

THE CITY OF SPRUCE GROVE

BYLAW C-1040-18

OFF-SITE LEVY BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, Section 648 of the *Municipal Government Act* allows Council to pass a Bylaw for the imposition and payment of Off-Site Levies in respect of land that is to be developed or subdivided;

AND WHEREAS, Council deems it necessary and expedient to collect Off-Site Levies to pay for the capital cost of infrastructure required to service the Growth of the City;

AND WHEREAS, The City has engaged in consultation with landowners and representatives of the development industry to address and define existing and future infrastructure required for Growth of the City and the allocation of the capital costs of such infrastructure;

AND WHEREAS, Council has received the Report, which set out a fair and equitable calculation of Off-Site Levies in accordance with the *Municipal Government Act* and the Off-Site Levy Regulation;

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

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1 This Bylaw is called "Off-Site Levy Bylaw".

2. DEFINITIONS

2.1 "Bylaw" means this Off-Site Levy Bylaw.

2.2 "Chief Administrative Officer" means the Administrative Head of the City of Spruce Grove as set out in the City Manager's Bylaw C-539-04, as amended from time to time.

- 2.3 “City” means the municipal corporation of the City of Spruce Grove, in the Province of Alberta.
- 2.4 “Council” means the Council of the City elected pursuant to the Local Authorities Election Act.
- 2.5 “Developable Land” means all land contained within the Development Area;
- a. upon which Development takes place after the date of enactment of this Bylaw;
 - b. for which Subdivision approval is obtained after the date of enactment of this Bylaw; excluding
 - c. all Developed Land; and
 - d. all land designated pursuant to a Subdivision as:
 - (i) environmental reserve;
 - (ii) school reserve;
 - (iii) municipal reserve; or
 - (iv) arterial road right of way.
- 2.6 “Developed Land” means land that has been subject to Development or a Subdivision prior to the date this Bylaw comes into force, and in respect of which Off-Site Levies for the same infrastructure have been paid.
- 2.7 “Development” means “development” as defined in the *Municipal Government Act*.
- 2.8 “Development Agreement” means “development agreement” as referred to in the *Municipal Government Act*.
- 2.9 “Development Area” includes the area of land within the municipal boundaries of the City identified in Schedule “A” to this Bylaw.
- 2.10 “Growth” means;
- (i) the creation of new Lots through Subdivision; and
 - (ii) the occurrence of Development.
- 2.11 “Lot” means “lot” as defined in the *Municipal Government Act*.
- 2.12 “*Municipal Government Act*” means the *Municipal Government Act*, RSA 2000, c. M 26, as amended or repealed and replaced from time to time.

- 2.13 “Off-Site Infrastructure” means those components and projects referred to in the Report, in relation to water facilities, sanitary sewer facilities and roads and related transportation infrastructure to be paid for in whole or in part by Off-Site Levies under the Bylaw.
- 2.14 “Off-Site Levies” means the Off-Site Levies imposed pursuant to this Bylaw;
- 2.15 “Off-Site Levy Regulation” means the Principles and Criteria for Off-Site Levies Regulation, Alta. Reg. 46/2004, as amended or repealed and replaced from time to time.
- 2.16 “Report” means the City of Spruce Grove Off-Site Levy Review, December 5, 2017, prepared by Corvus Business Advisors, attached as Schedule “B” to this Bylaw.
- 2.17 “Subdivision” means “subdivision” as defined in the *Municipal Government Act*.

3. OBJECT OF LEVY

- 3.1 The object of the Off-Site Levies is to provide funds to pay for all or part of the capital costs of the Off-Site Infrastructure required for Growth, as determined in the Report.

4. OPERATIVE CLAUSE (S)

- 4.1 The Off-Site Levies are hereby established and imposed in respect of all Developable Land on the basis set out in the Report attached as Schedule ‘B’ and hereby made part of this Bylaw.
- 4.2 The amount of the Off-Site Levies imposed is as calculated in the Report.
- 4.3 The Off-Site Levies will be assessed on all Developable Land on a per hectare basis.
- 4.4 Unless otherwise agreed, payment of Off-Site Levies imposed under this Bylaw is due:
- a. in the case of Subdivision, at or prior to plan endorsement; and
 - b. in the case of Development, as a condition of the issuance of the development permit.

