

**Municipality of Crowsnest Pass
Off-Site Levy Evaluation**

Final Report



Stantec

March 2009

Executive Summary

The current Municipal Levy is authorized under By-Law No. 524, 2000 and as amended by By-Law 643, 2005.; which is a bylaw to authorize a levy of off-site costs on lands within the Municipality for subdivision, development and redevelopment.

Based on current growth areas identified under the “Water System Master Plan, the Wastewater Collection System Master Plan” and the growth areas that have accepted Area Structure Plans; significant base servicing infrastructure expansion is required. To enable this identified growth, the off-site levy’s assessment and bylaw needs to be updated. This report in conjunction with the Master Plans will provide the basis for the Municipality to update the off-site levy assessment and related bylaws.

The assessments calculated are summarized in the following table based upon a residential density of 10 lots per hectare.

OFFSITE LEVY SUMMARY					
Community Growth Area	Water Assessment	Sewer Assessment	Road Assessment	Storm Sewer Assessment	Total Assessment
Bellevue	\$1,966	\$2,360	\$1,035	\$400	\$5,361
Hillcrest	\$1,235	\$1,673	\$1,413	\$0	\$4,321
Frank	\$2,100	\$1,710	\$1,140	\$20	\$4,950
Blairmore	\$2,100	\$1,710	\$1,140	\$20	\$4,950
Coleman	\$2,100	\$1,710	\$1,140	\$20	\$4,950

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1.0 OFFSITE LEVY INTRODUCTION

This bylaw was derived from the Infrastructure Evaluation and Offsite Levies Report conducted by UMA Engineering Ltd, dated April 2000. The assessments derived under this report assumed commercial development equated to a residential development of 16.88 Single Family Dwelling Units per Hectare, and an equivalent permanent population of 2.4 persons per dwelling unit.

1.1 OFFSITE LEVY PURPOSE

Offsite levies are a mechanism to fund the offsite infrastructure needed for continued growth. *Growth* is the development of raw land into serviced urban lots or redevelopment of existing lands which require new off-site infrastructure or expansion of existing infrastructure systems.

Offsite infrastructure is capital improvements required to provide municipal services including:

- 1) Water Supply Treatment and Distribution
- 2) Sanitary and Stormwater Collection, Conveyance (forcemains and liftstations), Treatment and Effluent Disposal
- 3) Arterial Road System

1.2 MUNICIPAL GOVERNMENT ACT

Under the following division of the Municipal Government Act (M-26), the Municipality is authorized to enact a bylaw to impose development levies. The relevant section of the Act relative to off-site levies is as follows:

Division 6

Development Levies and Conditions

Redevelopment levies

647(1) If a person applies for a development permit in respect of development in a redevelopment area and the area redevelopment plan contains proposals for residential, commercial or industrial development, a redevelopment levy may be imposed on the applicant in accordance with the bylaw adopting the area redevelopment plan.

(2) A redevelopment levy imposed and collected must be used to provide, in respect of the redevelopment area,
(a) land for a park or land for school buildings designed for the instruction or accommodation of students, or
(b) land for new or expanded recreation facilities,
or both.

(3) On September 1, 1995 a redevelopment levy under the former Act continues as a redevelopment levy under this Part.

(4) A redevelopment levy imposed and collected under this Part or the former Act may be imposed and collected only once in respect of a development.

(5) A redevelopment levy imposed pursuant to this Part may vary between one class of development and another in a redevelopment area.

(6) If a redevelopment levy is collected, the municipality must pay that portion of the levy imposed to provide land for school buildings designed for the instruction or accommodation of students to the one or more school authorities.

1995 c24 s95

Off-site levy

648(1) For the purposes referred to in subsection (2), a council may by bylaw

(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.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

(a) new or expanded facilities for the storage, transmission, treatment or supplying of water;

(b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
new or expanded storm sewer drainage facilities;

(c.1) new or expanded roads required for or impacted by a subdivision or development;

(d) land required for or in connection with any facilities described in clauses (a) to (c.1).

