

BYLAW NO. 32-15

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 CROSSROAD AREA OF LEDUC COUNTY.

WHEREAS

The Council of Leduc County deems it to be in the public interest to establish a levy, to be known as a "Crossroads 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 Crossroads 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 enacts that as follows:

This bylaw shall be known as the "Crossroads Off-Site Levy" Bylaw.

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;

BYLAW NO. 32-15

- 2 -

- e. **"Developable Land"** shall mean all land contained within the Development Region:
 - i. Upon which Development takes place after the date of passing of this Bylaw; or
 - ii. For which Subdivision approval is obtained after the date of passing of this Bylaw; excluding all Developed Land;
- 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 shown on Schedule "B";
- 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, procedures and requirements established 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. Crossroad Servicing Design Brief, Water, Sanitary, Stormwater and Roadways, prepared by Focus Corporation, September, 2011 attached as Schedule "D";
 - ii. Crossroads Pre-Design Report, Stormwater, prepared by Focus Corporation, March, 2013 attached as Schedule "E";
 - iii. Crossroads Pre-Design Report, Water, prepared by Focus Corporation, June, 2012 attached as Schedule "F";
 - iv. Crossroads Traffic Impact Assessment, Final report – Issue 4 prepared by Focus Corporation, January 20, 2105 attached as Schedule "G";
 - v. Preliminary Design Brief, Discovery Park, Stages 1 & 2, Pumphouse & Reservoir, prepared by WSP Canada, May, 2015 attached as Schedule "H";
 - vi. Leduc County, Crossroads Off-site Levies Policies and Procedures attached as Schedule "I";
- o. **"Subdivision"** means "subdivision" as defined in the *Municipal Government Act* RSA 2000, c. M-26, s. 616.

BYLAW NO. 32-15

- 3 -

2. IMPOSITION OF LEVY

- 2.1 There is hereby imposed a levy which shall be known as an Crossroads 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:
 - a. Environmental Reserve;
 - b. Arterial Road Right of Way; or

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. Provision of off-site infrastructure by developers of Developable Land will not create an advantage or penalty due to the time or location of development.
 - d. 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. The management of the Off-Site Levy account should be a 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:
 - i. Using financing strategies that remain sustainable;
 - ii. Facilitating development by reducing risk on early developers and ensuring future developers share the costs of the facilities from which they benefit; and
 - iii. Promoting cost effective and orderly development and subdivision.

BYLAW NO. 32-15

- 4 -

- g. The Off-Site Levy will help promote orderly development by:
 - i. Providing off-site infrastructure, once the appropriate planning is in place, and when warranted in development; and
 - ii. Providing infrastructure for contiguous development.
- h. 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
- i. 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.
- j. The Off-Site Levy Policies will help create a streamlined and efficient process for implementing the Bylaw, and dealing 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".

5. CALCULATION

The Crossroads Off-Site Levy shall be calculated per hectare of Developable Land on the rates established in Schedule "A" for each development area described in Schedule "B".

6. OBJECT

The Off-Site Levy is payable for the capital projects set out in Schedule "C" and pursuant to the calculation details contained in the Reports.

BYLAW NO. 32-15

- 5 -

7. DEVELOPMENT AGREEMENTS

- 7.1 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.
- 7.2 Council may from time to time adopt policies or guidelines for the assistance and direction of the Municipality's administration in determining:
- a. which Developments and Subdivisions shall require a Development Agreement;
 - b. transitional provisions respecting payment of Off-Site Levies where a development permit or subdivision approval was issued prior to enactment of this Bylaw, which permit/approval contemplated payment of Off-Site Levies at an amount less than the amount in this bylaw;
 - c. transitional provisions respecting payment of Off-Site Levies where a development permit or subdivision approval is issued following enactment of this Bylaw, which permit/approval contemplates payment of Off-Site Levies at a date later than the granting of the permit/approval (at a time when there may be an amendment to the levy rate imposed under this Bylaw).
- 7.3 Without limiting the generality of Section 7.2 above where all or part of a prior Off-Site Levy, or a levy imposed not pursuant to a bylaw by pursuant to a Development Agreement only, imposed as a condition of subdivision or development approval prior to the time of enactment of this bylaw has not been paid in full at the time of enactment of this Bylaw, the Off-Site Levy imposed under this Bylaw shall apply, failing an agreement otherwise by the Municipality. The agreement shall not necessarily require Council approval.
- 7.4 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.
- 7.5 Unless otherwise agreed to, the Off-site Levy will become due upon execution of the Development Agreement where a Development Agreement is required to be entered into.

