

*This Bylaw has been consolidated for
Convenience only and includes all
Amendments to the text up to:
May 18, 2017*

BYLAW NO. 1804

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1804, 1997

**A bylaw to establish development cost charges for a portion of the Naramata Water System
in Electoral Area "E" of the Regional District of Okanagan-Similkameen**

WHEREAS, pursuant to Section 933(1) of the *Local Government Act, R.S.B.C. 1996, Chapter 323*, a local government may, by bylaw, impose development costs charges on every person who obtains approval of a subdivision or who obtains a building permit authorizing the construction, alteration or extension of a building or structure;

AND WHEREAS pursuant to Section 933(2) of the *Local Government Act*, development cost charges may be imposed for the purpose of providing funds to assist the local government to pay the capital costs of providing, constructing, altering or expanding water facilities to service, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS pursuant to Section 933(3) of the *Local Government Act*, a development cost charge is not payable if:

- a) the development does not impose new capital cost burdens on the regional district; or
- b) a development cost charge has previously been paid for the same development unless, as a result of further development, new capital costs burdens will be imposed on the regional district.

AND WHEREAS pursuant to Section 933(4) of the *Local Government Act*, a charge is not payable under this bylaw if any of the following applies 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 Section 339(1)(g);

- b) the permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension:
 - i) contain fewer than 4 self-contained dwelling units, and
 - ii) be put to no other use than the residential use in those dwelling units.
- c) the value of the work authorized by the permit does not exceed \$50,000 or any other amount the minister may, by regulation prescribe.

AND WHEREAS in setting development cost charges the regional district has taken into consideration:

- a) future land use patterns and development;
- b) the phasing of works and services; and
- c) whether the changes:
 - i) are excessive in relation to the capital cost of prevailing standards of service,
 - ii) will deter development, or
 - iii) will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced landin the Regional District.

NOW THEREFORE the Board of Directors of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the “Naramata Water System Development Cost Charge Bylaw No. 1804, 1997”.
2. In this bylaw, unless the context otherwise requires:
 - a) **“Dwelling Unit”** means one or more habitable rooms containing one self-contained unit with a separate entrance, and used or intended to be used for living and sleeping purposes for not more than one family and containing only: one kitchen equipped with a sink and one set of cooking facilities; one or more bathrooms with a water closet, wash basin and bath or shower, and; not more than one electrical service.
 - b) **“Family”** means
 - i) an individual or two (2) or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling unit;
 - ii) not more than five (5) unrelated persons living together as a non-profit group in a dwelling unit and using a common cooking area.
3. Every person who obtains:

- a) approval of the subdivision of a parcel of land under the Land Title Act or the Condominium Act, or
- b) a building permit authorizing the construction, alteration or extension of a building or structure,

within the area shown as "Zone A" on Schedule 'B' to this bylaw shall (subject to the exemptions provided by Section 933 of the *Local Government Act*) pay the applicable development cost charge to the Regional District in the amount set out in Schedule 'A' to this bylaw, at the time of approval of the subdivision or the issuance of the building permit.

- 4. If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 18th day of September, 1997.

READ A SECOND TIME this 18th day of September, 1997.

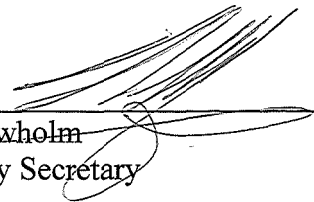
READ A THIRD TIME this 18th day of September, 1997.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 13th day of July, 1998.

ADOPTED this 16th day of July, 1998.



R. Mayer
RDOS Board Chairman



K. Newholm
Deputy Secretary

SCHEDULE 'A'

