



CAPITAL DEVELOPMENT FEES BY-LAW NO. 2233

A by-law of the City of Steinbach to establish capital development fees and sewer and water impact fees due to a subdivision, re-zoning, variance or conditional approval that increases the permitted density of development on lands within the City or due to the application for and issuance of a development permit to develop a structure on lands within the City where such capital development fees were not previously charged.

**October 17, 2023 – First Reading
November 7, 2023 – Second and Third Reading**

PART 1: AUTHORITY AND ENACTMENT

WHEREAS Section 142 (1) of *The Planning Act* provides as follows:

A board or council may, by by-law set the fees and charges to be paid by applicants.

WHEREAS Section 143(1) of *The Planning Act* provides as follows:

“A council may, by by-law, set the levies to be paid by applicants to compensate the municipality for the capital costs specified in the by-law that may be incurred by the subdivision of land.”

AND WHEREAS Section 150 of *The Planning Act* provides as follows:

“As a condition of amending a zoning by-law, making a variance order or approving a conditional use ... a ... Council ... may, unless this Act provides otherwise, require the owner of the affected property to enter into a development agreement with the ... municipality in respect of the affected property and any contiguous land owned or leased by the owner dealing with one or more of the following matters:

(f) the construction or maintenance - at the owner's expense or partly at the owner's expense - of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;

(g) the payment of a sum of money to the ... municipality in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause;”

AND WHEREAS section 3 of *The Municipal Act*, provides that the purposes of a municipality are (a) to provide good government; (b) to provide services, facilities or other things that, in the opinion of the council of the municipality, are necessary or desirable for all or part of the municipality; and (c) to develop and maintain safe and viable communities.

AND WHEREAS sections 250(1), 250(2)(b) and (c), and 252(1) and (2) of the Act address charges related to development in a Municipality, and provide generally as follows:

250(1) A municipality is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following: ...

(b) construct, operate, repair, improve and maintain works and improvements;

(c) acquire, establish, maintain and operate services, facilities and utilities; ...

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including:

(a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;

(b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and

(c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.

252(2) A charge referred to in clause (1)(a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.

AND WHEREAS it is deemed expedient and in the public interest to establish levies to compensate the City of Steinbach for costs that are incurred for these purposes, including when permits for development on lands within the city are applied for and issued or when:

- (a) an application for a subdivision, re-zoning, variance or conditional use approval increases the permitted density of development on lands within the City; or
- (b) when permits for development on lands within the City are applied for and issued on lands that have not in the past been charged development fees due to a subdivision, re-zoning, variance or conditional use approval.

AND WHEREAS the City of Steinbach wants to ensure that all developments in the City of Steinbach are contributing a fair share towards such costs.

NOW THEREFORE THE COUNCIL OF THE CITY OF STEINBACH, IN SESSION DULY ASSEMBLED, ENACTS AS FOLLOWS:

1.1 NAME OF BY-LAW:

The name of this by-law, for citation, is the "Steinbach Development Fee By-law".

PART 2: NON-RESIDENTIAL DEVELOPMENT FEES

- 2.1** THAT when an applicant applies for a subdivision, re-zoning, variance or conditional use approval that increases the permitted density of development of non-residential land, the City of Steinbach may require the applicant to enter into a development agreement that provides that on applying for a permit to build or expand a structure on the non-residential land to pay to the City of Steinbach those levies and charges based on the square footage of the structure or expansion being developed, and the size of the water meter(s) being installed, and the size of the sewer service(s) being installed, at such rates as are more particularly set out in schedule "A" attached hereto.
- 2.2** THAT when an applicant applies for a permit to build or expand a structure, on non-residential land, where there has been no past development agreement entered into, the applicant shall pay to the City of Steinbach those levies or charges based on the square footage of the structure or expansion being developed, and the size of the water meter(s) being installed, and the size of the sewer service(s) being installed, at such rates as are more particularly set out in the form attached hereto as Schedule "A".
- 2.3** THAT all applications for building permits shall be accompanied by the required fees, including, but not limited to, any development fees to be paid by a developer as required by this or any other relevant by-laws of the City of Steinbach.
- 2.4** THAT the amounts for the capital development fees calculated as per Schedule "A", section A.1 that are received from an applicant shall be placed in the City of Steinbach "Capital Development Reserve Fund" and these fees may be used for projects as outlined in Part 4.1 of this By-Law.
- 2.5** THAT the amounts for water and sewer impact fees calculated as per Schedule "A", section A.2 that are received from an applicant shall be placed in the City of Steinbach "Utility Replacement Reserve Fund" and these fees may be used for projects as outlined in Part 4.2 of this By-Law.

