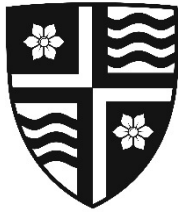


Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: MAY 29, 2017 - REGULAR AFTERNOON MEETING
FROM: ENGINEERING DIVISION
SUBJECT: LOCAL AREA SERVICE PROGRAM UPDATE

REPORT: 17-56
FILE: 5320-01

RECOMMENDATION:

That Council adopt a revised Local Area Services and Business Improvement Policy, presented as Attachment A to this report.

EXECUTIVE SUMMARY:

The Township of Langley Local Area Service (LAS) Policy provides direction and guidance for completion of LAS projects in accordance with statutory provisions of the Community Charter. While the Community Charter provides local governments with the broad procedural framework for managing LAS projects, it does allow flexibility with respect to determination of items including: a) benefitting area (subject to technical rationalization); and b) cost apportionment (subject to compliance with provincial statute). Such items are typically incorporated in local government policy documents with detailed explanation and clarification. As an example, the Township's current Policy specifies taxable frontage as the basis for apportioning costs for application of a parcel tax, utilizing a specific formula to normalize odd-shaped parcels, for a more equitable distribution.

In recent years, concerns were expressed with respect to the formula used to determine taxable frontage in the current Policy. Accordingly, Council directed staff to review the Policy in terms of fairness for properties of different size and frontage; to explore the possibility of temporary exemptions based on hardship; and the formula for calculating taxable frontage as it relates to panhandle lots. As directed by Council, staff has undertaken a comprehensive review of relevant legislation, consulted with legal counsel as necessary, researched practices of other jurisdictions, and undertook test scenario analyses to determine practicality and implications of various options. Some of the key findings, incorporated in the revised Policy, are listed below:

- Temporary individual property exemptions - not incorporated, as there are no specific statutory provisions and cannot be technically justified or rationally supported.
- Cost apportionment – retain taxable frontage as the best approach, with amendments proposed to address generally larger rural, and suburban residential properties.
- Panhandle lots - the taxable frontage formula in the Policy accounts for the unusual configuration of panhandle lots, in consideration of all lot line dimensions and total perimeter.

A number of housekeeping amendments, having been previously raised, are also addressed in the updated Policy, some of which are outlined below:

- Traffic calming - not incorporated due to implementation and cost apportionment challenges
- Application, notification and process – clarifications provided
- Cost variance – increase from 10% to 15% as a more reasonable construction contingency

PURPOSE:

This report recommends Council adoption of amendments to the Local Area Services and Business Improvement Policy, in response to previous resolutions of Council.

BACKGROUND/HISTORY:

Council adopted the Local Area Services and Business Improvement Area (BIA) Services Policy 05-007 in April 2014 with subsequent housekeeping amendments in May 2016, copies of which are provided for Council's reference as Attachment B to this report.

At the September 28, 2015 meeting, after receiving a number of delegations, Council directed staff to undertake a review of the policy with respect to:

1. The fairness and equity of the formula used in apportioning LAS costs, with respect to businesses with small frontages in comparison to larger rural and residential properties; and
2. The ability to temporarily exempt property owners (due to hardship) from paying commuted costs of the LAS project.

Additionally, at the March 27, 2017 Evening meeting, Council adopted the following resolution:

"That Council ask staff for a report on the feasibility of equalizing or averaging frontage fees for panhandle lots for local area servicing."

Sections 210 to 214 of the Community Charter provides local governments with the legal and procedural framework for managing LAS requests, whether initiated by Council or by property owners. The Community Charter does not provide specific instructions pertaining to property inclusion, temporary property exemption, cost distribution mechanism, and cost sharing ratio of the LAS initiatives. The Community Charter provides flexibility relating to those items, and it permits the municipalities to clarify the requirements as part of their LAS program. Specifically, local governments have full discretion on many of the items discussed in this report.

DISCUSSION/ANALYSIS:

Temporary Property Exemption

Staff reviewed temporary property exemptions with legal counsel and the ability of the Township to provide exemptions for property owners based on the "ability to pay". Based on this review, an exemption should not be included in the LAS policy. While the Township does have the ability to determine who "benefits" from an LAS, and could in theory exclude a property, there is no fair and rational way of making this determination for system improvements, such as water or sewer mains which constitute the majority of projects completed as a LAS. For example, it is not rational to exclude a mid block property from the benefiting parcels for a new main when neighbours on all sides are included as benefitting properties for the LAS. Rationale for not providing an exemption include:

- It will be very difficult to come up with a fair, objective way of determining whether a particular property owner can "afford to pay the local service tax that will be imposed for the LAS" within the meaning of the amended LAS Policy.
- Amending the LAS Policy in this way will likely open the flood gates to numerous exclusion applications, which will result in additional time and expense for Township staff (to process the applications) and for Council (to hear the applications).
- If the LAS Policy is amended in this way, and a particular property is excluded from the local service area for an LAS, the excluded property could not easily be included in the local service area for the LAS at a later date (this would involve a further petition to Council and amendments to the LAS bylaw and related tax bylaw(s)).

Additionally, the LAS Policy cannot be amended to permit Council to grant a property which has been included in the local service area for an LAS, an exemption from the local service tax for that LAS. In accordance with section 193(3) of the Community Charter, a municipal Council may only provide an exemption from property taxes (which by definition includes local service taxes - see the Schedule to the Community Charter) if expressly authorized to do so by Part 7 of the Community Charter or another Act.

As neither Part 7 of the Community Charter or another Act expressly authorizes a municipal Council to provide an exemption from a local service tax on the basis of hardship (i.e. inability to pay), Council cannot do so by way of an amendment to the LAS Policy or otherwise.

Cost Apportionment

Questions were previously raised regarding the apportionment of costs between owners of different land uses, particularly large farm properties facing higher bills for water main construction than commercial and industrial properties. The current Policy utilizes taxable frontage for the basis of apportioning the costs between different properties. This is based on the principle that larger properties incur a greater cost for the project as the length of utility installation is longer, and therefore should pay a higher proportion of the cost. It is limited with a minimum taxable frontage for all properties of 15.24m and a maximum of 106.68m.

In an effort to decrease the portion paid by rural, suburban and residential properties, staff are proposing as part of this amendment to change the minimums and maximums as follows:

Property Type	Minimum Taxable Frontage	Maximum Taxable Frontage	Minimum Taxable Frontage	Maximum Taxable Frontage
	Existing		Proposed	
Rural and Residential	15.24m	106.68m	15m	61m
Non- Residential	15.24m	106.68m	15m	105m

Staff have run a number of test scenarios with these numbers and noted decreased costs for large rural and residential properties. Small residential properties will pay more under this framework; however these properties are typically below the average cost for LAS projects.

