

GREATER NISKU AND AREA OFF-SITE LEVY BYLAW

Bylaw No. **09-254**

LEDUC COUNTY

A BYLAW 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. ~~30-1710-24~~ BE REPEALED.

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;

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, enacts as follows:

1. Short Title

- 1.1 This bylaw shall be known as the “Greater Nisku and Area Off-Site Levy Bylaw”.
- 1.2 That the Greater Nisku and Area Off-Site Levy Bylaw No. ~~30-1710-24~~ including any amendments made thereto and Schedules, be rescinded.

2. Definitions

- 2.1 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:
 - i. Upon which Development takes place after the date of passing of this Bylaw; or

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- 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 Procedures" means those procedures established in the Greater Nisku and Area Off-site Levies 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.

3. Imposition of Levy

- 3.1 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.
- 3.2 The amount of the levy imposed is as calculated in Schedule "A".
- 3.3 The Off-Site Levy is comprised of the Off-Site Infrastructure, and pursuant to the calculation details contained in this Bylaw and the Reports.

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3.4 Save and except for as specifically provided for within this Bylaw, and otherwise contemplated and authorized under the Off-Site Levy Procedures, 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; or
- b) Arterial Road or Utility Right of Way.

4. Objects, Principles and Criteria

4.1 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.
- d) The calculation of the Off-Site Levy should be an open and transparent process with reports available to the public and industry.
- e) The Off-Site Levy will help allow the Municipality to recover the cost of infrastructure required for Growth.
- f) The Off-Site Levy will help create a transparent process by:
 - i. providing opportunity for industry input into the levy, its definition and administration; and
 - ii. conforming with the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- g) 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.
- h) The Off-Site Levy Procedures will deal with all aspects of the Off-Site Levy by:

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- i. providing for standardized, universally applicable processes and requirements for dealing with the imposition and payment of Off-Site Levies; and
- ii. providing for a single source for the most up-to-date information, requirements, and processes for dealing with the imposition and payment of Off-Site Levies.

5. Off-Site Levy Established

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

6. Calculation

- 6.1 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".
- 6.2 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.

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

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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*.

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

10. Enactment

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

- 10.2 This Bylaw repeals and replaced Bylaw No. ~~30-1710-24~~.

Read a first time this __ day of __, 202~~5~~4.

Read a second time this __ day of __, 202~~5~~4.

Read a third time with the unanimous consent of the Council Members present and finally passed this __ day of __, 202~~5~~4.

MAYOR

COUNTY MANAGER

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SCHEDULE "A" DEFINED OFF-SITE LEVY RATES

1. ROADS **20254**

Greater Nisku Basin (excepting the North Vistas)	\$ 98,971 <u>103,128</u> / ha
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2. WATER **20254**

Greater Nisku Basin	\$ 23,072 <u>24,041</u> / ha
North Vistas Basin	\$ 2,436 <u>2,538</u> / ha

