

TOWN OF CARSTAIRS

Bylaw No. 1061

BEING A BYLAW OF THE TOWN OF CARSTAIRS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING OFF-SITE LEVIES.

WHEREAS in accordance with Section 648 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, a Council may by bylaw:

- a) Provide for the imposition and payment of a levy, to be known as an "off-site" levy, in respect of land that is to be developed or subdivided, and
- b) Authorize agreements to be entered into in respect of the levy.

AND WHEREAS the Town of Carstairs Council deems it desirable to establish off-site levies for the purposes described in Section 648 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;

AND WHEREAS the Town of Carstairs Council engaged the engineering firm of Stantec Consulting Ltd. ("**Stantec**") to prepare a report dated July 25, 2017 (the "**Report**") with respect to the fair and equitable calculation and allocation of off-site levies in accordance with the purposes of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26;

AND WHEREAS the Town of Carstairs Council has reviewed the Report prepared by Stantec and wishes to enact a bylaw to impose and provide for the payment of off-site levies, to authorize agreements to be entered into in respect of payment of the off-site levies, to set out the object of each levy, and to indicate how the amount of each levy was determined;

AND WHEREAS the Town of Carstairs Council has advertised its intention to consider the provisions of this Bylaw pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26;

AND WHEREAS the Town of Carstairs has consulted in good faith with stakeholders in accordance with the requirements of the *Off-Site Levies Regulation* AR 187/2017;

NOW THEREFORE pursuant to the authority conferred upon it by the laws of the Province of Alberta, the Town of Carstairs Council, duly assembled, enacts as follows:

1. SHORT TITLE

- 1.1 This Bylaw may be cited as the "Town of Carstairs Off-Site Levy Bylaw".

2. PURPOSE AND INTENT

- 2.1 The purpose and intent of this Bylaw is to:

- a) impose and provide for the payment of levies to be known as off-site levies in respect of land that is to be subdivided or developed,
- b) authorize agreements to be entered into in respect of payment of the off-site levies,
- c) set out the objects of each off-site levy, and
- d) indicate how the amount of each off-site levy was determined.

3. DEFINITIONS

- 3.1 In this Bylaw, the following words and phrases shall have the following meanings:

- 3.1.1 "**Act**" means the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26 and amendments thereto;
- 3.1.2 "**Applicant**" means the person who is applying for a Development permit or Subdivision approval;
- 3.1.3 "**Bylaw**" means this bylaw together with all schedules;
- 3.1.4 "**CAO**" means the Chief Administrative Officer of the Town or his/her authorized designate;
- 3.1.5 "**Commercial**" means Lands which are designated for a commercial use pursuant to the Land Use Bylaw;
- 3.1.6 "**Council**" means the Town of Carstairs Council;
- 3.1.7 "**Development**" has the same meaning as provided in the Act;
- 3.1.8 "**Development Agreement**" means an agreement contemplated within Sections 650 and 655 of the Act;
- 3.1.9 "**Industrial**" means Lands which are designated for an industrial use pursuant to the Land Use Bylaw;
- 3.1.10 "**Lands**" means private titled parcels of land in accordance with the ***Land Titles Act***, R.S.A. 2000 Chapter L-4;
- 3.1.11 "**Land Use Bylaw**" means the Town's Land Use Bylaw, as amended or replaced from time to time in accordance with the Act;
- 3.1.12 "**Net Developable Acre**" means the total area of land that is the subject of a Development permit or Subdivision approval excluding land provided as environmental reserve or municipal reserve as well as any land provided to the Town or Province of Alberta for roads and public utilities;
- 3.1.13 "**Off-Site Levy**" means a levy imposed and created by this Bylaw;
- 3.1.14 "**Off-Site Levy Fund**" means a fund into which an Off-Site Levy together with any interest earned from the investment of the Off-Site Levy is deposited and kept separate from General Account or any other municipal account and administered in accordance with the Act;
- 3.1.15 "**Residential**" means Lands which are designated for a residential use pursuant to the Land Use Bylaw;
- 3.1.16 "**Subdivision**" has the same meaning as provided for in the Act; and
- 3.1.17 "**Town**" means the Town of Carstairs or the geographical area contained within its boundaries, as the context may require.
- 3.2 Any references in this Bylaw to any statutes are to those statutes as amended or replaced from time to time and any amendments thereto.
- 3.3 Whenever the singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context so requires and vice versa.
- 3.4 The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.
- 3.5 The word "may" when used in this Bylaw shall be construed as permissive and empowering, and the word "shall" when used in this Bylaw shall be construed as imperative.

