

BYLAW NO. 30-17

LEDUC COUNTY

A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN OFF-SITE LEVY FOR THE LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE GREATER NISKU AND AREA OF LEDUC COUNTY AND THAT BYLAW NO. 9-08 INCLUDING ANY AMENDMENTS MADE THERETO BE RESCINDED.

WHEREAS

the Council of Leduc County deems it to be in the public interest to establish a levy, to be known as a "Greater Nisku and Area Off-Site Levy", in respect of land to be developed or subdivided within a municipality's limits, and to authorize an agreement to be entered into for payment of the levy;

AND WHEREAS

pursuant to Section 649 of the *Municipal Government Act*, a bylaw that authorizes an off-site levy must set out the object of each levy and indicate how the amount was determined;

Council received advice and reports respecting upgrades to off-site infrastructure which set out a fair and equitable calculation of off-site levies in accordance with the purpose of the *Municipal Government Act*;

the Municipality has engaged in consultation with representatives of the development industry to address and define existing and future infrastructure requirements within the Greater Nisku and Area with respect to circumstances of the Municipality and the benefits of development;

Council has advertised its intention to consider the provision of this Bylaw pursuant to the requirements of the *Municipal Government Act*;

NOW THEREFORE,

be it resolved that the Council of Leduc County, duly assembled, hereby enact that as follows:

1. This Bylaw shall be known as the "Greater Nisku and Area Off-Site Levy" Bylaw.
2. That the Greater Nisku Off Site Levy Bylaw No. 9-08 including any amendments made thereto and Schedules, be rescinded.

1. DEFINITIONS

The following terms shall have the following meanings in this Bylaw:

- a. "**Bylaw**" means this off-site levy bylaw established by the Municipality, to which this Schedule "A" is attached;
- b. "**County**" means the municipal corporation of the Leduc County;
- c. "**County Manager**" means the chief administrative officer of the County;
- d. "**Council**" means the municipal council of the County;
- e. "**Developable Land**" shall mean all land contained within the Development Area:

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- i. Upon which Development takes place after the date of passing of this Bylaw; or
 - ii. For which Subdivision approval obtained after the date of passing of this Bylaw; excluding all Developed Land; and
 - iii. Which has not previously paid Off-Site Levy;
- f. **"Development Agreement"** means "development agreement" as referred to in the Municipal Government Act ss. 648, 650, 651 and 655;
- g. **"Development Area"** includes all land delineated within the area boundary shown on Schedule "B" including the North Vistas area addressed by Bylaw 21-13;
- h. **"Development"** means "development" as defined in the *Municipal Government Act* RSA 2000, c. M-26, s. 616;
- i. **"Growth"** shall mean:
- i. The creation of new lots through Subdivision; and
 - ii. The occurrence of Development;
- j. **"Municipality"** means Leduc County;
- k. **"Off-Site Eligible Infrastructure"** shall mean those components and projects referred to in the Reports;
- l. **"Off-Site Levy"** means the off-site levy imposed pursuant to this Bylaw under the authority of the *Municipal Government Act* RSA 2000, c. M-26;
- m. **"Off-Site Levy Policies"** means those policies established in the Greater Nisku and Area Off-site Levies Policies and Procedures by the Council of the Municipality from time to time for the purposes of carrying out the intentions of this Bylaw, and exercising the discretions and powers contemplated within this Bylaws;
- n. **"Reports"** mean the following:
- i. Off-site Levy Analysis, Water, Sanitary and Roadways, 2017
- o. **"Subdivision"** means "subdivision" as defined in the *Municipal Government Act* RSA 2000, c. M-26, s. 616.

