

**BYLAW # 1437
TOWN OF INNISFAIL**

BY-LAW NUMBER 1437 OF THE TOWN OF INNISFAIL IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO PROVIDE A UNIFORM LEVY OF OFF-SITE COSTS TO BE PAID BY OWNERS AND DEVELOPERS OF LAND REQUIRING MUNICIPAL SERVICES FROM THE TOWN OF INNISFAIL.

WHEREAS, THE TOWN OF INNISFAIL HAS AND MUST CONTINUE TO EXPAND MUNICIPAL UTILITY SERVICES REQUIRING AND EXPENDITURE FOR WATER RESERVOIRS AND WATER TRANSMISSION AND/OR AN EXPENDITURE FOR NEW SEWAGE TREATMENT FACILITIES AND/OR NEW OR EXPANDED STORM SEWER DRAINAGE FACILITIES AND;

WHEREAS, EXISTING RESIDENTIAL, COMMERCIAL AND INDUSTRIAL TAX PAYERS OF THE TOWN HAVE ALREADY RECEIVED AND PAID FOR APPROPRIATE MUNICIPAL UTILITY SERVICES; AND

WHEREAS, BY-LAW # 1104 OF THE TOWN OF INNISFAIL, WHICH HAS, UNTIL THIS DATE, PROVIDED FOR THE LEVYING OF AN OFF-SITE COST AND IS HEREBY REPEALED; AND

WHEREAS, COUNCIL DEEMS IT JUST AND REASONABLE TO CONTINUE TO IMPOSE A BY-LAW FOR LEVY OF OFF-SITE COSTS ON ALL LAND; AND

WHEREAS, PROVISION FOR THE IMPOSITION OF AN OFF-SITE LEVY IS NOW AUTHORIZED BY SECTION 648 AND SECTION 649 OF THE PROVINCE OF ALBERTA, MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000 CHAPTER M-26; AND

WHEREAS, COUNCIL HAS AUTHORIZED A 2004 OFF-SITE LEVIES REPORT WHICH DESCRIBES INFRASTRUCTURE IMPROVEMENTS AND PROVIDES COST ESTIMATES WHICH CAN BE USED TO INDICATE HOW THE AMOUNT OF THE LEVY WAS DETERMINED AND THAT EXPENDITURES FOR A WATER RESERVOIR AND/OR FOR SEWAGE TREATMENT AND/OR FOR STORM DRAINAGE AND ALL THEIR RELATED FACILITIES TO BE RECOVERED FROM OWNERS, OCCUPANTS AND DEVELOPERS OF LANDS WITHIN THE TOWN LIMITS

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF INNISFAIL DULY ASSEMBLED ENACTS AS FOLLOWS:

- 1) THAT BY-LAW # 1104 IS HEREBY REPEALED AND REPLACED BY THE BY-LAW HEREIN ENACTED, TO BE KNOWN AS BY-LAW # 1437 OF THE TOWN OF INNISFAIL;
- 2) AN OFF-SITE LEVY SHALL BE PAID ON UNDEVELOPED AND/OR REDEVELOPED LAND WITHIN THE LIMITS OF THE TOWN THAT IS TO BE DEVELOPED FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR OTHER PURPOSES, PAYABLE AS FOLLOWS:
 - A) BY DEVELOPERS AS PART OF THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH THE TOWN OF INNISFAIL AT A RATE OF EIGHT THOUSAND DOLLARS (\$8,000) PER GROSS HECTARE OF DEVELOPMENT.

- B) AND FURTHERMORE FOR EACH UNIT OF RESIDENTIAL HOUSING THE AMOUNT OF SEVEN HUNDRED AND FIFTY DOLLARS (\$750) SHALL BE PAID PRIOR TO THE ISSUANCE OF EITHER A DEVELOPMENT PERMIT OR A BUILDING PERMIT AND SHALL BE IN ADDITION TO ANY FEE REQUIRED FOR A DEVELOPMENT PERMIT OR A BUILDING PERMIT;
 - C) AND FURTHERMORE FOR EACH COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL DEVELOPMENT THE AMOUNT OF FOUR THOUSAND DOLLARS (\$4,000) SHALL BE PAID PRIOR TO THE ISSUANCE OF EITHER A DEVELOPMENT PERMIT OR A BUILDING PERMIT AND SHALL BE IN ADDITION TO ANY FEE REQUIRED FOR A DEVELOPMENT PERMIT OR A BUILDING PERMIT
- 3) THAT APPENDIX “A” ATTACHED HERETO “2004 OFF-SITE LEVIES REPORT” ADMINISTRATIVE SUMMARY, BE AND IS HEREBY DEEMED TO FORM PART OF THIS BY-LAW.

