

BYLAW #2020-2030

A BYLAW OF THE CITY OF ESTEVAN TO ESTABLISH AN OFF-SITE DEVELOPMENT LEVY IN RESPECT OF LAND.

WHEREAS, Section 169 and 172(3)(b) of the *Planning and Development Act, 2007* (“the Act”) allows the City of Estevan to recover infrastructure costs for servicing growth through an off-site development levy.

AND WHEREAS, the Council of the City of Estevan, in the Province of Saskatchewan has deemed it necessary to establish an off-site development levy pursuant to the Act and the financial priority provisions of the City’s *Official Community Plan*.

AND WHEREAS, the City of Estevan will continue to apply the 2013 Engineering Infrastructure Report as prepared by D.G. Mercer Eco Research along with the companion guide provided by City of Estevan Engineering and Land Development Services in 2020 when calculating off-site infrastructure costs under the framework provided in this Bylaw.

NOW THEREFORE, the Council of the City of Estevan, in open meeting, enacts as follows;

- 1) That the City of Estevan Off-Site Development Levy Bylaw, pursuant to Section 169 of the Act, be adopted in accordance with attached Schedule “A”.
- 2) Upon passage of this Bylaw, Bylaw No. 2013-1909 is hereby repealed.
- 3) This Bylaw shall take force and be in effect on 3rd and Final reading thereof:

CITY OF ESTEVAN


ROY LUDWIG, MAYOR

JUDY FILLOUD, CITY CLERK

Read a First Time this 13th day of July, 2020 A.D.

Read a Second Time this 21st day of September, 2020 A.D.

Read a Third and Final time, Approved, and Adopted for use by
The City of Estevan this 21st day of September, 2020 A.D.

SCHEDULE "A" – BYLAW NO. 2020-2030

**CITY OF ESTEVAN
OFF-SITE DEVELOPMENT LEVY BYLAW**

1) PURPOSE:

This Bylaw is intended to:

- a) impose and provide for the payment of an off-site development levy;
- b) authorize agreements to be entered into between the City of Estevan and the proponent/landowner for the payment of off-site development levies;
- c) set out conditions upon which the off-site development levy will be applied to specific land uses and classes of development within defined areas; and
- d) indicate how the off-site development levy is determined and allocated.

