**BYLAW 1446/19**
**STURGEON VALLEY OFF-SITE LEVY BYLAW**
**STURGEON COUNTY, ALBERTA**

BEING A BYLAW OF STURGEON COUNTY, ALBERTA FOR THE PURPOSE OF ESTABLISHING OFF-SITE LEVIES FOR LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE STURGEON VALLEY AREA STRUCTURE PLAN

**WHEREAS,** Section 648 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, provides that a Council of a municipality may enact a bylaw to provide for the imposition and payment of Off-Site 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 those levies;

**AND WHEREAS,** Council deems it necessary to establish Off-Site Levies to pay for the capital costs of new and expanded roads, for new or expanded water and wastewater facilities, and for new or expanded stormwater facilities, and the land required in connection with those facilities, all of which will be required as a result of anticipated subdivision and development within the Sturgeon Valley Area;

**AND WHEREAS,** Sturgeon County has and continues to consult in good faith with affected landowners and representatives of the development industry in order to address and define existing and future infrastructure and facility requirements within the Sturgeon Valley Area and the benefit to new development from such infrastructure and facilities;

**AND WHEREAS,** Council has received advice and reports respecting existing and future infrastructure and facility requirements within the Sturgeon Valley Area and the benefit to new development from such infrastructure and facilities, which advice and reports set out a fair and equitable calculation of Off-Site Levies in relation to benefit, in accordance with the purpose of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, and the principles of the *Off-Site Levies Regulation*;

**AND WHEREAS,** notice of intention to pass this bylaw has been given in accordance with the *Municipal Government Act*, RSA 2000, c. M-26, as amended;

**NOW THEREFORE**, the Council of Sturgeon County, in the Province of Alberta, duly assembled, hereby enacts as follows:

### PART I: BYLAW TITLE

1.      This bylaw may be cited as the "Sturgeon Valley Off-Site Levy Bylaw".

### PART II: DEFINITIONS

2.      For the purposes of this bylaw the following words will have the following meanings:

a.  "Act" or "MGA"  means the *Municipal Government Act*, RSA 2000, c. M-26, as amended;

b.  "Benefitting Area" means each of the 32 areas within the Off-Site Levy Area that will benefit from Off-Site Infrastructure, as more specifically identified in Schedule "A" to this bylaw;

c.  "Bylaw" means this off-site levy bylaw;

d.  "County Commissioner" means the Chief Administrative Officer of Sturgeon County;

e.  "County" means Sturgeon County;

f. "Council" means the Council of Sturgeon County;

g. "Construction Cost" means the capital cost, incurred or as estimated and adjusted annually by the Engineer, to complete the construction of the Off-Site Infrastructure and all necessary improvements forming part of the Off-Site Infrastructure. Construction costs shall include design, engineering, land costs, surveying costs, contingency costs and carrying costs. Estimated Construction Costs and Actual Construction Costs must be verified to the satisfaction of the Engineer;

h. "Developable Land" means the area of land, in hectares, within the Off-Site Levy Area being developed or subdivided, excluding land designated as municipal reserve, environmental reserve, school reserve, road right-of-way for arterial roadways, and any land owned by a school board that is to be developed for a special building project within the meaning of the *School Act*;

i. "Development Agreement" means an agreement entered into as a condition of subdivision approval or a development permit between the County and the applicant for subdivision approval or a development permit that provides for the construction of municipal improvements required to service the lands and to allow development to proceed;

j. "Development Permit" means a permit issued in accordance with the Sturgeon County Land Use Bylaw by a Development Authority for the County or the Subdivision and Development Appeal Board;

k. "Engineer" means the County Commissioner or his/her delegate;

l. "Off-Site Infrastructure" means:

   i. new or expanded facilities for the storage, transmission, treatment or supplying of water,

   ii. new or expanded facilities for the treatment, movement or disposal of wastewater,

   iii. new or expanded stormwater drainage facilities,

   iv. new or expanded roads required for or impacted by a subdivision or development, and

   v. land required for or in connection with any of the above described facilities;

m. "Off-Site Levy" means the levy imposed on lands within the Off-Site Levy Area payable to the County upon entering into a Development Agreement as a contribution towards the Construction Cost of the Off-Site Infrastructure;

n. "Off-Site Levy Area" means those lands within the Sturgeon Valley Area as shown in Schedule "A" to this bylaw.

o.  "Off-Site Levy Regulation" means the *Off-Site Levies Regulation*, AR 187/2017, as amended or repealed and replaced from time to time;

p.  "Sturgeon Valley" means the area of the County located within the Sturgeon Valley Area Structure Plan Bylaw 882/99, as amended or repealed and replaced from time to time.

