

**BYLAW NO. 01-2010
PARKLAND COUNTY**

BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSES OF COLLECTING ROAD DEVELOPMENT ASSESSMENTS (RDA) FROM APPLICANTS FOR SUBDIVISION OR DEVELOPMENT PERMIT TO FUND THE COSTS OF DESIGNING AND CONSTRUCTING NEW ROADS REQUIRED FOR OR IMPACTED BY DEVELOPMENT WITHIN PARKLAND COUNTY

WHEREAS Sections 650 and 655 of the Municipal Government Act RSA 2000 ch. M-26, authorize Parkland County to impose a condition upon development permit or upon subdivision approval requiring the applicant to enter into a Development Agreement with Parkland County which requires the applicant to construct or pay for the construction of, among other things, public roads;

WHEREAS pursuant to the Municipal Government Act RSA 2000 ch. M-26, S. 651 a Development Agreement may, where an applicant has constructed a road with an excess capacity, authorize the recovery of a portion of that roadway cost from a future developer who benefits from that road;

WHEREAS the Council of Parkland County wishes to pass a Bylaw pursuant to the Municipal Government Act RSA 2000 ch. M-26, S. 648 for the purpose of establishing off-site levies for the construction of new or expanded roads (Road Development Assessments), as a condition of subdivision approval or development permit that the Developer enter into a Development Agreement providing for the payment of such levies;

WHEREAS the Council of Parkland County wishes to pass a Bylaw pursuant to the Municipal Government Act RSA 2000 ch. M-26, S. 649 for the purpose of establishing the purposes of the off-site levy and the method by which it was calculated,

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

1. Title

- (1) This Bylaw shall be known as the Parkland County ROADS FOR DEVELOPMENT BYLAW, may be cited as such and will be referred to herein as "this Bylaw".

2. Purpose

- (1) The Road Development Assessment collected under this Bylaw will be used to pay for the costs of designing and constructing new roads required for full development within a Benefitting Area. Applicants for subdivision or development permits within a Benefitting Area will be responsible to pay this Road Development Assessment. The total Construction Costs for the roads within a Benefitting Area will be shared proportionately in accordance with the Assessable Area of all lands within the Benefitting Area.
- (2) The administration fee collected under this Bylaw will be used to fund the costs of administering and maintaining this Bylaw.

3. Definitions

- (1) In this Bylaw, unless the context otherwise requires:
 - a. "Assessable Area" means the total area of the Subject Lands less any area dedicated or to be dedicated for a Road for Development and Environmental Reserve, the buffer area around Osborne Acres as identified by the Acheson Industrial Area Structure Plan and at the discretion of Council any land dedicated for environmental purposes.
 - b. "Benefitting Area" means an area within Parkland County that is served by particular roads for development as more specifically identified in section 5 of this Bylaw.
 - c. "County" means the Municipality of Parkland County.
 - d. "Construction Cost" means:
 - i. In the case of Road Improvements that have been constructed, the actual cost of constructing the Road for Development, including engineering and administration;
 - ii. In the case of improvements that are the subject of detailed design prepared by a Professional Engineer, the estimated cost of construction based on the detailed design, including engineering and administration; or
 - iii. In the case of improvements that are the subject of conceptual design, the estimated cost of construction based on conceptual design, including engineering and administration.
 - e. "Council" means the Municipal Council of Parkland County.