2. IMPOSITION OF LEVY

- 2.1 There is hereby imposed a levy which shall be known as a Greater Nisku and Area Off-Site Levy in respect of all Developable Land.
- 2.2 The amount of the levy imposed is as calculated in Schedule "A".
- 2.3 The Off-Site Levy is comprised of the Off-Site Infrastructure, and pursuant to the calculation details contained in this Bylaw and the Reports.
- 2.4 Save and except for as specifically provided for within this Bylaw, and otherwise contemplated and authorized under the Off-Site Levy Policies, the Off-Site Levy will be assessed on all Developable Land within the Development Area on a per hectare basis, excluding those portions of Developable Land that are designated pursuant to a subdivision as:

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- a. Environmental Reserve; or
- b. Arterial Road or Utility Right of Way

3. OBJECTS, PRINCIPLES AND CRITERIA

3.1 The objects, principles and criteria of the Off-Site Levy shall be in accordance with the following:

- a. This bylaw creates an Off-Site Levy to provide funds for the construction of Off-site Infrastructure required for Growth;
- b. Development in new growth areas through the Off-Site Levies will provide the capital that will fund the infrastructure required for growth. Those who benefit from the infrastructure, which is defined by all Developable Land in the Development Areas set out in Schedule "B", should share proportionally, on a per hectare basis, in related costs.
- c. Off-site infrastructure projects will be provided to maintain sustainable, cost effective and orderly Growth.
- e. The calculation of the Off-Site Levy should be an open and transparent process with reports available to the public and industry.
- f. The Off-Site Levy will help allow the Municipality to recover the cost of infrastructure required for Growth.
- g. The Off-Site Levy will help create a transparent process by:
 - i. Providing opportunity for industry input into the levy, its definition and administration;
 - ii. Conforming with the Municipal Government Act, R.S.A. 200, c. M-26, as amended or repealed and replaced from time to time; and
- h. The Off-Site Levy will help create a clear process for calculation of the rate, levies and credits by:
 - i. Creating consistent and predictable levies and credits;
 - ii. Creating predictable and stable levies over time; and
 - iii. Documenting a process for establishing the levy rate.
- i. The Off-Site Levy Policies will deal with all aspects of the Off-Site Levy by:
 - i. Providing for standardized, universally applicable processes and requirements for dealing with the imposition and payment of Off-Site Levies;
 - ii. Providing a single source for the most up-to-date information, requirements, and processes for dealing with the imposition and payment of Off-Site Levies.

4. OFF-SITE LEVY ESTABLISHED

An Off-Site Levy must be paid for all Developable Land developed or subdivided in the Development Area set out in Schedule "B".

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5. CALCULATION

The Greater Nisku and Area Off-Site Levy shall be calculated per hectare of Developable Land on the rates established in Schedule "A" for each development area basin described in Schedule "C".

The Off-Site Levy is payable for the capital projects set out in specific benefit basins as shown in Schedule "C" and pursuant to the calculation details contained in the Reports and the detail design at the time of development.

6. DEVELOPMENT AGREEMENTS

6.1 The Municipality's administration is authorized to enter into Development Agreements on behalf of the Municipality, which agreements may include, among other things, the collection of an Off-Site Levy.

6.2 Where it is determined that a Development Agreement is appropriate for any application for Development or Subdivision, the applicant or the owner, as the case may be, shall enter into a Development Agreement with the Municipality and such Development Agreement shall ensure that:

- a. provision be made for the payment of Off-Site Levies as specified in this Bylaw;
- b. no further Off-Site Levies shall be required to be paid under Development Agreements where such Off-Site Levies have been previously collected in full in respect to all of the lands, which are the subject of the Development or Subdivision application.

6.3 Unless otherwise agreed to, the Off-site Levy will become due upon execution of the Development Agreement.

7. ACCOUNTING

7.1 All funds collected pursuant to this Bylaw shall be accounted for in a special fund and expended only as permitted under the provisions of the *Municipal Government Act*.

8. GENERAL

8.1 Nothing in this Bylaw precludes the Municipality from:

- a. imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Lands in respect of which the Municipality has not collected levies;
- b. deferring collection of the Off-site Levy for the stated objects of this Bylaw, on any portion of Developable Lands in respect of which the Municipality has not collected levies, including requiring security for payment of such deferred levies;
- c. reducing or forgiving payment of the levies required pursuant to this Bylaw, or otherwise providing for credits for other Off-site Infrastructure constructed by a developer in calculating and/or collecting the levies that become payable pursuant to this Bylaw;

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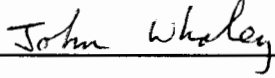
- d. including, without restriction, establishing Off-Site Levy Policies in this regard, and entering into Development Agreements or other agreements necessary in relation thereto.

This Bylaw shall take effect on the date of the third reading.

Read a first time this 3rd day of October, 2017.

