

BYLAW NO. 15/027

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO ESTABLISH AN OFFSITE LEVY

WHEREAS the *Municipal Government Act* provides that a council may pass a bylaw for the imposition and payment of offsite levies in respect to lands that are to be developed or subdivided and to authorize agreements to be entered into in respect of the payment of the levies.

AND WHEREAS certain lands within the boundaries of the Regional Municipality are proposed for subdivision or residential, commercial, institutional or industrial developments.

AND WHEREAS Council for the Regional Municipality requires an expenditure for capital costs for:

1. water supply, transmission, treatment and storage facilities;
2. wastewater treatment and collection;
3. roads required for or impacted by subdivision or development; and
4. land required for or in connection with any facilities, as mentioned above, because of population growth now occurring in the Regional Municipality.

AND WHEREAS the Regional Municipality presently imposes and collects offsite levies.

AND WHEREAS Council has advertised its intention to consider the provisions of this Bylaw pursuant to section 606 of the *Municipal Government Act*.

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, duly assembled, hereby enacts as follows:

Short Title

1. This Bylaw may be referred to as the Offsite Levy Bylaw.

Definitions

2. For the purposes of this Bylaw, the following words shall be defined as follows:
 - (a) “Act” means the Municipal Government Act, R.S.A. 2000, c.M-26 and regulations passed pursuant to the Act;
 - (b) “agreement” means an agreement as referred to in the Act in section 648;
 - (c) “applicant” means the person who applies for subdivision or development approval
 - (d) “Chief Administrative Officer” means the Chief Administrative Officer of the Regional Municipality and includes any person appointed as the delegate for the

Chief Administrative Officer or any person appointed to act in the absence of the Chief Administrative Officer;

- (e) “Council” means the Council of the Regional Municipality of Wood Buffalo;
- (f) “development” has the meaning provided for in the Act;
- (g) “development permit” means a permit issued in accordance with the Regional Municipality’s Land Use Bylaw;
- (h) “levy” means an offsite levy imposed and created by this Bylaw pursuant to the Act;
- (i) “Municipality” means the Regional Municipality of Wood Buffalo or where the context requires, the area within the boundaries of the Regional Municipality;
- (j) “plan of subdivision” has the meaning provided for in the Act;
- (k) “subdivision” has the meaning provided for in the Act.

Establishment of Levy

- 3. Levies are imposed upon land in the Municipality that is to be subdivided or developed and for which no offsite levies have previously been paid.

Object of Levy

- 4. The object of the levies is to pay for all or part of the capital costs of any or all of the following:
 - (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
 - (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
 - (c) new or expanded roads required for or impacted by a subdivision or development; and
 - (d) land required for or in connection with any facilities described in (a) to (c) above as determined in the Offsite Levy Report prepared by Associated Engineering incorporated into this Bylaw as Schedule “D”.

Amount of Levy

5. (a) The Municipality shall be divided into benefitting areas as shown in Schedule “C” for the purposes of calculating the levies to be imposed on land to be subdivided or development within the areas.
- (b) The amount of the levies and the method of determining the amount of the levies are set out in Schedule “A”.

Imposition of the Levy

6. (a) Levies shall be imposed on a subdivision or a development, as follows:
 - (i) a subdivision, before the date of subdivision endorsement.
 - (ii) a development, before the date of issuance of a development permit.
- (b) Levies are deemed to have been imposed whether or not the imposition of the levies is made a specific condition of subdivision or development approval.

Payment of Levy

7. (a) Levies shall be paid at the time of payment specified in Schedule “B”.
- (b) Any payment of a levy pursuant to this Bylaw which is not made when due shall be a debt owing to the Municipality by the applicant. This provision does not in any way affect any other remedy available to the Municipality for late or non-payment of a levy.

Agreements

8. The entering into a development agreement or servicing agreement in respect of payment of levies is hereby authorized.

Review of Levy Rates

9. (a) The Municipality shall review the levy projects and the levy rates on a regular basis.
- (b) After the review has been completed, the Municipality may amend this Bylaw to update the levy rates.

Subsidies

10. (a) The Council may by resolution direct that the Municipality subsidize the payment of any levy imposed under this Bylaw, from one or more funding sources identified in the resolution, in any amount up to and including the whole amount of the levy.

- (b) If the Council has passed a resolution under subsection 10 (a), then the amount of the subsidy must be reviewed by the Chief Administrative Officer every other year in conjunction with a review of levy projects and levy rates under subsection 9 (a), and the Council may at that time pass a resolution to rescind the previous resolution and impose a different level of subsidy, if any, which resolution may be passed by simple majority.

Annual Report

- 11. The Municipality shall report annually to Council regarding the levies in a format acceptable to the Chief Administrative Officer.

Severability

- 12. In the event that any provision of this Bylaw is found to be contrary to law by any Court of competent jurisdiction, then that provision shall be severed and the remainder of the Bylaw shall be of full force and effect.