Other options considered for amendment are shown in the table below:

Proposed Method	Advantages	Disadvantages
Taxable Frontage with Min/Max (Proposed method in Policy)	<ul style="list-style-type: none"> Cost is apportioned in proportion to the cost of providing the service Formula utilizes perimeter and rearage to balance out irregularly shaped parcels Enhanced equality/fairness by applying Min/Max 	<ul style="list-style-type: none"> More difficult to administer in the calculation of taxable frontage
Frontage (Actual)	<ul style="list-style-type: none"> Quick & easy to administer Easy for owners to understand Closely reflects the cost to provide the service 	<ul style="list-style-type: none"> Inequitable - does not consider pan handle lots or cul-de-sacs with small frontages (but large properties) or irregularly shaped parcels Does not take the different types of property usage into consideration

Proposed Method	Advantages	Disadvantages
Frontage (Actual with current Min/Max applied)	<ul style="list-style-type: none"> • Quick & easy to administer • Easy for owners to understand • Enhanced equality/fairness by applying Min/Max 	<ul style="list-style-type: none"> • Inequitable - does not consider pan handle lots or cul-de-sacs with small frontages (but large properties) or irregular shaped parcels • Does not take the different types of property usage into consideration
Property Assessment	<ul style="list-style-type: none"> • Takes into consideration those with farm status • Equitable in the sense that people with higher assessed property values likely have greater capacity to shoulder the LAS tax burden 	<ul style="list-style-type: none"> • Possible loophole. Owners may temporarily apply and obtain farm status to reduce LAS costs • Does not consider many of the large land owners have held the land for a long time and/or are seniors on fixed income • Assessments can vary from year to year and estimates and bills can vary significantly
Equal Distribution	<ul style="list-style-type: none"> • Quick & easy to administer. • Easy for owners to understand • Benefit received by each parcel is the same - a single connection to an LAS system • Properties that are metered (commercial/industrial likely use LAS system more than residential) would pay for the increased use through higher user fees 	<ul style="list-style-type: none"> • Unfair to smaller properties and doesn't consider potential for subdivision • Doesn't reflect the cost of construction of providing the service

Strata ownership of parcels with a proposed LAS project present more complex calculations when taxable frontage is utilized as the method for cost apportionment. The current Policy provides flexibility for determining the method utilized in cost apportionment with historical use of the taxable frontage formulation. Subject to Council's approval of the Policy, detailed Operational Guidelines will be prepared to provide more specific direction when dealing with stratified ownership.

Panhandle Lots

Panhandle lots are those where a small frontage exists for access purposes where the bulk of the lot and building area is located behind another lot. For the purposes of an LAS project, the Township apportions cost based on taxable frontage calculations as outlined in schedule D of the policy, similar to other municipalities. This formula utilizes frontage as well as rearage and total perimeter of the lot.

Taxable frontage is used as a basis for cost apportionment as it reflects the cost of building the infrastructure when assigning the costs. Properties with larger frontages incur greater cost to the project for constructing infrastructure and thus are apportioned a larger percentage of the total costs. Staff have reviewed scenarios whereby standard lots are compared to panhandle lots of a similar size. Taxable frontages are lower for panhandle lots by approximately 15% depending on the exact dimensions, however actual frontages are typically lower by approximately 75% depending on the area in question. Service connection costs are incurred directly by the property owner and are not included as part of LAS construction costs.

Panhandle lot owners will incur a greater cost for connections as the service must be provided to the “bulk” of the lot and the distance involved is much greater. Staff are not proposing any changes to the calculations for cost apportionment of panhandle lots at this time.

Traffic Calming

Traffic Calming is implemented in accordance with a separate, Neighborhood Traffic Calming Policy, No. 05-110, as adopted by Council. The purpose of the policy is to define the criteria and conditions to evaluate the installation and removal of traffic calming measures in neighbourhoods. This policy sets the criteria for the review, implementation and monitoring of traffic calming measures. Traffic calming is defined by the Institute of Transportation Engineers as, “the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non- motorized street users.” Traffic calming was developed as a response where motor vehicle traffic is perceived to present a problem.

Following the implementation of these measures by municipalities, the Transportation Association of Canada (TAC) and the Canadian Institute of Transportation Engineers published the Canadian Guide to Neighbourhood Traffic Calming in 1998. This document provides guidance on a range of measures that can be implemented following a number of principles that should be addressed. Failure to follow these principles or involve the community appropriately in a traffic calming project may result in significant public opposition, either immediately or in the future.

Under the Township’s current policy, implementation of traffic calming is warranted with community support from a minimum of 67% percent of the total number of respondents to a ballot of the study area, for both the implementation and removal of traffic calming, as approved by Council in September 2012. Based upon requests by members of the public, staff reviewed the feasibility of adding traffic calming to the LAS policy with legal counsel and while it would be theoretically possible, a number of challenges would be present, including:

- Difficulty in defining a benefitting area;
- Many not considering traffic calming as a “benefit”;
- Differing procedures for determining project scope - Traffic calming utilizes a community consultation process to determine the scope, however LAS procedure requires 50% support at preliminary petition in which case the scope and estimate must be determined in advance.
- Concern that lower priority locations can “jump the queue” and delay implementation of higher priority locations due to staff resource allocations
- Concerns with removal (per Traffic Calming Policy) of recently installed measures (per LAS Policy) - Neighborhood Traffic Calming policy provides for removal of traffic calming measures, subject to sufficient residents’ petition.

Questions that can arise in relation with determination of benefitting area include:

- Are only those properties who front the traffic calming deemed as benefitting?
- Should those who would likely drive over/through the traffic calming as they enter or exit the neighborhood be deemed as benefitting?
- Should those that would benefit from slowed/reduced traffic in/out of the neighborhood be deemed as benefitting?
- To what extent on a street do we apply “benefitting”? To those who front within a certain distance? Or to the nearest intersection?
- Most of the successful traffic calming projects front a school – should schools be included as a benefitting parcel?
- In the case of traffic calming near a school – does the entire neighborhood benefit?

Accordingly, traffic calming is not recommended for inclusion in the LAS Policy.

A number of other minor amendments are proposed as essentially housekeeping items, with the intent of clarifying practical and operational procedures, as described in more detail below:

LAS Definition

It is proposed to amend the definition Local Area Service to state that a LAS initiative must include more than one parcel. The current Highway and Traffic Bylaw 2010 No. 4758, amended September 2014, provides for boulevard tiling (filling in a ditch) to be paid for 100% by property owners. The LAS policy for storm sewer works directs that 50% of the cost is covered by the Township, and this threshold is to remain to provide an alternative for larger projects to be completed through an LAS. However, to be consistent with the Highway and Traffic Bylaw, it is proposed to amend the definition to exclude single property LAS applications, which are covered under a separate permit process already in the Highway and Traffic Bylaw in addition to the procedure for private utility extensions.

Proponent Identification

It is proposed to clarify in section 5.3 that the name and contact information of the proponent will be released as required. Often the Township receives inquiries from residents who wish to discuss the project with the proponent. Periodically, the Township has received concern from proponents for a LAS project who wish to remain confidential. Both Schedule A (request for an LAS) and B (preliminary petition circulation) of the Policy require contact information.

Preliminary Petition Response

It is proposed to clarify that as part of the preliminary petition the Township will include a map or list of properties that benefit from the LAS. This is typically completed but is currently not part of the policy.

Preliminary Petition Process

It is proposed to amend the requirement for sufficient support at the preliminary petition stage from 50% to 60%. This exceeds the requirement of the level of support at the official petition stage, however is recommended to avoid projects failing once they reach the official petition stage. As significant efforts are expended to take a project to official petition, this will minimize unnecessary staff time and provide Council with greater certainty on projects. It is also proposed to amend the policy to include notification to benefitting property owners as to the results of the preliminary petition. Currently the policy does not address this item.

Official Petition Process

It is proposed to amend this section to clarify that staff will provide notification to benefitting property owners of the date of the Council meeting when the bylaw authorizing the LAS will be on the agenda. This is consistent and standard practice, however the current policy does not formally express this.

Delay of projects

The current policy contains a provision for the Township to delay projects, in order to coordinate with other projects or for budgetary concerns. Minor wording amendments are proposed in this section to name the Township as opposed to specific positions within the Township.

