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BYLAW NO. 2758

DEVELOPMENT COST CHARGES BYLAW (JUAN DE FUCA WATER DISTRIBUTION), NO. 1, 2000

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED August 9, 2000

(Consolidated with Amending Bylaws 2960, 3100, 3218, 3432, 3805, 3893, 3904, 4063, 4249, & 4669)

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Amending Bylaws Consolidated

Bylaw No.	Type	Adopted	Purpose
2960	Text	2002-03-27	To specify that revenues will be used to pay capital costs on growth-related water facilities and to redefine Medium Density Munti-family
3100	Replace Schedules/Maps	2004-01-14	To increase charge rates in Schedule G of Bylaw 2758
3218	Replace Schedule G	2005-04-27	To amend charge rates in Schedule G
3432	Replace Schedules/Maps	2007-10-10	To increase the development cost charges rates and to update the service area maps
3805	Replace Schedule	2012-01-11	To reduce development cost charges in Schedule G
3893	Text and replace schedule G	2013-03-27	To amend bylaw to reflect changes in the Local Government Act
3904	Text and Schedules	2013-08-14	To include a portion of the District of Highlands
4063	Replace Schedule B	2017-03-08	To adjust the boundaries in the Westhills Development area to include 4 additional properties that would be not be part of the Juan de Fuca Water Distribution service area
4249	Text and replace schedules	2018-09-19	To replace schedules and redefine density related terminology
4669	Text and remove schedules	2025-05-14	Overhaul and housekeeping amendments such as capitalizations and renumbering.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2758

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

WHEREAS

- A. The District may impose Development Cost Charges for the purposes of providing funds for the capital costs of water facilities in the service areas;
- B. The Development Cost Charges imposed by this Bylaw are related to the capital costs attributable to projects included in the capital expenditure program of the District under the terms and conditions of sections 933, 934 and 935;
(Bylaw 2960)
- C. The Board has considered the future land use patterns and development and the phasing of works and services;
- D. The Board is of the opinion that the Development Cost Charges imposed by this Bylaw:
 - (a) Are not excessive in relation to the capital costs of prevailing standards of service;
 - (b) Will not deter development;
 - (c) Will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;
- E. The Development Cost Charges imposed under this Bylaw will be collected by the Member Municipalities on behalf of the District, where applicable;

NOW THEREFORE the Board of the Capital Regional District, in open meeting assembled, enacts as follows:

PART 1 – GENERAL ADMINISTRATION

(Bylaw 4669)

- 1. This Bylaw may be cited as the “Development Cost Charges Bylaw (Juan de Fuca Water Distribution), No. 1, 2000.”
- 2. Schedule A – DCC Rates attached to this Bylaw forms an integral part of this Bylaw and is enforceable in the same manner as this Bylaw.
(Bylaw 4669)
- 3. This Bylaw applies to all applications for Subdivision and for issuance of a Building Permit for Parcels located within the Juan de Fuca Water Distribution System Service Area.
(Bylaw 4669)

PART 2 – DEFINITIONS AND INTERPRETATION

(Bylaw 4669)

4. (1) For the purposes of this Bylaw, the words or phrases that are not included in this section shall have the meaning assigned to them in the Local Government Act.

(Bylaw 4669)

- (2) In this Bylaw:

(Bylaw 4669)

APPLICANT means a person liable to pay Development Cost Charges under this Bylaw.

(Bylaw 4669)

ATTACHED SECONDARY SUITE has the same meaning as under the British Columbia Building Code and does not include a strata Lot.

(Bylaw 4669)

BOARD means the elected board of the Capital Regional District.

(Bylaw 4669)

BUILDING PERMIT means any permit authorizing the construction, alteration or extension of a building or Structure in a Member Municipality or the Electoral Area within the Service Area.

(Bylaw 4669)

COMMERCIAL means land zoned for commercial uses under a Zoning Bylaw enacted by a Member Municipality or the District.

(Bylaw 4669)

COMMISSION means the Juan de Fuca Water Distribution Commission.

(Bylaw 4669)

COMPREHENSIVE DEVELOPMENT includes any development that is comprised of any two or more Residential Uses, Non-Residential Uses or both.