Naramata Water System Development Costs Charge Bylaw No. 1804, 1997

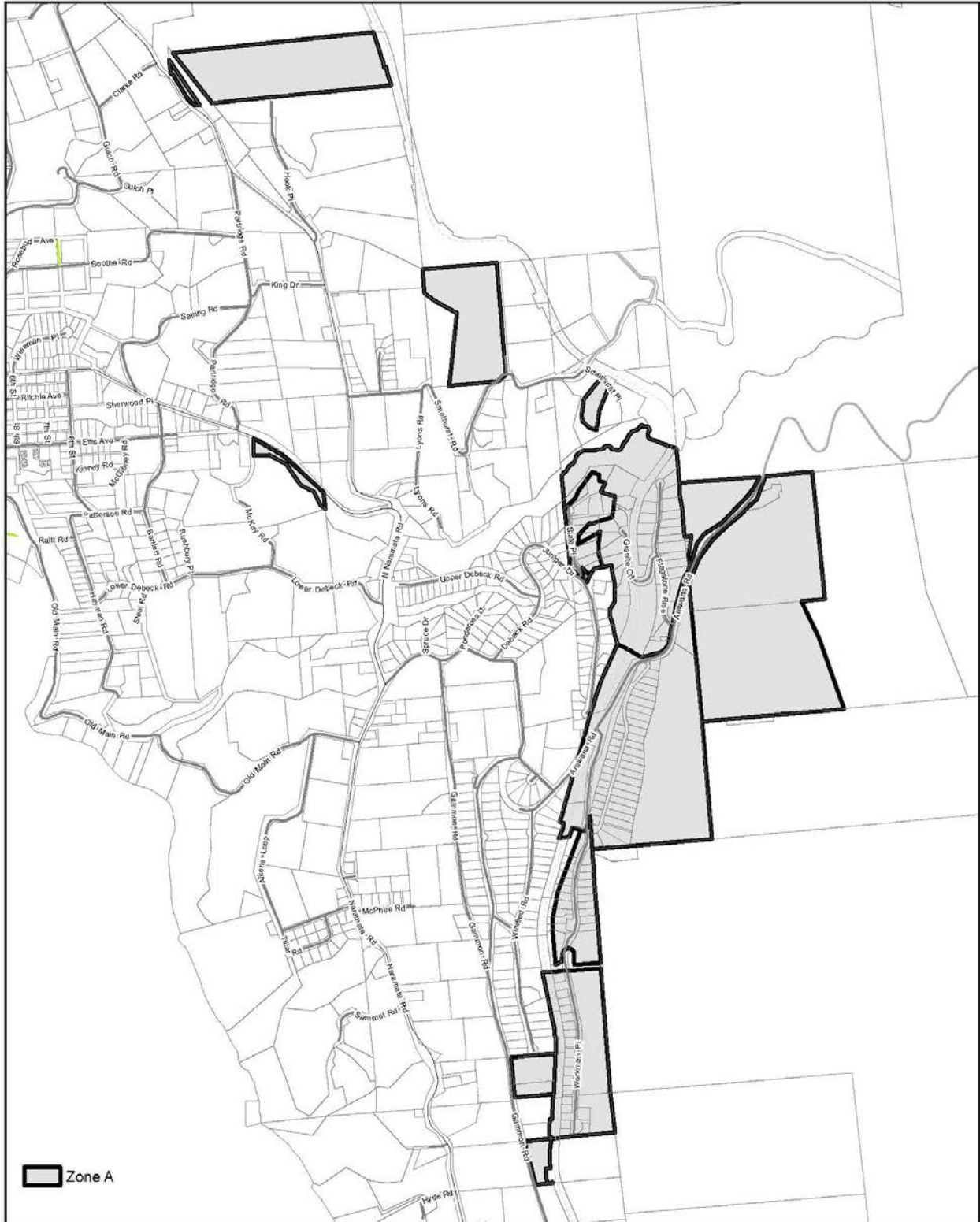
Zone A

Development Cost Charge Payable

	At Subdivision	At Building Permit
Single Family Residential	\$5,700.00/parcel	N/A
Multi Family Residential	N/A	\$5,700.00/dwelling unit

SCHEDULE 'B'

Naramata Water System Development Costs Charge Bylaw No. 1804, 1997



SUMMARY OF AMENDMENTS

Bylaw No.	Adopted	Amendment	Purpose
2291, 2004	2004-08-19	Textual amendment; and Amendment of Schedule 'B'	Replace all references to the <i>Municipal Act</i> with <i>Local Government Act</i> ; and To include part of Sublot 14, District Lot 2711, SDYD, Plan 1190, Except Plans A62, 29843, 38736, KAP44343, KAP45544, KAP46231, KAP54137 and KAP57167.
1804.01, 2006	2006-07-20	Amendment of Schedule 'B'	To include a further part of Sublot 14, District Lot 2711, SDYD, Plan 1190, Except Plans A62, 29843, 38735, KAP44343, KAP45544, KAP46231, KAP54137 and KAP57167.
1804.02, 2006	2007-07-19	Amendment of Schedule 'B'	To include a further part of Sublot 14, District Lot 2711, SDYD, Plan 1190, Except Plans A62, 29843, 38736, KAP44343, KAP45544, KAP46231, KAP54137 and KAP57167; and to include Lot 21, Plan 576, District Lot 207, Except Plan A62, 36011, 36012.
1804.03	(abandoned)		
1804.04, 2008	2011-11-17	Amendment of Schedule 'B'	To include Plan 576, Block 184, District Lot 210, SDYD
1804.05, 2009	2011-06-02	Amendment of Schedule 'B'	To include Plan B4945, Block A, District Lot 3314, SDYD
1804.06, 2011	2015-01-08	Amendment of Schedule 'B'	To include Lot A, Plan KAP58675, District Lot 3474, SDYD; and a portion of lot District Lot 3474, SDYD, Except Plans KAP44343, KAP53674 and KAP59640.
1804.07, 2017 (Repealed)	2017-05-18	Amendment of Schedule 'B'	To include Lot 1, Plan 38207, District Lot 207, SDYD, Except Plan KAP72459 KAP84271; and to include Lot C, Plan 35028, District Lot 206, SDYD.
1804.08, 2019	2019-11-21	Amendment of Schedule 'B'	To include Lot 1, Plan 38207, District Lot 207, SDYD, Except Plan KAP72459 KAP84271; to include Lot C, Plan 35028, District Lot 206, SDYD; and to repeal Bylaw No. 1804.07, 2017