

BYLAW 2594/D&P/18

A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AN OFF-SITE LEVY FOR THE LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE TOWN OF STONY PLAIN

WHEREAS the *Municipal Government Act* permits a Council to impose a levy known as an Off-site Levy in respect of land to be developed or subdivided within a municipality's limits, and to authorize an agreement to be entered into for payment of the levy;

AND WHEREAS the Town of Stony Plain has engaged in consultations with the general public and representatives of the development industry to address and define existing and future infrastructure requirements of the Municipality in respect to circumstances of the Municipality and the benefits of development;

AND WHEREAS the Council received advice and Reports respecting upgrades to off-site infrastructure which set out a fair and equitable calculation of Off-site Levies in accordance with the purpose of the *Municipal Government Act*;

AND WHEREAS Council has advertised its intention to consider the provision of this Bylaw pursuant to the requirements of the *Municipal Government Act*;

NOW THEREFORE the Council of the Town of Stony Plain in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0.0 Title

1.1.0 This bylaw may be cited as "The Off-Site Levy Bylaw".

2.0.0 Definitions

The following terms shall have the following meanings in this Bylaw:

- 2.1.0 "Bylaw" means the Off-site Levy Bylaw established by the Town of Stony Plain, to which this Schedule "A" is attached;
- 2.2.0 "Developable Land" means all land contained within the Development Region:
- 2.2.1 in respect which Development approval is obtained after the date of passing of this Bylaw; or,
 - 2.2.2 in respect which Subdivision approval is obtained after the date of passing of this Bylaw; excluding all Developed Land;
- 2.3.0 "Developed Land" means land that has been subject to Development or a Subdivision prior to the date of passing of this Bylaw, and in respect of which off-site levies for the same services have been paid;
- 2.4.0 "Development" means "development" as defined in the Municipal Government Act RSA 2000, c. M-26, s.616;
- 2.5.0 "Development Agreement" means "development agreement" as referred to in the Municipal Government Act RSA 2000, c. M-26, s.650 and 655;
- 2.6.0 "Development Region" includes all land within the municipal limits of the Town of Stony Plain's boundaries;
- 2.7.0 "Growth" means:
- 2.7.1 the creation of new lots through Subdivision; and,
 - 2.7.2 the occurrence of Development;
- 2.8.0 "Municipality" means the Town of Stony Plain;
- 2.9.0 "Off-site Infrastructure" means the components and projects referred to in the Town of Stony Plain Development Charges Report;

- 2.10.0 "Off-site Levy" means the off-site levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act RSA 2000, c. M-26;
- 2.11.0 "Reports" means the report prepared by Associated Engineering Ltd, dated November 22, 2016; and
- 2.12.0 "Subdivision" means "subdivision" as defined in the *Municipal Government Act* RSA 2000, c. M-26, s.616.

3.0.0 Imposition of Levy

- 3.1.0 There is hereby imposed a levy which shall be known as an Off-site Levy in respect of all Developable Land.
- 3.2.0 The amount of the levy imposed is calculated in Schedule "A".
- 3.3.0 The Off-site Levy will be assessed on all Developable Land within the Development Region on a per hectare basis, excluding those portions of Developable Land that are designated pursuant to Subdivision as:
- 3.3.1 Environmental Reserve;
 - 3.3.2 Municipal Reserve; or
 - 3.3.3 Arterial Road Right of Way.

4.0.0 Objects, Principles and Criteria

- 4.1.0 The objects, principles and criteria of the Off-site Levy shall be in accordance with the following:
- 4.1.1 this Bylaw creates an Off-site Levy to provide funds for the construction of Off-site infrastructure required for Growth;
 - 4.1.2 development in new growth areas through Off-site Levies will provide the capital that will fund the infrastructure required for Growth. Those who benefit from the infrastructure, which is defined by all Developable Land, in the Development Region, should share proportionally, on a per hectare basis, in related costs;
 - 4.1.3 provision of Off-site Infrastructure by developers of Developable Land will not create an advantage or penalty due to the time or location of Development;
 - 4.1.4 off-site infrastructure will be provided to maintain suitable, cost effective and orderly Growth;
 - 4.1.5 the calculation of the Off-site Levy should be an open and transparent process. The management of the Offsite-Levy account should be an audited process, with reports available to the public and industry;
 - 4.1.6 The Off-site Levy will help allow the Municipality to recover the cost of infrastructure required for Growth:
 - 4.1.6.1 using financing strategies that remain sustainable;
 - 4.1.6.2 facilitating development by reducing risk on early developers and ensuring future developers share the cost of the facilities from which they benefit; and
 - 4.1.6.3 promoting cost effective and orderly development;
 - 4.1.7 The Off-site Levy will help promote orderly Development by:
 - 4.1.7.1 providing Off-site Infrastructure, once the appropriate planning is in place, and when warranted in Development, and
 - 4.1.7.2 providing infrastructure for contiguous Development;
 - 4.1.8 The Off-site Levy will help create a transparent process by:
 - 4.1.8.1 providing opportunity for industry input into the Levy, its definition and administration;
 - 4.1.8.2 conforming with the *Municipal Government Act*; and
 - 4.1.8.3 providing reports on levies; and

