

BYLAW 2018-3388

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 will carry 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 – 2018-3388*”.

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;
- f) To indicate how the Off-site development levy and subdivision servicing fees is determined and allocated; and
- g) To provide for the consideration of providing a partial or full reduction where it is consistent with an adopted local economic development initiative as a means of further encouraging the establishment of a specific type of new development, redevelopment or density of development in strategic areas of the City; such reduction to be funded within the broader City tax structure.

3. DEFINITIONS

In this Bylaw;

- a) “Act” shall mean *The Planning and Development Act, 2007*, Chapter P-13 and any amendments thereto.
- b) “Development” means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land;
- c) “Development Charges Policy” shall mean the policy adopted by Council for the administration of this Bylaw, as amended from time to time.

- d) *“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.
- e) *“Development Land”* shall mean any land on which development, redevelopment, and/or subdivision is proposed.
- f) *“Development Proponent”* shall mean a landowner or legal designate of development land.
- g) *High Service Level Application”* shall mean:
 - i. Introduction of a service (e.g. water, sewer, etc) which was not previously provided to the development site;
 - ii. Significant increase in use of a service or services due to a change in use; or
 - iii. 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.
- h) *“Infill Development Site or Redevelopment”* shall mean any development site which was previously developed and built on, which is now a bare lot due to demolition or removal of the previous development; or the change in the use or intensity of the use of any building or land after an initial development.
- i) *“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.
- j) *“Net hectare/acre”* shall mean a hectare/acre of development land which excludes any land dedicated public utility parcels, Municipal or Environmental Reserve Parcels.
- k) *“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.
- l) *“Off-site Development Levy”* shall mean the levy imposed and created by this bylaw pursuant to the Act.
- m) *“Open Air Development”* shall mean the development of a business which does not necessarily require any structures in order to carry out the business. Some examples of Open Air Developments are; campgrounds, outdoor equipment storage for sale or rent, mobile home or recreational vehicles displays where the items are for sale or rent, amusement parks, tree nursery, petting zoo or animal park, outdoor recreation facilities such as golf, rental outdoor storage space, and lumber storage yard to name a few.
- n) *“Subdivision”* means a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, as surface parcel is defined in The Land Titles Act, 2000;
- o) *“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 his delegate, as Subdivision Approving Authority and Chief Development Officer for the City of Weyburn, the authority to enforce and administer this Bylaw and related Policy. The Council hereby provides the City Manager and his delegate authority to enter into and negotiate Subdivision Servicing Agreements.
- b) Any requests to negotiate directly with Council on a Subdivision Servicing Agreement may be referred to an ad-hoc Economic Development Committee, at the City Manager’s discretion, and proceed to Council only if it is recommended by the Committee.
- c) 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.
- d) A request to enter into a Development Levy Agreement, pursuant to Section 171 of the Act, must be approved by Council, pursuant to clause 169(8) of the Act.
- e) All development permit applications will include the completion of a site plan and document the intended use for the development.
- f) All development and servicing agreements would document the development area and developer’s statement regarding intended use, be entered on title and transferable to any subsequent owner.

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 applications;

a) Land Subdivision Applications:

New developable lots/parcels to be created from subdivision shall be charged a subdivision servicing fee based on \$111,449.57 per net hectare [\$45,121.28 per net acre] of the lands being affected by the subdivision.

When subdivision servicing fees are collected by the City, at the time of subdivision, the City shall not collect any further offsite development levies on the said land (the newly created developable sites) for a period of 5 years from date of approved subdivision.

After the 5 year time period, the City shall impose to collect any current development levies minus the credit of the paid subdivision servicing fees, per acre.

b) Development Permit Applications:

Classes of Development;

- a. Residential Single Family - \$6,768.19 per new site
- b. Multi Family Residential - \$2,233.50 per door
- c. Commercial / Industrial / institutional - \$4.51 / ft²
- d. Open Air Development - \$9,009.60 per acre