(3) On September 1, 1995 an off-site levy under the former Act continues as an off-site levy under this Part.

(4) An off-site levy imposed under this Part or the former Act may be collected only once in respect of land that is the subject of a development or a subdivision.

(5) An off-site levy collected under this section, and any interest earned from the investment of the levy,

(a) must be accounted for separately from other levies collected under this section, and

(b) must be used only for the specific purpose described in subsection (2)(a) to (c.1) for which it is collected or for the land required for or in connection with that purpose.

(6) A bylaw under subsection (1) must be advertised in accordance with section 606 unless

(a) the bylaw is passed before January 1, 2004, or

(b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.

(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed

(a) to have been imposed pursuant to a bylaw under this section, and

(b) to have been validly imposed and collected

effective from the date the fee or charge was imposed.

RSA 2000 cM-26 s648;2003 c43 s3

Levy bylaws

649 A bylaw that authorizes a redevelopment levy or an off-site levy must set out the object of each levy and indicate how the amount of the levy was determined.

1995 c24 s95

Condition of issuing development permit

650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of

(i) a pedestrian walkway system to serve the development, or

(ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,

or both;

© to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of

(i) off-street or other parking facilities, and

(ii) loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the Land Titles Act in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

1995 c24 s95

Agreements re oversize improvements

651(1) An agreement referred to in section 648, 650 or 655 may require the applicant for a development permit or subdivision approval

(a) to pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or

(b) to construct or pay for all or a portion of an improvement with an excess capacity.

(2) An agreement referred to in subsection (1)(b) or (3) that obliges an applicant for a development permit or subdivision approval to construct or pay for an improvement with an excess capacity may also provide for the

reimbursement of the cost incurred or payment made in respect of the excess capacity together with interest calculated at the rate fixed pursuant to subsection (4) on the amount of the cost until the land that benefits from the excess capacity is developed or subdivided.

(3) If a municipality has at any time, either before or after this section comes into force, or before or after section 77.1 of the Planning Act was deemed to come into force, entered into an agreement providing for reimbursement of payments made or costs incurred in respect of the excess capacity of an improvement by an applicant for a development permit or subdivision approval, the municipality must, when other land that benefits from the improvement is developed or subdivided, enter into an agreement with the applicant for a development permit or subdivision approval for the other land, and that agreement may require the applicant to pay an amount in respect of the improvement, as determined by the municipality, which may be in excess of the cost of the improvement required for the proposed development or subdivision.

(4) An agreement made in accordance with subsection (1)(a) or (3) may require that, in addition to paying for all or part of the cost of an improvement, an applicant for a development permit or subdivision approval must pay reasonable interest on the cost in an amount to be fixed by the municipality.

(5) In this section,

(a) “excess capacity” means any capacity in excess of that required for a proposed development or subdivision;

(b) “improvement” means

(i) a facility or land referred to in section 648(2), or

(ii) a road, pedestrian walkway, utility or facility referred to in section 650(1) or 655(1)(b),

whether or not located on the land to be developed or subdivided and whether or not constructed at the time of development or subdivision approval.

1995 c24 s95

Restrictive covenant

651.1(1) In this section, “restrictive covenant” means a condition or covenant under which land, or any specified portion of land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the Land Titles Act or any other enactment, a municipality may register a caveat under the Land Titles Act in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is subject to the restrictive covenant, and

(ii) that was issued to the person who granted the restrictive covenant,

(b) has the same force and effect as if it had been a condition or covenant registered under section 48 of the Land Titles Act,

© may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the Land Titles Act governing the lapsing of caveats.

1999 c11 s43

1.3 OFFSITE LEVY PRINCIPALS

The overall or primary principle and assumption is that growth benefits the community.

