

**Proposed Bylaw 59-2020 Ardrossan Off-site Levy Bylaw and Bylaw 65-2020
(Amends Bylaw 34-2020)****Report Purpose**

To give three readings to a bylaw to impose off-site levies used to collect developer contributions for water, wastewater and transportation improvements within the Hamlet of Ardrossan; and to give three readings to a bylaw to remove the Hamlet of Ardrossan area from existing Bylaw 34-2020 Off-site Development Levies.

Recommendation

1. THAT Bylaw 59-2020, a bylaw to impose off-site levies for the collection of developer contributions for water, wastewater and transportation improvements within the Hamlet of Ardrossan, be given first reading.
2. THAT Bylaw 59-2020 be given second reading.
3. THAT Bylaw 59-2020 be considered for third reading.
4. THAT Bylaw 59-2020 be given third reading.
5. THAT Bylaw 65-2020, a bylaw to amend Bylaw 34-2020 to remove the Hamlet of Ardrossan, be given first reading.
6. THAT Bylaw 65-2020 be given second reading.
7. THAT Bylaw 65-2020 be considered for third reading.
8. THAT Bylaw 65-2020 be given third reading.

Our Prioritized Strategic Goals

Goal 2 - Manage, invest and plan for sustainable municipal infrastructure

ReportBackground

The *Municipal Government Act*, RSA 2000, c M-26 (the "MGA") authorizes the County to impose and collect off-site levies by way of bylaw. The County has done so by way of Bylaw 34-2020 Off-site Development Levies Bylaw. This bylaw is typically updated each year to revise the rates based on various factors (e.g. updated project costs, interest-earning and interest-borrowing rates, construction and development staging) and was approved by Council June 23, 2020.

The Hamlet of Ardrossan is included within the current off-site levy bylaw as a special assessment area for rural road levies only. However, given the development proposed for Ardrossan, there is a need to consider an updated off-site levy regime for Ardrossan.

Since 2014, Planning and Development Services (PDS) has been working with the majority landowner in Ardrossan to develop an off-site levy regime for the Hamlet of Ardrossan. However, this work (including finalizing the rates) has been impacted by the major unknown of the ultimate hamlet boundary. The original Ardrossan Area Structure Plan (the

"Ardrossan ASP") included approximately 60 hectares of developable area at the time of adoption in 2014. However, the Ardrossan East Area Structure Plan (the "Ardrossan East ASP") added an additional 99 hectares of developable area to the hamlet when it was adopted in 2019.

Proposed Bylaw 59-2020, Ardrossan Off-site Levy Bylaw includes the Ardrossan ASP and the Ardrossan East ASP as one benefitting basin for all leviable infrastructure streams, with the rates being applied retroactively to all development since the date of adoption of the original Ardrossan ASP. This has been captured in an amending agreement with the developer, which includes levy payments for approximately 27 hectares of land, which will come into effect upon adoption of proposed Bylaw 59-2020.

Summary of Proposed Bylaw 59-2020

Administration has worked with external counsel to prepare proposed Bylaw 59-2020 Ardrossan Off-site Levy Bylaw (Enclosure 1) and proposed Bylaw 65-2020 (Amends Bylaw 34-2020) (Enclosure 2).

In general, funding of all off-site leviable infrastructure is shared between developers and the County, typically based on benefit assigned by usage or area, with developers paying for the proportionate share of benefit to developable lands. The exception is water reservoirs, which are fully funded by the County and recovered through utility rates, which is consistent with all other areas of the County. All levies are proposed to be assessed on a per hectare basis of leviable area being developed, which excludes arterial roads, environmental reserves and stormwater management facilities. A summary of leviable infrastructure and how proportional share is assigned is detailed in Schedule "C" of Enclosure 1.

Proposed levy rates for Ardrossan are included in Table 1 below:

Table 1	Water	Wastewater	Transportation	Total
Proposed Off-Site Levy Rates (\$/hectare)	\$67,857	\$41,460	\$58,430	\$167,747

For clarity, a Contribution in Aide of Construction (CIAC) in the amount of \$39,141/ha (adjusted annually) will also be required for certain transportation infrastructure within the Hamlet of Ardrossan, which has not been included in proposed Bylaw 59-2020 or the rates set out above.

All County financing and funding of leviable projects will be subject to Council approval.

The proposed 2020 Ardrossan off-site levy rates take into account a combination of factors including actual and estimated project costs and anticipated development and infrastructure construction staging impacts.

The proposed 2020 Ardrossan off-site levy rates have been shared with the Urban Development Institute (UDI) and the Developer Committee. UDI has provided an email of general support in this regard (Enclosure 3).

Council and Committee History

June 23, 2020	Council gave three readings to Bylaw 34-2020
November 19, 2019	Council adopted Bylaw 31-2019 Ardrossan ASP (repealing Bylaws 10-2014 and 41-2017)
October 29, 2019	Council adopted Bylaw 24-2019 Ardrossan East ASP
July 4, 2017	Council adopted Bylaw 41-2017 Ardrossan ASP
June 24, 2014	Council adopted Bylaw 10-2014 Ardrossan ASP

Other Impacts**Policy:** n/a**Legislative/Legal:** Municipalities are authorized to impose and collect off-site levies through the *Municipal Government Act (MGA)*, RSA 2000, M-26, Part 17, Division 6. Strathcona County implements its authority by establishing a bylaw which provides detailed off-site levy objectives. The bylaw is then applied to specific development through a subdivision or development agreement. Pursuant to Section 648(6) of the *MGA*, the bylaw must be advertised at least once a week for two consecutive weeks prior to second reading.**Interdepartmental:** Transportation Planning and Engineering, Utilities, Legislative and Legal Services and Corporate Finance**Master Plan/Framework:** n/a**Communication Plan**

Communication with the public, UDI and the Strathcona County Developer Committee by way of newspaper advertisement, written correspondence and meetings

Enclosures

- 1 Bylaw 59-2020 (proposed)
- 2 Bylaw 65-2020 (Amends Bylaw 34-2020) (proposed)
- 3 UDI letter of support