- f. "Developer" means any applicant for subdivision or development permit within the Benefitting Area, or any person, including Parkland County, that has incurred Construction Costs for a Road for Development.
- g. "Development Agreement" means an agreement, pursuant to the Municipal Government Act RSA 2000 ch. M-26, SS. 650 and 655, entered into between a Developer, or group of Developers, and the County which provides for the payment of Road Development Assessments to the County and/or the construction of Roads for Development improvements.
- h. "General Manager of Community Services" means Parkland County's General Manager of Community Services or his/her designate.
- i. "General Manager of Infrastructure Services" means Parkland County's General Manager of Infrastructure Services or his/her designate.
- j. "Interest Term" means the number of years a Developer has carried an over-expenditure rounded down to the nearest whole number of years to a maximum of ten years.
- k. "Over-Expenditure" means the amount by which a Developer's Construction Costs for a Road for Development exceeds that Developer's Road Development Assessment owing. A Developer is deemed to have incurred an over-expenditure starting on the date of issuance of the Construction Completion Certificate, for Road Improvements, along with the submission of the actual and estimated to complete Construction Costs. Any interest that may have accrued on a Developer's over expenditure is also over-expenditure.
- l. "Over-Expenditure Interest" shall mean the Over-Expenditure times the Over-Expenditure Interest Rate compounded annually throughout the Interest Term period.
- m. "Over-Expenditure Interest Rate" means an annual rate equal to the prime rate by Servus Credit Union plus one percent (1%), on January 1 of the year for which interest is to be calculated.
- n. "Professional Engineer" means an individual who holds a certificate of registration to engage in the practice of engineering under the Engineering, Geological and Geophysical Professions Act RSA 2000 ch. E-11.
- o. "Road Dedication" means the dedication of land as Road for Development right-of-way.
- p. "Road for Development" means a road that serves as a transportation route within a Benefitting Area, and more specifically identified in section 5 of this Bylaw.
- q. "Road Development Assessment (RDA)" means the amount of money owed for a Subject Land equal to the Road Development Assessment Rate multiplied by the Assessable Area of the Subject Lands.
- r. "Road Development Assessment Rate (RDA Rate)" means a rate equal to:
 - i. The total Construction Costs of Road Improvements remaining unconstructed in the Benefitting Area;
 - ii. Plus any Over-Expenditure being carried by previous Developers or Parkland County for Road Improvements in the Benefitting Area;
 - iii. Less any funds being held in the Trust Fund by the County for the Benefitting Area;
 - iv. All divided by the total Assessable Area of all the lands within the Benefitting Area that is left to be developed and/or assessed.
- s. "Road Improvements" means all required improvements within the road right-of-way necessary for the construction of the Road for Development, including intersection improvements, required at full build out within a Benefitting Area, and includes the Road Improvements as more specifically described in section 5 of this Bylaw.
- t. "Subject Lands" means:
 - i. A parcel or parcels that are the subject of a development permit application; or
 - ii. A parcel or parcels that are created through subdivision application and may include any un-subdivided remnant which, in the opinion of the Subdivision Authority, is unlikely to be subdivided again.
- u. "Trust Funds" means the total funds for each Benefitting Area collected through Road Development Assessments, being held in trust by the County, to be used for future construction of Road Improvements within each Benefitting Area.
- v. "Trust Fund Interest" shall mean the Trust Fund times the Trust Fund Interest Rate compounded annually.

- w. "Trust Fund Interest Rate" means an annual rate equal to the prime rate by Servus Credit Union less one and nine-tenths percent (1.9%), on January 1 of the year for which interest is to be calculated.

4. BENEFITTING AREAS AND ROADS FOR DEVELOPMENT

- (1) Benefitting Areas and Roads for Development are determined using technical data, recommendations and conclusions from accepted studies completed for the County by Professional Engineers.
- (2) Each Benefitting Area is the area within the heavy black boundary shown on the map contained in each of the Schedules "A" to "F". This area identifies the Subject Lands for which any and all Developers within such Benefitting Area are responsible to construct or pay for the construction of the Roads for Development needed for that particular Benefitting Area.

5. SCHEDULES

- (1) The schedules attached to this Bylaw include Benefitting Area maps that identify both the Benefitting Area boundary and the Roads for Development throughout that Benefitting Area. The Schedules also define the number of lanes of the particular Roads for Development and any other specific Road Improvements to be constructed within the Benefitting Area. The Schedules also identify the shared responsibility for costs between Developers and the County by reference to percentages. The percentages shown indicate the responsibility of Developer for costs of construction of Road Improvements. A list of the attached Schedules is as follows:
 - a. Schedule 'A' – Acheson Zone 1
 - b. Schedule 'B' – Acheson Zone 2
 - c. Schedule 'C' – Acheson Zone 4
 - d. Schedule 'D' – Acheson Zone 5
 - e. Schedule 'E' – Big Lake East
 - f. Schedule 'F' – Big Lake West

6. CONSTRUCTION OF ROADS FOR DEVELOPMENT

- (1) As a condition of granting a subdivision approval or development permit approval for the Subject Lands located within any of the Benefitting Areas identified in the Schedules attached to this Bylaw, the Subdivision Authority, Development Authority or Development Officer may require the Developer to construct or pay for the construction of such portions of the Road Improvements identified in the Schedules attached hereto as are required to ensure safe and efficient movement of traffic through the Benefitting Area while the Benefitting Area is being developed and to ensure that all Roads for Development in the Benefitting Areas are completely constructed by the time the Benefitting Area has been fully developed. Without limiting the generality of the foregoing, the Development Agreement shall require the Developer to construct or pay for the construction of any portion of a Road for Development that is located within the Subject Lands or any portion of the Road for Development that is required to provide access to the Subject Lands.
- (2) When a Developer is required to construct a Road for Development or any portion of a Road for Development, the Developer shall construct the Road Improvements to meet the ultimate design at full build out, with the following exception:
 - a. The General Manager of Infrastructure Services may require that only the first two lanes of a four lane road be constructed in the event that traffic volumes and development requirements for the current and near future developments do not warrant the construction of the ultimate design. In the event that Administration does grant this exception based on this bylaw section, then the construction of the remaining lanes shall be required, as a condition of a future subdivision or development permit.
- (3) When a Developer is required to construct a Road for Development the Developer shall construct any and all improvements necessary for the functioning roadway, which may include, but not be limited to:
 - a. Road preparation including: excavation, pavement removal, fill, sub-grade preparation, sub-grade stabilization, utility relocation;
 - b. Pavement structure including: pavement, medians, turn-bays, acceleration, deceleration and auxiliary lanes, pavement marking and curb and gutter if necessary;
 - c. Street lights;

