

TOWN OF CRESTON

**Consolidated to
December 15, 2009**

BYLAW NO. 1463

A bylaw to impose Development Cost Charges

WHEREAS pursuant to the Local Government Act, Council may, by bylaw, impose development cost charges under the terms and conditions of Sections 933 to 937;

AND WHEREAS the development cost charges may be imposed for the sole purpose of providing funds to assist the Town in paying the capital cost of providing, constructing, altering or expanding road facilities, water mains, sanitary sewer, and storm drains in order to serve directly or in-directly, the development for which the charges are imposed;

AND WHEREAS in fixing development cost charges imposed by this Bylaw, Council has taken into consideration future land use patterns and development, the phasing of works and services, and whether the charges:

- (a) are excessive in relation to the capital cost of prevailing standards of service;
- (b) will deter development;
- (c) will discourage the construction of reasonably priced housing or the provision of reasonably priced land in the Town; or
- (d) will discourage the development or redevelopment of commercial or industrial properties which would otherwise provide employment and economic diversity and stability in the community;

AND WHEREAS in the opinion of Council the charges imposed by this Bylaw are:

- (a) related to capital costs attributable to projects included in the capital budget of the Town; and
- (b) related to capital projects consistent with the Official Community Plan of the Town;

AND WHEREAS in the opinion of Council, no additional land is necessary to develop public parks;

NOW THEREFORE the Council of the Town of Creston, in open meeting, assembled enacts as follows:

1. This Bylaw may be cited as "Development Cost Charges (Alice Siding) Bylaw 1463".
2. Definitions:

"Applicant" means a person who applies for a Development.

BL#1712

"Commercial" means a building or structure used or intended to be used for commercial purposes in all commercial zones including C-1 (General Commercial), C-2 (Local Commercial), C-3 (Tourist Commercial) and C-4 (Licenced Commercial) and HSC (Highway and Service Commercial) zones as included in Zoning Bylaw 1123 and future amendments thereto.

BL#1712

"Development" means (a) approval of a subdivision, or (b) a building permit authorizing the construction, alteration or extension of a building or structure.

BL#1712

"Development Cost Charges" or "DCCs" means the Development Cost Charges prescribed by Schedule "B" of this Bylaw, as applicable.

BL#1712

"Floor Space Area" or "FSA" means the total area of all floors in a building measured to the inside surface of the exterior walls, excluding areas required by Town of Creston bylaws to be provided for parking motor vehicles and storing bicycles.

BL#1712

"Industrial" means land used or intended to be used for industrial purposes in all industrial zones including M-1 (Light Industrial) and M-2 (Heavy Industrial) zones as included in Zoning Bylaw 1123 and future amendments thereto.

BL#1712

“Institutional” means a building or structure used or intended to be used for non-profit cultural, recreational, religious, social, library, school, government, hospital, or educational purposes.

BL#1712

“MFU” means a building or portion of a building containing 4 or more self-contained dwelling units.

BL#1712

“Residential” means dwelling units used or intended to be used for residential purposes only in all residential zones including R-1 (Single Family Residential), R-2 Zero Lot Line Residential), R-3 (Multi Family Residential), R-4 (Apartment Residential), R-5 (Rural Residential) and R-6 (Mobile Home Park Residential) zones as included in Zoning Bylaw 1123 and future amendments thereto.

BL#1712

“SFU” means a building consisting of one self-contained dwelling unit.

BL#1712

“Specified Area” means the area outlined in black as shown on Schedule “A”, which is attached to and forms a part of this bylaw.

BL#1712

3. (1) This Bylaw applies to and is enforceable within the Specified Area. **BL#1712**
- (2) An Applicant must, at the same time a Development is granted and prior to the issuing of the Development, pay the Town of Creston the Development Cost Charges prescribed in Schedule “B” for the category of Zone designation, defined in this bylaw, of the land on which the Development is located and, if the Zone is Residential, for the number of dwelling units authorized by the Development, subject to section 4 of this bylaw. **BL#1712**
4. Section 3 (2) of this Bylaw [*payment of DCCs*] does not apply in any of the circumstances exempted from payment by section 933 of the *Local Government Act*. **BL#1712**
5. The Development Cost Charges prescribed in the table on Schedule “B” for the purposes of section 3 (1) of this bylaw, are calculated as follows: **BL#1712**
 - (1) for a Development defined in this bylaw as Industrial, the amount set out for each type of capital project listed in the table is multiplied by the site area measured in hectares or fraction thereof; **BL#1712**
 - (2) for a Development defined in this bylaw as Commercial, the amount set out for each type of capital project listed in the table is multiplied by the FSA measured in square metres or fraction thereof; **BL#1712**
 - (3) for a Development defined in this bylaw as Residential, the amount set out for each type of capital project listed in the table is multiplied by the number of dwelling units; and **BL#1712**
 - (4) for a Development defined in this bylaw as Institutional, the amount set out for each type of capital project listed in the table is multiplied by the FSA measured in square metres or fraction thereof. **BL#1712**
6. 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 portion that is invalid shall not affect the validity of the remainder.
7. Development Cost Charge Bylaw’s No. 839 and No. 898 including any amendments thereto, are hereby repealed.

