

TOWN OF TABER
OFFSITE LEVY BYLAW NO. 19-2015

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

WHEREAS Section 648 of the Municipal Government Act (Alberta, RS.A. 2000, Chapter M-26, and amendments thereto) permits a Council to impose a levy known as an Off-Site Levy in respect of land to be subdivided or developed within a municipality's limits, and to authorize an agreement to be entered into for the payment of the Levy;

AND WHEREAS Council received advice 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 on May, 2, 2012 and July 19, 2012 the Municipality engaged in consultation with representatives of the Development Industry and with Owners of undeveloped land within the municipality, to present and define, existing and future Infrastructure projects for the Municipality with respect to circumstances of the municipality and the benefits of development;

AND WHEREAS the Municipality received advice from MPE Engineering Ltd. on August 7, 2015 regarding a 15% increase in construction costs since 2012 which could be applied to the current Off-Site Levy rate;

AND WHEREAS on November 9, 2015, after holding a Public Hearing regarding an increase to the Off-Site Levy rate, Council resolved to maintain the Off-Site Levy rate set in 2012 until all transportation and municipal utility master plans have been updated;

AND WHEREAS Council determined that the Off-Site Levy rate would be reviewed again in 2017;

AND WHEREAS Council determined that one levy apply to all Residential, Commercial & Institutional lands, is in the best interests of the Town of Taber;

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

AND WHEREAS it is the intention of Council to repeal NW Water and Sanitary Sewer Trunks Developer Reimbursement Bylaw 5-99, Developer Reimbursement Bylaw 14-2012, and Offsite Levy Bylaw 10-2012 effective the date upon which Offsite Levy Bylaw 17-2015 comes into effect;

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

1. Definitions

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

- a) "**Bylaw**" means the off-site levy bylaw established by the Municipality;

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- b) "**Chief Administrative Officer**" means the Chief Administrative Officer for the Town, regardless of the specific title that may be conferred on the Officer by Council from time to time;
- c) "**Council**" means the Council for the Town of Taber;
- d) "**Developable Land**" shall mean all land contained within the Development Region:
 - 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,

- e) "**Developed Land**" shall mean 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;
- f) "**Development**" means "development" as defined in the Municipal Government Act, R.S.A. 2000, c. M-26, s. 616.;
- g) "**Development Agreement**" means, "development agreement" as referred to in the Municipal Government Act, R.S.A. 2000, c M-26, ss.650 and 655.;
- h) "**Development Region**" includes the area of land within the municipal limits of the Municipality's boundaries Identified in Schedule 'A' attached;
- i) "**Growth**" shall mean:
 - i. The creation of new lots through Subdivision; and
 - ii. The occurrence of Development;
- j) "**Municipality**" means the Town of Taber;
- k) "**Off-Site Infrastructure**" shall mean those necessary growth components and projects related to water, sanitary, storm water and road infrastructure;
- l) "**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; and
- m) "**Subdivision**" means "subdivision" as defined in the Municipal Government Act, R.S.A.200, c. M-26. s. 616.

2. Name of Bylaw

2.1 This Bylaw may be cited as the "Off-Site Levy Bylaw".

3. Imposition of Levy

3.1 There is hereby imposed a levy which shall be known as Off-Site Levy in respect of all Developable Land;

3.2 The amount of the levy imposed is as calculated in Section 7 of this bylaw, at the rate established per Section 5;

3.3 The Off-Site Levy will be assessed on all Developable Land within the Development Region on a per hectare basis as provided in Section 7 of this bylaw, excluding those portions of Developable Land that are designated pursuant to a Subdivision as:

- a) Municipal Reserve, and
- b) Environmental Reserve;

/s/
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2012 Estimated Grant Funding Assistance \$16,000,000

7. Offsite Levy Rate Allowing for Grant Funding Assistance

- 7.1 The Offsite Levy rate allowing for grant funding assistance will be established with the total net costs which include grant funding assistance and the total developable area.