- i. Proposals involving development or redevelopment of a site, involving permitted or discretionary uses where no subdivision is occurring, and in the case of redevelopment which result in an increased intensity of use, increased density of development, change of use and/or are determined to be a High Service Level Development Application, as determined by the Chief Development Officer or an ad-hoc Economic Development Committee, shall be subject to payment of an off-site development levy based on \$111,449.57 per net hectare [\$45,121.28 per net acre] or as per the above listed classes of development.
- ii. Proposals involving development or redevelopment of a residential, commercial, industrial or institutional site with a site area of less than 1 acre where no subdivision is occurring, and/or where municipal services are to be utilized, will pay the development levy as per the Classes of Development calculations above.
- iii. Proposals involving development or redevelopment of an undeveloped site greater than 1 acre in size shall be required to pay the development levy as calculated at \$45,121.28 per acre.
- iv. Proposals involving development or redevelopment of an infill site which is anticipated to have minimal or no impact on existing or anticipated future services may be exempt from off-site levies or fees, based on the previous use of the site.
- v. Proposals involving land where open air developments were in place will be required to pay any applicable sewer and water levies which were not collected at the time of open air development. Levies for water service would be \$0.37 / ft² and sewer service would be \$0.46 / ft² of building area where these services are connected.
- vi. Proposals involving commercial, industrial or institutional additions on buildings older than 2013 shall have offsite development levies applied as per the Classes of Development Calculations above. Such proposals for building 2013 or newer will be subject to payment of offsite development levies where levies were not previously collected.

c) Adjustments to the Development Charges:

- i. 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 development charges under the current application.
- ii. Any adjustment to the development levy by the Chief Development Officer or ad hoc Economic Development Committee will be based upon the impact of the development on past, current and future off-site infrastructure needs in accordance with the current Development Charges Policy, as amended from time to time.

- iii. Where the Development proponent believes there are circumstances which may warrant a variation from the full off-site development levy for a proposed Development or Subdivision:
 - a. The Development proponent shall submit a report to the Chief Development Officer, providing particulars of the proposed development or subdivision or the circumstances which may warrant a variation;
 - b. The Chief Development Officer will then draft a report for Council’s consideration;
 - c. Council shall consider the Development Officer’s report and may, by resolution of Council:
 - i. Approve the Development Officer’s recommendations;
 - ii. Approve such other variation and/or change to distribution as Council may, in its discretion, determine, or
 - iii. Deny the variation and advise the applicant of the right to appeal.
- iv. All development proponents are afforded the opportunity to make application and appeal the condition of the offsite development levy fee, as per Section 176 of the Planning & Development Act 2007.

7. AUTHORITY TO ENTER INTO AGREEMENT

For the purposes of this bylaw, the City will require the development proponent to enter into an 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 City Manager 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 full off-site development levy/subdivision servicing fee capital costs for infrastructure will be calculated using the following calculations in conjunction with the Development Charges Policy:

➤ Water Supply, Treatment, Transmission & Distribution	\$39,532.79 per net hectare [\$16,005.18]/ per net acre]
➤ Sanitary Sewage Collection, Storage, Transmission, Treatment & Disposal	\$49,663.07 per net hectare [\$20,106.51 per net acre]
➤ Storm Drainage Collection & Disposal	\$ 3,593.89 per net hectare [\$1,455.02/ per net acre]
➤ Transportation (Arterial Roadways & Traffic control)	\$16,853.82 per net hectare[\$6,823.41 / per net acre]
➤ Parks & Recreation	\$1,806.00 per net hectare [\$731.17 / per net acre]
- 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**

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 charge been modified to be applied as [\$111,449.57 per net hectare] under this bylaw. Development Cost Charge Review study is attached to and forms part of this bylaw. Appendix “A” attached hereto further explains the calculations derived from the study and the modifications.

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 3rd and Final reading thereof and approval of Official Community Plan Amending Bylaw 2017.3365 by the Ministry of Government Relations.

13. **REPEAL**

This Bylaw repeals Bylaw 2017.3365.

MAYOR

CITY CLERK

READ a First time this _____ day of _____, A.D., 2018.

READ a Second time this _____ day of _____, A.D., 2018

READ a third time this _____ day of _____, A.D., 2018, and passed

I Donette Richter, City Clerk for the City of Weyburn, hereby certify that the foregoing is a true copy of Bylaw No. 2018-3388, passed at a Regular Meeting of the Weyburn City Council _____.