## PART III: APPLICATION

3.  An Off-Site Levy is hereby imposed and shall be collected in respect of all Developable Land within the Off-Site Levy Area as shown in Schedule "A" to this bylaw, which lands respectively benefit from one or more of the Off-Site Infrastructure facilities installed or to be installed by the County.

4.  The Off-Site Levy payable shall be the sum of all the Off-Site Levies imposed upon the Developable Land within the relevant Benefitting Area for each of the following Off-Site Infrastructure facilities:

    a.  Transportation Infrastructure;

    b.  Water Infrastructure;

    c.  Sanitary (Wastewater) Infrastructure; and

    d.  Stormwater Infrastructure;

    multiplied by the area of Developable Land, in hectares, using the Off-Site Levy rates set out in Schedule "B" to this bylaw.

5.  Off-Site Levies are deemed imposed whether or not the imposition of Off-Site Levies is made a specific condition of subdivision approval or the development permit.

6.  Applicants for subdivision approval or the issuance of a development permit in relation to lands within the Off-Site Levy Area shall be required to enter into a Development Agreement with the County as a condition of subdivision approval or the development permit requiring, among other things, payment of the Off-Site Levy.

7.  The Developable Land in respect of which the Off-Site Levy is being imposed and collected shall be identified in the subdivision approval or development permit.

8.  The supporting technical information which identifies the impact of proposed subdivision and development within the Off-Site Levy Area and each Benefitting Area, estimates the Construction Costs of the Off-Site Infrastructure and identifies how the Off-Site Levy is calculated is contained in the Sturgeon Valley 2019 Off-Site Levy Update, dated April 15, 2019, prepared by Corvus Business Advisors, attached hereto as Schedule "C" to this bylaw.

9.  On or before April 30 in each calendar year, the County shall prepare a written report, which report shall be made publicly available in its entirety, on the Off-Site Levies and shall include in the report the details of all Off-Site Levies received and utilized for each of the Off-Site Infrastructure facilities within the Off-Site Levy Area and each Benefitting Area, including:

a. Off-Site Infrastructure constructed during the previous calendar year;

b. Construction Costs of the Off-Site Infrastructure;

c. Amounts paid from the Off-Site Levies towards Construction Costs for the Off-Site Infrastructure and details as to whom the payments have been made;

d. Estimated Construction Costs for the Off-Site Infrastructure yet to be constructed and an explanation as to any adjustments to the estimates since the previous annual report;

e. Details as to the amounts collected in Off-Site Levies;

f. The total value of Off-Site Levies held by the County which are yet to be expended, including the amount of interest earned and information regarding any commitments made for the expenditure of Off-Site Levies that have not yet been paid out; and

g. Information regarding any changes to the assumptions related to the staging or timing of development and the projected construction date for the Off-Site Infrastructure.

10. Any Off-Site Levies collected under this bylaw, and any interest earned from the investment of such Off-Site Levies, shall be accounted for separately for each of the Off-Site Infrastructure facilities and must be used only for the specific type of Off-Site Infrastructure facility for which it was collected or for land required for or in connection with that purpose.

11. The County shall review the Off-Site Infrastructure and the Off-Site Levy rates every three years after the year this bylaw is adopted or as otherwise determined by the Engineer. After the review has been completed, Council may amend the bylaw to update the Off-Site Infrastructure and the Off-Site Levy rates.

12. Except as otherwise provided herein, each Development Agreement entered into by the County with respect to any subdivision approval or development permit shall make provision for payment of all Off-Site Levies imposed by this bylaw within the times specified by County policy or guideline, as amended from time to time.

13. In the event that any of the Off-Site Levies imposed by this bylaw are not paid at the time specified in a Development Agreement, the County's General Manager of Corporate Support is hereby authorized to take whatever action that he may deem necessary to collect the unpaid Off-Site Levies.

14. No Off-Site Levies shall be required to be paid where Off-Site Levies have been previously collected in respect of the Developable Lands for the same type of Off-Site Infrastructure facility.

