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TSAWWASSEN FIRST NATION
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Land Use Planning and Development Act

OFFSITE LEVIES REGULATION

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WHEREAS the Tsawwassen First Nation *Land Use Planning and Development Act* authorizes the Executive Council to impose offsite levies as a condition of approval of subdivision or issuance of building permit, the funds of which will be deposited in the Offsite Levy Reserve Fund and used for the purposes described in that Act;

AND WHEREAS new developments within the Tsawwassen Lands impose burdens on the Tsawwassen Government for the cost of providing, constructing, altering or expanding sewer and water works, drainage, highways, parking facilities, pedestrian infrastructure, schools, community facilities, parkland, and other community amenities; for acquiring Rights of Refusal Lands, and for directly related costs, including market research, land appraisals, legal analysis, feasibility studies, surveys, environmental assessments, landscaping and project management;

NOW THEREFORE the Executive Council of the Tsawwassen First Nation in open meeting assembled ENACTS AS FOLLOWS:

Citation

1.1 This Regulation may be cited as “Tsawwassen First Nation Offsite Levies Regulation, 2009”.

Interpretation

2.1 In this Regulation:

“**dwelling unit**” has the same meaning as defined in Tsawwassen *First Nation Zoning Regulation, 2009*, as amended or replaced from time to time;

“**gross floor area**” has the same meaning as defined in *Tsawwassen First Nation Zoning Regulation, 2009* as amended or replaced from time to time;

“**infrastructure**” means sewer, water, drainage, parking, pedestrian and highway facilities;

“**per square metre**” means the offsite levies payable per square metre of a building or structure being constructed, altered or extended as measured by using the gross floor area; and

“**per unit**” means per dwelling unit which could be constructed on land being subdivided or on which a building or structure is being constructed, altered or extended by building permit.

2.2 Unless specifically defined herein, words and phrases used in this regulation shall be construed in accordance with the meanings assigned to them in the Tsawwassen First Nation *Final Agreement* or the Tsawwassen First Nation *Land Use Planning and Development Act*, as the context and circumstances require.

Levies Payable

3.1 Subject to exemptions established in the *Land Use Planning and Development Act*, every person must, as a condition of

- (a) approval of a subdivision, or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure,
- (c) pay to the Tsawwassen First Nation the applicable levies established in Schedule A, indexed to the annual rate of inflation for British Columbia as determined by the Statistics Canada consumer price index for British Columbia and further,
- (d) in the case of a multiple use building, must pay the accumulation of applicable offsite levies for each use.

3.2 No offsite levies are payable in relation to a development authorized by a building permit:

- (a) for the construction, alteration, repair or demolition of a building or part of a building on land used solely for the following:
 - (i) a place of public worship;
 - (ii) a community hall, cultural centre or other community amenity approved by the Tsawwassen Government;
- (b) the value of the work identified in the building permit is appraised at \$50,000 or less, calculated by an appraiser on a date within 90 days before the building application is submitted in a complete form for approval; or
- (c) where an offsite levy has previously been paid for the same development, unless new infrastructure or park land is required as a result of change, revision or expansion of that project.

3.3 No offsite levy is payable if

- (a) Four (4) or fewer lots are being subdivided as part of one application, and
- (b) the lots that are subject of the application are located within the RS1 zone of Tsawwassen Lands, as identified in the Zoning Regulation.

[Amended by order number 060-2010]

Schedule

4.1 Schedule A is attached to and forms part of this Regulation.

SCHEDULE A

Category of Use	Offsite Levy Charge
Single Family Residential	\$ 14,597.70/unit
Multi-Family Residential	
Townhouse	\$ 9,915.10/unit
Apartment	\$ 7,810.40/unit
Congregate Care	\$ 3,662.10/unit
Commercial	\$ 9.20/sq. ft.
Industrial	\$ 83,811.92/acre

Offsite Levies collected by TFN must be placed into a reserve fund and may only be used to fund activities listed in section 62 (2) (a) (b) (c) [*Imposition and payment of offsite levies to Tsawwassen Government*] of the *Land Use Planning and Development Act* as amended from time to time.