

Humphrey, Deborah CSCD:EX

From: Tracey Butler [TraceyButler@rossland.ca]
Sent: Friday, February 3, 2012 11:22 AM
To: Humphrey, Deborah CSCD:EX; Saunders, Michele CSCD:EX
Cc: Deb Timm; Victor Kumar
Subject: RE: Repeal bylaw

Hi Deb,

The City of Rossland is considering changing to a Cost Recovery/Connection charges type of bylaw instead of DCC's. In the DCC bylaw in the WHEREAS clauses it mentions that the DCC bylaw will not deter development or discourage the construction of reasonably price housing. The fact is, it is doing exactly that, so Council is considering options to amend this situation. We have a large project proposed for this building season that will be using most if not all the monies collected under the DCC bylaw so far.

I have CC'd Victor with this email strand and when he returns on Monday we will discuss.

Thank you.

Tracey Butler
Corporate Officer, City of Rossland
(250)362-2321
Fax (250)362-5451
www.rossland.ca

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From: Humphrey, Deborah CSCD:EX [<mailto:Deborah.Humphrey@gov.bc.ca>]
Sent: Friday, February 03, 2012 9:46 AM
To: Saunders, Michele CSCD:EX
Cc: Tracey Butler; Deb Timm
Subject: RE: Repeal bylaw

Hi Tracey (and Deb too – I'll bring you in the loop on this):

The issue here is that you can't simply repeal a DCC bylaw.

Are there any monies in the DCC reserves? They can only be expended on the projects in the DCC works plan under the DCC bylaw.

Are you proposing to give back DCC's collected to people who have been paying?

I think we need to have a discussion about what is going on up there? Please give me a call.

Deb

From: Saunders, Michele CSCD:EX
Sent: Thursday, February 2, 2012 1:24 PM
To: Humphrey, Deborah CSCD:EX
Cc: 'Tracey Butler'
Subject: FW: Repeal bylaw

Hi Deb – wondering if you could provide some input here? I'm hesitant to comment on these bylaws, since these are not bylaws that ever come across our desks in Advisory Services.

I've copied Tracey on the email, just to keep everyone in the loop.

Please let us know how Tracey should proceed – and let me know if you want to discuss.

Thanks!

Michele

Michele Saunders | Advisory Officer
P 250.387.4313 | F 250.387.7972



From: Tracey Butler [<mailto:TraceyButler@rossland.ca>]

Sent: Wednesday, February 1, 2012 11:27 AM

To: Saunders, Michele CSCD:EX

Subject: Repeal bylaw

Hi Michele,

I have a question about repeal bylaw for a bylaw that required approval from the Inspector of Municipalities when adopted.

If a bylaw was approved by the Inspector of Municipalities when adopted, and then a repeal bylaw was drafted to rescind that bylaw must the rescinding bylaw get approval ? (is that as clear as mud?)

I have attached the two bylaws for your comment.

Thank you

PS and if you are not the right person to ask could you please forward to someone who can help....Thank you

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Humphrey, Deborah CSCD:EX

From: Humphrey, Deborah CSCD:EX
Sent: Monday, March 12, 2012 2:41 PM
To: 'vkumar@rossland.ca'; 'Tracey Butler'
Subject: Bylaw format

Victor & Tracey

I have been doing some digging since our discussion this afternoon Victor, and Tracey I remember you had earlier questions with respect to this so I will include you in the information. I've been trying to find the most recent DCC repeal bylaw and it turns out it was a neighbour of yours. The format they used can be found at <http://www.montrose.ca/municipality/bylaws/561.html>

The preambles would have to be a little different for Rossland should the decision be made to go this route but this was a bylaw format that was approved before.

Deborah Humphrey
Finance Officer
Local Government Infrastructure & Finance
(250) 387-4026

Humphrey, Deborah CSCD:EX

From: Victor Kumar [vkumar@rossland.ca]
Sent: Monday, March 12, 2012 3:48 PM
To: Humphrey, Deborah CSCD:EX
Subject: RE: Note on News Article

Hi Deb

Whoever wrote the article didn't understand it. My written reports that are on the City's website state otherwise.