3. SANITARY SEWER **20254**

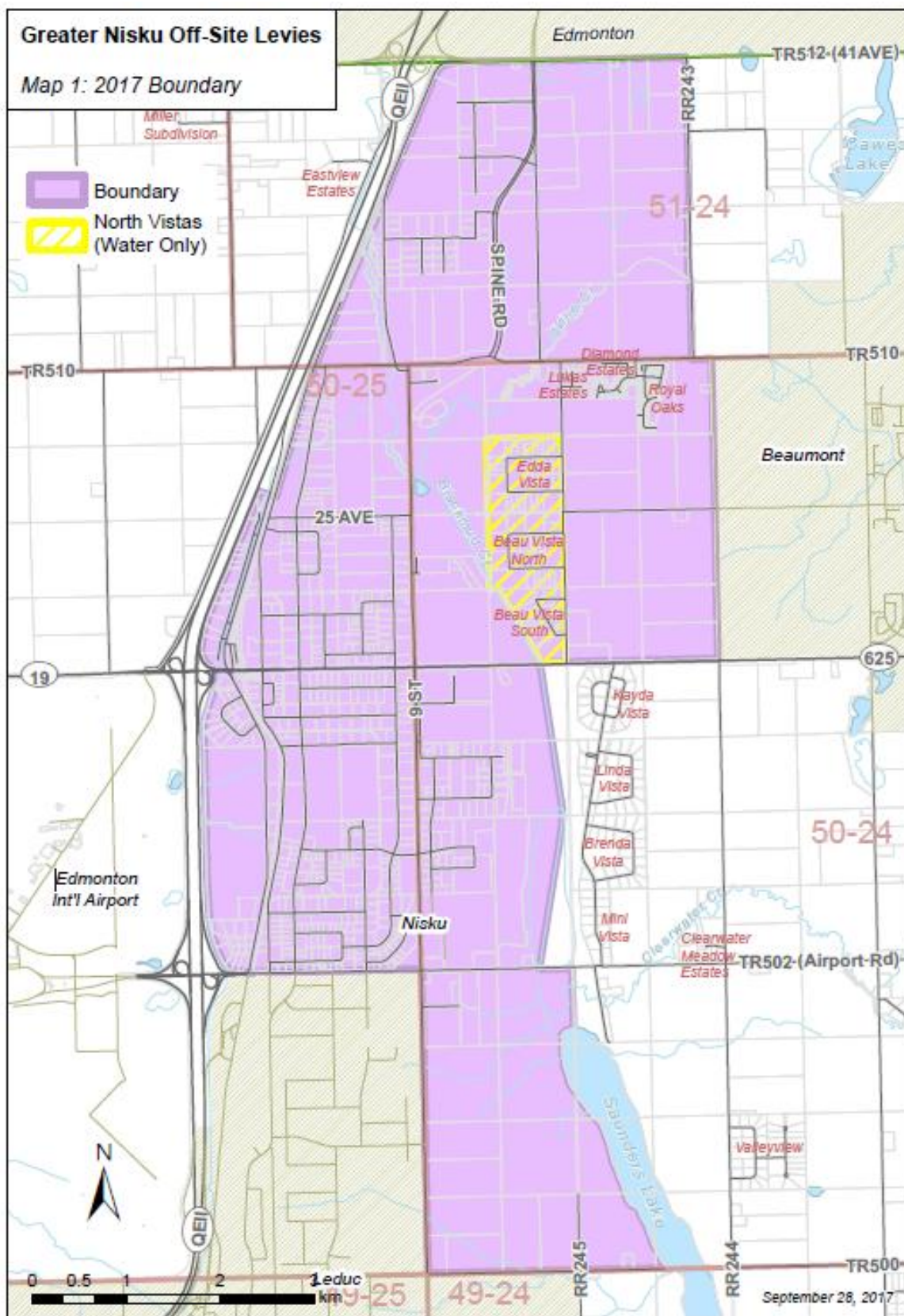
East Vistas Basin	\$ 10,837 <u>11,292</u> / ha
Saunders Lake Basin	\$ 9,961 <u>10,379</u> / ha

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SCHEDULE "B" BOUNDARY



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SCHEDULE "C" ROAD INFRASTRUCTURE

Road infrastructure table:

ROAD SEGMENTS	NAME	NET COST
Bridges		
B1	Airport Road and Blackmud	\$ 2,656,500
B2	9 St. and Blackmud	\$ 6,361,938
B3	Twp. 510 & Irvine	\$ 986,700
B4	Irvine and Range Road 243	\$ 0
B5	Airport Road and Clearwater	\$ 1,472,460
Intersections		
I01	9 St. / Airport Road	\$ 701,003
I02	9 St. / Hwy 625	\$ 1,402,005
I03	Spine Rd / Twp. 510	\$ 0
I04	Twp. 510 / Range Road 245	\$ 1,402,005
I05	Twp. 510 / Range Road 244	\$ 701,003
I06	Twp. 510 / Range Road 244	\$ 701,003
I07	Twp. 510 / Range Road 244	\$ 728,080
I08	Twp. 510 / Range Road 244	\$ 701,003
I09	Twp. 510 / Range Road 244	\$ 0
I10	Twp. 510 / Range Road 244	\$ 1,402,005
I11	Twp. 510 / Range Road 244	\$ 728,080
Roads		
R01	Spine Road (Airport Road – Twp. 500) unbuilt (land included)	\$ 8,029,442
R01	Spine Road – Built (land included)	\$ 0
R02	Spine Road - Blackmud bridge (land included)	\$ 7,570,470
R03	Spine Road (Airport Road to Hwy 625) (land included)	\$ 17,219,972
R04	Spine Road (Hwy 625 – Blackmud bridge) (land included)	\$ 11,994,083
R05	Spine Road (Blackmud Bridge – Twp. 510) (land included)	\$ 20,777,852
R06	Spine Road debenture 1 (Twp. 510 – N of 35 Ave.)	\$ 16,357,688
R06	Spine Road debenture 2	\$ 1,511,000
R06	Spine Road WAM (41 Ave. – N of 35 Ave.)	\$ 0
R07	Twp. 510 built	\$ 0
R07	Twp. 510 unbuilt	\$ 6,558,815
R08	Twp. 510 (bridge to Range Road 245) (land included)	\$ 1,479,272
R09	Twp. 510 (Range Road 245 – Range Road 244) (land included)	\$ 13,017,221
R10	Range Road 243 (41 Ave. – Bridge)	\$ 0