Transition

- 13. This Bylaw applies to:
 - (a) any subdivision where the date of subdivision endorsement occurs on or after the date this Bylaw comes into force; and
 - (b) any development where the date of issuance of a development permit occurs on or after the date this Bylaw comes into force.

General

- 14. Nothing in this Bylaw precludes the Municipality from:
 - (a) imposing further or different offsite levies, duly enacted by bylaw, on any land in respect of which the Municipality has not collected the offsite levies imposed under this Bylaw or any previous offsite levy bylaw authorized by statute; or
 - (b) adopting policies, procedures or guidelines for the assistance and direction of Municipal administration with respect to the implementation of this Bylaw.

Repeal

- 15. Bylaw(s) 871, 890, 911, 920, 921, 923, 943, 85/09, 92/12, 93/23, 94/32, 00/003, 00/004, 00/067, 03/060, 06/022 and 08/041 are hereby repealed.

Enactment

16. This Bylaw shall come into effect when it is passed.

Schedules

17. Schedules “A”, “B”, “C” and “D” form part of this Bylaw.

Rules of Interpretation

18. The headings in this Bylaw are for reference purposes only and do not form part of the Bylaw.

READ a first time this day of December, A.D. 2015.

READ a second time this day of January, A.D. 2016.

READ a third time this day of January, A.D. 2016.

SIGNED and PASSED this day of January, A.D. 2016.

Mayor

Chief Legislative Officer

**SCHEDULE “A”
AMOUNT OF LEVIES
Water, Wastewater and Roads**

1. The levy amount applicable to land to be subdivided or developed and located within an area identified in Schedule “D” shall be determined by reference to the area in which the land is located. Table A-1 of this schedule sets out the amount of the levies for land within each area.
2. The levies for water, wastewater and roads shall be calculated in accordance with the following:
 - a) on a per capita basis.
 - b) residential only is charged the water treatment plant and wastewater treatment charge.
 - c) residential is based on a unit rate as per Table A-3 based on development type.
 - d) commercial/industrial/institutional is charged based on square footage of the building as per Table A-3.

TABLE A-1
Residential Offsite Levy Rate Per Capita

| Benefitting Area | Water | Wastewater | Roads | Total |
|-----------------------------|--------------|-------------------|--------------|--------------|
| Lower Townsite/ Waterways | \$2,468 | \$1,493 | \$1,075 | \$5,036 |
| Saline Creek | \$2,482 | \$1,909 | \$3,689 | \$8,080 |
| Saline Creek (to Hwy 69 LS) | \$2,482 | \$2,614 | \$3,689 | \$8,785 |
| Parsons Creek | \$2,201 | \$1,373 | \$1,490 | \$5,064 |

* Offsite levy for water and wastewater treatment is added to residential only

Table A-2
Commercial/Industrial/Institutional Offsite Levy Rate Per Capita

| Benefitting Area | Water | Wastewater | Roads | Total |
|------------------------------------|--------------|-------------------|--------------|--------------|
| Lower Townsite/ Waterways | \$1,513 | \$120 | \$1,075 | \$2,708 |
| Quarry Ridge | \$438 | \$1,300 | 0 | \$1,738 |
| Saline Creek | \$1,527 | \$536 | \$3,689 | \$5,752 |
| Saline Creek (to New Airport LS) | \$1,527 | \$1,241 | \$3,689 | \$6,457 |
| Airport Lands | \$1,527 | \$2,046 | \$1,548 | \$5,121 |
| Airport West Industrial | \$1,527 | \$2,046 | \$1,548 | \$5,121 |
| Airport East Industrial | \$1,527 | \$5,144 | \$1,548 | \$8,219 |
| Southlands Area 2 /Hwy 69 Corridor | \$1,527 | \$2,890 | \$1,548 | \$5,965 |
| Southlands Area 1A/1B | \$2,082 | \$952 | 0 | \$3,034 |
| Parsons Creek | \$1,246 | 0 | \$1,490 | \$2,736 |

TABLE A-3

Offsite Levy Rate Per Capita Based on Development Type

| Development Type | Density by Land Use |
|---|--------------------------------------|
| Single Family and Low Density <ul style="list-style-type: none"> Single family detached homes, manufactured homes, duplexes and townhouses (up to 45 units/ha) | 3.5 persons/unit |
| Apartments <ul style="list-style-type: none"> medium- and high-density (45 - 296 units/ha) | 2.5 persons/unit |
| Hotel Rooms <ul style="list-style-type: none"> long-term-stay hotels/suites standard hotel rooms | 2.5 persons/unit 1.5 persons/unit |
| Commercial/Industrial/Institutional <ul style="list-style-type: none"> commercial/industrial/institutional equivalent | 3.5 persons/1,500 ft ² |

TABLE A-4

Offsite Levy Rate per Unit Based on Development Type

| Benefitting Area | Cost per capita | Single Family 3.5 | Medium and high density 2.5 | Hotel 1.5 |
|-----------------------------|-----------------|-------------------|-----------------------------|-----------|
| Lower Townsite/Waterways | \$5,036 | \$17,626 | \$12,590 | \$7,554 |
| Saline Creek | \$8,080 | \$28,280 | \$20,200 | \$12,120 |
| Saline Creek (to Hwy 69 LS) | \$8,785 | \$30,748 | \$21,963 | \$13,178 |
| Parsons Creek | \$5,064 | \$17,724 | \$12,660 | \$7,596 |