Regards

Victor Kumar

City Manager/CAO
Office Direct Line: 250-362-2324
City Hall Main Line: 250-362-7396
Fax Line: 250-362-5451
1899 Columbia Avenue
Box 1179, Rossland, BC. V0G 1Y0

"Be pre-active, be prepared, be accountable, be positive-you woke up!"

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From: Humphrey, Deborah CSCD:EX [<mailto:Deborah.Humphrey@gov.bc.ca>]
Sent: March-09-12 3:34 PM
To: Victor Kumar
Subject: Note on News Article

Hi Victor

I've just been forwarded this article and I'm very concerned at your comment at the end. It is NOT possible to take DCC money and use it for any other purpose than those specifically laid out in the development works plan that accompanied the establishment bylaw. To do so is not legal. There are very few cases in the Province where any municipality has devolved their development cost charge program and in no case has, or would, the Ministry permit those funds to be moved for any other purpose.

Deborah Humphrey

Finance Officer
Local Government Infrastructure & Finance
(250) 387-4026

Rossland looks to replace DCCs

Rossland News
Thursday, March 08, 2012
Page x
By Arne Petryshen

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Page 05

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Copyright

Humphrey, Deborah CSCD:EX

From: Kathy Moore S22
Sent: Monday, March 12, 2012 1:02 PM
To: Humphrey, Deborah CSCD:EX
Subject: RE: Repealing DCCs- proper procedure

Thanks Deb- that is interesting info that I will share with council. I appreciate you taking the time to respond to these inquiries.

Take care
km

Kathy Moore
Box 973
Rossland, BC V0G1Y0
telephone: 250-362-3319
fax: 250-362-3335
Cell: 408-608-9106

Goal#1: For the greater good of the community

From: Humphrey, Deborah CSCD:EX [mailto:Deborah.Humphrey@gov.bc.ca]
Sent: Monday, March 12, 2012 12:57 PM
To: 'Kathy Moore'
Subject: RE: Repealing DCCs- proper procedure

I should probably also mention that some DCC programs are not simply 20 year horizon but to "build out" as well - which can be any number of years, even to the 40 or 50 range.

I've never actually heard of a "Capacity" Connection Charge. I tried searching for it in the Civicinfo document site but there were no examples there. Interesting idea.

Deb

From: Kathy Moore [mailto:S22]
Sent: Monday, March 12, 2012 12:38 PM
To: Humphrey, Deborah CSCD:EX
Subject: RE: Repealing DCCs- proper procedure

Hi Deb-
Yes, thank you, this has been very helpful.

Just to clarify, the CCCs I referred to in my email are Capacity Connection Charges proposed by our CAO. They seem to fit most appropriately into the guidelines for Fees and Charges from the Development Finance Guide. The CCC proposal was that a fee would be charged on all new development, calculated on the valuation of our existing infrastructure then applying 3% to it and dividing that by the projected number of units for 15 years. (I am not actually sure of the rationale for the calculation but I do have some questions into our CAO for clarification). From your comments it sounds like this might have been a good tool for a small community like Rossland to use instead of going down the DCC route. However, it doesn't address the issue of what to do with the DCCs that we have already collected.

It looks like your suggestion of amending our existing DCC bylaw to increase the assist factor and perhaps amend our list of projects would be the most straightforward way to go. It was suggested as an alternative in one of our CAO's reports. You are precisely correct to say that the intent is to lower development costs so as to be more attractive. It's just how we go about it that is the question. While we are anticipating growth from our current population of 3,500 to 5,600 (which might be optimistic within 20 years anyway), we have other projections based on our OCP and zoning bylaw that project wildly optimistic increases up to 17,000 people at "full build out." This creates problems when we

are looking at future infrastructure needs- not just locally but also with our regional partners for liquid waste management projects. Just now we are planning an infrastructure project and (I think) the plan is to upsize the pipes to handle 10,000 people. This increase should definitely be handled by contributions from DCC funds since future development that is the only reason we need the increase. But the reality is, based on recent activity we don't actually anticipate that level of growth for a couple hundred years. So what do we do? Keep upsizing as we refurbish pipes and such without collecting DCCs or change the projections back to something more earthbound.

