

THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

BYLAW 12-04

A BYLAW OF THE COUNTY OF VERMILION RIVER 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 transportation and drainage facilities in the County of Vermilion River as outlined on Schedule ' C ' attached hereto;

AND WHEREAS, Council deems it necessary to require agreements to be entered into with owners of lands 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 of Vermilion River has prepared an Off-site Levy plan outlining the required new and expanded facilities;

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

THEREFORE, the Council of the County of Vermilion River, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART I: BYLAW TITLE

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

PART II: DEFINITIONS

2. 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. The County means the Municipal Corporation of the County of Vermilion River;
 - c. Council means the Council of the County of Vermilion River; and
 - d. Projects means those off-site Transportation and Drainage infrastructure projects listed in Schedule "C".
 - e. Net Developable Area means those areas subject to an off-site levy.

PART III:

APPLICATION

3. 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. The Off-Site Levies are hereby imposed by the County at subdivision approval or at the time of issuance of development permit on all lands comprising the Development Areas. Such Off-Site Levies shall be payable to the County upon the endorsement of the subdivision approval or issuance of the development permit.
4. 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.
5. The Off-Site Levy will be assessed on all of the Development Areas on a per hectare basis, excluding those portions of the Development Areas that are designated pursuant to a subdivision as:
 - a. Environmental Reserve;
 - b. Municipal Reserve; or
 - c. Arterial Road Right of Way
6. The supporting technical information which identifies the impact of proposed development within the County boundaries, estimates of the costs of the Projects listed in Schedule "C" and identifies how the off-site levy is calculated is contained in the County of Vermilion River Off-Site Levy Report, attached as Schedule "D" and in Administrative Process Report, attached as Schedule "E".
7. 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 County and to defer or waive collection of Off-Site Levies imposed pursuant to this Bylaw in accordance with County policy, to the Chief Administrative Officer.
8. Council may from time to time adopt policies or guidelines for the assistance and direction of the 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".
9. 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 and reasonable interest on the cost of projects paid for in whole or in part by the County prior to the date of approval of a development or subdivision, 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.
10. 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 the County policy or guideline, as amended from time to time.
11. 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.
12. Nothing in this Bylaw precludes the County from:
- a. Imposing further or different levies, duly enacted by Bylaw, on any portion of the Development Areas in respect of which the County has not collected levies;
 - b. Deferring collection of the Off-Site Levy for the stated objects of this Bylaw, on any portion of the Development Areas in respect of which the County 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 or offsets for other Projects or oversize infrastructure constructed by a developer in calculating and/or collecting the levies that become payable pursuant to this Bylaw.

PART IV: SEVERABILITY

13. 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: REPORTING

14. On or before April 30 in each calendar year starting in 2013, the Chief Administrative Officer shall submit to Council of the County, 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 County and yet to be expended on Projects, interest earned and commitments for future expenditures of such monies.

