



BYLAW NO. 399/19 DEVELOPMENT LEVY BYLAW

A BYLAW OF THE TOWN OF STRASBOURG, IN THE PROVINCE OF SASKATCHEWAN, TO ESTABLISH A DEVELOPMENT LEVY FOR LANDS TO BE DEVELOPED AND REDEVELOPED IN THE TOWN OF STRASBOURG

WHEREAS Sections 169 and 171 of *The Planning and Development Act, 2007 (the "Act")* provides that the Council of the Town of Strasbourg may pass a bylaw establishing a Development Levy;

WHEREAS the Council of the Town of Strasbourg has adopted an Official Community Plan that authorizes the use of a Development Levy;

WHEREAS the Council of the Town of Strasbourg gave notice by advertising in the Last Mountain Times newspaper publication on April 22nd, 2020 and May 4th, 2020, and a Public Hearing was held on May 13th, 2020 in regards to the proposed Bylaw, in accordance with Section 207 of *the Act*.

WHEREAS the Council of the Town of Strasbourg deems it desirable to establish a Development Levy for the purposes of recovering all or a part of the capital costs of providing services and facilities directly or indirectly associated with a proposed development in regards to waterworks, sanitary sewer, storm sewer, and roadways;

WHEREAS the Council of the Town of Strasbourg has received a professional engineering study regarding the estimated capital costs of providing municipal servicing requirements, which sets out a fair and equitable calculation of the Development Levies in accordance with *the Act*;

WHEREAS the Council of the Town of Strasbourg has considered future land use patterns and the development and phasing of public works to help determine a fair and equitable calculation of the development levies in accordance with *the Act*; and

WHEREAS the Council of the Town of Strasbourg wishes to enact a bylaw to impose and provide for the payment of Development Levies, to authorize agreements to be entered into in respect of payment of Development Levies, to set out the conditions upon which the Levy will be applied to specific land uses, classes of development, zoning districts or defined areas, and to indicate how the amount of the Levy was determined.

NOW THEREFORE, the Council of the Town of Strasbourg in the Province of Saskatchewan enacts as follows:

1. PURPOSE AND INTENT

1.1 This Bylaw is intended to:

- a. Impose and provide for the payment of Development Levies;
- b. Authorize agreements to be entered into in respect of payment of Development Levies;
- c. Set out the conditions upon which the Levy will be applied to specific land uses, classes of development, zoning districts, or defined areas; and
- d. Indicate how the amount of the Levy was determined.

2. DEFINITIONS

2.1 In this Bylaw:

- a. **Act** - The *Planning and Development Act, 2007* and amendments thereto.
- b. **Administrator** - The person appointed as Administrator pursuant to Section 111 of *The Municipalities Act*.
- c. **Capital Costs** - The Town's estimated cost of providing, altering, expanding, or upgrading the following services and facilities associated, directly or indirectly, with a proposed development:
 - i. Waterworks, sanitary sewer, or storm sewer;
 - ii. Roadways.
- d. **Council** - The Mayor and Councillors of the Town elected pursuant to the provisions of *The Local Government Election Act, 2015*.
- e. **Development** - The carrying out of any building, engineering, 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.
- f. **Development Lands** - Those lands (or any part thereof) within the Town, where no previous servicing agreement has been entered into for the specific proposed development, and, in the opinion of Council, the Town will incur additional capital costs as a result of the proposed development.
- g. **Development Levy** - The levy imposed and created by this Bylaw pursuant to *the Act*.
- h. **Development Levy Agreement** - The meaning ascribed to this term within Section 171 of *the Act*.
- i. **Multi-Unit Development** - A building containing three or more separate units in any zoning district.
- j. **Proposed Development** - A permitted or discretionary use within the Town's Zoning Bylaw, for which a person or corporation has made an application for a development permit.
- k. **Servicing Agreement** - The meaning ascribed to this term within Section 172 of *the Act*.
- l. **Study** - The Town's Development Levy Study prepared by Walker Projects Inc., dated December 2019.
- m. **Subdivision** - 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*.
- n. **Town** - The Town of Strasbourg.