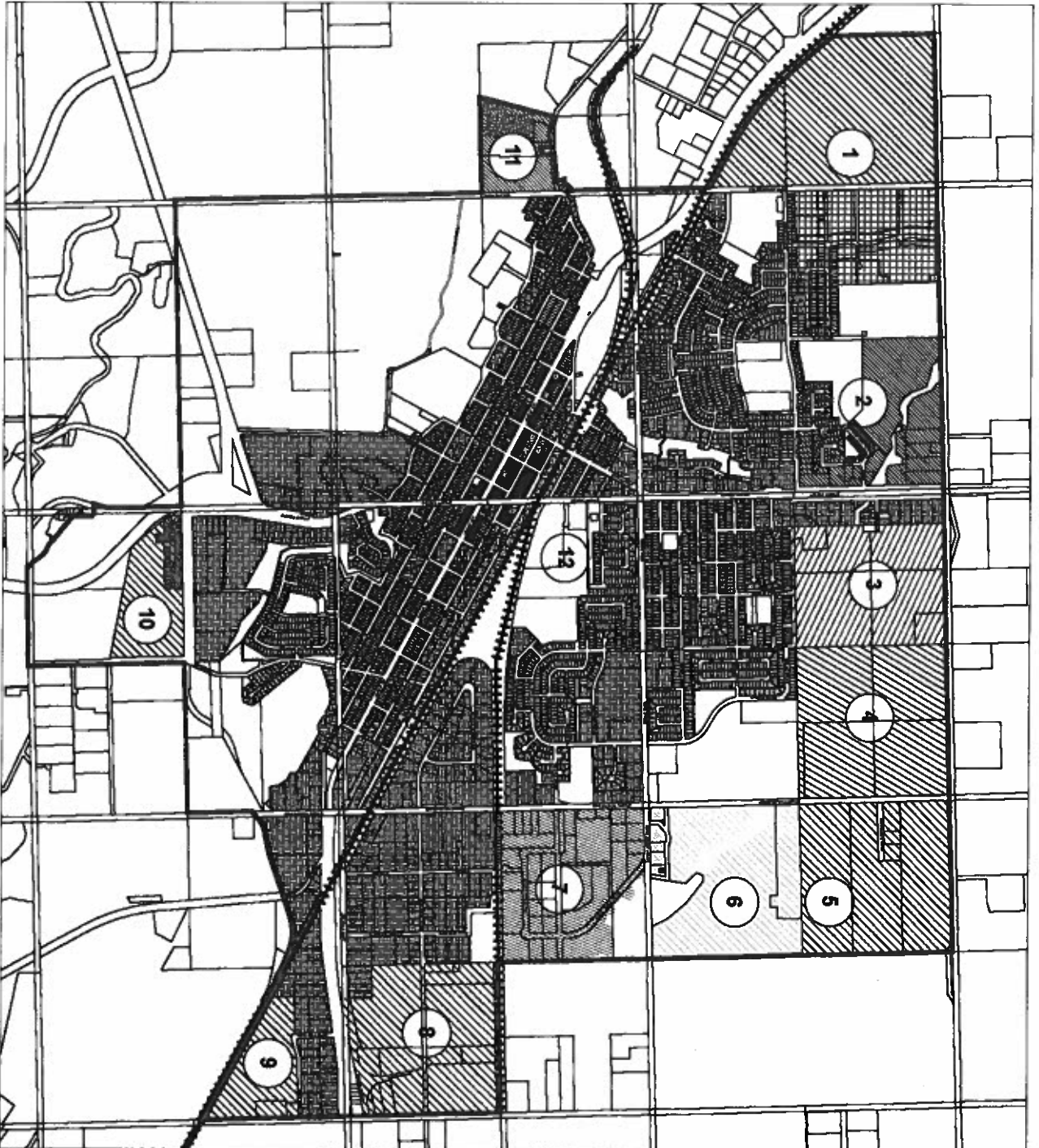
2) DEFINITIONS:

In this Bylaw:

- a) "Act" means the Planning and Development Act, 2007, Chapter P-13, as amended.
- b) "Development Land" means any land on which development, redevelopment, rezoning and/or subdivision is proposed.
- c) "Development Proponent" means a landowner or designate representing the landowner for the development of a specific parcel of land.
- d) "Net Developable Land" means the total area of a parcel less environmental reserve, municipal reserves, road right of ways, walkways, utility corridors, lanes or common lands within a bare-land condominium that are for the same purpose;
and
- e) "Off-Site Development Levy (Levy)" means the levy imposed and created through this Bylaw pursuant to the Act.

3) ADMINISTRATION:

- a) Council for the City of Estevan hereby delegates to the Land Development Services Manager under the direction of the City Manager the authority to enforce and administer this Bylaw.
- b) All off-site development levy agreements are to be approved by Council.
- c) The Land Development Services Manager shall provide an annual report to Council monitoring the effectiveness of the levy bylaw, amounts owing, collected and where levies were exempted as part of a development or re-development project.



City of Steubenville

DEVELOPMENT LEVEL ZONES

LEGEND

- ① NW27, NE28 & SE 28
- ② Dominion Heights
- ③ East Drader
- ④ NE 28
- ⑤ NW 25
- ⑥ SW 25
- ⑦ Peterson Business Park
- ⑧ SW 24
- ⑨ NE 13
- ⑩ The Ridge
- ⑪ West Valley Village
- ⑫ Existing City, Jan 2020

All lands within
Twp 2, Rge 8 W24/er.