8. The Stakeholders/public information meetings were combined and held on January 18, 2005.
9. The required municipal assistance factor has been calculated at 50% as shown on Schedule "B".
10. The schedules attached to this bylaw form an integral part of and are enforceable in the same manner as this bylaw. **BL#1712**
11. This Bylaw shall come into full force and effect upon adoption. **BL#1712**

READ A FIRST time by title and SECOND TIME by content this 31st day of January, 2005.

A SECOND PUBLIC FORUM was held on the 14th day of February, 2005.

READ A THIRD time, as amended this 7th day of March, 2005.

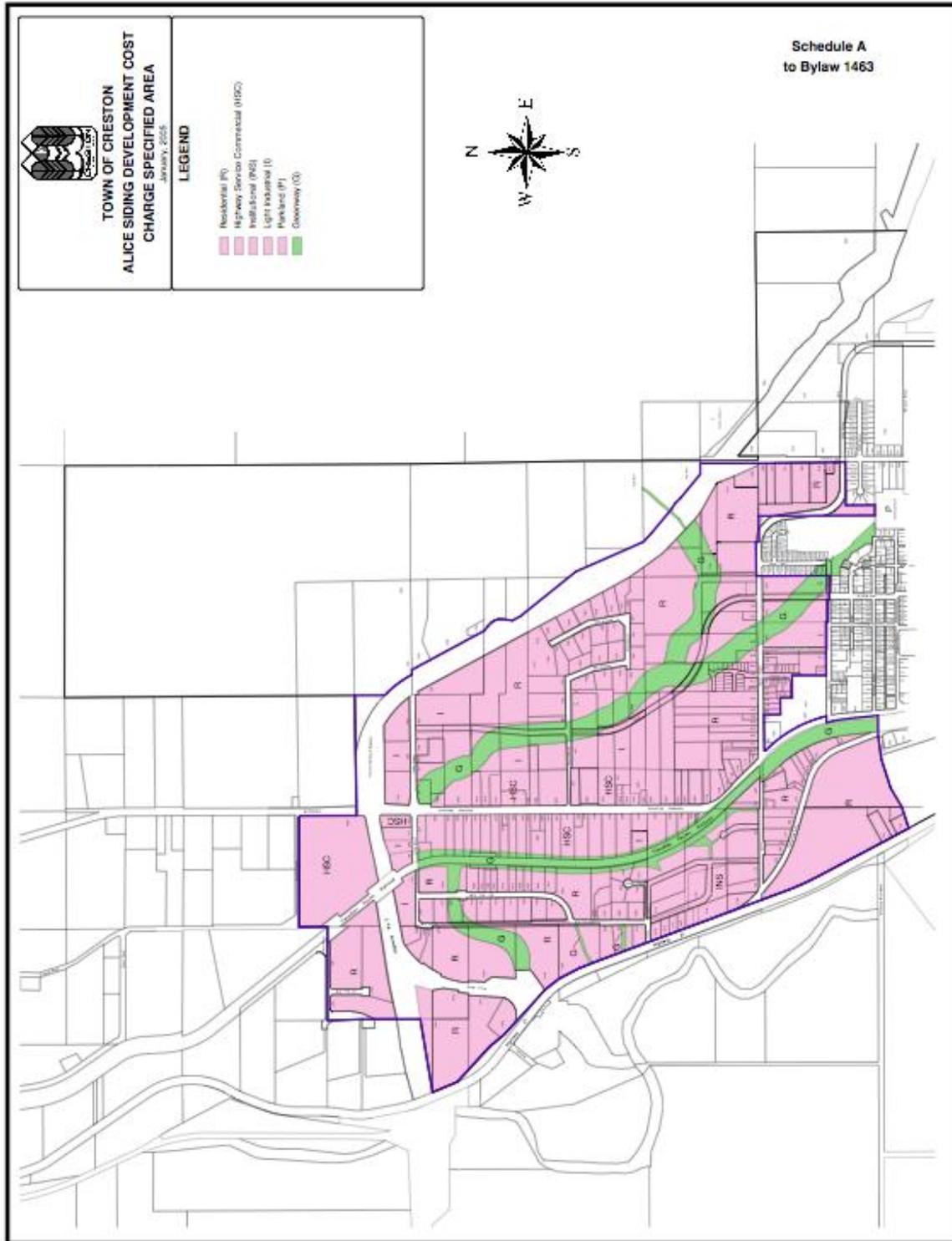
RECEIVED THE APPROVAL OF THE INSPECTOR OF MUNICIPALITIES of the Province of British Columbia, pursuant to the provisions of Section 937 of the Local Government Act, on the 6th day of May, 2005.