PART VI: ENACTMENT

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

First Reading Date: July 9, 2012

Second Reading Date: July 24, 2012

Third Reading Date: July 24, 2012

Date Signed: July 24, 2012

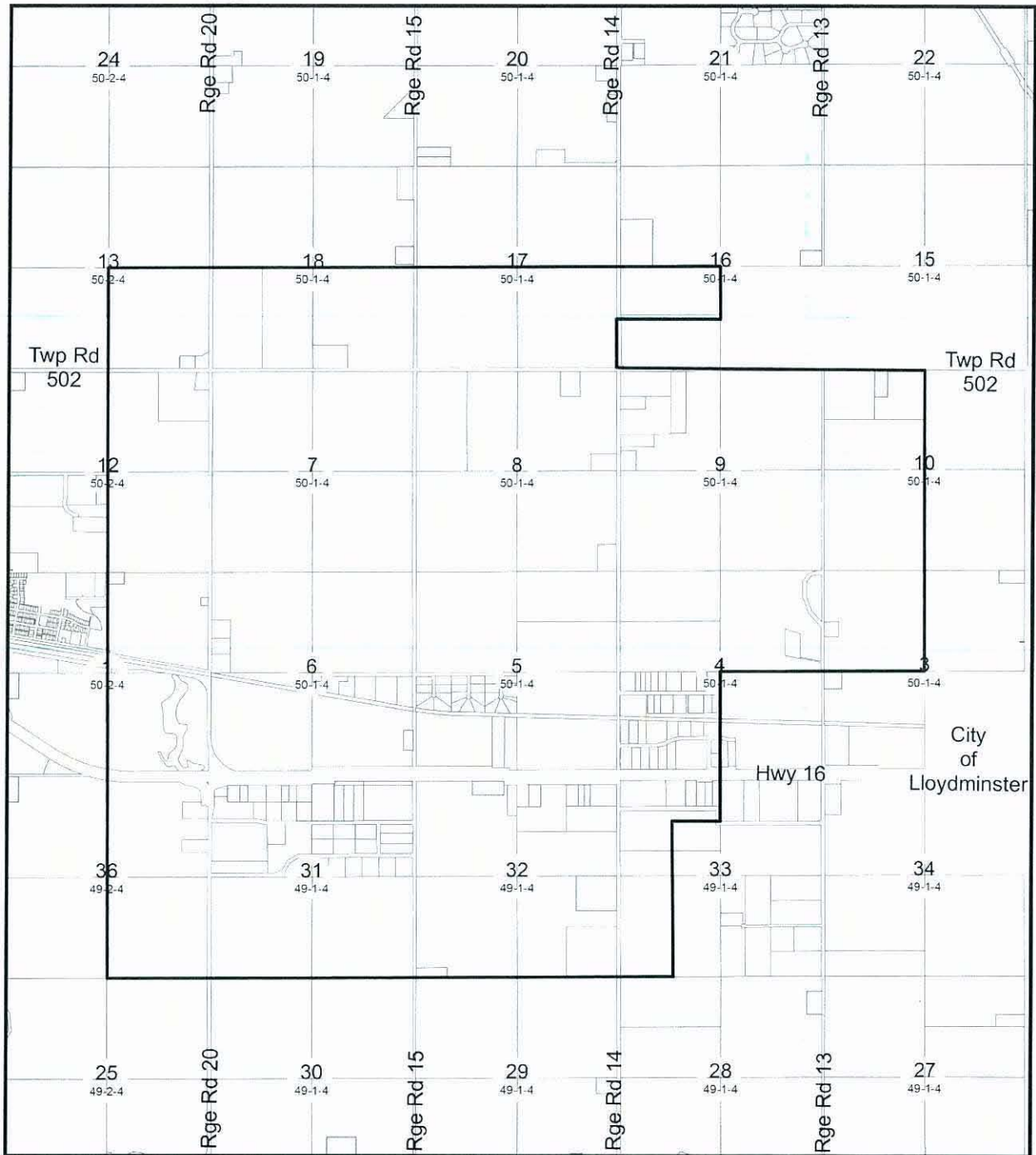
SEVERED

County Reeve

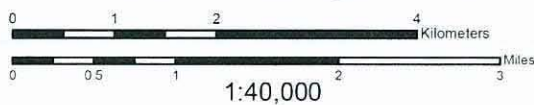
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County Chief Administrative Officer

