

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4669

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**A BYLAW TO AMEND DEVELOPMENT COST CHARGES BYLAW (JUAN DE FUCA WATER DISTRIBUTION) NO. 1, 2000 (BYLAW NO. 2758)**

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**WHEREAS:**

- A. Under Bylaw No. 2758, Development Cost Charges Bylaw (Juan de Fuca Water Distribution) No. 1, 2000, the District may impose development cost charges for the purposes of providing funds for the capital costs of water facilities in the service area;
- B. The Development Cost Charges established under Bylaw No. 2758 are periodically reviewed;
- C. The Board wishes to amend Bylaw No. 2758 to take into account changes in land use patterns, population projections, and the capital costs of providing, constructing, altering, or expanding Water Facilities in the Juan de Fuca Water Distribution System Service Area;
- 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; and
  - d. will not discourage Development designed to result in a low environmental impact.
- E. The Board has considered the future land use patterns and Development and the phasing of works and services;
- F. In the opinion of the Board, the charges imposed by this Bylaw are related to capital costs attributable to works included in the District's financial plan and long-term capital plans; and
- G. 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 Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 2758 "A Bylaw To Amend Development Cost Charges Bylaw (Juan De Fuca Water Distribution) No. 1, 2000" is hereby amended as follows:
  - (a) By removing the heading "**PART 1 – GENERAL PROVISIONS**" in its entirety and replacing it with "**PART 1 – GENERAL ADMINISTRATION**".
  - (b) By replacing section 2 in its entirety with:
    - 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.
  - (c) By replacing section 3 in its entirety with:

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.

(d) By replacing the heading “**PART 2- DEFINITIONS**” with the heading “**PART 2 – DEFINITIONS AND INTERPRETATION**”.

(e) By replacing section 4 in its entirety with:

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*.

4(2) In this Bylaw:

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

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

BOARD means the elected board of the Capital Regional District.

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.

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

COMMISSION means the Juan de Fuca Water Distribution Commission.

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

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.

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

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

DISTRICT or CAPITAL REGIONAL DISTRICT means the Capital Regional District.

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.

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

**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.

**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.

**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.

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

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**RESIDENTIAL USE** means Low Density Residential, Medium Density Residential and High Density Residential uses.

**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.

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.

SUBDIVISION means a subdivision as defined in the Land Title Act or Strata Property Act.

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).

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

(f) By replacing section 5 in its entirety with:

- 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:
  - (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;
  - (b) approval of a Building Permit authorizing the construction of a Low Density Residential dwelling unit on an existing Parcel; or
  - (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.
- 5 (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.
- 5 (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.

(g) By deleting sections 6 through 10, and replacing them with the following:

#### **PART 4 - EXEMPTIONS**

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:
  - (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 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 29m<sup>2</sup>, and each Dwelling Unit will be put to no other use than Residential Use;
- (c) the value of the work authorized by the Building Permit does not exceed \$50,000;
- (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;
- (e) a Development does not impose new capital cost burdens on the District; or
- (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.

#### **PART 5 - CALCULATION OF APPLICABLE CHARGES**

- 7. Development Cost Charges imposed under this Bylaw shall be calculated in accordance with the rates prescribed in Schedule A – DCC Rates.
  - 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.
  - 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.
  - 10. For certainty, a Two-Unit Dwelling will be charged two Low Density Residential development cost charges.
- (h) Deleting in its entirety the heading "**PART 4 – COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES**" and replacing it with "**PART 6 – COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES**".
  - (i) Amending the existing section 11 to replace the reference to "section 8" to section 5(1).
  - (j) Deleting the existing section 12 in its entirety and renumbering the remaining sections.
  - (k) Replacing the existing section 16 in its entirety with the following:
    - 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:
      - (a) the date and amount of Development Cost Charges collected and the amount still outstanding under instalment payments (as



## SCHEDULE A

## 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 <sup>2</sup> * GFA**	\$10.48
Industrial	per m <sup>2</sup> GFA	\$5.24
Institutional	per m <sup>2</sup> GFA	\$10.48

\*m<sup>2</sup> = square meter

\*\*GFA = Gross Floor Area