

## **BYLAW 2014-3320**

A Bylaw of the City of Weyburn, in the Province of Saskatchewan to establish an Off-Site Development Levy in respect of land that is to be subdivided, developed or redeveloped within the City of Weyburn

**WHEREAS**, pursuant to and under the authority of *Sections 169 and 172(3)(b)* of the *Planning and Development Act 2007 (Chapter P-13.2)* (the “Act”) the Council of the City of Weyburn (the “Council” or “City), may pass a bylaw establishing and charging off-site development levies or subdivision servicing fees for one or more purposes described in the Act;

**AND WHEREAS**, the Council of the City of Weyburn deems it desirable to establish an off-site development levy and standard subdivision servicing fees for the purposes described in the Act;

**AND WHEREAS**, the City engaged a consultant and has received a study regarding the estimated capital costs of providing municipal services and infrastructure, which study further sets out a fair and equitable calculation of off-site development levies and subdivision servicing fees in accordance with the Act;

**AND WHEREAS**, the City has carried out public notification of the proposed bylaw in accordance with the public participation requirements contained in Section 207 of the Act;

**NOW THEREFORE**, the Council of the City of Weyburn, in open meeting, enacts as follows:

### **1. SHORT TITLE**

This bylaw may be cited as the “*Off-site Development Levy Bylaw*”.

### **2. PURPOSE AND INTENT**

This Bylaw is intended to:

- a) To impose and provide for the payment of Off-site development levies;
- b) To provide consistency between off-site development levies and subdivision servicing fees, where appropriate;
- c) To provide a tool to collect Off-site development levies or subdivision servicing fees related to services provided by the City within and outside corporate City boundaries, as and where appropriate;
- d) To authorize agreements to be entered into with respect to payment of Off-site development levies;
- e) To set out conditions upon which the Off-site development levy will be applied to specific land uses, classes of development, zoning districts or defined areas; and
- f) To indicate how the Off-site development levy and subdivision servicing fees is determined and allocated.

### **3. DEFINITIONS**

In this Bylaw;

- a) “Act” shall mean *The Planning and Development Act, 2007*, Chapter P-13 and any amendments thereto.

- b) “*Development Credit*” shall mean an amount previously collected by the City as an off-site development levy or subdivision servicing fee, for which there is a record that the amount was collected or included as part of a sale price if purchased directly from the City.
- c) “*Development Land*” shall mean any land on which development, redevelopment, and/or subdivision is proposed.
- d) “*Development Proponent*” shall mean a landowner or legal designate of development land.
- e) “*High Service Level Application*” shall mean:
  - a. Expansion of the building area on a site of more than 75%;
  - b. Introduction of a service (e.g. water, sewer, etc) which was not previously provided to the development site;
  - c. Significant increase in use of a service or services due to a change in use; or
  - d. A change in use that in the opinion of the Chief Development Officer or Economic Development Committee will utilize a higher level of service incrementally adding to the capital costs of the City to provide for services.
- f) “*New developable lots/parcels*” shall mean, for the purpose of this bylaw, the total number of lots/parcels created from subdivision excluding any one parcel/lot on which already exists a permanent building or structure.
- g) “*Net hectare/acre*” shall mean a hectare/acre of development land which excludes any land dedicated public utility parcels, Municipal or Environmental Reserve Parcels.
- h) “*Net gain*” shall mean the increased number of dwelling units or area of the commercial/industrial/institutional building from what previously existed on the site.
- i) “*Off-site Development Levy*” shall mean the levy imposed and created by this bylaw pursuant to the Act.
- j) “*Subdivision Servicing Fees*” shall mean the fees imposed under a subdivision servicing agreement pursuant to the Act.

