



COUNCIL POLICY

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

Policy No: 05-781
Approved by Council: April 28, 2014
Revised by Council:

1. Purpose

- 1.1. 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

- 2.1 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

- 3.1 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;
- (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.

Township of
Langley



Est. 1873

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).



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



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).