Applying this government funding estimate results in a reduction of the Off-Site Levy as follows:

Total Costs	\$46,340,251.00
Less Grant Funding (estimated)	<u>\$16,000,000.00</u>
NET COSTS	\$30,340,251.00
Divided by Net Development Area	409.11
2012 Off-Site Levy Allowing for Grant Funding	\$74,161.60/Ha

- 7.2 The Offsite Levy rate allowing for grant funding assistance is \$74,161.60/Ha.
- 7.3 In future reviews, when more data is available, these calculations may be further refined.

8. Calculation of Developer Off-Site Levy

- 8.1 The Off-Site Levy shall be calculated as per the annual Off-Site Levy Rates defined within Section 7. The Off-Site Levy assessment is a function of Net Development Area and the Off-Site Levy Rate.

Net Development Area x Off-Site Levy Rate = Assessed Off-Site Levy

9. Development Agreements

- 9.1 The entering into of a Development Agreement with respect to other items, the collection of an Off-Site Levy is hereby authorized;
- 9.2 Council delegates the authority to enforce and administer this Bylaw, including but not limited to, the authority to enter into Development Agreements on behalf of the Municipality and to defer collection of Off-Site Levies imposed pursuant to this Bylaw, to the Chief Administrative Officer;
- 9.3 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 shall require a Development Agreement; and
- 9.4 Where it is determined that a Development Agreement is appropriate for any application for Development or Subdivision, the applicant or the owner, as the case may be, shall enter into a Development Agreement with the Municipality and such Development Agreement shall ensure that:

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- a) provision be made for the payment of Off-Site Levies as specified in this Bylaw, or that provision may be made for the deferring of payment of the Off-Site Levies to a future time certain or uncertain; and
- b) 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.

10. Accounting

- 10.1 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, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.

11. General

- 11.1 Nothing in this Bylaw precludes the Municipality from:

- a) imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Lands in respect of which the Municipality 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 Municipality collected levies, including requiring security for payment of such deferred levies; or
- 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 levies that become payable pursuant to this Bylaw.

12. Bylaw Review

- 12.1 The Off-Site Levy Bylaw rate calculation will be reviewed and updated no later than December 31, 2017.

13. NW Water & Sanitary Sewer Trunks Developer Reimbursement

To reimburse the Town for land acquisition costs, land title costs, survey costs, and other incidentals associated with the installation of the improvements in the improvement areas outlined below, the following developer reimbursements will apply on a per acre (or per hectare) basis:

Area 1 - \$106,592

Area 2 - \$1,935

To be paid to the Town of Taber prior to approval of a Plan of Subdivision, based upon total possible subdivision area as determined by the Town of Taber.

Area 1 includes certain lands in the province of Alberta legally described as:

MERIDIAN 4, RANGE 16, TOWNSHIP 10, SECTION 6

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LEGAL SUBDIVISION 14 IN THE NORTH WEST QUARTER CONTAINING 16.2 HECTARES (40 ACRES) MORE OR LESS

EXCEPTING THEREOUT THE ROADWAY ON PLAN 6473 JK CONTAINING .806 HECTARES (1.99 ACRES) MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME

Area 2 includes certain lands in the province of Alberta legally described as:

MERIDIAN 4, RANGE 16, TOWNSHIP 10, SECTION 6
QUARTER SOUTHWEST CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

FIRSTLY:

THE NORTH 420 FEET OF THE EAST 1470 FEET OF THE SAOD QUARTER CONTAINING 14 ACRES MORE OR LESS

SECONDLY:

THE WEST 409 FEET OF THE SOUTH 1384 FEET OF THE SAID QUARTER SECTION CONTAINING 13 ARECES MORE OR LESS

THIRDLY:

PLAN	NUMBER	HECTARES	ACRES MORE OR LESS
ROAD	692 JK	0.469	1.16
CONDOMINIUM	9610876	0.536	1.324

EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME

Developer Reimbursement Bylaw 14-2012 and NW Water and Sanitary Sewer Trunks Developer Reimbursement 5-99 is hereby repealed effective the date upon which this Off-Site Levy Bylaw 17-2015 is adopted.