Other resulting offsite principles from this primary assumption are:

- 1) Infrastructure required for growth in the existing service areas are funded by levies collected on an as required basis.
- 2) In general specialized growth areas projects are recoverable only from the developers of that specialized area. An exception to this is that an allowance has been made for contribution for the two future Sentinel lift stations and the Sentinel Trunk Extension. The lift stations will provide service to existing developments and the Trunk Extension will provide service to some existing developments.
- 3) Maintain continual cost effective and orderly growth.
- 4) Open Transparent Process
- 5) Maintain New Lot Affordability
- 6) Oversize will be recovered from future developers by endeavor to assist agreements.
- 7) Levies will be assessed on a single dwelling unit basis.
- 8) Average future development density is 10 units per hectare
- 9) Commercial Development will be assessed at 16.88 Dwelling units per Hectare. (Equivalent average sewage flow conversion, 40 m³ per day per hectare)
- 10) Projects that benefit all of the Municipality will be prorated over the growth areas and existing development.

2.0 OFFSITE LEVY CALCULATIONS

MUNICIPALITY OF CROWSNEST PASS

OFF-SITE LEVY EVALUATION

OFFSITE LEVY CALCULATIONS

March 31, 2009

Water Assessment

Sentinel Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
New Reservoirs & Supply	\$10,500,000	75%	\$7,875,000	850	\$9,300	\$930
Pipe Network & Looping	\$15,730,000	50%	\$7,865,000	850	\$9,300	\$930
Frank Industrial Park Servicing (50%)	\$185,000	50%	\$92,500	850	\$100	\$10
Project						
Project						
Total	\$26,415,000		\$15,832,500		\$18,700	\$1,870

Coleman Blairmore Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Coleman Reservoir (New)	\$3,450,000	75%	\$2,587,500	750	\$3,500	\$350
Blairmore Reservoir (New)	\$3,840,000	75%	\$2,880,000	750	\$3,800	\$380
Pipe Network & Looping	\$18,260,000	50%	\$9,130,000	750	\$12,200	\$1,220
Frank Industrial Park Servicing (50%)	\$185,000	45%	\$83,250	750	\$100	\$10
Blairmore Greenwater Supply	\$2,100,000	50%	\$1,050,000	750	\$1,400	\$140
Project						
Total	\$27,835,000		\$15,730,750		\$21,000	\$2,100

Bellevue Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Bellevue Pumpstation Upgrades	\$400,000	50%	\$200,000	100	\$2,000	\$200
Bellevue Supply Line	\$1,596,084	50%	\$798,042	100	\$8,000	\$800
Pipe Network & Looping	\$1,920,000	50%	\$960,000	100	\$9,600	\$960
Frank Industrial Park Servicing (50%)	\$185,000	3%	\$5,550	100	\$60	\$6
Project						
Project						
Total	\$4,101,084		\$1,963,592		\$19,660	\$1,966

Hillcrest Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Bellevue Hillcrest Interconnection	\$1,570,000	25%	\$392,500	90	\$4,400	\$440
Bellevue Supply Line	\$1,596,084	10%	\$159,608	90	\$1,800	\$180
Pipe Network & Looping	\$1,100,000	50%	\$550,000	90	\$6,110	\$611
Frank Industrial Park Servicing (50%)	\$185,000	2%	\$3,700	90	\$40	\$4
Project						
Project						
Total	\$4,451,084		\$1,105,808		\$12,350	\$1,235

Sewer Assessment

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Existing Pipe Network	\$10,000,000	25%	\$2,500,000	850	\$2,900	\$290
Lift Station 1	\$2,500,000	25%	\$625,000	850	\$700	\$70
Lift Station 2	\$500,000	25%	\$125,000	850	\$100	\$10
Sentinel Trunk	\$10,790,000	10%	\$1,079,000	850	\$1,300	\$130
Blairmore Coleman Trunk Upgrade	\$10,160,000	75%	\$7,620,000	850	\$9,000	\$900
Frank WWTP	\$35,000,000	12.5%	\$4,375,000	850	\$5,100	\$510
Frank Industrial Park Servicing (50%)	\$145,000	50%	\$72,500	850	\$100	\$10
Sentinel Industrial Park Servicing (50%)	\$430,000	50%	\$215,000	850	\$300	\$30
Project						
Total	\$69,525,000		\$16,611,500		\$19,500	\$1,950