Schedule 'A' – Development Areas



Offsite Levy Schedule 'A' - Development Areas



Schedule 'B' - Rates

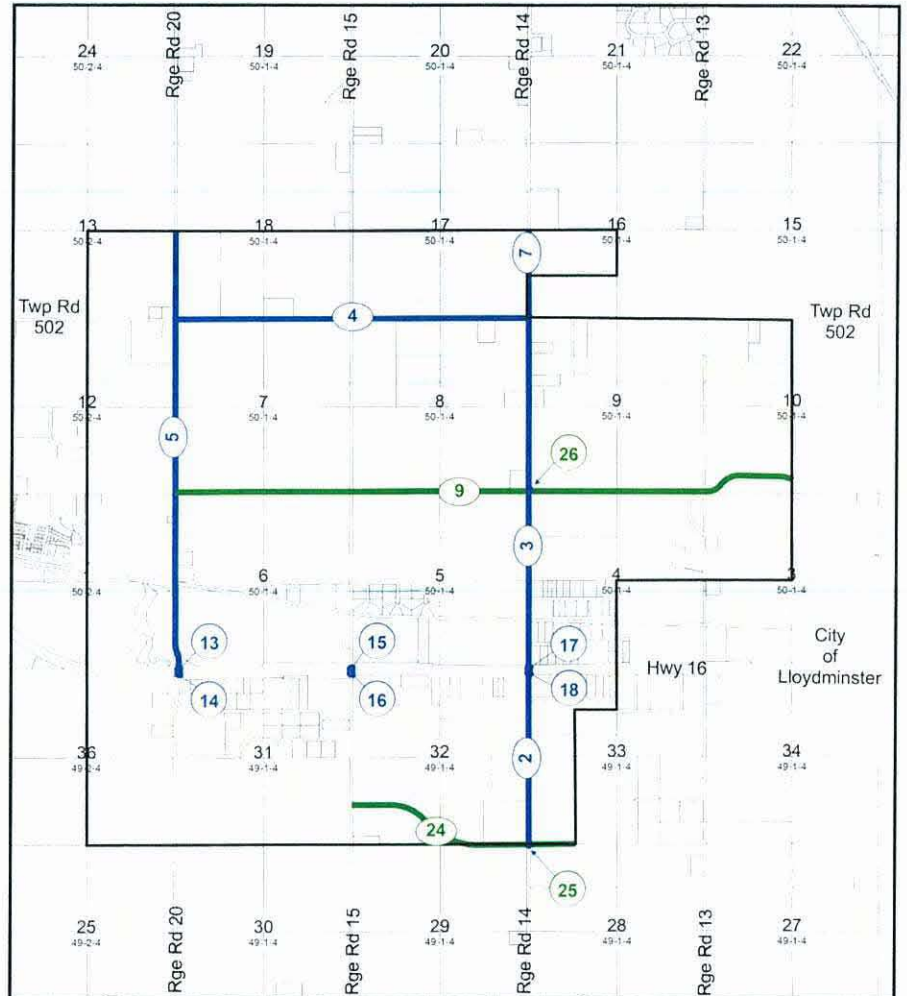
Project Description	Transportation Off-Site Infrastructure Charges per net developable hectare	Stormwater Off-Site Infrastructure Charges per net developable hectare	Total Off-Site Infrastructure Levy Charge per net developable hectare
Development in Northwest Basin (Basin 1 on "Stormwater Projects" Map on Schedule "C")	\$19,747.00	\$2,197.00	\$21,944.00
Development in Blackfoot Basin (Basin 2 on "Stormwater Projects" Map on Schedule "C")	\$19,747.00	\$66.00	\$19,814.00
Development Outside Drainage Basins (Shown with No colour overlay on "Stormwater Projects" Map on Schedule "C")	\$19,747.00		\$19,747.00

Schedule 'C' – Projects

Detailed information concerning projects can be found in the Offsite Levy Rates Final Report by Corvus Business Advisors attached as Schedule 'D' and outlined in applicable County of Vermilion River Bylaws. Further information concerning A1 and A2 standards can be found below for information purposes.

Transportation Projects

Project #:	Project Description
2	RR 14 Hwy 16 South 1.6 km - Upgrade to A1 standard (no twinning/divided in levy)
3	RR14 from Hwy 16 to Twp 502 - Upgrade to A1 standard (no twinning/divided in levy)
4	Twp 502 from RR14 to RR20 - Upgrade to A2 standard
5	RR 20 - 4 km North of Hwy 16. Upgrade to A2 Standard.
7	RR 14 - .8 km North of Twp 502. Upgrade to A2 standard.
9	Twp 501 - 5.8km East of RR20 East. Construct to A2 standard.
13	Intersection Improvement @ Hwy 16 & RR 20 - Access North Basin
14	Intersection Improvement @ Hwy 16 & RR 20 - Access South Basin
15	Intersection Improvement @ Hwy 16 & RR 15 - Access North Basin
16	Intersection Improvement @ Hwy 16 & RR 15 - Access South Basin
17	Intersection Improvement @ Hwy 16 & RR 14 - Access North Basin
18	Intersection Improvement @ Hwy 16 & RR 14 - Access South Basin
24	Twp 495 2km East of RR15. Construct to A2 standard.
25	Twp 495 Intersection Improvement at RR14
26	Twp 501 Intersection Improvement at RR14

