

**WHEATLAND COUNTY – WEST HIGHWAY 1 AREA STRUCTURE PLAN OFFSITE
LEVY BYLAW**

**PROVINCE OF ALBERTA
BY-LAW 2007-109**

Being a by-law to provide for the imposition and collection of offsite levies to provide for development of land within the West Highway 1 Area Structure Plan (WHASP).

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26 provides that a Council of a municipality may enact a bylaw to provide for the imposition and payment of off-site levies in respect of lands that are to be developed or subdivided and to authorize agreements to be entered into in respect of the payment of the levies; and

WHEREAS certain lands within the corporate boundaries of Wheatland County and contained within the West Highway 1 Area Structure Plan are proposed to accommodate commercial or industrial developments; and

WHEREAS the Council of Wheatland County deems it desirable and expedient to impose the following offsite levies and to enter into agreements in respect of the payment of the levies for the provision of municipal infrastructure.

WHEREAS the Council of Wheatland County has held a prior open house and consultation with landowners, representatives of the development industry, and other stakeholders to address and define infrastructure requirements within the West Highway 1 Area Structure Plan.

NOW THEREFORE pursuant to the *Municipal Government Act*, the Council of Wheatland County, duly assembled enacts the following:

1. In this Bylaw:
 - a. "Approving authority" means the Council of Wheatland County, Municipal Planning Commission, Development Officer, the Subdivision and Development Appeal Board, or Municipal Government Board.
 - b. "Council" means the Council of Wheatland County.
 - c. "County" means Wheatland County
 - d. "Consumer Price Index" means the Consumer Price Index for Alberta as published by Statistics Canada;
 - e. "development" has the meaning provided for in the Act;
 - f. "development agreement" means an agreement as per the requirements of the Act in section 655;
 - g. "Development Lands" means that area of land contained within the boundaries of the West Highway 1 Area Structure Plan and subject to the West Highway 1 Master Drainage Plan and Wheatland County West Highway 1 ASP Transportation Review respectively.
 - h. "development permit" means a permit issued in accordance with the County's Land Use Bylaw;
 - i. "levy" means the off-site levy or levies imposed and created by this Bylaw pursuant to the Act;
 - j. "subdivision" has the meaning provided for in the Act;
2. The document entitled "Wheatland County – West Highway 1 Area Structure Plan Offsite Levy Bylaw" attached to this By-law is hereby adopted;
3. This Bylaw applies to these lands identified in the West Highway 1 Area Structure Plan and which respectively benefit from the following offsite services installed or to be installed by the County as per the attached documents:
 - a. West Highway 1 Master Drainage Plan
 - b. Wheatland County West Highway 1 ASP Transportation Review
4. Offsite Levies pertaining to the West Highway 1 Master Drainage Plan (reference: section 5.7 table 5.13 Offsite Levy Summary) shall be collected at time of signing of a development agreement as a condition of subdivision.

5. Offsite Levies pertaining to the Wheatland County West Highway 1 ASP Transportation Review (reference: section 7 Table 5: Levy Calculations) shall be collected at time of application for a development permit for all permitted and discretionary uses listed under the Industrial General District (I-G), Commercial-Highway District (C-H), and/or direct control district as per Wheatland County land use bylaw 2007-56. Applications for a development permit for a discretionary use under the Agricultural General District (A-G) shall be subject to the levy collection excepting the following uses:

- Dwelling, temporary (Special care and farm help)
- Dwelling Duplex
- Secondary Use Business
- Secondary Suite
- Signs (Directional)

Levies shall be calculated on the titled area minus any designated environmental reserve and arterial road dedication pertaining to the development permit application. Where a development permit is refused by the appropriate approving authority levies shall be refunded to the applicant.

6. No further offsite levies shall be required to be paid under development agreements where offsite levies have been previously collected in full in respect to all of the lands which are subject of a development permit or subdivision application
7. Nothing in this Bylaw precludes the Council from imposing further or different offsite levies, duly enacted by Bylaw, on any portion of the Development Lands in respect of which the County has not collected the offsite levies imposed under this Bylaw or any previous offsite levy bylaw authorized by statute.
8. In the event that any provision 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. The Council shall review the levy rates a minimum once per every two years.
- a. After the review has been completed, the Council may amend the Bylaw to update the levy rates.
 - b. Commencing in 2009, in each year where a review is not conducted, the amount of the levy rates will be automatically adjusted on March 31 of that year by the annual percentage change in the Consumer Price Index for the previous calendar year.
10. This By-law shall come into effect upon the date of final passing by Council at third reading.

BOOTH MOVED First Reading of By-law -2007-109 on this March 11th, 2008 and it was

Carried.

A public hearing was held at the Wheatland County Administration Office on April 15th, 2008 (Public Hearing recessed for more information.)

A public hearing was held at the Wheatland County Administration Office on May 20, 2008.

REINHARDT MOVED Second Reading of By-law 2007-109 on June 3, 2008 and it was

Carried.

KOESTER MOVED Third Reading and Final Reading of By-law 2007-109 on June 3, 2008 and it was

Carried.

"Ben Armstrong"

Reeve

"Jennifer Deak"

Chief Administrative Officer