

**BYLAW 866-P-03-23  
TOWN OF COALDALE  
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE  
PROVIDING FOR THE IMPOSITION OF AN OFF-SITE LEVY IN RESPECT  
OF LAND TO BE DEVELOPED OR SUBDIVIDED**

**WHEREAS** Section 648 of the *Municipal Government Act* authorizes Council to pass a bylaw to:

- a) Provide for the imposition and payment of levy Off-Site in respect of land within the Town that is to be developed or subdivided; and
- b) Authorize an Agreement to be entered into in respect of the payment of the levy.

**AND WHEREAS** the *Municipal Government Act* provides that an Off-Site Levy may only be used to pay for all or part of capital costs of any or all of the following:

- a) New or expanded facilities for the storage, transmission, treatment or supplying of water;
- b) New or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- c) New or expanded storm sewer drainage facilities;
- d) New or expanded roads required for or impacted by a subdivision or development;
- e) Subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
- f) Land required for or in connection with any facilities described in clauses a-e;
- g) New or expanded community recreation facilities;
- h) New or expanded fire hall facilities;
- i) New or expanded police station facilities;
- j) New or expanded libraries.

**AND WHEREAS** the Council of the Town of Coaldale finds that sharing the benefits of development equally across the Development Region is the most effective and efficient way to achieve both the orderly, economical and beneficial development, use of land and patterns of human settlement and the maintenance and improvement of the quality of the physical environment;

**AND WHEREAS** the bylaw was advertised in accordance with section 606 of the *Municipal Government Act* and the Town of Coaldale Public Notification and Advertising Bylaw 814-R-05-21;

**NOW THEREFORE** the Town of Coaldale Council enacts as follows:

**PART I – TITLE, PURPOSE AND DEFINITIONS**

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

**Purpose**

2. The purpose of this Bylaw is to impose off-site levies for water, storm sewer drainage, sanitary sewage and roads required for or impacted by subdivision or development on all land within the Town that is developed or subdivided.

### Definitions

3. In this Bylaw, unless the context otherwise requires:
  - a. "Arterial Road Right of Way" means Land that is used for an arterial road and other infrastructure and is designated as an Arterial Road in the Town of Coaldale Infrastructure Master Plan.
  - b. "Town" means the Town of Coaldale.
  - c. "Council" means the elected council of the Town.
  - d. "Development" means:
    - i. A change of use of land, or an act done in relation to land that results in or is likely to result in a change in the use of the land, or
    - ii. A change in the intensity of the use of land or an act done in relation to land that results in, or is likely to result in, a change of the intensity of the use of the said land.
  - e. "Development Region" means the benefiting area shown on the map included in the report attached as **Appendix B**.
  - f. "Gross Development Area" means each and every hectare or part thereof as show on a plan for the development which has been approved by the Development Authority, or on a Plan of Subdivision which has been approved by the Subdivision Authority, including any are which may be dedicated or used for roads, lanes, walkways, parks, reserve parcels, schools or any other public use.
  - g. "Growth" is the creation of new serviced residential, commercial, or industrial lots from previously un-serviced land.
  - h. "Levy" means the Off-Site Levy for each of water, sanitary sewage, storm sewer drainage or roadways imposed and collected pursuant to this Bylaw.
  - i. "Net Development Area" means the area remaining after deletion of the following lands from the Gross Development Area:
    - i. Previously developed lands for which Off-Site Levies have already been paid;
    - ii. Road rights-of-way for expressways and arterial roadways as designated by the Town;
    - iii. Environmental Reserves as defined in the *Municipal Government Act*;
    - iv. Municipal Reserves as defined in the *Municipal Government Act*;
    - v. School Reserves as defined in the *Municipal Government Act*;
    - vi. Municipal and School Reserves as defined in the *Municipal Government Act*;
    - vii. Oil and gas pipeline rights-of-way and facilities necessary for the operation of the pipeline; and
    - viii. Railway rights-of-way.
  - j. "Sanitary Sewer Off-Site Infrastructure" means the new or expanded facilities for the storage, transmission, treatment or disposal of sanitary

sewage identified in **Appendix B** of this Bylaw for which a Sanitary Sewer Off-Site Levy shall be imposed.

