

TOWN OF CLARESHOLM  
PROVINCE OF ALBERTA  
BYLAW #1698

## Claresholm

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

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WHEREAS the *Municipal Government Act*, R.S.A.2000, Chapter M-26 permits a Council to impose a levy known as an Off-Site Levy in respect of land to be developed or subdivided within a Town's limits, and to authorize an agreement to be entered into for payment of the levy;

AND WHEREAS Council deems it necessary to establish an Off-Site Levy to pay for the capital costs of new and expanded facilities for the storage and transmission of water, new and expanded facilities for the movement and disposal of sanitary sewage, new or expanded storm water drainage, roadways, and the land required in connection with these infrastructure facilities;

AND WHEREAS the Council received advice and reports respecting upgrades to Offsite 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 in the Province of Alberta, duly assembled, hereby enacts as follows:

### 1. Definitions

1.1 For the purposes of this Bylaw, the following terms shall have the following meanings assigned:

- (a) "Act" means the **Municipal Government Act, R.S.A. 2000, Chapter M-26**, as amended;
- (b) "Council" means the Town of Claresholm Council;
- (c) "Developable Land" means all land contained within a portion of the Starline Business Park Area Structure Plan (ASP) noted on Schedule "A";
  - i) upon which Development takes place after the date of passing of this Bylaw; or
  - ii) for which Subdivision approval is obtained after the date of passing of this Bylaw; excluding all Developed Land;
- (d) "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 as are provided for under this Bylaw have been collected;
- (e) "Development" means "development" as defined in the Act;
- (f) "Development Agreement" means "development agreement" as referred to in Part 17 of the Act;
- (g) "Growth" means the creation of new serviced, industrial lots through subdivision and the occurrence of development;
- (h) "Off-Site Infrastructure" means those infrastructure components and projects referred to in Schedule "B" & "D";
- (i) "Off-Site Levy" means the off-site levy imposed pursuant to this Bylaw;
- (j) "Regulations" means the principles and criteria for Off-Site Levies Regulation AR 48/2004;
- (k) "Reports" means the following reports:

Starline Business Park ASP prepared by WSP, dated December 10, 2018;

Opinion of Probable Costs prepared by WSP, dated December 10, 2019

All of which are attached as Schedule "D";

- (l) "Subdivision" means "subdivision" as defined in the Act; and
- (m) "Town" means the Town of Claresholm.

## 2. Imposition of Levy

- 2.1 There is hereby imposed a levy which shall be known as an Off-Site Levy in respect of all developable land that is to be subdivided or developed within the mapped area of Starline Business Park (shown on Schedule "A"), where no previous off-site levies have been collected for the same services under any previous Bylaw.
- 2.2 The amount of the Off-Site Levy imposed is as calculated in Schedule "C".
- 2.3 The Off-Site Levy is comprised of the Off-Site Infrastructure, and pursuant to the calculation details contained in the reports.
- 2.4 The Off-site Levy will be assessed on all developable land within the Starline Business Park (shown on Schedule "A") excluding those portions of developable land that are designated pursuant to a subdivision as:
  - (a) Environmental Reserve; or
  - (b) Municipal Reserve.

## 3. Objects, Principles and Criteria

- 3.1 The objects, principles and criteria of the Off-Site Levy shall be in accordance with the following:
  - (a) The purpose of the Off-site Levy is to provide funds for the construction of infrastructure required for growth.
  - (b) Development in new growth area 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 the developable land in the Starline Business Park ASP, should share proportionally for related infrastructure costs.
  - (c) Provisions of infrastructure by developers of developable land will not create an advantage or penalty due to the time or location of development.
  - (d) Infrastructure will be provided to maintain sustainable, cost effective and orderly growth.
  - (e) The calculation of the Off-site Levy should be an open and transparent process.
  - (f) The management of the Off-site Levy account should be an audited process, with reports available to the public and industry.
  - (g) The Off-Site Levy will help allow the Town to recover the cost of infrastructure required for growth:
    - i) Using financing strategies that remain sustainable;
    - ii) Facilitating development by reducing risk on early developers and ensuring future developers share the costs of the facilities from which they benefit; and
    - iii) Promoting cost effective and orderly development.
- 3.2 The Off-Site Levy will help promote orderly development by:
  - (a) Providing off-site infrastructure, once the appropriate planning is in place, and when warranted in development; and
  - (b) Providing infrastructure for contiguous development.
- 3.3 The Off-Site Levy will help create a transparent process by:
  - (a) Providing opportunity for industry input into the levy, its definition and administration;
  - (b) Conforming with the Act and the Regulations; and

(c) Providing an annual report on levies.