If you have any other comments or suggestions they would be very welcome. I will share this exchange with council. Thank you very much.
km

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Box 973
Rossland, BC V0G1Y0
telephone: 250-362-3319
fax: 250-362-3335
Cell: 408-608-9106

Goal#1: For the greater good of the community!

From: Humphrey, Deborah CSCD:EX [mailto:Deborah.Humphrey@gov.bc.ca]
Sent: Monday, March 12, 2012 12:06 PM
To: 'Kathy Moore'
Subject: RE: Repealing DCCs- proper procedure

Hi Councillor – I am perfectly happy to have you share my information in this email with anyone else on Council or on staff. As a rule we talk with staff, or once in a blue moon with a Mayor, but I don't mind providing clarification to anyone when more thorny issues come up. I received an article from our Communications clipping service on Friday about this (the Rossland News) so was aware there was an issue.

I will preface all of this with some additional information on DCCs, and on other alternatives that we have on our webpage on DCCs, at http://www.cscd.gov.bc.ca/lgd/finance/development_cost_charges.htm We not only have the DCC Best Practices Guide and an Elected Officials Guide there, but also a Development Finance Choices Guide and a listing of all the (relatively current) DCC rates for communities throughout the Province. If you're looking at the rates sheet, please bear in mind that not all local governments have DCCs for all the eligible functions (water/sewer/drainage/roads/parks).

I'm not sure exactly what you are referring to as a CCC below and what is intended to have that entail....

As to the repeal of DCC bylaws, this is an uncommon occurrence. I do remember two cases in the past where this has occurred but it's been some time, and you are correct that there are rules around it. Money in the DCC fund can only be expended on specific capital projects that are contained in the capital infrastructure program in the engineering report that accompanied the establishment of the DCC bylaw. If the project was not on the list of approved capital items, those funds **cannot** be used for it unless the bylaw is amended and the capital infrastructure program amended – and this requires Ministry approval as do all bylaws relating to the creation or change of a DCC.

The repeal of a DCC bylaw has occurred where a small community has had little or no development and does not expect to have any future significant growth, beyond the occasional single home addition. What I have seen more frequently is where development has lagged in a community and council hopes that by reducing the DCC they might appear more attractive. In those cases they have increased the assist factor on the projects, in some or all of the eligible functions, to reduce the DCC while retaining the bylaw and the capital infrastructure program for a time when development rebounds. Other councils have chosen to not use DCCs in the first place and instead look into the other alternatives available in the Development Finance Choices Guide.

It is always the choice of council as to which of these options they will take. I will say that if Rossland decides to repeal its DCC bylaw, this is a bylaw that will require Ministry approval. If Rossland decides to change the assist

factor, the bylaw will require Ministry approval. In any case the money in the DCC reserve must only be used for projects in the approved capital infrastructure program.

From my review memos I note that the last update for costs on the Rossland DCC bylaw was back in December 2005, so if the decision of council is to retain the bylaw I would strongly recommend that the projects and costs on the capital program be reviewed.

I hope this has been helpful

Deb

Deborah Humphrey

Finance Officer

Local Government Infrastructure & Finance

(250) 387-4026

From: Kathy Moore [mailto: S22]
Sent: Monday, March 12, 2012 9:58 AM
To: Humphrey, Deborah CSCD:EX
Subject: Repealing DCCs- proper procedure

Dear Ms Humphries

I am a councillor in Rossland and I got your name when I spoke with Michelle in your office sometime ago about another issue in Rossland concerning council's ability to provide grants-in-aid to our citizens for use at another municipality's facilities. I think Michelle spoke with you about it before getting back to me. S22

S22

Quick recap: Rossland currently has DCCs for specific projects. The CAO is suggesting that we repeal the DCCs and establish CCCs at a lower rate. The justification is that the growth we anticipated is not going to happen so the projects on the list are not needed within the 15-20 year period contemplated by a DCC bylaw. This is true, however, the question was raised: what happens to the DCC money already collected? And what is the proper procedure to repeal the bylaw? I suggested in council that we get an opinion from your office but the CAO and mayor insisted that was not necessary. We were told this sort of thing happens all the time. So the idea did not move forward. I brought it up as a suggestion in a COW meeting, not a motion in a council meeting. I will try again tonight, to bring it up as a motion but if you have any comments on it I would greatly appreciate them in advance of tonight's 5:30pm meeting.