(A)

4) PRINCIPLES AND FRAMEWORK:

The City of Estevan Off-Site Development Levy is based upon the following framework and general principles:

- a) *The cost of providing infrastructure to service undeveloped lands within the City of Estevan is highly variable depending on location;*
- b) *The City desires to enable an off-site development levy system that is equitable and transparent;*
- c) *The City desires to encourage compact communities and in-fill development;*
- d) *Use of infrastructure is highly variable depending on the nature of the land use; and*
- e) *Certain components of an off-site development levy may not be applicable to a development and can be exempted, in whole or in part for the life of the proposed development.*

5) OFF-SITE DEVELOPMENT LEVY ZONES:

- a) For the purpose of imposing an off-site development levy, the City of Estevan is hereby divided into 12 zones as outlined in Map 1: Development Zones.

6) PURPOSE OF THE LEVY:

- a) The purpose of the levy is to reimburse the City of Estevan for capital costs associated with the provision, alteration, expansion or upgrading of the following services that are associated, directly or indirectly, with a proposed development:
 - i.) Sewage, water or drainage works;
 - ii.) Roadways and related infrastructure; and
 - iii.) Parks and recreational facilities.
- b) The levy may be applied towards debt incurred by the City towards the services described in 6(1).
- c) The levy is not to be used as a substitute for servicing agreements that form part of the subdivision process for on-site infrastructure needs.

7) ENGINEERING AND PLANNING EVALUATION:

- a) The capital cost projections applied in this Bylaw are based upon the Engineering Report prepared on February 6, 2013 by DK Mercer Eco Research and Associated Engineering, and as updated in 2020 by City Engineering and Land Development Services.

8) APPLICABLE PROPERTIES:

Except where exempted through Section 9, this Bylaw is applicable to:

- a) All properties within greenfield Development Zones 1 through 11,
- b) Properties that are transferred from the ownership of the City to private ownership,
- c) Existing non-municipal owned properties that are re-developed in a manner that increases the development intensity on the subject property and requires a greater level of servicing than the original development.

9) EXEMPTIONS AND ADJUSTMENTS:

- a) Council may consider an exemption of a component of the off-site levy should it not be applicable to the development. An exemption shall only be considered where the proposed use would not utilize one or more of the capital cost components such as storm water services as described in this Bylaw.
- b) This Bylaw does not apply where the land and development are owned by the City and the City is the proponent of the proposed development.
- c) This Bylaw does not apply where an on-site development levy has been previously taken.
- d) In circumstances where the development project would be providing and/or upgrading off-site infrastructure which will provide public benefit outside the boundaries of the Development Land, City Council may direct a reduction of the off-site development levy charge to reflect the public benefit derived.
- e) Where the proponent undertakes construction/improvement of off-site infrastructure that is subject to this off-site development levy bylaw, the amount of levy owing that is directed towards the subject infrastructure may be reduced by Council upon the recommendation of the Land Development Services Manager and City Engineer.
- f) Where a Developer contributes to the construction of a capital work that is subject to this Bylaw through (d) above, the City should adjust the remaining amount owing to other applicable development lands to reflect the work that has been completed.
- g) Where (d) applies, the City may enter into an endeavour to assist agreement with future developers.
- h) Should an off-site development levy be exempt, in whole or in part, for a development in accordance with this section and at a later date the development is changed to one which would benefit from services offered and normally subject to an off-site development levy, the City shall prepare a current off-site development

levy schedule and fee to be applied towards the subject property for those levy components that have not been collected from the subject land.

10) BARE-LAND CONDOMINIUMS:

- a) Further to Section (8), on-site improvements within a condominium are not eligible for consideration for exemption or reduction in the amount of off-site development levy owed to the City unless it is determined that the on-site improvement reduces the costs required for off-site improvements required to service the development lands or adjoining parcels.

