



AMENDMENT OF BYLAW – 945-19 Off-site Levy

Adopted July 9, 2019

AMENDED BY – 1008-22 Off-site Levy

Adopted February 23, 2022

This document is consolidated into a single publication for the convenience of users. The official bylaw and all amendments thereto are available from the Legal and Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Bylaw and amendments must be consulted.

**CITY OF BEAUMONT
BYLAW 945-19**

A BYLAW OF THE CITY OF BEAUMONT, 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 CITY OF BEAUMONT.

WHEREAS, pursuant to the *Municipal Government Act*, Section 648(1) permits Council to impose a levy known as an Off-site Levy in respect of land to be developed or subdivided within a municipality's limits, and to authorize an Agreement to be entered into for payment of the levy;

AND WHEREAS, the Municipality has engaged in consultation in good faith with representatives of the development industry to address and define existing and future infrastructure requirements of the Municipality, taking into consideration the Municipality and the benefits of development;

AND WHEREAS, Council has received advice and reports respecting existing and future Off-site Infrastructure requirements, which establish a fair and equitable method of calculating Off-site Levies in accordance with the requirements of the *Municipal Government Act* and the Off-site Levies Regulation;

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, this Bylaw will repeal and replace Bylaw 830-14, the City's previous Off-site Levy Bylaw, in order to consolidate previous amendments to that Bylaw and update the applicable Off-site Levies;

NOW THEREFORE, the Council of the City of Beaumont, duly assembled, hereby enacts as follows:

1. **BYLAW TITLE**

This Bylaw will be referred to as the, "Off-site Levy Bylaw"

2. **DEFINITIONS**

For purpose of this Bylaw:

- a) "**Act**" means the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;
- b) "**Bylaw**" means this Off-site Levy Bylaw;
- c) "**City**" means the City of Beaumont;
- d) "**Chief Administrative Officer**" means the Chief Administrative Officer for the City of Beaumont or his/her delegate;
- e) "**Council**" means the Council for the City of Beaumont;

- f) **"Developable Land"** means all land contained within the Development Area:
- 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;
- g) **"Developed Land"** means all land upon which Development or Subdivision has taken place prior to the date of passing of this Bylaw and in respect of which an Off-site Levy for the same category of infrastructure has been collected;
- h) **"Development"** means "development" as defined in the Act;
- i) **"Development Agreement"** means an agreement between the City and the applicant for subdivision approval or a development permit with respect to land being developed or subdivided pursuant to s. 650 or 655 of the Act;
- j) **"Development Area"** includes the area of land within the municipal boundaries of the City identified in Schedule "A", attached;
- k) **"Growth"** shall mean:
- i. the creation of new Lots through Subdivision; and
 - ii. the occurrence of Development;
- l) **"Lot"** means "lot" as defined in the Act;
- m) **"Municipality"** means the City of Beaumont;
- n) **"Off-site Infrastructure"** means:
- i. New or expanded facilities for the storage, transmission, treatment or supplying of water;
 - ii. New or expanded facilities for the treatment, movement or disposal of sanitary sewage;
 - iii. New or expanded roads required for or impacted by a subdivision or development; and
 - iv. Land required for or in connection with any of the above described facilities.
- o) **"Off-site Levy"** means the Off-site levy imposed pursuant to this Bylaw pursuant to the Act and the Off-Site Levies Regulation;

p) **"Reports"** means the following:

- i. "City of Beaumont Off-Site Levy Rate Study, August 2008" prepared by Corvus Business Advisors;
- ii. "City of Beaumont Off-Site Levy Rate Update, July 2009" prepared by Corvus Business Advisors;
- iii. "City of Beaumont Off-Site Levy Rate Update, September 2010" prepared by Corvus Business Advisors;
- iv. "City of Beaumont: Off-Site Levy Rate Update, June 17, 2014" prepared by Corvus Business Advisors;
- v. "City of Beaumont Off-Site Levy Review, May 2019" prepared by Corvus Business Advisors;
- vi. "Alberta Capital Region Wastewater Commission SERTS South Planning Study, March 2008";
- vii. "City of Beaumont Water and Sanitary Sewer Assessment, March 2007";
- viii. "50th Street Functional Planning Study Final Report, February 2007";
- ix. "City of Beaumont Municipal Infrastructure Study, August 2000"; and
- x. "Our Water and Wastewater Systems, 2018 and Beyond: Beaumont Utility Master Plan".

q) **"Subdivision"** means "subdivision" as defined in the Act.