Cost Variance

The current policy contains a provision for cost variances, whereby if after construction bids are received and the cost is greater by more than 10%, the Township will either circulate a new petition for the LAS or elect not to proceed with the project. It is proposed to amend this percentage to 15%, to provide a more reasonable contingency when estimating project costs. As significant design effort is required for infrastructure projects, the design is not completed for LAS projects until the official petition and LAS bylaw have been successful. The estimates for the preliminary petition and official petition are based on a high level view of the project when certainty of the scope of the project is not well defined.

Additionally, a significant amount of time can occur between the official petition and actual construction of the project; cost estimates are subject to fluctuating commodity prices such as steel, oil, and aggregate as well as labor prices. Accordingly, it is recommended to increase the variance of the cost of the project to avoid scenarios where projects are cancelled due to increased prices.

Additionally it is proposed to amend this section to utilize the "Class A" construction estimate as well as construction bids when reviewing the total project cost. The "Class A" estimate is prepared upon completion of the design just prior to tendering, when the full scope of the project has been determined. The level of accuracy is typically within 15% of the project total cost. Construction bids are received upon completion of a tender process, however prior to tendering a project, a requirement of the TOL purchasing policy is to confirm that adequate funds are available for the project. The current wording of the LAS policy would require tenders to be complete prior to a decision to re-petition or cancelling the project and these policies would conflict with one another. It is recommended to amend the LAS policy to utilize both the "Class A" construction estimate and construction bids for confirmation of project costs. Both the "Class A" construction estimate and the construction bids need to be consistent with the total project cost as approved in the construction bylaw prior to proceeding.

Sidewalk Costs

The current policy contains a provision for the owner's share of sidewalk costs to be split 65% and 35% respectively for those that front the sidewalk and those owners on the other side of the road respectively when a sidewalk is constructed on one side of the roadway only. For arterial roadways, there is a lower probability of owners walking on the opposite side of the roadway or receiving a benefit from the sidewalk construction, for these roadways it is proposed to amend the policy to have only directly fronting property owners cover the cost of the sidewalk. Collector and local roadways will retain the 65% / 35% split.

Construction by the Township

Currently there is no provision in the policy for construction of an LAS project by Township forces. As the Township would be able to complete some of the smaller projects such as short watermain or sanitary sewer extensions and ditch infill projects, and does not charge a profit margin on projects, it is proposed to allow the Township to complete smaller LAS projects. The limit in value proposed is \$100,000 whereby a competitive process would be required above that amount.

SUMMARY

The table below summarizes all of the proposed changes to the current Policy for Council's consideration.

Policy Section	Proposed Revisions	Rationale
Section 4.1 – Definition	To add to the definition of Local Service Area to include "the area must include more than one parcel"	To enhance clarification of the LAS Policy. To prevent owners from using the LAS Policy to have the Township pay 50% of a ditch infill when it only serves one property
Section 5.3	Add "By submitting a request for an LAS or circulating a preliminary petition, the proponent consents to the release of contact information for the purposes of the LAS."	To formalize the contact information for the proponent of an LAS and the ability to release this information for project purposes
Section 5.4 (c) (i) – Preliminary Petition Response	Add "and to determine which properties benefit from the LAS"	To enhance practicality of the LAS Policy, as some properties may not have immediate frontage, but could potentially benefit from the LAS. Allowing the General Manager of Engineering, at his/her discretion, to determine which properties benefit from the LAS
Section 5.5 – Preliminary Petition Process	To revise the minimum preliminary petition support threshold from fifty percent (50%) to sixty percent (60%)	To clarify and strengthen the preliminary petition process. To reduce staff time proceeding to Official petition with weakly supported Preliminary petitions that are not successful as Official petitions. By increasing the minimum threshold from fifty percent (50%) to sixty percent (60%), it will provide staff and Council more certainty about the public support of the official petition. Further, the circulation of a preliminary petition for LAS is not a statutory requirement endorsed by the Community Charter. Rather, the process allows staff and Council to gauge public support before an official petition is circulated
	If the preliminary petition meets the minimum threshold, staff will provide written notice to all benefitting property owners advising detail of the Council meeting pertaining to the official petition authorization	
	If the preliminary petition does not meet the minimum threshold, staff will provide written notice to all benefitting property owners advising the petition failed and that no further action will be taken	
Section 5.9 (c) – Official Petition Process	If the official petition meets the minimum threshold, staff will provide written notice to all benefitting property owners advising detail of the Council meeting pertaining to the LAS Bylaw authorization	To clarify the official petition process

Policy Section	Proposed Revisions	Rationale
Section 5.11 – Provisions to delay	To replace with "Construction of a local area service may be delayed by the Township to: (a) coordinate with other projects and/or (b) secure funding as part of a future annual budget"	To simplify provisions for delay. To clarify the need to delay to allow for projects to be properly included in annual budgeting
Section 5.17 – Change in LAS Project Costs	To replace "If, after receipt of construction bids, the cost of completing the local area service is more than 10% of the estimated total project cost ..." with "If, after receipt of the construction Class A(+/- 15%) estimate or the construction bids, the cost of completing the local area service is more than 15% of the estimated total project cost ..."	Increasing the percentage from 10% to 15% will give the project a reasonable contingency when estimates are produced at the preliminary stage and reduces the chances of having to expend more resources circulating a new petition. To clarify that both the Class A estimate and construction bids must be within 15% of the estimated project cost.
Section 5.20 – Sidewalk LAS	To change the cost sharing ratio of the owners fronting the new sidewalk on an arterial roadway from 65% of the cost to 100% of the cost	To enhance fairness of the LAS initiative as the owners on the opposite side of an arterial roadway of the new LAS sidewalks do not receive immediate benefit
Section 5.22 – Cost Apportionment Mechanism	To change the maximum taxable frontage for residential, suburban residential, and rural properties when calculating Taxable Frontage, and to replace it with 61 meters. Amend the min and max numbers to 15m and 105m	To enhance fairness of the LAS cost distribution mechanism by taking the different type of property usage into consideration. To utilize round metric numbers as opposed to imperial dimension conversions
Section 5.31 – Construction by TOL forces	To add a new section in 5.31 as follows "Construction may be performed by Township forces at the discretion of the General Manager of Engineering, where the total project cost for the local area service does not exceed \$100,000."	To allow construction up to \$100,000 to be performed by TOL forces.

Current applications or projects will be completed under the existing policy. All new projects prior to the preliminary petition stage will be completed under the proposed policy subject to Council approval.

Respectfully submitted,

Richard Welfing
MANAGER, ENGINEERING SERVICES
for
ENGINEERING DIVISION



COUNCIL POLICY

**Subject: Local Area Services and Business
Improvement Area Services**

Policy No: 05-007
Previous Policy No: 05-781
Approved by Council: 2014-04-28
Revised by Council: 2016-05-30
Revised by Council:

1. Purpose

To define conditions whereby the Township may establish and recover the costs of local area services and business improvement area services in the Township of Langley.

2. Background

This policy repeals Local Area Service Policy 05-740 in its entirety and replaces it with a new policy which better reflects the provisions of the *Community Charter*, SBC 2003, c 26 governing local area services and business improvement area services.

3. Related Policy

None.