Coleman Blairmore Growth Area (Existing Trunk Service Area)

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Existing Pipe Network	\$10,000,000	25%	\$2,500,000	750	\$3,300	\$330
Sentinel Trunk	\$10,790,000	10%	\$1,079,000	750	\$1,400	\$140
Blairmore Coleman Trunk Upgrade	\$10,160,000	25%	\$2,540,000	750	\$3,400	\$340
West Blairmore Trunk / River Crossing	\$2,000,000	100%	\$2,000,000	750	\$2,700	\$270
Frank WWTP	\$35,000,000	12.5%	\$4,375,000	750	\$5,800	\$580
Frank Industrial Park Servicing (50%)	\$400,000	45%	\$180,000	750	\$200	\$20
Sentinel Industrial Park Servicing (50%)	\$430,000	45%	\$193,500	750	\$300	\$30
Project						
Total	\$68,780,000		\$12,867,500		\$17,100	\$1,710

Bellevue Hillcrest Lagoon Service Area

Bellevue Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Existing Pipe Network	\$5,000,000	10%	\$500,000	100	\$5,000	\$500
Bellevue Trunk Upgrade	\$660,000	100%	\$660,000	100	\$6,600	\$660
Bellevue Inverted Syphon	\$1,200,000	50%	\$600,000	100	\$6,000	\$600
Sewage Lagoon Upgrade	\$4,000,000	15%	\$600,000	100	\$6,000	\$600
Frank Industrial Park Servicing (50%)	\$145,000	3%	\$4,350	100	\$40	\$4
Sentinel Industrial Park Servicing (50%)	\$430,000	3%	\$12,900	100	\$130	\$13
Project						
Total	\$11,435,000		\$2,360,000		\$23,600	\$2,360

Hillcrest Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Existing Pipe Network	\$5,000,000	10%	\$500,000	90	\$5,600	\$560
Hillcrest Trunk Upgrade	\$770,000	50%	\$385,000	90	\$4,300	\$430
Sewage Lagoon Upgrade	\$4,000,000	15%	\$600,000	90	\$6,700	\$670
Frank Industrial Park Servicing (50%)	\$145,000	2%	\$2,900	90	\$30	\$3
Sentinel Industrial Park Servicing (50%)	\$430,000	2%	\$8,600	90	\$100	\$10
Project						
Total	\$10,345,000		\$1,496,500		\$16,730	\$1,673

Storm Sewer Assessment

Sentinel Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
			\$0	850	\$0	\$0
			\$0	850	\$0	\$0
			\$0	850	\$0	\$0
Project						
Total	\$0		\$0		\$0	\$0

Coleman Blairmore Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Main St Blairmore Storm Extension	\$300,000	50%	\$150,000	750	\$200	\$20
			\$0	750	\$0	\$0
			\$0	750	\$0	\$0
			\$0	750	\$0	\$0
Project						
Total	\$300,000		\$150,000		\$200	\$20

Bellevue Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Bellevue 27 Avenue Storm	\$400,000	100%	\$400,000	100	\$4,000	\$400
			\$0	100	\$0	\$0
			\$0	100	\$0	\$0
			\$0	100	\$0	\$0
Project						
Total	\$400,000		\$400,000		\$4,000	\$400

Hillcrest Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
		25%	\$0	90	\$0	\$0
		10%	\$0	90	\$0	\$0
		50%	\$0	90	\$0	\$0
		2%	\$0	90	\$0	\$0
Project						
Total	\$0		\$0		\$0	\$0

