

Town of Olds
Bylaw No. 2018-49
Off-Site Levy Bylaw

WHEREAS: pursuant to Section(s) 648 and 649 of the Municipal Government Act, 2000 Chapter M - 26. Council deems it expedient to provide for the imposition and payment of a levy, to be known as an "off-site levy", in respect of land that is to be developed or subdivided; and

WHEREAS: Council deems it expedient to authorize an agreement to be entered into in respect of the payment of the levy.

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

Title:

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

Definitions:

1. For the purposes of the Bylaw the following definitions apply:

"ACT" means The Municipal Government Act, RSA 2000 c. M-26, as amended or repealed and replaced from time to time;

"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.

"DEVELOPABLE LAND" means includes 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 previously paid to the Town of Olds.

"DEVELOPMENT" means:

- i. an excavation or stock pile in the creation of either of them;
- ii. a building or an addition 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 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.

"DEVELOPMENT AGREEMENT" means an executed contract between a developer and the Town of Olds which establishes servicing and development requirements, and obligations;



“DEVELOPMENT PERMIT” means a document authorizing a development issued pursuant to the Town of Olds Land Use Bylaw;

“EXCESS CAPACITY” means any capacity in excess of that required for a proposed development or subdivision;

“ENVIRONMENTAL RESERVE (ER)” means land designated as environmental reserve by a subdivision authority or municipality in accordance with the Act;

“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

“LEVY” means **Off-Site Levy** which means the levy imposed pursuant to this Bylaw.

“MUNICIPAL RESERVE (MR)” means the land designated as municipal reserve by a subdivision authority or municipality in accordance with the Act;

“SUBDIVISION” means the division of a parcel of land by an instrument and “Subdivided” has a corresponding meaning.

“Subdivision Authority” means the person(s) or body appointed by Council of the Town of Olds pursuant to the Section 623(1) of the Act;

“WETLANDS DESIGNATED BY PROVINCIAL POLICY” – June 2015 (Assessment) means the Governments of Alberta’s Alberta Wetland Policy, 2012 and the Wetland Assessment and Impact Report Directive, 2015.

2. 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:
 - new or expanded facilities for the storage, transmission, treatment or supplying of water;
 - new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
 - new or expanded storm sewer drainage facilities;
 - new or expanded roads required for or impacted by a subdivision or development;
 - land required for or in connection with any facilities described in clauses (a. to d.).
3. The Levy for Development shall be as set out in the Town of Olds “Rates Bylaw”.
4. Appendix 1 identifies attached source documents based on a 30 year infrastructure plan process, which identifies benefitting properties and infrastructure forming the basis of this Bylaw.
 - Figure 2.1 - area structure plan map
 - Figure 3.1 - benefitting area map
 - Figure 5.1 - water infrastructure
 - Figure 5.2 - wastewater infrastructure map
 - Figure 5.3 - storm water infrastructure map
 - Figure A.1 - transportation infrastructure plan

5. The Levy as set out in Section 3 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 affected entering into a Development Agreement with the Town of Olds, with respect to payment of the Levy.
 - b. Where land is to be developed, Development Permit approval shall be subject to the developer paying the Off-Site Levy to the Town of Olds.
 - c. Where Off-Site Levies will be assessed on all Developable Lands within the development area except land designated as:
 - Environmental Reserve (ER).
 - Municipal Reserve (MR).
 - Arterial Road Right-Of-Way.
 - Wetlands Designated By Provincial Policy - June 2015, (Assessment)
- 5.(1) An Agreement referred to in Section 5 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.

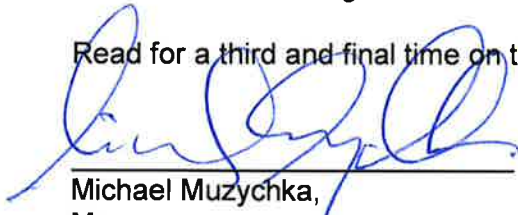
REPEAL: This Bylaw repeals Bylaw # 2016-27 (Off-Site Levy Bylaw) and 2018-27 (Off-Site Levy Amending Bylaw).

Read for a first time on this 26th day of November, 2018.

Read for a second time on this 26th day of November, 2018.

Unanimous consent given for third reading on this 26th day of November, 2018.

Read for a third and final time on this 26th day of November, 2018.


 Michael Muzychka,
 Mayor


 Michael Merritt,
 Chief Administrative Officer

SIGNED by the Chief Elected Official and Chief Administrative Officer this 27th day of November, 2018.





Appendix 1

FIGURE 2.1

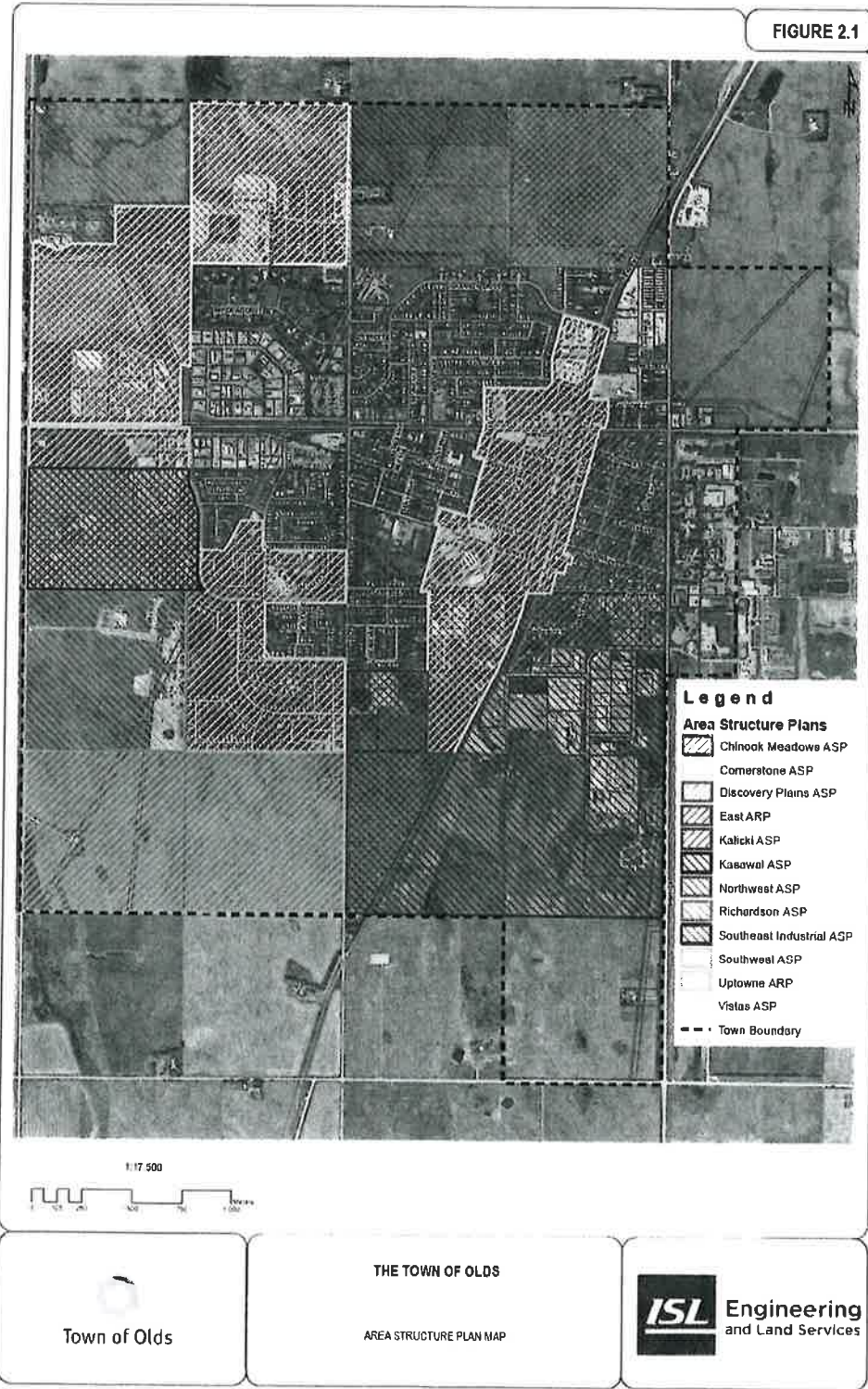
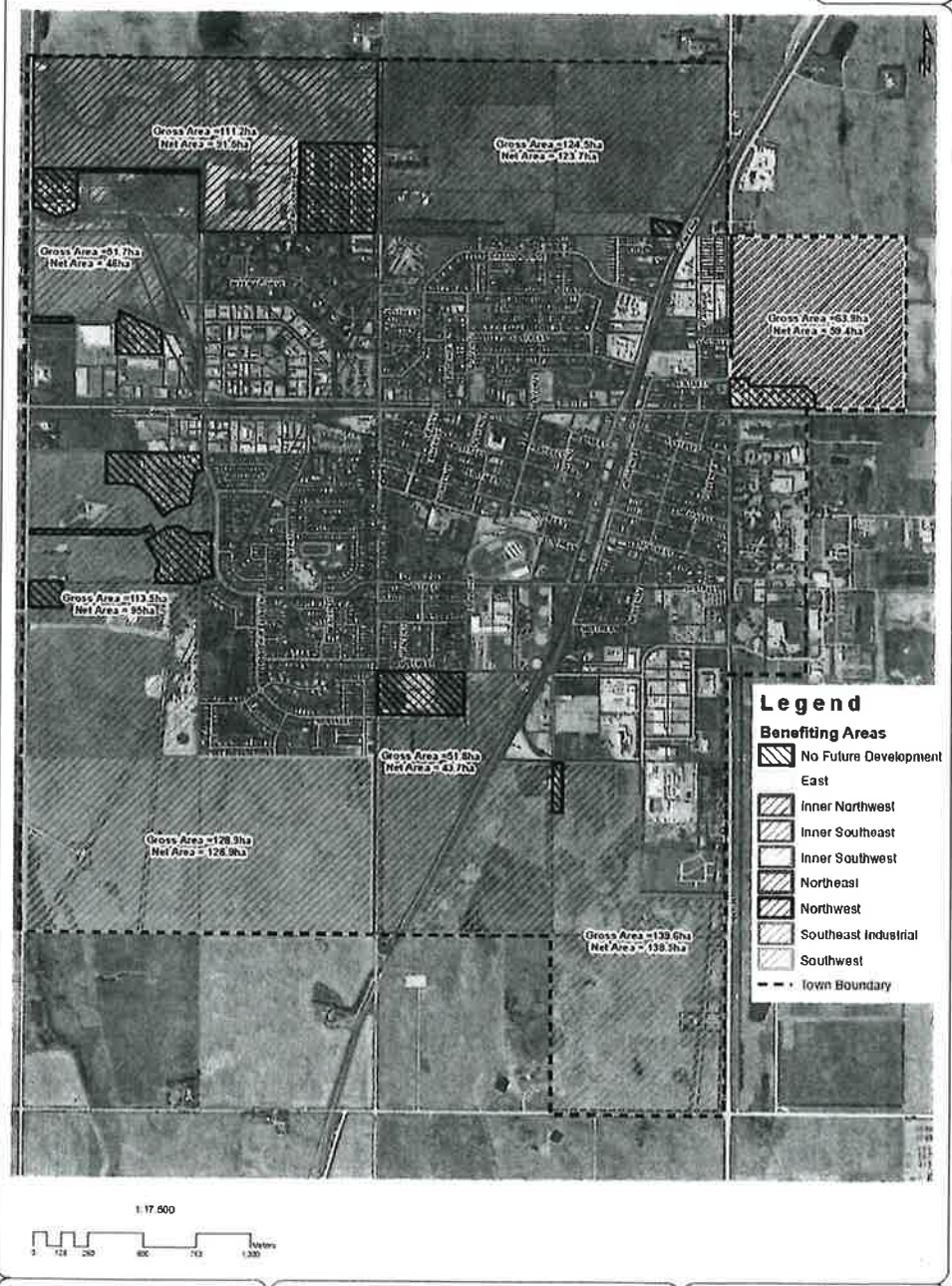


FIGURE 3.1

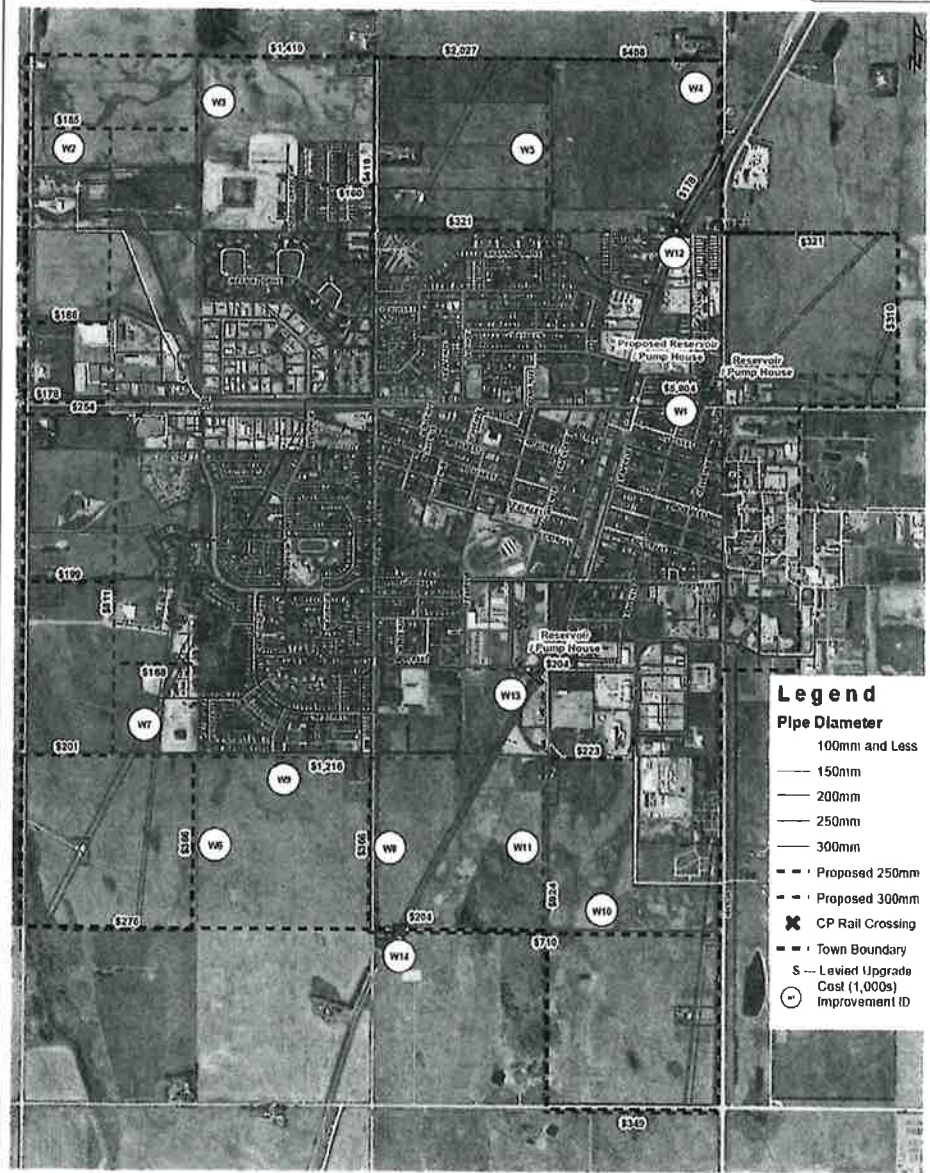


Town of Olds

THE TOWN OF OLDS
BENEFITING AREA MAP

ISL Engineering
and Land Services

FIGURE 5.1



Legend

Pipe Diameter

- 100mm and Less
- 150mm
- 200mm
- 250mm
- 300mm
- Proposed 250mm
- Proposed 300mm
- CP Rail Crossing
- Town Boundary
- Levied Upgrade
- Cost (1,000s)
- Improvement ID





