

**TOWN OF OSOYOOS
BYLAW NO. 1394**

A Bylaw to impose Development Cost Charges

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

AND WHEREAS the development cost charges imposed by this Bylaw are for the purpose of providing funds to assist the Town of Osoyoos to pay the capital cost of providing, constructing, altering or expanding water facilities to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS the Town of Osoyoos Council 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 under section 559(2) and (3) of the *Local Government Act*;
- d) whether the charges are excessive in relation to the capital cost of prevailing standards of service in the municipality; and
- e) whether the charges 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.

NOW THEREFORE BE IT RESOLVED THAT, the Municipal Council of the Town of Osoyoos in open meeting assembled **ENACTS AS FOLLOWS**:

1.0 CITATION

- 1.1 This Bylaw shall be cited for all purposes as the “Town of Osoyoos Development Cost Charge Bylaw No. 1394, 2025.”

2.0 DEFINITIONS

- 2.1 Words not specifically defined in this Bylaw shall have the same meaning as words defined in the Town of Osoyoos Zoning Bylaw, as amended from time to time.

- 2.2 In this bylaw:

“**building permit**” means any permit required under the most recent Town of Osoyoos Building Code Administration Bylaw.

“**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;

“gross floor area” means the total floor area of a building measured to the outer limit of the exterior walls of a building, but excludes:

- parking areas to a maximum floor area exclusion of 45.0 m², unless such parking is a principal use in which case no exclusion shall be permitted;
- a swimming pool;
- unenclosed front entry porches, balconies, decks, patios, terraces, courtyards or stairways; and
- crawl spaces or attics.

“industrial” means an industrial development in a zone listed in the Zoning Bylaw, or a building used or intended to be used for industrial purposes;

“institutional” means a building used or intended for non-profit recreational, social, religious, governmental, public hospital, care facility or educational purposes, and excludes an assisted living facility;

“mixed-use developments” means a development that contains more than one land use category;

“not-for-profit rental housing” means rental housing subsidized by the Province of British Columbia or by a non-profit agency, which enables rents to be provided at below-market rates on a percentage of income basis, and that is owned and operated by either a public housing authority or a non-profit agency; and

“public housing authority” means the BC Housing Management Commission or another public housing authority established by the government of British Columbia or the government of Canada;

“tourist accommodation unit” means each accommodation unit within a tourist accommodation use such as a lodge, motel, hotel, inn, or hostel that is capable of being rented separately as temporary accommodation for the travelling public, but excludes campground.

3.0 GENERAL PROVISIONS

- 3.1 This Bylaw applies to all lands located within the municipal boundaries of the Town of Osoyoos.
- 3.2 Unless otherwise indicated, a reference to a statute or regulation in this Bylaw refers to an enactment of British Columbia, and any reference to such enactments or a bylaw of the Town refers to those enactments as amended or replaced from time to time.

4.0 DEVELOPMENT REQUIRING THE PAYMENT OF A DEVELOPMENT COST CHARGE

- 4.1 Every person who obtains a building permit authorizing the construction, alteration or extension of a building or structure shall pay development cost charges calculated in accordance with Schedule ‘A’ (Calculation of Development Cost Charges Payable).
- 4.2 For clarity, and pursuant to Section 561(6) of the *Local Government Act*, a development cost charge is payable for construction, alteration or extension of a building that will, after

the construction, alteration, or extension, contain fewer than four (4) self-contained dwelling units.

5.0 CALCULATION OF DEVELOPMENT COST CHARGE

- 5.1 Development cost charges imposed under this Bylaw shall be calculated in accordance with the rates prescribed in Schedule 'A' (Calculation of Development Cost Charge Payable).
- 5.2 In the case of *mixed-use developments*, the development cost charge payable shall be calculated separately for each portion of the development contained in the *building permit* or subdivision application in accordance with the zones and land uses identified in Schedule 'A'. The total payable will be the sum of the development cost charges for each portion of the development.
- 5.3 A development cost charge payable under this bylaw must be paid in accordance with the *Local Government Act*.

