

Bylaw No. 1139-2022

OFF-SITE LEVY BYLAW

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A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR OFF-SITE LEVIES

WHEREAS, pursuant to section 648(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 a council may by bylaw provide for the imposition and payment of a levy, to be known as an "off-site levy", in respect of land that is to be developed or subdivided and authorize an agreement to be entered into in respect of the payment of the levy;

AND WHEREAS, pursuant to section 648(2) of the *Municipal Government Act*, an off-site levy may be used only to pay for all or part of the capital costs of: new or expanded facilities for the storage, transmission, treatment or supplying of water; new or expanded facilities for the treatment, movement or disposal of sanitary sewage; new or expanded storm sewer drainage facilities; new or expanded roads required for or impacted by a subdivision development; and any land required for those projects;

AND WHEREAS, pursuant to section 648(2.1) of the *Municipal Government Act*, an off-site levy may be used to pay for the costs of other specified municipal infrastructure, including new or expanded fire hall facilities and the land required therefor;

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;

THEREFORE, the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

PART I: BYLAW TITLE

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

PART II: PURPOSE, DEFINITIONS, AND INTERPRETATION

PURPOSE

2. The purpose of this bylaw is to provide for the imposition of an off-site levy in respect of land that is to be developed or subdivided.

DEFINITIONS

3. In this bylaw, unless the context otherwise requires:

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- a. **"City"** means the municipal corporation of the City of Leduc;
- b. **"City Manager"** means the chief administrative officer of the City;
- c. **"Council"** means the municipal council of the City;
- d. **"Developable Land"** means all land, but does not include:
 - i. municipal reserve, as defined in Part 17 of the *Municipal Government Act*;
 - ii. environmental reserve, as defined in Part 17 of the *Municipal Government Act*;
 - iii. land required for the widening of major collector roads along a ¼ section boundary or any arterial roadways;
 - iv. land required for stormwater management facilities excluding appurtenances; and
 - v. land owned by a school board that is to be developed for a school building project within the meaning of the *Education Act* S.A. 2012 C. E-03.
- e. **"Development Agreement"** means an agreement as contemplated in the *Municipal Government Act* sections 648(1)b and 655(1)b between the City and the Owner of the land being developed or subdivided as it relates to the construction of municipal improvements, and authorized in respect of payment of an Off-Site Levy;
- f. **"Development Permit"** means a document that is issued under the City of Leduc Land Use Bylaw and authorizes a Development, as defined in the *Municipal Government Act*;
- g. **"Off-Site Levy"** means a levy for capital projects payable to the City upon development or subdivision of Developable Land; and
- h. **"Reports"** mean the following:
 - i. The Offsite Levy Model prepared by Corvus Business Advisors and updated annually by the City;
 - ii. City of Leduc Offsite Levy Update, dated July 25, 2022;
 - iii. City of Leduc Transportation Master Plan (October 2018);
 - iv. City of Leduc Sanitary Sewer Master Plan (October 2019);
 - v. City of Leduc Water Master Plan (October 2021); and
 - vi. City of Leduc Long Term Facility Master Plan (June 24, 2019).

RULES FOR INTERPRETATION

- 4. The marginal notes and heading in this bylaw are for reference purposes only.

PART III: OFF-SITE LEVY

OBJECTS, PRINCIPLES AND CRITERIA

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5. 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 capital projects set out in Schedule "C" 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 Lands in the development areas set out in Schedule "A", should share proportionally, on a per hectare basis, in related costs.
 - c. Provision of off-site infrastructure projects 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.
 - f. All funds collected from the Off-Site Levy will be credited to a separate and distinct, identifiable Off-Site Levy account, which may be invested as per the City's Investment Policy until used for the construction of the specified off-site infrastructure. The management of the Off-Site Levy account should be an audited process, with reports available to the public and the industry.
 - g. The Off-Site Levy will help allow the City 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.
 - h. The Off-Site Levy will help promote orderly development by:
 - i. Supporting City planning through growth strategies, master servicing plans and area structure plans
 - ii. Providing off-site infrastructure, once the appropriate planning is in place, and when warranted in development; and
 - iii. Providing infrastructure for contiguous development.
 - i. 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* as amended or repealed and replaced from time to time; and

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- iii. Providing reports on the Off-Site Levy.
- j. 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.

