

**BYLAW 2019-06
VILLAGE OF BEISEKER
UTILITIES OFF-SITE LEVY BYLAW**

BEING A BYLAW TO RESCIND BYLAW 99-14 AND BEING A BYLAW OF THE VILLAGE OF BEISEKER, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING OFF-SITE LEVIES FOR WATER, WASTEWATER, AND STORMWATER FACILITIES TO BE PAID BY THE OWNERS OR PURCHASERS OF LAND REQUIRING MUNICIPAL UTILITY SERVICES FROM THE VILLAGE OF BEISEKER.

WHEREAS, under the provisions of Section 648 of the *Municipal Government Act*, Chapter M-26, R.S.A. 2000, and amendments thereto, Council may pass a Bylaw to:

- a) 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
- b) authorize an agreement to be entered into in respect of the payment of the levy;

AND WHEREAS, the Village of Beiseker Council deems it desirable to establish an off-site levy for the purposes described in the Act;

AND WHEREAS, the Village of Beiseker Council engaged the engineering firm of MPE Engineering Ltd. to prepare a bylaw and supporting calculations with respect to the fair and equitable allocation of off-site levies related to water utility, wastewater utility, and stormwater infrastructure in accordance with the purpose of the Municipal Government Act;

AND WHEREAS, the Village of Beiseker Council has reviewed the supporting calculations attached and wishes to enact a bylaw to impose and provide for the payment of off-site levies, to authorize agreements to be entered into in respect of payment of the off-site levies, to set out the object of each levy, and to indicate how the amount of each levy was calculated;

NOW THEREFORE, pursuant to the authority conferred upon it by the laws of the Province of Alberta, the Village of Beiseker Council, duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be cited as the “Utilities Off-Site Levy Bylaw”.

SECTION 2 – DEFINITIONS

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|-----|----------------------------------|---|
| 2.1 | Act | means the <i>Municipal Government Act</i> , R.S.A. 2000 Chapter M-26 and amendments thereto; |
| 2.2 | Anticipated Average Daily Demand | This is an estimate of daily water use for a subdivision or development provided by the developer, evaluated/agreed upon by the Village and/or their representative (Engineering Consultant). If it is determined that the Anticipated Average Daily Use is not reasonable the developer will be required to revise their estimate until acceptable to the Village or their representative. |
| 2.3 | Average Day Demand (ADD) | the total volume of water delivered to the system over a year divided by 365 days. |

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- 2.4 Chief Administrative Officer (CAO) has the same meaning as provided in the Act;
- Development has the same meaning as provided in the Act;
- 2.4 Off-Site Levy means a levy imposed to provide for the storage, transmission, treatment, or supplying of water, for the treatment, transmission, storage, or management of stormwater, for the treatment, collection, storage, or disposal of sanitary wastewater, or for land required for or in connection with any facilities as mentioned above;
- 2.4 Subdivision has the same meaning as provided in the Act;
- 2.5 Undeveloped Lands means any land that is, in whole or in part, in need of new or expanded municipal services and includes any un-serviced raw land, whether or not it has been subdivided, but does not include that part of land in receipt of municipal services which may presently be in operation and which services may have had prior funding for off-site costs by other methods of taxation provided that servicing meets the capacity requirements of the proposed use;
- 2.6 Utilities means any one or more of the following:
- (i) new or expanded facilities for the storage, transmission, treatment, or supplying of water;
 - (ii) new or expanded facilities for the treatment, collection, movement, or disposal of sanitary wastewater;
 - (iii) new or expanded stormwater drainage infrastructure;
 - (iv) land required for or in connection with any facilities described in clauses 2.6(i) through (iii);
- 2.7 Village means the Village of Beiseker or the geographical area within its jurisdictional boundaries, as the context may require.

SECTION 3 – ENACTMENT

- 3.1 An “Off-Site Levy” is hereby imposed on all undeveloped land or lands which have not previously been charged an offsite levy in relation to water, wastewater or stormwater and which requires such servicing. The Utility Off-Site Levy shall be applied to parcels and/or consumption use that are to be developed or subdivided for residential, commercial, or other purposes at terms and rates specified under Section 5 being Terms and Rates of this Bylaw;
- 3.2 Notwithstanding any other provision in this bylaw, the Village may impose further or different Off-Site Levies, duly enacted by bylaw, on any portion of the lands which are subject of development permit or Subdivision approval and in respect of which the Village has not

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collected Off-Site Levies imposed under this bylaw or any other previous Off-Site Levy bylaw authorized by the Act or a predecessor Act.