#### **4. ADMINISTRATION & ENFORCEMENT**

- a) The Council hereby delegates to the City Manager and the Director of Planning and Development, as Subdivision Approving Authority and Chief Development Officer for the City of Weyburn, the authority to enforce and administer this bylaw.
- b) The Council hereby provides the City Manager and the Director of Planning and Development authority to enter into and negotiate Subdivision Servicing Agreements.
- c) Any requests to negotiate directly with Council on a Subdivision Servicing Agreement may be referred to the Economic Development Committee, at the City Manager’s discretion, and proceed to Council only if it is recommended by the Committee.
- d) Off-site Development levies will be collected by the City as a condition of approval for a development permit; a permit will not be issued until the levy has been paid or a development levy agreement has been entered into.
- e) A request to enter into an Off-site Development Levy Agreement, pursuant to Section 171 of the Act, must be approved by Council, pursuant to clause 169(8) of the Act.

#### **5. APPLICATION**

This Bylaw applies to all Development Land located within the City of Weyburn and will be applied, with any necessary modification, to the extension of City services provided outside of the corporate limits of the City.

## 6. IMPOSITION OF LEVY

Development Land shall be subject to and charged an Off-site development levy according to the following classes of development;

a) Land Subdivisions:

- i. New developable lots/parcels to be created from subdivision shall be charged a subdivision servicing fee based on \$212,420.00 per net hectare [\$86,000.00 per net acre] of the lands being affected by the subdivision.
- ii. Where an amount was previously collected by the City as a subdivision servicing fee or off-site development levy, as determined by the Director of Planning and Development, that amount will be provided as a development credit towards the subdivision servicing fee charged under the current application.

b) Development Permit Applications:

Proposals involving development or redevelopment of a site where no subdivision is occurring, which result in an increased intensity of use and/or density of development, as determined by the Chief Development Officer, shall be subject to payment of an off-site development levy based on the following:

- i. Development Permit applications to accommodate commercial, institutional, and/or industrial uses/developments:
  - \$131.50 per square meter [\$12.22 per square foot] of building area (based on net gain in building area).
- ii. Lots/Parcels 2.0 acres or larger in size applying for a development permit to accommodate residential uses;
  - \$212,402.00 per net hectare [\$86,000.00 per net acre] of development land.
- iii. Lots/Parcels under 2.0 acres in size being developed or redeveloped to accommodate multifamily residential uses:
  - \$7,037.94 per additional residential dwelling unit (based on net gain in dwelling units).
- iv. Where an amount was previously collected by the City as a subdivision servicing fee or off-site development levy, as determined by the Chief Development Officer, that amount will be provided as a development credit towards the off-site development levy charged under the current application.
- v. Previously developed sites being redeveloped or expanded for an industrial or commercial use are exempt from payment of this levy unless deemed to be a High Service Level Application by the Chief Development Officer or Economic Development Committee, providing the redevelopment has taken place a minimum of 3 years after the initial construction or development had taken place.

c) High Service Level Development Applications:

- i. Developments which involve permitted or discretionary uses (no subdivision), on previously developed sites involving only a change in use which, in the opinion of Council, will require additional capital costs to be incurred by the City in order to provide sufficient services, shall be subject to the payment of an off-site development levy in an amount derived by Council and not exceeding \$212,420.00 per net hectare [\$86,000.00 per net acre] of the development lands.

The additional or enhanced level of service costs will be determined based on the detailed service costs in Section 9.

## 7. AUTHORITY TO ENTER INTO AGREEMENT

For the purposes of this bylaw, and where in the opinion of the City it is necessary to do so, the City may require the development proponent to enter into an off-site development levy agreement or in the case of subdivisions a subdivision servicing agreement, with the City respecting the payment of off-site development levies or subdivision servicing fees. The agreement, to be prepared by the City, may contain whatever provisions are deemed necessary by the City to ensure payment of the off-site levy or fees by the development proponent and/or successor in title or assigns, including the items in Section 173 of the Act.