Donette Richter

Appendix “A” to the Offsite Development Levy Bylaw 2018.3388
Offsite Development Levy Calculations

The City of Weyburn engaged a consultant who completed a study in December 2012, regarding the capital costs of providing municipal services and infrastructure to the developable land within the City of Weyburn limits.

The following was determined, in the study;

1. There are 554.5 hectares of useable land for future developable within city limits;
2. The annual growth assumption for Weyburn was 3.8%, estimating a population of 22,000 by 2025;
3. Estimated capital projects (as listed in the Stantec Report) which would need to be completed between 2013 and 2025 in order to service the future growth of the city within the residential, commercial and industrial sectors were as follows;
 - a. Water System Capital Costs \$47,250,000
 - b. Storm Sewer System Capital Costs \$ 6,660,000
 - c. Sewage System Capital Costs \$35,450,000
 - d. Road system Capital Costs \$74,544,433
 - e. Parks and Recreation Capital Costs \$ 9,540,175
 - TOTAL CAPITAL PROJECTS COSTS \$173,444,608**
4. Of the capital projects it was determined that the benefit of those projects was \$118,250,000 towards new development and \$55,194,608 for city wide.
5. Therefore it was calculated that \$173,444,608 worth of capital projects for new development would be recovered by charging \$86,000 / acre (118,250,000/1375)

Modifications to the Study – due to the fact that the City of Weyburn has not experienced the anticipated annual growth as presumed in the Stantec Development Cost Charge Review, the City of Weyburn has decided that all projects listed on the Capital Projects List, that were scheduled for 2021 or later would be removed and that the City of Weyburn engage the consulting firm to review the existing study to determine a more accurate growth rate and amend the Capital Projects.

Water System Capital Costs	\$45,250,000
Storm Sewer System Capital Costs	\$ 6,660,00
Sewage System Capital Costs	\$35,450,000
Road System Capital Costs	\$15,722,900
Parks and Recreation Capital Costs	\$ 2,010,075
TOTAL CAPITAL PROJECT COSTS	\$105,092,975
CITY WIDE BENEFIT	\$ 43,071,288
NEW DEVELOPMENT	\$ 62,021,688

New Calculations – based on modified capital project list

1. Offsite Development Levy Fee = \$111,449.57 /hectare (\$62,021,688 / 556.5) or \$45,121.28 / acre (\$111,449.57 / 2.47)

Service	Per Hectare	Per Acre
Water System	\$39,532.79	\$16,005.18
Storm Sewer System	3,593.89	1,455.02
Sewage System	49,663.07	20,106.51
Road system	16,853.82	6,823.41
Parks and Leisure	1,806.00	731.17
TOTAL	\$111,449.57	\$45,121.28

2. Calculations for Development Classes as set out in Section 6.b) of the Bylaw;
 - a. **Residential Single Family** – residential single family sites have access and impact all City infrastructure and services provided. The average single site is approximately .15 acres (620 m2) which equals \$45,121.28 x .15 = \$6,768.19 per single family site.
 - b. **Multi family residential** – multifamily sites / units have access and impact all City infrastructure and services provided. The average area of a suite located within a multi family development is .05 acres (208m2) which equals \$45,121.28 x .05 =2,256.06 per unit.

- c. **Commercial / Industrial / Institutional** - This calculation was for smaller sites with smaller developments. The fee is based on a half of an acre site and will apply to all commercial, industrial, institutional developments that are located on site less than 1 acre in size. This calculation was based on a building with the foot print of 5,000 ft² which equals $\$45,121.28 / 2$ (half acre) = $\$22,560.64 / 5000$ (bldg. area) = $\$4.51 / \text{ft}^2$
- d. **Open Air Development** – This type of development, as defined in the Offsite Development Bylaw, would not have any actual structures which would connect to sewer or water therefore this calculation was based on the infrastructure / services that are not physical connections.
- | | |
|--------------------------|-------------------|
| i. Storm Sewer System | \$1,455.02 |
| ii. Road System | \$6,823.41 |
| iii. Parks & Leisure | \$ 731.17 |
| TOTAL LEVY / ACRE | \$9,009.60 |