OFF-SITE LEVY ESTABLISHMENT

- 6.
 - a. An Off-Site Levy must be paid for all Developable Land developed in accordance with a development permit or subdivided in the development areas set out in Schedule "A".
 - b. For greater certainty levies are established to pay for the items identified in the *Municipal Government Act* sections 648(2)(a), 648(2)(b), 648(2)(c), 648(2)(c.1), 648(2)(d) and 648(2.1)(b).
 - c. When one component of the Offsite Levy becomes due, all components are due The Offsite Levy is a single indivisible levy. No component levy can be deferred or waived separately from the other components. No legally defined parcel of land will be assessed levies on only a portion of its area.

CALCULATION

- 7. The Off-Site Levy shall be calculated per hectare of Developable Land on the total rates established in Schedule "B" for each development area described in Schedule "A" at the time such land receives subdivision approval or on the date of approval of a development permit, at the sole and unfettered discretion of the City of Leduc

OBJECT

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

PART IV: DEVELOPMENT AGREEMENTS

DEVELOPMENT AGREEMENTS

- 9.
 - (1) Development Agreements shall be executed by the applicant for the development or subdivision of land if the City Manager determines that a Development Agreement is required.
 - (2) The City Manager shall determine if a Development Agreement is required in accordance with all relevant policies and guidelines adopted by Council.

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CONTENT

10. All Development Agreements:
- a. shall require the payment of the Off-Site Levy calculated in accordance with Part III;
 - b. may defer the payment of any Off-Site Levy;
 - c. shall ensure that an Off-Site Levy is only collected once in respect of land that is the subject of a development or a subdivision; and
 - d. shall comply with all relevant policies and guidelines adopted by Council.

PART V: GENERAL

ACCOUNTING

11. 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*.

GENERAL

12. Nothing in this bylaw precludes the City from:
- a. imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Land in respect of which the City has not collected levies;
 - b. deferring collection of the Off-Site Levy for the stated objects of this bylaw, on any portion of Developable Land in respect of which the City collected levies, including requiring security for payment of such deferred levies; or
 - c. reducing or forgiving payment of the levies required pursuant to this bylaw, or otherwise providing for credits or offsets for other projects or oversize infrastructure constructed by a developer in calculating and/or collecting the levies that become payable pursuant to this bylaw.

TRANSITION

13. Any Development Agreements approved under previous bylaws of the City shall continue as though the bylaw under which they were enacted was never repealed.

SEVERABILITY

14. If any portion of this bylaw is declared or held to be invalid for any reason the remaining provisions of the bylaw shall continue to be in full force and effect.

REPEALS

15. Bylaw 1109-2021, the *Off-Site Levy Bylaw*, is repealed.

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PART VI: ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS ____ DAY OF _____, AD 2022.

READ A SECOND TIME IN COUNCIL THIS ____ DAY OF _____, AD 2022.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS ____ DAY OF _____, AD 2022.

