

Off-Site Fee Bylaw

RESORT VILLAGE OF TURTLE VIEW

BYLAW NO. 40-2024

A BYLAW TO ESTABLISH AN OFF-SITE FEE FOR NEW SUBDIVISIONS

Being a Bylaw of the Resort Village of Turtle View, in the Province of Saskatchewan, for the purpose of establishing an Off-Site Fee for lands that are to be developed as a residential subdivision, or redeveloped (splitting of residential lots to reflect a higher lot count) within the Resort Village of Turtle View. The fee will be assessed on a per-lot basis within a servicing agreement.

WHEREAS *The Planning and Development Act, 2007*, Chapter P-13.2 (“the Act”) provides that, the Council of a Municipality may pass a bylaw establishing an Off-Site Fee;

WHEREAS certain lands within the Resort Village of Turtle View are proposed for possible future development;

WHEREAS the Council deems it desirable to establish an Off-Site Fee for the purpose of recovering the capital costs of providing services and facilities associated with a proposed development, directly or indirectly, in regard 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 Off-Site Fee in accordance with the Act; and,

WHEREAS the Council wishes to enact a bylaw: to impose and provide for the payment of an Off-Site Fee; to authorize agreements to be entered into in respect of payment of an Off-Site Fee; to set out the conditions upon which the charge will be applied to specific land uses, classes of development, zoning districts or defined areas; and to indicate how the amount of the charge was determined.

NOW THEREFORE the Council of the Resort Village of Turtle View, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This bylaw may be cited as “The Off-Site Fee Bylaw”.

2. PURPOSE AND INTENT

2.1 This bylaw is intended to:

- (a) to impose and provide for the payment of an Off-Site Fee;
- (b) to authorize agreements to be entered into in respect of payment of an Off-Site Fee;
- (c) to set out the conditions upon which the charges will be applied to specific land uses, classes of development, zoning districts or defined areas; and
- (d) to outline, as described in Schedule “A”, how the amount of the charge was determined.

3. DEFINITIONS

3.1 In this bylaw:

- (a) **“Act”** shall mean the Planning and Development Act, 2007, Chapter P-13.2;
- (b) **“Capital Costs”** means the Resort Village’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
 - iii. related infrastructure
 - iv. parks
 - v. recreational facilities
- (c) **“Resort Village”** means the Resort Village of Turtle View;
- (d) **“Administrator”** means administrator of the Resort Village appointed pursuant to section 110 of The Municipalities Act;
- (e) **“Council”** means the Council of the Resort Village;
- (f) **“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;
- (g) **“Development Lands”** means those lands (or any part thereof) within the Resort Village of Turtle View, where no previous servicing agreement has been entered into for the specific proposed development and, in the opinion of Council, the Resort Village will incur additional capital costs as a result of the proposed development. In this usage of the word development, Development Lands do not include existing registered lots, either sold or not yet sold, which have already been subject to a servicing agreement at the time of improvement and registration with Information Services Corporation; notwithstanding that any existing lots that have already had a servicing agreement imposed on them and which are proposed to be subdivided into smaller lots will have a new off-site fee imposed on the additional lots, according to Schedule “A”.
- (h) **“Off-Site Fee”** means a Fee imposed and created by this bylaw pursuant to the Act;
- (i) **“Servicing Agreement”** has the meaning ascribed to this term by the Act within Section 172;

4. ADMINISTRATION AND ENFORCEMENT

- 4.1 Council hereby delegates to the Administrator or his/her designate the duty and authority to enforce and administer this bylaw, including administering the Off-Site Fee and Servicing Agreements.

5. 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 Resort Village.
- 5.2 The Off-Site Fee imposed by this Bylaw is intended to recover the Capital Costs incurred by the Resort Village as a result of a Proposed Development, as set out in Schedule "A" attached to and forming part of this bylaw.

6. IMPOSITION OF CHARGE

- 6.1 There is hereby imposed on the Development Lands an Off-Site Fee in the amount set out in Schedule "A" attached to and forming part of this bylaw. Schedule "A" shall be updated to reflect changes in infrastructure costs, and to reflect refinement of other Schedule "A" information when and if new data becomes available, as required. Any revisions to Schedule "A" shall apply only to applications accepted by the Resort Village after the date the revision is adopted.
- 6.2 The amount of the Off-Site Fee that is required to be paid is based on the charge in place at the time when the application is submitted to the Resort Village and the application is deemed complete.

7. AUTHORITY TO ENTER INTO AGREEMENT

- 7.1 Any Servicing Agreement and the obligation to pay the applicable Off-Site Fee shall be binding on successors on title to the original owner or owners, regardless of whether a caveat in respect of the Servicing Agreement is registered by the Resort Village against the Development Lands. The amount of the Off-Site Fee payable shall be the amount under Schedule "A", as amended from time to time.
- 7.2 The Resort Village may register an interest based on a servicing agreement in the land registry against the land that is the subject of the agreement.

8. PAYMENT

- 8.1 An Off-Site Fee provided in this bylaw shall be paid to The Resort Village within a Servicing Agreement, pursuant to Section 172 of the Act.
- 8.2 In the event that any Off-Site Fee payment imposed by this Bylaw payable under a Servicing Agreement is not paid at the time or times specified within the Agreement and without limiting the remedies of the Resort Village, the Resort Village may issue a stop work order prohibiting further development on the Development Lands.
- 8.3 An optional payment plan, at the discretion of Council, may allow the Developer to apply the Off-Site fee to the property on a per-lot basis. This will be done within the servicing agreement at the expense of the Developer/owner for costs to register and de-register the interest or lien with Information Services Corporation. The offsite fee will become payable on title transfer or any other agreement in which the property becomes occupied. This plan will only apply to the Developer/owner of newly created subdivision registered lots.

9. PURPOSE AND USE OF THE DEVELOPMENT CHARGE

9.1 In this bylaw:

- (a) The Off-Site Fee is intended to reimburse the Resort Village for the capital costs associated (directly or indirectly) with the construction, altering, expanding, or upgrading of the following:
 - i. sewage, water, or drainage works;
 - ii. roadways
 - iii. related infrastructure
 - iv. parks
 - v. recreational facilities

- (b) The Off-Site Fee may be utilized to pay a debt incurred by the Resort Village as a result of expenditure listed above or to reimburse an owner described in clause 173(d) of *The Act*.

10. CALCULATION OF OFF-SITE FEE

10.1 The Off-Site Fee adopted in this Bylaw was determined on the basis set out in Schedule "A" annexed hereto and forming part of this Bylaw

11. SEVERABILITY

11.1 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. REPEAL PREVIOUS COUNCIL PROCEDURE BYLAW

12.1 Bylaw #28-2023, A Bylaw To Establish an Off-Site Fee for New Subdivisions is hereby repealed.

13. ENACTMENT

13.1 This Bylaw shall take effect and come into force upon the date of passage of the Bylaw following third reading and it being adopted.

Read a first time this 21st day of February, A.D. 2023

Read a second time this 21st day of February, A.D. 2023

Read a third time and adopted this 21st of February, A.D. 2023



MAYOR