In reading the legislation and the Development Finance Guide it seems quite clear that DCCs are to be established for specific purposes and no others. The guide also suggests that while it's probably ok to use the CCCs for future projects, beyond just recovery of actual operating expenses, we should check with the Inspector's office. I am also unclear on the ramifications of repealing a bylaw for which we have collected money for many years. We have significant infrastructure needs, to which new development will be contributing an extra burden over time so I do not want to be in a position where we have to refund money for pie-in-the-sky projects when some more pedestrian needs do not receive any contribution (Such as the future upsizing of all water and sewer pipes for instance). I read that changes to a DCC bylaw could result in a minor or major review of our bylaw by your office. I am uncomfortable proceeding without confirmation from your office that we are operating correctly.

Along this same line, there is a road project in the financial plan that was not included in our DCC project list but council is now being told it will mostly be paid from DCCs. I don't see how that is possible since it wasn't identified as a DCC project (though other roads have been) and I believe the water and sewer pipes were put in by the current developers and sized for their growth projections. And in any case, wouldn't the only allowable portion of that road be the improvements due to development? This bit of road is located out at our ski hill which is where most development is anticipated but I am not sure if that makes a difference.

I would like your advice as to how I should proceed with these concerns.

I have not copied our city staff or council on this email but I am very willing to share it and your response if that is appropriate.

Thank you very much.
Kathy Moore

Kathy Moore
Box 973
Rossland, BC V0G1Y0
telephone: 250-362-3319
fax: 250-362-3335
Cell: 408-608-9106

Goal#1: For the greater good of the community!

Humphrey, Deborah CSCD:EX

From: Humphrey, Deborah CSCD:EX
Sent: Wednesday, March 28, 2012 10:00 AM
To: 'Tracey Butler'
Subject: RE: Bylaw 2524

Thanks Tracey. What I had hoped was somewhere in the package was the actual wording saying that all money currently in the DCC fund would only be used on the approved projects listed XXX. I realize there will not be a huge amount of money in the DCC and as a result only certain projects will receive the funding, but I may have to deal with it by putting a specific restriction in the Inspector's letter instead.

Thanks

Deh

From: Tracey Butler [<mailto:TraceyButler@rossland.ca>]
Sent: Wednesday, March 28, 2012 9:14 AM
To: Humphrey, Deborah CSCD:EX
Subject: RE: Bylaw 2524

Hi Deb,

Attached is the page of the AECOM report that should have had a nice little flag attached. Sorry about that. The "existing DCC Bylaw" is the column being referred to.

Hope this helps. I will be away for the next two days so any further questions I'll get back to you asap or sorry they will have to wait till tomorrow or you can contact Victor at 250-362-2324 or vkumar@rossland.ca. Thank you.

Regards,

Tracey Butler
Corporate Officer, City of Rossland
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Fax (250)362-5451
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From: Humphrey, Deborah CSCD:EX [<mailto:Deborah.Humphrey@gov.bc.ca>]
Sent: Tuesday, March 27, 2012 11:20 AM
To: Tracey Butler
Subject: Bylaw 2524

Hi Tracey

Just starting my review of bylaw 2524 and in the cover letter it refers to a "tagged page" of the AECOM report – I can't see any pages that have been tagged or otherwise marked – can you tell me which page that was?