11) AUTHORITY TO ENTER INTO AN AGREEMENT:

- a) As part of a re-zoning process, the City shall require that an agreement for the payment of off-site development levies be paid as part of the future development of the subject parcel. The agreement, as prepared by the City shall include the necessary provisions to ensure the payment of the off-site development levy.
- b) Where (a) does not apply, as part of the subdivision process, the City shall require that an agreement for the payment of off-site development levies be paid as part of the future development of the subject parcel. The agreement shall include the necessary provisions to ensure the payment of the off-site development levy.
- c) An agreement pursuant to (a) or (b) above shall be registered as an interest against the subject certificate of title(s) to ensure that it runs with the land and is applicable towards all heirs and successor owners of the development land.
- d) Should an agreement not be entered into as part of the re-zoning or subdivision process, it does not negate the ability of the City to require an agreement for an off-site development levy as part of the development process.
- e) Payout of the off-site development levy shall be required as a condition of a Development Permit for the development land and shall be paid prior to any development taking place on the development lands excepting development taking place pursuant to an agreement under (f) below.
- f) Should a 100% payout of the levy owing to the City not be practical, the City may consider an agreement for payment over a timeline as agreed to by City Council. Such an agreement shall be registered against the certificate of title(s) for the development land.
- g) An off-site development levy agreement shall be designed to conform to the subdivision and/or development timeline provided in an applicable concept plan approved under Section 44 of the Act.

12) SERVICE DEMAND FACTOR:

The following service demand factor table describes the use of municipal infrastructure based upon land use classifications. Mixed-use developments may be assessed on a proportionate basis (i.e., a commercial building with residential use on the second floor).

Demand factor refers to the impact that a proposed development could have on the use of the service that is subject to the levy. As an example, a transport company would have less of an impact on recreation than a high rise and a restaurant may use more water than a clothing store. A more detailed explanation is provided in the companion guide to this Bylaw.

SERVICED DEMAND FACTOR

	<i>Transportation</i>	<i>Water</i>	<i>Sanitary</i>	<i>Stormwater</i>	<i>Recreation</i>
Residential	1	1	1	1	1
In-fill Residential	0.5	0.5	0.5	0.5	0.5
Residential High Density	1.25	1.25	1.25	1	1
Commercial - A	1.25	0.75	0.75	0.75	0.5
Commercial - B	2	1.5	1	1.5	0.5
Industrial	2	1.5	1	1	0.5
Other	1	1	1	1	1

Commercial - A Floor Area <300m2

Professional offices, smaller retail stores

Commercial - B Floor Area =>300m2

Restaurants, big box stores, hotels, highway commercial

13) ADJUSTMENT FACTOR

The City may adjust the off-site development levy amount as required to ensure that the funds derived from the off-site development levy don't exceed the total amount of funds required for each Zone or to account for long term cost adjustments due to grants, costs or technological innovations. Council may consider an adjustment factor at the subdivision or development stage once the land use and area classifications have been determined.

The cost adjustment shall be the same for all service factor categories and be described on Appendix "A".

14) CALCULATION OF LEVY OWING:

Off-site Development Levy amounts shall be determined in accordance with the following procedure:

- a) the amount of net developable land shall be established through a detailed design plan or plan of survey;
- b) as part of the development permit process, the proposed use will be classified in accordance with the criteria described in the service demand factor table;

- c) the amount owing is the service demand factor multiplied by the area of the developable land, the rate provided in the applicable zone, and the applicable adjustment factor; and
- d) where different service demand factors are applicable to the subject parcel, the off-site development levy shall be calculated separately on an area basis for each land use classification.
- e) Cast Iron Watermain replacement is not an applicable charge within Zones 1-11.
- f) A recreation levy is applicable on all eligible properties, subject to demand factor considerations.

TABLE ONE: DEVELOPMENT LEVY REQUIRED BY ZONE

The values within this table are current to January 1, 2020. Amounts shown for Zones 1-11 include with wide allotments. Areas are estimated of "net developable land" calculations and may be refined through concept or subdivision plans.