- 3.3 The Council of the Village of Beiseker, in the Province of Alberta, is hereby authorized to enter into agreements with owners or purchasers of that land and for the payment of the Off-Site Levy imposed on that land;
- 3.4 The Village of Beiseker or its agent shall provide to the owner or purchaser a notice of the Off-Site Levy prior to entering into any agreement.

SECTION 4 – OBJECT OF THE OFF-SITE LEVIES

- 4.1 The object of the Off-Site Levy or Levies imposed and collected pursuant to this Bylaw are to pay for all or any part of the capital cost of any or all of the following:
- (i) new or expanded water utility facilities for the storage, transmission, treatment, or supplying of water;
 - (ii) new or expanded wastewater utility infrastructure for treatment, storage, collection, movement, or disposal of sanitary sewage;
 - (iii) new or expanded stormwater utility infrastructure for storage, treatment, collection, movement, or disposal of stormwater; and
 - (iv) land required for or in connection with any facilities described within this Paragraph.

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SECTION 5 – TERMS AND RATES

5.1 The Off-Site Levies will be determined based on a combination of an acreage assessment as well as a per anticipated Average Day Demand (ADD) m³/day water flow required to service the proposed development as per the table below. Acreage will be based on the gross acreage of the development or subdivision site while the Anticipated Average Daily Demand will be estimated by the Developer and evaluated/agreed upon by the Village in writing at the time of Development Permit application or Subdivision Approval application. Levy rates shall be as follows:

Asset	Levy	Developer Contributions	Village Portion of Costs	Total Cost
Dry Well Rehabilitation	\$534.64/m ³ /day	\$ 93,027.36	\$146,972.54	\$240,000.00
Sanitary Lift Station Upgrades	\$422.70/m ³ /day	\$ 73,549.80	\$116,200.20	\$189,750.00
Previous Forcemain Upgrade	\$275.17/m ³ /day	\$ 47,879.58	\$ 75,644.23 (already paid)	\$123,522.50
Previous Sewage Lagoon Upgrades	\$535.16/m ³ /day	\$ 93,117.00 + \$8424.00 (already paid thru previous OSL)	\$152,311.78 (already paid)	\$253,852.78
Future Sewage Lagoon Upgrade **	TBD	100%	0%	TBD
Storm Lift Station Upgrade*	\$95.94/acre	\$ 41,582.31	\$ 25,983.43	\$ 67,652.50
Stormwater Master Drainage Plan*	\$57.38/acre	\$ 25,000.00	\$ 0.00	\$25,000.00
Total	\$1,767.67/m³/day plus \$153.32/acre	\$374,156.04 Plus 100% of future Lagoon Upgrade and \$8424.00 (already paid thru previous OSL)	\$517,112.18 of which \$227,956.01 has already been paid Leaving \$289,156.17 yet to be funded	\$899,777.78

Village ADD @ 2041 w/2% growth is assumed: 448.9 m³/day vs. current ADD of 274.9 m³/day which means future projected growth in use is 174 m³/day (*Infrastructure Management Plan*, May 15, 2017, MPE Engineering Ltd.). The assumption in the above table is that the current Village footprint appears to be 270.83 acres (38.5%) developed and 433.42 acres (61.5%) undeveloped based on area as per Appendix B.

**Estimated costs for the future upgrade to the sewage treatment lagoon above a population of 982 people are yet to be determined (once determined this Bylaw will be required to be amended to reflect those Costs). These costs would be 100% recovered from any development which would surpass the 982 population or equivalent number.

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SECTION 6 – OFF-SITE LEVY PAYMENT

- 6.1 The Off-Site Levy imposed pursuant to this Bylaw shall be paid upon the earlier of the following dates:
- (i) the issuance of the Development permit in respect of the lands;
 - (ii) execution of a Development Agreement entered into pursuant to the conditions of a Development Permit or Subdivision approval granted in respect of the lands;
 - (iii) prior to endorsement of the Plan of Subdivision for the Lands.
- 6.2 Where the Owner of the Lands that is subject to the imposition of an Off-Site Levy or Levies under this bylaw fails, neglects, or refuses to either pay the Off-Site Levy imposed or provide sufficient security for the payment of the Off-Site Levy the Village may:
- (i) refuse to endorse a plan of Subdivision or release a Development Permit until the landowner has paid the Off-Site Levy or has provided sufficient security for the payment in a form satisfactory to the Village; or
 - (ii) commence proceedings in Court for recovery of the Off-Site Levy as an amount due and payable to the Village;
- 6.3 Payment of the Off-Site Levy shall be in any form deemed acceptable by the Village.