4. ADMINISTRATION AND ENFORCEMENT

- 4.1 Council hereby delegates to the CAO the duty and authority to enforce and administer this Bylaw.

5. ENACTMENT

- 5.1 An Off-Site Levy as provided for in the Act is hereby imposed with respect to the Net Developable Acres of all Lands within the Town that are to be Developed or Subdivided at the rates and on the terms as specified in this Bylaw with the exception of any Lands where Off-Site Levies, which were imposed for the same purpose as the Off-Site Levies which are imposed pursuant to this Bylaw, have been previously imposed and collected in full.
- 5.2 Notwithstanding any other provision in this Bylaw, the Town may impose further or different Off-Site Levies, duly enacted by bylaw, on any portion of Lands which are the subject of Development permit or Subdivision approval and in respect of which the Town has not collected Off-Site Levies for the same purpose as the Off-Site Levies imposed under this Bylaw or any previous off-site levy bylaw authorized by the Act or a predecessor Act.
- 5.3 Where the CAO is reasonably satisfied that adequate security is provided to secure the Applicant's or owner of the Lands' obligation to pay the Off-Site Levies, the CAO is hereby authorized to enter into agreements with owners of the Lands referred to in Paragraph 5.1 for payment of the Off-Site Levy imposed on the Lands whereby the Off-Site Levies are deferred or paid in stages.
- 5.4 The Off-Site Levy is deemed to have been imposed on the Net Developable Acres of all Lands within the Town that are to be Developed or Subdivided in accordance with this Bylaw regardless if the imposition of the Off-Site Levy is made a specific condition of a Development permit or Subdivision approval.

6. OBJECT OF THE OFF-SITE LEVIES

- 6.1 The object of the Off-Site Levy or Levies imposed and collected pursuant to this Bylaw are to pay for all or any part of the capital cost 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 storm sewer drainage facilities,
 - d) new or expanded roads required for or impacted by a Subdivision or Development, and
 - e) land required for or in connection with any facilities described within this Paragraph 6.1.

7. OFF-SITE LEVY PAYMENT

- 7.1 The Off-Site Levy imposed pursuant to this Bylaw shall be paid upon the earlier of the following dates:
- a) the issuance of the Development permit in respect of the Lands,
 - b) execution of a Development Agreement entered into pursuant to the conditions of a Development permit or Subdivision approval granted in respect of the Lands, or
 - c) prior to the endorsement of the plan of Subdivision for the Lands.

7.2 Where the Applicant or owner of Lands that are subject to the imposition of an Off-Site Levy or Levies under this Bylaw fails, neglects or refuses to either pay the Off-Site Levy imposed or provide sufficient security for the payment of the Off-Site Levy, the Town may:

- a) commence proceedings in Court for recovery of the Off-Site Levy as an amount due and payable to the Town, or
- b) refuse to endorse a plan of Subdivision or release a Development permit until the Applicant or land owner has paid the Off-Site Levy or has provided sufficient security for the payment of the Off-Site Levy in a form satisfactory to the CAO, or
- c) take any other steps available to the Town in law or equity for the failure, neglect or refusal to pay the Off-Site Levy.

8. OFF-SITE LEVY FUND

8.1 The CAO shall establish and maintain a separate fund for each facility in respect of which an Off-Site Levy is being imposed pursuant to this Bylaw. Such Off-Site Levy fund shall be kept separate from the Town's General Account or any other Town account and shall be administered in accordance with the Act.

9. DETERMINATION OF THE OFF-SITE LEVIES

9.1 The Off-Site Levies included in this Bylaw were determined in accordance with the calculations set out in the Report. The Report is hereby incorporated into this Bylaw by reference and shall be disclosed upon request in accordance with Section 10 of this Bylaw.

9.2 The determination of the amount of each Off-Site Levy amount in respect of each of the separate facilities for which an Off-Site Levy has been imposed is as shown on **Schedule "A"**. The total amount of the Off-Site Levies imposed in respect of Lands subject to Development and Subdivision Approval are shown in **Schedule "B"**.