Thanks

Deb

Deborah Humphrey
Finance Officer
Local Government Infrastructure & Finance
(250) 387-4026

Miller, Natalia CSCD:EX

From: Saunders, Michele JAG:EX
Sent: Friday, March 30, 2012 11:59 AM
To: Miller, Natalia CSCD:EX
Cc: Humphrey, Deborah CSCD:EX
Subject: RE FOI Request/Rossland
Attachments: 2241 DCC Bylaw 2004.doc; 2524 - Development Cost Charge Repeal Bylaw,2012.doc

Nat:

Here is the original request...Deb spoke to them about this, so you may want to speak to her. I'll check to see what else I have.

Michele Saunders
250.356.6518

From: Tracey Butler [<mailto:TraceyButler@rossland.ca>]
Sent: Wednesday, February 1, 2012 11:27 AM
To: Saunders, Michele CSCD:EX
Subject: Repeal bylaw

Hi Michele,
I have a question about repeal bylaw for a bylaw that required approval from the Inspector of Municipalities when adopted.

If a bylaw was approved by the Inspector of Municipalities when adopted, and then a repeal bylaw was drafted to rescind that bylaw must the rescinding bylaw get approval ? (is that as clear as mud?)

I have attached the two bylaws for your comment.

Thank you

PS and if you are not the right person to ask could you please forward to someone who can help....Thank you

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THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2524

A BYLAW TO REPEAL BYLAW NO. 2241 "CITY OF ROSSLAND DEVELOPMENT COST CHARGES"

WHEREAS under Division 10 of the *LOCAL GOVERNMENT ACT* (RS Chap. 323) the Council of the City of Rossland on December 20, 2004, adopted Bylaw No. 2241 the "City of Rossland Development Cost Charges Bylaw" to provide funds to assist the City of Rossland (the "City") in paying the capital cost of providing, constructing, altering, or expanding sewage, water, drainage, highway facilities, and providing and improving park land in order to serve, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS the Council of the City of Rossland has deemed it necessary to repeal Bylaw No. 2241 the "City of Rossland Development Cost Charges Bylaw" and establish under separate bylaw Service Capacity Connection Charges For New Construction.

NOW THEREFORE the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. (1) This bylaw may be cited as the "City of Rossland Development Cost Charges (Bylaw 2241) Repeal Bylaw."

ENACTMENT

2. (1) That Bylaw No. 2241 "CITY OF ROSSLAND DEVELOPMENT COST CHARGES BYLAW", given final adoption on December 20, 2004 and amendment thereto be repealed.
- (2) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (3) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED

this 13th. day of February, 2012
this 13th. day of February, 2012
this . day of , 2012
this . day of , 2012

Mayor

Corporate Officer

Miller, Natalia CSCD:EX

From: Saunders, Michele JAG:EX
Sent: Friday, March 30, 2012 12:05 PM
To: Miller, Natalia CSCD:EX
Cc: Humphrey, Deborah CSCD:EX
Subject: FW: Repeal bylaw

More on Rossland

Michele Saunders
250.356.6518

From: Tracey Butler [<mailto:TraceyButler@rossland.ca>]
Sent: Friday, February 3, 2012 11:22 AM
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Thank you.

Tracey Butler
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Please let us know how Tracey should proceed – and let me know if you want to discuss.

Thanks!

Michele

Michele Saunders | Advisory Officer
P 250.387.4313 | F 250.387.7972

 *Please consider the environment before printing this e-mail*

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THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW # 2241

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT ACT.

WHEREAS pursuant to the Local Government Act, and Regulations passed pursuant thereto, the Council of the City of Rossland may, by Bylaw, impose development cost charges;

AND WHEREAS the development cost charges may be imposed for the purpose of providing funds to assist the City of Rossland (the "City") in paying the capital cost of providing, constructing, altering, or expanding sewage, water, drainage, highway facilities, and providing and improving park land in order to serve, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS the Council of the City of Rossland 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 City;
- (b) will not deter development in the City; and
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the City;

NOW THEREFORE, the Council of the City of Rossland, in open meeting assembled, enacts as follows:

PART 1 – SHORT TITLE

- 1.1 This Bylaw may be cited for all purposes as "City of Rossland Development Cost Charge Bylaw No. 2241".

