

BYLAW 1259/11
SIERRA RIDGE AND RIVERSIDE SPRINGS DEVELOPMENT AREA
OFF-SITE LEVY BYLAW

A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR OFF-SITE LEVIES

WHEREAS 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;

AND WHEREAS, Council deems it necessary to establish an Off-Site Levy to pay for the capital costs of new and expanded roads for or impacted by the subdivisions, for new or expanded facilities for the storage, transmission or supplying of water, and new or expanded facilities for the treatment, movement or disposal of sanitary sewage facilities, and any land required in connection with those facilities, all of which will be required for the Sierra Ridge and Riverside Springs Development Area, and the subdivision and development that is anticipated therein;

AND WHEREAS Sturgeon County has and continues to consult with affected landowners and representatives of the developments to address and define future infrastructure requirements within the Sierra Ridge and Riverside Springs Development Area, and the benefit to new development from such infrastructure;

AND WHEREAS, Council deems it necessary to require agreements to be entered into with owners of lands within the boundaries of the Sierra Ridge and Riverside Springs Development Area, that are to be subdivided or developed in respect of the payment of the Off-Site Levy;

AND WHEREAS, Sections 648 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 (MGA), 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 authorize agreements to be entered into in respect of the payment of the Off-Site Levy;

AND WHEREAS the County has prepared a Riverside Springs and Sierra Ridge- Transportation, Water and Sanitary Systems Levy Assessment (June 2011);

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

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

PART I: BYLAW TITLE

1. This bylaw may be cited as the "Sierra Ridge and Riverside Springs Development Area Off-Site Levy Bylaw".

PART II: DEFINITIONS

2. For the purposes of this Bylaw the following words will have the following meanings:
 - a. "Act" or "MGA" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - b. "County" means the Municipal Corporation of Sturgeon County;
 - c. "Council" means the Council of Sturgeon County;
 - d. "Projects" means those transportation, water, and wastewater projects listed in Schedule "C".

PART III: APPLICATION

3. Off-Site Levies Fees for Transportation, Water and Wastewater as provided for in this Bylaw are hereby imposed upon those lands which are to be developed or subdivided and which are within the "Assessable Area" area depicted in Figure 6.1 of Schedule "A" and described in table 6.1 of Schedule A and attached hereto and forming part of this Bylaw. The Development Areas are comprised of the following quarter sections:
 - a. NW-31-55-22-W4- Riverside Springs;
 - b. SE-06-56-22-W4- Riverside Springs;
 - c. SW-06-56-22-W4- Riverside Springs; and
 - d. SE-12-56-23-W4 Sierra Ridge.
4. The Off-Site Levy Fees payable in respect to the lands referred to in paragraph 3 of this bylaw are set out in Schedule "B" attached hereto and forming part of this bylaw. These Off-Site Levy Fees are imposed for the purpose of paying for those Projects listed in Schedule "C", attached hereto and forming part of this Bylaw.
5. The supporting technical information which identifies the impact of proposed development within the Sierra Ridge and Riverside Springs Development Area, estimates of the costs of the Projects listed in Schedule "C" and identifies how the Off-Site Levy is calculated, are contained in the report of Sameng Inc., dated June 2011 entitled "Riverside Springs and Sierra Ridge-Transportation, Water, and Sanitary Systems Levy Assessment".
6. Council may from time to time adopt policies or guidelines for the assistance and direction of County Administration in determining which development and subdivision applications shall require a development agreement, and when an applicant or owner may be required to make additional payments to front end costs of one or more Projects listed in Schedule "C".

7. 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, 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; and
 - d. that where a development or subdivision results in a Project listed in Schedule "C" being implemented prior to the collection by the County of sufficient Off-Site Levies to fully pay for that Project, the applicant and/or owner of the development or subdivision in question shall be required to make additional payments to front end all or part of the unfunded cost of one or more Projects and the applicant or owner shall be entitled to repayment of any such up front costs paid to the County, in excess of the applicable Off-Site Levy contribution by that applicant or developer, when, and provided that, the County collects the applicable Off-Site Levies from other developments or subdivisions.
8. 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 County policy or guideline, as amended from time to time.
9. In the event that any of the Off-Site Levies imposed by this Bylaw are not paid at the time specified in a development agreement, the County's Director of Corporate Services is hereby authorized to take whatever action that he may deem necessary to collect the unpaid Off-Site Levies.
10. Nothing contained in this Bylaw precludes the County from imposing such further or other charges, costs, fees or levies as may be lawfully authorized.