14. Effective Date

This Bylaw shall take force and effect upon the final reading thereof,

RES.522/2015 Read a first time this 23rd day of November, 2015.

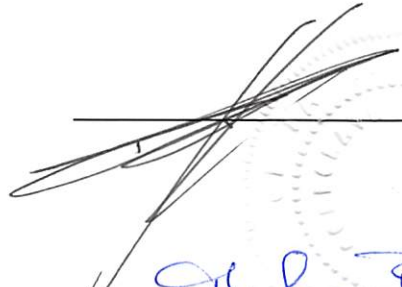
RES. 571/2015 Read a second time this 21st day of December, 2015.

RES. 572/2015 Read a third time and finally passed this 21st day of December, 2015.


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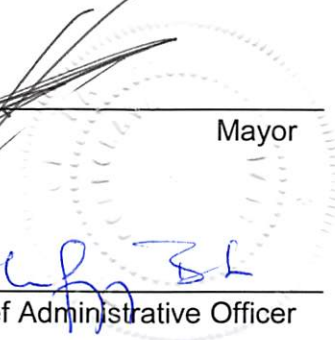
Town of Taber



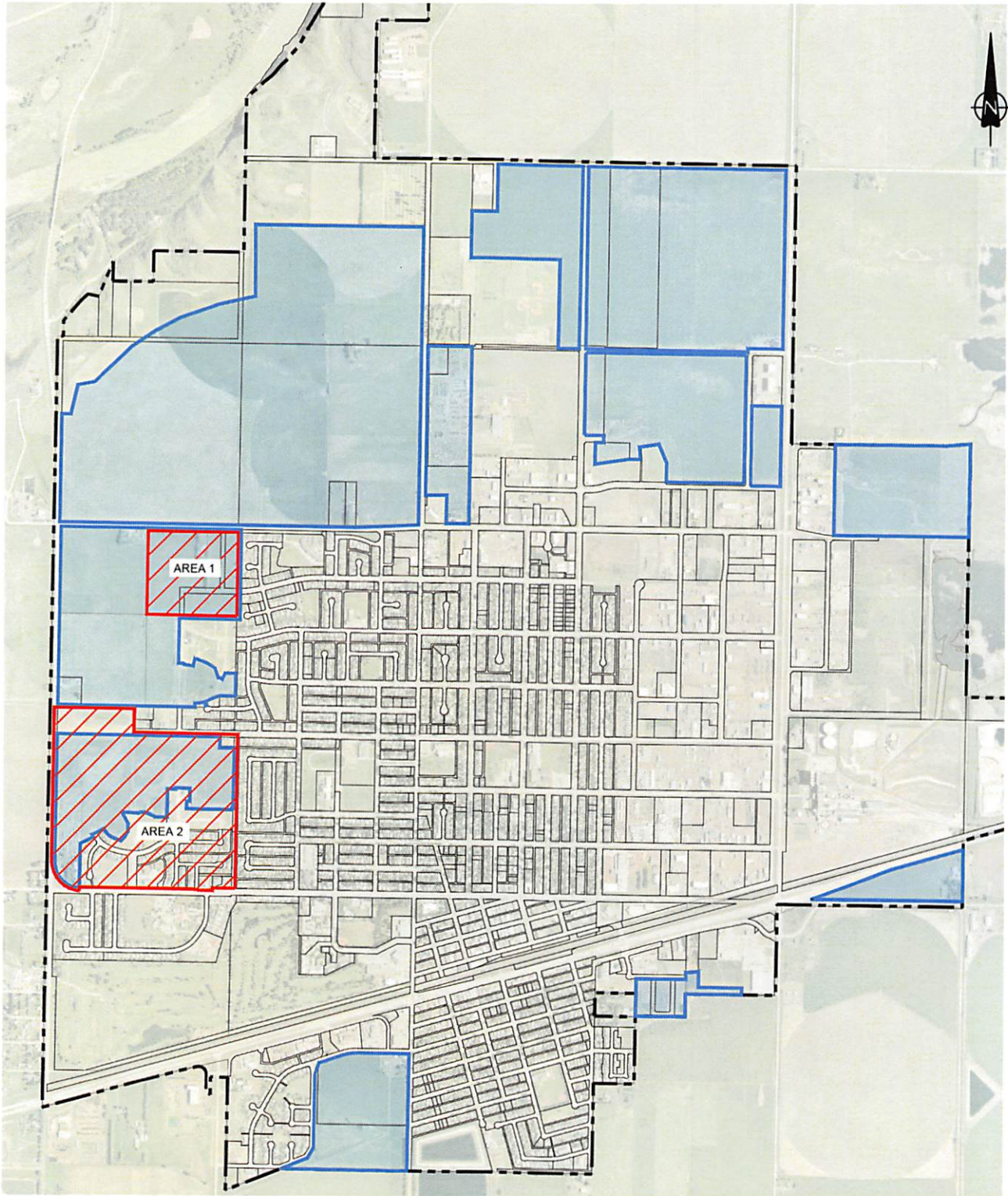
Mayor



Chief Administrative Officer



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LEGEND:

TOWN BOUNDARY



DEVELOPABLE AREA



DEVELOPER REIMBURSEMENT AREA



TOWN OF TABER

DEVELOPABLE AREA
SCHEDULE A

SCALE: NTS

DATE: JULY 2015

JOB: 1415-015-00

FIGURE: SCHEDULE A

Handwritten initials and signature in blue ink, including a large 'g' and 'MPE' at the bottom.

**TOWN OF TABER
BYLAW NO. 2-2016**

A BYLAW FOR THE PURPOSE OF REVISING THE TOWN OF TABER OFFSITE LEVY BYLAW NO. 19-2015 IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED

WHEREAS Section 63 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a Council may by bylaw authorize the revision of a bylaw(s) to correct clerical errors;

AND WHEREAS Section 692(6) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provided that a bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the bylaw in principle or substance;

AND WHEREAS on December 21, 2015 Council passed Offsite Levy Bylaw 19-2015 in accordance with the Municipal Government Act;

AND WHEREAS the Town of Taber deems it proper and expedient to correct the clerical error and deems that the correction does not materially affect the bylaw in principle or substance;