PART 2 – DEFINITIONS

- 2.1 In this Bylaw all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by applicable legislation or by the definitions set forth below:

"Apartment" means a Dwelling Unit with a separate entrance from entrance facilities shared with two or more other Dwelling Units and/or with Commercial use.

'Building' means a structure used or intended for supporting or sheltering any use or occupancy by persons, animals or property and which is permanently affixed to the land.

"Commercial" means a use which is identified as commercial in the City of Rossland Zoning Bylaw, as amended, but does not include an Apartment, Townhouse, Duplex or Single Detached Dwelling, even if used for short term rental purposes.

"Duplex" means a Building that is divided horizontally or vertically into two Dwelling Units, each of which has a separate entrance to the outside and separate heating, plumbing and electrical systems.

"Duplex Use" means a parcel of land where a duplex is a permitted use.

"Dwelling Unit" means one or more habitable rooms, containing only one set of cooking facilities, which rooms are used for living and sleeping purposes and which have a separate entrance either from outside or from a common interior hall. A dwelling unit does not include a Hotel or Motel Unit.

"Gross Floor Area" with respect to a Building, means the total floor area of a Building on a Parcel measured from the outside of the exterior walls. Gross Floor Area with respect to Apartments, Townhouses, Duplexes, Hotel or Motel Units, and Commercial use, means the total floor area measured from the mid-point of common walls between the units or uses, or in the case that they do not share a common wall, the outside of the exterior walls.

"Hotel" means a Building with a common entrance lobby and shared corridors, which provides sleeping accommodation which may include limited cooking facilities. A Hotel caters primarily to traveling guests, based on rental periods of less than one month. The hotel may include retail stores; restaurants; banquet facilities; beverage facilities; public assembly facilities such as meeting and convention rooms; entertainment facilities; recreation facilities; and personal service establishments for the convenience of guests. A Hotel includes guest registration facilities on the premises.

"Hotel or Motel Unit" means any unit that can be reserved for traveling guests in a Hotel or Motel. A Hotel or Motel Unit does not include a Dwelling Unit.

"Motel" means a building or group of buildings which provides sleeping accommodation, which may contain limited cooking facilities, each unit with a separate exterior entrance and convenient access to on-site parking. A Motel caters primarily to traveling guests, based on rental periods less than one month. A Motel includes guest registration facilities on the premises.

"Parcel" means any lot, block or other area in which land is held, or into which land is subdivided, including a bare land strata parcel, but does not include a highway.

"Single Detached Dwelling" means a detached Building consisting of one Dwelling Unit.

"Townhouse" means a Dwelling Unit with a separate entrance from the outside in a Building divided into three or more Dwelling Units located side by side, with each unit sharing at least one common wall. A Townhouse also includes a stacked townhouse, where two Dwelling Units are stacked vertically with one Dwelling Unit over the other. Each Dwelling Unit in a stacked townhouse has individual access to the outside, not necessarily at grade. A Townhouse does not include a Motel Unit.

- 2.2 Any unit that provides sleeping accommodation, and does not fit within any definitions noted above, shall be considered, for the purposes of calculating Development Cost Charges, as an Apartment.

PART 3 – DEVELOPMENT COST CHARGES PAYABLE

- 3.1 Every person who obtains:

- (a) approval of a subdivision, or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure,

shall be liable to the City for payment of the development cost charges as set out in Schedule 'A' "City of Rossland Development Cost Charges".

- 3.2 For further clarification regarding development cost charges payable under section 3.1 (b) herein, development cost charges are not payable in relation to a development authorized by a building permit where the permit authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained dwelling units and be put to no other use than the residential use in those dwelling units.
- 3.3 Water Development Cost Charges shall be paid within the boundary of the entire City of Rossland.
- 3.4 Sanitary Sewer Development Cost Charges shall be paid within the Sanitary Sewer Sector Boundary set out in Schedule B.
- 3.5 Roads Development Cost Charges shall be paid within the Roads Sector Boundary set out in Schedule C.

- 3.6 Schedules A, B and C are attached to and form part of this bylaw.