SECTION 7 – OFF-SITE LEVY FUNDS

- 7.1 Any Off-Site Levy collected and any interest earned from investment of the Levy,
- (i) must be accounted for separately for each asset category listed under section 5.2 of this Bylaw, and
 - (ii) must be used only for the specific purpose described in Section 4.1 (i) to (iv) of this bylaw for which it is collected;
 - (iii) must be separate from the Village’s General Account or any other Village account and shall be administered in accordance with the Act.

SECTION 8.0 -- REPORTING

- 8.1 Upon receiving a request from a ratepayer or landowner, the Village shall fully disclose information regarding Off-Site Levy calculations, allocations, impositions, collections, costs, and payments.
- 8.2 Not less than once per calendar year, the Chief Administrative Officer (CAO) shall provide a report to Council detailing all Off-Site Levies imposed under this Bylaw, collections and expenditures during the previous calendar year, unpaid Off-Site Levy amounts at the end of the previous calendar year, funds on hand to meet anticipated expenditures during the current calendar year, and estimates of the costs expected to be incurred in the current year in order to complete construction of each asset category as listed in Section 5.1 of this Bylaw.

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SECTION 9.0 – DEVELOPER CONSTRUCTED INFRASTRUCTURE

9.1 This Bylaw is not intended nor shall be interpreted as preventing the Village from requiring a developer(s) to construct or pay for all or a portion of Water, Wastewater, or Stormwater Infrastructure having oversize capacity as a condition of Development Permit or Subdivision approval in accordance with the Act.

SECTION 10 – REFUNDS

10.1 Where an Off-Site Levy imposed pursuant to this Bylaw has been paid and:

- (i) the Off-Site Levy was paid; and;
- (ii) the Developer requests a refund for valid reasons; and
- (iii) a request for refund has been submitted to the CAO within 18 months of the Conditional Subdivision Approval or issuance of the Development Permit; and
- (iv) the request sets out the basis for the refund; and
- (v) the Council determines that the basis for refund is valid then;

The Off-Site Levy paid as a condition of Subdivision or Development Permit shall be refunded to the party who paid the Off-Site Levy upon the receipt of the written request of that party in accordance with Paragraph 10.1 of this Bylaw.

Where a refund has been granted in accordance with this section, the Off-Site Levy is no longer considered to have been imposed for the purpose of the Act.

SECTION 11 – SEVERABILITY

11.1 In the event that any portion of this Bylaw is declared invalid or void by any Court having competent jurisdiction, then such invalid or void provision shall be severed from the Bylaw and the remaining provisions of the Bylaw shall be maintained and deemed valid.

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SECTION 12 – REPEAL AND EFFECTIVE DATE

12.1 Bylaw 99-14 is repealed upon this Bylaw coming into full force and effect.

12.2 This Bylaw comes into full force and effect on the date of third and final reading.

READ A FIRST TIME IN COUNCIL this 24th day of June, 2019

READ A SECOND TIME IN COUNCIL this 24th day of June, 2019

UNANIMOUS PERMISSION FOR THIRD READING this 24th day of June, 2019

READ A THIRD AND FINAL TIME IN COUNCIL this 24th day of June, 2019

Mayor Wise

CAO Leslie

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APPENDIX A

Supporting Calculations

Supporting Calculations

Background:

As per the Village of Beiseker's Infrastructure Management Plan prepared by MPE Engineering Ltd. on May 15, 2017.

Median Annual Water Consumption = 100,329 m³

ADD therefore is 100,329/365 = 274.9 m³/day

Projected 2041 ADD (based on 2% growth) = 163,847/365 = 448.9 m³/day

Therefore, increase due to development to the year 2041 (2% growth) = 448.9 – 274.9 = 174 m³/day

Water

Dry Well Piping

The Village's water supply currently is supplied by Aqua 7 via the Village's dry well. Prior to receiving water from Aqua 7, this was the Village's filtration treatment. When Aqua 7 began providing treated water to the Village, the Dry Well was converted to a Dry Reservoir. The piping in the Dry Well which was original is now showing extreme corrosion and needs upgrading. As this will service both the original flows as well as future consumptions, future development is responsible for a portion of this cost as outlined below:

Cost estimate \$240,000.00

Consumption of both existing and future growth = 448.9 m³/day

Therefore, the benefit per Consumption is \$240,000/448.9 = \$ 534.64 per m³/day

Portion of total cost which can be funded from new Development = 174 * 534.64 = \$93,027.36

Portion of Cost allocated to Village = 274.9 * 534.64 = \$146,972.54

Wastewater

Sanitary Lift Station Upgrade

The main **Sanitary Lift Station** which currently services existing development as well as future development requires upgrades including the addition of an automatic transfer switch for use during power outages, upgrading of starter switches to soft starters, upgraded controls, and upgrading alarm

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reporting. As both existing development as well as new development will benefit from these upgrades, a portion of this cost is attributable to future development as outlined below:

Cost Estimate = \$ =189,750.00 (MPE Cost Estimate re Beiseker Lift Stations dated April 3, 2018)

As this upgrade would benefit both new and existing development, the cost must be divided over the total consumption.