- d. Road drainage including: grading, storm sewers, catch basins, and culverts;
 - e. Best management practices (erosion control measures);
 - f. Landscaping;
 - g. Road safety devices;
 - h. Signalization of intersections;
 - i. Roadside barriers;
 - j. Creek crossings;
 - k. Preliminary and detailed engineering design and administration costs (based on 15% of the estimated construction costs of the improvements being constructed); and
 - l. Any costs incurred by developers in the preparation of roadway concept plans.
- (4) The Construction Costs of the Road Improvements constructed by a Developer will, in part, be used to determine and calculate the Road Development Assessments. The County shall update the Construction Costs no less than once each calendar year, and may update them more frequently if appropriate.

7. ROAD DEVELOPMENT ASSESSMENTS

- (1) As a condition of granting a subdivision approval or development permit approval for any lands located within a Benefitting Area identified in the Schedules attached to this Bylaw, the Subdivision Authority, Development Authority or Development Officer may require the Developer to enter into an agreement with the County to pay:
- a. An administration fee pursuant to section 8 of this Bylaw; and
 - b. A Road Development Assessment
- (2) Road Development Assessments collected by the County shall either be distributed to Developers who have previously incurred Over-Expenditures or held in trust by the County for future Road Improvements.
- (3) If Road Development Assessment has previously been paid to the County, as a condition of a prior subdivision or development of the Subject Lands, the Subdivision Authority, Development Authority or Development Officer may not require a Developer to pay a further Road Development Assessment for those same Subject Lands.
- (4) Road Development Assessments collected for a particular Benefitting Area, shall only be expended on the construction of Road Improvements within that Benefitting Area or for the repayment of Over-Expenditures previously incurred within that Benefitting Area.

8. ADMINISTRATION

- (1) Road Development Assessments (RDAs) will be required as a condition of subdivision approval or development permit approval, whichever occurs first, and be payable to the County at the time a Development Agreement is executed for the Subject Lands.
- (2) Road Development Assessment Rates will be recalculated at the beginning of each calendar year. They may however, be recalculated in the event of significant changes to the Benefitting Area boundary adjustments or the removal/addition of significant Road Improvements. When a Road Development Assessment Rate recalculation occurs, the updated rate will be used on a go forward basis and collected through future Development Agreements.
- (3) When a Developer is required to construct a Road for Development and the Developer's Construction Costs are less than the Road Development Assessment payable by the Developer for the Subject Lands, the Developer will be required to pay the difference between the Road Development Assessment and the Construction Costs of the Road for Development as a condition of subdivision approval or development permit approval, whichever occurs first, and be payable to the County at the time a Development Agreement is executed for the Subject Land.
- (4) The General Manager of Community Services and the General Manager of Infrastructure Services have the ability to defer payment of RDAs payable for a subdivision or development permit application, if they determine that the proposed subdivision or development has no substantive impact on the County's transportation system, and more specifically no significant impact on the roads within the applicable Benefitting Area. Payment of any RDA which is owing or payment of which has been deferred would be payable at the time of future subdivision or issuance of a future development permit for the Subject lands, which ever occurs first.

- (5) An administration fee, pursuant to the County's Departmental Fees and Charges, Schedule C, shall be collected, at the time of signing the development agreement, with every agreement that is entered into pursuant to a subdivision approval or development permit approval, where the Subject Lands within said agreement fall within a Benefitting Area as per this Bylaw.
- (6) The administration fee will be used to fund:
 - a. Staff operating and capital expenses to administer the collection and accounting of the assessments;
 - b. Annual audits of the Road Development Assessment and Over-Expenditure tracking accounts for each Benefitting Area;
 - c. Annual reviews of remaining Assessable Area, Construction Cost estimates, Road Development Assessment Rates and required amendments to this Bylaw; and
 - d. Preparation of annual reports regarding the implementation of the Bylaw to Council of the County.