5. **AUTHORITY OF THE GENERAL MANAGER OF PLANNING AND INFRASTRUCTURE**

- 5.1 As per Policy No. 2,022, the General Manager of Planning and Infrastructure is delegated the authority to enforce and administer this Bylaw, including, but not limited to the authority to:
- a. enter into Development Agreements on behalf of the City with respect to, among other things, the collection of Off-Site Levies;
 - b. defer or waive collection of Off-Site Levies imposed pursuant to this Bylaw; and
 - c. the General Manager of Planning and Infrastructure may delegate the authority to enforce and administer this Bylaw.

6. **DEVELOPMENT AGREEMENT**

- 6.1 Council may, from time to time adopt policies or guidelines for the assistance and direction of the Chief Administrative Officer in determining which Development and Subdivision applications require a Development Agreement.
- 6.2 Where it is determined that a Development Agreement is appropriate for any application for Development or Subdivision, the developer or the owner, as the case may be, shall enter into a Development Agreement with the City that provides for the payment of Off-Site Levies in accordance with this Bylaw or that provides for the deferral of Off-Site Levies, including requiring security for the payment of such deferred levies.

7. **ANNUAL REPORT**

- 7.1 On or before December 31 in each calendar year, the Chief Administrative Officer shall provide an annual report to Council regarding the Off-Site Levies imposed under this Bylaw, including:
- a. Off-Site Infrastructure constructed during the previous calendar year;
 - b. construction costs of Off-Site Infrastructure constructed in the previous calendar year;
 - c. estimated construction costs for Off-Site Infrastructure 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 Levies; and
- e. Specifics of total value of Off-Site Levies being held by City and yet to be expended on Off-Site Infrastructure, interest earned and commitments for future expenditures of such monies.

8. ACCOUNTING

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

9. REVIEW

- 9.1 The City shall review the rates for Off-Site Levies annually and, if required, shall amend this Bylaw accordingly to update the rates for Off-Site Levies.

10. GENERAL

- 10.1 Nothing in this Bylaw precludes the City from:

- a. Imposing further or different levies, duly enacted by Bylaw, on any portion of the Developable Lands in respect of which the City has not collected Off-Site Levies;
- b. deferring collection of Off-Site Levies on any portion of Developable Lands, including requiring security for payment of such deferred levies; or
- c. reducing or forgiving payment of the Off-Site Levies required pursuant to this Bylaw, or otherwise providing for credits for other Off-Site Infrastructure or oversize infrastructure constructed by a developer in calculating and/or collecting the Off-Site Levies that become payable pursuant to this Bylaw.

- 10.2 In the event that any provision of this Bylaw is 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.

11. TRANSITION

- 11.1 This Bylaw applies to:

- a. any Subdivision where the date of subdivision approval occurs on or after the date this Bylaw comes into force; and

b. any Development where the date of issuance of a development permit occurs on or after the date this Bylaw comes into force.

11.2 Development Agreements entered into prior to the enactment of this Bylaw shall remain valid and in effect.

11.3 Any Off-Site Levies payable under Development Agreements entered into prior to the enactment of this Bylaw, are confirmed and shall continue to be payable notwithstanding the repeal of previous Off-Site Levy Bylaws pursuant to section 12.

11.4 As of the effective date of this Bylaw, the rates for Off-Site Levies payable under existing Development Agreements shall be in accordance with this Bylaw.

12. EFFECTIVE DATE

12.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

13. REPEAL OF BYLAW C-788-11

13.1 Bylaw C-788-11 and all amendments thereto are hereby repealed.

First Reading Carried 26 March 2018

Second Reading Carried 23 April 2018

Third Reading Carried 23 April 2018

Date Signed 04 May 2018

Mayor

City Clerk