**PARKLAND COUNTY**
**BYLAW NO. 2013-03**
**OFF-SITE LEVY BYLAW**

**BEING A BYLAW OF PARKLAND COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR OFF-SITE LEVIES**

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The Municipal Government Act RSA 2000 ch. M-26, as amended, grants a municipality the authority to pass an Off-Site Levy Bylaw;

**WHEREAS,** Council deems it necessary to establish an Off-Site Levy to pay for the capital costs of new and expanded water, sanitary sewer, and storm drainage facilities, and the land required in connection with these facilities within certain parts of the County (Benefitting Areas);

**AND WHEREAS,** Council deems it necessary to require agreements to be entered into with owners of lands within the boundaries of the Benefitting Areas that are to be subdivided or developed in respect of the payment of the Off-Site Levy;

**AND WHEREAS,** Section 648 (1) of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, authorizes a Council to pass a bylaw to provide for the imposition of an Off-site Levy in respect of land that is to be subdivided or developed and to authorize agreements to be entered into in respect of the payment of the Off-site Levy;

**AND WHEREAS,** Parkland County has prepared a Master Drainage Plan, Sanitary Servicing Studies and Water Servicing Studies, and has carried out an Off-Site Levy Rate Study;

**AND WHEREAS,** notice of intention to pass this Bylaw has been given in accordance with the Act;

**THEREFORE,** the Council of Parkland County, in the Province of Alberta, duly assembled, hereby enacts as follows:

## PART I: BYLAW TITLE

1. This bylaw may be cited as the "Off-Site Levy Bylaw" and will be referred to herein as "this Bylaw".

## PART II: DEFINITIONS

2. For the purposes of this Bylaw the following words will have the meanings assigned:

   a. "Benefitting Areas" means those areas within Parkland County identified in Schedules "A", and "B" to this Bylaw, that will benefit from Off-Site Infrastructure as more specifically identified in Section 2(d) of this Bylaw.

   b. "County" means Parkland County.

   c. "Net Developable Area" means the area of a parcel subject to Off-Site Levies and defined as follows:

      i. The area in hectares of the subject lands to be developed;

      ii. Less any areas, in the subject lands, for which an Off-Site Levy has previously been paid; and

      iii. Less any environmental reserves and environmental reserve easements contained within the subject lands; and

      iv. Less an allowance equal to 10 percent of the area of the Subject Lands, for Municipal Reserve; and

      v. Less any area dedicated to or to be dedicated from the Subject Lands for arterial road right-of-way; and

      vi. If applicable, less the buffer area around Osborne Acres as identified by the Acheson Industrial Area Structure Plan; and

      vii. Less any other land, at the discretion of Council, dedicated for environmental and/or conservation purposes.

   d. "Off-Site Infrastructure" means the projects listed in Schedules "C", "D" and "E" of this Bylaw, for:

      i. new or expanded facilities for the storage, transmission or supplying of water; and

      ii. new or expanded facilities for the movement or disposal of sanitary sewage; and

      iii. new or expanded facilities for the management of storm water drainage; and

iv. any land required in connection with the facilities described in clauses 2(d)(i) to 2(d)(iii).

e. "Off-Site Levy" means the Off-Site Levy imposed pursuant to this Bylaw under the authority of the *Municipal Government Act* RSA 2000 ch. M-26, S. 648.

f. "Subject Lands" means:

i. A parcel or parcels of land that are the subject of a development permit application; or

ii. A parcel or parcels of land 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 further.

## PART III: APPLICATION

3. The Benefitting Areas for which the Off-Site Levy shall be payable are identified on Schedules "A" and "B" attached hereto and forming part of this Bylaw. The Benefitting Areas are further identified by area reference numbers in these Schedules.

4. The Off-Site Levy Report contains the supporting technical information identifying the impact of proposed development within the Benefitting Areas and is used to determine projects and estimated costs of those projects listed in Schedules "C", "D" and "E".

5. The Off-Site Levy Rate payable in respect to the Net Developable Area of the Subject Lands to be subdivided or developed within the "Benefitting Areas" shown on Schedule "A" and Schedule "B" hereof, shall be in accordance with Schedule "F" attached hereto and forming part of this Bylaw. The Off-Site Levies are payable in relation to those projects listed in Schedules "C", "D" and "E", attached hereto and forming part of this Bylaw.

6. Council may from time to time adopt policies or guidelines for the assistance and direction of Parkland County Administration in determining which development and subdivision applications shall require a development agreement, and when an applicant or owner may be required to front end costs of one or more Projects listed in Schedules "C", "D" and "E".

7. Where it is determined that a development agreement is appropriate for an application for development or subdivision, the applicant or owner, as the case may be, shall enter into a development agreement with Parkland County and such development agreement shall ensure:

a. that provision be made for the payment of the Off-Site Levies as specified in this Bylaw and reasonable interest on the cost of improvements paid for in whole or in part by the municipality as established under the conditions of approval of the development permit or subdivision approval in question, or

b. that provision may be made for the deferring of payment of the Off-Site Levies to future time certain or uncertain; and

c. that no further Off-Site Levies shall be required to be paid under development agreements where Off-Site Levies have been previously collected in full in respect to all of the lands which are the subject of development or subdivision application.

8. Except as otherwise provided herein, each development agreement entered into by Parkland County with respect to any development or subdivision application shall make provision for payment of all Off-Site Levies imposed by this Bylaw within the times specified by Parkland County policy or guideline, as amended from time to time.