ADOPTED this 24th day of May, 2005.

"Joe Snopek"
Mayor Joe Snopek

"Gwen Mason"
~~Deputy~~ or Director of Corporation Administration

SCHEDULE "A"



SCHEDULE "B"
DEVELOPMENT COST CHARGES

1. Development Cost Charges

The amounts set out in the table below are the Development Cost Charges payable, in Canadian Dollars, under section 3(2) of this bylaw and must be calculated in the manner prescribed in section 5 of this bylaw:

TABLE OF DEVELOPMENT COST CHARGES (1% ASSIST FACTOR)					
Capital Project	SFU (per unit)	MFU (per unit)	Industria l (per m² floor space area)	Commercia l (per m² floor space area)	Institutiona l (per m² floor space area)
	\$ 2570.64	\$ 1754.06	\$ 14.40	\$ 18.52	\$ 18.52
Water	\$ 388.77	\$ 265.28	\$ 2.16	\$ 2.80	\$ 2.80
Roads	\$ 1168.04	\$ 797.01	\$ 6.56	\$ 8.40	\$ 8.40
Sanitary	\$ 892.45	\$ 608.95	\$ 5.00	\$ 6.44	\$ 6.44
Parks	\$ 121.38	\$ 82.82	\$ 0.68	\$ 0.88	\$ 0.88
Total	\$ 2570.64	\$ 1754.06	\$ 14.40	\$ 18.52	\$ 18.52

BL#1712

SUPPLEMENTS TO
TOWN OF CRESTON
DEVELOPMENT COST CHARGES BYLAW 1463

The follow resource documents were referenced in establishing the Development Cost Charges for area formerly known as Alice Siding:

- Appendix "1" - Dayton & Knight's Report:
Alice Siding Comprehensive Development Planning Study
(Originated March 27, 1997) **(Attached)**
- Appendix "2" - Dayton & Knight's Report:
Alice Siding Comprehensive Development Planning Study - Computer Printouts
(Revised November 26, 2004) **(Attached)**
- Appendix "3" - Ministry of Community, Aboriginal and Women's Services - Best Practices Guide
(www.mcaws.gov.bc.ca/lgd/irpd/growth/PUBLICATIONS/dccguide.pdf)
- Appendix "4" - Ministry Submission Summary Checklist
(Attached)

Appendix "1" to
DCC Bylaw 1463

TOWN OF CRESTON

ALICE SIDING COMPREHENSIVE DEVELOPMENT PLANNING STUDY

March 27, 1997

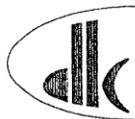


DAYTON & KNIGHT LTD.
Consulting Engineers

Appendix "2" to
DCC Bylaw 1463

TOWN OF CRESTON

ALICE SIDING COMPREHENSIVE DEVELOPMENT PLANNING STUDY



DAYTON & KNIGHT LTD.
Consulting Engineers

Appendix "3" to
DCC Bylaw 1463

Ministry of Community, Aboriginal and Women's Services - Best Practices Guide
(www.mcaaws.gov.bc.ca/lgd/irpd/growth/PUBLICATIONS/dccguide.pdf)



Ministry of
 Municipal Affairs
 and Housing

Municipal Financial
 Services

MINISTRY SUBMISSION SUMMARY CHECKLIST
 (to be completed by local government)

MUNICIPALITY/REGIONAL DISTRICT TOWN OF CRESTON

DCC BYLAW(S) NO.(S) 1463

Is this bylaw a New DCC Bylaw Major DCC Bylaw Amendment
 Minor DCC Bylaw Amendment

Complete checklist by marking the appropriate boxes, and providing references to background material and other requested information. If DCC's are established on a basis other than the DCC Recommended Best Practice, please provide a brief explanation for the approach used. If space is insufficient, feel free to reference pages in submission where this is covered or append additional pages.

	DCC Recommended Best Practice	Submission Page reference
1.	Did the development of this DCC bylaw include: <input checked="" type="checkbox"/> a full public process? <input checked="" type="checkbox"/> input from stakeholders? <input checked="" type="checkbox"/> Council input only?	Appendix "5"
	Why? <u>PREPARED BY COUNCIL - PUBLIC INFORMATION MEETINGS HELD.</u>	
2.	Are the Road DCC's established: <input type="checkbox"/> on a municipal-wide basis? <input checked="" type="checkbox"/> on an area specific basis?	Bylaw 1463 Schedule "A"
	Why? <u>DCC AREA IS WHERE ROADS ARE DEFICIENT. EXISTING ROADS ARE BEING MAINTAINED AND REBUILT FROM GENERAL REVENUE.</u>	
3.	Are the Storm drainage DCC's established: <input type="checkbox"/> on a municipal-wide basis? <input checked="" type="checkbox"/> on an area specific basis?	
	Why? <u>DCC AREA IS WHERE STORM SEWERS ARE REQUIRED.</u>	