9. EFFECTIVE DATE

- (1) This Bylaw takes effect and applies to any subdivision application or development permit granted on or after March 9, 2010 regardless of when those applications were made.
- (2) Bylaw 53-2004 and Bylaw 45-2006 be hereby repealed.

READ A FIRST TIME this 9th day of March, 2010.

READ A SECOND TIME this 6th day of April, 2010.

READ A THIRD TIME and finally passed this 25th day of May, 2010.



Mayor



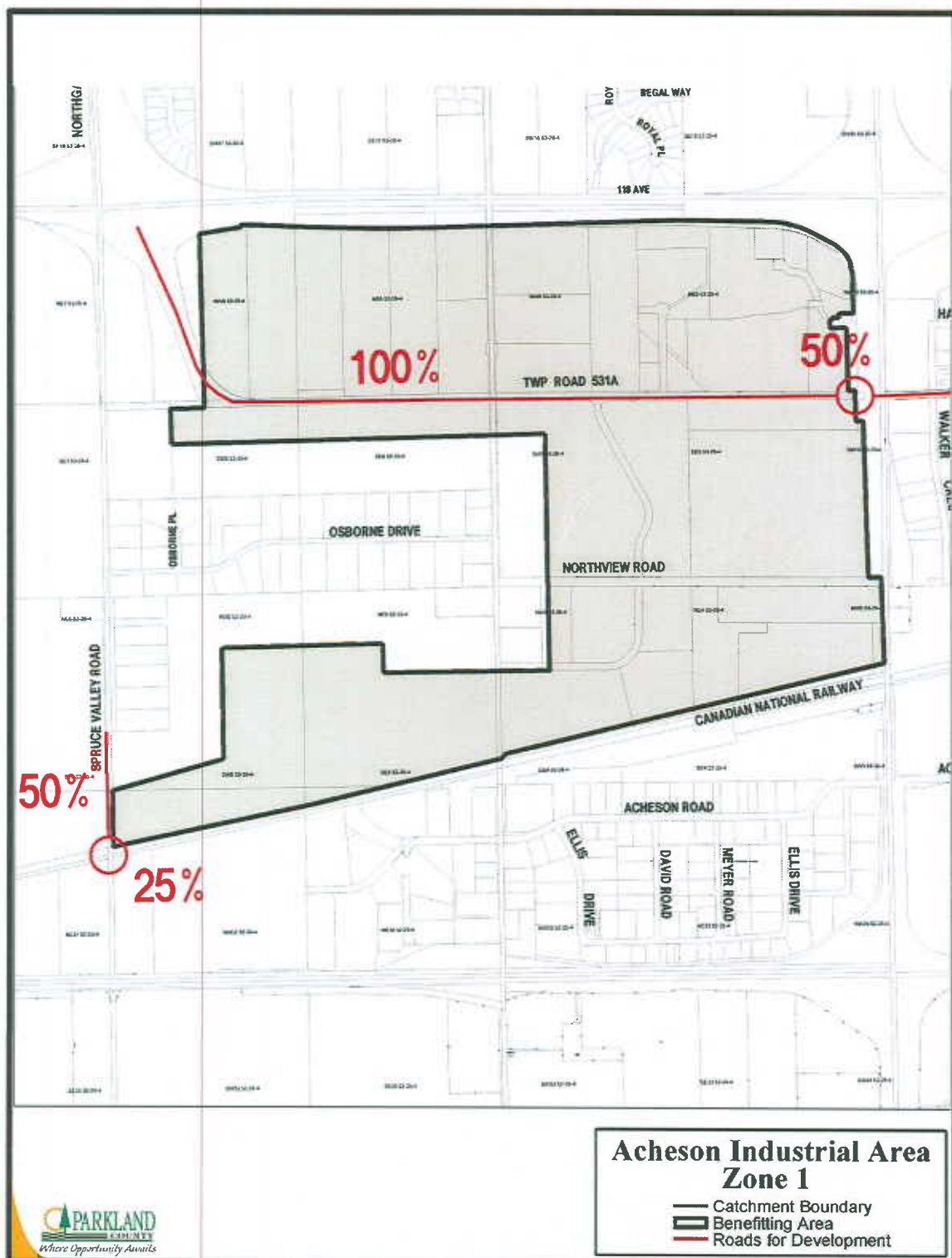
Manager, Legislative and Administrative Services

Schedule 'A'

Acheson Zone 1 – Benefitting Area and Associated Roads for Development

The following Road Improvements are included in the Acheson Zone 1 RDA Benefitting Area:

1. TWP 531A (two and four lanes) – Hwy 16 to Hwy 60 (100%)
2. Spruce Valley Road (two lanes) – Hwy 16A to Osborne Acres (50%)
3. Hwy 60 / Twp 531 A Intersection Improvements (50%)
4. Highway 16A / Spruce Valley Road Intersection Improvements (25%)

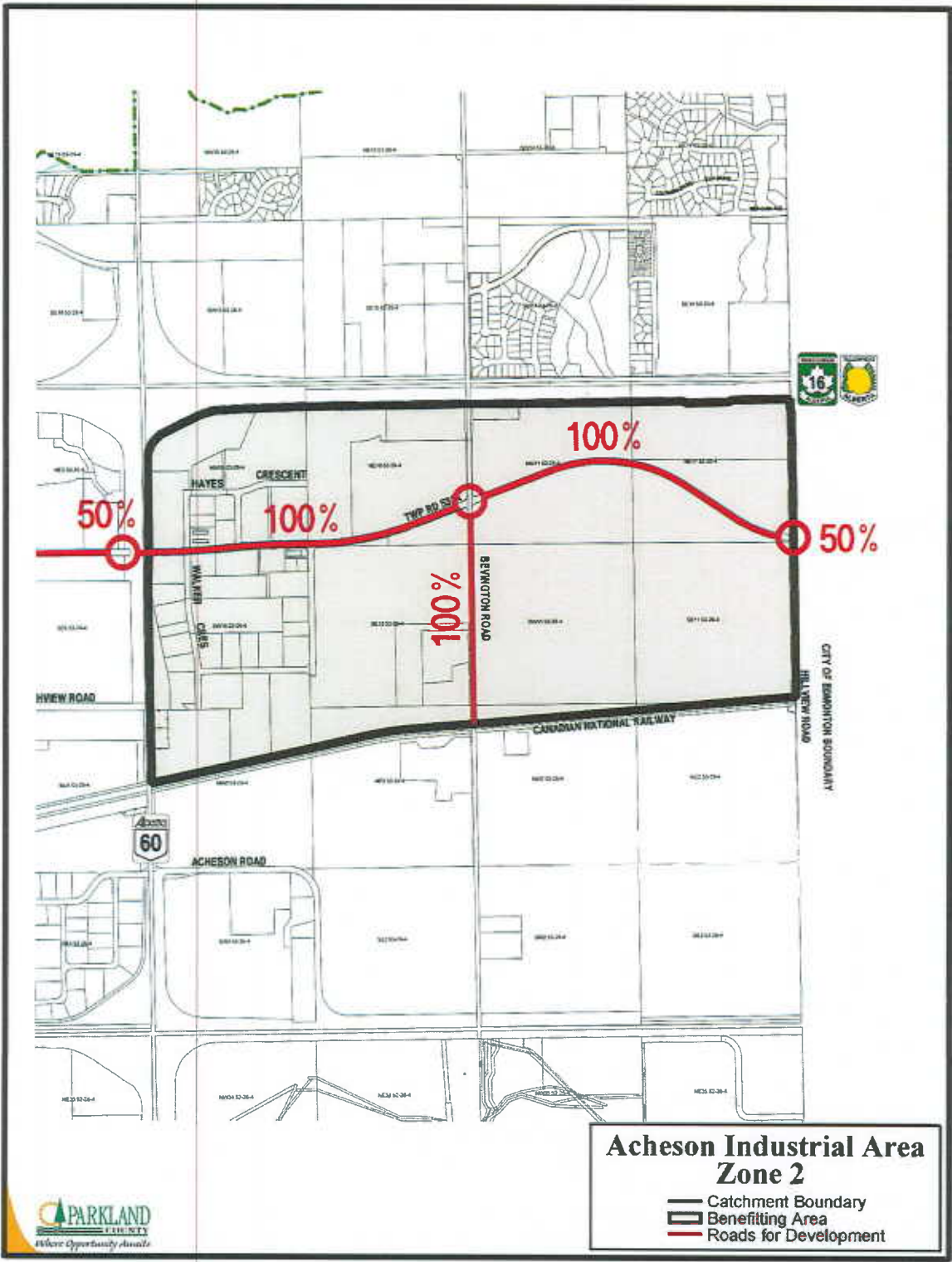


Schedule 'B'

Acheson Zone 2 – Benefitting Area and Associated Roads for Development

The following Road Improvements are included in the Acheson Zone 2 RDA Benefitting Area:

- 1. Parkland Ave (Twp 531A) (four lanes) – Hwy 60 to Hillview Road (231 Street) (100%)
- 2. Bevington Road (two lanes) – Parkland Avenue to CN Crossing (100%)
- 3. Hwy 60 / Parkland Avenue(Twp 531A) Intersection Improvements (50%)
- 4. Parkland Ave (Twp 531A) / Hillview Road (231 Street) Intersection Improvements (50%)

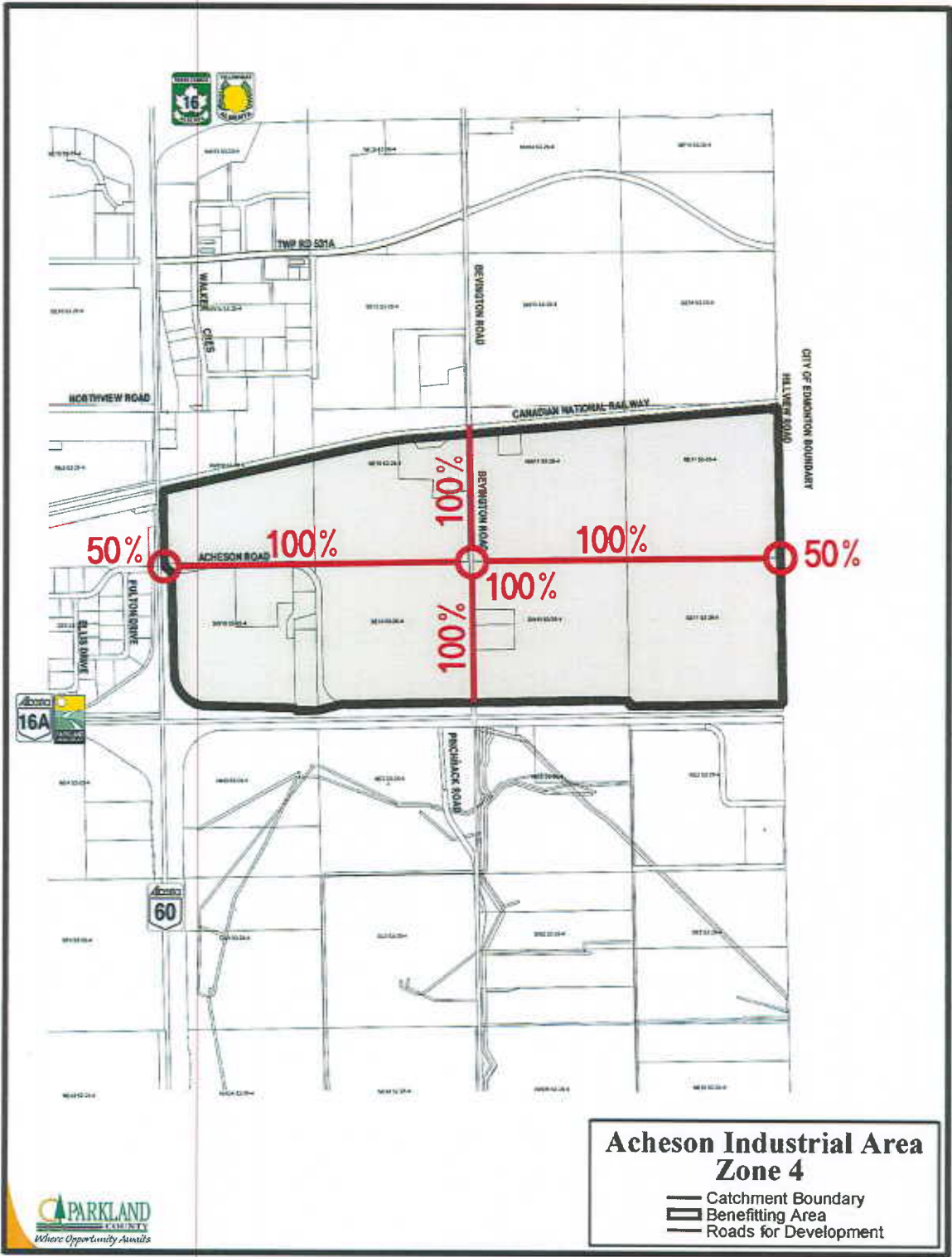


Schedule 'C'

Acheson Zone 4 – Benefitting Area and Associated Roads for Development

The following Road Improvements are included in the Acheson Zone 4 RDA Benefitting Area:

- 1. Acheson Road (two lanes) – Hwy 60 to Hillview Road (100%)
- 2. Bevington Road (two lanes) – CN Crossing to Hwy 16A (100%)
- 3. Acheson Road / Hwy 60 Intersection Improvements (50%)
- 4. Acheson Road / Bevington Road Intersection Improvements (100%)
- 5. Acheson Road / Hillview Road Intersection Improvements (50%)