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R11	Range Road 243 (Bridge to Twp. 510)	\$ 0
R12	Range Road 244 (Twp. 510 – Twp. 505)	\$ 5,946,892
R13	Range Road 244 (Twp. 505 – Hwy 625)	\$ 5,957,976
R14	41 Ave (Spine Road – Hwy 2)	\$ 3,100,000
R15	41 Ave (Spine Road – Range Road 243) (land included)	\$ 10,245,575
R16	Airport Road (Blackmud – Range Road 244) (land included)	\$ 12,629,773
R17	Range Road 244 SL (South Airport Road)	\$ 0
R18	Range Road 244 SL (South Airport Road)	\$ 0
R19	Range Road 245 (Twp. 510 – Twp. 505)	\$ 9,186,673
R20	Range Road 245 (Twp. 501 – Hwy 625)	\$ 9,243,511
R37	Airport Road	\$ 1,212,500
Traffic signals		
TS01	9 St. / Airport Road	\$ 231,000
TS02	9 St. / Hwy 625	\$ 462,000
TS03	Twp. 510 / Spine Road	\$ 0
TS04	41 Ave. / Spine Road	\$ 0
TS05	41 Ave. / Range Road 243	\$ 231,000
TS06	Twp. 510 / Range Road 245	\$ 462,000
TS07	Range Road 245 / Hwy 625	\$ 462,000
TS08	Range Road 244 / Hwy 625	\$ 231,000
TS09	Twp. 510 / Range Road 244	\$ 231,000
TS16	Range Road 244 / Airport Road	\$ 0
Totals		\$ 184,292,499

Assessable cost to build	\$ 184,292,499
Less opening balance	\$ - 16,171,873
Total to collect	\$168,120,626

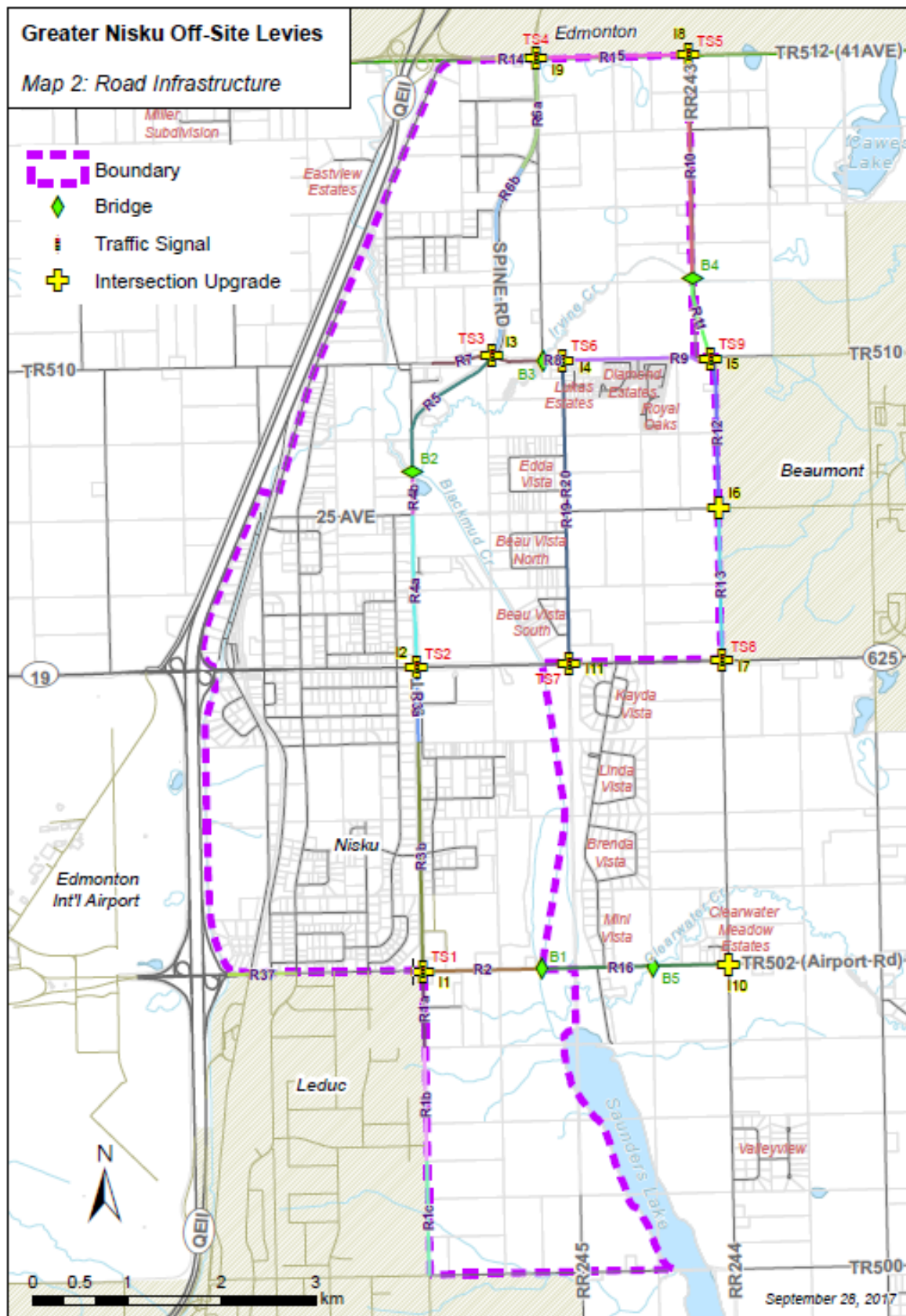
Assessable area	1902.52 ha
2017 Off-site Levy rate	\$ 88,367.34 /ha
2024 Off-site Levy rate	\$ 98,971 /ha
2025 Off-site Levy rate	\$ 103,128 /ha

