



## EXPLANATORY MEMO

### DEVELOPMENT COST CHARGES BYLAW, 2010, No. 2845

#### **PURPOSE:**

To amend the implementation date of the DCC Bylaw.

#### **POLICY:**

The City of Langley has a Development Cost Charge Bylaw, dated 2002, that requires updating to remove completed projects, add new projects and update project costs to current conditions.

#### **COMMENTS/ANALYSIS:**

The current Development Cost Charge (DCC) Bylaw, 2002, No. 2482 was developed in 2002. Council gave Third Reading to a new DCC Bylaw on June 20, 2011 and staff subsequently submitted the Bylaw and background materials to the Inspector of Municipalities for their review.

Comments were received from the Inspector of Municipalities (IoM) and City staff have been working with a representative of the IoM to resolve their questions over the last 10 months. The IoM has indicated that they have accepted the DCC Bylaw 2845 and staff are anticipating formal notification shortly.

There has been a significant delay in achieving approval from the IoM – the original schedule anticipated by City staff contemplated achieving 4<sup>th</sup> Reading of the Bylaw by October 2011, with the effective date being July 1, 2012. The Bylaw as currently written states:

#### **(9) Effective Date**

- (1) This bylaw will come into effect twelve months after the date of final adoption of this bylaw.

Staff are recommending that the Bylaw be amended to read:

**(9) Effective Date**

- (1) This bylaw will come into effect January 1, 2013.

The Inspector of Municipalities has confirmed that this amendment is administrative and does not affect their review or approval.

**BUDGET IMPLICATIONS:**

Changing the implementation date to reflect the original intent of the Bylaw will allow the City to more effectively manage the finances for DCC eligible capital projects.

**ALTERNATIVES:**

Council has two alternatives:

1. Do not rescind the bylaw, keeping the implementation date to 1 year from the date of 4<sup>th</sup> Reading (expected to be June 2012).
2. Amend the DCC Bylaw with a different implementation date.

**SUMMARY:**

With the delay in receiving approval from the Inspector of Municipalities, the implementation date of the DCC Bylaw as currently drafted would be June 2013, six months later than what had originally been anticipated. It is recommended that 3<sup>rd</sup> Reading of Bylaw 2845 be rescinded and that Section 9 (1) be amended to allow the implementation of the new DCC Bylaw on January 1, 2013.



## DEVELOPMENT COST CHARGES BYLAW

### NO. 2845

A Bylaw to impose Development Cost Charges

WHEREAS pursuant to Section 933 of the *Local Government Act* and the regulations passed pursuant thereto, the Council of the City of Langley may, by bylaw, impose development cost charges; and

AND WHEREAS the development cost charges imposed by this bylaw are related to the capital costs attributable to projects included in the capital improvement program of the City;

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

#### 1. Title

(1) This bylaw shall be cited as the “Development Cost Charges Bylaw, 2010, No. 2845”.

#### 2. Definitions

In this bylaw, unless the context otherwise requires:

- (1) **Approving Officer** means the person who is appointed the City to perform the duties and responsibility of that position.
- (2) **Building Permit** means any permit required by the City that authorizes the construction, alteration or extension of a building or structure.
- (3) **City** means the City of Langley.
- (4) **Commercial** means the designation of land within which commercial uses are permitted pursuant to the Zoning Bylaw, 1996, No. 2100, as amended from time to time.
- (5) **Comprehensive Development** includes any *development* that is comprised of any two or more *residential uses, non residential uses* or both.
- (6) **Development** includes:
  - (a) A *subdivision* or a proposed *subdivision*; and

- (b) The construction, alteration or extension and the proposed construction, alteration or extension of a building or structure for which a *building permit* is or will be required.
- (7) **Development Cost Charges or DCC** means the applicable rates set out in Schedule “A”.
- (8) **Director of Engineering, Parks and Environment** means the person appointed by the Council to perform the duties and responsibilities of the Director of Engineering, Parks and Environment and his/her designate.
- (9) **Dwelling Unit** includes one self-contained unit with living, sleeping, cooking and sanitary facilities which is used or intended to be used for the residential accommodation of one family.
- (10) **Industrial** means the designation of land within which industrial uses are permitted pursuant to the Zoning Bylaw, 1996, No. 2100, as amended from time to time.
- (11) **Local Government Act** means the Local Government Act, RSBC 1996, c. 323, as amended from time to time.
- (12) **Multiple-Unit Residential** means the designation of land within which multiple-unit residential uses are permitted pursuant to the Zoning Bylaw, 1996, No. 2100, as amended from time to time.
- (13) **Non Residential Use** means the use of any building, structure or any portion thereof that is not a *residential use*, including but not limited to *commercial* and *industrial*.
- (14) **Single Family Residential** means the designation of land within which single family residential uses are permitted pursuant to the Zoning Bylaw, 1996, No. 2111, as amended from time to time.
- (15) **Subdivision** means a subdivision of land into two or more parcels, whether by plan, apt descriptive words or otherwise.