3. **IMPOSITION OF LEVY**

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

3.2 The Off-site Levy shall be imposed on each hectare of land within the City at the time such land receives Subdivision approval or on the date of issuance of a Development Permit and are payable in accordance with Schedule "B" of this Bylaw. All Developable Land will be subject to Off-site Levies, excluding those portions of Developable Land that are designated as:

- a) Environmental Reserve;
- b) Municipal Reserve; or
- c) Arterial Road Right of Way.

3.3 Unless otherwise agreed upon between the City and the applicant in the Development Agreement, payment of the Off-Site Levy is due in full prior to Subdivision approval or the issuance of a Development permit in relation to the subject Lot within the Development Area.

4. OBJECTS, PRINCIPLES AND CRITERIA

4.1 The objects, principles and criteria of the Off-Site Levy shall be in accordance with the following:

- a) This Bylaw creates an Off-site Levy to provide funds for the construction of Off-Site Infrastructure required for Growth.
- b) The collection of Off-site Levies from Development and Subdivision in new growth areas will provide the capital required to fund the Off-Site Infrastructure required for Growth. Those who benefit from the Off-Site Infrastructure, which is defined by all Developable Land, should share proportionally, on a per hectare basis, in related costs.
- c) Contribution to the capital cost of Off-site Infrastructure through Off-site Levies by developers of Developable Land will not create an advantage or penalty due to the time or location of development.
- d) Off-site 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) All funds collected from the Off-site Levy will be credited to a separate and distinct, identifiable Off-site Levy account, which may be invested as per the City of Beaumont's Investment Policy until used for the construction of the specified Off-Site Infrastructure. The management of the Off-site Levy account shall be in accordance with the reporting requirements set out in the Off-site Levies Regulation, with reports available annually to the public.
- g) The Off-site Levy will help allow the Municipality to recover the capital cost of Off-site 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.
- h) The Off-site Levy will help promote orderly development by:

- i. Providing Off-site Infrastructure, once the appropriate planning is in place, and when warranted by development; and
 - ii. Providing Off-site Infrastructure for contiguous development.
- i) The Off-site Levy will help create a transparent process by:
 - i. Providing opportunity for industry input into the Off-site Levy, its definition and administration;
 - ii. Conforming with the Act and Off-site Levies Regulation; and
 - iii. Providing reports on Off-site Levies.
- j) The Off-site Levy will help create a clear process for calculation of the rate, levies and credits by:
 - i. Creating consistent and predictable levies and credits;
 - ii. Creating predictable and stable levies over time; and
 - iii. Documenting a process for establishing the levy rate.

5. **DEVELOPMENT AGREEMENTS**

- 5.1 Applicants for subdivision approval or the issuance of a Development permit in relation to lands within the Development Area shall be required to enter into a Development Agreement with the City as a condition of subdivision approval or the development permit requiring, among other things, payment of the Off-Site Levy.

6. **ACCOUNTING**

- 6.1 All Off-Site Levies collected pursuant to this Bylaw shall be accounted for in a special fund and expended only as permitted under the provisions of the Act.

7. **GENERAL**

- 7.1 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 the Off-site Levy;
- 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 imposes levies on appropriate terms and conditions, 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.

8. SEVERABILITY

8.1 In the event that any provisions of this Bylaw is found to be contrary to law by any Court of competent jurisdiction, then that provision shall be severed and the remainder of the Bylaw shall be of full force and effect.