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Road infrastructure map:



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SCHEDULE "C" MAP 3: WATER INFRASTRUCTURE

Water infrastructure table:

Greater Nisku Basin

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 Bros	450	\$ 0
W9a	Sparrow adjacent to Ritchie Bros	450	\$ 126,173
W9b	Sparrow adjacent to Ritchie Bros	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 Road – 9 St. to Blackmud ASP	450	\$ 978,286
W12	Spine Road South of Airport Road	600	\$ 0
W13	11 Ave. to 9 St. and Airport Road	450	\$ 796,554
W14a	Reservoir to Range Road 245	600	\$ 2,416,996
W14b	Range Road 245 to East Side of East Vistas	600	\$ 2,996,187
W15a	Range Road 245 – Lukas Estates	300	\$ 354,314
W15b	Range Road 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 Road – Blackmud ASP to Range Road 244A	300	\$ 1,314,609
W23	Airport Road – Range Road 244A to Range Road 244 removed	300	\$ 0
W27a	Hwy 625 – 9 St. to Range Road 245	450	\$ 3,355,513
W27b	Hwy 625 – Range Road 245 to inside East Vistas	450	\$ 2,781,943

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Totals	\$ 52,603,050
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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	1,902.52 / ha
2017 Off-site Levy rate	\$ 20,600.70 / ha
2024 Off-site Levy rate	\$ 23,072 / ha
<u>2025 Off-site Levy rate</u>	<u>\$ 24,041 / ha</u>

North Vistas Basin

TOTAL COST	
Cost of construction	\$ 235,928
Totals	\$235,988

Assessable area	108.50 / ha
2017 Off-site Levy rate	\$ 2,175 / ha
2024 Off-site Levy rate	\$2,436 / ha
<u>2025 Off-site Levy rate</u>	<u>\$2,538 / ha</u>



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SCHEDULE "C" SANITARY SEWER BASINS

Sanitary sewer basins table:

TOTAL COST		
East Vistas		
	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
2017 Off-site Levy rate	\$ 9,676.10 / ha
2024 Off-site Levy rate	\$10,837 / ha
2025 Off-site Levy rate	\$11,292 / ha

TOTAL COST		
Saunders Lake		
	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
2017 Off-site Levy rate	\$ 8,894.45 / ha
2024 Off-site Levy rate	\$ 9,961 / ha
2025 Off-site Levy rate	\$ 10,379 / ha

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Sanitary sewer basins map:

