

City of Martensville
Development Levy Bylaw 14-2013

Being a Bylaw of the City of Martensville, in the Province of Saskatchewan, for the purpose of establishing a Development Levy for Lands that are to be developed or redeveloped within the City of Martensville.

WHEREAS Section 169 of *The Planning and Development Act, 2007*, Chapter P-13.2 (the Act”) provides that, the Council of a City may pass a bylaw establishing a Development Levy;

WHEREAS certain lands within the City of Martensville are proposed for future development;

WHEREAS Council for the City of Martensville gave notice by advertising in a local weekly newspaper on October 20, 2011 and October 27, 2011 and a Public Hearing was held on November 15, 2011, in regards to the proposed Bylaw, in accordance with the public participation requirements contained in Section 207 of the Act;

WHEREAS the Council for the City of Martensville 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 associated with a proposed development, directly or indirectly, in regards to: sewage, water, and drainage works; roadways and related infrastructure; parks; and recreational facilities;

WHEREAS the Council has considered the future land use patterns and 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 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 specify 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 City of Martensville, duly assembled, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the “Development Levy Bylaw”.

PURPOSE AND INTENT

2. This bylaw is intended to:
 - (a) to impose and provide for the payment of development levies;
 - (b) to authorize agreements to be entered into in respect of payment of development levies;
 - (c) 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

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(d) to indicate how the amount of the levy was determined.

DEFINITIONS

3. In this bylaw:

“**Act**” shall mean the Planning and Development Act, 2007, Chapter P-13.2;

“**Capital Costs**” means the City’s estimated cost of providing, altering, expanding or upgrading the following services and facilities associated, directly or indirectly, with a Proposed Development:

- i. sewage, water or drainage works;
- ii. roadways and related infrastructure;
- iii. parks; and/or
- iv. recreational facilities;

“**City**” means the City of Martensville;

“**City Manager**” means manager of the city appointed pursuant to section 84 of the Cities Act;

“**Council**” means the Council of the City;

“**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;

“**Development Lands**” means those lands (or any part thereof) within the City of Martensville, where no previous servicing agreement has been entered into for the specific proposed development and, in the opinion of Council, the City will incur additional capital costs as a result of the proposed development;

“**Development Levy**” means the levy imposed and created by this bylaw pursuant to the Act;

“**Development Levy Agreement**” has the meaning ascribed to this term by the Act within Section 171;

“**Development Officer**” shall mean the development officer appointed by the City;

“**Development Permit**” means a development permit as defined in the Act;

“**Proposed Development**” means a permitted or discretionary use within the City of Martensville Zoning Bylaw, for which a person or corporation has made an application for

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a development permit;

“Servicing Agreement” has the meaning ascribed to this term by the Act within Section 172;

ADMINISTRATION AND ENFORCEMENT

4. (1) Council hereby delegates to the City Manager or his designate the duty and authority to enforce and administer this bylaw, including administering the Development Levy, Development Levy Agreements and Servicing Agreements.

APPLICATION

5. (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 City.
- (2) The Development Levy imposed by this Bylaw is intended to recover all or a part of the Capital Costs incurred by the City as a result of a Proposed Development, as set out in Schedule “A” attached to and forming part of this bylaw.
- (3) Pursuant to Section 169(3), 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 City.

IMPOSITION OF LEVY

6. (1) There is hereby imposed on the Development Lands a Development Levy in the amounts set out in Schedule “A” attached to 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 City after the date the revision is adopted.
- (2) The amount of the development levy that is required to be paid is based on the levy in place at the time when the development permit application is submitted to the City and the application is deemed complete.

AUTHORITY TO ENTER INTO AGREEMENT

7. (1) Any Development Levy Agreement and the obligation to pay the applicable Development Levy shall be binding on successors on title to the original owner or owners, regardless of whether a caveat in respect of the Development Levy Agreement is registered by the City against the Development Lands. The amount of the development levies payable shall be the amount under Schedule “A”, as amended from time to time.

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- (2) Nothing in this bylaw prevents the City from imposing additional or new development levies on any portion of the Development Lands where the City has not previously collected the Development Levy or entered into a Development Levy Agreement or Servicing Agreement.
- (3) The City may register an interest based on a development agreement in the land registry against the land that is the subject of the agreement.

PAYMENT

- 8. (1) The Development Levy provided in this bylaw shall be paid, either:
 - (a) 100% prior to issuance of a Development Permit; OR
 - (b) In a fashion and timeline deemed appropriate by the City within a Development Levy Agreement, pursuant to Section 171 of the Act.
- (2) 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 City, the City may issue a stop order prohibiting further development on the Development Lands.

PURPOSE AND USE OF THE LEVY

- 9. (1) The development levy is intended to reimburse the City for the capital costs associated with the construction, altering, expanding or upgrading of the following:
 - i. sewage, water or drainage works;
 - ii. roadways and related infrastructure;
 - iii. parks; and/or
 - iv. recreational facilitiesassociated directly or indirectly with the proposed development.
- (2) The development levy may be utilized to pay a debt incurred by the City as a result of expenditure listed above or to reimburse an owner described in clause 173(d) of *The Act*.