4. Policy

4.1 In this Policy:

- (a) **"Agricultural Land Reserve"** means agricultural land designated as an agricultural land reserve under the *Agricultural Land Commission Act*, SBC 2002, c 36 and includes an agricultural land reserve under a former Act;
- (b) **"BIAS Proponent"** has the meaning ascribed to it in Section 6.3 of this Policy;
- (c) **"Business Improvement Area"** means the area in which a local service tax is imposed to recover all or part of the grant provided by a business improvement area service;
- (d) **"Council"** means the Council of the Corporation of the Township of Langley;

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- (e) **"Designated Urban Development Area"** means an area designated as such in the Langley Official Community Plan Bylaw 1979 No. 1842, as amended from time to time;
 - (f) **"Director of Finance"** means the person appointed by Council to the position having that name, his or her designates, and Township employees acting under his or her direction;
 - (g) **"Frontage"** means the side of a parcel which is nearest to the local area service works and, if two (2) or more sides of a parcel are equidistant from the local area service works, means the shortest of those sides;
 - (h) **"General Manager of Engineering"** means the person appointed by Council to the position having that name, his or her designates, and Township employees acting under his or her direction;
 - (i) **"LAS Proponent"** has the meaning ascribed to it in Section 5.3 of this Policy;
 - (j) **"Local Service Area"** means the area in which a local service tax is imposed to recover all or part of the costs of a local area service; the area must include more than one parcel;
 - (k) **"Official Petition for LAS"** has the meaning ascribed to it in Section 5.5 of this Policy;
 - (l) **"Parcel"** means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;
 - (m) **"Petition Against LAS"** has the meaning ascribed to it in Section 5.13 of this Policy;
 - (n) **"Preliminary Petition for LAS"** has the meaning ascribed to it in Section 5.4 of this Policy;
 - (o) **"Rearage"** means the side of a parcel which is opposite the frontage;
 - (p) **"Request for BIAS"** has the meaning ascribed to it in Section 6.3 of this Policy;
 - (q) **"Request for LAS"** has the meaning ascribed to it in Section 5.3 of this Policy;
 - (r) **"Taxable Frontage"** means the portion of the frontage of a parcel that may be taxed by a local service tax;
 - (s) **"Total Perimeter"** means the total perimeter of a parcel, including the frontage;

- (t) **"Township"** means the Corporation of the Township of Langley;
- (u) **"Township Clerk"** means the person appointed by Council to the position having that name; and
- (v) **"Township of Langley"** means the geographic area subject to regulation by the Township.

5. Local Area Services

- 5.1 The only services that may be provided as local area services are services that Council considers provide particular benefit to part of the Township of Langley.

Initiating and Establishing a Local Area Service

- 5.2 A local area service may be initiated by petition or by Council.

(i) PETITION

- 5.3 An owner of a parcel who would like to petition for a local area service for the benefit of their parcel ("LAS Proponent"), must submit a Request for Local Area Service ("Request for LAS") to the General Manager of the Engineering Division in the form attached hereto as Schedule "A". By submitting a request for an LAS or circulating a preliminary petition, the proponent consents to the release of contact information for the purposes of the LAS.
- 5.4 The General Manager of the Engineering Division will review a Request for LAS and may:
- (a) request further information about the proposed local area service from the LAS Proponent;
 - (b) provide the LAS Proponent with a letter outlining the reasons why the Township will not proceed with the proposed local area service; or
 - (c) provide the LAS Proponent with a letter:
 - (i) outlining the scope of the proposed local area service; and to determine which properties benefit from the LAS.
 - (ii) providing an estimate of the costs of the proposed local area service; and
 - (iii) including a blank Preliminary Petition for Local Area Service ("Preliminary Petition For LAS"), in the form attached hereto as Schedule "B".

- 5.5 The LAS Proponent has up to sixty (60) days to circulate the Preliminary Petition for LAS and return it to the General Manager of Engineering. If the Preliminary Petition for LAS is not returned to the General Manager of Engineering within sixty (60) days after initial receipt by the LAS Proponent, the Township will not take any further steps with respect to the proposed local area service. If the Preliminary Petition For LAS is returned to the General Manager of Engineering within sixty (60) days after initial receipt by the LAS Proponent, and the General Manager of Engineering is satisfied that there is sufficient support for the proposed local area service from the owners of parcels located in the proposed Local Service Area, the General Manager of Engineering will request permission from Council to circulate an Official Petition for Local Area Service ("Official Petition For LAS").

Sufficient support is deemed to exist where at least sixty percent (60%) of the owners of parcels located in the proposed Local Service Area indicate their support for the proposed local area service on the Preliminary Petition for LAS.

If the preliminary petition meets the minimum threshold, staff will provide written notice to all benefitting property owners advising detail of the Council meeting pertaining to the official petition authorization.

If the preliminary petition does not meet the minimum threshold, staff will provide written notice to all benefitting property owners advising the petition failed and that no further actions will be taken.

- 5.6 If Council authorizes staff to circulate an Official Petition for LAS, Township staff will mail out an information package to all owners of parcels in the Local Service Area which will include: covering letter, estimated costs to each parcel, map of the works, voting sheet, and pre-paid and pre-addressed return envelope. Voting sheets are to be mailed back to the Township or returned to the Township offices in person within sixty (60) days or another period of time specified by the General Manager of Engineering. The General Manager of Engineering will provide the Official Petition for LAS to the Township Clerk to determine its sufficiency and validity.
- 5.7 To be certified as sufficient and valid,
- (a) an Official Petition For LAS must be signed by the owners of at least fifty percent (50%) of the parcels located in the Local Service Area; and
 - (b) the persons signing the Official Petition For LAS must be the owners of parcels that in total represent at least fifty percent (50%) of the assessed value of land and improvements in the Local Service Area.

- 5.8 In determining whether the requirements under Section 5.7 have been met, if two or more persons are owners of a parcel,
- (a) they will be considered as one owner only;
 - (b) they are not entitled to sign the Official Petition For LAS unless a majority of them concurs; and
 - (c) their signatures will be disregarded in determining whether the Official Petition for LAS is sufficient unless it is signed by the majority of them.
- 5.9 Once an Official Petition for LAS has been certified as sufficient and valid by the Township Clerk:
- (a) Council may sign the Official Petition for LAS if the Township is the owner of a parcel included in the Local Service Area; and
 - (b) Council may establish the local area service by adopting a local area service bylaw.
 - (c) If the official petition meets the minimum threshold, staff will provide written notice to all benefitting property owners advising detail of the Council meeting pertaining to the LAS Bylaw authorization.
- 5.10 If the Official Petition for LAS is not certified as sufficient and valid by the Township Clerk, the Township will provide written notice to the owners of parcels in the proposed Local Service Area but will not take any further steps with respect to the proposed local area service.
- 5.11 Construction of a local area service may be delayed by the Township to:
- (a) coordinate with other projects, and/or
 - (b) secure funding as part of a future annual budget.

(ii) COUNCIL INITIATIVE

- 5.12 Council may propose to undertake a local area service (but not a business improvement area service) on its own initiative by giving notice of this intention:
- (a) in accordance with Section 94 of the *Community Charter*, SBC 2003, c 26 and
 - (b) to the owners of parcels that are located within the proposed Local Service Area.