6.0 EXEMPTIONS

- 6.1 In addition to the circumstances prescribed at Section 561 of the *Local Government Act*, a development cost charge shall be reduced where a building or part of a building is destroyed by fire, subject to:
- a) a building permit application to reconstruct or replace the building or part of the building that was so destroyed is submitted to the Town within three (3) years of the date of the destruction; and
 - b) the DCC fees payable under this bylaw shall only be for that portion of the building which exceeds the gross floor area of the original building destroyed by fire.

7.0 DEVELOPMENT ELIGIBLE FOR A DCC WAIVER OR REDUCTION

- 7.1 A development cost charge *may* be reduced by 100% if a *building permit* authorizes the construction, alteration, or extension of an "eligible development".
- 7.2 For the purposes of this bylaw, an "eligible development" is one of the following:
- a) *not-for-profit rental housing*, including assisted living housing that is owned by a *public housing authority* or a not-for-profit society incorporated under the *Societies Act*, subject to a housing agreement that:
 - i) limits the form of tenure of the housing units to rental tenure for a term of not less than 20 years from the date an occupancy permit is granted.
- 7.3 A development cost charge reduction or waiver for an "eligible development" shall be granted in accordance with the following procedure:
- a) in order to be eligible for a development cost charge reduction, an applicant must submit a complete application form to the Town prior to the issuance of a *building permit*.
 - b) the application will be assessed by Town staff and an administrative report will be forwarded to Council for a decision;
 - c) if Council grants the request, the Town shall refund to the applicant the amount of the reduced or waived development cost charge for the "eligible development"; and

- d) for clarity, if a development is determined to not constitute an “eligible development”, the application shall be cancelled and payment of development cost charges will be required.

8.0 PAYMENT OF DEVELOPMENT COST CHARGES BY INSTALLMENTS

- 8.1 Where a development cost charge in an amount of \$50,000 or more is payable, the developer may elect to pay the charge by instalments in accordance with the *Development Cost Charge (Instalments) Regulation, B.C. Reg. 166/84*.

9.0 REPEAL

- 9.1 The Town of Osoyoos Development Cost Charge Bylaw No. 1322, 2016, is repealed.

Read a first, second, and third time this ____ day of _____, 2025.

Approved by the Inspector of Municipalities this ____ day of _____, 2025.

Adopted this ____ day of _____, 2025.

Mayor

Corporate Officer

Schedule 'A'

Calculation of Development Cost Charges Payable

Land Use Category	Water	Sewer	Drainage	Roads	Parks	Solid Waste	Total DCC Rates	
1. Residential:								
a) <i>accessory dwelling</i>	\$6,534.36	\$3,436.21	\$694.51	\$3,573.16	\$5,170.25	\$28.79	\$19,437.28	per dwelling unit
b) <i>apartment building</i>	\$7,467.84	\$3,927.10	\$833.41	\$4,287.79	\$5,908.86	\$32.90	\$22,457.90	per dwelling unit
c) <i>duplex dwelling</i>	\$9,334.80	\$4,908.88	\$1,041.76	\$6,431.68	\$7,386.08	\$41.13	\$29,144.33	per dwelling unit
d) <i>secondary suite</i>	\$6,534.36	\$3,436.21	\$694.51	\$3,573.16	\$5,170.25	\$28.79	\$19,437.31	per dwelling unit
e) <i>single detached dwelling</i>	\$10,268.28	\$5,399.76	\$1,389.01	\$7,289.24	\$8,124.68	\$45.24	\$32,516.23	per dwelling unit
f) <i>townhouse</i>	\$8,401.32	\$4,417.99	\$967.35	\$5,359.73	\$6,647.47	\$37.02	\$25,830.88	per dwelling unit
2. Commercial:								
a) <i>tourist accommodation unit</i>	\$674.25	\$328.13	\$434.87	\$1,955.95	\$2,954.43	\$5.26	\$6,352.89	per unit
b) all other commercial uses	\$16.86	\$8.20	\$10.87	\$48.90	n/a	\$0.13	\$84.96	per m ² gross floor area
3. Industrial:								
a) all industrial uses	\$18.67	\$7.85	\$17.71	\$21.44	n/a	\$0.07	\$65.74	per m ² gross floor area
4. Institutional:								
a) all institutional uses	\$16.86	\$8.20	\$10.87	\$48.90	n/a	\$0.13	\$84.96	per m ² gross floor area