

**TOWN OF LANGHAM
SASKATCHEWAN**

BYLAW NO. 2019-03

A BYLAW OF THE TOWN OF LANGHAM IN THE PROVINCE OF SASKATCHEWAN TO ESTABLISH A DEVELOPMENT LEVY FOR LANDS THAT ARE TO BE DEVELOPED OR REDEVELOPED WITHIN THE TOWN OF LANGHAM.

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

WHEREAS, certain lands within the Town of Langham are proposed for future development;

WHEREAS, Council for the Town of Langham gave notice by advertising in a local weekly newspaper on *December 5th, 2019* and *December 12th, 2019* and a Public Hearing was held on *January 13th, 2020*, 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 Town of Langham 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 received a study or studies, regarding the estimated capital costs of providing municipal servicing and recreational requirements, which sets out a fair and equitable calculation of the development levies in accordance with the Act,

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 Town of Langham, duly assembled, enacts as follows:

1. SHORT TITLE

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

2. PURPOSE AND INTENT

This bylaw is intended to:

- a) Impose and provide for the payment of development levies;
- b) Provide consistency between development levies and subdivision servicing fees, where appropriate;
- c) Authorize agreements to be entered into in respect of payment of development levies;
- d) Set out the conditions upon which the levy will be applied to specify land uses, classes of development, zoning districts or defined areas; and
- e) Indicate how the amount of the levy was determined.

3. DEFINITIONS

In this bylaw:

- a) **“Act”** shall mean *The Planning and Development Act, 2007*, Chapter P-13.2 and any amendments thereto;
- b) **“Capital Costs”** means the municipality’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;
 - iv) Recreational facilities.
- c) **“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;
- d) **“Development Charge”** means servicing fees and/or development levies as defined within the Act.
- e) **“Development Lands”** means those lands (or any part thereof) within the Town of Langham, where no previous servicing agreement has been entered into for the specific proposed development and, in the opinion of Council, the Town of Langham will incur additional capital costs as a result of the proposed development;
- f) **“Development Levy”** means the levy imposed and created by this bylaw pursuant to the Act;
- g) **“Development Levy Agreement”** has the meaning ascribed to this term by the Act within Section 171.
- h) **“Development Officer”** shall mean the development officer appointed by the Municipality;
- i) **“Municipality”** means the Town of Langham;
- j) **“Proposed Development”** means a permitted or discretionary use within the Town of Langham Zoning Bylaw, for which a person or corporation has made an application for a development permit;
- k) **“Servicing Agreement”** has the meaning ascribed to this term by the Act within Section 172;

4. ADMINISTRATION AND ENFORCEMENT

Council hereby delegates to the Development Officer the duty and authority to enforce and administer this bylaw, including administering the Development Levy, Development Levy Agreements and Servicing Agreements. Only Council has the Authority to enter into a Development Levy Agreement.

5. APPLICATION

- a) 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 Municipality. The Development Levy imposed by this bylaw is intended to recover all or a part of the Capital Costs incurred by the Municipality as a result of a Proposed Development, as set out in Schedule “B” attached to and forming part of this bylaw.
- b) 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 Municipality.
- c) A Development Levy will be assessed on all Developable Lands within the Municipality except land designated as:
 - i) Environmental Reserve;
 - ii) Municipal Reserve; and
 - iii) Arterial Road Right-of-Way.

6. IMPOSITION OF LEVY

- a) 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.
- b) The amount of the Development Levy that is imposed shall be based upon the levy in place at the time when:
 - i) The Development Permit application is submitted to the Municipality and is deemed complete; or
 - ii) The Building Permit application is submitted to the Municipality in the case where no development permit is required.
- c) Any revisions to Schedule “A” shall apply only to development permit applications accepted by the Municipality after the date the revision is adopted.
- d) The Municipality may reduce the Development Levy where full coverage of services cannot be provided due to site limitations. Each of the capital works described in Section 9 herein may be reduced or waived entirely according to the relative availability (capacity) of the service items.
- e) The Municipality may from time to time, by resolution, exempt or defer or partially exempt or defer the imposition of a Development Levy where the Development Lands are owned in whole or in part by a public body or bodies and where the Development of the lands will be used in whole or in part for public service purposes.

7. AUTHORITY TO ENTER INTO AGREEMENT

- a) Any Development Levy Agreement and the obligation to pay the applicable Development Levy shall be binding on successors in title to the original owner or owners, regardless of whether a

caveat in respect of the Development Levy Agreement is registered by the Municipality against the Development Lands.

- b) Nothing in this bylaw prevents the Municipality from imposing additional or new development levies on any portion of the Development Lands where the Municipality has not previously collected the Development Levy or entered into a Development Levy Agreement or Servicing Agreement.

8. PAYMENT

- a) The Development Levy provided in this bylaw shall be paid, either:
 - i) 100% prior to issuance of a Development Permit; or
 - ii) In a fashion and timeline deemed appropriate by the Municipality within a Development Levy Agreement as outlined by the Development Officer where payment is secured by letters of credit for all outstanding amounts prepared 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 Municipality, the Municipality may issue a stop order prohibiting further development on the Development Lands.

9. PURPOSE AND USE OF THE LEVY

The Development Levy is intended to reimburse the Municipality for the capital costs associated with the construction, altering, expanding or upgrading of the following:

- a) Sewage, water or drainage works;
- b) Roadways and related infrastructure;
- c) Parks; and/or
- d) Recreational facilities

associated directly or indirectly with the proposed development. The Development Levy may be utilized to pay a debt incurred by the municipality as a result of expenditure listed above or to reimburse an owner described in clause 173(d) of the Act.

10. CALCULATION OF LEVY

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.

11. SEVERABILITY

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.

12. THAT any previous Development Levy Bylaw and all amendments thereto, are hereby repealed.

13. ENACTMENT

This bylaw shall take effect and come into force upon the date of third and final reading.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A FIRST TIME THIS 12 DAY OF NOVEMBER, A.D. 2019.

READ A SECOND TIME THIS 13 DAY OF JANUARY, A.D. 2020.

READ A THIRD AND FINAL TIME THIS 13 DAY OF JANUARY, A.D. 2020.

SCHEDULE A to Bylaw 2019-03

Development Charge Rate Table (Uniform)

Land Use Type	Roadway and Related Infrastructure (\$/hectare)	Water System (\$/hectare)	Waste Water System (\$/hectare)	Stormwater System (\$/hectare)	Recreation (\$/hectare)	Total Development Charge (\$/hectare)
All Residential Lands	373.83	30,027.00	14,410.86	0.00	1,800.00	46,611.69
All Commercial Lands	373.83	62,086.60	19,707.16	0.00	n/a	82,167.59
All Industrial Lands	373.83	83,151.69	24,633.95	0.00	n/a	108,159.47

SCHEDULE B to Bylaw 2019-03

Development Charge Bylaw Background Report