9. REPEAL AND EFFECTIVE

9.1 Bylaw 830-14 and amendments thereto are hereby repealed.

9.2 This Bylaw shall come into force upon receiving third and final reading and being signed.

READ A FIRST TIME IN COUNCIL THIS 11th DAY OF JUNE, 2019

PUBLIC HEARING HELD IN COUNCIL THIS 9th DAY OF JULY, 2019

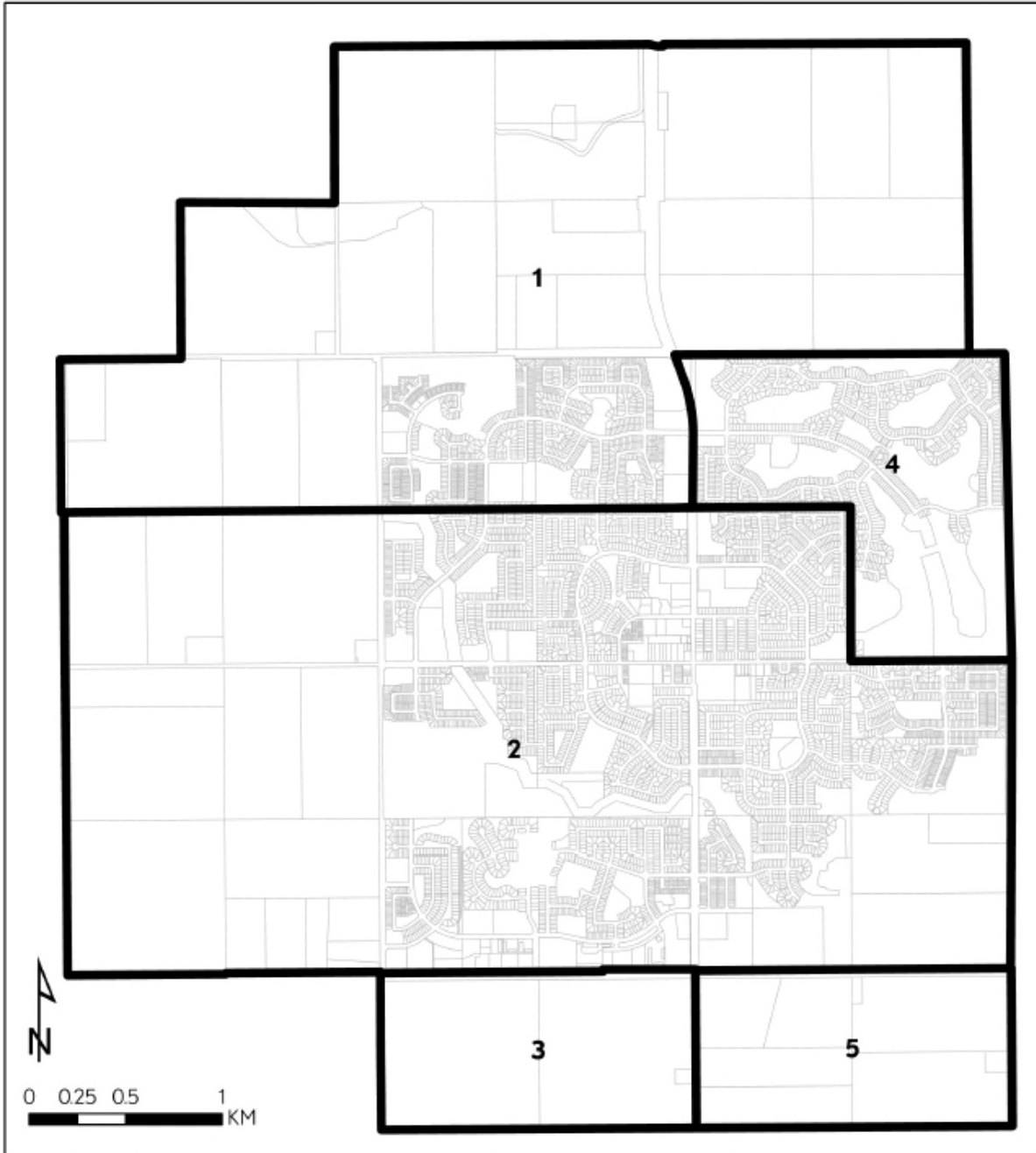
READ A SECOND TIME IN COUNCIL THIS 9th DAY OF JULY, 2019