9.3 The Off-Site Levies reflected in this Bylaw will apply to all new Subdivision and Development approved subsequent to the date of third reading of this Bylaw.

10. INFORMATION ON REQUEST

10.1 Upon receiving a request from a ratepayer or landowner, the Town shall disclose full information regarding Off-Site Levy calculations, allocations, impositions, collections, costs and payments.

11. REVIEW OF OFF-SITE LEVY RATES

11.1 Not more than once per calendar year, Council may adjust the Off-Site Levy rates from time to time through amendment or replacement of this Bylaw.

12. ANNUAL REPORT TO COUNCIL

12.1 Not less than once per calendar year, the CAO shall provide a report to Council detailing all Off-Site Levies imposed under this Bylaw, collections and expenditures during the previous calendar year, unpaid Off-Site Levy amounts as at the end of the previous calendar year, funds on hand to meet anticipated expenditures during the current calendar year and updated estimates of the costs expected to be incurred in order to complete construction of the facilities in respect of which an Off-Site Levy has been imposed under this Bylaw.

13. GENERAL

- 13.1 In the event that any provision of this Bylaw be declared invalid or void by any Court having competent jurisdiction, then such invalid or void provision shall be severed from the Bylaw and the remaining provisions of the Bylaw shall be maintained and deemed valid.
- 13.2 Bylaw No. 805 is repealed on the date of the third and final reading of this Bylaw.
- 13.3 This Bylaw comes into full force and effect on the date of third and final reading of this Bylaw.

READ A FIRST TIME THIS 22nd DAY OF JANUARY A.D., 2018.

READ A SECOND TIME THIS 22nd DAY OF JANUARY A.D., 2018.

READ A THIRD AND FINAL TIME THIS 22nd DAY OF JANUARY A.D., 2018.



Mayor



**Chief Administrative
Officer**

SCHEDULE "A"

DETERMINATION OF THE OFF-SITE LEVY BY PROJECT

PROJECT: New Water Reservoir and Pump Station

Project Description: New water reservoir and pump station located near Dallaire Drive based on Stantec's 2013 Preliminary Design Report

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$7,324,000	0%	100%	50%	\$3,662,000	\$10,752.86	\$883.72	\$121.12

As the new reservoir and pump house will service all future developments of the Town, up to a population of 13,439, 100% of the project is allocated to the offsite levies with an assumed 50% contribution from grant funding.

PROJECT: Lagoon Upgrades

Project Description: Lagoon upgrades consisting of expansion of the existing lagoons to meeting the growing development, based on Stantec's 2013 Preliminary Design Report

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$13,255,000	0%	100%	50%	\$6,627,500	\$19,460.57	\$1,599.35	\$219.20

As the lagoon upgrades will service all future developments of the Town, up to a population of 13,439, 100% of the project is allocated to the offsite levies with an assumed 50% contribution from grant funding.

PROJECT: Middle Ditch Improvements

Project Description: The Middle Drainage Ditch requires upgrades to convey the expected stormwater from the future developments upstream. Upgrades to the ditch would be culvert replacement with large culverts to convey the stormwater.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$400,000	0%	100%	0%	\$400,000	\$1,174.53	\$96.53	\$13.23

As the middle ditch improvements that are required are downstream from the new developments that will be creating the need for the upgrade, 100% of the project is allocated to the offsite levies.

PROJECT: North Ditch Improvements

Project Description: The North Drainage Ditch requires upgrades to convey the expected stormwater from the future developments upstream. Upgrade to the ditch would include the installation of box culverts and upsizing of piping through one subdivision when developed.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$3,283,700	50%	50%	0%	\$1,641,850	\$4,821.02	\$396.21	\$54.30

As the north ditch improvements that are required in the Mandalay Estates development, for the new development at the north end of the Town and Mandalay Estates, therefore 50% of the project is allocated to the offsite levies and the 50% to the developer.

PROJECT: Previous Stormwater Management Wetland Pond

Project Description: From the previous Off-site Levy Bylaw 805, the stormwater management wetland pond levy was carried forward, as project has not been completed and is still applicable.