- 5.13 If the owners of parcels that are located within the proposed Local Service Area object to the proposed local area service, they may present Council with a Petition Against Local Area Service ("Petition Against LAS"), in the form attached hereto as Schedule "C", within thirty (30) days after the notice required pursuant to Section 5.12 has been given. The Petition Against LAS will be subject to the conditions outlined in sections 5.7 and 5.8 and will not be accepted by the Township more than thirty (30) days after the notice required pursuant to Section 5.12 has been given.
- 5.14 If the owners of parcels that are located within the proposed Local Service Area do not present Council with a Petition Against LAS within thirty (30) days after the second notice publication (in the newspaper) under Section 5.12, Council may establish the local area service by adopting a local area service bylaw with the assent of the electors, in accordance with the *Community Charter*.
- 5.15 If a Petition Against LAS meets the requirements of sections 5.7 and 5.8, and is presented to Council within thirty (30) days after the notice required pursuant to Section 5.12 has been given, Council will not:
- (a) proceed with the proposed local area service, or
 - (b) propose the same local area service on its own initiative within a year after the presentation of the Petition Against LAS to Council, unless the local area service varies from or is less expensive than the local area service which was originally proposed.
- 5.16 If the owners of parcels that are located within the proposed Local Service Area do not present Council with a Petition Against LAS within thirty (30) days after the second notice publication under Section 5.12(a), Council may establish the local area service by adopting a local area service bylaw with the assent of the electors, in accordance with the *Community Charter*.

Change in LAS Project Costs

- 5.17 If, after receipt of the construction Class A(+/- 15%) estimate or the construction bids, the cost of completing the local area service is more than 15% of the estimated total project cost for the local area service set out in the Official Petition For LAS or, in the case of a local area service initiated by Council, set out in the notice required pursuant to Section 5.12, the Township will:
- (a) circulate a new Petition for LAS containing a revised estimate of the costs of the local area service or, in the case of a local area service initiated by Council, circulate a new notice pursuant to Section 5.12 containing a revised estimate of the costs; or
 - (b) elect not to proceed with the local area service.

Cost Recovery

- 5.18 The owners of parcels benefitting from a local area service will share the total project costs of a local area service with the Township in accordance with the percentages outlined in the following table:

Type of Local Area Service	Owners Share	Township Share
Concrete curbs, gutters, and sidewalks	See Section 5.20	
Retaining walls along river banks	100%	0%
Sanitary sewer systems	100%	0%
Storm sewer drainage systems	50%	50%
Street lighting	100%	0%
Utility undergrounding	100%	0%
Water systems	100%	0%

- 5.19 The owners of parcels benefitting from a local area service not described in Section 5.18 will be responsible for the percentage of the total project costs of that local area service specified by the General Manager of Engineering.
- 5.20 If a concrete sidewalk is to be constructed as a local area service on one side of a local or collector roadway, the owners of the parcels adjacent to the sidewalk are responsible for 65% of the owners share, and the owners of the parcels on the opposite side of the local or collector roadway are responsible for 35% of the owner's share of the costs of the local area service.
- If a concrete sidewalk is to be constructed as a local area service on one side of an arterial roadway, the owners of the parcels adjacent to the sidewalk are responsible for 100% of the owners share of the local area service.
- 5.21 The Township will recover the costs of constructing a local area service in whole or in part by imposing a local service tax on the owners of parcels located within the Local Service Area. A local service tax may take the form of either or both of:
- (a) a property value tax which may be imposed on land, on improvements, or on both; and
 - (b) a parcel tax.
- 5.22 If a local service tax includes a parcel tax, the parcel tax will be based on the taxable frontage of a parcel calculated in accordance with the formula attached as Schedule "D" hereto, with the following exceptions:

- (a) a minimum taxable frontage of 15 metres will apply to all parcels with a lesser frontage;
 - (b) a maximum taxable frontage of 105 metres will apply to all parcels with a greater frontage except residential, suburban residential, and rural parcels;
 - (c) a maximum taxable frontage of 61 metres will apply to all residential, suburban residential, and rural parcels with a greater frontage;
 - (d) Township laneways and road frontage will not be used in calculating taxable frontage.
- 5.23 A local service tax will be levied annually on properties located within the Local Service Area for a period set out in the local area service bylaw, commencing in the year the local area service bylaw is adopted, provided the project is completed by February 15, or commencing in the following year if the project is not completed by February 15 of the year the local area service bylaw is adopted by Council.
- 5.24 The interest rate charged on a local service tax will be the Municipal Finance Authority's lending rate on the date Council approves circulation of the Official Petition for LAS, plus 0.25%.
- 5.25 An owner subject to a local service tax may commute, by payment, the local service tax imposed upon them. The commuted value is the unamortized proportionate share of the owner's portion of the costs of the local area service plus interest, as determined by the Director of Finance.
- 5.26 A local service tax will be reduced to reflect any third party grants or contributions to the costs of the local area service.
- 5.27 The Township will recover fees associated with the local area service in accordance with the following tables:

Administration Fee Breakdown	Incremental Project Cost	Administration Fee (% of Incremental Project Cost)
First	\$100,000	5.50%
Next	\$150,000	5.00%
Next	\$250,000	4.50%
Next	\$500,000	4.00%
Remainder	\$1,000,000 and over	3.75%

Private Connection Costs

- 5.28 All costs associated with connecting a parcel to a local area service (including any work on private property) are the sole responsibility of the owner or owners of the parcel.

Enlargement or Reduction of Local Service Area

- 5.29 Council may, by bylaw, enlarge or reduce a Local Service Area.

Merging of Local Service Area

- 5.30 Council may, by bylaw, merge two (2) or more Local Service Areas into one Local Service Area.

Construction by Township forces

- 5.31 Construction may be performed by Township forces at the discretion of the General Manager of Engineering, where the total project cost for the local area service does not exceed \$100,000.

6. Business Improvement Area Services

- 6.1 A business improvement area service is a type of local area service by which Council provides grant money to a corporation or other organization that has, as one of its aims, functions or purposes, the planning and implementation of a business promotion scheme.
- 6.2 A business promotion scheme can include:
- (a) carrying out studies or making reports respecting one or more areas in the Township of Langley where business or commerce is carried on;
 - (b) improving, beautifying or maintaining the streets, sidewalks or Township-owned land, buildings or other structures in one or more business improvement areas;
 - (c) the removal of graffiti from buildings and other structures in one or more business improvement areas;
 - (d) conserving heritage property in one or more business improvement areas; and
 - (e) encouraging business in one or more business improvement areas.

Initiating and Establishing a Business Improvement Area Service

- 6.3 A corporation or other organization which would like to request a business improvement area service ("BIAS Proponent") must submit a Request for Business Improvement Area Service ("Request for BIAS") to the General Manager of Engineering in the form attached hereto as Schedule "E".

- 6.4 The General Manager of Engineering will review a Request for BIAS and may:
- (a) request further information about the proposed business improvement area service from the BIAS Proponent;
 - (b) provide the BIAS Proponent with a letter outlining the reasons why the Township will not proceed with the proposed business improvement area service; or
 - (c) recommend that Council proceed with the proposed business improvement area service and provide the BIAS Proponent with a copy of this recommendation.
- 6.5 Council may establish a business improvement area service by adopting a business improvement area service bylaw.

Cost Recovery

- 6.6 The Township will recover the costs of all or part of a grant paid to a BIAS Proponent by means of a local service tax which may take the form of either or both of:
- (a) a property value tax which may be imposed on land, on improvements, or on both, and
 - (b) a parcel tax.
- 6.7 In addition to the taxes referred to in Section 6.6, all or part of the costs of a business improvement area service may be recovered by means of a tax, based on any factor set out in the establishing bylaw, that is imposed only within the business improvement area.
- 6.8 A local service tax imposed in a business improvement area:
- (a) will only be imposed on land or improvements, or both, that are
 - (i) used during the year to operate a business or a class specified in the establishing bylaw, or
 - (ii) classified as Class 5 (light industry) or Class 6 (business and other) property class, and
 - (b) may have different rates for different classes of business, as those classes are established by the bylaw.