READ A THIRD TIME IN COUNCIL THIS 9th DAY OF JULY, 2019

John Stewart
Mayor



Chelaine Winter
Supervisor, Legislative Services

SCHEDULE "A" MAPS OF DEVELOPMENT AREA AND INFRASTRUCTURE



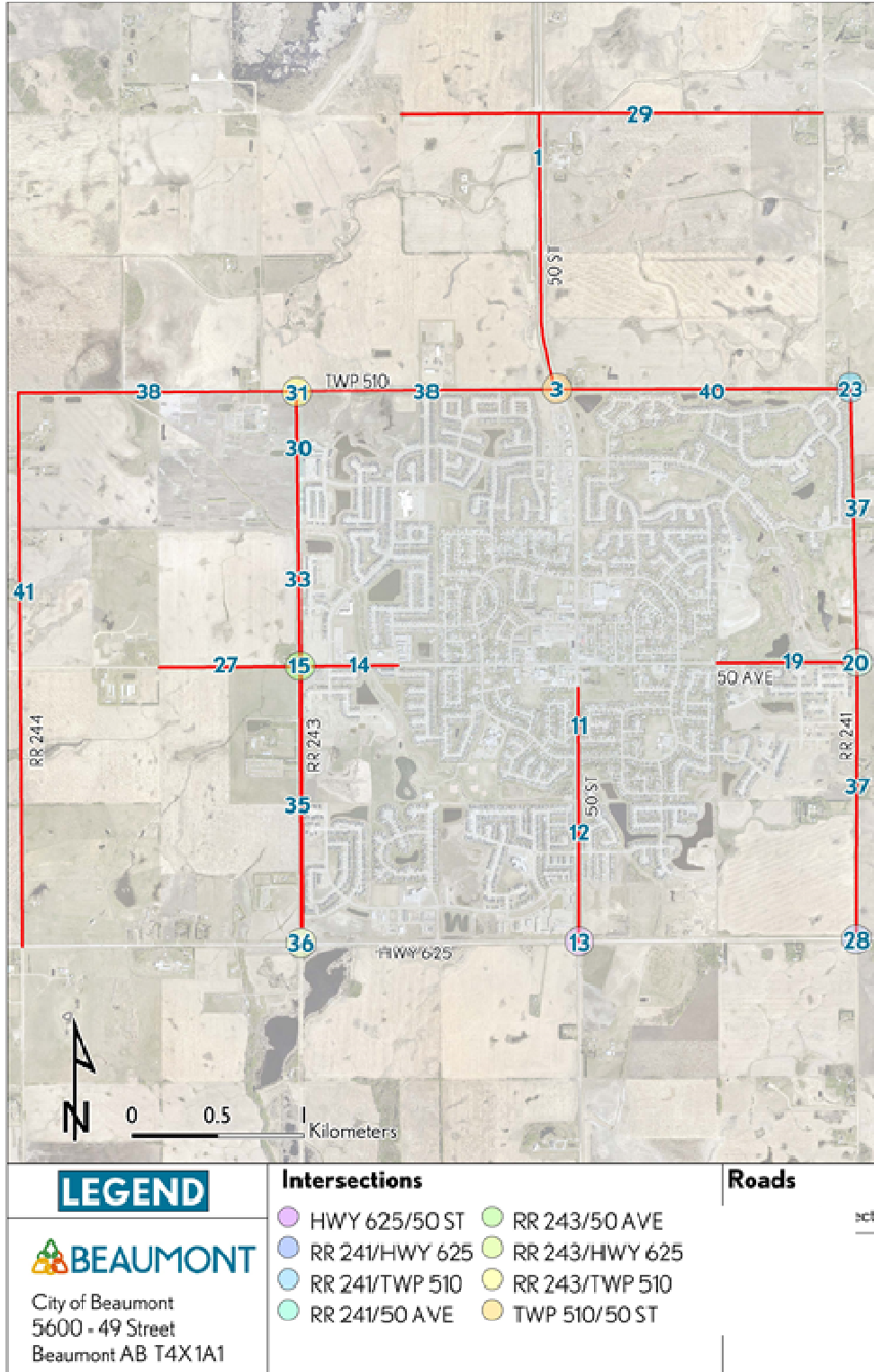
**Off Site Levy Basins
Development Area Map**

