

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2758
(As amended by Bylaw Nos. 2960, 3100, 3218, 3432, 3805, 3893, 3904, 4063,
4249)**

Consolidated version authorized in accordance with Bylaw No. 3014,
CRD Consolidation Authorization Bylaw No. 1, 2002

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

A Bylaw to Impose Development Cost Charges

For technical enquiries, please contact CRD Water Services,
479 Island Highway, Victoria, BC, V9B 1H7

For reference to original bylaws and amendments, or for further details,
please contact the Administration Department, Capital Regional District,
625 Fisgard Street, Victoria, BC, V8W 2S6

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 PROVISIONS

- 1. This bylaw may be cited as the "Development Cost Charges Bylaw (Juan de Fuca Water Distribution), No. 1, 2000."
- 2. The following schedules attached to this bylaw form an integral part of this bylaw and are enforceable in the same manner as this bylaw.
 - a) Schedule A – Service Area Langford ("Schedule A");
 - b) Schedule B – Service Area Sooke ("Schedule B");
 - c) Schedule C– Service Area View Royal ("Schedule C");
 - d) Schedule D– Service Area Colwood ("Schedule D");
 - e) Schedule E – Service Area Metchosin ("Schedule E");
 - f) Schedule F – Service Area Highlands ("Schedule F");
 - g) Schedule G – Development Cost Charge Rates ("Schedule G");. *Bylaw 4249*
- 3. This bylaw applies to all applications for subdivision and for issuance of a building permit for parcels located in any of the service areas.

PART 2 **DEFINITIONS**

4. In this bylaw, unless the context otherwise requires:

APPROVING OFFICER means the person appointed under the *Land Title Act* within a *Member Municipality* or the *District* to perform the duties and responsibilities of that position.

BOARD means the elected board of the *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*.

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.

COUNCIL means the elected council of a *Member Municipality*.

DEVELOPER means a person liable to pay *development cost charges* under this bylaw.

DEVELOPMENT COST CHARGES OR DCC means the applicable rates prescribed in Schedule G.

Bylaw 4249

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 any of the *service areas*.

HIGH DENSITY MULTI-FAMILY means any *multi-family residential* development which has a gross density of more than 50 *dwelling units* per hectare.

INSTITUTIONAL means any development providing for the assembly of persons for religious, charitable, philanthropic, cultural, civic or recreational purposes; including but not limited to auditoriums, youth centres, social halls, group camps 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, Regional Water Supply and his/her designate.

Bylaw 4249

(4) A person who obtains a *Commercial, Industrial or Institutional* building permit in a *service area* within a *Member Municipality* or the *Electoral Area* must pay the *development cost charge* applicable under Schedule G prior to the issuance of the building permit.

Bylaw 4249

(5) A *development cost charge* is not payable where the development is subject to an exemption, waiver or reduction under the *Local Government Act* or another enactment of the Province or the *District*.

Bylaw 4249

6. *Development cost charges* imposed under this bylaw shall be calculated in accordance with the rates prescribed in Schedule G.

Bylaw 4249

7. In calculating the *development cost charges* under this part, the *development cost charges* for a *comprehensive development* shall be calculated separately for each part of the *comprehensive development* designated respectively to *residential uses* and *non residential uses* and shall be the sum total of the *development cost charges* for each of those uses, calculated in accordance with Schedule G.

Bylaw 4249

8. A *developer* 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, at the following times:

(a) prior to final approval, if the application is made for subdivision only; or

(b) prior to issuance of a *building permit*, if the application is made for a *building permit* only or for both *subdivision* and for a *building permit*.

9. The *development cost charges* under this bylaw may not be paid by installments unless a regulation under the *Municipal Act* applies to the *development*.

10. If the *developer* does not pay the *development cost charges* as required under this bylaw, the amount becomes a debt owing to the *District* and shall be charged at interest at the rate set out under the *Taxation (Rural Area) Act* on the amount outstanding.

PART 4 COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES

11. Each *Member Municipality* shall collect the *development cost charge* payable under this bylaw at the time prescribed in section 8 (as renumbered).