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

1. That a portion of the preamble of Offsite Levy Bylaw 19-2015 containing a clerical error be amended from:

AND WHEREAS it is the intention of Council to repeal NW Water and Sanitary Sewer Trunks Developer Reimbursement Bylaw 5-99, Developer Reimbursement Bylaw 14-2012, and Offsite Levy Bylaw 10-2012 effective the date upon which Offsite Levy Bylaw 17-2015 comes into effect;

To:

AND WHEREAS it is the intention of Council to repeal NW Water and Sanitary Sewer Trunks Developer Reimbursement Bylaw 5-99, Developer Reimbursement Bylaw 14-2012, and Offsite Levy Bylaw 10-2012 effective the date upon which Offsite Levy Bylaw 19-2015 comes into effect;

2. That a portion of Section 13: NW Water & Sanitary Sewer Trunks Developer Reimbursement under Area 2 be amended from:

FIRSTLY:

THE NORTH 420 FEET OF THE EAST 1470 FEET OF THE SAOD QUARTER CONTAINING 14 ACRES MORE OR LESS

To:

FIRSTLY

*THE NORTH 420 FEET OF THE EAST 1470 FEET OF THE SAID QUARTER CONTAINING
14 ACRES MORE OR LESS*

3. The remainder of Bylaw 19-2015 is not amended by this Bylaw 2-2016 and remains in full force and effect.
4. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.
5. This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES.28/2016 READ a first time this 25th day of January, 2016.

RES.29/2016 READ a second time this 25th day of January, 2016.

RES.31/2016 READ a third time this 25th day of January, 2016.

Mayor



Chief Administrative Officer

COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D. C.

TO THE HONORABLE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.

RE: [Illegible text]

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