ZONE	Estimated Net Dev. Area	Transportation	Potable Water	Sanitary Sewer	Storm Water	Recreation	Total Required
Meadows (1)	107.9	\$9,375,560	\$14,398,715	\$7,654,320	\$500,000	\$755,289	\$32,683,884
Dominion (2)	54.8	\$1,500,000	\$1,100,000	\$7,300,000	\$200,000	\$655,611	\$10,755,611
East Drader NW26(3)	38.65	\$2,255,439	\$2,219,367	\$2,924,637	\$1,000,000	\$200,494	\$8,599,937
NE26(4)	48.6	\$2,795,455	\$1,743,266	\$2,653,634	\$500,000	\$252,109	\$7,944,464
5	79.2	\$1,818,519	\$1,629,026	\$1,430,811	\$500,000	\$410,844	\$5,789,200
6	54	\$3,217,172	\$1,092,518	\$2,657,371	\$4,000,000	\$280,121	\$11,247,182
Glen Peterson	26	\$1,104,564	\$1,940,842	\$2,575,842	\$1,500,000	\$134,873	\$7,256,121
8	53.2	\$5,113,954	\$2,338,184	\$6,885,040	\$1,450,000	\$275,971	\$16,063,149
9	20.22	\$2,081,318	\$109,574	\$1,558,926	\$104,889	\$104,889	\$3,959,596
The Ridge (10)	24.2	\$1,297,325	\$131,091	\$2,570,525	\$800,000	\$125,535	\$4,924,476
West Valley (11)	4.6	\$182,481	\$176,894	\$441,241	\$0	\$23,862	\$824,478
Existing Devel (12)	479	\$2,294,895	\$2,253,614	\$1,662,968	\$0	\$2,960,083	\$9,171,560
City Wide (Zones 1-11)	990	\$4,743,104	\$4,639,993	\$3,437,031		\$6,118,916	\$18,939,044
TOTAL		97,779,786	33,773,084	43,752,346	10,554,889	\$12,298,597.05	138,158,702

Example: 2.0 ha. of Commercial B land in Zone 4:

Levy Type	Service Factor	Area	Allotment	Net Land	Owing
Transportation	2	2	\$2,795,000	48.6	\$230,079
Potable Water	1.5	2	\$1,793,000	48.6	\$107,609
Sanitary Sewer	1	2	\$2,653,000	48.6	\$109,203
Storm Sewer	1.5	2	\$500,000	48.6	\$30,864
Recreation	0.5	2	\$163,000	48.6	\$5,187
				Total:	\$482,942

Example: 2.0 ha. of Low Density Residential in Zone 1:

Levy Type	Service Factor	Area	Allotment	Gross Land	Owing
Transportation	1	1	\$9,375,560	145.6	\$128,785
Potable Water	1	1	\$14,398,715	145.6	\$197,785
Sanitary Sewer	1	1	\$7,654,320	145.6	\$105,142
Storm Sewer	1	1	\$500,000	145.6	\$6,868
Recreation	1	1	\$7,654,320	145.6	\$10,375
Total:					\$448,954

Example: 2.0 ha. of Residential In-fill in Zone 12:

Levy Type	Service Factor	Area	Allotment	Gross Land	Owing
Transportation	0.5	1	\$7,038,000	479.0	\$4,791
Potable Water	1	1	\$3,344,000	479.0	\$4,453
Sanitary Sewer	1	1	\$5,100,000	479.0	\$6,943
Storm Sewer	0.5	1	\$0	479.0	\$0
Recreation	0.5	1	\$9,078,000	479.0	\$6,180
Total:					\$22,467

15) TRANSITION

Existing off-site development levy agreements that are in place as of the date this Bylaw comes into force shall be allowed to continue provided the terms of the agreement are maintained in good standing. Requests to amend an existing agreement should result in the entire agreement being brought into conformance with this Bylaw.

16) 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, then such provision shall be severed from this Bylaw and the remainder of this Bylaw shall continue to be in full force and effect.

APPENDIX "A"
ADJUSTMENT FACTOR

YEAR	2020								
ZONE									
(1)	1								
(2)	1								
(3)	1								
(4)	1								
(5)	1								
(6)	1								
(7)	1								
(8)	1								
(9)	1								
(10)	1								
(11)	1								
(12)	1								