

**TOWN OF LAKE COWICHAN
BYLAW NO. 1078-2022**

A bylaw to impose Development Cost Charges

WHEREAS pursuant to the *Local Government Act*, the Council of the Town of Lake Cowichan may, by bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist the municipality in paying the capital costs of providing, constructing, altering, or expanding sanitary sewer, water, drainage and roads facilities, and providing and improving park land to service directly or indirectly, the development for which the charges are imposed;

AND WHEREAS the Council of the Town of Lake Cowichan 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 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 in the municipality; and
- (d) will not discourage development designed to result in a low environmental impact in the municipality;

AND WHEREAS Council has considered the charges imposed by this bylaw in relation to future land use patterns and development, the phasing of works and services and the provision of park land described in the Official Community Plan, and how development designed to result in a low environmental impact may affect the capital costs of sanitary sewer, water, drainage, and roads, and providing and improving park land;

AND WHEREAS in the opinion of the Council, the charges imposed by this Bylaw are related to capital costs attributable to projects included in the municipality's financial plan and long-term capital plans, and to capital projects consistent with the Official Community Plan.

NOW THEREFORE, the Council of the Town of Lake Cowichan, in open meeting assembled, enacts as follows:



1. DEFINITIONS AND INTERPRETATION

1.1 For the purposes of this bylaw, the definitions of words or phrases that are not included in this section shall have the meaning assigned to them in the Zoning Bylaw.

1.2 In this bylaw

BUILDING means any structure that is greater than ten (10) square metres used or intended for supporting or sheltering any use or occupancy.

BUILDING PERMIT means any permit required by the Town that authorizes the construction, alteration or extension of a building or structure.

COMMERCIAL means a commercial development in a commercial zone listed in the Zoning Bylaw or a similar development in another zone permitted in accordance with the Zoning Bylaw, in which the predominant use, as determined by its purpose and list of permitted uses, is of a commercial nature.

CONSTRUCTION includes building, erection, installation, repair, alteration, addition, enlargement, moving, locating, relocating, reconstruction, demolition, removal, excavation, or shoring.

DEVELOPMENT means the construction, alteration, or extension of buildings and/or structures for any use authorized by the zoning bylaw that requires the issuance of a building permit but does not include internal alterations of a building and/or structure where the principal use of the building and/or structure, or part thereof, is not changing.

DWELLING means a self-contained set of habitable rooms located in a principal building containing a set of cooking facilities and which may contain sleeping, sanitary and recreation facilities.

GROSS FLOOR AREA (GFA) means the total floor area, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, veranda or sunroom unless such sunroom is habitable during all seasons of the year;

HIGH DENSITY RESIDENTIAL means development of a residential building which contains multiple Dwelling Units accessible via a common hallway or corridor and shared entrance facilities, includes apartment dwellings.

INDUSTRIAL means an industrial development in a zone listed in the Zoning Bylaw, or similar development in another zone 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.



INSTITUTION includes public recreation facilities, colleges, community halls, cemetery, court of law, municipal offices, community services, provincial or federal offices including a post office, school district offices, fire and ambulance stations, hospitals, library, childcare centre, police station, parks, playgrounds, public art gallery, public museum, school.

MEDIUM DENSITY RESIDENTIAL means residential development which includes townhouse, two unit dwellings, triplex, fourplex, mobile homes, and modular homes

PARCEL means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

SINGLE DETACHED DWELLING means a detached building containing one dwelling occupied or intended to be occupied as a single residence by a household, except where the zoning permits an accessory use where another dwelling can be contained within or above the other. Where specially permitted in the Zoning Bylaw, this use may contain one additional Dwelling Unit in the form of a secondary suite or accommodation unit;

STRUCTURE means any construction fixed to, supported by, or sunk into land or water but not concrete, asphalt or similar surfacing of a parcel;

SUBDIVISION means a subdivision as defined in the *Land Title Act* or *Strata Property Act*.

TOWN means the Town of Lake Cowichan;

ZONE means the zones identified and defined in the Town of Lake Cowichan Zoning Bylaw.