Therefore $\$189,750.00/448.9 \text{ m}^3/\text{day} = \$422.70/\text{m}^3/\text{day}$

The expectation would be that new development (174 or the total ADD would be recovered) which means:

Portion Expected to be funded from new development = $422.70 * 174.0 = \$73,549.80$

Portion of Cost Allocated to Village = $422.70 * 274.9 = \$116,200.23$

Forcemain Upgrade

In 2012, the Village installed a 150 mm diameter forcemain to service both current and future flows up to 50 l/s which is adequate to meet long term peak demands. This **Forcemain Upgrade** can be allocated as follows:

Cost = \$123,522.50

As this upgrade would benefit both new and existing development, the cost must be divided over the total consumption.

Therefore $\$123,522.50/448.9 \text{ m}^3/\text{day} = \$275.17/\text{m}^3/\text{day}$

The expectation would be that only new development (174 of the total ADD (448.9) would be recovered from Development).

Portion expected to be recovered from new development = $275.17 * 174.0 = \$47,879.58$

Portion of Cost Allocated to Village = $275.17 * 274.9 = \$75,644.23$

Sewage Lagoon Upgrade

The Village completed a previous **Sewage Lagoon Upgrade** which accommodated growth up to approximately a 982 population. This is referred to in the Village of Beiseker *Infrastructure Management Plan* (prepared by MPE dated May 15, 2017) while the costs of the expansion are referred to in the Village of Beiseker's Bylaw 99-14.

Currently, the cost of expansion to the Lagoon to accommodate a population above 982 is unknown at this point and was not within the Scope of MPE's 2017 work on the *Infrastructure Management Plan*. The cost of this future expansion, once determined, would be recoverable from future development above the 982 threshold (approximately 329.6 m³/day water consumption) since the need is triggered at that point.

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However, a portion of the previous expansion is recoverable from future development currently. That portion is:

Cost = \$253,852.78

Costs attributable to new development as of 1999 = \$101,541.00

Population increase since 1999 = 39

Based on 1999 Bylaw 99-14, it is expected that a Levy of $39 * 216.00 = \$8,424.00$ has occurred.

Therefore $\$101,541.00 - \$8,424.00 = \mathbf{\$93,117.00}$ is yet to be recovered from Development.

Portion allocated to the Village = $\$253,852.78 - \$93,117.00 - \$8,424.00 = \$152,311.78$

Subsequently, based on a consumptive levy, the rate would be $\$93,117.00/174 = \$535.16/m^3/day$

Stormwater

Total Area of Village = 285 ha or 704.25 acres.

Undeveloped area = 175.4 ha or 433.42 acres.

Storm Lift Station Upgrade

The **Stormwater Lift Station** which currently services existing development as well as future development requires upgrades including the addition of automatic float switches in each of the manholes, addition of heating and lighting to the building, remote monitoring for the station and the addition of a manual transfer switch which would allow the connection of a portable generator in case of a power outage. As both existing development as well as new development will benefit from these upgrades, a portion of this cost is attributable to future development as outlined below:

Cost Estimate = \$67,562.50 (MPE Cost Estimate re Beiseker Lift Stations dated April 3, 2018)

Benefiting Area = 704.25 acres

Therefore $\$67,562.50/704.25 = \$95.94/acre$

Portion attributable to new development = $\$95.94 * 433.42 = \$41,582.31$

Portion allocated to Village = $\$95.94 * 270.83 = \$25,983.43$

This rate can be applied to any development or redevelopment within the Village as no Stormwater Levy has been previously collected.

Stormwater Master Drainage Plan

Stormwater in the Village is managed by a minor piping system and a major overland system consisting of swales and ditches. In order to formalize stormwater policy for future development, it has been recommended that the Village undertake a Comprehensive **Stormwater Master Drainage Plan**. The Stormwater Plan would allow the Village to set an allowable release rate for new development, check capacity of existing mains and culverts and identify solutions to flood prone areas. As future

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development benefits from this Master Drainage Plan, the cost is fully attributable to future development (even though the Village may front the costs of the study so that it is in place for development then recover the costs through the levy) as outlined below:

Cost Estimate = \$25,000.00

Undeveloped Benefiting Area = 433.4 acres

Therefore $\$25,000/433.4 = \$57.38/\text{acre}$

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APPENDIX B

Map of Benefiting Area Subject to Utilities Off-Site Levy Pursuant to Bylaw 2019-06

See attached .pdf