Private Connection Costs

-
- 6.9 The costs of connecting a parcel to a business improvement area service are the sole responsibility of the owner or owners of that parcel.

7. Repeal

- 7.1 Local Area Service Policy 05-740 is hereby repealed in its entirety.



Schedule "A"

REQUEST FOR LOCAL AREA SERVICE

Date:

Name:

Address:

Telephone #:

E-mail:

(Refer to www.tol.ca/LAS for information)

Type of Local Area Service You Are Requesting:

- ☐ Concrete curbs, gutters and sidewalks
- ☐ Retaining Walls along river banks
- ☐ Sanitary sewer systems
- ☐ Storm sewer drainage systems
- ☐ Street Lighting
- ☐ Utility undergrounding
- ☐ Water systems

If the type of local area service you are requesting is not listed above, please describe it below:

Where would you like this local area service to be constructed?

Why are you requesting this local area service?

Is there any other information the Township should know?

Any personal information collected on this form will be managed in accordance with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 and its associated regulations. Enquiries, questions, or concerns regarding the collection, use, disclosure or safeguarding of personal information associated with this form may be directed to the Supervisor, Information, Privacy and Records Management, 20338 – 65 Avenue, Langley, BC, V2Y 3J2 (604-533-6101).



Schedule "B"

PRELIMINARY PETITION FOR LOCAL AREA SERVICE

We the undersigned property owners, wish to petition Council for the following local area service:

Dated this _____ day of _____, 20 ____

CONTACT PERSON:

Name:

Address:

Telephone #:

E-mail:

(Refer to www.tol.ca/LAS for information)

OWNER NAME	CIVIC ADDRESS	POSTAL CODE	SIGNATURE	TELEPHONE NUMBER



Schedule "C"

PETITION AGAINST LOCAL AREA SERVICE

We the undersigned property owners, wish to petition Council against the establishment of the following local area service:

Dated this _____ day of _____, 20 ____

CONTACT PERSON:

Name: _____

Address: _____

Telephone #: _____

E-mail: _____

(Refer to www.tol.ca/LAS for information)

OWNER NAME	CIVIC ADDRESS	POSTAL CODE	SIGNATURE	TELEPHONE NUMBER

Schedule "D"**TAXABLE FRONTAGE FORMULA**

$$TF = \frac{((2F + R)/(3)) + ((4F + TP)/(10))}{(2)}$$

(2)

TF = Taxable Frontage

F = Frontage

R = Rearage

TP = Total Perimeter

Triangular shaped parcels whose base is fronting the works are deemed to have a rearage of zero (0).

See Definitions in Section 4.1 of this Policy.



Schedule "E"

REQUEST FOR BUSINESS IMPROVEMENT AREA SERVICE

Date: _____

Name of _____

Organization: _____

Address: _____

Telephone #: _____

E-mail: _____

What type of business improvement scheme is your organization planning to implement?

- ☐ Carrying out studies or making reports respecting one or more areas in the Township of Langley where business or commerce is carried on
- ☐ Improving, beautifying or maintaining streets, sidewalks or Township-owned land, buildings or other structures in one or more business improvement areas
- ☐ The removal of graffiti from buildings and other structures in one or more business improvement areas
- ☐ Conserving heritage property in one or more business improvement areas
- ☐ Encouraging business in one or more business improvement areas

If the type of business promotion scheme your organization is planning to implement is not listed above, please describe it below:

How much money will the implementation of this business promotion scheme cost?

\$ _____ (minimum) to \$ _____ (maximum)

Please provide a detailed breakdown of the costs of this business promotion scheme.

How much money is your organization requesting from the Township to implement this business promotion scheme as a business improvement area service?

\$ _____ (minimum) to \$ _____ (maximum)

Where in the Township of Langley would you like this business improvement area service to be provided?

Why are you requesting this business improvement area service?

Is there any other information the Township should know?

Any personal information collected on this form will be managed in accordance with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 and its associated regulations. Enquiries, questions, or concerns regarding the collection, use, disclosure or safeguarding of personal information associated with this form may be directed to the Supervisor, Information, Privacy and Records Management, 20338 – 65 Avenue, Langley, BC, V2Y 3J2 (604-533-6101).



COUNCIL POLICY

**Subject: Local Area Services and Business
Improvement Area Services**

Policy No: 05-007
Previous Policy No: 05-781
Approved by Council: 2014-04-28
Revised by Council: 2016-05-30

1. Purpose

To define conditions whereby the Township may establish and recover the costs of local area services and business improvement area services in the Township of Langley.

2. Background

This policy repeals Local Area Service Policy 05-740 in its entirety and replaces it with a new policy which better reflects the provisions of the *Community Charter*, SBC 2003, c 26 governing local area services and business improvement area services.

3. Related Policy

None.

4. Policy

4.1 In this Policy:

- (a) **"Agricultural Land Reserve"** means agricultural land designated as an agricultural land reserve under the *Agricultural Land Commission Act*, SBC 2002, c 36 and includes an agricultural land reserve under a former Act;
- (b) **"BIAS Proponent"** has the meaning ascribed to it in Section 6.3 of this Policy;
- (c) **"Business Improvement Area"** means the area in which a local service tax is imposed to recover all or part of the grant provided by a business improvement area service;
- (d) **"Council"** means the Council of the Corporation of the Township of Langley;

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- (e) **"Designated Urban Development Area"** means an area designated as such in the Langley Official Community Plan Bylaw 1979 No. 1842, as amended from time to time;
 - (f) **"Director of Finance"** means the person appointed by Council to the position having that name, his or her designates, and Township employees acting under his or her direction;
 - (g) **"Frontage"** means the side of a parcel which is nearest to the local area service works and, if two (2) or more sides of a parcel are equidistant from the local area service works, means the shortest of those sides;
 - (h) **"General Manager of Engineering"** means the person appointed by Council to the position having that name, his or her designates, and Township employees acting under his or her direction;
 - (i) **"LAS Proponent"** has the meaning ascribed to it in Section 5.3 of this Policy;
 - (j) **"Local Service Area"** means the area in which a local service tax is imposed to recover all or part of the costs of a local area service;
 - (k) **"Official Petition for LAS"** has the meaning ascribed to it in Section 5.5 of this Policy;
 - (l) **"Parcel"** means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;
 - (m) **"Petition Against LAS"** has the meaning ascribed to it in Section 5.13 of this Policy;
 - (n) **"Preliminary Petition for LAS"** has the meaning ascribed to it in Section 5.4 of this Policy;
 - (o) **"Rearage"** means the side of a parcel which is opposite the frontage;
 - (p) **"Request for BIAS"** has the meaning ascribed to it in Section 6.3 of this Policy;
 - (q) **"Request for LAS"** has the meaning ascribed to it in Section 5.3 of this Policy;
 - (r) **"Taxable Frontage"** means the portion of the frontage of a parcel that may be taxed by a local service tax;
 - (s) **"Total Perimeter"** means the total perimeter of a parcel, including the frontage;
 - (t) **"Township"** means the Corporation of the Township of Langley;

- (u) **"Township Clerk"** means the person appointed by Council to the position having that name; and
- (v) **"Township of Langley"** means the geographic area subject to regulation by the Township.

5. Local Area Services

- 5.1 The only services that may be provided as local area services are services that Council considers provide particular benefit to part of the Township of Langley.

Initiating and Establishing a Local Area Service

- 5.2 A local area service may be initiated by petition or by Council.

