

BYLAW NO. 06/2018

**A BYLAW OF THE RESORT VILLAGE OF AQUADEO IN THE PROVINCE
OF SASKATCHEWAN TO IMPLEMENT A PLANNING AND
DEVELOPMENT FEE SCHEDULE**

The Council of the *Resort Village of Aquadeo*, in the Province of Saskatchewan, enacts this Bylaw No. 6/2018 as follows:

1. This bylaw may be cited as the "Planning and Development Fee Bylaw".
2. In this bylaw, the following definitions apply:
 - a) "Administrator" – shall mean the administrator of the municipality;
 - b) "Council" – shall mean the Municipal Council of the Resort Village of Aquadeo;
 - c) "Municipality" – shall mean the Resort Village of Aquadeo.
3. In accordance with Section 51 of *The Planning and Development Act, 2007*, the Municipality may prescribe a schedule of fees to be charged for the application, review, advertising, approval, enforcement, regulation and issuance, as the case may be, of:
 - a) A development permit;
 - b) A discretionary use;
 - c) A minor variance; and
 - d) An amendment to an official community plan or zoning bylaw.
4. The schedule of fees is to be set is included as Schedule 'A' attached hereto and forming part of this bylaw.
5. The rationale supporting the setting of the fees is contained in Schedule 'B' attached hereto and forming part of this bylaw.
6. This bylaw shall come into effect on the date of approval of Council.



First Reading Dec 19 / 2018
Second Reading MAY 15 / 2019
Read a third time and adopted this 15th day
of MAY 2019


Mayor

Administrator

Certified true copy of Bylaw 06 / 2018
of the Resort Village of Aquadeo,
dated this 15 day of MAY, 2019.


Administrator

RESORT VILLAGE OF AQUADEO

SCHEDULE "A"

TO BYLAW NO. 06/2018

Planning and Development Fee Schedule

Development permits and minor variances

- | | |
|---|----------|
| a) Permitted use | \$150.00 |
| b) Discretionary use | \$300.00 |
| c) Demolition Permit | \$50.00 |
| d) Minor variance | \$150.00 |
| e) Appeal fee (to maximum as set by the Municipals Act) | \$300.00 |

Official Community Plan (Basic Planning Statement) and Zoning Bylaw Amendments

- | | |
|--|----------|
| a) Official Community Plan Textual Amendment | \$200.00 |
| b) Zoning Bylaw Textual Amendment | \$175.00 |
| c) Official Community Plan Future Land Use Map changes | \$250.00 |
| d) Zoning Map amendments from any Class to: | |
| i. Class 1 | \$175.00 |
| ii. Class 2 | \$250.00 |

Class 1 Districts:

- R1 Residential District
- UR Urban Reserve District

Class 2 Districts:

- C Commercial District
- R3 Residential District
- R2 Residential District

Except for Permitted Use permit applications, in addition to the review and administrative costs above, the applicant will also be responsible for all costs related to advertising of any required public notice. This may include but is not limited to: advertisement in a local newspaper; written notice to landowners; posting of public notice on-site or in other public places; and any materials required in the preparation or posting of the notice.

Further, where consultation with other professionals is required in the review of any application, those costs may also be the responsibility of the applicant and will be communicated to the applicant prior to review.

Council, at its discretion, may consider a waiver of any fee prescribed in this bylaw where:

- 1) Formal written request is made by the applicant;
- 2) Municipal resources required to process the specific proposal are negligible, or the fees prescribed would be excessive in the specific circumstance; and
- 3) A decision on the fee waiver is done by resolution of Council.

SCHEDULE "B"

TO BYLAW NO. 06/2018

Resort Village of Aquadeo – Planning and Development Fee Bylaw Rationale

Introduction:

Development permit fees are meant to recoup at least a portion of the costs of the processing and review of a development permit. A rationale for the schedule of fees prescribed in Schedule 'B' is hereby provided in accordance with subsection 51(2.1) of *The Planning and Development Act, 2007*.

The time required for processing and hourly rate reflect a low estimate of contracted private planning services available in Saskatchewan. The volume of development within the Resort Village of Aquadeo (RV) does not warrant a full-time planner on staff. Retaining the services of a private planning consultant on an on-demand basis is more cost-effective option for the RV. This approach will be reviewed on a periodic basis.

It is noted that while the private planning consultant will assume responsibility for most of the review process provided for in this bylaw, additional time and resources will be required of the RV nonetheless and will vary from proposal to proposal.

The fees presented in Schedule 'A' may be lesser than the general estimated costs listed in this rationale document. Council may elect to adopt a fee schedule lesser than estimated costs at its discretion and in the best interest of the RV and its ratepayers. The fees prescribed do not exceed cost-recovery.

The Process:

The sections below outline the duties and responsibilities of the RV upon receipt of an application, and its process for review and the resources required. This will be from what has been discussed above on use of a case by case private planning consultant.

Permitting of Permitted Uses- Three (3) hours @ \$65.00/hour.