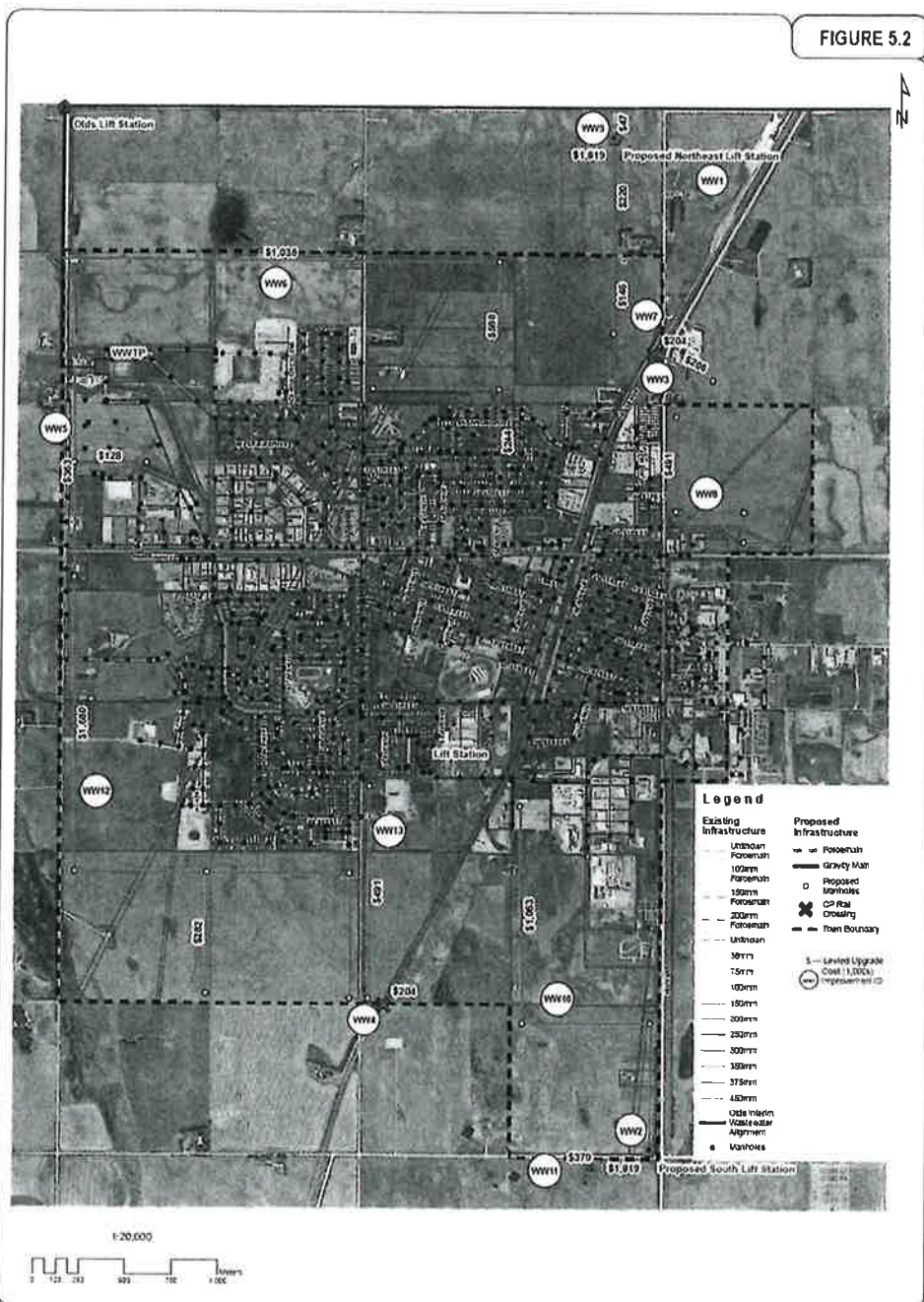


 <p>Town of Olds</p>	<p>THE TOWN OF OLDS</p> <p>WATER INFRASTRUCTURE MAP</p>	
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FIGURE 5.2