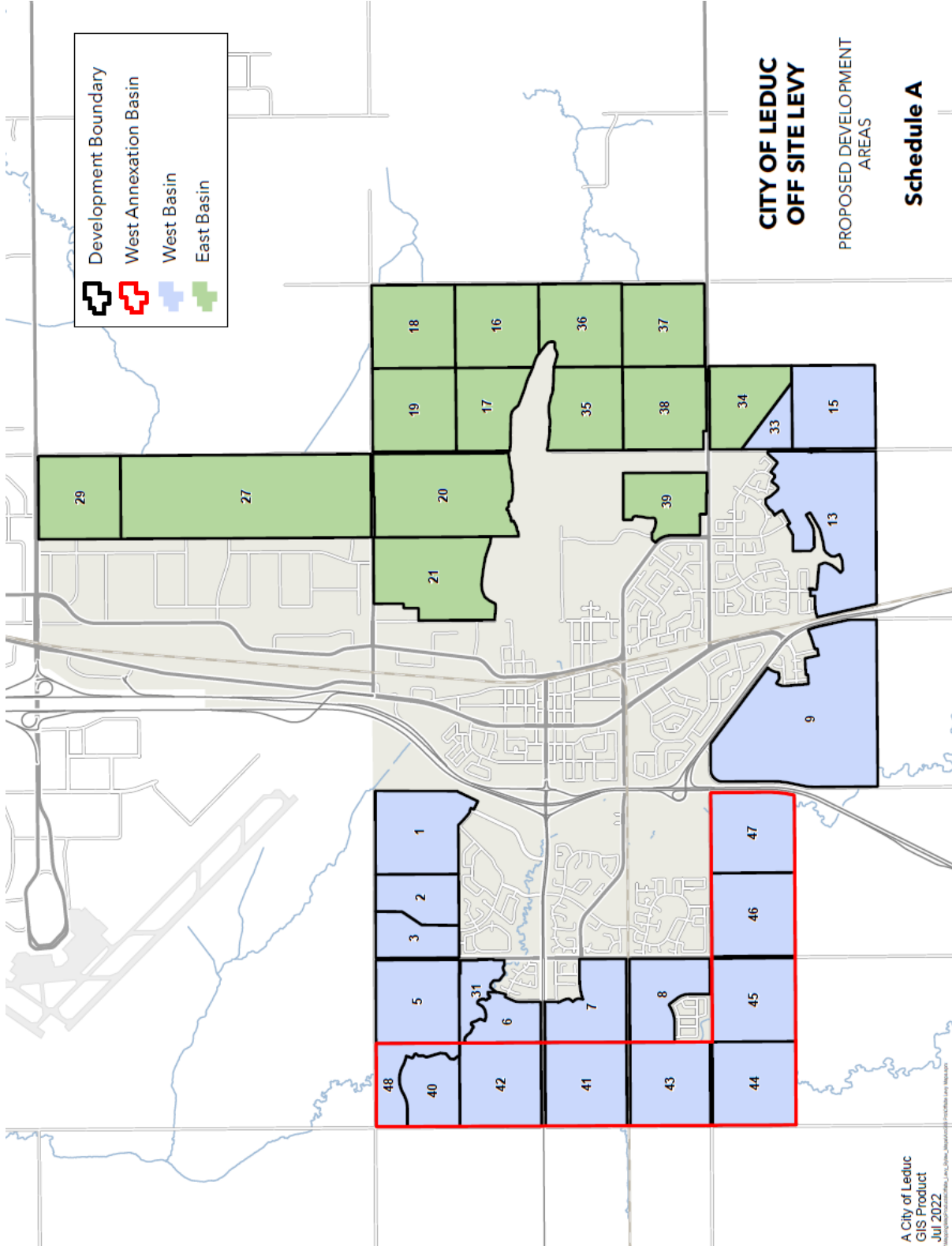
MAYOR

CITY CLERK

Date Signed

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Schedule A



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Schedule B

** Off-Site Levy is charged on a per hectare basis

| Area # | Transportation Levies | Water Levies | Sanitary Levies | Fire Levies | Total |
|--------|-----------------------|--------------|-----------------|-------------|--------------|
| 1 | \$125,750.84 | \$18,154.13 | \$ - | \$5,908.83 | \$149,813.79 |
| 2 | \$125,750.84 | \$18,154.13 | \$ - | \$5,908.83 | \$149,813.79 |
| 3 | \$125,750.84 | \$18,154.13 | \$15,316.21 | \$5,908.83 | \$165,130.00 |
| 5 | \$125,750.84 | \$18,154.13 | \$15,316.21 | \$5,908.83 | \$165,130.00 |
| 6 | \$125,750.84 | \$18,154.13 | \$ - | \$ - | \$143,904.97 |
| 7 | \$125,750.84 | \$18,154.13 | \$ - | \$ - | \$143,904.97 |
| 8 | \$125,750.84 | \$18,154.13 | \$ - | \$ - | \$143,904.97 |
| 9 | \$125,750.84 | \$18,154.13 | \$ 2,515.69 | \$ - | \$146,420.66 |
| 13 | \$125,750.84 | \$18,154.13 | \$ 7,184.45 | \$ - | \$151,089.42 |
| 15 | \$125,750.84 | \$18,154.13 | \$ 7,184.45 | \$ - | \$151,089.42 |
| 16 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 17 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 18 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 19 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 20 | \$ 79,492.43 | \$18,154.13 | \$ - | \$5,908.83 | \$103,555.39 |
| 21 | \$ 79,492.43 | \$18,154.13 | \$ - | \$5,908.83 | \$103,555.39 |
| 27 | \$ 79,492.43 | \$18,154.13 | \$ - | \$5,908.83 | \$103,555.39 |
| 29 | \$ 79,492.43 | \$18,154.13 | \$ - | \$5,908.83 | \$103,555.39 |
| 31 | \$125,750.84 | \$18,154.13 | \$15,316.21 | \$5,908.83 | \$165,130.00 |
| 33 | \$125,750.84 | \$18,154.13 | \$ 7,184.45 | \$5,908.83 | \$156,998.25 |
| 34 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 35 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 36 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 37 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 38 | \$ 79,492.43 | \$18,154.13 | \$22,066.80 | \$5,908.83 | \$125,622.19 |
| 39 | \$ 79,492.43 | \$18,154.13 | \$ - | \$5,908.83 | \$103,555.39 |
| 40 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 41 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 42 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 43 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 44 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 45 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 46 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 47 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$ - | \$201,281.46 |
| 48 | \$128,284.51 | \$18,154.13 | \$54,842.82 | \$5,908.83 | \$207,190.29 |