(Bylaw 4669)

DETACHED SECONDARY SUITE means a building attached to a foundation, used or designed as a self-contained Dwelling Unit located on a lot with a primary single-family dwelling and does not include a strata Lot.

(Bylaw 4669)

DEVELOPMENT means a Subdivision or the construction, alteration, or extension of a building or structure for which a Building Permit may be obtained.

(Bylaw 4669)

DEVELOPMENT COST CHARGES means the applicable rates prescribed in Schedule A – DCC Rates.

(Bylaw 4669)

DISTRICT or CAPITAL REGIONAL DISTRICT means the Capital Regional District.

(Bylaw 4669)

DWELLING UNIT OR UNIT means a room, a suite of rooms or a building or Structure that is used or intended to be used as a self-contained private residence for one household that may contain eating, living, sleeping and sanitary facilities.

(Bylaw 4669)

ELECTORAL AREA includes any Electoral Area of the District, which is under the jurisdiction of the Commission and is located within the Service Area.

(Bylaw 4669)

GROSS FLOOR AREA means the total area of all floors in a building measured to the outside surface of the exterior walls, but excluding areas provided for parking or motor vehicles and storage of bicycles OR as defined under a Zoning Bylaw enacted by a Member Municipality or the District.

(Bylaw 4669)

HIGH DENSITY RESIDENTIAL means a building containing 3 or more Dwelling Units, one or more of which are wholly or partly above another Dwelling Unit.

(Bylaw 4669)

INSTITUTIONAL means land zoned for an institutional use under a Zoning Bylaw enacted by a Member Municipality or the District, and any Development providing for the assembly of persons for religious, charitable, philanthropic, cultural, civic, educational, or recreational purposes; including but not limited to auditoriums, youth centers, social halls, group camps, schools, and churches.

(Bylaw 4669)

INDUSTRIAL means land zoned for Industrial uses under a Zoning Bylaw enacted by a Member Municipality or the District.

(Bylaw 4669)

GENERAL MANAGER means the person appointed by the Board to perform the duties and responsibilities of the General Manager, Infrastructure and Water Services and his/her designate.

(Bylaw 4669)

LOT means any Parcel, block or other area in which land is held or into which it is legally subdivided, and for certainty, includes a bare land strata lot under the Strata Property Act.

(Bylaw 4669)

LOW DENSITY RESIDENTIAL means a building containing one Dwelling Unit, or a building containing one Dwelling Unit and an Attached Secondary Suite, or a Two Unit Dwelling.

(Bylaw 4669)

MEDIUM DENSITY RESIDENTIAL means a Detached Secondary Suite, or a building that is used or designed to contain 3 or more Dwelling Units, each having direct access to the outside at grade level, and for certainty does not include a building containing a Dwelling Unit wholly or partly above another Dwelling Unit.

(Bylaw 4669)

MEMBER MUNICIPALITY means the City of Colwood, the District of Highlands, the City of Langford, the District of Metchosin, the District of Sooke, and the Town of View Royal and any subsequently incorporated local government within the Service Area.

(Bylaw 4669)

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, Industrial, and Institutional.
(Bylaw 4669)

PARCEL means any Lot, block, or other area in which land is held or into which it is subdivided but does not include a highway.
(Bylaw 4669)

RESIDENTIAL USE means Low Density Residential, Medium Density Residential and High Density Residential uses.
(Bylaw 4669)

SERVICE AREA means the area serviced by the District's Juan de Fuca Water Distribution System, as amended, which is in a Member Municipality or the Electoral Area of the District, as defined by CRD Bylaw No. 2538, "Water Distribution Local Service Area Establishment Bylaw" as amended or replaced from time to time.
(Bylaw 4669)

STRUCTURE means any construction fixed to, supported by or sunk into land or water, excluding asphalt or concrete paving or similar surfacing of a Parcel.
(Bylaw 4669)

SUBDIVISION means a subdivision as defined in the Land Title Act or Strata Property Act.
(Bylaw 4669)