 Town of Olds	THE TOWN OF OLDS WASTEWATER INFRASTRUCTURE MAP	
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FIGURE 5.3

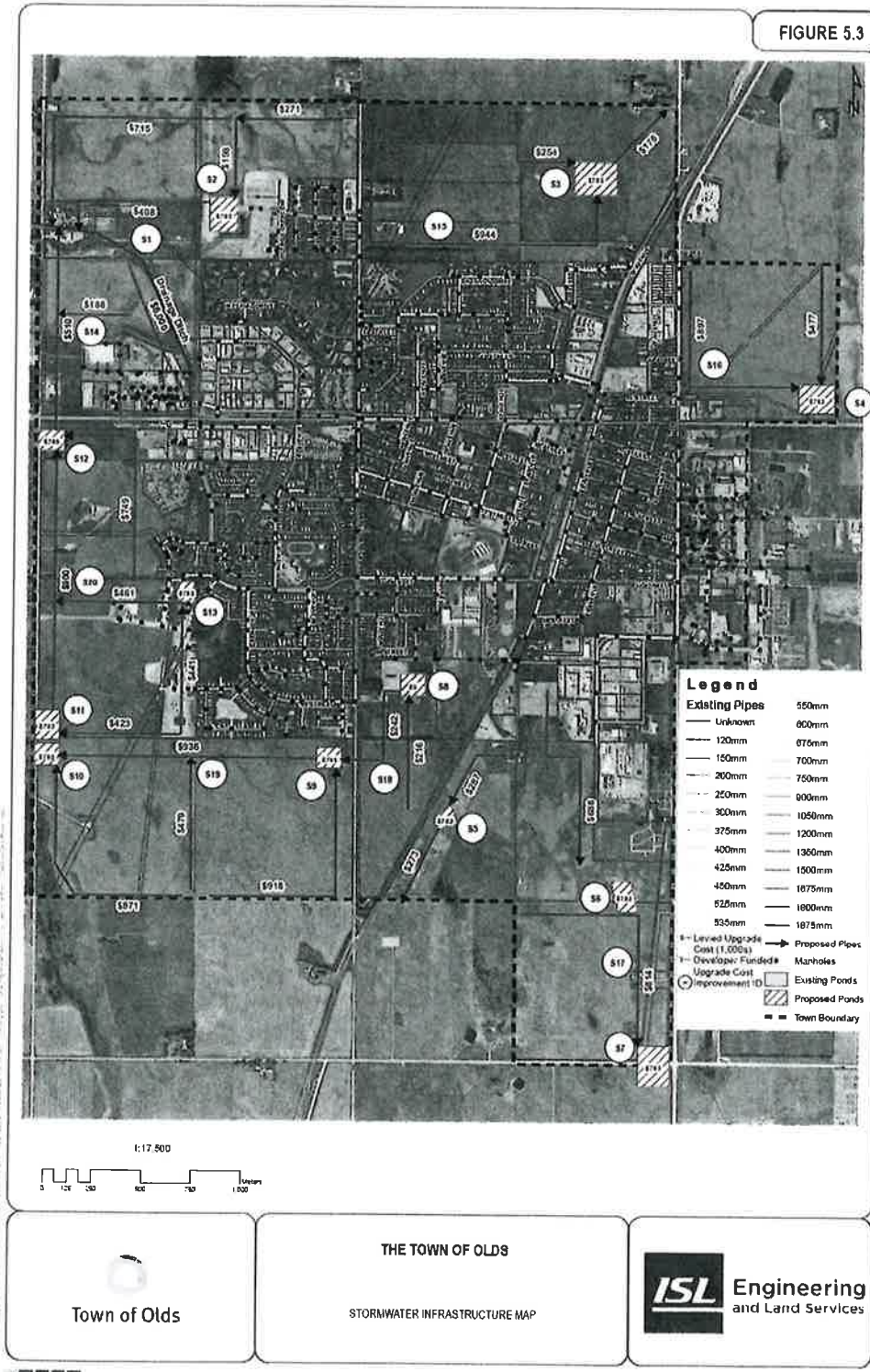