3. ADMINISTRATION AND ENFORCEMENT

3.1 The Administrator shall enforce and administer this Bylaw, including administering the Development Levy and Development Agreements. Only Council has the authority to enter into a Development Agreement with a proponent of a proposed development or landowner.

4. APPLICATION

4.1 This Bylaw applies to Development Lands that benefit or will benefit from municipal services installed or to be installed by or on behalf of the Town. The Development Levy imposed by this Bylaw is intended to recover all or a part of the Capital Costs incurred by the Town as a result of a Proposed Development, as set out in Schedule "A," which is attached hereto and forms part of this Bylaw.

4.2 Pursuant to Subsection 169(3) of *the Act*, the Development Levy will only be applied if the specific proposed development was not previously subject to a Servicing Agreement, and in the opinion of Council, additional capital costs will be incurred by the Town.

- 4.3 Pursuant to Subsection 169(7) of *the Act*, the Council may exempt land uses, classes of development, zoning districts, or defined areas from the levies as follows:
- a. All land uses with the exception of multi-unit developments, in any zoning district shall be exempt from the Development Levy.

5. IMPOSITION OF LEVY

- 5.1 There is hereby imposed on the Development Lands a Development Levy in the amounts set out in Schedule "A," attached hereto and forming part of this Bylaw. Schedule "A" shall be updated to reflect changes in infrastructure costs, as required. Any revisions to Schedule "A" shall apply only to development permit applications accepted by the Town after the date the revision is adopted.

6. AUTHORITY TO ENTER INTO AN AGREEMENT

- 6.1 Any Development Levy Agreement and the obligations to pay the applicable Development Levy shall be binding on successors in title to the original owner or owners, regardless of whether an interest in respect of the Development Levy Agreement is registered by the Town against the Development Lands. The amount of the development levies payable shall be the amount under Schedule "A."

- 6.2 Nothing in this Bylaw prevents the Town from imposing additional or new Development Levies on any portion of the Development Lands where the Town has not previously collected the Development Levy or entered into a Development Levy Agreement.

7. PAYMENT

- 7.1 The Development Levy provided in this Bylaw shall be paid in the following manner:
- a. In a fashion and timeline deemed appropriate by the Town within a Development Agreement, pursuant to Section 171 of *the Act*.
 - b. In the event that any Development Levy payment imposed by this Bylaw payable under a Development Levy Agreement is not paid at the time or times specified within the Agreement and without limiting the remedies of the Town, the Town may issue a stop work order prohibiting further development on the Development Lands, and may register an interest in the land registry against the affected title pursuant to Subsection 242(7) of *the Act*.

8. PURPOSE AND USE OF THE LEVY

- 8.1 The Town will deposit all Development Levy fees into one or more Development Levy accounts, separate and apart from other funds of the Town pursuant to Section 174 of *the Act*.
- 8.2 The Town will use the funds received, and any accrued interest only to:
- a. Pay the Capital Costs associated with the construction, alteration, expansion, or upgrade of the following:
 - i. Waterworks, sanitary sewer, or storm sewer;
 - ii. Roadways.
 - b. Pay a debt incurred by the Town as a result of an expenditure described in Subsection 173(d) of *the Act*.

9. CALCULATION OF LEVY

- 9.1 The Development Levy adopted in this Bylaw was determined on the basis set out in Schedule "B," which is attached hereto and forms part of this Bylaw.

10. APPEALS ON DEVELOPMENT LEVY

10.1 The Development Levy or factors considered in its calculation can be appealed to the Development Appeals Board and subsequently to the Saskatchewan Municipal Board in accordance with Section 176 of *the Act*.

11. SEVERABILITY

11.1 A decision of the court that one or more of the provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts thereof with respect to this Bylaw.

12. EFFECTIVE DATE OF BYLAW

12.1 This Bylaw shall come into force and take effect on upon final approval by the Minister of Government Relations.



Mayor
Jennifer Josephsen

Administrator

Certified to be a true copy of Bylaw No. 399/19 adopted by the Council of the Town of Strasbourg, on the 13th day of May, 2020.