TWO UNIT DWELLING means a building consisting of two self-contained Dwelling Units which share a common wall or an area that forms the floor of one unit and the ceiling of the other and are not linked by a trellis, deck, breezeway or similar connection (e.g., a duplex).
(Bylaw 4669)

WATER FACILITY means any works, service or plant for storing, conveying, disposing or treating water.
(Bylaw 4669)

PART 3 - DEVELOPMENT COST CHARGES

5 (1) The Development Cost Charges set out in Schedule A – DCC Rates, attached hereto and forming part of this Bylaw, are hereby imposed on every Applicant within the Service Area who obtains:
(Bylaw 4669)

(a) approval of a Subdivision of land under the Land Title Act or the Strata Property Act, that creates two or more Parcels on which the construction of a Low Density Residential dwelling is permitted;
(Bylaw 4669)

(b) approval of a Building Permit authorizing the construction of a Low Density Residential Dwelling Unit on an existing Parcel; or
(Bylaw 4669)

- (c) approval of a Building Permit authorizing the construction, alteration or extension of a Medium Density Residential, High Density Residential; or Non-Residential building or Structure.

(Bylaw 4669)

- (2) For certainty, the intent of this Bylaw is to impose charges in respect of Building Permits authorizing the construction, alteration or extension of buildings that will, after the construction, alteration or extension, contain fewer than four self-contained Dwelling Units and be put to no other use than Residential Use in those Dwelling Units.

(Bylaw 4669)

- (3) An Applicant shall pay the Development Cost Charges to the Member Municipality or the District, according to the location of the Parcel in respect of which the Development Cost Charges are payable upon approval of a Subdivision or issuance of a Building Permit, as the case may be.

(Bylaw 4669)

PART 4 – EXEMPTIONS

(Bylaw 4669)

- 6. Despite any other provision of this Bylaw, a Development Cost Charge is not payable if any of the following applies in relation to a Development authorized by a Building Permit:

(Bylaw 4669)

- (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;

(Bylaw 4669)

- (b) the permit authorizes the construction, alteration, or extension of self-contained Dwelling Units in a building, the area of each self-contained Dwelling Unit is no larger than 29m², and each Dwelling Unit will be put to no other use than Residential Use;

(Bylaw 4669)

- (c) the value of the work authorized by the Building Permit does not exceed \$50,000;

(Bylaw 4669)

- (d) a Development Cost Charge has previously been paid for the Development unless, as a result of further Development, new capital cost burdens will be imposed on the Member Municipality;

(Bylaw 4669)

- (e) a Development does not impose new capital cost burdens on the District; or

(Bylaw 4669)

- (f) the Local Government Act or another enactment of the Province or the District or any regulations thereunder provide that no Development Cost Charge is payable.

(Bylaw 4669)

PART 5 - CALCULATION OF APPLICABLE CHARGES

(Bylaw 4669)

7. Development Cost Charges imposed under this Bylaw shall be calculated in accordance with the rates prescribed in Schedule A – DCC Rates.
- (Bylaw 4669)
8. Where a type of Development is not specifically identified in Schedule A – DCC Rates, the amount of Development Cost Charges applicable under Schedule A – DCC Rates shall be equal to the Development Cost Charges payable for the type of Development that imposes the most similar cost burden on the District's Water Distribution Facilities.
- (Bylaw 4669)
9. The amount of Development Cost Charges payable in relation to Comprehensive Development shall be calculated separately for each portion of the Development, in accordance with Schedule A – DCC Rates, which are included in the Building Permit application and shall be the sum of the charges payable for each type.
- (Bylaw 4669)
10. For certainty, a Two-Unit Dwelling will be charged two Low Density Residential Development Cost Charges.
- (Bylaw 4669)

PART 6 – COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES

(Bylaw 4669)