8. ACCOUNTING

- 8.1 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*.

BYLAW NO. 32-15

- 6 -

9. GENERAL

9.1 Nothing in this Bylaw precludes the Municipality from:

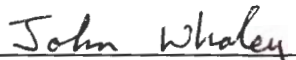
- a. Imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Lands in respect of which the Municipality has not collected levies;
- b. Deferring collection of the Off-site Levy for the stated objects of this Bylaw, on any portion of Developable Lands in respect 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;
- 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 1st day of September, 2015.

Read a second time this 1st day of September, 2015.

Read a third time with the unanimous consent of Council Members present and finally passed this 1st day of September, 2015.



MAYOR



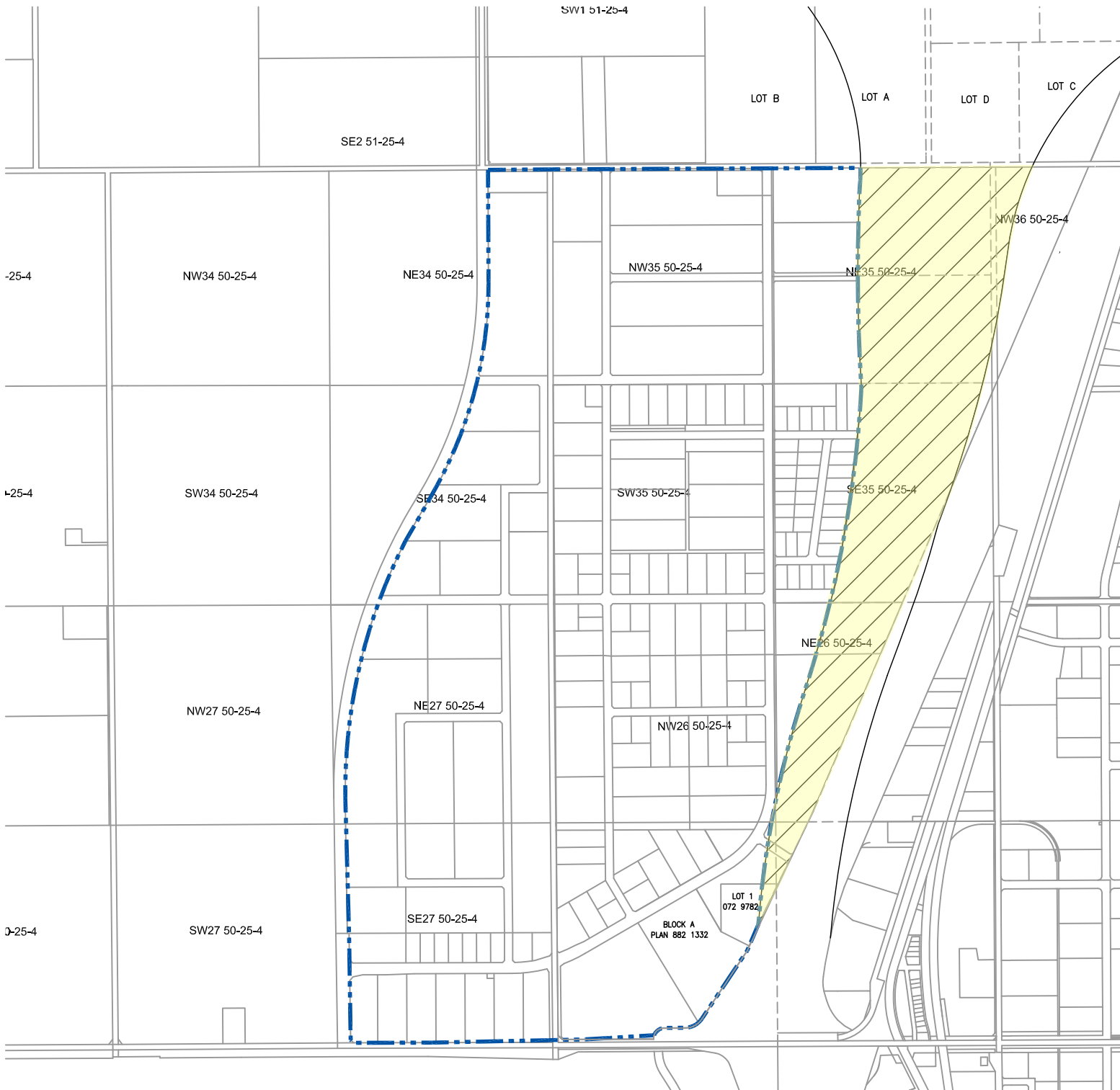
COUNTY MANAGER

SCHEDULE 'A'