15. Except as otherwise provided herein, a Development Agreement entered into by the County with respect to any subdivision approval or development permit may require the applicant to fund the entire Construction Cost of an Off-Site Infrastructure facility to be funded by the Off-Site Levy, subject to terms and conditions agreed to by both parties, including but not limited to, provisions for the reimbursement of the cost incurred or payment made in excess of the applicant's proportional benefit of the Off-Site Infrastructure, together with interest calculated

at a rate fixed by the County for the amount of the cost of the Off-Site Infrastructure, until all land in the Benefitting Area for the specific Off-Site Infrastructure is developed or subdivided.

16. Council may from time to time adopt policies or guidelines for the assistance and direction of County Administration in determining when an applicant for subdivision approval or a development permit may be required to fund the entire Construction Cost of an Off-Site Infrastructure facility to be funded by the Off-Site Levy.

17. Nothing contained in this bylaw precludes the County from imposing such further or other charges, costs, fees or levies as may be lawfully authorized.

## PART IV: SEVERABILITY

18. If at any time any provision of this bylaw is declared or held to be illegal, invalid or ultra vires, in whole or in part, then that provision shall not apply and the remainder of this bylaw shall continue in full force and effect and shall be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

19. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

## PART V: ENACTMENT

20. Bylaw 1321/14 and any amendments are repealed upon this bylaw coming into force and effect.

21. This bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 213 of the MGA.

Read a first time this ___ day of _____, 20___.

Read a second time this ___ day of _____, 20___.

Read a third time this ___ day of _____, 20___.

_____
MAYOR

_____
COUNTY COMMISSIONER (CAO)

_____
DATE SIGNED

**SCHEDULE "A"**

**Schedule "B"**

Sturgeon Valley 2019 Offsite Levy Update

| Area # | Transportation Levies | Water Levies | Sanitary Levies | Stormwater Levies | Total |
|---|---|---|---|---|---|
| 1.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 1.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 1.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 1.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 2.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 2.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 2.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 2.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 3.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 3.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 3.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 3.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 4.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 4.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 4.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 4.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 5.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 5.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 5.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 5.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 6.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 6.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 6.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 6.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 7.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 7.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 7.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 7.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 8.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 8.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 8.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 8.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 9.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 9.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 9.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 9.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 10.1 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 10.2 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 10.3 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 10.4 | $ 8,326 | $ 41,385 | $ 30,609 | $ - | $ 80,320 |
| 11.1 | $ 8,326 | $ 41,385 | $ 35,621 | $ - | $ 85,333 |
| 11.2 | $ 8,326 | $ 41,385 | $ 35,621 | $ - | $ 85,333 |
| 11.3 | $ 8,326 | $ 41,385 | $ 35,621 | $ - | $ 85,333 |
| 11.4 | $ 8,326 | $ 41,385 | $ 35,621 | $ - | $ 85,333 |
| 12.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 12.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 12.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 12.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 13.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 13.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 13.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 13.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 14.1 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 14.2 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 14.3 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 14.4 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 15.1 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 15.2 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 15.3 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 15.4 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 16.1 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 16.2 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 16.3 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |
| 16.4 | $ 8,326 | $ 41,385 | $ 22,063 | $ - | $ 71,775 |

| Area # | Transportation Levies | Water Levies | Sanitary Levies | Stormwater Levies | Total |
|---|---|---|---|---|---|
| 17.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 17.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 17.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 17.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 18.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 18.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 18.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 18.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 19.1 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 19.2 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 19.3 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 19.4 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 20.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 20.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 20.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 20.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 21.1 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 21.2 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 21.3 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 21.4 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 22.1 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 22.2 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 22.3 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 22.4 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 23.1 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 23.2 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 23.3 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 23.4 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 24.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 24.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 24.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 24.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 25.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 25.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 25.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 25.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 26.1 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 26.2 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 26.3 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 26.4 | $ 8,326 | $ 41,385 | $ 10,408 | $ - | $ 60,120 |
| 27.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 27.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 27.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 27.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 28.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 28.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 28.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 28.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 29.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 29.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 29.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 29.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 30.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 30.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 30.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 30.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 31.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 31.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 31.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 31.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 32.1 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 32.2 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 32.3 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |
| 32.4 | $ 8,326 | $ 41,385 | $ - | $ - | $ 49,711 |