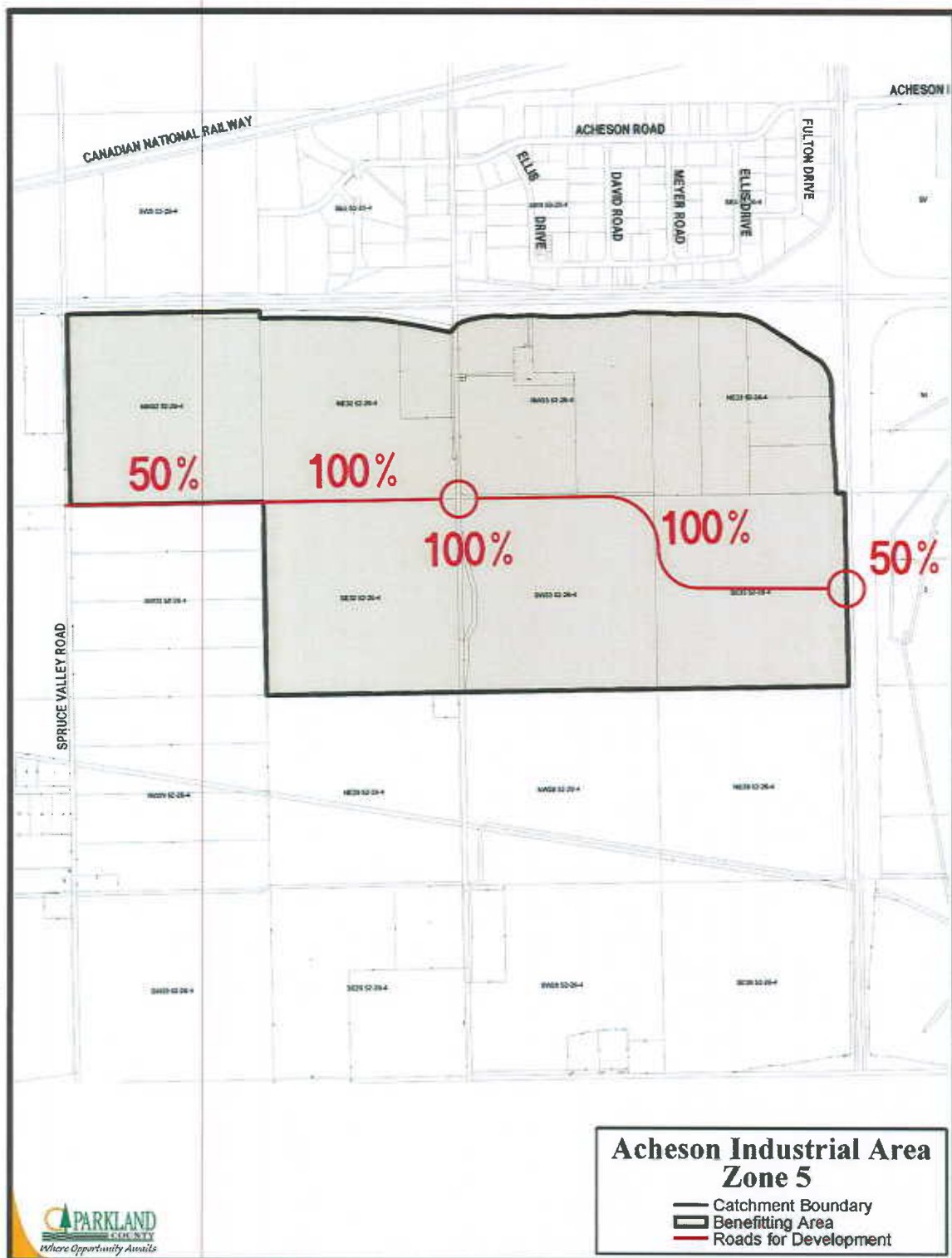


Schedule 'D'

Acheson Zone 5 – Benefitting Area and Associated Roads for Development

The following Road Improvements are included in the Acheson Zone 5 RDA Benefitting Area:

1. Spruce Valley Road (two lanes) – Hwy 16A to New Arterial Road (25%)
2. Intersection Improvements at Spruce Valley Road and New Arterial Road (25%)
3. New Arterial Road (four lanes) – Spruce Valley Road to Hwy 60 (50% & 100%)
4. Intersection Improvements at RR264 and New Arterial Road (100%)
5. Intersection Improvements at New Arterial Road and Hwy 60 (50%)