	DCC Recommended Best Practice	Submission Page reference
4.	Are the Sanitary sewer DCC's established: <input type="checkbox"/> on a municipal-wide basis? <input checked="" type="checkbox"/> on an area specific basis?	
	Why? <u>SAME.</u> _____ _____ _____	
5.	Are Water DCC's established: <input type="checkbox"/> on a municipal-wide basis? <input checked="" type="checkbox"/> on an area specific basis?	
	Why? <u>EXCEPT FOR TREATMENT FACILITIES</u> _____ _____ _____	
6.	Are Park land and park land improvement DCC's established: <input checked="" type="checkbox"/> on a municipal-wide basis? <input type="checkbox"/> on an area specific basis?	
	Why? <u>EXISTING SUBDIVISION BYLAW APPLIES TO WHOLE TOWN.</u> _____ _____ _____	
	Existing park standards/holdings _____ Park standards for DCC purposes _____	
7.	Is the DCC time frame: <input type="checkbox"/> a specific term (_____ Years) tied into the time frame of the CEP? <input type="checkbox"/> build out tied into the time frame of the CEP? <input checked="" type="checkbox"/> other <u>ON GOING - PRIORITIES RESET.</u> _____?	
	Why? <u>ANNUALLY, UNTIL FUNDS ARE ACCUMULATED TO MAKE A CONTRIBUTION.</u> _____ _____ _____	

	DCC Recommended Best Practice	Submission Page reference
8.	Are residential DCC categories established on the basis of: <input checked="" type="checkbox"/> density gradient? <input type="checkbox"/> building form? <input type="checkbox"/> other _____?	
	Why? <u>BASED ON ZONING & OCP BYLAWS.</u> _____ _____ _____	
9.(a)	Are residential DCC's imposed on the basis of: <input checked="" type="checkbox"/> development units? <input type="checkbox"/> floor space? <input type="checkbox"/> other _____?	
	Why? <u>THIS IS GROWTH AREA.</u> _____ _____ _____	
9.(b)	Are commercial and institutional DCC's imposed on the basis of: <input type="checkbox"/> floor space? <input type="checkbox"/> other <u>LOT AREA (HA's)</u> _____?	
	Why? <u>A LAND ASSEMBLY WILL BE REQUIRED TO SATISFY ANY MAJOR COMMERCIAL OR INDUSTRIAL DEVELOPMENT.</u> _____ _____	
9.(c)	Are industrial DCC's imposed on the basis of: <input checked="" type="checkbox"/> gross site area? <input type="checkbox"/> other _____?	
	Why? <u>LARGE INDUSTRIAL ZONE WILL ALSO REQUIRE LAND ASSEMBLY PROPOSALS.</u> _____ _____	

	DCC Recommended Best Practice	Submission Page reference
10.	Is the DCC program consistent with: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> the <i>Municipal Act</i>? <input checked="" type="checkbox"/> Regional Growth Strategy? <input checked="" type="checkbox"/> Official Community Plan? <input checked="" type="checkbox"/> Master Transportation Plan? <input checked="" type="checkbox"/> Master Parks Plan? <input checked="" type="checkbox"/> Liquid Waste Management Plan? <input type="checkbox"/> Affordable Housing Policy? 	
	Why not? _____ _____ _____	
11.	Are DCC recoverable costs, consistent with Ministry policy, clearly identified in the DCC documentation: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Cost allocation between new and existing? <input checked="" type="checkbox"/> Grant Assistance? <input checked="" type="checkbox"/> Developer Contribution? <input checked="" type="checkbox"/> Municipal Assist Factor? <input checked="" type="checkbox"/> Interim Financing? <input checked="" type="checkbox"/> Interest on long-term debt is <i>excluded</i>? <input type="checkbox"/> Other? 	
	Why? _____ _____ _____	
	Is capital cost information provided for: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Roads? <input checked="" type="checkbox"/> Storm Drainage? <input checked="" type="checkbox"/> Sanitary Sewer? <input checked="" type="checkbox"/> Water? <input type="checkbox"/> Park land? <input type="checkbox"/> Park land improvements? 	7.2.1.B Ref. <u>7.2.1.A</u> Ref. <u>7.2.4</u> Ref. <u>7.2.3</u> Ref. <u>7.2.2.B</u> Ref. _____ Ref. _____