CROSSROADS DEFINED OFF-SITE LEVY RATES

2015 OFF-SITE LEVY RATES, subject to any amendment imposed by Council

DESCRIPTION	OFF-SITE LEVY
OFFSITE SANITARY	\$11,699/Hectare
OFFSITE STORM	\$2,959/Hectare
WATER RESERVOIR	\$31,394/Hectare
ARTERIAL ROADS	\$57,323/Hectare
TOTAL	\$103,375/Hectare



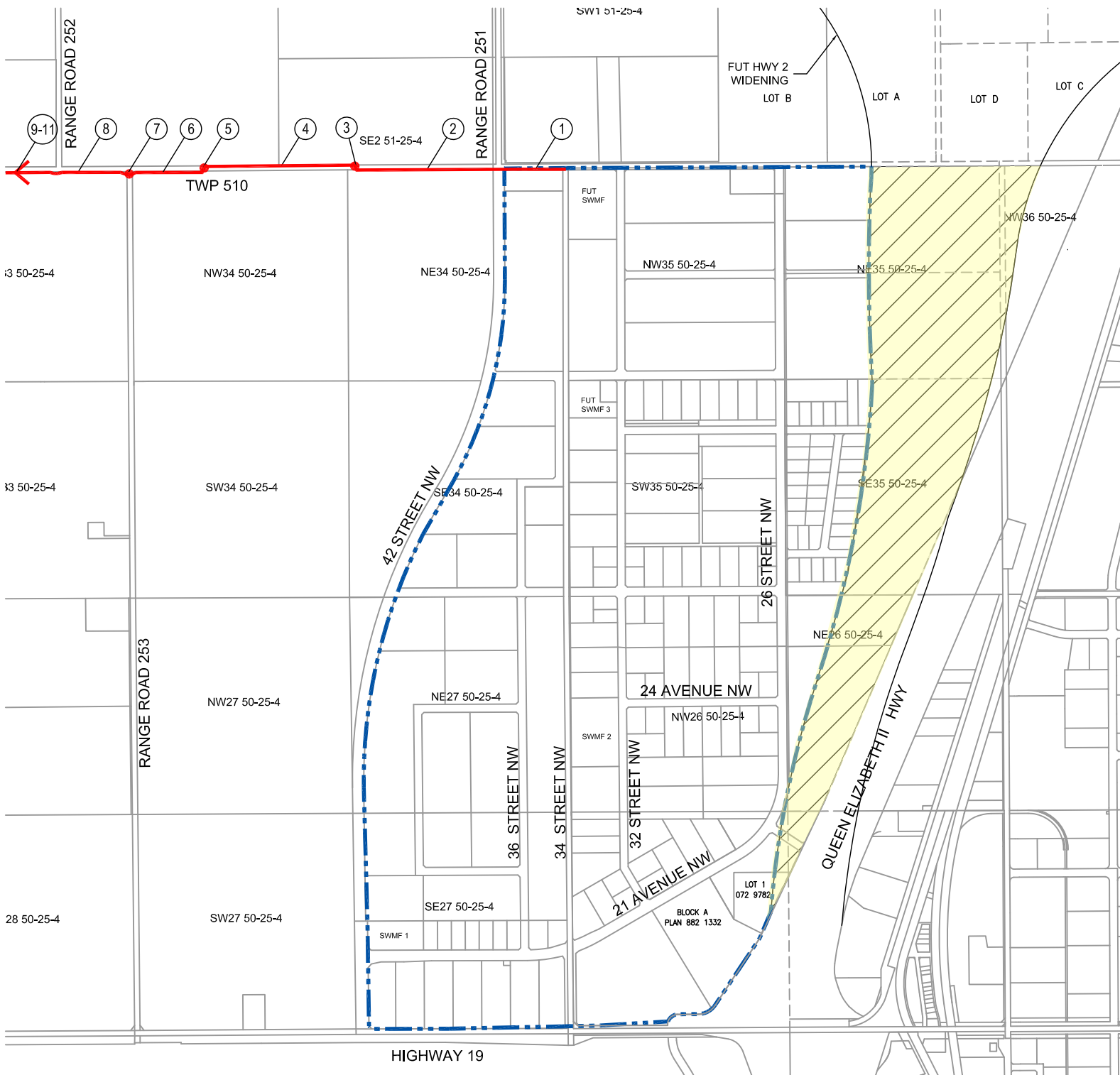