(i) PETITION

- 5.3 An owner of a parcel who would like to petition for a local area service for the benefit of their parcel ("LAS Proponent"), must submit a Request for Local Area Service ("Request for LAS") to the General Manager of the Engineering Division in the form attached hereto as Schedule "A".
- 5.4 The General Manager of the Engineering Division will review a Request for LAS and may:
- (a) request further information about the proposed local area service from the LAS Proponent;
 - (b) provide the LAS Proponent with a letter outlining the reasons why the Township will not proceed with the proposed local area service; or
 - (c) provide the LAS Proponent with a letter:
 - (i) outlining the scope of the proposed local area service;
 - (ii) providing an estimate of the costs of the proposed local area service; and
 - (iii) including a blank Preliminary Petition for Local Area Service ("Preliminary Petition For LAS"), in the form attached hereto as Schedule "B".
- 5.5 The LAS Proponent has up to sixty (60) days to circulate the Preliminary Petition for LAS and return it to the General Manager of Engineering. If the Preliminary Petition for LAS is not returned to the General Manager of Engineering within sixty (60) days after initial receipt by the LAS Proponent, the Township will not take any further steps with respect to the proposed local area service. If the Preliminary Petition For LAS is returned to the General Manager of Engineering within sixty (60) days after

initial receipt by the LAS Proponent, and the General Manager of Engineering is satisfied that there is sufficient support for the proposed local area service from the owners of parcels located in the proposed Local Service Area, the General Manager of Engineering will request permission from Council to circulate an Official Petition for Local Area Service ("Official Petition For LAS"). Sufficient support is deemed to exist where at least fifty percent (50%) of the owners of parcels located in the proposed Local Service Area indicate their support for the proposed local area service on the Preliminary Petition for LAS.

- 5.6 If Council authorizes staff to circulate an Official Petition for LAS, Township staff will mail out an information package to all owners of parcels in the Local Service Area which will include: covering letter, estimated costs to each parcel, map of the works, voting sheet, and pre-paid and pre-addressed return envelope. Voting sheets are to be mailed back to the Township or returned to the Township offices in person within sixty (60) days or another period of time specified by the General Manager of Engineering. The General Manager of Engineering will provide the Official Petition for LAS to the Township Clerk to determine its sufficiency and validity.
- 5.7 To be certified as sufficient and valid,
 - (a) an Official Petition For LAS must be signed by the owners of at least fifty percent (50%) of the parcels located in the Local Service Area; and
 - (b) the persons signing the Official Petition For LAS must be the owners of parcels that in total represent at least fifty percent (50%) of the assessed value of land and improvements in the Local Service Area.
- 5.8 In determining whether the requirements under Section 5.7 have been met, if two or more persons are owners of a parcel,
 - (a) they will be considered as one owner only;
 - (b) they are not entitled to sign the Official Petition For LAS unless a majority of them concurs; and
 - (c) their signatures will be disregarded in determining whether the Official Petition for LAS is sufficient unless it is signed by the majority of them.
- 5.9 Once an Official Petition for LAS has been certified as sufficient and valid by the Township Clerk:
 - (a) Council may sign the Official Petition for LAS if the Township is the owner of a parcel included in the Local Service Area; and
 - (b) Council may establish the local area service by adopting a local area service bylaw.

5.10 If the Official Petition for LAS is not certified as sufficient and valid by the Township Clerk, the Township will provide written notice to the owners of parcels in the proposed Local Service Area but will not take any further steps with respect to the proposed local area service.

5.11 Construction of a local area service may be delayed by the General Manager of Engineering to coordinate with other projects, or by the Director of Finance to the next budget year.

(ii) COUNCIL INITIATIVE

5.12 Council may propose to undertake a local area service (but not a business improvement area service) on its own initiative by giving notice of this intention:

- (a) in accordance with Section 94 of the *Community Charter*, SBC 2003, c 26 and
- (b) to the owners of parcels that are located within the proposed Local Service Area.

5.13 If the owners of parcels that are located within the proposed Local Service Area object to the proposed local area service, they may present Council with a Petition Against Local Area Service ("Petition Against LAS"), in the form attached hereto as Schedule "C", within thirty (30) days after the notice required pursuant to Section 5.12 has been given. The Petition Against LAS will be subject to the conditions outlined in sections 5.7 and 5.8 and will not be accepted by the Township more than thirty (30) days after the notice required pursuant to Section 5.12 has been given.

5.14 If the owners of parcels that are located within the proposed Local Service Area do not present Council with a Petition Against LAS within thirty (30) days after the second notice publication (in the newspaper) under Section 5.12, Council may establish the local area service by adopting a local area service bylaw with the assent of the electors, in accordance with the *Community Charter*.

5.15 If a Petition Against LAS meets the requirements of sections 5.7 and 5.8, and is presented to Council within thirty (30) days after the notice required pursuant to Section 5.12 has been given, Council will not:

- (a) proceed with the proposed local area service, or
- (b) propose the same local area service on its own initiative within a year after the presentation of the Petition Against LAS to Council, unless the local area service varies from or is less expensive than the local area service which was originally proposed.

5.16 If the owners of parcels that are located within the proposed Local Service Area do not present Council with a Petition Against LAS within thirty (30) days after the second notice publication under Section 5.12(a), Council may establish the local

area service by adopting a local area service bylaw with the assent of the electors, in accordance with the *Community Charter*.

Change in LAS Project Costs

5.17 If, after receipt of construction bids, the cost of completing the local area service is more than 10% of the estimated total project cost for the local area service set out in the Official Petition For LAS or, in the case of a local area service initiated by Council, set out in the notice required pursuant to Section 5.12, the Township will:

- (a) circulate a new Petition for LAS containing a revised estimate of the costs of the local area service or, in the case of a local area service initiated by Council, circulate a new notice pursuant to Section 5.12 containing a revised estimate of the costs; or
- (b) elect not to proceed with the local area service.

Cost Recovery

5.18 The owners of parcels benefitting from a local area service will share the total project costs of a local area service with the Township in accordance with the percentages outlined in the following table:

Type of Local Area Service	Owners Share	Township Share
Concrete curbs, gutters, and sidewalks	50%	50%
Retaining walls along river banks	100%	0%
Sanitary sewer systems	100%	0%
Storm sewer drainage systems	50%	50%
Street lighting	100%	0%
Utility undergrounding	100%	0%
Water systems	100%	0%

5.19 The owners of parcels benefitting from a local area service not described in Section 5.18 will be responsible for the percentage of the total project costs of that local area service specified by the General Manager of Engineering.

5.20 If a concrete sidewalk is to be constructed as a local area service on one side of a highway, the owners of the parcels adjacent to the sidewalk are responsible for 65% of the owners share, and the owners of the parcels on the opposite side of the highway are responsible for 35% of the owner's share of the costs of the local area service.