PART IV: SEVERABILITY

11. 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.
12. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

PART V REPORTING

13. On or before April 30 in each calendar year starting in 2012, the Director of Corporate Services shall submit to County Council 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 the County and yet to be expended on Projects, interest earned and commitments for future expenditures of such monies.

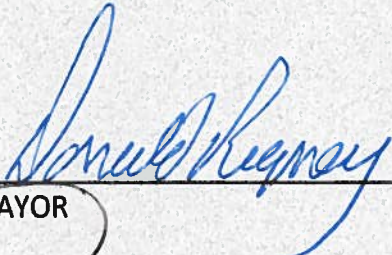
PART VI: ENACTMENT

14. That this Bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000 C.M-26, and amendments thereto.


Read a first time this 24th day of June 2011.

Read a second time this 25th day of October 2011.

Read a third time this 25th day of October 2011.



MAYOR



COUNTY COMMISSIONER

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Schedule "A"

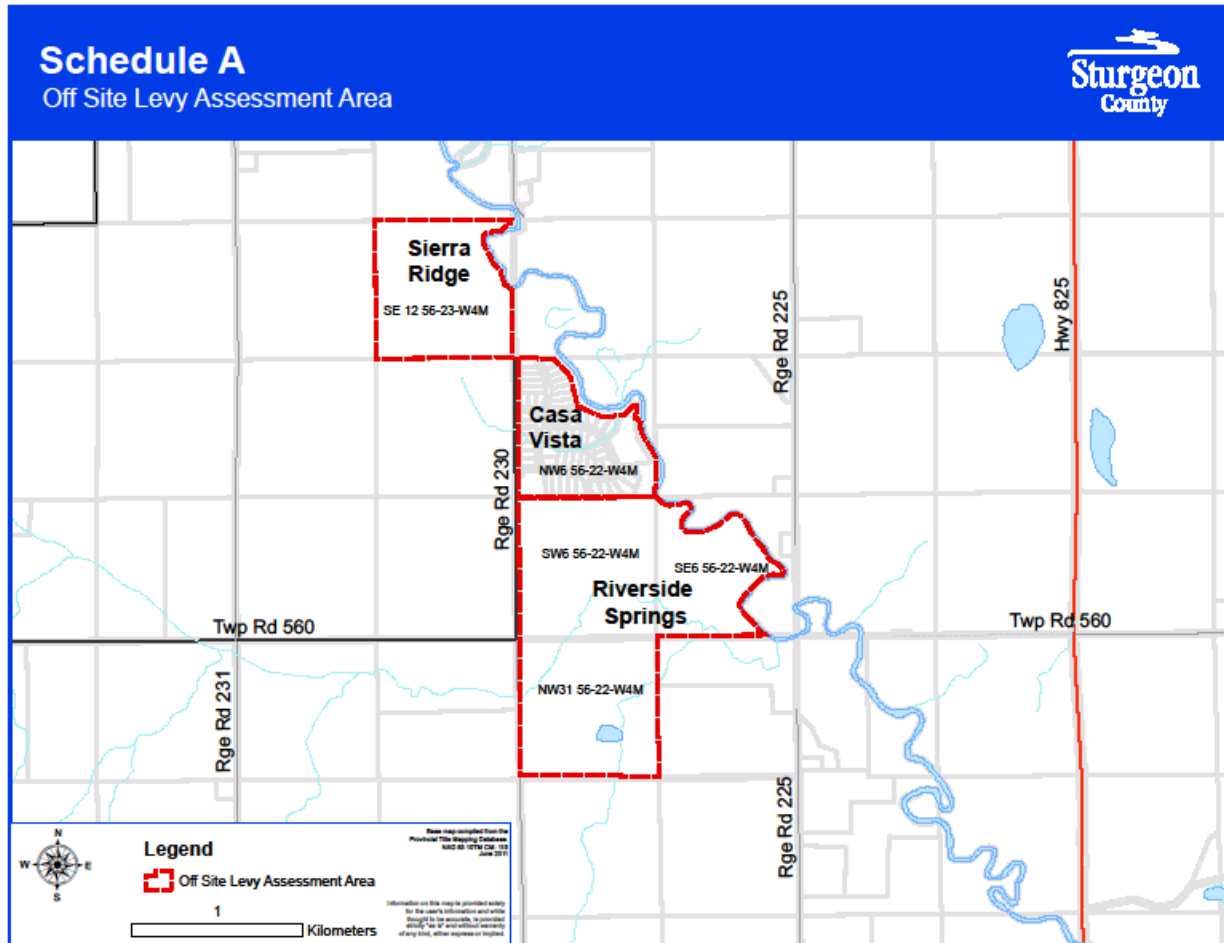


Table 1

Land Use	Area (ha) Riverside Springs ¹	Area (ha) Sierra Ridge ²	Casa Vista	Total Area (ha)
Existing Residential Subdivision	-	-	51.4	51.4
Proposed Residential Subdivision	175.9	62.7	-	238.6
Gross Study Area	175.9	62.7	51.4	290.0
Environmental Reserve (ER)				
<i>Sturgeon River Environmental Reserve</i>	32.2	6.9	-	39.1
<i>Unnamed Tributary Ravine Environmental Reserve</i>	30.0	-	-	30.0
<i>Wetlands</i>	4.6	4.2	-	8.8
Developed Areas (including ER and MR)	-	-	51.4	51.4
Net Developable Area	109.1	51.6	0.0	160.7
Municipal Reserve (MR) and School Reserve (SR)	10.9	5.2	-	16.1
Roads	18.7	7.4	-	26.1
Stormwater Management Facilities (SWMF) and Public Utility Lots (PUL)	3.7	3.7	-	7.4
Total Net Assessable Area (Residential)	75.8	35.3	0.0	111.1

Schedule "B"

Based upon June 2011 estimate prepared by Sameng Inc.:

Transportation Off-Site Levy per Ha is \$62,054

Water Off-Site Levy per Ha is \$45,586

Wastewater Off-Site Levy per Ha is \$41,338

For greater certainty, all of the above levies will be payable in regard to land that is within the Assessable Area.

Schedule "C"

Transportation Infrastructure Projects to which Off-Site Levy charges collected under this bylaw are to be applied. These projects are depicted in Table 2- Capital Transportation Improvements, The Transportation Off Site Levy pre Ha is in Schedule "B" of this bylaw.