Transportation Assessment

Sentinel Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Atlas Road	\$4,000,000	50%	\$2,000,000	850	\$2,400	\$240
Tecumseh Road	\$8,000,000	50%	\$4,000,000	850	\$4,700	\$470
Main St Blairmore (Past Project)	\$2,038,279	25%	\$509,570	850	\$600	\$60
Frank Industrial Park Servicing (50%)	\$150,000	50%	\$75,000	850	\$100	\$10
Sentinel Industrial Park Servicing (50%)	\$1,500,000	50%	\$750,000	850	\$900	\$90
Project						
Total	\$15,688,279		\$7,334,570		\$8,700	\$870

Coleman Blairmore Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Main Street Blairmore Paving	\$2,500,000	50%	\$1,250,000	750	\$1,700	\$170
Old Blairmore Road to Downtown Coleman	\$2,000,000	50%	\$1,000,000	750	\$1,300	\$130
Main St Blairmore (Past Project)	\$2,038,279	50%	\$1,019,140	750	\$1,400	\$140
York Creek to Bushtown	\$10,000,000	25%	\$2,500,000	750	\$3,300	\$330
Sartoris Road Upgrade	\$8,000,000	25%	\$2,000,000	750	\$2,700	\$270
Frank Industrial Park Servicing (50%)	\$150,000	45%	\$67,500	750	\$100	\$10
Sentinel Industrial Park Servicing (50%)	\$1,500,000	45%	\$675,000	750	\$900	\$90
Project						
Total	\$26,188,279		\$8,511,640		\$11,400	\$1,140

Bellevue Growth Area

Project	400000	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
Bellevue 27 Ave	\$3,500,000	25%	\$875,000	100	\$8,800	\$880
Main St Blairmore (Past Project)	\$2,038,279	5%	\$101,914	100	\$1,000	\$100
Frank Industrial Park Servicing (50%)	\$150,000	3%	\$4,500	100	\$50	\$5
Sentinel Industrial Park Servicing (50%)	\$1,500,000	3%	\$45,000	100	\$500	\$50
Project						
Total	\$7,188,279		\$1,026,414		\$10,350	\$1,035

Hillcrest Growth Area

Project	Capital Cost	Levy Contribution %	Levy Contribution Cost	Area (ha)	Development Cost	per lot (10 lots/ ha)
East Hillcrest Access to Town Shop	\$2,500,000	25%	\$625,000	90	\$6,900	\$690
Hillcrest Access to Town Shop	\$750,000	25%	\$187,500	90	\$2,100	\$210
Adanac Road Upgrade	\$4,000,000	10%	\$400,000	90	\$4,400	\$440
Main St Blairmore (Past Project)	\$2,038,279	3%	\$50,957	90	\$600	\$60
Frank Industrial Park Servicing (50%)	\$150,000	2%	\$3,000	90	\$30	\$3.00
Sentinel Industrial Park Servicing (50%)	\$430,000	2%	\$8,600	90	\$100	\$10
Project						
Total	\$9,868,279		\$1,275,057		\$14,130	\$1,413

3.0 OFFSITE LEVY RATES

The assessments calculated are summarized in the following table based upon a residential density of 10 lots per hectare..

OFFSITE LEVY SUMMARY					
Community Growth Area	Water Assessment	Sewer Assessment	Road Assessment	Storm Sewer Assessment	Total Assessment
Bellevue	\$1,966	\$2,360	\$1,035	\$400	\$5,361
Hillcrest	\$1,235	\$1,673	\$1,413	\$0	\$4,321
Frank	\$2,100	\$1,710	\$1,140	\$20	\$4,950
Blairmore	\$2,100	\$1,710	\$1,140	\$20	\$4,950
Coleman	\$2,100	\$1,710	\$1,140	\$20	\$4,950
Sentinel	\$1,870	\$1,950	\$870	\$0	\$4,690

The individual growth areas are determined by the connection point of the sewer collection system. The Sentinel growth area for sanitary is all service areas upstream of the existing sanitary trunk main. Areas serviced by the Coleman water system but serviced by the extension of the Sentinel sewer, would pay the Coleman Water Assessment, the Sentinel Sewer Assessment, and the Sentinel Road Assessment.