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Schedule C

** Infrastructure projects to which the off-site levy charges collected under this bylaw are to be applied

Transportation Infrastructure Projects – Schedule “C-1”

| Reference | Project Name | Nature of Capital Work |
|------------------|---|-------------------------------|
| 8 | Highway 2A - Realignment | Improve Road Network Capacity |
| 9 | Highway 2A - Traffic Signal | Intersection Improvements |
| 10 | 74th Street (50th Ave to 65th Ave West) | Improve Road Network Capacity |
| 12 | 74th Street (50th Avenue to SW Boundary) | Improve Road Network Capacity |
| 13 | Southwest Boundary Road (74th St to Grant MacEwan) | Improve Road Network Capacity |
| 14 | Traffic Signal - 50 Avenue / Grant MacEwan Boulevard | Intersection Improvements |
| 16 | Southwest Boundary Road (Grant MacEwan to Blackstone Entrance) | Improve Road Network Capacity |
| 17 | 65th Avenue West (74th Street to Grant MacEwan) - 2L | Improve Road Network Capacity |
| 18 | 50th Avenue (74th Street to Fire Hall) | Improve Road Network Capacity |
| 19 | 50th Avenue (Deer Valley Drive to Fire Hall) | Improve Road Network Capacity |
| 20 | Grant MacEwan South (Black Gold Dr to Spruce) - 2L-4L | Improve Road Network Capacity |
| 21 | Rollyview Road/50 St Intersection - Traffic Signal | Intersection Improvements |
| 22 | Grant MacEwan South (38 Ave to SW Boundary) - 2L | Improve Road Network Capacity |
| 23 | 65th Avenue West (Grant MacEwan to Discovery Way) - 2L | Improve Road Network Capacity |
| 25 | Traffic Signal - 74th Street and 50th Avenue | Intersection Improvements |
| 26 | 65th Avenue East (East of CP Rail Corridor to 45th Street) -4L - 6L | Improve Road Network Capacity |
| 27 | 65th Avenue East (35th Street to Spine Road) - 2L | Improve Road Network Capacity |
| 28 | Black Gold Drive (South Park Drive to Rollyview Road) Project | Improve Road Network Capacity |
| 31 | Spine Road (Airport Road to 65th Ave East) 2L to 4L | Improve Road Network Capacity |
| 32 | 46 St (50 Ave to Black Gold Drive) | Improve Road Network Capacity |
| 33 | Highway 39 (Highway #2 East Ramp to Grant MacEwan) | Improve Road Network Capacity |
| 35 | 65th Avenue West (Grant MacEwan to Discovery Way) - 2L - 4L | Improve Road Network Capacity |
| 36 | 65th Avenue East (45th Street to Spine Road) - 2L to 4L | Improve Road Network Capacity |
| 37 | Traffic Signal - Black Gold Drive / 50 th Street | Intersection Improvements |
| 39 | Traffic Signal - 65 Avenue/ 50 Street | Intersection Improvements |
| 40 | 43 Street from Airport Road to South of Airport Road | Improve Road Network Capacity |
| 41 | Traffic Signal - Airport Road / 43 Street | Intersection Improvements |
| 42 | Airport Road (Sparrow Drive to RR 250) | Improve Road Network Capacity |

