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**CAPITAL REGIONAL DISTRICT (CRD)  
BYLAW NO. 3208**

(As amended by Bylaw No. 3340 & 4251)

**Saanich Peninsula Water and Wastewater Development Cost Charges  
Bylaw No. 1, 2004**

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

***A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES FOR THE  
SAANICH PENINSULA WATER AND WASTEWATER SYSTEMS***

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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3208

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A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES FOR  
THE SAANICH PENINSULA WATER AND WASTEWATER SYSTEMS

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WHEREAS:

- A. Under section 933 of the *Local Government Act*, the District may impose development cost charges for the purpose of providing funds to assist the District to pay the capital costs of providing, constructing, altering or expanding water and wastewater facilities;
- B. The development cost charges established by this bylaw will be used for the purpose of providing funds to assist the District to pay the capital costs of providing, constructing, altering or expanding the District water and wastewater systems that service the Member Municipalities;
- C. In setting the development cost charges under this bylaw, the Board has considered the future land use patterns and development, and the phasing of works and services within the Service Areas;
- 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;

within the Service Areas.

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

**1.0 DEFINITIONS**

In this bylaw, unless the context otherwise requires:

**"Apartment Residential"** includes any dwelling unit which is or will be situated in any building or structure that consists of or will consist of at least two floors containing four or more dwelling units, other than dwelling units that are townhouse residential.

**"Approving Officer"** means the person appointed under the *Land Title Act* within a Member Municipality to perform the duties and responsibilities of that position.

**"Board"** means the Board of the District.

**"Building Permit"** means any permit authorizing the construction, alteration or extension of a building or structure in a Member Municipality.

**"Commercial"** means land zoned for commercial uses under a zoning bylaw enacted by a Member Municipality.

**"Comprehensive Development"** means a development that is comprised of two or more of the following uses: Apartment Residential, Commercial, Institutional, Industrial and Townhome Residential.

**"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 "B".

**"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 and excludes a secondary suite.

**"Gross Floor Area"** means 80% of the total area of all floors in a building measured to the outside surface of the exterior walls, but excluding areas provided for parking of motor vehicles and storage of bicycles.

**"Industrial"** means land zoned for industrial uses under a zoning bylaw enacted by a Member Municipality.

**"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, private schools, youth centres, child care centres, hospitals, social halls, group camps and churches.

**"Member Municipality"** means the District of Central Saanich, Town of Sidney and District of North Saanich.

**"Municipal Charges"** means development cost charges imposed by a bylaw of a Member Municipality.

**"Saanich Peninsula Water System"** means the system of water supply mains, pump stations and water storage facilities that service the Member Municipalities under the authority of letters patent dated December 22, 1976, revised September 27, 1984, and amended supplementary letters patent dated April 27, 1978 and March 19, 1986.

**"Saanich Peninsula Wastewater System"** means the system of District trunk sewers, pump stations and wastewater treatment and disposal facilities that service the Member Municipalities under the authority of CRD Bylaw No. 2388.

**"Secondary Suite"** has the same meaning as under the British Columbia Building Code, 1998.

**"Service Area"** means the areas located within the Member Municipalities that are subject to this bylaw, as described in Schedule "A" to this bylaw.

**"Single Family Residential"** includes any Parcel resulting from any Subdivision which is used or may be used for a single building or structure containing up to three dwelling units.

**"Small Lot Single Family Residential"** means land zoned for single family residential uses under the R-1S and R-1Z zones in the District of Central Saanich and the R1.2 zone in the Town of Sidney.

**"Townhouse Residential"** includes any dwelling unit which is or will be situated in any building or structure on a parcel containing four or more dwelling units and which has a principal entrance which provides direct outdoor access at or from ground level.

## **2.0 DEVELOPMENT COST CHARGES**

2.1 A person who obtains in a Member Municipality:

- (a) approval of subdivision; or
- (b) issuance of a building permit

shall pay, in accordance with sections 2.3, 2.4 and 2.5, the applicable development cost charges set out in this bylaw to that Member Municipality on behalf of the District, at the time of the approval of the subdivision or the issuance of the building permit, as required under Schedule "B".

2.2 Development cost charges shall not be payable under this bylaw if:

- (a) the development does not impose new capital cost burdens on the District for water or wastewater facilities.
- (b) a development cost charge for water or wastewater facilities has previously been paid for the same development unless, as a result of further development, new capital cost burden will be imposed on the District.
- (c) the building permit authorizes the construction, alteration or extension of a building or structure or a part of a building or structure that is or will be after the construction, alteration or extension exempt from taxation under section 339(1)(g) of the *Local Government Act*.

2.3 Development cost charges imposed under this bylaw shall be calculated in accordance with the rates prescribed in Schedule "B".

2.4 In the case of a comprehensive development, development cost charges shall be calculated separately for each use that is part of that comprehensive development, in accordance with Schedule "B", and the developer shall pay the sum total of the development cost charges calculated for each separate use.

2.5 The development cost charges under this bylaw may not be paid by instalments unless permitted by a regulation under the *Local Government Act*.

## **3.0 COLLECTION AND REMITTANCE OF DEVELOPMENT COST CHARGES**

3.1 Each Member Municipality shall collect the development cost charges imposed on a development under this bylaw at the applicable time set out in Schedule "B".

3.2 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 Section 2.0.