PART 4 – MIXED USE DEVELOPMENTS

- 4.1 For mixed use developments, the development cost charge payable shall be calculated separately for each use as defined herein shown in the building permit or subdivision application. The total payable will be the sum of these development cost charges.
- 4.2 For a mixed use building that includes Commercial use combined with Apartments, Townhouses, and Hotel or Motel Units, the development cost charge for Commercial use shall not include the hallways, staircases, lobbies, foyers, entrances, and elevators associated exclusively with the Apartments, Townhouses, and Hotel or Motel Units.
- 4.3 Facilities designed to serve the guests or residents in an Apartment, Townhouse, Hotel or Motel, such as recreation facilities, public assembly facilities, and entertainment facilities shall be considered as a commercial use for the calculation of Development Cost Charges.

PART 5 – EXEMPTIONS

- 5.1 Note: An excerpt from the *Local Government Act*, which sets out exceptions, is included in Appendix 1, which does not form part of this Bylaw.

PART 6 - TIME OF PAYMENT

- 6.1 Development cost charges shall be payable at the time specified below:
- a) For Apartments, Townhouses, Hotel or Motel Units and Commercial uses, after application for a building permit has been made but before the building permit has been issued;
 - b) For Single Detached Dwelling and Duplex uses, after application for a subdivision has been made but before the final approval of the subdivision has been given;
 - c) Notwithstanding (a) and (b) above, pursuant to the provisions of the Development Cost Charge (Installments) Regulation or successor regulations, Development Cost Charges may be payable in installments if an applicant for subdivision approval or issue of a building permit elects this.

PART 7 – ENACTMENT

7.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

7.2 This Bylaw shall come into full force and effect on the final adoption thereof.

| | |
|--|---------------------------------|
| READ A FIRST TIME | this 19th day of April, 2004 |
| READ A SECOND TIME | this 19th day of April, 2004 |
| READ A THIRD TIME | this 19th day of April, 2004 |
| RESCIND 1 st , 2 nd & 3 rd READINGS | this 28th day of June, 2004 |
| READ A FIRST TIME | this 28th day of June, 2004 |
| READ A SECOND TIME | this 12th day of October, 2004 |
| READ A THIRD TIME | this 12th day of October, 2004 |
| APPROVED BY THE INSPECTOR OF MUNICIPALITIES | this 15th day of December, 2004 |
| RECONSIDERED AND FINALLY ADOPTED | this 20th day of December, 2004 |

Mayor

City Clerk

Certified a true copy of Bylaw No. 2241 as at third reading.
Dated at Rossland this _____ day of _____, 2004.

Certified a true copy of Bylaw No. 2241 as adopted.
Dated at Rossland this _____ day of _____, 2004.

Jack Richardson, City Clerk

Jack Richardson, City Clerk

Schedule A
City of Rossland Development Cost Charges

| | | Development Cost Charge by Purpose | | | |
|---|-------------------------------------|------------------------------------|----------------|--------|---------|
| | | Water | Sanitary Sewer | Roads | Total |
| Land Use | Unit charged | | | | |
| Single Detached Dwelling | Per Parcel | \$1,446 | \$855 | \$339 | \$2,640 |
| Duplex | Per Parcel | \$2,892 | \$1,710 | \$678 | \$5,280 |
| Townhouse | Per Townhouse | \$954 | \$564 | \$224 | \$1,742 |
| Apartment greater than or equal to 50 sq. m. gross floor area | Per Apartment | \$954 | \$564 | \$224 | \$1,742 |
| Apartment less than 50 sq. m. gross floor area | Per Apartment | \$477 | \$282 | \$112 | \$871 |
| Hotel or Motel Unit | Per Hotel or Motel Unit | \$477 | \$282 | \$112 | \$871 |
| Commercial | Per m ² gross floor area | \$7.23 | \$4.28 | \$1.71 | \$13.22 |

Water Development Cost Charges shall be paid within the boundary of the entire City of Rossland.

Sanitary Sewer Development Cost Charges shall be paid within the Sanitary Sewer Sector Boundary set out in Schedule B.

Roads Development Cost Charges shall be paid within the Roads Sector Boundary set out in Schedule C.