LEGEND

-  Benefiting Area
-  QEII Transition Area




Bylaw No. 32-15

SCHEDULE 'B'

***Developable Lands
Crossroads Levy Bylaw
Leduc County, AB***



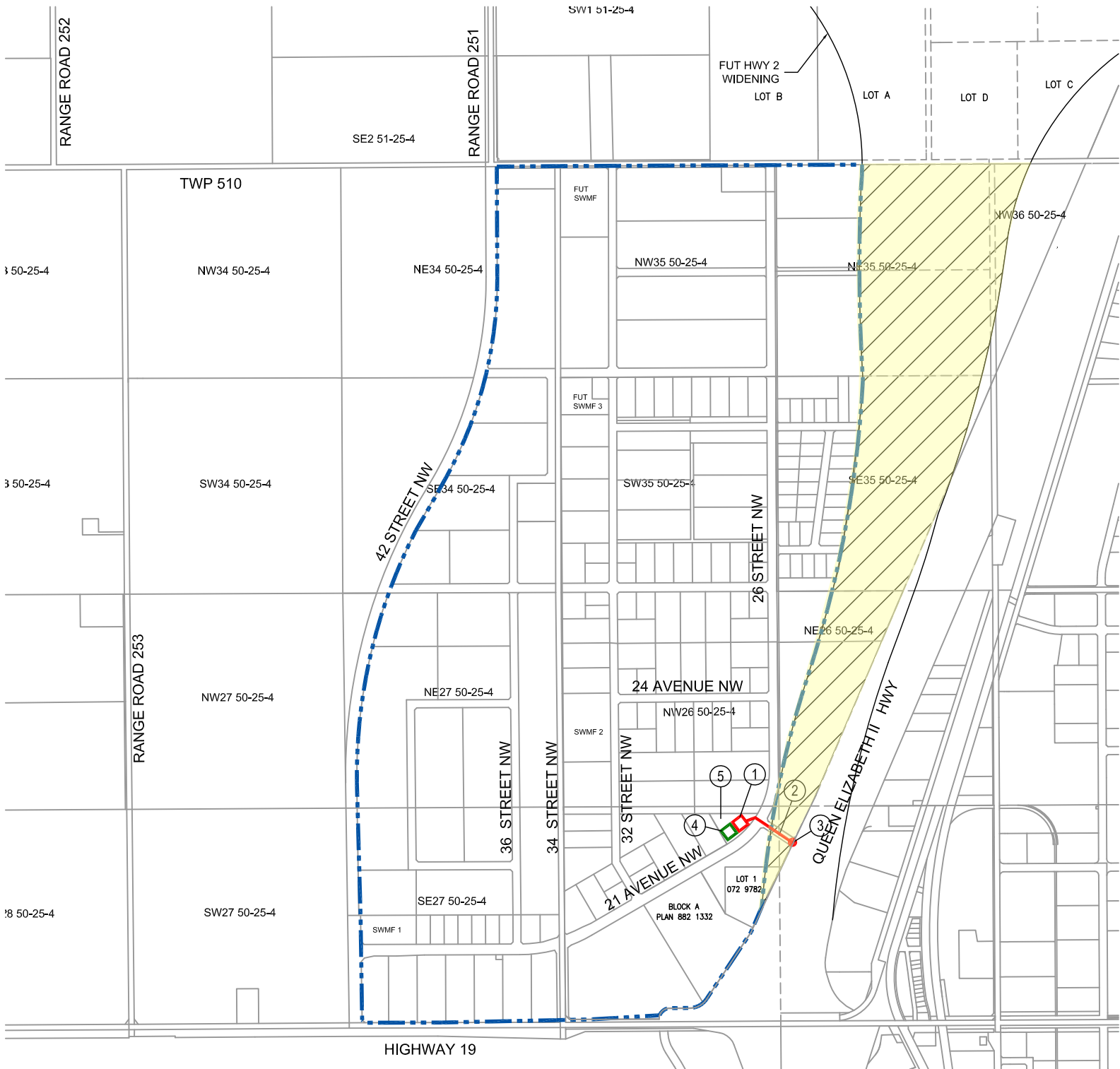
LEGEND

-  Offsite Storm
-  Benefiting Area
-  QEII Transition Area





Bylaw No. 32-15

SCHEDULE "C"