ZONING BYLAW means the Town of Lake Cowichan Zoning Bylaw in effect at the time of application of this bylaw.

2. DEVELOPMENT COST CHARGES

2.1 The Development Cost Charges set out in Schedule "A", attached hereto and forming part of this bylaw, are hereby imposed on every person who obtains:

- (a) approval of a Subdivision of land under the *Land Title Act* or the *Strata Property Act*, that results in two or more Parcels on which the Zoning Bylaw permits the construction of a Single Detached;
- (b) approval of a Building Permit authorizing the Construction of Medium Density Residential, High Density Residential, Commercial, Industrial, or Institutional;

and the development cost charge shall be paid prior to approval of a subdivision or issuance of a building permit, as the case may be.

2.2 For certainty, this bylaw imposes charges in respect of Building Permits authorizing the Construction, of buildings or structures that will, after the Construction, contain fewer than four Dwelling Units and for which the Dwelling Units in the building or structure will be put to no use other than residential use.



3. EXEMPTIONS

- 3.1 Despite any other provision of this bylaw, a development cost charge is not payable if **any of the following applies in relation to a development authorized by a Building Permit**:
- (a) the permit authorizes the Construction of a building or part of a building that is, or will be, after the Construction, exempt from taxation under section 220(1)(h) or 224(2)(f) of the *Community Charter*;
 - (b) the permit authorizes the Construction Dwelling Units in a building, the area of each Dwelling Unit is no larger than 29m², and each Dwelling Unit will be put to no other use than residential use;
 - (c) the value of the work authorized by the permit does not exceed \$50,000;
 - (d) a development cost charge has previously been paid for the development unless, as a result of further development, new capital cost burdens will be imposed on the municipality; or
 - (e) The *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

4. CALCULATION OF APPLICABLE CHARGES

- 4.1 The amount of development cost charges payable in relation to a particular development shall be calculated using the applicable charges set out in Schedules “A” of this bylaw.
- 4.2 Where a type of development is not specifically identified in Schedule “A” the amount of development cost charges to be paid to the Town shall be equal to the development cost charges that are payable for type of development that in the opinion of the Chief Administrative Officer imposes the most similar cost burden on the Town’s roads, sanitary sewer, water, stormwater, and park services.
- 4.3 The amount of development cost charges payable in relation to 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.

5. EFFECTIVE DATE

This Bylaw comes into effect on the date of adoption.



6. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw remains valid.

7. REPEAL

The Town of Lake Cowichan Development Cost Charges Bylaw No. 603-1994, and all amendments, is hereby repealed.

8. TITLE

Bylaw No. 1078-2022 may be cited as the Town of Lake Cowichan “Development Cost Charges Bylaw No. 1078-2022”.

READ A FIRST TIME on the 6th day of September 2022.

READ A SECOND TIME on the 6th day of September 2022.

READ A THIRD TIME on the 6th day of September 2022.

RECEIVED THE APPROVAL of the Inspector of Municipalities on the 9th day of December, 2022.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the _____ day of _____, 2022.

Tim McGonigle
Mayor

Joseph A. Fernandez
Corporate Officer



TOWN OF LAKE COWICHAN

SCHEDULE "A"

(attached to and forming part of Bylaw No. 1078-2022)

Table 1: DCC Rates

	Unit	Water	Sanitary Sewer	Roads	Parks	Stormwater
Single-Detached Residential	per dwelling unit	\$6,734.30	\$10,886.44	\$1,630.40	\$1,838.98	\$2,556
Medium Density Residential (Townhouse)	per dwelling unit	\$3,921.24	\$6,338.94	\$706.50	\$1,070.80	\$1,059.35
High Density Residential (Apartment)	per dwelling unit	\$2,898.30	\$4,685.30	\$529.88	\$791.46	\$483.62
Commercial	per m ² GFA	\$17.05	\$27.56	\$16.30	\$0.00	\$6.68
Industrial	per m ² GFA	\$13.64	\$22.05	\$13.59	\$0.00	\$7.83
Institutional	per m ² GFA	\$20.46	\$33.07	\$8.15	\$0.00	\$12.44