	DCC Recommended Best Practice	Submission Page reference
12.	Does the municipal assist factor reflect: <input checked="" type="checkbox"/> the community's financial support towards the financing of services for development? <input type="checkbox"/> other _____?	Appendix "6"
	Why? <u>NO PHASE IN.</u> _____ _____ _____	
	Has a municipal assist factor been provided for: <input type="checkbox"/> Roads? Assist factor <u>50</u> % <input type="checkbox"/> Storm Drainage? Assist factor <u>50</u> % <input type="checkbox"/> Sanitary Sewer? Assist factor <u>50</u> % <input type="checkbox"/> Water? Assist factor <u>50</u> % <input type="checkbox"/> Park land? Assist factor <u>50</u> % <input type="checkbox"/> Park land improvements? Assist factor <u>50</u> %	Bylaw 1763 Schedule "B"
13.	Are DCC's for single family developments to be collected: <input checked="" type="checkbox"/> at the time of subdivision approval? <input type="checkbox"/> other _____?	
	Why? <u>ONLY LEVER AVAILABLE TO GUARANTEE COMPLETION</u> _____ _____ _____	
14.	Are DCC's for multi-family and non-residential land uses to be collected: <input checked="" type="checkbox"/> at the time of building permit issuance? <input type="checkbox"/> other _____?	
	Why? _____ _____ _____ _____	

	DCC Recommended Best Practice	Submission Page reference
15.	Is a DCC monitoring and accounting system to provide a clear basis for the tracking of projects and the financial status of DCC accounts: <input checked="" type="checkbox"/> in place? <input type="checkbox"/> to be set up?	
	Why not? _____ _____ _____	
16.	Is a suitable period of notification before a new DCC bylaw is in effect, known as a grace period: <input checked="" type="checkbox"/> provided for? <input type="checkbox"/> other _____?	
	Why not? <u>HAVE BEEN WORKING ON THIS BYLAW FOR TWO YEARS.</u> _____ _____	
17.(a)	Does the DCC bylaw set out the situations in which a DCC credit or rebate are to be given? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
17.(b)	If no, has Council adopted a policy statement that clearly identifies situations in which a DCC credit or rebate should be given or would be considered by Council? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, a copy of the policy statement is included with this submission.	Ref. _____
17.(c)	Is a copy of the policy statement available to all stakeholders? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If no, why not? _____ _____ _____	



	DCC Recommended Best Practice	Submission Page reference
18.	<p>Has a process to provide for minor routine amendments to the DCC bylaw to reflect changes in construction and other capital costs:</p> <p><input checked="" type="checkbox"/> been established?</p> <p><input type="checkbox"/> not considered necessary?</p> <p><input type="checkbox"/> other _____?</p>	
	<p>Why? _____</p> <p>_____</p> <p>_____</p>	
19.	<p>Has a process to provide for major amendments to the DCC bylaw, involving a full review of DCC issues and methodology, to be completed not more than once every five years:</p> <p><input type="checkbox"/> been established?</p> <p><input checked="" type="checkbox"/> not considered necessary?</p> <p><input type="checkbox"/> other _____?</p>	
	<p>Why? <u>WILL BE RECONSIDERED WITH CCP AND ZONING BYLAW REVIEWS - 5-10 YEAR BASIS.</u></p> <p>_____</p> <p>_____</p>	
<p>Contact <u>W.H.F. HARRINGTON</u> Position <u>CHIEF ADMINISTRATIVE OFFICER</u> Phone <u>(250) 438-2214</u></p> <p>*Signed by <u>[Signature]</u> Position <u>CHIEF ADMINISTRATIVE OFFICER</u></p> <p>* one of Head of engineering, finance or planning</p> <p>Signed by (second signature optional) _____ Position _____</p> <p>Date _____</p>		

cc: Engineering, Planning, Finance (as appropriate)

MUNICIPALITY: _____ TOWN OF CRESTON _____

SUMMARY OF DCC'S - BYLAW NO.(S). _____ 1463 _____

	Residential		Industrial Cost - \$/ha	Commercial Cost - \$/ha
	SFU - \$/unit	MFU - \$/unit		
Roads	3,035.87	2,069.91	42,538.84	54,686.62
Storm Drainage	1,084.24	739.26	15,192.46	19,530.95
Sanitary Sewer	1,142.48	778.96	16,008.45	20,579.97
Water	3,465.64	2,362.94	48,560.71	62,428.15
Park Land	--	--	--	--
Park Land Improvements	--	--	--	--
Sub totals	\$ 8,728.23	\$ 5,951.07	\$122,300.46	\$157,225.69
50% Municipal Assistance	\$ 4,364.11	\$ 2,975.53	\$ 61,150.23	\$ 78,612.84
Total Charges	\$ 4,364.12	\$ 2,975.54	\$ 61,150.23	\$ 78,612.85