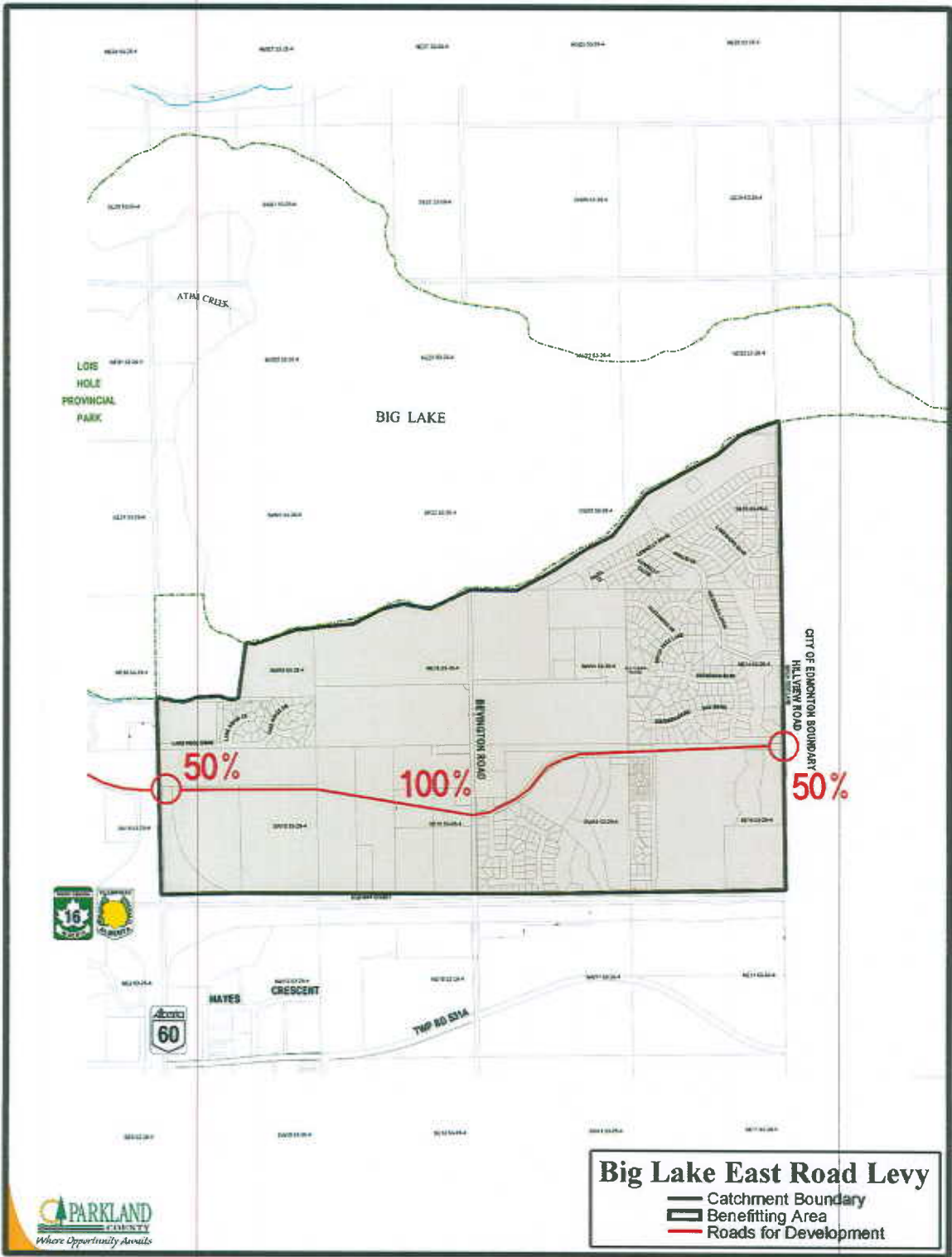


Schedule 'E'

Big Lake East – Benefitting Area and Associated Roads for Development

The following Road Improvements are included in the Big Lake East RDA Benefitting Area:

- 1. Twp 532A (two lanes) – Hwy 60 to Hillview Road (100%)
- 2. Hwy 60 / Twp 532A Intersection Improvements (50%)
- 3. Hillview Road / Twp 532A Intersection Improvements (50%)



Schedule 'F'

Big Lake West – Benefitting Area and Associated Roads for Development

The following Road Improvements are included in the Big Lake West RDA Benefitting Area:

- 1. Twp 532A (two lanes) – Hwy 44 to Hwy 60 (100%)
- 2. Hwy 60 / Twp 532A Intersection Improvements (50%)
- 3. Hwy 44 / Twp 532A Intersection Improvements (50%)
- 4. RR 264 / Twp 532A Intersection Improvements (100%)