[SEAL]

Administrator



SCHEDULE "A" to Bylaw 399/19 Capital Costs

Classification Capital Cost	Full Capital Costs to the Town Per Lot	Multi-Unit Residential (R1, R2, RHM, CR)	Multi-Unit Commercial (C1, HPC)	Multi-Unit Industrial (IND) & Community Service (CS)
Roads	\$1,125.53 / lot	\$1,125.53 / lot	\$1,125.53 / lot	\$1,125.53 / lot
Water, Sanitary Sewer, Storm Sewer	\$10,893.25 / lot	\$10,893.25 / lot	\$10,893.25 / lot	\$10,893.25 / lot
Administration	\$1,787.50 / lot	\$1,787.50 / lot	\$1,787.50 / lot	\$1,787.50 / lot
Total	\$13,804.28 / lot	\$13,804.28 / lot	\$13,804.28 / lot	\$13,804.28 / lot
Rounded Total	\$13,500.00 / lot	\$13,500.00 / lot	\$13,500.00 / lot	\$13,500.00 / lot



SCHEDULE "B" to Bylaw 399/19 Calculation Breakdown

WALKER PROJECTS

Consulting Engineers • Project Managers

Town of Strasbourg - Development Levy Study

All Projects

Capital Cost Summary Estimates - Oct 2019

Project	Timeline	Cost (M)	Sector Require Servicing % Charged	Dev. Levy Portion
ROADS:				
Upgrade Mountain Street (Paving 700 m)	2025	0.57	Town & New Dev	30 \$ 171,360
Upgrade Prospect Ave Street (Paving 730 m)	2025	0.33	Town & New Dev	30 \$ 98,287
WATER:				
Expansion of Water Reservoir & Pump Upgrades	2018	0.85	New Dev	100 \$ 850,000
Upsize Gastle St to Prospect Ave Watermain from 150mm to 200mm (900m)	2030	0.24	Town & New Dev	30 \$ 72,900
Capacity Study	2028	0.05	Town & New Dev	30 \$ 15,000
SANTARY SEWER:				
Lagoon Upgrades (Total Cost: 3.85m with 2.54m funded externally)	2018	1.31	New Dev	100 \$ 1,310,000
Upsize Mountain St to Prospect Ave Sewer 200mm to 300mm (1100m)	2030	0.41	Town & New Dev	30 \$ 123,750
Upsize Gravity Outfall to Lagoon 300mm to 375mm (510m)	2035	0.21	Town & New Dev	30 \$ 62,730
Capacity Study	2028	0.05	Town & New Dev	30 \$ 15,000
STORM SEWER:				
Drainage Study	2029	0.05	Town & New Dev	30 \$ 15,000
Upsize 5 Culverts along Hwy 20 to 800mm	2030	0.15	New Dev	100 \$ 150,000
MISCELLANEOUS:				
Administration Fees (costs to 2039)	2049	0.43	New Dev	100 \$ 429,000
	SubTotal:	\$ 4.65		SubTotal: \$ 3,313,027
			+25% Eng & Contingencies:	\$ 828,257
			TOTAL:	\$ 4,141,284
Levy Calculation:				
\$	4,141,284 /30 years	\$ 138,043 /year/10 permits	\$ 13,804 (Single Permit)	
			Say \$ 13,500	