**Offsite Storm
Crossroads Levy Bylaw
Leduc County, AB**



LEGEND

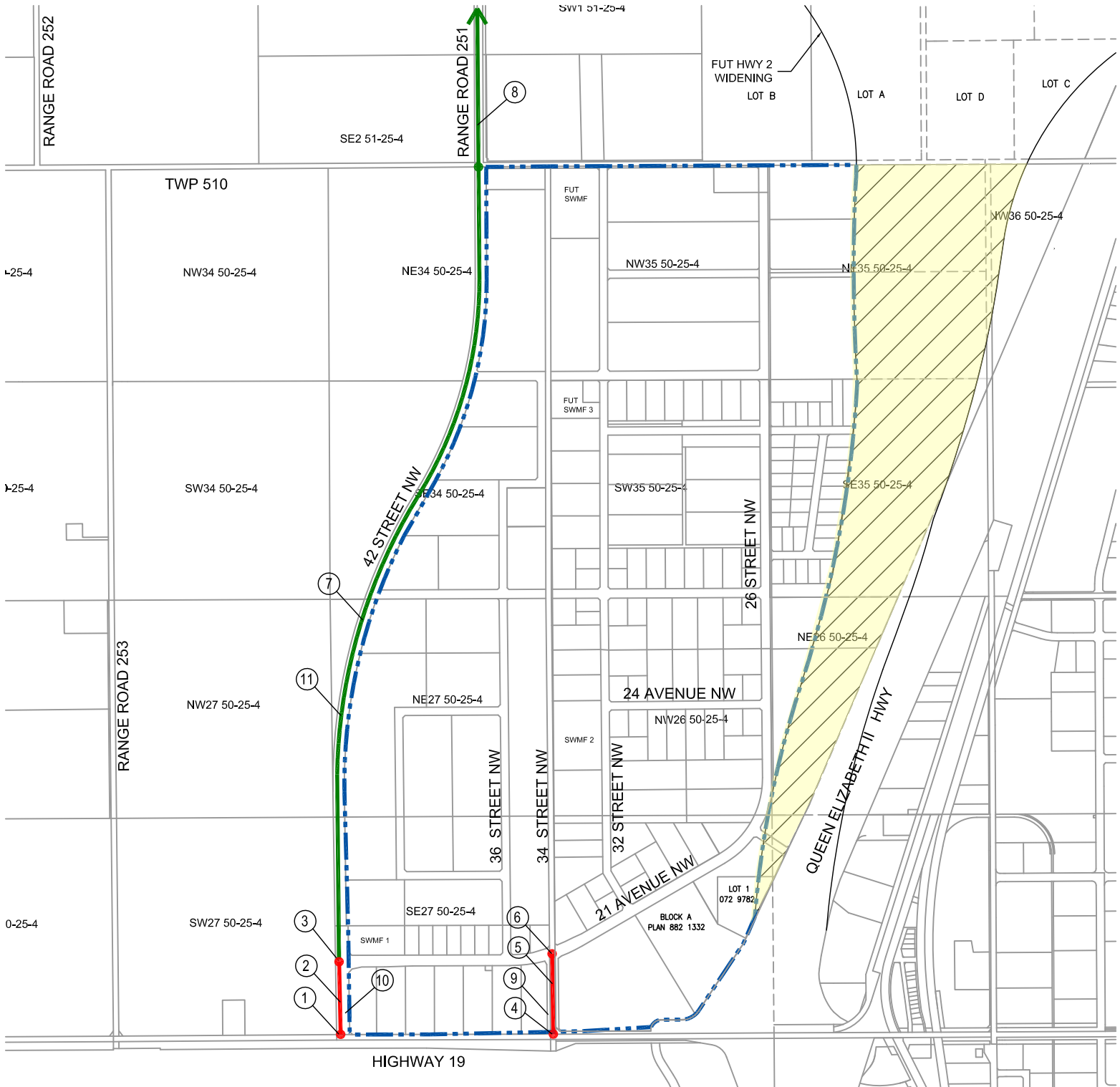
-  Water Reservoir
-  Future Reservoir Expansion
-  Benefiting Area
-  QEII Transition Area