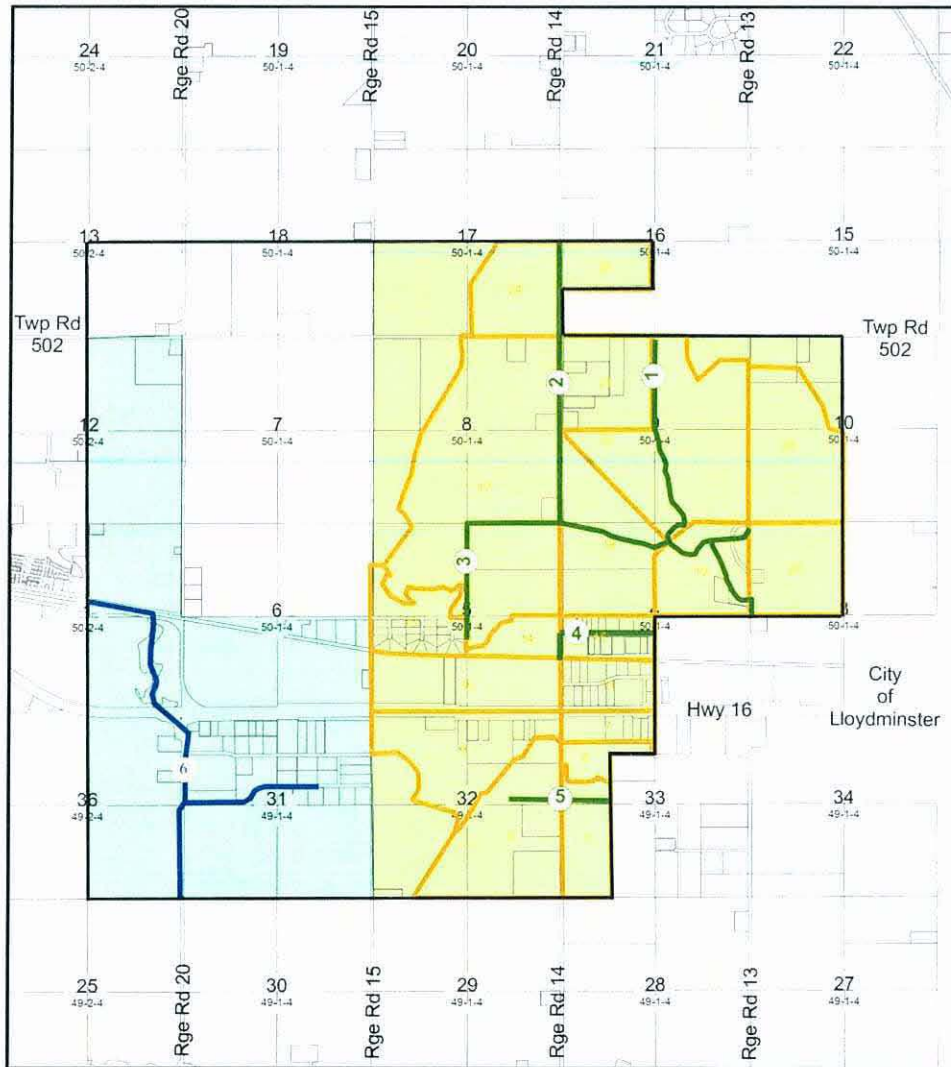


— Road Upgrade
— Road Construction


Road Categories	
A1	Asphalt Concrete Pavement (ACP)
Earthwork 13.5 m	Base Course 300 mm
Paved surface: 10.4 m @ 120 mm thickness	Grade Line 1.0 m
Right of way 60 m	
A2	Asphalt Concrete Pavement (ACP)
Earthwork 11.0 m	Base Course 300 mm
Paved surface: 9.0 m @ 120 mm thickness	Grade Line 1.0 m
Right of way 30 m	