#### 4. Development Agreements

- 4.1 The entering into of a Development Agreement with respect to, amongst other things, the collection of an Off-Site Levy is hereby authorized.
- 4.2 Council may from time to time adopt policies or guidelines for the assistance and direction of the Town's Administration in determining which development and subdivision applications shall require a Development Agreement.
- 4.3 Where it is determined that a Development Agreement is appropriate for an application for development or subdivision, the applicant or the owner, as the case may be, shall enter into a Development Agreement with the Town and such Development Agreement shall ensure:
- (a) That provision be made for the payment of 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 a future time certain or uncertain; and
  - (c) That no further off-site levies shall be required to be paid where off-site levies have been previously collected in full in respect to all of the lands which are the subject of the development or subdivision application.
- 4.4 Unless otherwise agreed to, the Off-site Levy will become due upon execution of the Development Agreement.
- 4.5 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.

#### 5. General

- 5.1 Nothing in this Bylaw precludes the Town from:
- (a) imposing further or different levies, duly enacted by bylaw, on any portion of the developable lands in respect of which the Town has not collected levies;
  - (b) 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 Town has not collected levies, including requiring security for payment of such deferred levies;
  - (c) 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.
- 5.2 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.
- 5.3 This Bylaw shall take effect and come into force effective after final reading and signature thereof by the Chief Administrative Officer, or their authorized delegates.

Read a first time in Council this **11<sup>th</sup>** day of **May** 2020 A.D.

Read a second time in Council this **8<sup>th</sup>** day of **June** 2020 A.D.

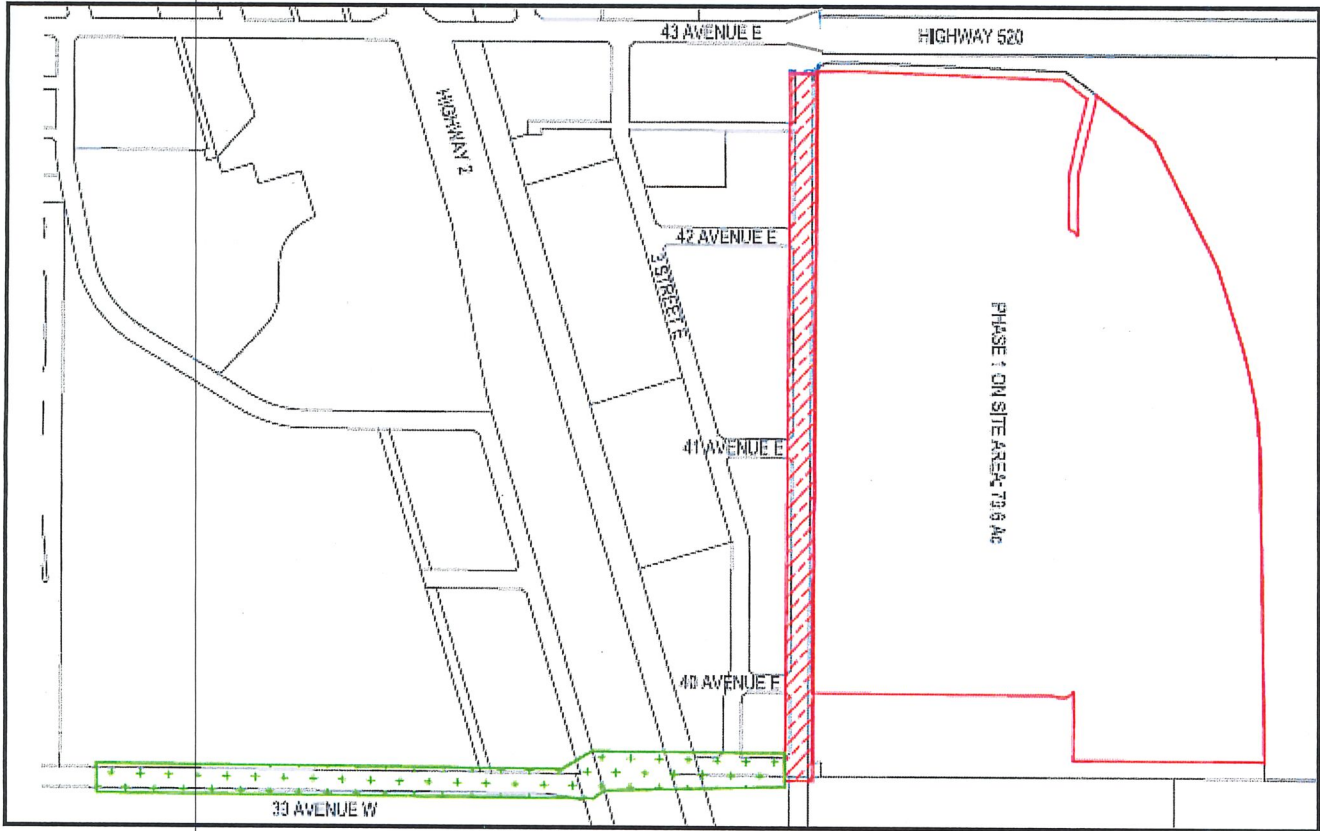
Read a third time in Council and finally passed in Council this **8<sup>th</sup>** day of **June** 2020 A.D.