Read a second time this 3rd day of October, 2017.

Read a third time with the unanimous consent of Council Members present and finally passed this 3rd day of October, 2017.



MAYOR



COUNTY MANAGER

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SCHEDULE "A"

DEFINED OFF-SITE LEVY RATES

1. ROADS

2017

Greater Nisku Basin (excepting the North Vistas)	\$ 88,367 /ha
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2. WATER

2017

Greater Nisku Basin	\$ 20,600 /ha
North Vistas Basin	\$ 2,175 /ha

3. SANITARY SEWER

2017

East Vistas Basin	\$ 9,676 /ha
Saunders Lake Basin	\$ 8,894 /ha

Notes: See Schedule "C", for detail of Defined Rates:

1. Roads, Schedule "C", pages 8 - 10
2. Water, Schedule "C", pages 11 & 12
3. Sanitary Sewer, Schedule "C", pages 13 & 14

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SCHEDULE "C"

ROADS TABLE

Road Segments	Name	Net Cost
<u>Bridges</u>		
B1	Airport Rd & Blackmud	\$ 2,656,500
B2	9 St & Blackmud	\$ 6,361,938
B3	Twp 510 & Irvine	\$ 986,700
B4	Irvine and RR 243	\$ -
B5	Airport Rd & Clearwater	\$ 1,472,460
<u>Intersections</u>		
I01	9 St / Airport Rd	\$ 701,003
I02	9 St / Hwy 625	\$ 1,402,005
I03	Spine Rd / Twp 510	\$ -
I04	Twp 510 / RR 245	\$ 1,402,005
I05	Twp 510 / RR244	\$ 701,003
I06	Twp 510 / RR244	\$ 701,003
I07	Twp 510 / RR244	\$ 728,080
I08	Twp 510 / RR244	\$ 701,003
I09	Twp 510 / RR244	\$ -
I10	Twp 510 / RR244	\$ 1,402,005
I11	Twp 510 / RR244	\$ 728,080
<u>Roads</u>		
R01	Spine Rd (Airport Rd - Twp 500) unbuilt (land included)	\$ 8,029,442
R01	Spine Rd – Built (land included)	\$ -
R02	Spine Rd - Blackmud Bridge (land included)	\$ 7,570,470
R03	Spine Rd (Airport Rd to Hwy 625) (land included)	\$ 17,219,972
R04	Spine Rd (Hwy 625 – Blackmud Bridge) (land included)	\$ 11,994,083
R05	Spine Rd (Blackmud Bridge – Twp 510) (land included)	\$ 20,777,852
R06	Spine Rd Debenture 1 (Twp 510 – N of 35 Ave)	\$ 16,357,688
R06	Spine Rd Debenture 2	\$ 1,511,000
R06	Spine Rd WAM (41Ave – N of 35 Ave)	\$ -
R07	Twp 510 built	\$ -
R07	Twp 510 unbuilt	\$ 6,558,815
R08	Twp 510 (bridge to RR 245) (land included)	\$ 1,479,272
R09	Twp 510 (RR 245 – RR 244) (land included)	\$ 13,017,221
R10	RR 243 (41 Ave – Bridge)	\$ -
R11	RR 243 (Bridge to Twp 510)	\$ -
R12	RR 244 (Twp 510 – Twp 505)	\$ 5,946,892
R13	RR 244 (Twp 505 – Hwy 625)	\$ 5,957,976
R14	41 Ave (Spine Rd – Hwy 2)	\$ 3,100,000

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SCHEDULE "C"