PROJECT: Railway Crossing at 10th Ave and TWP RD 303

Project Description: The railway crossing at 10th Ave. and TWP RD 303 is required to facilitate access across the train tracks at the north end of town for the new development in the area. This crossing would be and at grade crossing with signal lights and traffic arms.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$500,000	50%	50%	0%	\$250,000	\$734.08	\$60.33	\$8.27

The railway crossing is required based on the Town of Carstairs Master Transportation Plan to allow access across the train tracks at the north end of the Town. 50% of the project is allocated to the offsite levies and the other 50% is allocated to the developer adjacent to the crossing as this makes up part of the developments internal road network.

PROJECT: Intersection Upgrade at Clark Boulevard and Highway 2A

Project Description: The intersection upgrade at Clark Boulevard and Highway 2A is required to upgrade the intersection to a Type IIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$1,000,000	50%	50%	0%	\$500,000	\$1, 468.17	\$120.66	\$16.54

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 2 of the 4 corners of the intersection are already developed, 50% of the cost will be allocated to the offsite levies and the other 50% is allocated to the developers of the new development.

PROJECT: Intersection Upgrade at Center Street and Highway 2A

Project Description: The intersection upgrade at Center Street and Highway 2A is required to upgrade the intersection to a Type IIIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$1,000,000	25%	75%	0%	\$750,000	\$2,202.25	\$180.99	\$24.81

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 3 of the 4 corners of the intersection are already developed, 75% of the cost will be allocated to the offsite levies and the other 25% is allocated to the developers of the new development.

PROJECT: Intersection Upgrade at Highway 581 and Havenfield Drive

Project Description: The intersection upgrade at Highway 581 and Havenfield Drive is required to upgrade the intersection to a Type IIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$500,000	50%	50%	0%	\$250,000	\$734.08	\$60.33	\$8.27

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 2 of the 4 corners of the intersection are already developed, 50% of the cost will be allocated to the offsite levies and the other 50% is allocated to the developers of the new development.

PROJECT: Intersection Upgrade at East Gate and Highway 2A

Project Description: The intersection upgrade at East Gate and Highway 2A is required to upgrade the intersection to a Type IIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$1,000,000	75%	25%	0%	\$250,000	\$734.08	\$60.33	\$8.27

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 1 of the 4 corners of the intersection are already developed, 25% of the cost will be allocated to the offsite levies and the other 75% is allocated to the developers of the new development.

PROJECT: Intersection Upgrade at Scarlett Ranch Boulevard and Highway 580

Project Description: The intersection upgrade at Scarlett Ranch Boulevard and Highway 580 is required to upgrade the intersection to a Type IIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$500,000	0%	100%	0%	\$500,000	\$1,468.17	\$120.66	\$16.54

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 4 of the 4 corners of the intersection are already developed, 100% of the cost will be allocated to the offsite levies and the other 0% is allocated to the developers of the new development.

PROJECT: Intersection Upgrade at Carriage Lane Road and Highway 580

Project Description: The intersection upgrade at Carriage Lane Road and Highway 580 is required to upgrade the intersection to a Type IIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$500,000	50%	50%	0%	\$250,000	\$734.08	\$60.33	\$8.27

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 2 of the 4 corners of the intersection are already developed, 50% of the cost will be allocated to the offsite levies and the other 50% is allocated to the developers of the new development.

PROJECT: Intersection Upgrade at Carriage Lane Drive and Highway 580

Project Description: The intersection upgrade at Carriage Lane Drive and Highway 580 is required to upgrade the intersection to a Type IIa, by Alberta Transportation’s Standards.

Cost and Allocation Rationale:

Total Capital Cost	Percentage Distribution Developer	Percentage Distribution Levy	Grant Funding	Total Levy Eligible	Cost Per Hectare	Cost Per Lot	Cost Per Unit
\$500,000	50%	50%	0%	\$250,000	\$734.08	\$60.33	\$8.27

The intersection upgrade is required based on the Alberta Transportation Standards to allow access into the new developments / upgrade existing access. As 2 of the 4 corners of the intersection are already developed, 50% of the cost will be allocated to the offsite levies and the other 50% is allocated to the developers of the new development.

SCHEDULE "B"

TOWN OF CARSTAIRS OFF-SITE LEVY BYLAW REPORT