Bylaw 3893

12. If a *developer* of a *subdivision* intends to build less than the number of *dwelling units* permitted by the applicable zoning bylaw on any parcel in the *subdivision*, the *developer* may pay the *DCC* for the number of units intended to be built, as long as

- (a) the *developer* registers, under section 219 of the Land Title Act, a restrictive covenant in favour of the Capital Regional District;
 - (b) the restrictive covenant contains a covenant by the owner of the parcel agreeing to pay the *DCC* for any one or more dwelling units in addition to those intended to be built at the time of *subdivision*, at the time of issuance of a building permit for any of those additional, units;
 - (c) the *DCC* payable under (b) is the *DCC* in force at the time of the application for the building permit for any additional *dwelling unit*; and
 - (d) the restrictive covenant must be registered in priority to all other financial charges registered against the title to any affected parcel. .
13. 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.
14. 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*.
15. 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.
16. 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 installment payments and the dates for payment;
 - (b) the number and type of use of *residential uses*;
 - (c) the amount and type of use of *non residential uses*;
 - (d) the location of parcels and *dwelling units* against which *DCCs* were levied;
 - (e) the location of parcels and *dwelling units* against which *DCCs* were not levied and the reason for the exemption; and
 - (f) any other information that the *General Manager* deems necessary.
17. Each *Member Municipality* shall retain, for a period of eleven years, sufficient records to support the statements and payments referred to in this part.
18. 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.

19. 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.
20. 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.
21. DCC Credits shall only be issued in accordance with a DCC credit policy approved by the *District*.

PART 5 AUTHORIZATION

22. 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*.

PART 6 SEVERABILITY

23. 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.

PART 7 EFFECTIVE DATE

24. This bylaw shall come into effect thirty days after the date of final adoption of this bylaw.

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.

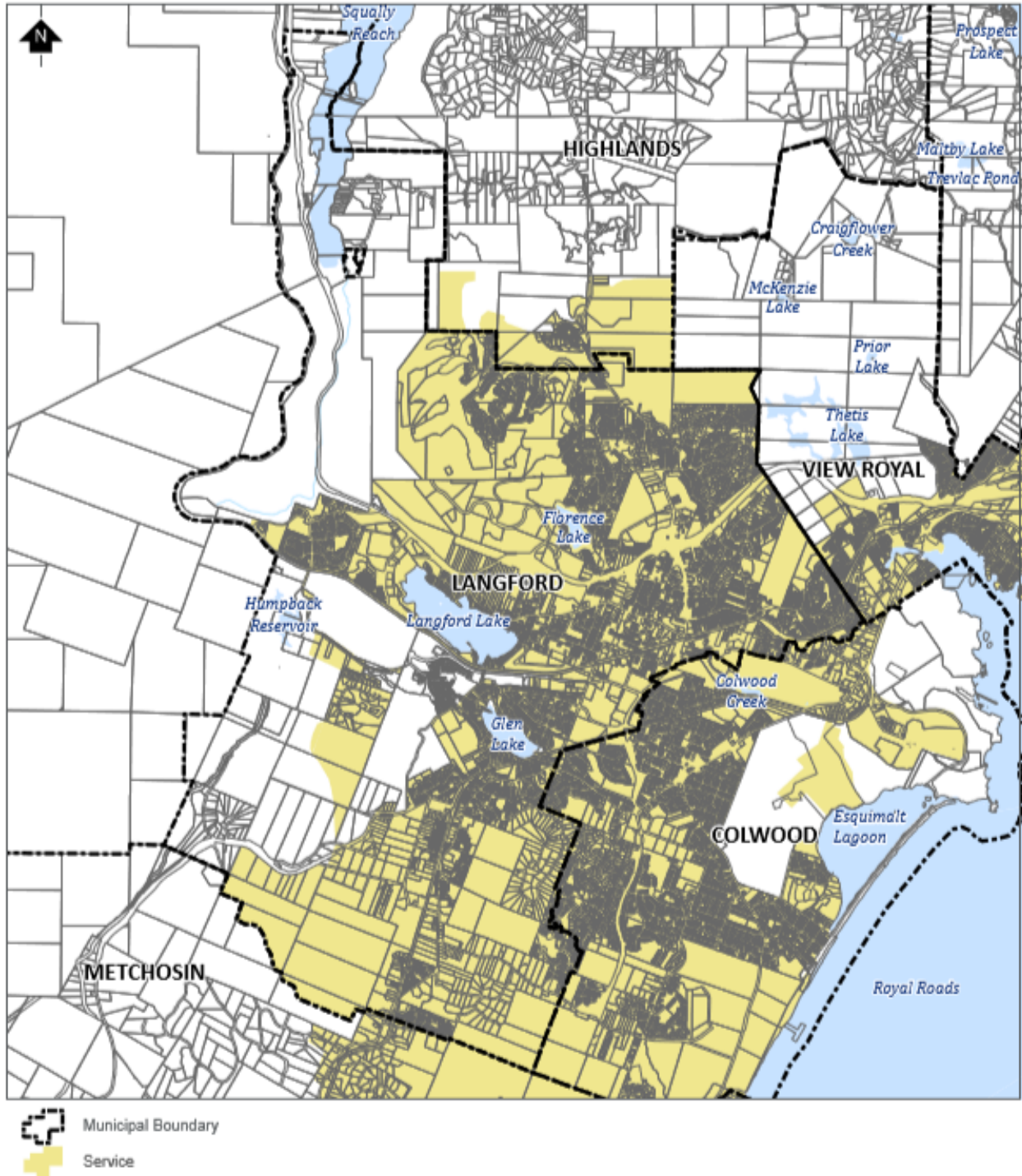
ADOPTED THIS 9th day of August 2000.