3.3 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 until the DCC monies are remitted to the District. The District shall establish and maintain a separate account for the DCCs remitted by the Member Municipalities.

3.4 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.

**4.0 AUTHORIZATION**

The District may prescribe any form, statement, notice, practice, procedure or other administrative requisites required under this bylaw, after consultation with the Member Municipalities.

**5.0 SEVERABILITY**

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.

**6.0 EFFECTIVE DATE**

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

**7.0 GENERAL**

7.1 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 – Area of Application
- (b) Schedule B – Amount of Water and Wastewater Development Cost Charges

7.2 Subject to the provisions of Section 2.2, this bylaw applies to all applications for subdivision and for issuance of a building permit for parcels located in any of the Service Areas.

7.3 Bylaw No. 2569 cited as "Capital Regional District Sewage Facilities Development Cost Charge Bylaw No. 1, 1998" and Bylaw No. 472 cited as "Development Cost Charges Bylaw, 1978" as amended are hereby repealed.

7.4 This bylaw may be cited for all purposes as the "Saanich Peninsula Water and Wastewater Development Cost Charges Bylaw No. 1, 2004".

READ A FIRST TIME THIS	29 <sup>th</sup>	day of	September	2004
READ A SECOND TIME THIS	29 <sup>th</sup>	day of	September	2004
READ A THIRD TIME THIS	29 <sup>th</sup>	day of	September	2004
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	22 <sup>nd</sup>	day of	April	2005
ADOPTED THIS	27 <sup>th</sup>	day of	April	2005

Don Amos  
CHAIR

Carmen Thiel  
SECRETARY

## SCHEDULE "A"

### SAANICH PENINSULA WATER AND WASTEWATER SYSTEM

#### DEVELOPMENT COST CHARGES

##### 1. AREA OF APPLICATION FOR WATER DEVELOPMENT COST CHARGES

This Bylaw shall apply to, and water development cost charges provided in this Bylaw shall be imposed and collected within, the following areas:

- (a) **Town of Sidney** – the Town of Sidney; and
- (b) **District of Central Saanich** – the District of Central Saanich served by the Saanich Peninsula Water System excluding the East Saanich Indian Reserve 2 (Tsawout First Nation) and the South Saanich Indian Reserve 1 (Tsartlip First Nation); and
- (c) **District of North Saanich** – the District of North Saanich serviced by the Saanich Peninsula Water System excluding the Cole Bay Indian Reserve 3 (Pauquachin First Nation) and Union Bay Indian Reserve 4 (Tseycum First Nation).

##### 2. AREA OF APPLICATION FOR WASTEWATER DEVELOPMENT COST CHARGES

This Bylaw shall apply to, and wastewater development cost charges provided in this Bylaw shall be imposed and collected within, the following areas:

- (a) **Town of Sidney** – the Town of Sidney serviced by the Saanich Peninsula Wastewater System excluding the area lying within the boundaries of the Victoria Airport Authority; and
- (b) **District of Central Saanich** – the District of Central Saanich serviced by the Saanich Peninsula Wastewater System excluding the East Saanich Indian Reserve 2 (Tsawout First Nation) and the South Saanich Indian Reserve 1 (Tsartlip First Nation); and
- (c) **District of North Saanich** – the District of North Saanich serviced by the Saanich Peninsula Wastewater System excluding the Cole Bay Indian Reserve 3 (Pauquachin First Nation) and Union Bay Indian Reserve 4 (Tseycum First Nation) and the area lying within the boundaries of the Victoria Airport Authority.

**SCHEDULE "B"**

*(Bylaw 4251)*

**SAANICH PENINSULA WATER AND WASTEWATER  
DEVELOPMENT COST CHARGES**

**1. AMOUNT OF WATER DEVELOPMENT COST CHARGES**

Water development cost charges will be based upon the following:

<b><u>Land Use Designation</u></b>	<b><u>DCC Rate</u></b>	<b><u>When Payable</u></b>
1. Single Family Residential	\$0.00 per dwelling unit	Subdivision approval
2. Small Lot Single Family	\$0.00 per dwelling unit	Subdivision approval
3. Townhouse Residential	\$0.00 per dwelling unit	Building permit approval
4. Apartment Residential	\$0.00 per dwelling unit	Building permit approval
5. Commercial	\$0.00 per m <sup>2</sup> gross floor area	Building permit approval
6. Industrial	\$0.00 per m <sup>2</sup> gross floor area	Building permit approval
7. Institutional	\$0.00 per m <sup>2</sup> gross floor area	Building permit approval

**2. AMOUNT OF WASTEWATER DEVELOPMENT COST CHARGES**

Wastewater development cost charges will be based upon the following:

<b><u>Land Use Designation</u></b>	<b><u>DCC Rate</u></b>	<b><u>When Payable</u></b>
1. Single Family Residential	\$1,790.00 per dwelling unit	Subdivision approval
2. Small Lot Single Family Residential	\$1,429.00 per dwelling unit	Subdivision approval
3. Townhouse Residential	\$1,413.00 per dwelling unit	Building permit approval
4. Apartment Residential	\$933.00 per dwelling unit	Building permit approval
5. Commercial	\$4.00 per m <sup>2</sup> gross floor area	Building permit approval
6. Industrial	\$3.89 per m <sup>2</sup> gross floor area	Building permit approval
7. Institutional	\$5.30 per m <sup>2</sup> gross floor area	Building permit approval