

Council Policy

Policy Number: *ply_SER_Off-site_Levy_2017*

Off-site Levy Policy

Date Approved by Council :

County Commissioner:

1. Purpose

The purpose of this policy is to establish principles and procedures pertaining to the implementation of Off-site Levy Bylaws in Sturgeon County. This policy, approved by Council will guide when off-site levies are assessed, when off-site levies are payable, when and how front-ended infrastructure construction are assigned and credited to developers, and when and how front-ended construction costs are reimbursed to developers.

2. Revision History

Approval Date	Revision Number	Modification
TBD	1.0	New Document

3. Persons/Areas Affected

This policy will affect all registered owners of lands in Sturgeon County which are located within an area to which an Off-site Levy Bylaw applies.

- Sturgeon County Departments:
 - Community & Regional Planning
 - Engineering Services
 - Financial Services
 - Current Planning & Development Services

4. Policy Statement

Sturgeon County retained the services of a consultant to prepare the Sturgeon County Off-site Levy Policy Framework, dated March 31, 2017, (the "Off-site Levy Policy Framework") a copy of which is attached hereto as Schedule "A" to this policy.

In the implementation of Off-site Levy Bylaws in force within the County, it is the policy of Sturgeon County to adhere to the following guiding principles, as set out in the relevant provisions of the *Municipal Government Act* and the Off-site Levy Policy Framework:

- a. If a parcel of land was previously subdivided or developed, and an off-site levy of a certain infrastructure type (e.g. water) was paid in accordance with s. 648 of the *Municipal Government Act*, RSA 2000, c.M-26, on that entire parcel, then any new subdivision or development is exempt from any future assessment and payment of an off-site levy of the same type;

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- b. If a parcel of land was previously subdivided or developed, and a fee or charge for a certain infrastructure type (e.g. water) was paid in accordance with subdivision or development agreement, then any new subdivision or development is exempt from any future assessment and payment of an off-site levy of the same type;
- c. If a development or subdivision is likely not to place a burden on the roads, and/or water, and/or sanitary, and/or storm management off-site infrastructure then the development or subdivision may, subject to the approved exemptions and thresholds, be considered exempt from off-site levy assessment;
- d. Deferral agreements will extend a maximum of two (2) years, and are subject to specific repayment terms and indemnification provisions;
- e. Developers that elect to defer off-site levy payments must provide the County with suitable indemnification;
- f. Failure of the developer to pay an off-site levy down payment or installment will result in the indemnification to be exercised and applied against amount owed by the developer;
- g. Payments deferred for any reason will be assessed their off-site levy obligation based upon the off-site levy rate in effect at time of payment;
- h. Developers are required to enter into an agreement with the County on all off-site infrastructure constructed (qualified or non-qualified);
- i. Developers that construct “non-qualified” off-site infrastructure will not be reimbursed costs and will not receive interest on unpaid balances, until such time, as the infrastructure becomes “qualified” (i.e. contained in the next five (5) years of the County’s Capital Plan);
- j. Developers that front-end the construction of off-site infrastructure (qualified or non-qualified) may offset the off-site levy assessment on the same category of off-site infrastructure up to the cost of infrastructure construction;
- k. Developer will be responsible to construct off-site infrastructure to the standards and specifications of the County;
- l. Balances due to developers, as a result of, front-ending the construction of “qualified” off-site infrastructure earn interest from this issuance of the CCC, at the rate reflected in the County’s off-site levy model for the period in question;

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- m. Interest is calculated once per annum and upon final repayment;
- n. The County will develop a financial plan annually that forecasts the nature of off-site levy reserve disbursements;
- o. Funds drawn from the off-site levy reserve to pay down “qualified” front-end obligations will be pro-rated across all outstanding loan balances;
- p. Repayments occur once per annum; and
- q. When an amount owed on a “qualified” front-ending obligation is less than \$50,000, the amount due will be paid out in its entirety.

5. Definitions

The definitions applicable to this Policy are those set out in the Off-site Levy Policy Framework (Schedule “A”).

6. Responsibilities

In accordance with this policy and the Off-site Levy Policy Framework, the County Commissioner (CAO), or his designate, shall be responsible for the determination and implementation of off-site levy assessment, exemption, collection, and deferment.

In accordance with this policy and the Off-site Levy Policy Framework, the County Commissioner (CAO), or his designate, shall be responsible for the determination and implementation of off-site levy infrastructure front-ending and front-end claim reimbursement.

7. Procedures

Not applicable.

8. Cross Reference

Not applicable.

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Schedule "A"