READ A FIRST TIME IN OPEN COUNCIL THIS 22ND DAY OF AUGUST 2005.

READ A SECOND TIME IN OPEN COUNCIL THIS 12 DAY OF SEPTEMBER, 2005.

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 26 DAY OF SEPTEMBER, 2005.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

**OFFSITE LEVY REPORT
ADMINISTRATIVE SUMMARY**

APPENDIX "A" BYLAW NO. 1437

DATA FROM TAGISH ENGINEERING LTD. 2004 OFFSITE LEVY REPORT

SECTOR DESCRIPTION	WATER SAN.	STORM	TRANS.	Residential		Comm. / Ind.		
				LEVY HA.	LEVY LOT	LEVY HA.	LEVY LOT	
1 Town Core	7122	13363	12884	0	33370	3337	33370	16685
2 NE Business	6148	10666	0	13026	29840	2984	29840	14920
3 N Innisfail	8600	10710	400	7396	27106	2711	27106	13553
4 Napoleon Lake	6147	7113	3801	0	17061	1706	17061	8531
5 SW Business	3565	7113	0	0	10678	1068	10678	5339
6 Woodlands	1497	11163	4412	8257	25329	2523	25329	12665
7 West Expansion	2552	7663	311	385	10911	1091	10911	5456
8 N Golf	4475	7113	0	3982	15570	1557	15570	7785
9 NW 29 Golf	EQUIVALENT TO SECTOR 3 OR 8							
10 E Highway	9190	13363	N/A	N/A	22553	N/A	22553	N/A

Note: Calculations based on 10 residential lots per Ha. - 2 Comm. Or Ind. Lots per Ha.

CALCULATIONS REMOVING COSTS OF PREVIOUS EXPENDITURES

SECTOR DESCRIPTION	WATER SAN.	STORM	TRANS.	Residential		Comm. / Ind.		
				LEVY HA.	LEVY LOT	LEVY HA.	LEVY LOT	
1 Town Core	0	13363	2000	0	15363	1536	15363	7681
2 NE Business	523	10998	0	12682	23873	2387	23873	11936
3 N Innisfail	2592	7113	0	7395	17100	1710	17100	8550
4 Napoleon Lake	2068	7113	0	0	9181	918	9181	4591
5 SW Business	2068	7113	0	0	9181	918	9181	4591
6 Woodlands	0	11162	4412	8256	23830	2383	23830	11915
7 West Expansion	2289	7113	0	0	9402	940	9402	4701
8 N Golf	4475	7113	0	3982	15570	1557	15570	7785
9 NW 29 Golf								
10 E Highway	2068							
					Average	1543		7718

STAFF RECOMMENDATION

THAT AN OFFSITE LEVY BYLAW BE PREPARED FOR COUNCIL SETTING OFFSITE LEVIES AT \$8000/HA. UPON SIGNING OF A DEVELOPMENT AGREEMENT FOR RES./ COMM. / IND. DEVELOPMENT AND THAT BUILDING PERMIT FEES INCLUDE AN ADDITIONAL OFFSITE LEVY OF \$750 PER RESIDENTIAL AND \$4000 PER COMMERCIAL/INDUSTRIAL LOT.

SUPPORTING DOCUMENTATION

1. Tagish Engineering 2004 Offsite Levies Report was used to determine the basis for Offsite Levy. The report is summarized in the above table.
2. As the Tagish Report recommended levies would result in a large increase from existing levies, (Existing residential \$550 per lot, Comm. / Ind. \$3190 to \$5610 per lot) Council requested an Administration Recommendation.
3. Administration recommended removal of costs of expenditures to date and to include only future expenditures along with splitting costs between Developer and Builder.