Bylaw No. 32-15

SCHEDULE "C"

**Water Reservoir
Crossroads Levy Bylaw
Leduc County, AB**



LEGEND

-  Intersection Areas
-  Future
-  Benefiting Area
-  QEII Transition Area



Bylaw No. 32-15

SCHEDULE "C"

**Arterial Roads
Crossroads Levy Bylaw
Leduc County, AB**

SCHEDULE 'C'

OFFSITE SANITARY

TABLE 1

REFERENCE	PROJECT DESCRIPTION
1	450mm Sanitary gravity sewer and appurtenances at 7 – 8 m depth from MH S16 to MH S12.
2	450mm Sanitary gravity sewer and appurtenances at 5 – 7 m depth from MH S12 to MH S04. Includes miscellaneous road closures
3	450mm Sanitary gravity sewer including case bore through QE II R/W and CP Rail between MH S04 and MH S03.
4	450mm Sanitary gravity sewer & appurtenances at 6 – 7 m depth, including 600mm casing through pipeline R/W 845 HW and 3451 HW, and buried cable R/W 5335 RS from MH S03 and tie to existing MH S10.
5	Future 450mm Sanitary gravity sewer and appurtenances at 5 – 7 m depth from existing MH 510 to existing South Edmonton Regional Trunk Sewer.

OFFSITE STORM**TABLE 2**

REFERENCE	PROJECT DESCRIPTION
1	1350mm storm sewer at 0-4 m depth from MH ST1 to ditch outfall within NE 1/4 Sec. 34-50-25-4.
2	Surface ditch construction south side of TWP Road 510 within NE 1/4 Sec. 34-50-25-4 easement.
3	New 750 mm culvert crossing across TWP Road 510.
4	Surface ditch construction north side of TWP Road 510 within TWP Road 510 GRA.
5	New 750 mm culvert crossing across TWP Road 510.
6	Upgrade existing ditch south side of TWP Road 510 within existing R/W 084 0049.
7	Upgrade existing culvert across RR 253.
8	Upgrade existing surface ditch construction south side of TWP Road 510 within existing R/W 084 0049 in NE 1/4 Sec. 33-50-25-4.
9	Upgrade existing culvert across TWP Road 510.
10	Upgrade existing surface ditch construction north side of TWP Road 510 with existing R/W 084 0049.
11	Upgrade existing ditch within TWP Road 510 GRA and upgrade existing outfall to Whitemud Creek and miscellaneous
12	URW acquisitions and agreements

WATER RESERVOIR

TABLE 3

REFERENCE	PROJECT DESCRIPTION
1	Install new 6034 m ³ water reservoir C/W and appurtenances
2	Construct 350 mm water fill line from Capital Region Water Commission line.
3	Connection to 750 mm Capital Region Water Commission line.
4	Future reservoir expansion to 10869 m ³ and appurtenances.
5	1.15 ha land required for reservoir site

ARTERIAL ROADS

TABLE 4

REFERENCE	PROJECT DESCRIPTION
1	25% share of Highway 19/42 Street intersection construction.
2	Eastern two (2) lanes of 42 Street Arterial Road Highway 19 to 21 Avenue.
3	21 Avenue/42 Street intersection C/W signalization.
4	100% share of Highway 19/34 Street R1/R0 intersection.
5	34 Street four (4) lanes urban arterial Highway 19 to 21 Avenue.
6	34 Street/21 Avenue intersection C/W signalization.
7	Eastern two (2) lands of 42 Street arterial from 21 Avenue to TWP Road 510.
8	Road improvements for first two (2) lanes of RR 257 from TWP Road 510 to 41 Avenue Edmonton boundary.
9	Land dedication for 34 Street widening 0.619 ha
10	Land dedication for 42 Street R/W within LSD 1 & 2 Sec 27-50-25-4 1.98 ha
11	Land dedication for future 42 Street R/W from termination of Stage 1 to TWP Road 510, 12.33 ha