 **BEAUMONT**
City of Beaumont
5600 - 49 Street
Beaumont AB T4X 1A1

 Registered Parcels
 Basin Boundary

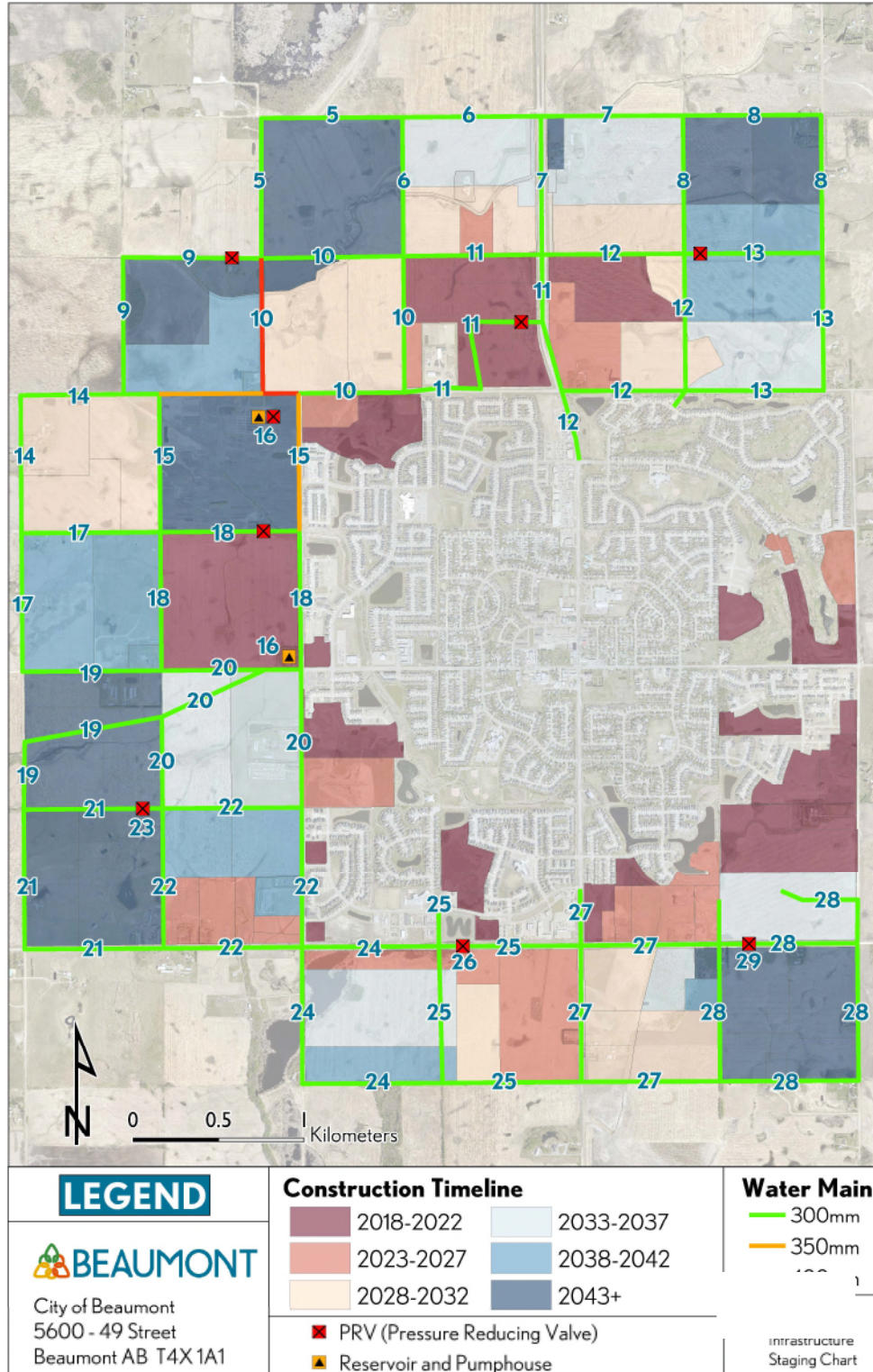
Bylaw 945 -19 Off-site Levy Bylaw
Transportation Facilities