TABLE A-5

Offsite Levy Rate Per 1500 sq.ft commercial/ industrial/ institutional

| Benefitting Area | Total | Cost per 1500 sq.ft |
|------------------------------------|----------|---------------------|
| Lower Townsite/ Waterways | \$ 2,708 | \$9,478 |
| Quarry Ridge | \$1,738 | \$6,083 |
| Saline Creek | \$5,752 | \$20,132 |
| Saline Creek (to Hwy 69 LS) | \$6,457 | \$22,600 |
| Airport Lands | \$5,121 | \$17,924 |
| Airport West Industrial | \$5,121 | \$17,924 |
| Airport East Industrial | \$8,219 | \$28,767 |
| Southlands Area 2 /Hwy 69 Corridor | \$5,965 | \$20,878 |
| Southlands Area 1A/1B | \$3,034 | \$10,619 |
| Parsons Creek | \$2,736 | \$9,576 |

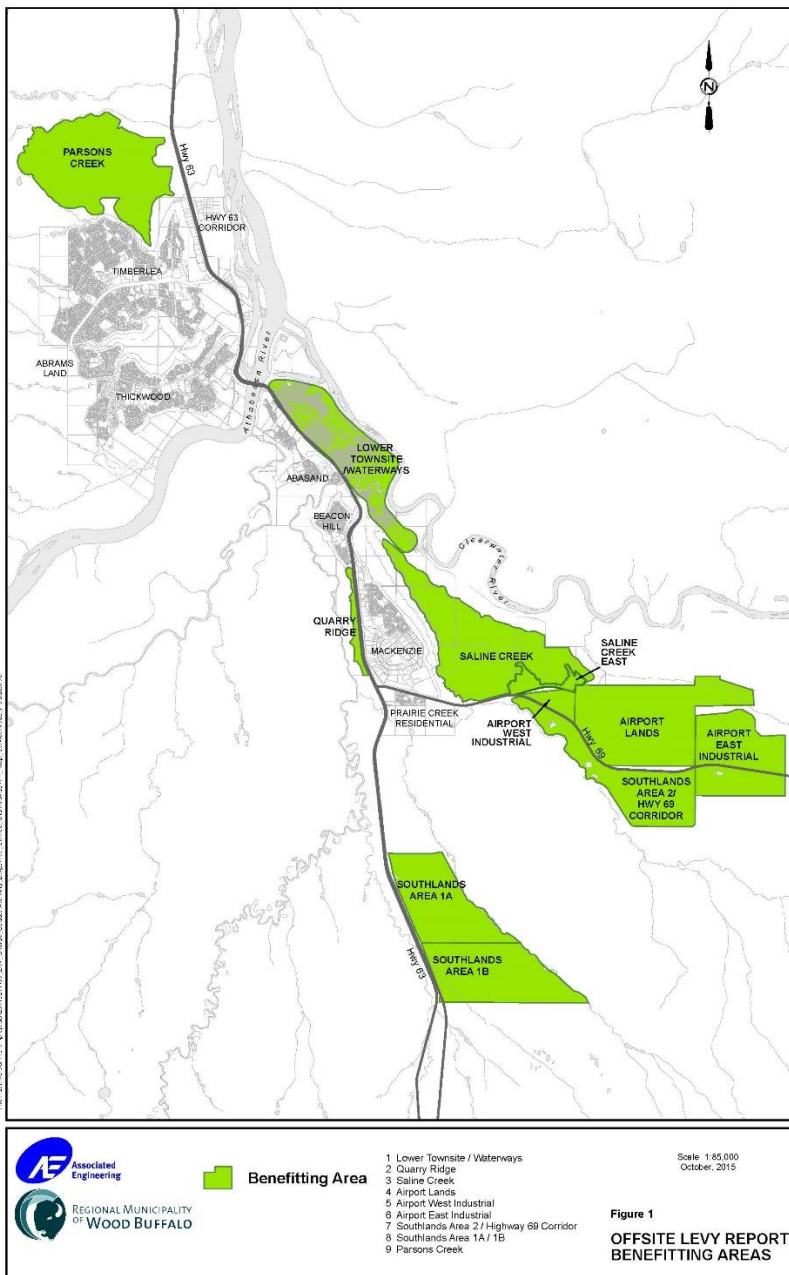
SCHEDULE “B”

TIME OF PAYMENT

For land that is to be subdivided or developed, the time of payment shall be as follows:

1. Where levies are imposed on a subdivision by subdivision endorsement, the levies shall be paid before the endorsement of the plan of subdivision.
2. Where levies are imposed on a development by a condition of a development permit, the levies shall be paid before the release of the development permit.

SCHEDULE "C" BENEFITTING AREAS



**SCHEDULE “D”
OFFSITE LEVY REPORT**