  
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 Doug MacPherson, Mayor

  
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 Marian Carlson, Chief Administrative Officer

# SCHEDULE "A"

## MAP (PHASE 1)



**LEGEND**



PHASE 1 BOUNDARY



BOUNDARY/PHASE BOUNDARY

## SCHEDULE "B"

### SUMMARY OF COSTS

<b>Offsite Costs - Sanitary Sewer Upgrade</b>			
	Sanitary Sewers	359,143.00	
	Road Removal & Rehab	125,218.00	
	Survey & Materials Testing	29,062.00	
	Miscellaneous/Restoration	10,450.00	
<b>Subtotal</b>			523,873.00
	Engineering (9%)		47,148.00
	Contingency (25%)		130,968.00
Grand Total			701,989.00
<b>Applicable Total</b>	<b>*Less 20% existing benefitting area</b>		<b>*561,591.20</b>

<b>Offsite Costs - 5th Street East</b>			
<b>1 Underground</b>			
	Sanitary Sewers	228,768.00	
	Storm Sewers	499,304.00	
	Water	405,675.00	
	Shallow Utility Conduit	31,925.00	
	Survey & Materials Testing	69,940.00	
<b>Subtotal Underground</b>			1,235,612.00
<b>2 Surface</b>			
	Paved Roads	741,008.00	
	Curb & Gutter, Swales, Ditches	247,535.00	
	Survey & Material Testing	59,313.00	
<b>Subtotal Surface</b>			1,047,856.00
<b>Total 1 &amp; 2</b>			
	Engineering (9%)		205,512.00
	Contingency (25%)		570,867.00
<b>Grand Total</b>			<b>3,059,847.00</b>

<b>Offsite Costs - Storm Ditch Work</b>			
	General	45,000.00	
	Ditch regrading & rehab	51,875.00	
	Surveying & Materials Testing	5,812.00	
<b>Subtotal</b>			102,687.00
	Engineering		9,242.00
	Contingency (25%)		25,672.00
Grand Total			137,601.00
<b>Applicable Total</b>	<b>*Less 20% future benefitting area</b>		<b>*110,080.80</b>

### SCHEDULE "C"

Off- site Levy Calculation Summary (Phase 1)		
	Total	OSL/ac (79.6)
5th Street Upgrades	\$ 3,059,847.00	\$ 38,440.28
Sanitary Sewer Upgrade	\$ 561,591.20	\$ 7055.16
Storm Ditch Work	\$ 110,080.80	\$ 1382.92
<b>TOTAL COST</b>	<b>\$ 3,731,519.00</b>	<b>\$ 46,878.36</b>



**SCHEDULE "D"**

**REPORTS**

**(STARLINE BUSINESS PARK AREA STRUCTURE PLAN  
& OPINION OF PROBABLY COSTS – WSP)**

