

**BYLAW NO. 1140/07**

**INDUSTRIAL HEARTLAND TRANSPORTATION OFF-SITE LEVY BYLAW**

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**A BYLAW OF Sturgeon County IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR OFF-SITE LEVIES**

The Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, grants a municipality the authority to pass an Off-Site Levy Bylaw;

WHEREAS, Council deems it necessary to establish an Off-site Levy to pay for the capital costs of new and expanded roads and the land required in connection with these roads that are required for lands located within the Industrial Heartland Area Structure Plan, proposed to be subdivided or developed;

AND WHEREAS, Council deems it necessary to require agreements to be entered into with owners of lands within the boundaries of the Heartland Area Structure Plan that are to be subdivided or developed in respect of the payment of the Off-Site Levy;

AND WHEREAS, Section 648 (1) of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, authorizes a Council to pass a bylaw to provide for the imposition of an Off-site Levy in respect of land that is to be subdivided or developed and to authorize agreements to be entered into in respect of the payment of the Off-site Levy;

AND WHEREAS the County has prepared a Transportation Master Plan, a Financial Master Plan and an Emergency Services Master Plan;

AND WHEREAS, notice of intention to pass this Bylaw has been given in accordance with the Act;

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 "Industrial Heartland Transportation Off-Site Levy Bylaw".

2.

## PART II: DEFINITIONS

3. For the purposes of this Bylaw the following words will have the meanings assigned:

- a. Act: means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;
- b. County: means the Municipal Corporation of Sturgeon County;
- c. Council: means the Council of Sturgeon County;
- d. Projects means those transportation projects listed in Schedule "C".

## PART III: APPLICATION

- 4. The lands for which the Off-site levy shall be payable are shown as "Development Areas" on Schedule "A" attached hereto and forming part of this Bylaw.
- 5. The Off-site Levy payable in respect to the lands to be subdivided or developed within the "Development Areas" shown on Schedule "A" hereof, shall be in accordance with Schedule "B" attached hereto and forming part of this Bylaw. The Off-site levies are payable in relation to those Projects listed in Schedule "C", attached hereto and forming part of this Bylaw.
- 6. The supporting technical information which identifies the impact of proposed development within the Sturgeon Industrial Heartland Area Structure Plan boundaries, estimates of the costs of the Projects listed in Schedule "C" and identifies how the off-site levy is calculated are contained in the Sturgeon County Transportation Master Plan, the Sturgeon County Financial Master Plan, the Sturgeon County Emergency Services Master Plan, and the Heartland Area Transportation Levy Bylaw report by Sameng Inc dated November 2007.
- 7. Council may from time to time adopt policies or guidelines for the assistance and direction of County Administration in determining which development and subdivision applications shall require a development agreement, and when an applicant or owner may be required to front end costs of a Project listed in Schedule "C".

8. Where it is determined that a development agreement is appropriate for an application for development or subdivision, the applicant or owner, as the case may be, shall enter into a development agreement with the County and such development agreement shall ensure:
  - a. that provision be made for the payment of the off-site levies as specified in this Bylaw, or
  - b. that provision may be made for the deferring of payment of the off-site levies to future time certain or uncertain; and
  - c. that no further off-site levies shall be required to be paid under development agreements where off-site levies have been previously collected in full in respect to all of the lands which are the subject of development or subdivision application; and
  - d. that where a development or subdivision results in a Project listed in Schedule "C" being implemented prior to the collection by the County of sufficient off-site levies, the applicant or owner of the development or subdivision in question shall front end all or part of the unfunded cost of the Project and the applicant or owner shall be entitled to repayment of any such up front costs paid to the County, in excess of the applicable off-site levy contribution by that applicant or developer, when the County collects the applicable off-site levies from other developments or subdivisions.
9. Except as otherwise provided herein, each development agreement entered into by the County with respect to any development or subdivision application 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.
10. In the event that any of the off-site levies imposed by this Bylaw are not paid at the time specified in the development agreement, the County's Director of Corporate Services is hereby authorized to impose the unpaid sums of money on the lands that are the subject of the development agreement, and thereafter collect the same as unpaid taxes in accordance with the provisions of the Act.

#### **PART IV: SEVERABILITY**

11. 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.

**PART V: REPORTIN**

12. On or before December 31 in each calendar year starting in 2G008, the Director, Corporate Services shall submit to County Council an annual report on the Off-site Levies pursuant to this bylaw and such report shall identify:
  - a. Projects constructed during the previous calendar year;
  - b. Construction costs of Projects constructed in the previous calendar year;
  - c. Estimated construction costs for Projects yet to be constructed and an explanation as to any adjustments to the estimates since the previous annual report;
  - d. Amount collected in Off-site Levy Fees; and
  - e. Specifics of total value of Off-site Levy Fees being held by the County and yet to be expended on Projects, interest earned and commitments for future expenditures of such monies.

**PART VI: ENACTMENT**

13. This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ a first time this 27<sup>th</sup> day of November 2007.

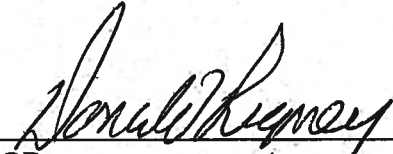

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
COUNTY COMMISSIONER

BYLAW 1140/07 was signed this 6<sup>th</sup> day of November 2007.

READ a second time this 13<sup>th</sup> day of May 2008.

READ a third time this 13<sup>th</sup> day of May 2008.

  
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MAYOR  
  
\_\_\_\_\_  
COUNTY COMMISSIONER

BYLAW 1140/07 was signed this 15<sup>th</sup> day of May, 2008.