PART 3: RESIDENTIAL DEVELOPMENT FEES

- 3.1** THAT when an applicant applies for a subdivision, re-zoning, variance or conditional use approval that increases the permitted density of development of residential land, the City of Steinbach may require the applicant to enter into a development agreement and pay to the City of Steinbach those levies and charges more particularly set out in schedule "B" attached hereto.

- 3.2 THAT where undeveloped land has been previously zoned residential and subdivided to permit increased density of development and no development fees were levied or paid on that land under a development agreement, when it was zoned or subdivided, then on the application for and issuing of a permit for construction of a structure on such residential lands, an applicant shall pay to the City of Steinbach those levies or charges more particularly set out in Schedule “B” attached hereto.
- 3.3 THAT all applications for building permits on land where capital development fees were not previously levied, shall be accompanied by the required capital development fees, including, but not limited to, any capital development fees to be paid by a developer as required by this or any other relevant by-laws of the City of Steinbach.
- 3.4 THAT the amounts for capital development fees that are received from an applicant shall be placed in the City of Steinbach “Capital Development Reserve Fund” and these fees may be used for projects as outlined in Part 4.3 of this By-Law.

PART 4: PERMITTED USE OF DEVELOPMENT FEES

Development fees are generally intended to pay for a portion of the cost of expanding municipal assets and infrastructure when it becomes undersized due to community growth and development.

- 4.1 General Non-Residential development fees and charges calculated as per section A.1 of Schedule “A” may be allocated to the following project categories:
- a Transportation improvements resulting from the accumulated impact of growth and to fund new access roads to growth areas.
 - b Active transportation improvements which demonstrate a potential to decrease vehicular transportation.
- 4.2 Water and Sewer Impact fees and charges calculated as per section A.2 of Schedule “A” may be used solely for renewals and expansions of water or sewer infrastructure.
- 4.3 Residential development fees and charges calculated as per Schedule “B” may be allocated to the following project categories:
- a Administration costs related to development agreements
 - b Engineering costs
 - c Water and sewer infrastructure resulting from growth impacts
 - d Storm sewers or Storm water retention projects
 - e Municipal roads and other transportation infrastructure resulting from growth impacts
 - f Sidewalks and regional pathways
 - g Contribution towards infrastructure with future claw-back provisions
 - h Purchase of maintenance equipment
 - i Purchase of fire protection equipment

PART 5: SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this by-law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the by-law.

PART 6: REPEAL

The following By-Laws are hereby repealed effective January 1, 2024:

- Non-Residential Capital Development Fee By-Law No. 2128
- Sewer and Water Impact Fee By-Law No. 1883
- Residential Capital Development Fee By-Law No. 2127

That this by-law shall come into force and take effect on January 1, 2024.

DONE AND PASSED in Council assembled, this 7th day of November 2023.