CONFIDENTIAL

Letter #	79
File #	File No. 3150.01
	JAN 19 2005
Action	LU Jan 21
	CB

Inter-Office Memorandum

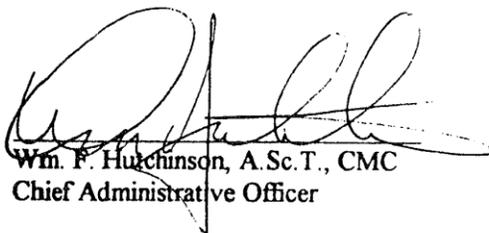
To: Mayor and Council Members
From: Wm. F. Hutchinson, Chief Administrative Officer
Date: January 19th, 2005
Subject: Development Cost Charges - Stakeholder's Meeting of January 18, 2005

Approximately 21 persons attended the Stakeholder's Meeting, with strong representation from Council and staff, as well as the Town's engineering consultant Jerry Sklenar from Dayton & Knight, who prepared the study.

The meeting was advertised in two previous issues of the local newspaper. Ten affected residents attended and availed themselves of the opportunity to become informed. Two surveys were completed at the meeting, two others were taken and will be forwarded by mail. Of the two questionnaires submitted, one was completely in support of the Development Cost Charge concept, and one was concerned for the impact to birds and waterfowl, if 10th Avenue is constructed.

Mr. Sklenar advised that the Ministry of Community Aboriginal & Women's Services' Best Practices Guide requires a minimum of 1% assist factor, and that is the only decision that Council must make for staff to proceed to the bylaw preparation process.

It would appear that based on this turn out, the issue of Development Cost Charges is not of concern to the property owners in the Alice Siding area (North) of the Town of Creston.


Wm. F. Hutchinson, A.Sc.T., CMC
Chief Administrative Officer

WFH:bjc



SIGN IN SHEET
 JANUARY 18, 2005 - OPEN HOUSE
 DCC's for Former Alice Siding Area

NAME (please print)	ADDRESS
Koon Mueller	3011 Ark St. Creston
Bill Hultquist	TOWN OF CRESTON
Louise Lavender	" " "
Ross Bessner	" "
David Strom	871 Balsam Rd
Laura Strom	871 Balsam Rd.
Ken Folkman	#8, 518 - 18 Ave South Creston
AL CHEROWKIA	CRESTON
John Bear Ryckman	CRESTON 1138 N.W. BLVD.
SHARON SADLER	TOWN OF CRESTON
TONY HETMAN	✓ ✓ C/O SHARON SADLER
ED VONDRACEK	TOWN of Creston
DOUG MACKAY	T.O.C.
JOE SNOPEK	TOWN OF Creston
JOHN THOMAS	TOWN OF CRESTON
W. D. RICHARDS	1500 NORTHWEST BLVD.
San Richards	ditto
Jeanne Case	620 Payne St. R.R.#6 Creston



REQUEST FOR COMMENTS
JANUARY 18, 2005 - OF IN HOUSE
DCC's for Former Alice Siding Area

Please provide your name: David Stom

and your address: 871 Balsam Rd.

and any comments you have that are relevant to the proposed
Development Cost Charges for the former Alice Siding Area:

I operate my flooring manufacturing business
from the east side of Glaser Creek, so I enjoy
the wildlife that uses this wetland as home.

If a reservoir is dug into this land you'd lose
the habitat for pheasants, red-winged blackbirds, and
so on.

Your development plan certainly prevents the
development of my business there.

Thank you for your comments.

Please leave this form at the sign in table, on your way out.

Wm. F. Hutchinson,
Chief Administrative Officer
Town of Creston



JANUARY 18, 2005 - OPEN HOUSE
DCC's for Former Alice Siding Area

Please provide your name: ^{RANDY} ELLEN SAMUELSON

and your address: 1518 N.W. BLVD

and any comments you have that are relevant to the proposed
Development Cost Charges for the former Alice Siding Area:

GOOD TO SEE THE PLANS.

WE'RE IN FAVOR, SUPPORT WHAT
WE'VE SEEN.

PLEASE KEEP US POSTED ON THE
PROGRESS + ANY INPUT WE
CAN PROVIDE.

Thank you for your comments.

Please leave this form at the sign in table, on your way out.

Wm. F. Hutchinson,
Chief Administrative Officer
Town of Creston

legislation to allow interest costs approved by the Inspector of Municipalities but this provision has not yet been brought into force.) In practice, this section has been interpreted by MMA to include any or all of the following scope of capitalized activities:

- planning;
- public consultation;
- engineering design;
- right-of-way or parkland acquisition;
- legal costs;
- interim financing;
- contract administration;
- construction;
- contingencies; and,
- Goods and Services Tax (GST) (net 3% for local governments).

Recommended Best Practice

DCC recoverable costs should be clearly identified in the DCC documentation and must be consistent with Ministry provisions.

Interim financing is the short-term debt financed by the local government prior to the receipt of contributions from other sources, such as government grants, and this financing cost is recoverable through DCCs.

