



**Comox Valley Sewerage  
Service Development Cost  
Charges Bylaw No. 572,  
2019**

The following is a consolidated copy of the Comox Valley Sewerage Service Development Cost Charges Bylaw No. 572, 2019 and includes the following bylaws:

<b>Bylaw No.</b>	<b>Bylaw Name</b>	<b>Adopted</b>	<b>Purpose</b>
572	Comox Valley Sewerage Service Development Cost Charges Bylaw No. 572, 2019	April 30, 2019	To impose Development Cost Charges for the Comox Valley Sewerage System
866	Comox Valley Sewerage Service Development Cost Charges Bylaw No. 572, 2019	December 9, 2025	To amend the Development Cost Charges for the Comox Valley Sewerage System

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. 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. 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") and those portions of Electoral Area A (Baynes Sound – Denman/Hornby Islands) as identified in Schedule A of the Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003, collectively forming the "Participating Areas" 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 Areas.

**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 Area authorizing the construction, alteration or extension of a building or structure;
  - b) "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 Area, as applicable to the land where the development is located;
  - c) "Comprehensive Development" means any development that includes two or more residential uses, non-residential uses or a combination of residential and non-residential uses;

- d) "Construction" includes building, erection, installation, repair, alteration, addition, enlargement, moving, relocating, reconstruction, demolition, removal, excavation, or shoring requiring a Building Permit.
- e) "Detached Accessory Dwelling Unit" means a self-contained Dwelling Unit which contains sleeping facilities, sanitary facilities, and cooking facilities that is detached from and clearly accessory to a One-Unit Dwelling or Two-Unit Dwelling and includes coach houses, carriage houses, or laneway houses, and may be situated above a detached garage.
- f) "Development" means Construction that requires the issuance of a Building Permit or Subdivision.
- g) "Dwelling, Multiple-Unit" means a principal building consisting of three (3) or more Dwelling Units.
- h) "Dwelling, One-Unit" means a principal building used exclusively for residential purposes and consisting of one (1) dwelling unit and may include a fully enclosed Secondary Suite as an independent Dwelling Unit located within the principal building.
- i) "Dwelling, Two-Unit" means a principal building used exclusively for residential purposes and consisting of two (2) principal dwelling units, and each principal dwelling unit in a Two-Unit Dwelling may include one fully enclosed Secondary Suite as an independent dwelling unit located within the principal building.
- j) "Dwelling unit" means a room, a suite of rooms or a building or structure that is used or intended to be used as a self-contained private residence for one (1) household that may contain eating, living, sleeping and sanitary facilities.
- k) "Gross floor area" or "GFA" means the sum of the total floor area on a lot of each storey in each building measured to the outside face of the exterior walls; excludes the areas of canopies, sundecks, outside stairs, concealed parking, separate and attached carports and garages.

- 
- l) "High Density Residential" means a Multiple-Unit Dwelling with self-contained Dwelling Units accessed through a common hallway, one or more of which are wholly or partly above another self-contained Dwelling Unit. For the purpose of calculating development cost charges, High Density Residential also includes a Detached Accessory Dwelling Unit except for one Detached Accessory Dwelling Unit associated with a One-Unit Building.
  - m) "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 Area, as applicable to the land where the development is located.
  - n) "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 Area, as applicable to the land where the development is located;
  - o) "Lot" means any lot, parcel, block, or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata lot under the *Strata Property Act*.
  - p) "Low Density Residential" means a One-Unit Dwelling, One-Unit Dwelling plus one Detached Accessory Dwelling Unit or a mobile home.
  - q) "Medium Density Residential" means a Two-Unit Dwelling or Multiple-Unit Dwelling with self-contained Dwelling Units accessible through separate, ground-oriented entrances. Forms of development include duplexes, townhouses, triplexes, fourplexes, mobile home parks.
  - r) "Mobile home" means a factory built manufactured home that conforms to the Canadian Standards Association's Z240 MH standard, but excludes recreational vehicles.

- s) "Mobile home park" means a lot used for the accommodation of two or more mobile homes
- t) "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.
- u) "Participating Areas" means the City of Courtenay and the Town of Comox and those portions of Electoral Area A (Baynes Sound – Denman/Hornby Islands) as identified in Schedule A of the *Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003*
- v) "Participating Municipalities" means the City of Courtenay and the Town of Comox
- w) "Regional District" means the Comox Valley Regional District;
- x) "Secondary suite" means a self-contained Dwelling Unit which contains sleeping facilities, sanitary facilities, and cooking facilities that is smaller than, secondary to, and connected to a primary Dwelling Unit located within a principal building on the same lot. For the purposes of this bylaw a secondary suite is deemed not to be a separate Dwelling Unit from the primary Dwelling Unit.
- y) "Structure" means a construction of any kind, whether fixed to, supported by or sunk into land or water, excluding asphalt or concrete paving or similar surfacing of a parcel; and
- z) "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 Areas.

#### **PART 5 - DEVELOPMENT COST CHARGE PAYABLE**

5. A person who obtains a building permit or approval of a subdivision within a Participating Area must pay the applicable development cost charge under this

bylaw to the Participating Area, at the time of the issuance of the building permit or approval of the subdivision.

6. 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.

## **PART 6 - CALCULATION OF DEVELOPMENT COST CHARGE**

7. Development cost charges imposed under this bylaw shall be calculated in accordance with the rates prescribed in Schedule A.
8. The amount of development cost charges payable in relation to a comprehensive development shall be calculated separately for each portion of the development, in accordance with Schedule A, based on the mix of uses included in the building permit application and the total development cost charges payable shall be the sum of the charges payable for each type.
9. Where a type of development is not specifically identified in Schedule A, the amount of development cost charges to be paid to the Regional District shall be equal to the development cost charges that are payable for the type of development that in the opinion of the Senior Manager of Water/ Wastewater Services imposes the most similar cost burden on the Comox Valley Sewerage Service.

## **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 value of the work authorized by the permit does not exceed \$75,000;
  - c) 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;
  - d) the development does not impose new capital cost burdens on the Regional District;
  - e) 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.
  - f) The *Local Government Act* or any regulations thereunder provide that no development cost charge is payable.

## **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.

**PART 10 - EFFECTIVE DATE AND REPEAL**

14. This bylaw comes into full force and effect upon adoption.

15. *Comox Valley Sewerage System Development Cost Charges Bylaw No. 2445, 2002* is hereby repealed.

### Schedule A

#### Comox Valley Sewerage System Development Cost Charges Bylaw No. 572

BC Regulation 130/2010 *Development Cost Charge Amendment Bylaw Approval Exemption Regulation* allows for indexing of DCC rates annually to reflect inflation, changes to rates may occur annually up to a period of four years beginning in 2026.

#### Calculation of Development Cost Charges Payable

Type of Development	Upon Subdivision Approval	Upon Issue of Building Permit
Low Density Residential	\$18,092 per dwelling unit/lot	Not applicable
Medium Density Residential	Not applicable	\$9,854 per dwelling unit
High Density Residential	Not applicable	\$88.82 per square metre of gross floor area
Commercial	Not applicable	\$37.70 per square metre of gross floor area
Institutional	Not applicable	\$37.70 per square metre of gross floor area
Industrial / utility	Not applicable	\$24.23 per square metre of gross floor area