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| | | |
|----|---|-------------------------------|
| 43 | Southeast Boundary Road (Hwy 2A to Coady Blvd.) | Improve Road Network Capacity |
|----|---|-------------------------------|

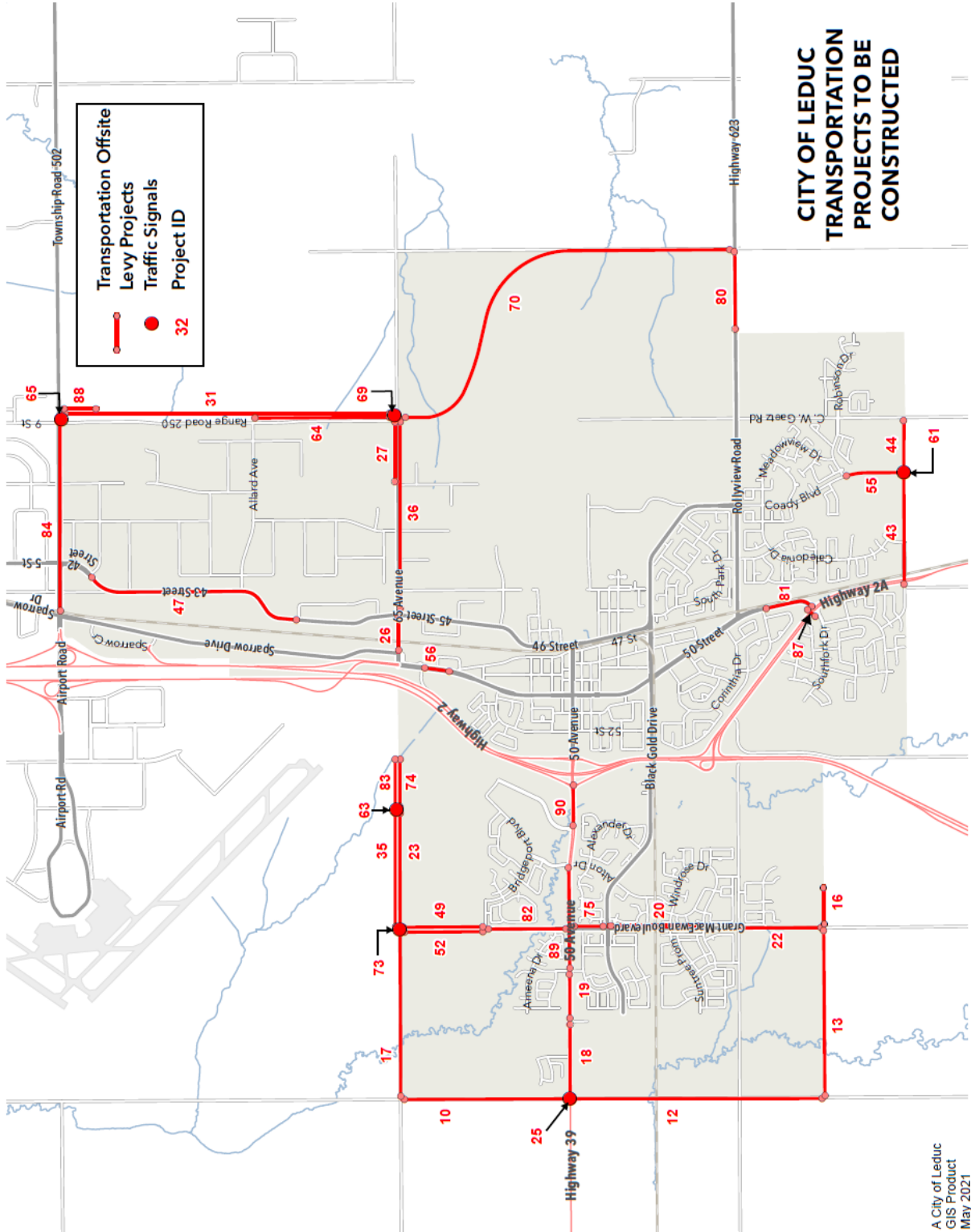
| Reference | Project Name | Nature of Capital Work |
|-----------|--|-------------------------------|
| 44 | Southeast Boundary Road (Coady Blvd to CW Gaetz) | Improve Road Network Capacity |
| 47 | 45th/43rd Street (175m North of 70th Ave to 82nd ave) | Improve Road Network Capacity |
| 49 | Grant MacEwan North (65th Ave West to Bridgeport Gate) 2L - 4L | Improve Road Network Capacity |
| 50 | Grant MacEwan Blvd (Ameena Dr. to 1/4 Section Line North) | Improve Road Network Capacity |
| 51 | Grant MacEwan Boulevard from 38 Ave to 50th Ave. | Improve Road Network Capacity |
| 52 | Grant MacEwan North (65th Ave West to Bridgeport Gate) 2L | Improve Road Network Capacity |
| 54 | Coady Boulevard- to McDowwl Wynd | Improve Road Network Capacity |
| 55 | Coady Boulevard (Meadowview Blvd to SE Boundary Road) | Improve Road Network Capacity |
| 56 | 50 Street (64 Ave to 61 Ave) | Improve Road Network Capacity |
| 59 | 50 Ave from Alton to Interchange | Improve Road Network Capacity |
| 61 | Traffic Signal - Coady Blvd and SE Boundary Road | Intersection Improvements |
| 63 | Traffic Signal - 65th Avenue W and Discovery Way | Intersection Improvements |
| 64 | Spine Road (Allard Avenue to 65th Avenue East) - 2L | Improve Road Network Capacity |