ROADS TABLE

R15	41 Ave (Spine Rd – RR 243) (land included)	\$ 10,245,575
R16	Airport Rd (Blackmud – RR 244) (land included)	\$ 12,629,773
R17	RR 244 SL (South Airport Rd)	\$ -
R18	RR 244 SL (South Airport Rd)	\$ -
R19	RR 245 (Twp 510 – twp 505)	\$ 9,186,673
R20	RR 245 (Twp 501 – Hwy 625)	\$ 9,243,511
R37	Airport Rd	\$ 1,212,500
	<u>Traffic Signals</u>	
TS01	9 St / Airport Rd	\$ 231,000
TS02	9 St / Hwy 625	\$ 462,000
TS03	Twp 510 / Spine Rd	\$ -
TS04	41 Ave / Spine Rd	\$ -
TS05	41 Ave / RR 243	\$ 231,000
TS06	Twp 510 / RR 245	\$ 462,000
TS07	RR 245 / Hwy 625	\$ 462,000
TS08	RR 244 / Hwy 625	\$ 231,000
TS09	Twp 510 / RR 244	\$ 231,000
TS16	RR 244 / Airport Rd	\$ -
	Totals	\$184,292,499
	Assessable Cost to Build	\$184,292,499
	Less Opening Balance	\$ - 16,171,873
	Total to Collect	\$168,120,626
	Assessable Area	1902.52 ha
	Offsite Levy Rate	\$ 88,367.34 /ha

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SCHEDULE "C"

WATER LINES TABLE

ID	Location	Diameter (mm)	Total Cost
W1a	Spine Road WAM	450	\$ 0
W1b	Spine Road Debenture 1	450	\$ 2,113,877
W1b	Spine Road Debenture 2		\$ 76,300
W2	Twp 510 Lukas	300	\$ 0
W3	33 Ave to Reservoir	300	\$ 1,844,786
R4	North Reservoir		\$ 12,802,800
W4	Spine Road South of Twp 510	450	\$ 0
W5	9 St to Reservoir	450	\$ 0
W6	Spine Road to 8 St / 25 Ave	450	\$ 0
W7	25 Ave JV Driver	450	\$ 0
W7	25 Ave Jade Developments		\$ 0
W7	25 Ave – Remington		\$ 0
W8	5 St to Ritchie	450	\$ 0
W9a	Sparrow adjacent to Ritchie	450	\$ 126,173
W9b	Sparrow adjacent to Ritchie	450	\$ 726,308
W9c	Sparrow adjacent to Nearctic	450	\$ 1,532,633
W9d	4 St North of 11 Ave	450	\$ 227,755
W10	11 Ave from 4 St to 7 St	450	\$ 1,333,801
W11	Airport Rd – 9 Street to Blackmud ASP	450	\$ 978,286
W12	Spine Road South of Airport Rd	600	\$ 0
W13	11 Ave to 9 Street and Airport Rd	450	\$ 796,554
W14a	Reservoir to RR 245	600	\$ 2,416,996
W14b	RR 245 to East Side of East Vistas	600	\$ 2,996,187
W15a	RR 245 – Lukas Estates	300	\$ 354,314
W15b	RR 245 – Lucas Estates to Twp 510	300	\$ 297,554
W18	New Saunders Reservoir Feed	600	\$ 1,083,861
R3	Saunders Reservoir		\$ 12,802,800
B1	Saunders Booster		\$ 2,640,000
W22	Airport Rd – Blackmud ASP to RR 244A	300	\$ 1,314,609
W23	Airport Rd RR 244A to RR 244 removed	300	\$ 0
W27a	Hwy 625 – 9 th St to RR 245	450	\$ 3,355,513
W27b	Hwy 625 – RR 245 to inside East Vistas	450	\$ 2,781,943
		Totals	\$ 52,603,050
			Assessable Cost to Build \$52,603,050
			Less Opening Balance \$ - 13,273,239
			Less North Vistas \$ - 136,807
			Total to Collect \$ 39,193,239
			Assessable Area 1902.52 ha
			Offsite Levy Rate \$ 20,600.70 /ha

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SCHEDULE "C"

SANITARY TABLE

	Total Cost
<u>East Vistas</u>	
FM3	\$ 1,426,715.88
LS3	\$ 2,207,434.81
GM2	\$ -
Totals	\$ 3,634,149
Assessable Cost to Build/Collect	\$3,634,149
Assessable Area	375.58 ha
Offsite Levy Rate	\$ 9,676.10 /ha
<u>Saunders Lake</u>	
LS1	\$ 2,223,845.05
FM1	\$ 658,422.57
GM1	\$ 1,054,536.00
Totals	\$ 3,936,803.77
Assessable Cost to Build	\$ 3,936,803.77
Less fund balance	\$ - 5,955.47
Total to collect	\$ 3,930,848.30
Assessable Area	441.94 ha
Offsite Levy Rate	\$8,894.45 /ha