**Schedule "A"**

**Development Areas**

**sameng inc.**  
 better water | better world

#1500, 10025 - 108 Street, Edmonton, Alberta T5J 1G3  
 Ph: (780) 482-2557, Fax: (780) 482-5338



**LEGEND:**

-  Development Area 1
-  Development Area 2
-  HIGHWAYS

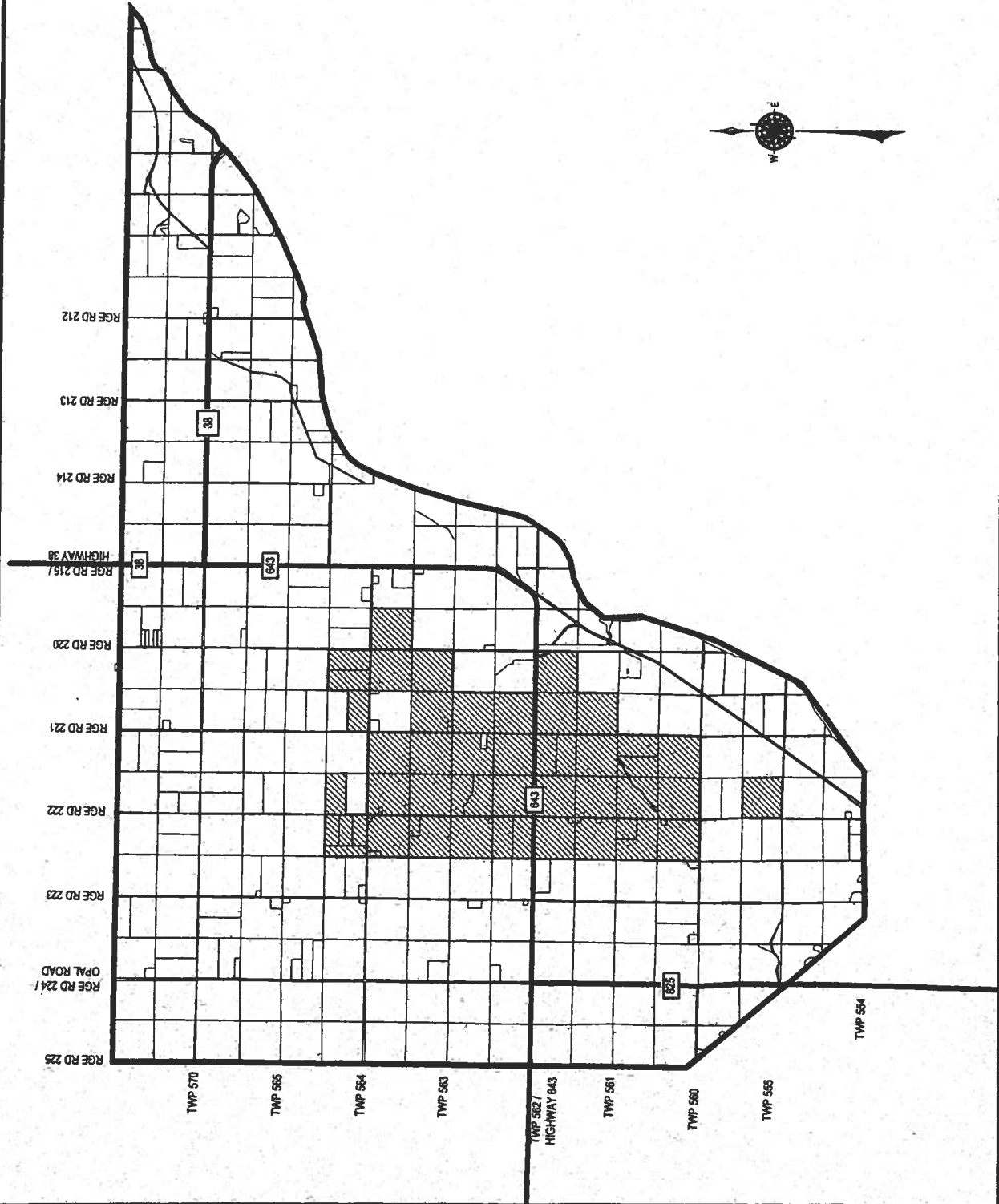
SCALE 1 : 75,000

September 2007



**Sturgeon County**  
 Heartland Area Transportation Levy  
 Bylaw

Schedule A





## **Schedule "B"**

Based upon September 2007 report prepared by Sameng Inc.

Levy for Development Area 1 = \$2979/ha

The unit rates are based upon the most recent construction cost estimates for the Projects listed in Schedule "C". These estimates will be reviewed on an on-going basis which will result in amendments to the unit rate.

In order to accelerate the construction of the required roadway upgrades, the County accepted a contribution of the \$12.7 million from Fort Hills partnership. This contribution is part of an agreement made prior to the development of any Heartland Transportation Levy Bylaw and therefore needs to be taken into account. The arrangement with Fort Hills includes the following:

- \$12.7 million was provided by Fort Hills to Sturgeon County at zero interest in the form of prepayment of taxes.
- The funds were specifically allocated towards the construction of Opal Road and Township Road 570.
- Should Opal Road and Township Road 570 upgrades not go ahead, the contribution would become immediately payable to Fort Hills.
- This contribution exempts Fort Hills from any levies to upgrade Opal Road and Township Road 570.

The current levy calculations would honour this agreement. It should be noted that the Fort Hills contribution significantly lowers the front-ending requirements needed for roadway improvements.

**Schedule "C"**

Transportation Infrastructure Projects to which off-site levy charges collected under this bylaw are to be applied:

<u>Project</u>	<u>Nature of Work</u>
1. Opal Road from Highway 643 to Highway 28	Upgraded to 9 metre, full pavement
2. Township Road 570 from Opal Road to Highway 643	Upgraded to 9 metre, full pavement

351670, May 15, 2008