

COUNTY OF MINBURN NO. 27

BYLAW NO. 1322-21

A BYLAW OF THE COUNCIL OF THE COUNTY OF MINBURN NO. 27, VEGREVILLE, IN THE PROVINCE OF ALBERTA TO PROVIDE NON-RESIDENTIAL PROPERTY TAX INCENTIVES FOR NEW INDUSTRIAL AND COMMERCIAL DEVELOPMENT AND EXPANSIONS.

WHEREAS the County of Minburn No. 27 wishes to provide property tax incentives to encourage assessment growth and promote non-residential expansion.

AND WHEREAS section 364.2 of the Municipal Government Act, R.S.A. 2000, c M-26 as amended, permits municipalities to offer multi-year tax exemptions, reductions, or deferrals for non-residential properties in order to attract investment, development and revitalization.

AND WHEREAS the County of Minburn No. 27 is committed to promoting investment within existing non-residential areas.

AND WHEREAS Council considers it desirable to encourage the development or revitalization of non-residential properties for the general benefit of the municipality.

NOW THEREFORE the Council of the County of Minburn No. 27 in the Province of Alberta, duly assembled hereby enacts as follows:

This Bylaw shall be cited as the County of Minburn No. 27 "Tax Incentive Bylaw"

1. CRITERIA FOR TAX EXEMPTION

- 1.1 To be eligible for a tax exemption, the following eligibility criteria must be met:
- a. Construction of a new non-residential development with an assessed value at or above \$250,000, or a refurbishment of an existing non-residential development that increases the assessed value by at least \$250,000;
 - b. Construction or refurbishment of a non-residential development must be commenced subsequent to the passing of this Bylaw;
 - c. Eligible non-residential developments are defined as per the applicable land use district pursuant to the County's Land Use Bylaw 1254-16, as amended;
 - d. New and existing non-residential developments are eligible;
 - e. Applicant must employ, on an annual basis, at least 5 full-time personnel at the location of the non-residential development within the County of Minburn;
 - f. Non-residential development must be located within an existing Area Structure Plan. Non-residential development outside of an existing Area Structure Plan will be considered by the CAO or delegate, on a case-by-case basis;
 - g. All necessary development approvals must be obtained from the County;
 - h. Applicant must not be in the process of foreclosure, bankruptcy, or receivership;

- i. Applicant must not have compliance issues, be in violation of a development permit and/or agreement or be in violation of the *Safety Code Act* at any time from application to the end of the exemption period;
- j. Applicant must not be in arrears or have amounts owing with regards to property tax, utilities, or other fees owed to the County.

2. INELIGIBLE PROJECTS

- 2.1 Any projects or properties that are classified as Designated Industrial Properties by the Province of Alberta as defined in section 284(1)(f.01) of the Municipal Government Act.
- 2.2 Any projects or properties with an assessed value exceeding \$5,000,000.

3. DETAILS OF EXEMPTION

- 3.1 The exemption only applies to municipal taxes. Provincial School and Senior Lodge property requisitions are excluded from any reduction.
- 3.2 The exemption period shall begin January 1, 2022, and end on December 31, 2032.
- 3.3 Any eligible property shall receive the exemption outlined in Section 6 of this bylaw at any time within the exemption period. For example, if a \$2,000,000 property is operational by November 1, 2032, this property will receive the full 3 years of exemption. However, properties becoming operational after December 31, 2032 shall not be eligible for the exemption unless this program is extended by Council.
- 3.4 Eligible properties shall receive the first year's exemption in full, regardless of when they become operational during the calendar year.
- 3.5 Notwithstanding Section 3.3, above, complete applications may be considered and approved in accordance with this Bylaw before construction on the qualifying property is complete; however, the calculation of exemption and exemption period will not be confirmed until all construction on the qualifying property is complete, the development is inspected and approved, and the property is assessed for taxation.
- 3.6 A property is only eligible for one tax incentive exemption during the exemption period, beginning January 1, 2022 and ending on December 31, 2032.