11. Each *Member Municipality* shall collect the *Development Cost Charge* payable under this Bylaw at the time prescribed in section 5(1) (as renumbered).
- (Bylaws 3893, 4669)
12. A *Member Municipality* shall not approve a *subdivision* or issue a *building permit* for any *development* unless the *Development Cost Charges* imposed under this Bylaw have been paid in accordance with Part 3.
- (Bylaw 4669)
13. Each *Member Municipality* shall establish and maintain a separate account for the *DCC* monies collected under this Bylaw and deposit and hold these monies in that separate account, in trust for the *District*, until the *DCC* monies are remitted to the *District*.
- (Bylaw 4669)
14. Within 30 days of the first business day of each month, each *Member Municipality* shall remit to the *District* the total amount of the *Development Cost Charges* collected by the *Member Municipality* during the previous month.
- (Bylaw 4669)

15. Each Member Municipality shall provide to the District with the remittance of the DCC monies a statement of account in a form approved by the General Manager which sets out the following information:
- (Bylaw 4669)
- (a) the date and amount of Development Cost Charges collected and the amount still outstanding under instalment payments (as permitted on Development Cost Charges owed greater than \$50,000) and the dates for payment;
 - (Bylaw 4669)
 - (b) the number and type of Residential Use(s);
 - (Bylaw 4669)
 - (c) the amount and type of Non-Residential Use(s);
 - (Bylaw 4669)
 - (d) the location of Parcel(s) and Dwelling Unit(s) against which DCCs were levied;
 - (Bylaw 4669)
 - (e) the location of Parcel(s) and Dwelling Unit(s) against which DCCs were not levied and the reason for the exemption; and
 - (Bylaw 4669)
 - (f) any other information that the General Manager deems necessary.
 - (Bylaw 4669)
16. Each *Member Municipality* shall retain, for a period of eleven years, sufficient records to support the statements and payments referred to in this part.
- (Bylaw 4669)
17. The *District* may, at any time subject to first giving reasonable notice to any *Member Municipality*, inspect any and all records of the *Member Municipality* relating to the information required by this Bylaw, the calculation, the collection and remittance by the *Member Municipality* of the *Development Cost Charges* levied under this Bylaw, and the calculations and remittance by the *Member Municipality* of any payments required under this Bylaw.
- (Bylaw 4669)
18. Each *Member Municipality* shall permit any employee or agent of the *District* to inspect the records referred in this part and to make and take away copies of those records.
- (Bylaw 4669)
19. If a *Member Municipality* chooses not to collect any portion of *Development Cost Charges* payable under this Bylaw or to remit to the *District* any *Development Cost Charges* collected in the manner prescribed by this Bylaw, the *Member Municipality* shall pay to the *District* on demand an amount equal to the *Development Cost Charges* that the *Member Municipality* should have collected or remitted under this Bylaw.
- (Bylaw 4669)

PART 7 – AUTHORIZATION

(Bylaw 4669)

20. The *General Manager* may prescribe any form, statement, notice, practice, procedure or other administrative requisites required under this Bylaw, after prior consultation with the staff of *Member Municipalities*.

(Bylaw 4669)

PART 8 - SEVERABILITY

(Bylaw 4669)

21. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw shall be deemed to have been enacted without the invalid portion.

(Bylaw 4669)

PART 9 – EFFECTIVE DATE

(Bylaw 4669)

22. This Bylaw shall come into effect thirty days after the date of final adoption of this Bylaw.

(Bylaw 4669)

READ A FIRST TIME THIS 10th day of May 2000.

READ A SECOND TIME THIS 10th day of May 2000.

READ A THIRD TIME THIS 10th day of May 2000.

APPROVED BY THE
INSPECTOR OF MUNICIPALITIES THIS 20th day of July 2000.

ADOPTED THIS 9th day of August 2000.

Christopher M. Causton
CHAIR

Sheila M. Norton
SECRETARY

SCHEDULE A

(Bylaw 4669)

Development Cost Charge Rates

Land Use Category	Unit of Charge	DCC Rates
Low Density Residential	per lot (or unit, in the case of a Two-Unit Dwelling)	\$2,796
Medium Density Residential	per unit	\$2,446
High Density Residential	per unit	\$1,573
Commercial	per m ² * GFA**	\$10.48
Industrial	per m ² GFA	\$5.24
Institutional	per m ² GFA	\$10.48

*m² = square meter

**GFA = Gross Floor Area