

BYLAW #2013-1909

A BYLAW OF THE CITY OF ESTEVAN, IN THE PROVINCE OF SASKATCHEWAN TO ESTABLISH A OFF-SITE DEVELOPMENT LEVY IN RESPECT OF LAND THAT IS TO BE SUBDIVIDED, DEVELOPED AND/OR REDEVELOPED WITHIN THE CITY OF ESTEVAN

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 Estevan (the “Council” or “City”), may pass a bylaw establishing and charging of development levies for one or more purposes described in the Act;

AND WHEREAS, the Council of the City of Estevan deems it desirable to establish an off-site development levy 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 in accordance with the Act;

AND WHEREAS, the City has carried out public notification/consultation 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 Estevan, 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 authorize agreements to be entered into with respect to payment of Off-site development levies;
- c) 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
- d) To indicate how the Off-site development levy is determined and allocated.

3. DEFINITIONS

Bylaw 2013-1909 to Establish the Off Site Development Levy

In this Bylaw;

- a) “*Act*” shall mean the Planning and Development Act, 2007, Chapter P-13 and any amendments thereto.
- b) “*Development Land*”: Any land which on which development, redevelopment, rezoning and/or subdivision is proposed and exempting land that was previously charged off-site development levies unless development proposed results in an increased intensity or density of use from what currently exists.
- c) “*Development Proponent*”: A landowner or legal designate of development land.
- d) “*New developable lots/parcels*”: For the purpose of this bylaw shall mean the total number of lots/parcels created from subdivision excluding any one parcel/lot on which already exists a permanent building or structure.
- e) “*Net hectare/acre*”: a hectare/acre of development land which excludes any land dedicated for street or lane rights of way, public utility parcels, Municipal or Environmental Reserve Parcels.
- f) “*Net gain*”: the increased number of dwelling units from what previously existed on the site.
- g) “*Off-site Development Levy*”: the levy imposed and created by this bylaw pursuant to the Act.

4. ADMINISTRATION & ENFORCEMENT

The Council hereby delegates to the City Manager and Land Development Services Manager the authority to enforce and administer the Bylaw. All Off-site Development levy agreements shall be approved by Council.

5. APPLICATION

This Bylaw applies to all Development Land located within the City of Estevan.

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*:

New developable lots/parcels to be created from subdivision shall be charged based on \$232,279.00 per net hectare [\$94,002.00 per net acre] of new developable lot/parcel created.

b) Rezoning Applications:

Proposals involving rezoning (no subdivision) which result in an increased intensity of use and/or density of development, as determined by the City, shall be subject to payment of an off-site development levy based on the following:

- i. Rezoning to accommodate commercial, institutional, and/or industrial uses/developments:
 - \$232,279.00 per net hectare [\$94,002.00 per net acre] of development land
- ii. Parcels one acre or larger in size being rezoned to accommodate residential uses;
 - \$232,279.00 per net hectare [\$94,002.00 per net acre] of development land
- iii. Lots/Parcels less than one acre in size being rezoned to accommodate residential uses:
 - \$7,532.00 per residential dwelling unit (based on net gain).

c) General Development Applications:

- iv. Developments which involve permitted or discretionary uses (no subdivision or rezoning), on sites which were previously not developed and/or connected to the municipal utility systems, shall be subject to the payment of an off-site development levy in the amount of \$232,279.00 per net hectare [\$94,002.00 per net acre] of development land.
- v. Developments which involve permitted or discretionary uses (no subdivision or rezoning), on previously developed sites which in the opinion of Council will require additional capital costs to be incurred by the City, shall be subject to the payment of a off-site development levy in an amount derived by Council and not exceeding \$232,279.00 per net hectare [\$94,002.00 per net acre] of development land.

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 a development levy agreement (or servicing agreement in the case of subdivisions) with the City respecting the payment of off-site development levies. The development levy agreement to be prepared by the City may contain whatever provisions are deemed necessary by the City to ensure payment of the off-site development levy by the development proponent and/or successor in title or assigns.

8. PAYMENT

The Off-site Development Levy prescribed by this bylaw shall be paid either;

- a) 100% payout prior to the issuance of a Development Permit; or
- b) 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

- c) In a prescribed manner and timeline appropriate for the City as outlined within a servicing agreement, pursuant to *Section 172(3)(b)* of the Act.

9. PURPOSE AND USE OF THE LEVY

- a) The purpose of charging offsite development levies 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 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 charge is allocated as follows:
- Water Supply, Treatment,
Transmission & Distribution \$ 57,494.00 per net hectare
[\$22,267.50/ per net acre]
 - Sanitary Sewage Collection, Storage,
Transmission, Treatment & Disposal \$ 83,572.00 per net hectare
[\$33,821.13/per net acre]
 - Storm Drainage Collection & Disposal \$ 12,603.00 per net hectare
[\$ 5,100.36/ per net acre]
 - Transportation (Arterial Roadways & Traffic control) \$ 59,370.00 per net hectare
[\$ 24,026.71/ per net acre]
 - Parks & Recreation \$ 19,240.00 per net hectare
[\$ 7,786.32/ per net acre]
- c) Offsite development levies shall be deposited into one or more off-site development levy 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 Estevan-Offsite Development Levy Study*' prepared by DGMercer Eco Research and Associated Engineering, dated February 6, 2013. The recommended charge has been adopted into this bylaw.
- b) In circumstances, where a development proponent will be providing and/or upgrading off-site infrastructure work which will provide public benefit outside the boundaries of


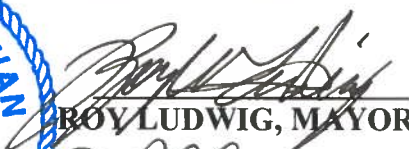

Development land, City Council may direct a reduction to the off-site development levy charge to reflect the public benefit derived.

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 be in effect on 3rd and Final reading thereof.


CITY OF ESTEVAN

ROY LUDWIG, MAYOR

JUDY PILLOUD, CITY CLERK

Read a First Time this 25th day of March, 2013 A.D.

Read a Second Time this 15th day of April, 2013 A.D.

**Read a Third and Final time, Approved, and Adopted for use by
The City of Estevan this 15th day of April, 2013 A.D.**

Certified a true copy of Bylaw 2013-1909 as it appears in the Minute Book of the City of Estevan given under my hand and the seal of the City of Estevan this 21th day of June, 2013


Judy Pilloud, City Clerk