4. CHANGE OF OWNERSHIP

- 4.1 Any change in ownership of the property will not affect the exemption unless the new owner(s) falls within one or more of the terms of disqualification.
- 4.2 To maintain eligibility for the exemption, the new owner(s) must assume the obligations that arise under the written decision in accordance with Section 7.

5. APPLICATION FOR TAX EXEMPTION PROGRAM

- 5.1 The CAO, or delegate, has the authority to determine whether an exemption will be granted in accordance with the terms and conditions of this bylaw.
- 5.2 The application process of an exemption is as follows:
 - a. Applicants must submit a complete application to the County, and the County has the discretion to reject

applications that are incomplete, ineligible, or provided after the deadline provided in this bylaw;

- b. A complete application must be received before construction of the new project or expansion project has commenced;
- c. Applicants whose applications are returned as incomplete, or ineligible may resubmit one additional time;
- d. Notwithstanding the complete application requirements, the County may require any additional information that, in the discretion of the County, is necessary to complete the application and may require the applicant's consent to be given for the County to obtain such additional information;
- e. The County will advise applicants in writing if their application is accepted for consideration. Applications accepted for consideration will become the property of the County and may not be returned.

6. CALCULATION OF EXEMPTION

6.1 The exemption will be rebated to municipal property taxes based on assessed value:

- a. \$250,000 - \$500,000 = 2 years of exemption
- b. \$500,000+ - \$5,000,000 = 3 years of exemption

6.2 The property will be assessed by the County Assessor following completion of construction of the development, during the regular scheduled period of assessment.

7. DECISION ON EXEMPTION

7.1 If the CAO grants an exemption, the CAO will issue a written decision to the applicant outlining the following information:

- a. The taxation years to which the exemption application, which must not include any taxation year earlier than the taxation year in which the exemption is granted;
- b. Conditions the breach of which will result in cancellation of the exemption, and the taxation year or years to which the conditions apply;
- c. The date on which the exemption shall begin in effect; and
- d. The amount of the exemption, to be calculated and applied in accordance with Section 6.
- e. Any other information or conditions provided by the County.

7.2 If the CAO refuses to grant an exemption, the CAO will issue a written decision to the Applicant outlining the following information:

- a. The reasons why the property fails to qualify for the exemption; and
- b. The date by which an application for an appeal to Council must be submitted.

8. CANCELLATION OF EXEMPTION

8.1 If at any time after an exemption is granted, the County determines that:

- a. The applicant or their application did not meet or ceased to meet any of the criteria in which formed the basis of granting the exemption; or
- b. There was a breach of any condition contained in the decision to grant the exemption;

the County may cancel the exemption for the taxation year or years in which the criterion was not met or to which the condition applies.

8.2 A written decision to cancel an exemption must be provided to the applicant and must include reasons for the cancellation, identify the taxation year or years to which the cancellation applies, and provide the date by which an application for an appeal to Council must be submitted.

9. APPEAL OF DECISION

9.1 An applicant may appeal to County Council in the following situations:

- a. An application for exemption is refused or rejected; or
- b. An exemption is cancelled.

9.2 A request for appeal must be in writing and be received by the CAO no later than the time and date specified in the decision in which the exemption was rejected or cancelled.

9.2 County Council shall consider an appeal at:

- a. A regularly scheduled meeting of council; or
- b. A special meeting of council.

9.3 Remedies available to County Council upon conclusion of an appeal are:

- a. Council may uphold or revoke a decision of the CAO with respect to the outcome of an application or cancellation of an exemption; or
- b. Council can revise, or direct the CAO to revise a decision with respect to the outcome of an application or cancellation of an exemption.

10. SEVERABILITY

If any Section or parts of this bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

11. COMING INTO EFFECT

Bylaw No. 1322-21 comes into force on the date of the third and final reading and passed in Council with unanimous consent of the members present the 20th day of September, 2021.

FIRST READING.....August 16, 2021

PUBLIC HEARING held on the 20th day of September, 2021

SECOND READING.....September 20, 2021

THIRD READINGSeptember 20, 2021

Original Signed

Reeve

Original Signed

Chief Administrative Officer