-
- 5.21 The Township will recover the costs of constructing a local area service in whole or in part by imposing a local service tax on the owners of parcels located within the Local Service Area. A local service tax may take the form of either or both of:
- (a) a property value tax which may be imposed on land, on improvements, or on both; and
 - (b) a parcel tax.
- 5.22 If a local service tax includes a parcel tax, the parcel tax will be based on the taxable frontage of a parcel calculated in accordance with the formula attached as Schedule "D" hereto, with the following exceptions:
- (a) a minimum taxable frontage of 15.24 metres will apply to all parcels with a lesser frontage;
 - (b) a maximum taxable frontage of 106.68 metres will apply to all parcels with a greater frontage;
 - (c) Township laneways and road frontage will not be used in calculating taxable frontage.
- 5.23 A local service tax will be levied annually on properties located within the Local Service Area for a period set out in the local area service bylaw, commencing in the year the local area service bylaw is adopted, provided the project is completed by February 15, or commencing in the following year if the project is not completed by February 15 of the year the local area service bylaw is adopted by Council.
- 5.24 The interest rate charged on a local service tax will be the Municipal Finance Authority's lending rate on the date Council approves circulation of the Official Petition for LAS, plus 0.25%.
- 5.25 An owner subject to a local service tax may commute, by payment, the local service tax imposed upon them. The commuted value is the unamortized proportionate share of the owner's portion of the costs of the local area service plus interest, as determined by the Director of Finance.
- 5.26 A local service tax will be reduced to reflect any third party grants or contributions to the costs of the local area service.
- 5.27 The Township will recover administration fees associated with the local area service in accordance with the following table:

Administration Fee Breakdown	Incremental Project Cost	Administration Fee (% of Incremental Project Cost)
First	\$100,000	5.50%
Next	\$150,000	5.00%
Next	\$250,000	4.50%
Next	\$500,000	4.00%
Remainder	\$1,000,000 and over	3.75%

Private Connection Costs

5.28 All costs associated with connecting a parcel to a local area service (including any work on private property) are the sole responsibility of the owner or owners of the parcel.

Enlargement or Reduction of Local Service Area

5.29 Council may, by bylaw, enlarge or reduce a Local Service Area.

Merging of Local Service Area

5.30 Council may, by bylaw, merge two (2) or more Local Service Areas into one Local Service Area.

6. Business Improvement Area Services

6.1 A business improvement area service is a type of local area service by which Council provides grant money to a corporation or other organization that has, as one of its aims, functions or purposes, the planning and implementation of a business promotion scheme.

6.2 A business promotion scheme can include:

- (a) carrying out studies or making reports respecting one or more areas in the Township of Langley where business or commerce is carried on;
- (b) improving, beautifying or maintaining the streets, sidewalks or Township-owned land, buildings or other structures in one or more business improvement areas;
- (c) the removal of graffiti from buildings and other structures in one or more business improvement areas;
- (d) conserving heritage property in one or more business improvement areas; and
- (e) encouraging business in one or more business improvement areas.

Initiating and Establishing a Business Improvement Area Service

- 6.3 A corporation or other organization which would like to request a business improvement area service ("BIAS Proponent") must submit a Request for Business Improvement Area Service ("Request for BIAS") to the General Manager of Engineering in the form attached hereto as Schedule "E".
- 6.4 The General Manager of Engineering will review a Request for BIAS and may:
- (a) request further information about the proposed business improvement area service from the BIAS Proponent;
 - (b) provide the BIAS Proponent with a letter outlining the reasons why the Township will not proceed with the proposed business improvement area service; or
 - (c) recommend that Council proceed with the proposed business improvement area service and provide the BIAS Proponent with a copy of this recommendation.
- 6.5 Council may establish a business improvement area service by adopting a business improvement area service bylaw.

Cost Recovery

- 6.6 The Township will recover the costs of all or part of a grant paid to a BIAS Proponent by means of a local service tax which may take the form of either or both of:
- (a) a property value tax which may be imposed on land, on improvements, or on both, and
 - (b) a parcel tax.
- 6.7 In addition to the taxes referred to in Section 6.6, all or part of the costs of a business improvement area service may be recovered by means of a tax, based on any factor set out in the establishing bylaw, that is imposed only within the business improvement area.
- 6.8 A local service tax imposed in a business improvement area:
- (a) will only be imposed on land or improvements, or both, that are
 - (i) used during the year to operate a business or a class specified in the establishing bylaw, or

- (ii) classified as Class 5 (light industry) or Class 6 (business and other) property class, and
- (b) may have different rates for different classes of business, as those classes are established by the bylaw.

Private Connection Costs

- 6.9 The costs of connecting a parcel to a business improvement area service are the sole responsibility of the owner or owners of that parcel.

7. Repeal

- 7.1 Local Area Service Policy 05-740 is hereby repealed in its entirety.



Schedule "A"

REQUEST FOR LOCAL AREA SERVICE

Date:

Name:

Address:

Telephone #:

E-mail:

(Refer to www.tol.ca/LAS for information)

Type of Local Area Service You Are Requesting:

- ☐ Concrete curbs, gutters and sidewalks
- ☐ Retaining walls along river banks
- ☐ Sanitary sewer systems
- ☐ Storm sewer drainage systems
- ☐ Street Lighting
- ☐ Utility undergrounding
- ☐ Water systems

If the type of local area service you are requesting is not listed above, please describe it below:

Where would you like this local area service to be constructed?

Why are you requesting this local area service?

Is there any other information the Township should know?

Any personal information collected on this form will be managed in accordance with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 and its associated regulations. Enquiries, questions, or concerns regarding the collection, use, disclosure or safeguarding of personal information associated with this form may be directed to the Supervisor, Information, Privacy and Records Management, 20338 – 65 Avenue, Langley, BC, V2Y 3J2 (604-533-6101).



Schedule "B"

PRELIMINARY PETITION FOR LOCAL AREA SERVICE

We the undersigned property owners, wish to petition Council for the following local area service:

Dated this _____ day of _____, 20 ____

CONTACT PERSON:

Name:

Address:

Telephone #:

E-mail:

(Refer to www.tol.ca/LAS for information)

OWNER NAME	CIVIC ADDRESS	POSTAL CODE	SIGNATURE	TELEPHONE NUMBER



Schedule "C"

PETITION AGAINST LOCAL AREA SERVICE

We the undersigned property owners, wish to petition Council against the establishment of the following local area service: _____

Dated this _____ day of _____, 20 _____

CONTACT PERSON:

Name: _____

Address: _____

Telephone #: _____

E-mail: _____

(Refer to www.tol.ca/LAS for information)

OWNER NAME	CIVIC ADDRESS	POSTAL CODE	SIGNATURE	TELEPHONE NUMBER

[illegible]

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Schedule "D"**TAXABLE FRONTAGE FORMULA**

$$TF = \frac{((2F + R)(3)) + ((4F + TP)(10))}{(2)}$$

(2)

TF = Taxable Frontage

F = Frontage

R = Rearage

TP = Total Perimeter

Triangular shaped parcels whose base is fronting the works are deemed to have a rearage of zero (0).

See Definitions in Section 4.1 of this Policy.



Schedule "E"

REQUEST FOR BUSINESS IMPROVEMENT AREA SERVICE

Date: _____

Name of _____

Organization: _____

Address: _____

Telephone #: _____

E-mail: _____

What type of business improvement scheme is your organization planning to implement?

- ☐ Carrying out studies or making reports respecting one or more areas in the Township of Langley where business or commerce is carried on
- ☐ Improving, beautifying or maintaining streets, sidewalks or Township-owned land, buildings or other structures in one or more business improvement areas
- ☐ The removal of graffiti from buildings and other structures in one or more business improvement areas
- ☐ Conserving heritage property in one or more business improvement areas
- ☐ Encouraging business in one or more business improvement areas

If the type of business promotion scheme your organization is planning to implement is not listed above, please describe it below:

How much money will the implementation of this business promotion scheme cost?

\$ _____ (minimum) to \$ _____ (maximum)

Please provide a detailed breakdown of the costs of this business promotion scheme.

How much money is your organization requesting from the Township to implement this business promotion scheme as a business improvement area service?

\$ _____ (minimum) to \$ _____ (maximum)

Where in the Township of Langley would you like this business improvement area service to be provided?

Why are you requesting this business improvement area service?

Is there any other information the Township should know?

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