

Town of Olds
BYLAW NO. 2023-36
OFF-SITE LEVY BYLAW

A BYLAW TO ESTABLISH OFF-SITE LEVIES FOR THE TOWN OF OLDS

WHEREAS sections 648 and 649 of the *Municipal Government Act* states that Council may by bylaw provide for the imposition and payment of off-site levies;

NOW THEREFORE, Council of the Town of Olds enacts as follows:

TITLE

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

DEFINITIONS

- 2) For the purposes of the Bylaw, the following words and terms are defined as follows:
- a) “Act” means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000, as amended.
 - b) “Arterial Road Right-Of-Way” means an agreement that confers on a landowner the right to use a landowner’s property for an arterial road, which is a high-capacity urban road where the primary function is to deliver traffic from collector roads to highways.
 - c) “Developable Land” means all lands utilized for the purposes of growth and which are subdivided or developed (as those terms are defined under the Act, s. 616), except for lands:
 - i) Designated as Environmental Reserve,
 - ii) Designated as Municipal Reserve, or
 - iii) For which and Off-Site Levy was paid to the Town of Olds.
 - d) “Development” means:
 - i) an excavation or stockpile in the creation of either of them;
 - ii) a building or an additional to, or replacement or repair of a building and the construction or placing of any of them in, on, over, or under land;
 - iii) a change of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in a change in the use of the land or building, or;
 - iv) a change in the intensity of use of land, or a building, or an act done in relation to the land or a building, that results in or is likely to result in a change in the intensity of use of the land or building.
 - e) “Development Agreement” means an executed contract between a developer and the Town of Olds which established servicing and development requirements, and obligations.

- f) "Development Permit" means a document authorizing a development issued pursuant to the Town of Olds Land Use Bylaw.
- g) "Excess Capacity" means any capacity in excess of that required for a proposed development or subdivision.
- h) "Environmental Reserve (ER)" means land designated as environmental reserve by subdivision authority or municipality in accordance with the Act.
- i) "Improvement" means:
 - i) a facility or land referred to in Section 2, or
 - ii) a road, pedestrian walkway, utility, or facility referred to in Section 650 (1) or 655 (1) (b) of the Act.
- j) "Levy" means Off-Site Levy which means the levy imposed pursuant to this Bylaw.
- k) "Municipal Reserve (MR)" means the land designated as municipal reserve by a subdivision authority or municipality in accordance with the Act.
- l) "Subdivision" means the division of a parcel of land by an instrument and "Subdivided" has a corresponding meaning.
- m) "Subdivision Authority" means the person(s) or body appointed by Council of the Town of Olds pursuant to Section 623 (1) of the Act.
- n) "Wetlands Designated by Provincial Policy – June 2015 (Assessment)" means the Government of Alberta's Alberta Wetland Policy, 2012 and the Wetland Assessment and Impact Report Directive

ADMINISTRATION

- 3) There is imposed an off-site levy to be used only to pay for all or part of the capital cost of any or all of the following:
 - a) new or expanded infrastructure for the storage, transmission treatment or supplying of water;
 - b) new or expanded infrastructure for the treatment, movement or disposal of wastewater;
 - c) new or expanded infrastructure for the drainage of stormwater;
 - d) new or expanded transportation infrastructure required for or impacted by a subdivision or development;
 - e) land required for or in connection with any facilities described in clauses (a) to (d).
- 4) The Levy for Development shall be as set out in the Town of Olds "Rates Bylaw".

- 5) Appendix 1 identifies attached source documents based on a 30-year infrastructure plan process, which identifies benefitting areas and infrastructure forming the basis of this bylaw.
 - a) Figure 4.1 – Town ASP/ARP Areas
 - b) Figure 4.2 – Benefiting Areas
 - c) Figure 6.1 – Water Infrastructure Map
 - d) Figure 6.2 – Wastewater Infrastructure Map
 - e) Figure 6.3 – Stormwater Infrastructure Map
 - f) Figure 6.4 – Transportation Infrastructure Map
- 6) The Levy set out in Section 4 shall be paid to the Town of Olds on the following terms and conditions:
 - a) Where land is to be subdivided, subdivision approval shall be subject to each landowner of a new parcel that is created as part of a subdivision entering into a Development Agreement with the Town of Olds. Any required Levy is to be paid upon the execution of the Development Agreement. The CAO or designate may amend the fee collection schedule, with the amended schedule to be included in the Development Agreement.
 - b) Where land is to be developed, Development Permit approval shall be subject to the developer having paid the Levy.
 - c) Where Off-Site Levies will be assessed on all Developable Lands within the development area except land designated as:
 - i) Environmental Reserve (ER)
 - ii) Municipal Reserve (MR)
 - iii) Arterial Road Right-Of-Way.
 - iv) Wetlands Designated by Provincial Policy – June 2015, (Assessment)
- 7) An Agreement referred to in Section 6 may require the applicant for a Development Permit or subdivision approval to construct or pay for all or a portion of an improvement with an excess capacity whether or not located on the land to be developed or subdivided, and whether or not constructed at the time of development or subdivision approval.

REPEAL

- 8) Bylaw No. 2018-49, and all amendments thereto, is hereby repealed.

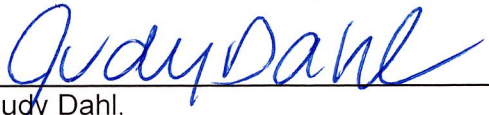
EFFECTIVE DATE

- 9) This Bylaw takes effect on the date that third and final reading is given.

Read the first time on the 13th day of November 2023.

Read a second time this 11th day of December 2023.

Read a third and final time this 11th day of December 2023.



Judy Dahl,
Mayor

Brent Williams,
Chief Administrative Officer

SIGNED by the Chief Elected Officer and the Chief Administrative Officer this 12th day of December 2023.

APPENDIX 1