| 65 | Traffic Signal - Spine Road and Airport Road | Intersection Improvements |
| 69 | Traffic Signal - 65 Ave/ Spine Road | Intersection Improvements |
| 70 | Spine Road - 65th Avenue East to Rollyview Road | Improve Road Network Capacity |
| 71 | Black Gold Dr/Grant Mac Ewan - Traffic Signal | Intersection Improvements |
| 73 | Traffic Signal - Grant MacEwan/ 65 Ave | Intersection Improvements |
| 74 | 65th Avenue West (Discovery Way to QE II) - 2L | Improve Road Network Capacity |
| 75 | Grant MacEwan South (50th Ave to Black Gold Drive) 2L-4L | Improve Road Network Capacity |
| 76 | Airport Road Improvements from Sparrow Drive to 42 Street | Improve Road Network Capacity |
| 80 | Rollyview Road (C.W Gaetz to 800m W of Spine Road) | Improve Road Network Capacity |
| 81 | 50th Street (Bella Coola to Hwy 2A) | Improve Road Network Capacity |
| 82 | Grant MacEwan North (Bridgeport Gate to 50th Ave) 2L- 4L | Improve Road Network Capacity |
| 83 | 65th Avenue West (Discovery Way to QE II) - 2L - 6L | Improve Road Network Capacity |
| 84 | Airport Road (Sparrow Drive to Spine Road) | Improve Road Network Capacity |
| 87 | 50th Street (Storage+Taper) | Improve Road Network Capacity |
| 88 | Spine Road (Airport Road to 82 Ave) 4L - 6L | Improve Road Network Capacity |
| 89 | 50th Avenue (Bridgeport Crossing to Deer Valley Dr./West Haven Blvd) | Improve Road Network Capacity |
| 90 | 50th Avenue (From QE II West Ramp Terminal to Discovery Way) | Improve Road Network Capacity |