### 3. Application

- (1) This bylaw will apply to all applications for *subdivision* submitted to an *approving officer* and to all applications for issuance of a *building permit* for any parcel which is located in the City.
- (2) Schedule “A” attached to this bylaw forms an integral part of this bylaw.

- (3) The *Director of Engineering, Parks and Environment* may prescribe any form, statement, notice, practice, procedure or other administrative requisites required under this bylaw.

#### **4. Development Cost Charges**

- (1) Every person who obtains from the City:
  - (a) approval of *subdivision*; or
  - (b) issuance of a *building permit*will pay the applicable *development cost charges* in accordance with Schedule “A”.
- (2) *Development cost charges* imposed under this bylaw will be calculated in accordance with the rates set out in Schedule “A” and, where a development type has not been specified in this bylaw, the development cost charges will be calculated in accordance with the rate of the most similar development type in Schedule “A”.
- (3) Without restricting the generality of section 4(4), the *development cost charges* for a *comprehensive development* will be calculated separately for the portion of the *comprehensive development* attributable to *residential uses and non residential uses* and will be the sum total of the *development cost charges* for each such use as calculated according to the rates in Schedule “A”.
- (4) *Development cost charges* will not be 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 220(1)(h) or 224(2)(f) of the *Community Charter*.
  - (b) the value of the work does not exceed \$50,000.
- (5) The *development cost charges* will be paid at the phase specified in Schedule “A”.
- (6) The *development cost charges* under this bylaw may be paid by instalments in accordance with the *Local Government Act*.

#### **(7) Severability**

- (1) 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 is deemed valid.

#### **(8) Repeal**

- (1) Development Cost Charges Bylaw, 2002, No. 2482 and all amendments thereto are repealed.

**(9) Effective Date**

1. This bylaw will come into effect January 1, 2013.

READ A FIRST AND SECOND TIME this sixth day of December, 2010.

READ A THIRD TIME this tenth day of January, 2011.

THIRD READING RESCINDED this twentieth day of June, 2011.

READ A THIRD TIME, as amended, this twentieth day of June, 2011.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this tenth day of May, 2012.

THIRD READING RESCINDED this seventh day of May, 2012.

READ A THIRD TIME, as amended, this seventh day of May, 2012.

RECONSIDERED AND ADOPTED this eighteenth day of June, 2012.

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*MAYOR*

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*CORPORATE OFFICER*

## Schedule A

	<b>Sewer</b>	<b>Water</b>	<b>Drainage</b>	<b>Roads</b>	<b>Parks</b>	<b>TOTAL</b>	<b>Schedule</b>
Single Family Residential (per DU*)	\$5,610	\$1,638	\$3,489	\$6,793	\$879	<b>\$18,409</b>	<b>Subdivision</b>
Multiple-Unit Residential RM1 (townhouse) (Per DU*)	\$4,745	\$1,385	\$1,884	\$5,745	\$744	<b>\$14,503</b>	<b>Building Permit</b>
Multiple-Unit Residential RM2/RM3 (apartment) (Per DU*)	\$3,157	\$922	\$1,152	\$3,823	\$495	<b>\$9,549</b>	<b>Building Permit</b>
Commercial (Per 100 sq m)	\$2,345	\$685	\$1,117	\$2,840	\$368	<b>\$7,355</b>	<b>Building Permit</b>
Industrial (Per 100 sq m)	\$807	\$236	\$1,117	\$978	\$127	<b>\$3,265</b>	<b>Building Permit</b>

\*DU = Dwelling Unit



**CITY OF LANGLEY**  
*"The Place to Be!"*

**CERTIFIED RESOLUTION**

I hereby certify the foregoing to be a true and correct copy of the bylaw cited as the City of Langley 'Development Cost Charges Bylaw, 2010, No. 2845', as read a third time by City of Langley Council at their Regular Meeting on May 7, 2012.

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Paula Kusack  
Deputy Corporate Officer  
City of Langley