## 8. PAYMENT

- a) The Off-site Development Levy and Subdivision Servicing Fee prescribed by this bylaw shall be paid either;
  - i. 100% payout prior to the issuance of a Development Permit, as applicable; or
  - ii. 100% payout prior to the issuance of a Subdivision Approval, as applicable; or
  - iii. In a prescribed manner and timeline appropriate for the City as outlined within a development levy agreement, pursuant to Section 171 of the Act; or
  - iv. In a prescribed manner and timeline appropriate for the City as outlined within a servicing agreement, pursuant to Section 172 of the Act.
- b) Delayed or phased payments of levies/fees may only occur if authorized by the Director of Finance and payment is secured by letters of credit in the full outstanding amounts.

## 9. PURPOSE AND USE OF THE LEVY/FEE

- a) The purpose of charging offsite development levies and subdivision serving fees is to assist the City in paying expended, required and future capital costs for providing altering, expanding or upgrading infrastructure works which are located outside the boundaries of development land, and which directly or indirectly service and/or benefit the development land. The off-site development levy and subdivision serving fees may also be utilized to pay a debt incurred by the City as the result of infrastructure expenditures or to reimburse an owner described in clause 173(d) of the Act.
- b) The off-site development levy/subdivision servicing fee capital costs for infrastructure has been evaluated to be as follows:

➤ Water Supply, Treatment, Transmission & Distribution	<b>\$ 77,419.05</b> per net hectare [\$31,343.75/ per net acre or \$47.90/m <sup>2</sup> ]
➤ Sanitary Sewage Collection, Storage, Transmission, Treatment & Disposal	<b>\$ 76,562.50</b> per net hectare [\$30,996.96/per net acre or \$47.35/m <sup>2</sup> ]
➤ Storm Drainage Collection & Disposal	<b>\$ 3,162.65</b> per net hectare [\$ 1,280.43/ per net acre or \$1.95/m <sup>2</sup> ]
➤ Transportation (Arterial Roadways & Traffic control)	<b>\$ 34,434.15</b> per net hectare[\$13,940.95/ per net acre or \$21.32/m <sup>2</sup> ]

➤ Parks & Recreation \$20,948.80 per net  
hectare [\$ 8,481.29/  
per net acre or  
\$12.97/m<sup>2</sup>]

- c) Offsite development levies shall be deposited into one or more accounts separate and apart from other funds of the City and used for the purpose they were collected.

**10. CALCULATION OF LEVY**

- a) The Off-site Development levy adopted in this bylaw is derived from the findings of the '*City of Weyburn - Development Cost Charge Review*' prepared by Stantec Consulting, dated March 26, 2013. The recommended charge [\$212,546.22 per gross hectare] has been modified to be applied as [\$212,420.00 per net hectare] under this bylaw. Development Cost Charge Review study is attached to and forms part of this bylaw.
- b) In circumstances, where a development proponent will be providing and/or upgrading off-site infrastructure work contemplated within the study on behalf of the City, the City Council may direct a reduction to the off-site development levy/subdivision servicing fee charged reflecting the public benefit derived. Where such works by a development proponent exceed future owing off-site development levy/subdivision servicing fee charges, levies/fees collected for those works may be used to compensate the developer for those contemplated costs.

**11. SEVERABILITY**

In the event that any provision of this bylaw is found to be null and void or contrary to law by any court of competent jurisdiction, than such provision shall be severed from this bylaw and the remainder of this Bylaw shall continue to be of full force and effect.

**12. ENACTMENT**

This Bylaw shall take force and effect upon 3<sup>rd</sup> and Final reading thereof and approval of Official Community Plan Amending Bylaw 2013-3262 by the Ministry of Government Relations.

**13. REPEAL**

This Bylaw repeals Bylaw 2013-3265

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

READ a First time this \_\_\_\_ day of November, A.D., 2014.

READ a Second time this \_\_\_\_ day of December, A.D., 2014

READ a third time this \_\_\_\_ day of December, A.D., 2014, and passed