As a matter of Ministry policy, inflation and long term debt financing are not considered eligible for DCC recovery. However, section 935 (3) (c) of the *Local Government Act* does allow funds in DCC reserve accounts to be used to pay for the interest and principal on a debt resulting from DCC project costs. Also a provision has been built into the legislation to allow interest costs approved by the Inspector of Municipalities but this provision has not yet been brought into force.

Large DCC projects involving more than one utility or service, multi-year funding, and/or various funding sources can be broken down into separate phases to simplify DCC administration and accounting. Projects may be entirely or partly funded through DCCs, however in a revolving DCC program, costs should be included only for the phase(s) which are proposed in that time period.

Municipal Assist Factor

Section 933 (2) of the *Local Government Act* states that the purpose of DCCs is to provide funds to "assist" the local government to pay the costs of municipal parks and infrastructure. By not allowing 100% of the development related costs to be charged to new development, the legislation implicitly requires an "assist factor." As a matter of Ministry policy, a requirement exists for local government to provide a level of financial assistance. The municipal assist factor is separate from any allocation of costs made between new development and existing users. No guidance is provided by the Ministry as to the magnitude of the assist factor; some local government have set it as low as 1% (i.e., 99% of the development related capital costs are borne through DCCs), while others have set it as high as 50%. This factor reflects Council's desire to encourage development and is largely a political decision.

Recommended Best Practice

The municipal assist factor is a discretionary vehicle which should be a reflection of the community's financial support towards the financing of services for development.

The municipal assist factor may be amended from time to time to ensure that the DCC does not deter development, however each adjustment will require bylaw amendment and approval from the Ministry.

Although council has the flexibility to use the municipal assist factor as a political instrument, Ministry policy does limit how the assist factor is to be applied in two ways. The factor can only be varied between different categories of infrastructure. For example, an assist factor of 10% could be applied to roads, while 5% could be applied to sanitary sewer. In addition, the factor must be consistent within that category of infrastructure or specified service area. As an illustration of this point, road DCCs for all land uses must have the same assist factor; for example, a municipality could not offer 10% assistance for single family lots and 25% assistance to commercial developments (nor 10% to Area A and 25% to Area B). These

4

PCSS 2005
GRAD COMMITTEE

The Mayor thanked Mr. Vanderbeck for his presence at the Association of Kootenay Boundary Local Government for attendance at the April Conference; and advised that the Town does sidewalk checks on a regular basis. Mr. Vanderbeck left Council Chambers at 7:22 p.m.

The Mayor welcomed Mr. David Falconer, Vice-President, Ms. Corleen McKinnon, Teacher and members of the Prince Charles Secondary School 2005 Grad Committee, to the meeting at 7:30 p.m.

Ms. McKinnon thanked Council for the opportunity to attend and she introduced Breanne Ross, Allison Brock, Misty Louie and Foster Harris, members of the 2005 Grad Committee.

Miss Ross distributed correspondence to Council and verbally reported on the rationale for the 2005 Grad Trip to the United States. Miss Brock and Miss Louie reported on the itinerary, costs and fundraising; and Mr. Foster reported on PCSS student involvement in the community.

There was general discussion regarding funding criteria; funding shortages, student participation and clarification of media reporting.

The Mayor thanked Mr. Falconer, Ms. McKinnon and the 2005 Grad Committee members for attending; advised the Council will consider their request for funding; and the Delegation left Council Chambers at 7:42 p.m.

RECESS

The Mayor recessed the meeting until 8:00 p.m. for the Public Forum.

RECONVENE

The Mayor reconvened the meeting at 8:00 p.m.

PUBLIC FORUM
SUBMISSIONS RE
DCC BYLAW 1463
(FORMER ALICE
SIDING AREA)

The Mayor welcomed everyone to the Public Forum at 8:00 p.m. and reported that members of the gallery are welcome to present comments to Council, regarding the proposed Development Cost Charges for the former Alice Siding Area.

Mr. John Huscroft asked Council if they had compared these Development Cost Charges (DCC's), to DCC's in surrounding communities. He distributed DCC's for the City of Grand Forks and the City of Castlegar, noting that no fees are required until the building permit process.

Mr. Casey Messenger asked if there are DCC's in other areas of the Town and the Chief Administrative Officer reported that there are two smaller areas that require DCC's. The Chief Administrative Officer also noted that these new DCC costs, are determined by the amount of infrastructure required in the defined area, to enable future development. Mr. Messenger reported on two major projects in the community (Brewery expansion and Crestview), and he questioned the cost (road maintenance, etc), to the community in lieu of same. He also questioned Council on the cost to expand Devon Road to 20th Avenue and the Chief Administrative Officer advised that the expansion of Devon Road is not subject to DCC's. The Town's DCC's are collected during the subdivision and the building permit stage.