<u>Roads</u>	Dev Levy Portion	Per Permit
Upgrade Mountain Street	\$171,360.00	\$11,235.29
Upgrade Prospect Avenue	\$98,287.00	\$1,123.53
Total	\$269,647.00	
25% Engineering and Contingency	\$67,411.75	
Total Fee	\$337,058.75	
<u>Water</u>	Dev Levy Portion	Per Permit
Expansion of Water Reservoir and Pump Upgrades	\$850,000.00	\$39,079.17
Upsize Gastle Street to Prospect Avenue Water Main	\$72,900.00	\$3,907.92
Capacity Study	\$15,000.00	
Total	\$937,900.00	
25% Engineering and Contingency	\$234,475.00	
Total Fee	\$1,172,375.00	
<u>Sanitary Sewer</u>	Dev Levy Portion	Per Permit
Lagoon Upgrades	\$1,310,000.00	\$62,978.33
Upsize Mountain Street to Prospect Avenue Sewer	\$123,750.00	\$6,297.83
Upsize Gravity Outfall to Lagoon	\$62,730.00	
Capacity Study	\$15,000.00	
Total	\$1,511,480.00	
25% Engineering and Contingency	\$377,870.00	
Total Fee	\$1,889,350.00	
<u>Storm Sewer</u>	Dev Levy Portion	Per Permit
Drainage Study	\$15,000.00	\$6,875.00
Upsize Culverts Along Hwy 20	\$150,000.00	\$687.50
Total	\$165,000.00	
25% Engineering and Contingency	\$41,250.00	
Total Fee	\$206,250.00	
<u>Miscellaneous</u>	Dev Levy Portion	Per Permit
Admin fees	\$429,000.00	\$17,875.00
Total	\$429,000.00	\$1,787.50
25% Engineering and Contingency	\$107,250.00	
Total Fee	\$536,250.00	
<u>All Infrastructure</u>	Dev Levy Portion	Per Permit
Roads	\$269,647.00	\$138,042.79
Water	\$937,900.00	\$13,804.28
Sanitary Sewer	\$1,511,480.00	
Storm Sewer	\$165,000.00	
Miscellaneous	\$429,000.00	
Total	\$3,313,027.00	
25% Engineering and Contingency	\$828,256.75	
Total Fee	\$4,141,283.75	



APPENDIX "A" to Bylaw 399/19 Capital Cost Attributions

The criteria used to determine whether a project cost was a direct subdivision agreement matter (i.e. local service) or a potential Development Levy inclusion is as follows:

Roads

- Internal roads are direct developer responsibility.
- Arterial roads, whether internal or external to plan of subdivision, will be included in the Levy. Notwithstanding under certain circumstances, the Town may require the developer to directly contribute/construct a local road equivalent for arterial roads internal to a plan of subdivision.
- Intersection/entrance ways to a plan of subdivision are direct developer responsibility, except where intersection is arterial to arterial, which will be included in the Levy.
- The Town has a road upgrade program for Mountain Street and Prospect Avenue which have been allocated a 30% cost to the Levy.

Water

- Water mains to or within a plan of subdivision of 300 mm or less are direct developer responsibility.
- Water mains within a plan of subdivision as underground to an arterial road may be included in the Levy, notwithstanding under certain circumstances the Town may require the developer to directly contribute/construct a local water main equivalent (i.e. 300 mm main) for arterial roads internal to a plan of subdivision.
- Trunk water mains external to a plan of subdivision are included in the Levy. Note: "trunk water mains" are primary distribution network mains of any size with no service connection permitted.
- Up until 2018, there was no remaining capacity for growth in the water treatment and distribution systems. Upgrades which were undertaken by the Town are for the sole purpose of growth. For this reason, the consultants have included the projects listed in Schedule "B" required to upgrade the system such as water reservoir and pump upgrades to service the new proposed developments as well as a cost for a capacity study to identify required capital expenditure to service a greater population.

Sanitary Sewer

- Sanitary sewers to or within a plan of subdivision of 300 mm or less are direct developer responsibility.
- Sanitary sewer oversizing within a plan of subdivision, excluding those as underground to arterial roads, the incremental cost over 300 mm will be included in the Levy.
- Sanitary sewers within a plan of subdivision will most likely be required to flow to an internal lift station and then be pumped to a force main which will connect into the Town's system.

- Sanitary sewer force mains, lift stations, and lagoons located outside the subdivision are included in the Levy.
- The Town has completed an effluent storage and disposal system upgrades to the wastewater treatment system and will also require additional upgrades to the sewer network in the coming years to service new development. To ensure the correct infrastructure upgrades are identified, the cost for a capacity study is also included in Schedule "B."

Drainage

- Regional service detention ponds and ditching, and equivalent volume dry pond costs are not included in the Levy, and will be borne by the developer.
- The Town is primarily using overland drainage via a system of ditching within right of ways or current drainage courses.
- Each development shall contain some sort of detention/dry ponds. To provide conveyance from the proposed development to the natural outfall, culvert upgrades are required.

Miscellaneous

- In addition to the capital works listed in Schedule "B", the following has been included in the calculations:
 - Town Administration fees to review proposed developments
- No allowance has been made for solid waste disposal since the Town operates a transfer station.