the consideration of the Board, the charges imposed by the By-law:

- (a) are not excessive in relation 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;

AND WHEREAS the Board has considered and has made provision herein for circumstances in which the Regional District or member municipality has previously imposed requirements with respect to a subdivision or development for the preservation, dedication, or provision of public open space under a Land Use Contract, Development Permit, or pursuant to the provisions of Section 983 of the *Municipal Act*;

NOW THEREFORE THE REGIONAL BOARD of the Regional District of North Okanagan in open meeting assembled enacts as follows:

DEFINITIONS

1. In this By-law and the recitals and schedules hereto:

"dedicate" means to convey a lot to the District, Her Majesty the Queen in right of the Province of British Columbia, the Village of Lumby, or the District of Coldstream, and includes the vesting ownership in a parcel of land in Her Majesty the Queen in right of the Province of British Columbia by deposit of a subdivision at a Land Title Office.

"Developer" means a person upon whom Development Cost Charges are or may be imposed under the provisions of the By-law.

"development" means the construction or alteration or the proposed construction or alteration of one (1) or more buildings or structures for which a building permit is issued for the creation of four (4) or more dwelling units, and includes a subdivision.

"Development Permit" means a Development Permit issued by the Regional District, the Village of Lumby, or the District of Coldstream pursuant to the provisions of the *Municipal Act*.

"District" means the Regional District of North Okanagan.

"dwelling unit" means one (1) or more rooms constituting a self-contained unit for residential use (such as an apartment unit) and includes a dwelling house.

"lot" means a parcel of land or strata lot that will be created by a subdivision when the subdivision is registered under the provisions of the *Land Title Act* or the *Condominium Act*.

"provide" means to reserve or set aside, but does not include dedicate.

"residential use" means a use providing for the accommodation and home life of one (1) or more people.

"subdivision" means the division of land or buildings or both into two (2) or more lots under the provisions of the *Land Title Act* or the *Condominium Act*.

"Zoning By-law" means the District's or member municipality's Zoning By-law, as amended from time to time and includes such other By-laws adopted by the district or member municipality from time to time in substitution or replacement thereof.

DEVELOPMENT COST CHARGES

- 2. Every person who obtains:
 - a. approval of a subdivision under the *Land Title Act* or the *Condominium Act*, or
 - b. a Building Permit authorizing the construction, alteration, or extension of buildings or structures for the purpose of the construction of four (4) or more self-contained dwelling units,

shall pay to the District, prior to approval to the subdivision or the issue of the Building Permit, the applicable Development cost Charges as set out in Schedule "A" hereto.

- 3. Notwithstanding the provisions of Sections 2. of the Bylaw, no Development Cost Charges shall be required to be paid by a Developer:
 - a. if a Development cost Charge has previously been paid for the same development unless as a result of further subdivision of development, new capital cost burdens will be imposed on the District, or
 - b. where a subdivision or development does not impose new capital cost burdens on the District, or
 - c. where a Building Permit authorizes construction, alteration, or extension of a building or part of it that is, or will after the construction, alteration, or extension be exempt from taxes under Section 398(h) of the *Municipal Act*.
- 4. This Bylaw shall apply and be in force and effect upon adoption thereof in designated Are No. 2 described in Supplementary Letters Patent dated March 31st, 1976, as amended, granting the function of division XXVI - Community Parks and Recreational Programmes and Facilities to the Regional District of North Okanagan.
- 5. This Bylaw may be cited for all purposes as the "*White Valley Parks and Recreation District Development Cost Charge Bylaw No. 1390, 1996*".

READ A FIRST, SECOND AND THIRD TIME this 9th day of October, 1996

Approved by the Inspector of Municipalities this 12 day of Dec., 1996

RECONSIDERED, FINALLY PASSED AND ADOPTED this 8 day of Jan., 1996

[Signature]
Chairperson

[Signature]
Secretary

I hereby certify that this is a true and correct copy of White Valley Parks and Recreation District Development Cost Charge Bylaw No. 1390, 1996

[Signature]
Secretary

REGIONAL DISTRICT OF NORTH OKANAGAN

Schedule "A" to accompany the "White Valley Parks
and Recreation District Development Cost
Charge By-law No. 1390, 1996."

DEVELOPMENT COST CHARGES FOR THE PROVISION OF PARK SPACE

1. SUBDIVISION (Section 2.a. of this By-law)

The Developer shall pay to the District, Development Cost Charges calculated by multiplying the sum of \$500.00 by the total aggregate number of dwelling units permitted on all of the lots within the subdivision pursuant to the density regulations of the Zoning By-law applicable to the lots within the subdivision, except that:

- a. where a lot is large enough to permit four (4) or more dwelling units, the Developer shall not be required to pay Development Cost Charges in excess of \$500.00 for that lot; and
- b. where a lot lies within any of the rural zones created by the Zoning By-law, the Developer shall not be required to pay Development Cost Charges in excess of \$500.00 for that lot.

2. DEVELOPMENT (Section 2.b. of this By-law)

The Developer shall pay to the District, Development Cost Charges calculated by multiplying the sum of \$500.00 by the total number of dwelling units, in excess of three (3), that will be permitted to be constructed under the Building Permit upon issue thereof.