TRANSPORTATION FACILITIES



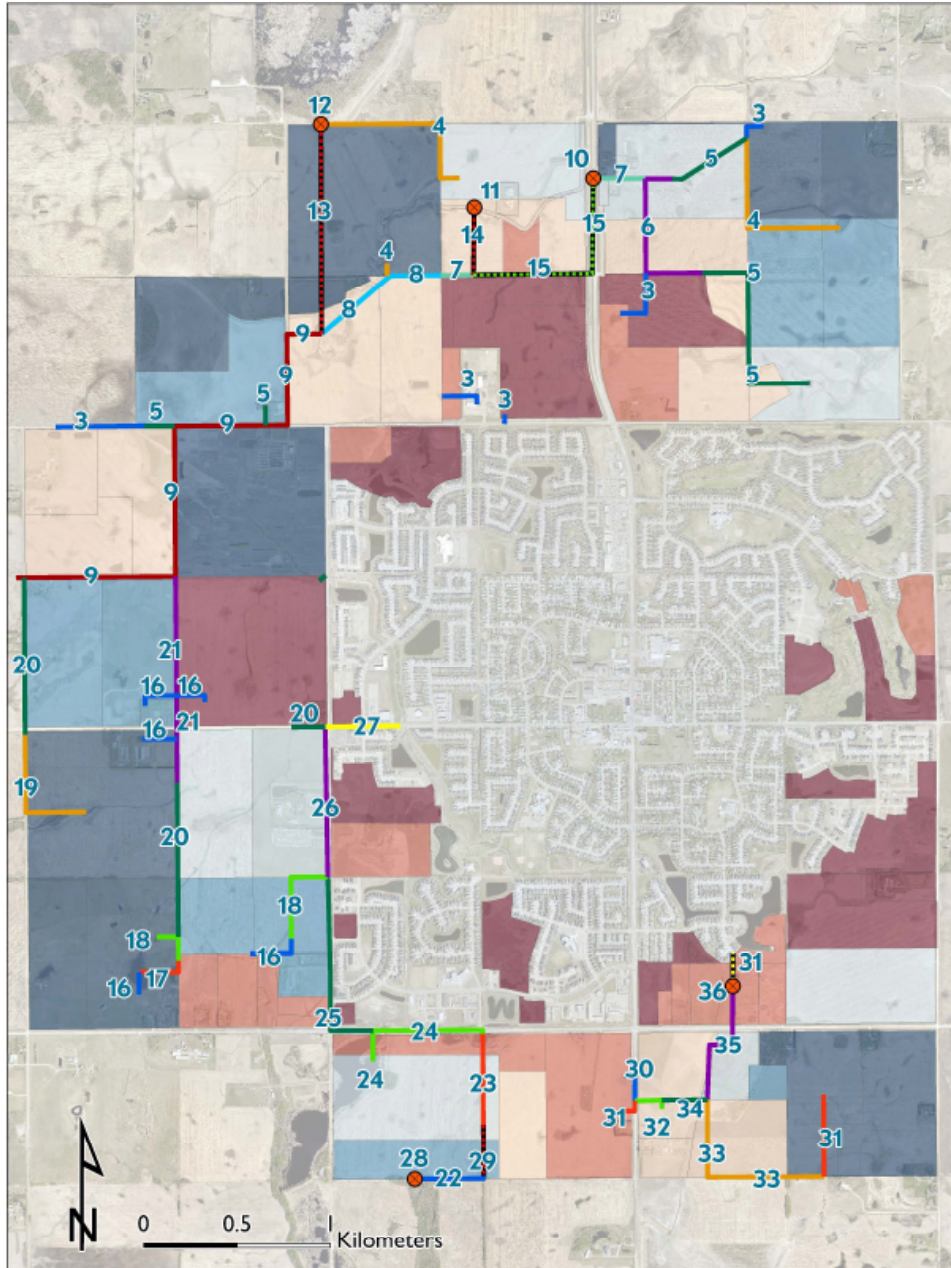
Bylaw 945 -19 Off-site Levy Bylaw
Water Facilities