The review process includes:

- Review of the physical application for completion;
- Determination of land use designation and zoning;
- Review of site plan, real property report, or engineering compliance certificate where applicable;
- Review of the application for bylaw compliance and requirements for the specific development;
- Finding roll number and reviewing the file for previous development;
- Retrieve a copy of title to determine if there are any interests or restrictions placed on the land;
- Preparation of any materials or information for Council (where required);
- Identification of municipal access and servicing requirements; and
- Consultation with governmental ministries or agencies (where required).

Discretionary Use Applications for Development Permits – Five (5) hours @ 65.00/hr.

In addition to the process involved for review of a permitted use, the review of a discretionary use application also involves the following:

- Discretionary uses applications require additional resources and time for review. The nature of a discretionary use warrants special consideration by Council on its operation and effect(s) on surrounding land uses.
- Each discretionary use application must be presented to Council. A detailed summary of the proposed use must be prepared to outline all of the relevant regulations and development standards related to said use, and any evaluative criteria that Council must apply in its decision-making process. Further information gathering specific to the site and the proposal is often required for inclusion in the summary.
- Applications for discretionary use are also subject to the public notification requirement in section 55 of *The Planning and Development Act, 2007*. In addition to the costs incurred by the municipality to provide adjacent landowners with notice (which are addressed separately below), there may be additional time required by administration or outside planning services to process and present to Council any feedback that was received as a result of adjacent landowner notification.
- The review of a discretionary use application may also require consultation with outside professionals, government ministries or agencies, to ensure proper development.
- All of the above result in additional time and resources required for review.

Additional Administrative Costs Related to Permitting

- Other administrative costs are attributable to the development permit review process, are included in the fees listed in Schedule 'A' of the Development Fee Bylaw, and are as follows:
- Initial intake and review of the permit application;
- File preparation, organization and filing;

- Printing and copying material related to the permit review and for circulation to Council (where required);
- Site visitation; and
- Consultation with outside professionals, government ministries or agencies (where required).

Minor Variance Applications - Three (3) hours @ 65.00/hr.

The review process includes:

- Review of the physical application for completion;
- Determination of land use designation and zoning;
- Determination of whether the proposed variance meets the legislated provisions for variance;
- Assess for potential impact on adjacent landowners;
- Retrieve a copy of title to determine if there are any interests or restrictions placed on the land;
- Preparation of any materials or information for Council;
- Notification to adjacent landowners and the handling of any potential response; and
- Consultation with governmental ministries or agencies (where required).

Planning Bylaw Amendment Costs

Official Community Plan Amendments:

- Textual ~3.5 hours Map ~ 3.5+ hours

Zoning Bylaw Amendments:

- Textual ~ 3 hours Map ~ 3+ hours

The fees for bylaw amendment in Schedule 'A' of the Development Fee Bylaw, represent an average approximation of the time required to prepare and draft a bylaw amendment for Council's consideration, at the estimated rate for planning services of \$65.00/hr.

Amendments to an Official Community Plan utilize additional municipal resources, as they must be submitted with supplementary documentation to the Province for review and approval.

Where increased potential for a greater density of development or greater potential for the introduction of land use conflict, application review is generally more comprehensive and detailed to ensure sustainable long-term planning. Additional preparation of materials is also required where and amendment requires a mapping change. The zoning districts in Class 1 represent the lowest potential for conflict, whereas Class 2 represents zoning districts with the highest potential. The classes of zoning districts are distinguished by:

- the intensity of development possible within the districts;
- the types of land use(s) generally accommodated within them;
- their potential to significantly alter existing land use; and
- their potential to introduce land use conflict with adjacent properties.

Public Notification Costs - varies

- Applicants will be required to cover all costs related to the production, and publication or delivery, of any public or landowner notice in accordance with any legislated requirement relating to development permits, discretionary uses, minor variances, or planning bylaw amendments. It is the opinion of Council that development proponents be responsible for the notification costs related to permitting and approval of development.
- The RV will provide an estimate of its expected costs to applicants prior to public notification and expects payment prior proceeding with notifications(s).
- The applicant is required to attend all necessary public forms and will be referred in the process for public questions if required or asked upon. Any costs involved in subject matter experts will be upon the applicant and will not be referred upon by the RV in such form. However, if necessary, the RV may call upon a 3rd party subject matter experts, to support the project development, those costs will for the RV.

Enforcement

The enforcement of compliance with municipal bylaws is a portion of application fees that municipalities often reluctantly do not want to discuss. When reviewing applications, the municipality is ensuring the development conforms to municipal planning policy and regulations, and when issuing Notice of Decisions, the Development Officer must always provide the option to appeal a decision to the applicant.

The execution of a Development Appeals Board hearing is entirely borne by the municipality, and can cost up to \$1,500/appeal once complete with the issuance of the following costs:

- Development Appeal Board honorarium payments
- Public notification costs
- Administration time
- Planning consultant fees
- Printing costs
- Mileage costs

The covering of these costs should be accumulated through each individual development permit application fee to ensure the municipality can afford to offer the appeal mechanism as per *The Planning and Development Act, 2007*.