Table 2- Capital Transportation Improvements

	Project	Nature of Work	\$ Cost
2	Township Road 554 from Range Road 230 to Highway 28A	Upgraded to 10m full pavement (3.22 km)	\$2,989,000
3	Range Road 230 from Township Road 555a to Township Road 554	Upgraded to 10m full pavement (2.415 km)	\$2,250,750
4	Range Road 230 from Township Road 560 to Township Road 55a	Upgraded to 10m full pavement (0.805km)	\$750,250
5	Range Road 230 from Township 560a to Township Road 560	Upgraded to 10m full pavement (0.805 km)	\$715,000
6	Range Road 230 from Township 561 to Township Road 560a	Upgraded to 10m full pavement (0.805 km)	\$791,000
7	Sierra Ridge Arterial Road to Range Road 231	Upgraded to 10m full pavement (1.0 km)	\$1,068,000
8	Township Road 561a to Sierra Ridge Arterial Road to Range Road 231	Upgraded to 10m full pavement (0.88 km)	\$941,000
9	Range Road 231 to Township Road 561A to Highway 643	Upgraded to 10m full pavement (0.805 km)	\$795,000
10	Intersection Township Road 554 and Highway 28A	Intersection Treatment	\$588,000
11	Intersection Range Road 230 and Township Road 554	Intersection Treatment	\$309,000
12	Intersection Range Road 231 and Highway 643	Intersection Treatment	\$308,000
		Total	\$11,577,000

Water Infrastructure Projects to which Off-Site Levy charges collected under this bylaw are to be applied. These projects are depicted in Table 3- Capital Water Distribution Improvements. The Capital Water Distribution Improvements Off Site Levy pre Ha is in Schedule “B” of this bylaw.

Table 3- Capital Water Distribution Improvements

	Project	Nature of Work	\$ Cost
1	Reservoir and Pump Station Upgrades	Reservoir capacity of 2,491m ³ 2-25HP Pumps and Pump house	\$5,064,600
		Total	\$5,064,600

Waste Water Infrastructure Projects to which Off-Site Levy charges collected under this bylaw are to be applied. These projects are depicted in Table 4- Capital Wastewater Collection Improvements. The Waste Water Infrastructure Off Site Levy pre Ha is in Schedule “B” of this bylaw.

Table 4- Capital Waste Water Improvements

	Project	Nature of Work	\$ Cost
1	Sanitary Lift Station (13.5m ³)	Construction	\$621,000
2	Sanitary Forcemain	Length- 3.45 km	\$2,408,100
3	Sanitary Sewer Lines	Length 1.1 km	\$1,563,540
		Total	\$4,592,640