WATER FACILITIES



Bylaw 945 -19 Off-site Levy Bylaw
Sanitary Facilities

SANITARY FACILITIES



LEGEND	Proposed Gravity Sewer	Construction Timeline	Proposed Forcemain (Twinning)
<p>BEAUMONT City of Beaumont 5600 - 49 Street Beaumont AB T4X 1A1</p>	<ul style="list-style-type: none"> 200mm 250mm 300mm 375mm 450mm 	<ul style="list-style-type: none"> 525mm 600mm 675mm 750mm 900mm 	<ul style="list-style-type: none"> 2018-2022 2023-2027 2028-2032 2033-2037 2038-2042 2043+
	<ul style="list-style-type: none"> LS (Lift Station) 	<ul style="list-style-type: none"> 150mm 250mm 375mm 	<p>staging chart</p>

SCHEDULE "B"
DEFINED OFF-SITE LEVY RATES

2018 LEVY RATES*

Area #	Transportation Levies/ha	Water Levies/ha	Sanitary Levies/ha
Basin 1			
1.1 Commercial	\$ 40,471.67	\$ 35,671.22	\$ 40,251.02
1.2 Industrial	\$ 26,981.12	\$ 23,780.81	\$ 26,834.01
1.3 Residential - Low/Mid	\$ 26,981.12	\$ 23,780.81	\$ 26,834.01
1.4 Residential High	\$ 40,471.67	\$ 35,671.22	\$ 40,251.02
1.5 Other	\$ 26,981.12	\$ 23,780.81	\$ 26,834.01
Basin 2			
2.1 Commercial	\$ 40,471.67	\$ 35,671.22	\$ 4,784.91
2.2 Industrial	\$ -	\$ -	\$ -
2.3 Residential - Low/Mid	\$ 26,981.12	\$ 23,780.81	\$ 3,189.94
2.4 Residential High	\$ 40,471.67	\$ 35,671.22	\$ 4,784.91
2.5 Other	\$ 26,981.12	\$ 23,780.81	\$ 3,189.94
Basin 3			
3.1 Commercial	\$ 40,471.67	\$ 35,671.22	\$ 22,773.03
3.2 Industrial	\$ 26,981.12	\$ 23,780.81	\$ 15,182.02
3.3 Residential - Low/Mid	\$ -	\$ -	\$ -
3.4 Residential High	\$ -	\$ -	\$ -
3.5 Other	\$ -	\$ -	\$ -
Basin 4			
4.1 Commercial	\$ -	\$ -	\$ -
4.2 Industrial	\$ -	\$ -	\$ -
4.3 Residential - Low/Mid	\$ -	\$ -	\$ -
4.4 Residential High	\$ -	\$ -	\$ -
4.5 Other	\$ -	\$ -	\$ -
Basin 5			
5.1 Commercial	\$ 40,471.67	\$ 35,671.22	\$ 88,570.00
5.2 Industrial	\$ 26,981.12	\$ 23,780.81	\$ 59,046.66
5.3 Residential - Low/Mid	\$ -	\$ -	\$ -
5.4 Residential High	\$ -	\$ -	\$ -
5.5 Other	\$ -	\$ -	\$ -

*Or as amended by Council.