4.1.9 The Off-site Levy will help create a clear process for calculation of rate, levies and credits by:

4.1.9.1 creating consistent and predictable levies and credits;

4.1.9.2 creating predictable and stable levies over time; and

4.1.9.3 documenting a process for establishing the Levy rate.

5.0.0 Development Agreements

5.1.0 The entering into of a Development Agreement with respect to, amongst other things, the collection of an Off-site Levy is hereby authorized.

5.2.0 Council may from time to time adopt policies, procedures or guidelines for the assistance and direction of the Municipality's Administration in determining which Development and Subdivision applications shall require a Development Agreement.

5.3.0 Where it is determined that a Development Agreement is appropriate for any application for Development or Subdivision, the owner shall enter into a Development Agreement with the Municipality and such Development Agreement shall ensure that:

5.3.1 provisions be made for the payment of Off-site Levies as specified in this Bylaw, or that provision be made for the deferring of payment of the Off-site Levies to a future time, certain or uncertain; and

5.3.2 no further Off-site Levies shall be required to be paid under Development Agreements that have been previously collected in full in respect to all of the lands which are the subject of the Development or Subdivision application.

5.4.0 Unless otherwise agreed to, the Off-site Levy will become due upon execution of the Development Agreement.

6.0.0 Accounting

6.1.0 All funds collected pursuant to this Bylaw shall be accounted for in a special fund and expended only as permitted under the provisions of the *Municipal Government Act*.

7.0.0 General

7.1.0 Nothing in this Bylaw precludes the Municipality from:

7.1.1 imposing further or different levies, duly enacted by Bylaw, on any portion of the Developable Lands in respect of which the Municipality collected Levies;

7.1.2 deferring collection of the Off-site Levy for the stated objects of this Bylaw, on any portion of Developable Lands in respect of which the Municipality collected levies, including requiring security for payment of such deferred levies; or

7.1.3 reducing or forgiving payment of the Levies required pursuant to this Bylaw, or otherwise providing for credits for other Off-site or Oversize infrastructure constructed by a developer in calculating and/or collecting the Levies that become payable pursuant to this Bylaw.

8.0.0 Effectiveness and Review

8.1.0 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

8.2.0 Bylaw 2303/D&P/07 and amendments hereto are hereby repealed.

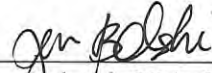
8.3.0 This Bylaw shall be reviewed within its fifth year, being 2023 or as deemed necessary.

8.4.0 This Bylaw shall come into full force and effect upon third and final reading and upon signing in accordance with Section 213, *Municipal Government Act*, RSA 2000.

Read a first time this 9th day of July, AD 2018.



Mayor William Choy



Jen Boleski, CPA, CA
General Manager, Corporate Services

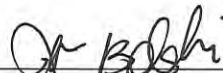
Public Hearing held on this 20th day of August, A.D. 2018.

Read a second time this 20th day of August, A.D. 2018.

Read a third time this 20th day of August, A.D. 2018.



Mayor William Choy



Jen Boleski, CPA, CA
General Manager, Corporate Services

Schedule "A"

Catchment Area	Water (\$/hectare)	Sanitary (\$/hectare)	Roadways (\$/hectare)	Total (\$/hectare)
East	10,391.00	5,815.00	54,277.00	70,483.00
Central	10,391.00	19,725.00	54,277.00	84,393.00
West	10,391.00	4,725.00	54,277.00	69,393.00
Meridian / North	10,391.00		54,277.00	64,668.00