

Kahkewistahaw Urban Reserve Creation

ISSUE

This report provides City Council with the proposed Municipal Services and Compatibility Agreement between the City of Saskatoon and Kahkewistahaw First Nation. This is required in the Treaty Land Entitlement Framework Agreement prior to land being set apart as Entitlement Reserve in an Urban Municipality.

RECOMMENDATION

1. That City Council approve the proposed Municipal Services and Compatibility Agreement attached as Appendix 1; and
2. That His Worship the Mayor and the City Clerk be authorized to execute the Agreement.

BACKGROUND

Kahkewistahaw owns 40 acres of land at 1215 Claypool Drive in the Hampton Village Business Park area in Saskatoon. Kahkewistahaw wishes to have 1215 Claypool Drive designated as an Urban Reserve.

The Treaty Land Entitlement Framework Agreement requires that where an Entitlement Band requests that land in an Urban Municipality be granted reserve status, the Entitlement Band and the Urban Municipality negotiate an Agreement for the provision and payment of municipal services as compensation to the Urban Municipality for loss of taxes, levies or grants-in-lieu, which, but for the setting apart of the Entitlement Reserve, could reasonably have been expected to have been received by the Urban Municipality.

DISCUSSION/ANALYSIS

The Agreement with Kahkewistahaw is very similar to the Agreements that exist for other Urban Reserves in Saskatoon and consist of two main features:

1. The City agrees to provide all regular City services to the property in return for an annual fee-for-service payment from Kahkewistahaw. This payment will be calculated to be the same amount in each year as would be paid in municipal and library property taxes if the land was subject to municipal taxation.

The City services provided to the land are of the same type and level that is provided to all similarly zoned land in a similar state of development in the City.

This amount includes local improvement charges, Business Improvement District levies and any other special charges or levies that would be permitted as if the land were not reserve land.

2. The Agreement provides for bylaw compatibility. It is agreed that the occupation, use, development and improvement of the property will, at all times, be essentially the same as similarly zoned properties in the City.

The bylaw compatibility of the land speaks to matters such as land use zoning compatibility; building standards, including consideration of building development permits as well as plan examination and site inspections; fire standards, including fire inspections and emergency services; public health and safety; and business regulations.

The Agreement contains other aspects that are unique to this proposed Urban Reserve, primarily because the land is in a raw and un-serviced state. This particular parcel of land has remained bare because it has proven difficult to service. The City has been working with Kahkewistahaw to work through some of the servicing challenges and a phased approach to development has been proposed. This will allow for some development to proceed while working through the remaining issues.

The Agreement sets out what is required from Kahkewistahaw prior to development. The Administration has been working closely with Kahkewistahaw and their consultant to find solutions acceptable to all parties. A separate servicing agreement will be required prior to any development proceeding on the land. This has not yet been negotiated.

The overall intent of the Agreement is to recognize and respect Kahkewistahaw's separate jurisdiction while also recognizing the need for cooperation and coordination between Kahkewistahaw and the City.

Kahkewistahaw First Nation Chief and Council approved the Agreement through a Band Council Resolution on September 24, 2019. Kahkewistahaw has also approved a Police Services Agreement for the property which will be sent to the Board of Police Commissioners for approval.

We are pleased to provide the proposed Municipal Services and Compatibility Agreement to City Council in support of Kahkewistahaw.

IMPLICATIONS

There are no financial, legal, social or environmental implications identified.

NEXT STEPS

Once approved by both the Kahkewistahaw Band Council and Saskatoon City Council, the Municipal Services and Compatibility Agreement will be signed by the parties at a formal signing ceremony, which will be arranged for the near future.

APPENDICES

1. Municipal Services and Compatibility Agreement

Kahkewistahaw Urban Reserve Creation

Report Approval

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