Mayor



City Manager

SCHEDULE “A” to By-Law 2233

NON-RESIDENTIAL CAPITAL DEVELOPMENT FEES

A.1 General Non-Residential Capital Development fees

General Non-Residential Capital Development fees are charged based on square footage of the structure or expansion being developed according to the chart below:

Gross floor area of the applicable building or structure.	2024	2025	2026	2027
	Per sq ft.	Per sq ft.	Per sq ft.	Per sq ft.
Up to 2,000 sq ft.	\$1.45	\$1.52	\$1.60	\$1.68
2,000 sq ft. - 10,000 sq ft.	\$1.80	\$1.89	\$1.98	\$2.08
10,000 sq ft. - 30,000 sq ft.	\$2.14	\$2.25	\$2.36	\$2.48
30,000 sq ft. - 50,000 sq ft.	\$2.53	\$2.66	\$2.79	\$2.93
Over 50,000 sq ft.	\$2.89	\$3.03	\$3.18	\$3.34

A.1.1 Method to calculate floor area:

The calculated gross floor area of a building shall be the sum of the area that is contained within the external walls of a building, measured for each floor level, excluding space used for elevator or under- ground parking areas.

A.2 Water and Sewer Impact fees

Water and Sewer Impact fees are non-residential development fees that are charged based on the size of water and sewer utility services installed according to the charts below:

METER SIZE (in.)	Water Service Impact Fees by Year			
	2024	2025	2026	2027
5/8"	\$ 1,050	\$ 1,103	\$ 1,158	\$ 1,216
3/4"	\$ 1,490	\$ 1,564	\$ 1,643	\$ 1,725
1"	\$ 2,675	\$ 2,809	\$ 2,950	\$ 3,097
1.5"	\$ 5,996	\$ 6,295	\$ 6,610	\$ 6,941
2"	\$ 10,635	\$ 11,167	\$ 11,726	\$ 12,312
4"	\$ 42,677	\$ 44,811	\$ 47,052	\$ 49,404
6"	\$ 95,855	\$ 100,647	\$ 105,680	\$110,964
8"	\$ 170,371	\$ 178,889	\$ 187,834	\$197,226
10"	\$ 212,964	\$ 223,612	\$ 234,792	\$246,532

SEWER SIZE (in.)	Sewer Service Impact Fees by Year			
	2024	2025	2026	2027
6"	\$ 3,675	\$ 3,859	\$ 4,052	\$ 4,254
8"	\$ 6,532	\$ 6,859	\$ 7,202	\$ 7,562
10"	\$10,193	\$10,703	\$11,238	\$11,800
12"	\$14,674	\$15,407	\$16,178	\$16,987

SCHEDULE “B” to By-Law 2233

RESIDENTIAL CAPITAL DEVELOPMENT FEES

All Residential Capital Development fees are charged based on the number and type of dwelling units being developed according to the chart below:

Capital Development Fees charged per Residential Dwelling Unit (DU):			
2024	Single Family per DU	Two Family per DU	Multi Family per DU
General	\$1,620	\$1,620	\$1,620
Sidewalk	\$1,776	\$1,219	\$656
Transportation	\$688	\$688	\$688
Total:	<u>\$4,083</u>	<u>\$3,527</u>	<u>\$2,964</u>
2025	Single Family per DU	Two Family per DU	Multi Family per DU
General	\$1,701	\$1,701	\$1,701
Sidewalk	\$1,864	\$1,280	\$689
Transportation	\$722	\$722	\$722
Total:	<u>\$4,288</u>	<u>\$3,703</u>	<u>\$3,112</u>
2026	Single Family per DU	Two Family per DU	Multi Family per DU
General	\$1,786	\$1,786	\$1,786
Sidewalk	\$1,958	\$1,344	\$724
Transportation	\$758	\$758	\$758
Total:	<u>\$4,502</u>	<u>\$3,888</u>	<u>\$3,268</u>
2027	Single Family per DU	Two Family per DU	Multi Family per DU
General	\$1,876	\$1,876	\$1,876
Sidewalk	\$2,055	\$1,411	\$760
Transportation	\$796	\$796	\$796
Total:	<u>\$4,727</u>	<u>\$4,083</u>	<u>\$3,431</u>