Stormwater (Drainage) Projects:

Project #:	Project Description:
1	NorthWest Alignment
2	North Alignment
3	North Central
4	Central Alignment
5	South Alignment
6	Blackfoot Devonia Drainage Course




Offsite Levy Stormwater Basins & Facilities



County of
VERMILION RIVER

Map Document: D:\Projects\Development\OffsiteLevy\20120754\OffsiteLevy_Stormwater.mxd
02/07/2012 11:24:23 AM



0 1 2 4 Kilometers
0 0.5 1 2 3 Miles
1:40,000

- 1 - Northwest Drainage
- 2 - Blackfoot / Devonia
- Sub-Basins
- Basin 1
- Basin 2

Schedule 'E' – Administrative Process Report

Public Consultation

In consideration of an Off-Site Levy in the County of Vermilion River the County held public consultation sessions concerning process, rates, requirements, policies etc. on the following days: September 10, 2009, February 8, 2010, August 23, 2011 and June 18, 2012.

Growth Projection

Growth projections are estimated based on current and anticipated development within the levy area. Information concerning the expected growth can be found in the Offsite Levy Rates Final Report by Corvus Business Advisors attached as Schedule 'D'.

Cost Determination

Detailed information concerning Cost Determination can be found in the Offsite Levy Rates Final Report by Corvus Business Advisors attached as Schedule 'D'. Finalized project costs for Bylaw 12-04 are determined through the following:

- Engineering cost estimates for specific projects
- Actual costs incurred for partially or fully completed projects
- Detailed cost estimates from Bylaw 12-06 'Master Transportation Plan – 20 April 2012'
- Detailed cost estimates from Bylaw 12-13 ' Stormwater Drainage Plan – Northwest Drainage Basin – June 2012'

Allocation Summary

Transportation:

Improvements to infrastructure networks within the levy area are required due to future development. Contributions by the County of Vermilion River are based on current development within the levy area. Contributions will be provided from the County of Vermilion River for the following transportation projects: 13, 14, 15, 16, 17, and 18. The percentage share by the County is as follows.

Allocation Determination:

Total Lands In Levy Area		2889.76	hectares
Total Lands Developed (Residential, Commercial, Business & Industrial)		416.41	hectares
Total Lands Developed for Oilwells (including lease road)	87.75 hectares		
			with a valuation of 1/3 due to intermittent use
		29.25	hectares
TOTAL LANDS DEVELOPED		445.66	hectares

PERCENTAGE DEVELOPED (County Contribution Percentage)	TOTAL DEVELOPED (DIVIDED BY) TOTAL LANDS IN LEVY AREA	15.42%
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Stormwater:

Northwest Drainage Basin (Basin 1) project costs are allocated based on percent of developed lands in contributing sub-basin areas as identified in Bylaw 12-13 in the County of Vermilion River. The percentage share by the County for the selected projects is as follows:

	Total Land In Contributing Sub-Basins	Total Land Developed In Contributing Sub-Basins	PERCENTAGE DEVELOPED (County Contribution Percentage)
Project #1	544.912	142.399	26.13%
Project #2	91.10	2.32	2.55%
Project #3	336.56	33.73	10.02%
Project #4	167.90	66.24	39.45%
Project #5	283.29	45.35	16.01%

Blackfoot/Devonia Drainage Basin (Basin 2) project costs are allocated based on percent of developed lands in within the basin. The percentage share for Basin 2 costs by the County is as follows:

	Total Land in Basin (hectares)	Total Land Developed in Basin (hectares)	Percentage Developed (County Contribution Percentage)
Blackfoot/Devonia (Basin 2)	787.05	159.32	20.24%