- k. "Sanitary Sewer Off-Site Levy Rate" means the per hectare rate to be used to determine the Sanitary Sewer Off-Site Levy to be imposed and collected from land being developed or subdivided in the Development Region for the Sanitary Sewer Off-Site Infrastructure.
- l. "Stakeholders" are defined in the *Municipal Government Act* and include interested members of the development community.
- m. "Storm Sewer Off-Site Infrastructure" means the new or expanded storm sewer drainage facilities identified in **Appendix B** of this Bylaw for which a Storm Sewer Off-Site Levy shall be imposed.
- n. "Storm Sewer Off-Site Levy Rate" means the per hectare rate to be used to determine the Storm Sewer Off-Site Levy to be imposed and collected from land being developed or subdivided in the Development Region for the Storm Sewer Off-Site Infrastructure.
- o. "Transportation Off-Site Infrastructure" means the new or expanded expressways and divided or undivided arterial roadways identified in **Appendix B** of this Bylaw for which a Transportation Off-Site Levy shall be imposed.
- p. "Transportation Off-Site Levy Rate" means the per hectare rate to be used to determine the Transportation Off-Site Levy to be imposed and collected from land being developed or subdivided in the Development Region for the Transportation Off-Site Infrastructure.
- q. "Water Off-Site Infrastructure" means the new or expanded facilities for the storage, transmission, treatment or supply of water identified in **Appendix B** of this Bylaw for which a Water Off-Site Levy shall be imposed.
- r. "Water Off-Site Levy Rate" means the per hectare rate to be used to determine the Water Off-Site Levy to be imposed and collected from land being developed or subdivided in each basin for the Water Off-Site Infrastructure.

## **PART II – RATES OF OFF-SITE LEVIES**

- 4. For the purposes of calculating and imposing Off-Site Levies the Town is a single Development Region as shown in the report attached as **Appendix B**.
- 5. The Off-Site Levy Rates (**Appendix A**) for each separate Levy Fund shall be calculated based on the cost of the Off-Site Infrastructure (**Appendix B**).
- 6. The Off-Site Levy Rates (**Appendix A**) may be reviewed annually to ensure that the Rates reflect actual construction costs and are adjusted for inflationary increases.
- 7. The Net Development Area shown in the report attached as **Appendix B** may be reviewed annually to ensure the Rates accurately reflect the available developable area.

## **Agreement for Services**

- 8. The Town may enter into Agreements in respect of the payment of Off-Site Levies or oversizing credits.

### **Imposition of Levy**

9. An Off-Site Levy shall be imposed on each hectare of Net Development Area within the Town at the time an approval is given for the subdivision or the land or on the date a Development Permit is approved for development on the land.
10. Levies are deemed to have been imposed whether or not the imposition of the Levies is made a specific condition of the subdivision approval or development permit.

### **General**

11. Nothing in this Bylaw precludes the Town from:
  - a. Imposing further or different Levies, duly enacted by Bylaw, on any portion of the lands within the Town in respect of which the Town has not collected an Off-Site Levy imposed under this Bylaw or any previous Off-Site Levy Bylaw authorized by statute;
  - b. Deferring collection of an Off-Site Levy on any portion of the lands within the Town in respect of which the Town has not collected Levies, including the requirement for security for the payment of such deferred Off-Site Levy; and
  - c. Reducing or forgiving payment of an Off-Site Levy required pursuant to the Bylaw.
12. 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 or where to defer (and to require security for deferred payment) or waive collection of the Off-Site Levy imposed pursuant to this Bylaw.

### **Transition**

13. This Bylaw applies to any:
  - a. Subdivision approved on or after the date this Bylaw comes into force; and
  - b. Development where the issuance of the development permit occurs on or after the date this Bylaw comes into force.

### **Severability**

14. If any portion of this Bylaw is declared or held to be invalid for any reason the remaining provisions of the Bylaw shall continue to be in full force and effect.

### **Repeal**

15. Bylaw 582-C-08-07 is hereby repealed.
16. Any Off-Site Levy imposed under previous Bylaws but not yet paid shall continue to be imposed and collected as though the Bylaw under which they were enacted was never repealed.

**Effective Date**

17. This Bylaw shall come into full force and effect when this Bylaw has achieved third reading and is duly signed.

READ a FIRST time this \_\_\_\_\_ day of \_\_\_\_\_, 2023, for Off-Site Levy Bylaw 866-P-03-23.

\_\_\_\_\_  
Mayor – Jack Van Rijn  
Motion #:

\_\_\_\_\_  
CAO – Kalen Hastings

A Public Hearing was held at \_\_\_\_\_ on \_\_\_\_\_, 2023.

READ a SECOND time this \_\_\_\_\_ day of \_\_\_\_\_, 2023, for Off-Site Levy Bylaw 866-P-03-23.

\_\_\_\_\_  
Mayor – Jack Van Rijn

\_\_\_\_\_  
CAO – Kalen Hastings

READ a THIRD and FINAL time this \_\_\_\_\_ day of \_\_\_\_\_, 2023, for Off-Site Levy Bylaw 866-P-03-23.

\_\_\_\_\_  
Mayor – Jack Van Rijn

\_\_\_\_\_  
CAO – Kalen Hastings

**APPENDIX A – OFF-SITE LEVY RATES**

<b>Category</b>	<b>Amount (Net Developable Area)</b>
Water	\$50,204/Hectare
Wastewater	\$68,834/Hectare
Storm Sewer	\$0/Hectare
Transportation	\$59,449/Hectare
Facilities	\$0/Hectare
Total	\$178,487/Hectare

## APPENDIX B – OFF-SITE LEVY REPORT