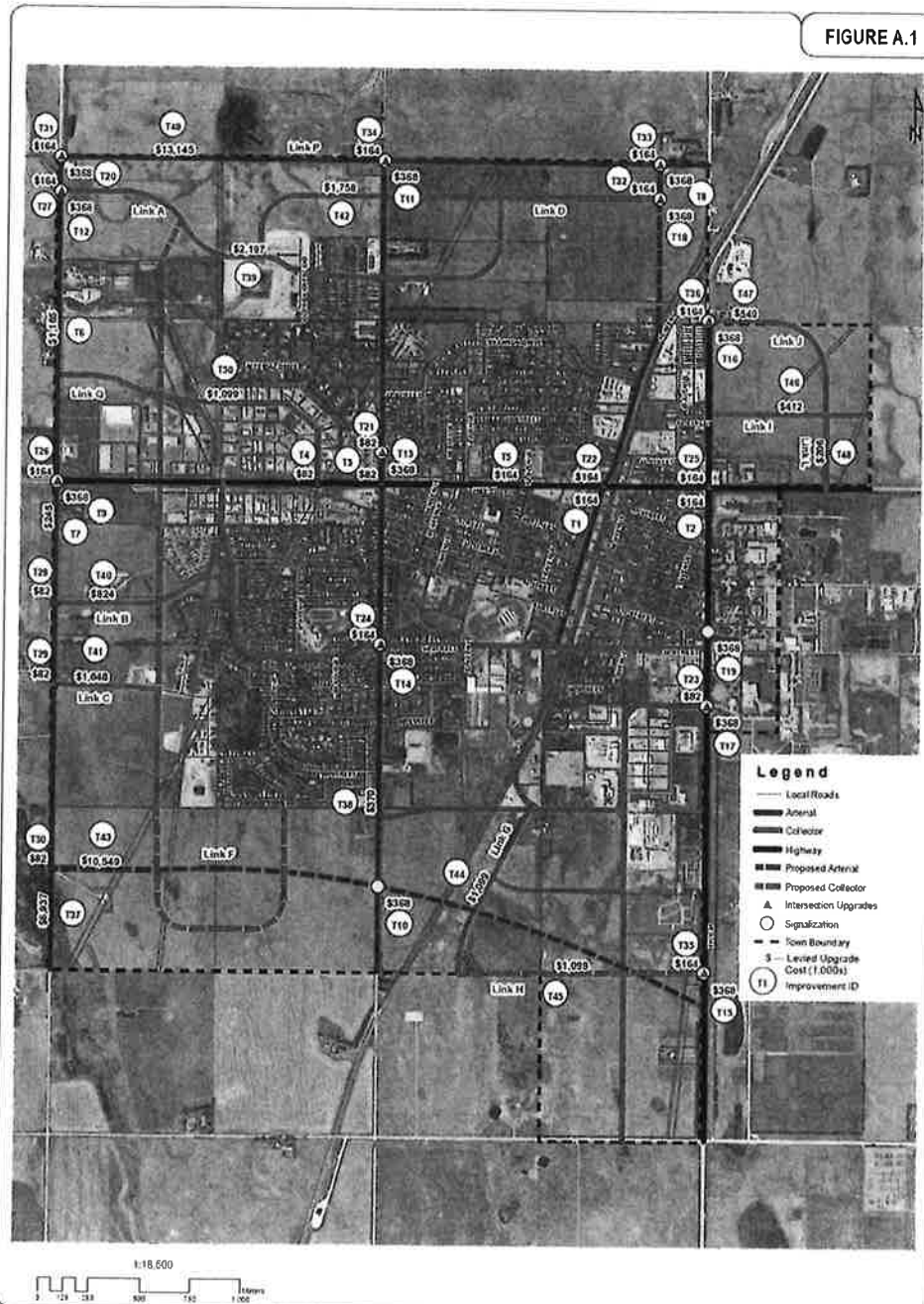




FIGURE A.1



 <p>Town of Olds</p>	<p>THE TOWN OF OLDS</p> <p>TRANSPORTATION INFRASTRUCTURE MAP</p>	
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