CALCULATION OF LEVY

- 10. The Development Levy adopted in this Bylaw was determined on the basis set out in Schedule “B” annexed hereto and forming part of this Bylaw.

SEVERABILITY

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11. In the event that any provision of this Bylaw is found to be null or 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 of full force and effect.

REPEAL

12. That Bylaw 27-2011 be repealed.

ENACTMENT

13. This Bylaw shall take effect and come into force upon the date of approval by the Minister of Government Relations.

Read a first time this 18th day of June, A.D. 2013

Read a second time this 20th day of August, A.D. 2013

Read a third time and adopted this 20th day of August, A.D. 2013

MAYOR

CITY MANAGER

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Schedule “A”

Council Resolution Number 91\04162013

“That we set the off-site development levies for Residential development with the following allocations:

Wastewater Pumping Station & Forcemain - \$193.13 per front metre

Wastewater Treatment - \$320.00 per front metre

Water Distribution Expansion - \$211.20 per front metre

Arterial Road Development - \$266.98 per front metre

Recreation Facility Development - \$200.00 per front metre

Park Development - \$125.96 per front metre

And further that, Multi-Family off-site development levies will be at \$79,036.00 per acre and Commercial/Industrial off-site development levies will be at \$39,518.00 per acre. The new rates for all categories will be effective June 1, 2013.”

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Schedule “B”

**CITY OF
MARTENSVILLE**

OFF-SITE DEVELOPMENT FEES 2012
August 30, 2012
Prepared by Catterall & Wright



CATTERALL & WRIGHT
Consulting Engineers
Saskatoon Saskatchewan
S7H 0S5

Phone 343-7280, Fax 956-3199

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August 30, 2012

City of Martensville
Box 970
Martensville, SK S0K 2T0

Attention: Mayor and Council

Dear Madame and Sirs:

Re: Off-Site Development Fees

At the Cities request we were authorized to generate off-site development fees. The fees were to reflect current construction costs to upgrade infrastructure to City of Martensville standards to accommodate future development.

Water Reservoir & Pumping Station:

Treated water is supplied to the City by SaskWater. The City provides storage and pumping to the distribution system from two pumphouses. Water pumping station No. 1 (south) was constructed in 1976. A second reservoir was added in 1979. Water pumping station No. 2 (north) was completed in 2004. Pumphouse No. 1 (south) and associated reservoirs are located in the south portion of the City on Lot 12, Block 2, Plan 60S06263. Pumphouse No. 2 (north) and associated reservoirs are located on Lot 22, Block 39, Plan 98SA24054. Treated water is stored in below grade reinforced concrete reservoirs. The total available treated water storage volume is approximately 5,709 m³ which provides storage for a population of approximately 9,500 persons.

Water Plant Expansion: The cost was developed using construction costs from a typical expansion and compared to a 2012 tender.

Based on the foregoing, the proposed off-site development fee is **\$211.20 per front metre**.

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Sewage Pumping Station/Forcemain:

The sewage pumping station and force main levy was based on a sewage pumping station constructed in 2010 complete with building and standby power. The force main levy was based on a 3,000 metre long forcemain servicing one quarter section.

Based on the foregoing, the proposed fee is **\$193.13 per front metre.**

Sewage Treatment:

The City of Martensville lagoon system consists of two aerated primary cells and a series of aerated holding cells. The most northerly holding cells are aerated. The aerated primary cells are designed for a population of 8,000 persons. Based on a water consumption of 300 litres per capita per day (Lpcd) the holding cells have 180 day storage for a design population of 7,230.

The cost analysis was based expansions of 2 existing lagoons and construction of a new lagoon.

Based on the foregoing, the proposed fee is **\$320.00 per front metre.**

Arterial Roads:

We are proposing an arterial road standard of two – 3.6 metre driving lanes, 1.5 metre bike lanes/shoulder and left and right turning lanes. We are also proposing the road be constructed complete with vertical curb along the median and vertical curb and gutter along the shoulders. In our opinion, based on population, a 4 lane arterial road is not warranted. The fee was based on one half of the road and assumed the arterial would be constructed on two side of a quarter section. The construction costs were based on 2012 pricing for similar type construction.

Based on the foregoing, the proposed fee is **\$266.98 per front metre.**

Parks:

Park Development: Park costs were based on an estimated cost of \$286,000 per hectare. The cost was based on a 2012 City of Saskatoon residential park development which included

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walkways and lighting. Assuming a 10% MR dedication, a 64 hectare development would have a 6.4 hectare park. Based on population projections for a new development of 3,100 persons the park cost is per person is \$590.45.

Based on the foregoing, the proposed fee is **\$125.96 per front metre**.

We have attached spreadsheets outlining how the various fees were developed. We trust that this is the information required at this time.

Yours truly;
Catterall & Wright



A. Mickelson, P.Eng.