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Transportation Infrastructure Projects – Schedule “C-1”



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Water Infrastructure Projects – Schedule “C-2”

| | | |
|----|--|------------------------------|
| 1 | Highway Water Crossing (65th ave) | Improve Network Distribution |
| 2 | Highway Water Crossing (Windrose to Southfork) | Improve Network Distribution |
| 4 | Highway Water Crossing (Southfork to Tribute) | Improve Network Distribution |
| 5 | Water Reservoir in Robinson | Improve Network Distribution |
| 7 | Robinson Transmission Main - Oversizing | Improve Network Distribution |
| 10 | Blackgold Drive PRV | Improve Network Distribution |
| 11 | Robinson Reservoir Expansion | Improve Network Distribution |
| 12 | North Reservoir Expansion | Improve Network Distribution |
| 13 | East Telford Lake PRV | Improve Network Distribution |

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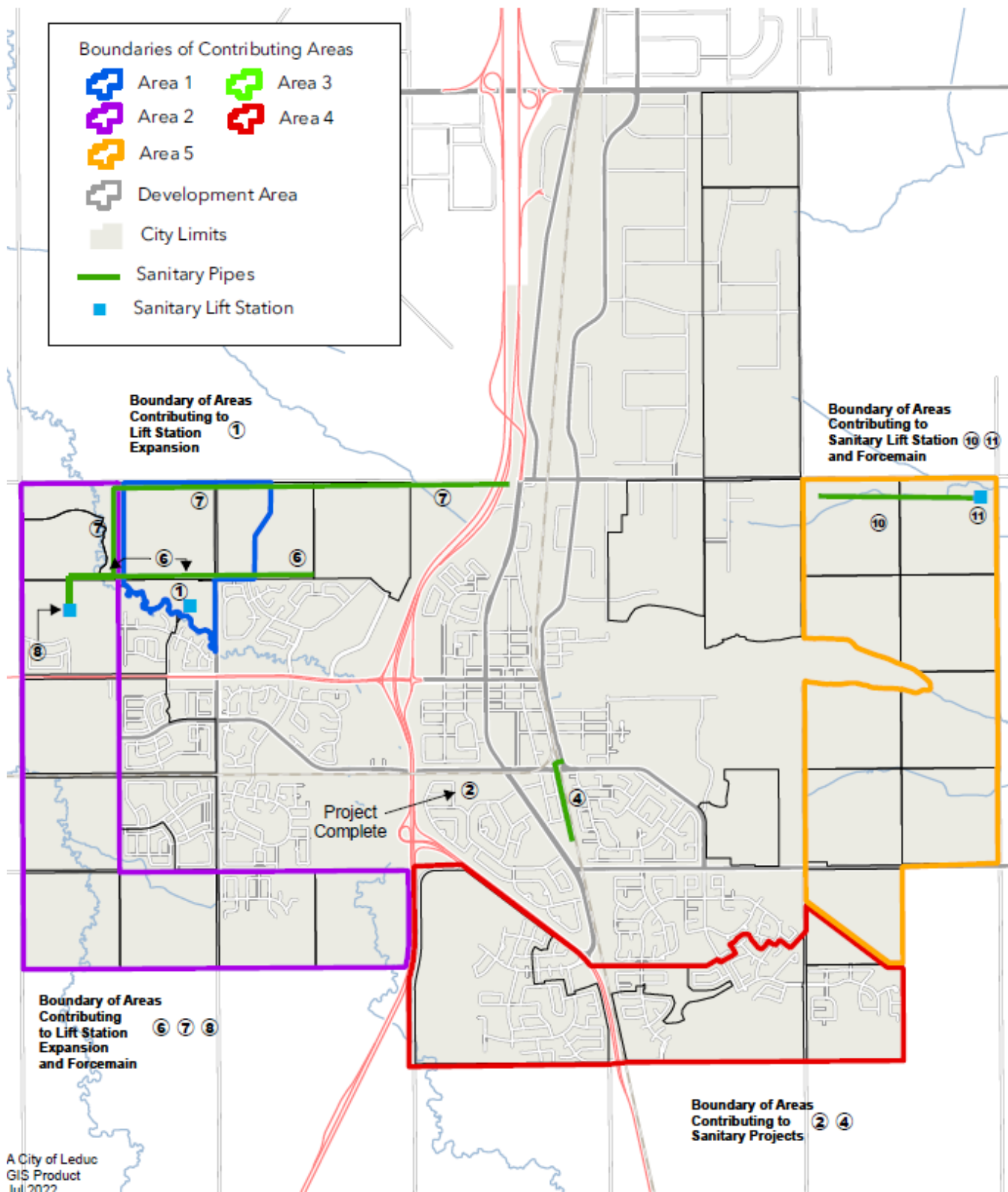
Sanitary Infrastructure Projects – Schedule “C-3”

| | | |
|----|---|-------------------------|
| 1 | West Sanitary Lift Station Upgrade | Improve System Capacity |
| 2 | Corinthia Park North End Sewer Storage | Improve System Capacity |
| 4 | Corinthia Outlet | Improve System Capacity |
| 5 | Woodbend Lift Station and Force Main | Improve System Capacity |
| 7 | Woodbend Force Main - Stage 2 | Improve System Capacity |
| 8 | Woodbend Lift Station Upgrades – Stage 2 | Improve System Capacity |
| 10 | Eastside Sanitary Lift Station and Force Main | Improve System Capacity |
| 11 | Eastside Sanitary Lift Station – Stage 2 | Improve System Capacity |