Christopher M. Causton
CHAIR

Sheila M. Norton
SECRETARY

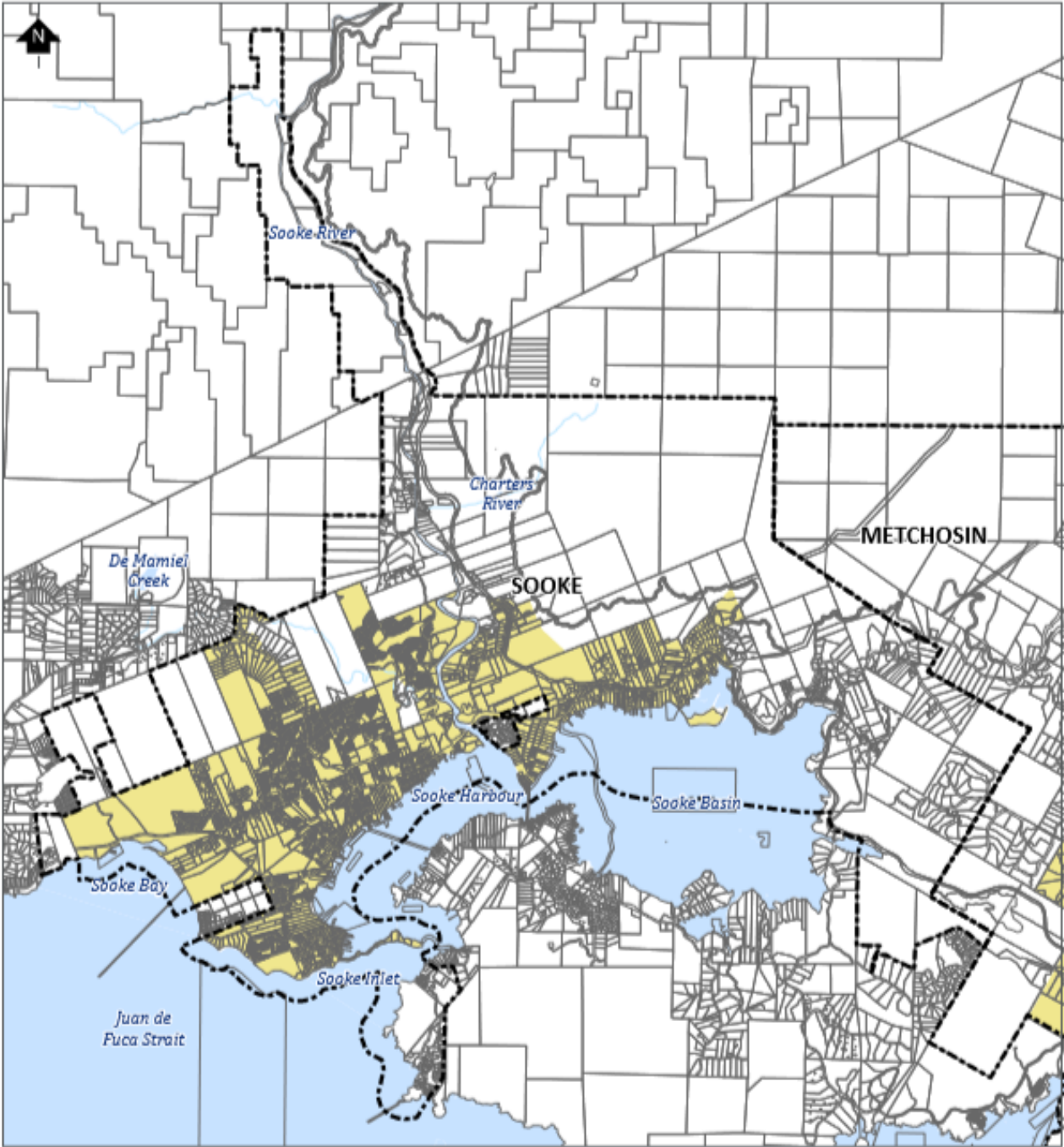
Schedule A – Langford

Bylaw 4249



Schedule B – Sooke