Mr. Bob Griffith reported that these costs were previously calculated and charged with the Alice Siding Sewer Project; the statistics are not accurate; population projections are down; and real estate is down by 20 to 25%.

Mr. Messenger questioned the projected growth rates; the extension of 10th Avenue; and low commercial development in the last 5 years. He advised that he has 2 hectares of undeveloped land and he questioned subdivision costs and servicing requirements, when he needs the infrastructure prior to development.

The Mayor reported that Council has applied for a 3 Million Dollar grant for the extension of 10th Avenue; and if the grant is approved, Council would then recalculate the DCC's by deducting that amount. Council can also review the DCC charges at any time in the future.

Mr. Lawrence Colonel reported on the low lot sales over the last five years; the price of a lot was \$34,000 and now averages \$27,000; projections are not always accurate; we don't have enough to offer people; people buy here because of low prices and in three years they leave; there is commercial property available on Helen Road, but no buyers; these DCC's will hurt the Town; and why is all of Creston not being considered for DCC's.

Mr. Griffith asked for confirmation that if the Town receives a grant for the 10th Avenue extension, the DCC's would be recalculated and he was advised that is accurate.

The Mayor asked for any further comments from the gallery and as there were none, he thanked everyone for attending and they left the gallery at 8:23 p.m.

88-05
LTR #135 RE
DCC CHARGES

Moved by Councillor Vondracek, seconded by Councillor Mueller
THAT Ltr #135 from KRC Investments incl, providing comments on the proposed Development Cost Chargers for the former Alice Siding area, be received and filed for information. CARRIED

89-05
CORRESPONDENCE
FOR INFORMATION

Moved by Councillor Vondracek, seconded by Councillor Thomas
THAT Ltr #206 from the Director of Corporate Administration, listing Correspondence for Information, be received and filed for information. CARRIED

90-05
FINANCE WARRANTS
4, 5 AND 6

Moved by Councillor Folkman, seconded by Councillor Mueller
THAT Finance Warrant No. 4 in the amount of \$81,724.20, No. 5 in the amount of \$78,067.65 and No. 6 in the amount of \$115,257.44, be received. CARRIED

COUNCIL COMMITTEE
91-05
FEBRUARY 7TH
RECOMMENDATIONS
INCLUSIVE
COMMUNITY YOUTH
PROJECT

Moved by Councillor Lavender, seconded by Councillor Vondracek
THAT Council Committee Recommendations 1 to 3, from the February 7, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 1:
THAT Ltr #99 from the Kootenai Community Centre, requesting Council consider budgeting funds in 2005 to assist with the Inclusive Community Youth Project; be referred to 2005 Budget discussions; and the Kootenai Community Centre be advised of same.

RQST FUNDING
(ABORIGINAL FAMILY
CENTRE)

RECOMMENDATION NO. 2:
THAT Ltr #105 from Ms. Connie Zibin and Ms. Liane Fuller, representatives of the Aboriginal Family Centre, regarding a request for funding, be referred to Council Committee for further review and recommendation; AND FURTHER, THAT Administration write Ms. Zibin and Ms. Fuller, requesting additional information on other funding sources for the Aboriginal Family Centre.

BUSINESS
LICENCE BYLAW
1556

RECOMMENDATION NO. 3:
THAT Ltr #145, Business Licence Bylaw 1556; be tabled to the March 7th, 2005 Regular Committee Meeting; AND FURTHER, THAT the Bylaw Enforcement Officer be invited to attend the March 7th, 2005 Regular Committee Meeting. CARRIED

92-05
REST AREA KIOSK
PROGRAM

Moved by Councillor Vondracek, seconded by Councillor Lavender
THAT Ltr #192 from Patrick Spinks, regarding the Ministry of Transportation Rest Area Information Kiosk Program, be referred to Council Committee for further review and recommendation. CARRIED

93-05
RQST LETTER
OF SUPPORT
(CRESTON GOLF
CLUB)

Moved by Councillor Lavender, seconded by Councillor Folkman
THAT Ltr #202 from the Creston Golf Club, requesting a letter of support for Provincial and Federal funding/grant applications to upgrade the watering system at the Golf Club, be received; AND FURTHER, THAT Administration write the Creston Golf Club expressing Council's support for Provincial and Federal funding/grant applications to upgrade the watering system at the Creston Golf Club. CARRIED

94-05
RQST REVIEW OF
RDCK/CAEDS
AGREEMENT

Moved by Councillor Vondracek, seconded by Councillor Mueller
THAT Ltr #214 from the Regional District of Central Kootenay, requesting review and comments on the Draft agreement between the Regional District of Central Kootenay and the Creston Area Economic Development Society, be referred to Council Committee for further review and recommendation. CARRIED

INDEX OF AMENDING BYLAWS

Bylaw 1712 – Adopted December 15, 2009

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.