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Sanitary Infrastructure Projects

Schedule "C-3"



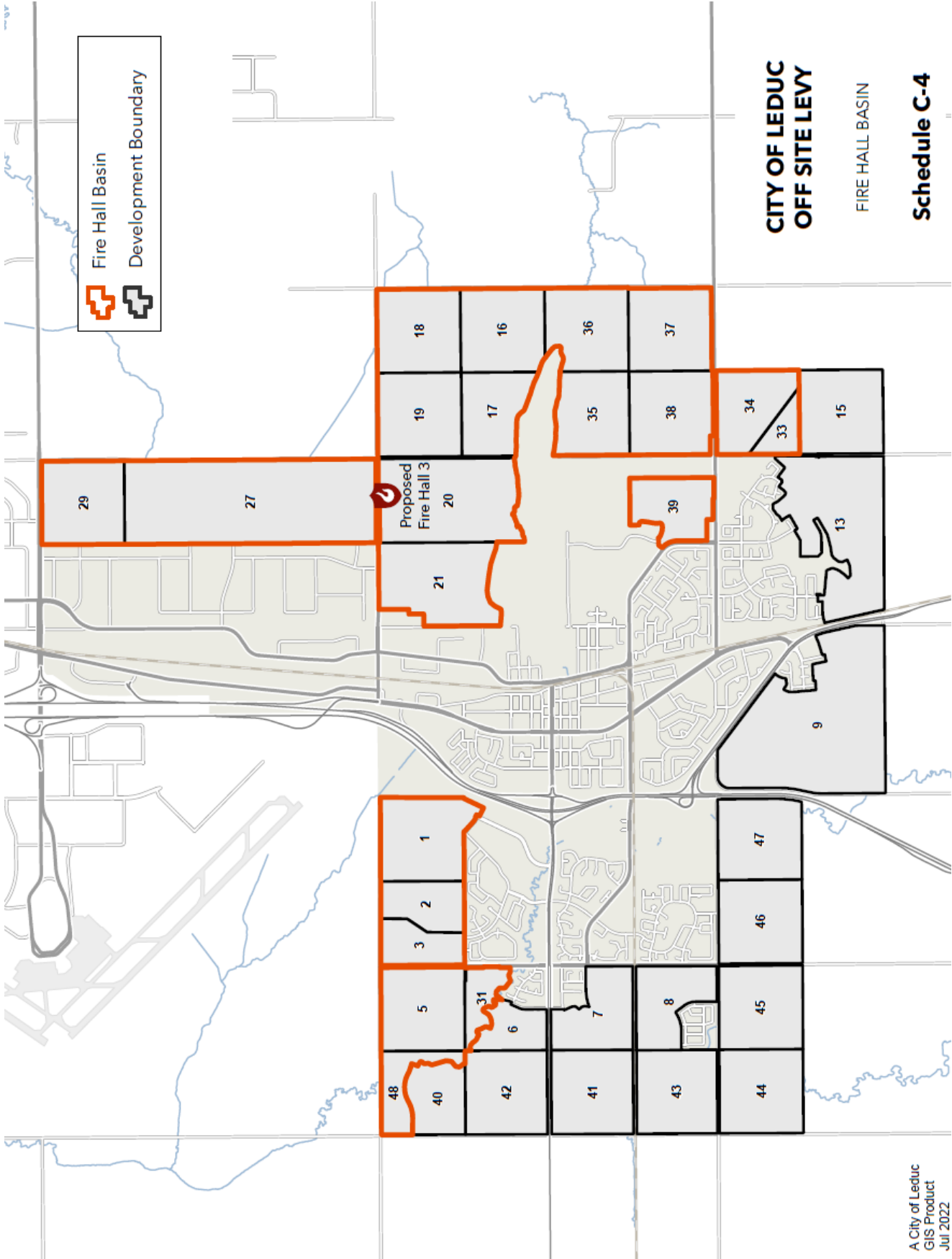
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Fire Infrastructure Projects – Schedule “C-4”

| | | |
|---|--------------|-------------------------|
| 1 | Fire Hall #3 | Improve System Capacity |
|---|--------------|-------------------------|

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**CITY OF LEDUC
OFF-SITE LEVY**

FIRE HALL BASIN

Schedule C-4