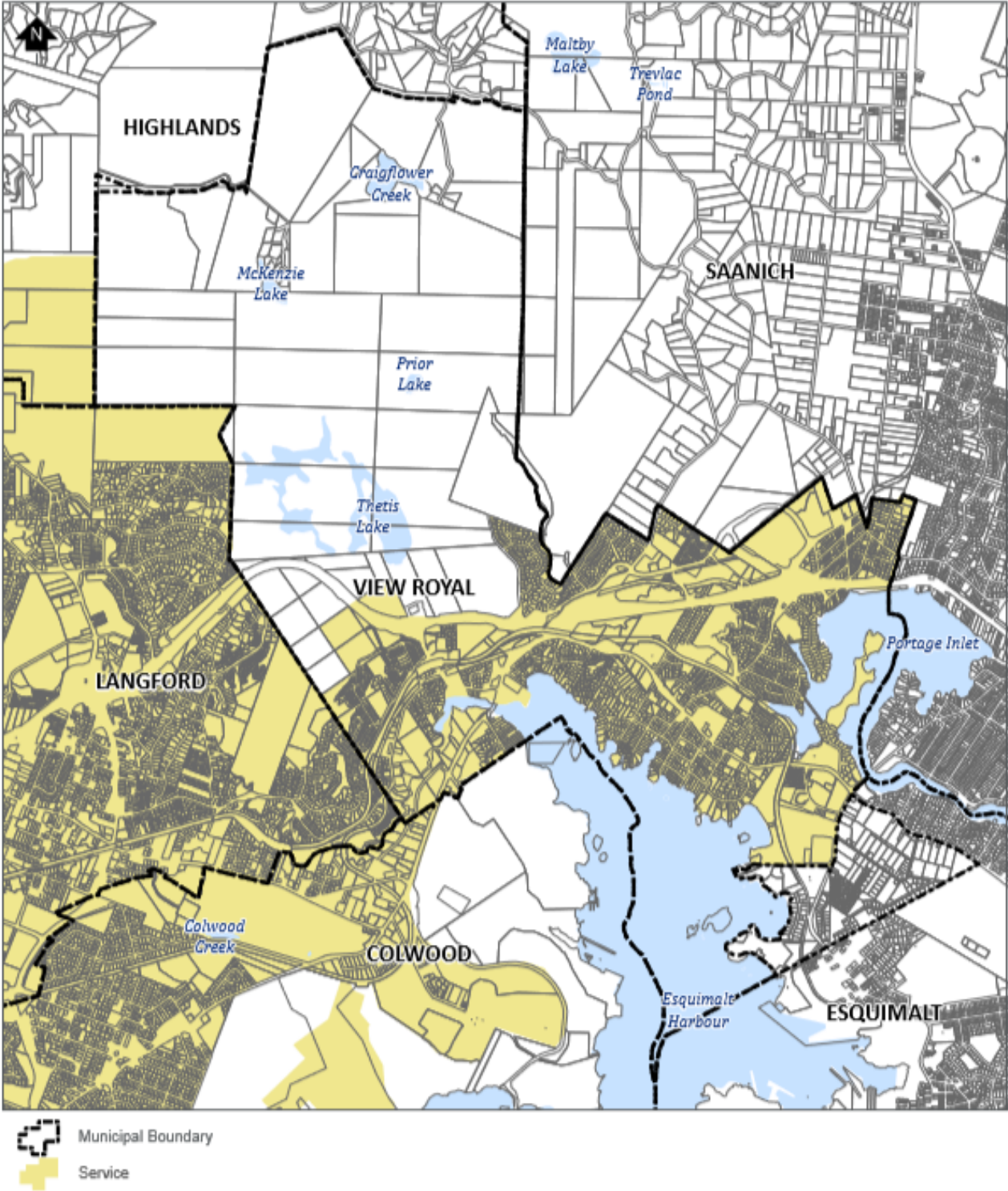
Bylaw 4249



-  Municipal Boundary
-  Service

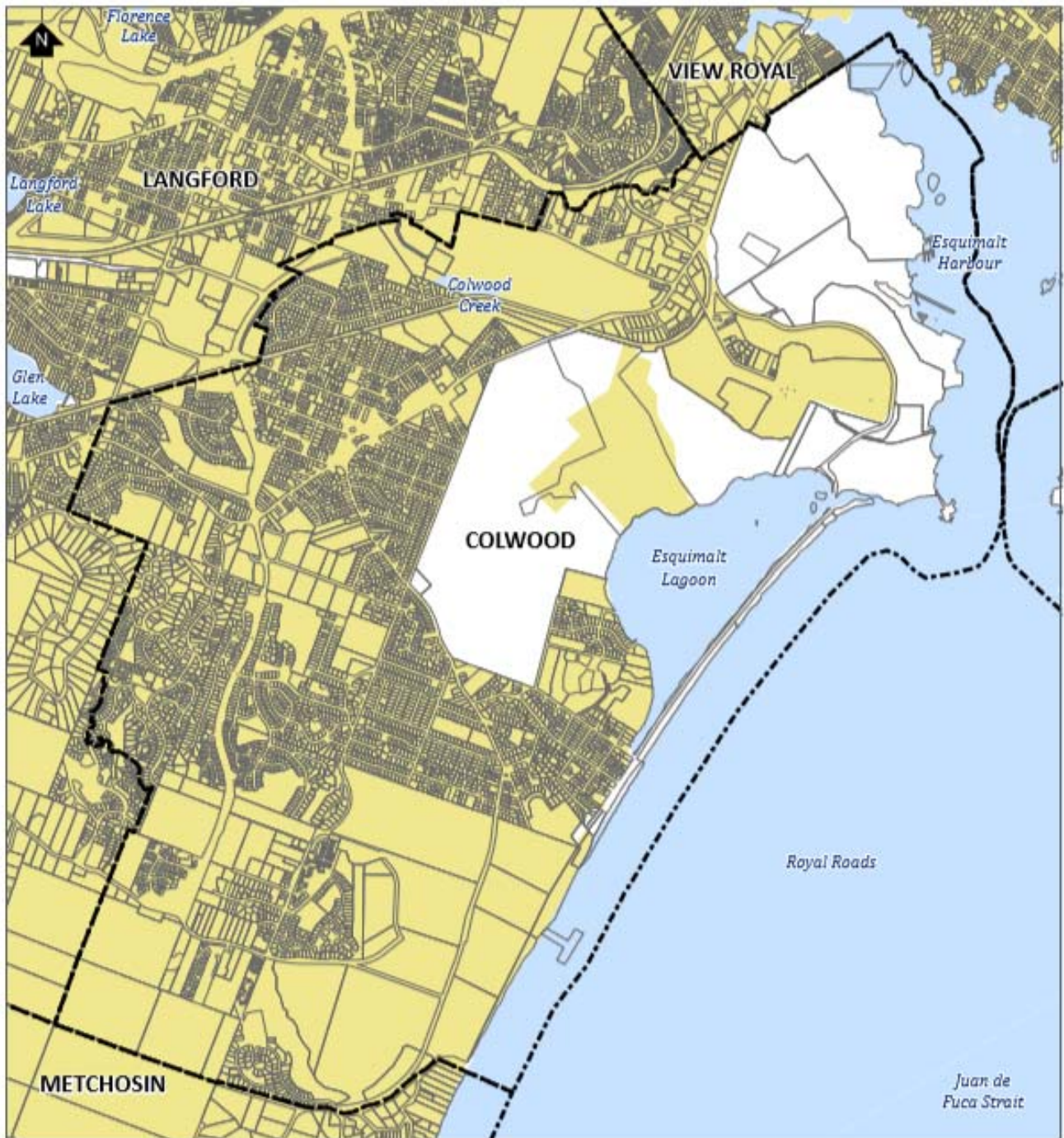
Schedule C – View Royal

Bylaw 4249



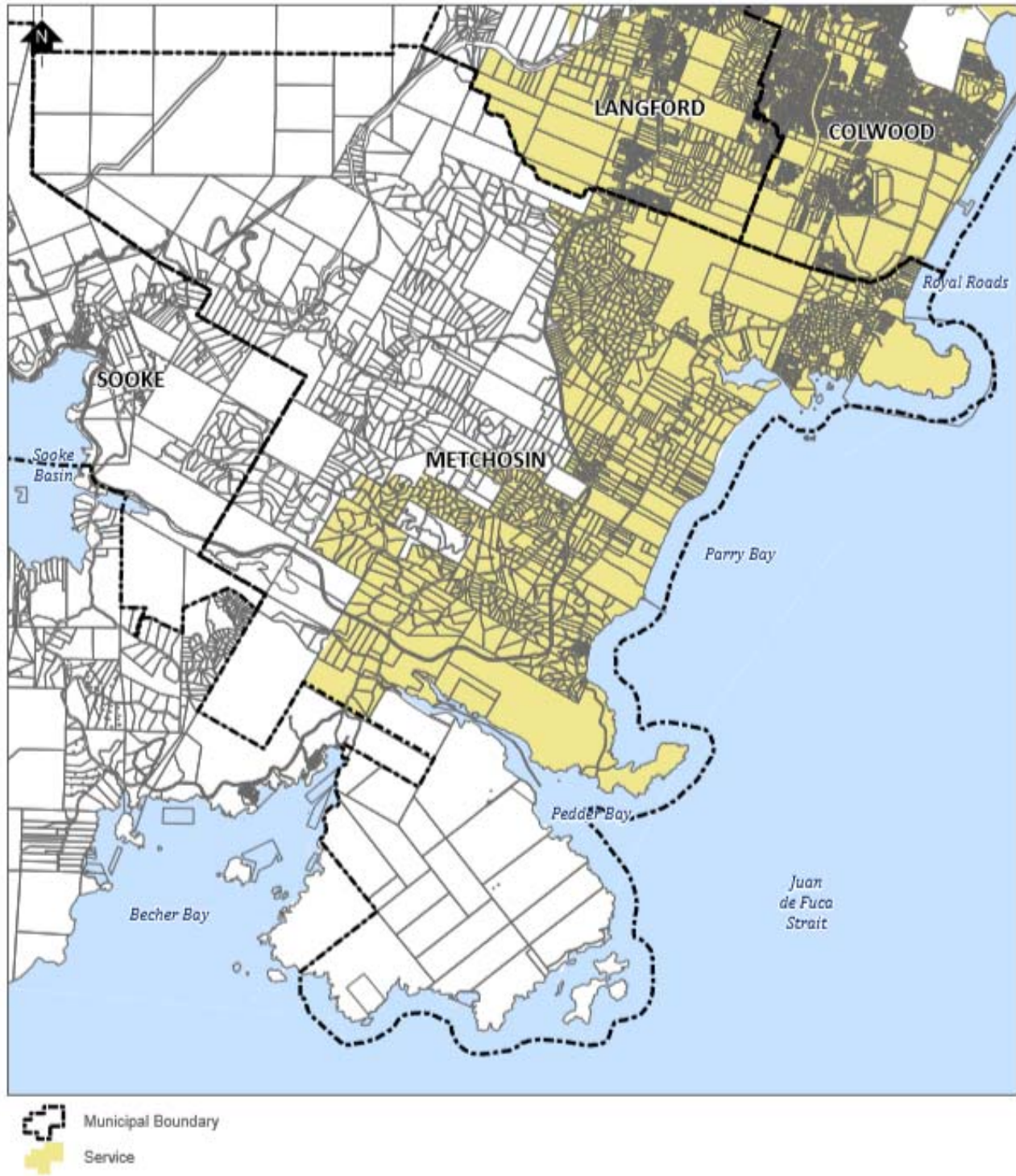
Schedule D – Colwood

Bylaw 4249



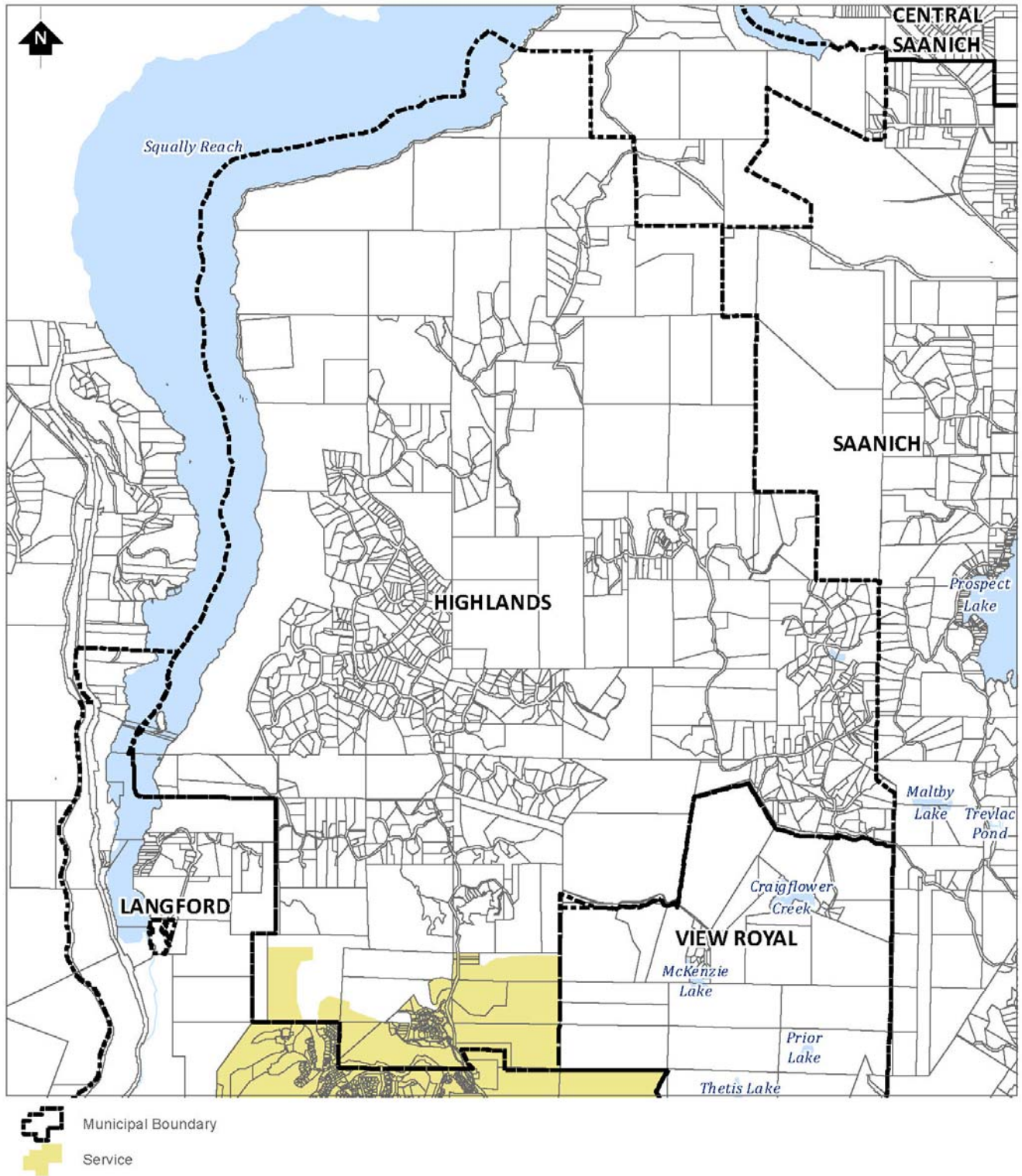
Schedule E – Metchosin

Bylaw 4249



Schedule F – Highlands

Bylaw 4249



SCHEDULE G

Bylaw 4249

Development Cost Charge Rates

Description	Prescribed DCC Rates
Low Density Residential	\$2,922 per lot
Medium Density Multi-family	\$2,557 per unit
High Density Multi-family	\$1,644 per unit
Commercial	\$10.74 per m ²
Industrial	\$5.82 per m ²
Institutional	\$23.74 per m ²