9. In the event that any of the Off-Site Levies imposed by this Bylaw are not paid at the time specified in the development agreement, the County's Chief Administrative Officer is hereby authorized to impose the unpaid sums of money on the lands that are the subject of the development agreement, and thereafter collect the same as unpaid taxes in accordance with the provisions of the Act.

## PART IV: SEVERABILITY

10. If at any time any provision of this Bylaw is declared or held to be illegal, invalid or ultra vires, in whole or in part, then that provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and shall be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

## PART V: REPORTING

11. On or before April 30 in each calendar year the Chief Administrative Officer, or assigned designate, shall submit to Council, an annual Off-Site Levy Report pursuant to this bylaw identifiying:

    a. Projects constructed during the previous calendar year;

    b. Construction costs of projects constructed in the previous calendar year;

    c. Estimated construction costs for projects yet to be constructed and an explanation of adjustments to the estimates since the previous annual report;

    d. Amount collected in Off-Site Levy Fees;

    e. Specifics of the total value of Off-Site Levy Fees being held by Parkland County and yet to be expended on projects, interest earned and commitments for future expenditures of such monies; and

    f. Updated Schedules "C", "D", "E", and "F" to be approved by Council resolution on an annual basis.

12. This Bylaw shall come into force and effect when it receives third reading and is duly signed.

13. Bylaw No. 52-2003 is hereby repealed.

READ A FIRST TIME this 9th day of April, 2013.

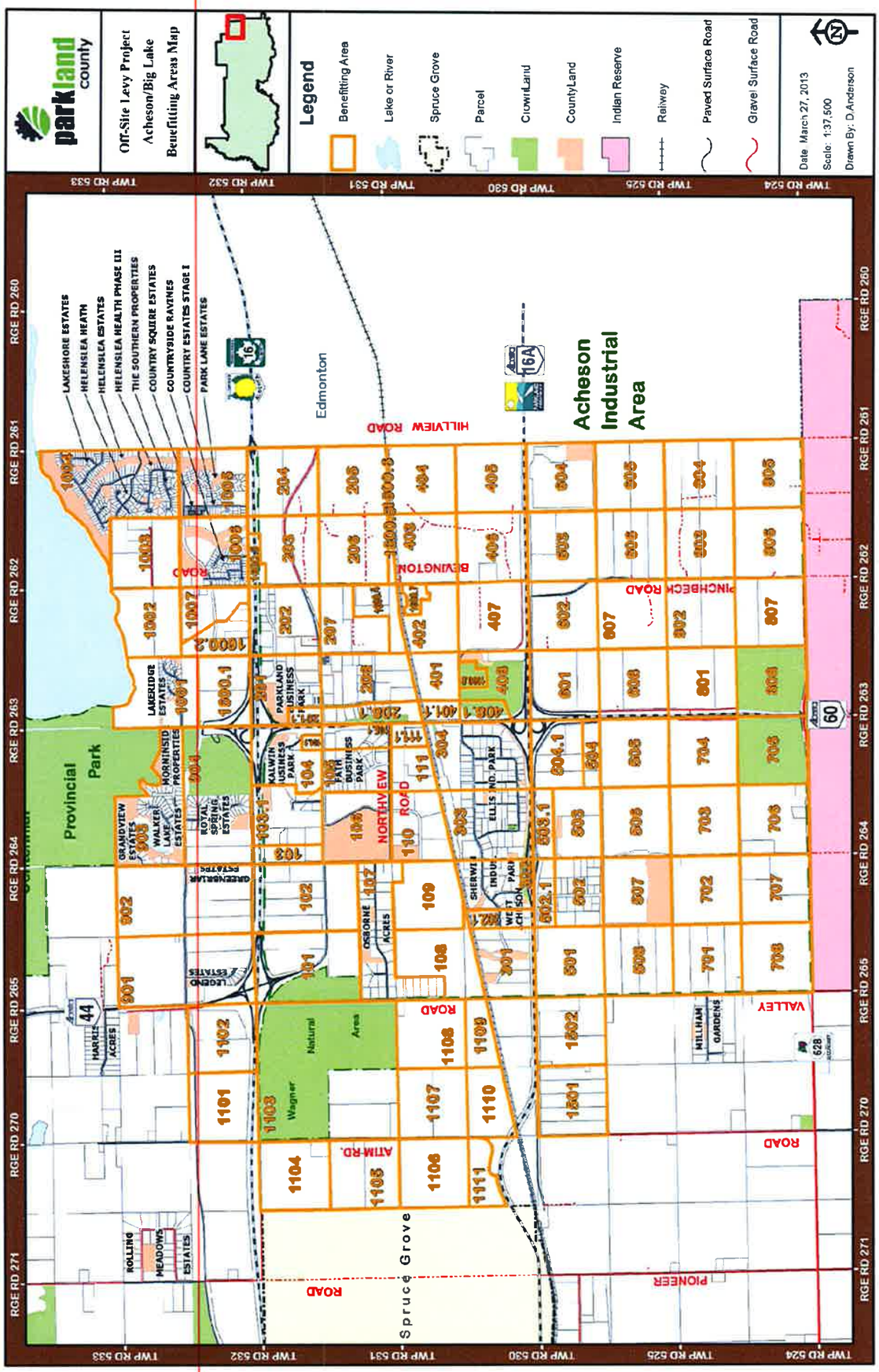
READ A SECOND TIME this 9th day of April, 2013.

READ A THIRD TIME and finally passed this 9th day of April, 2013.

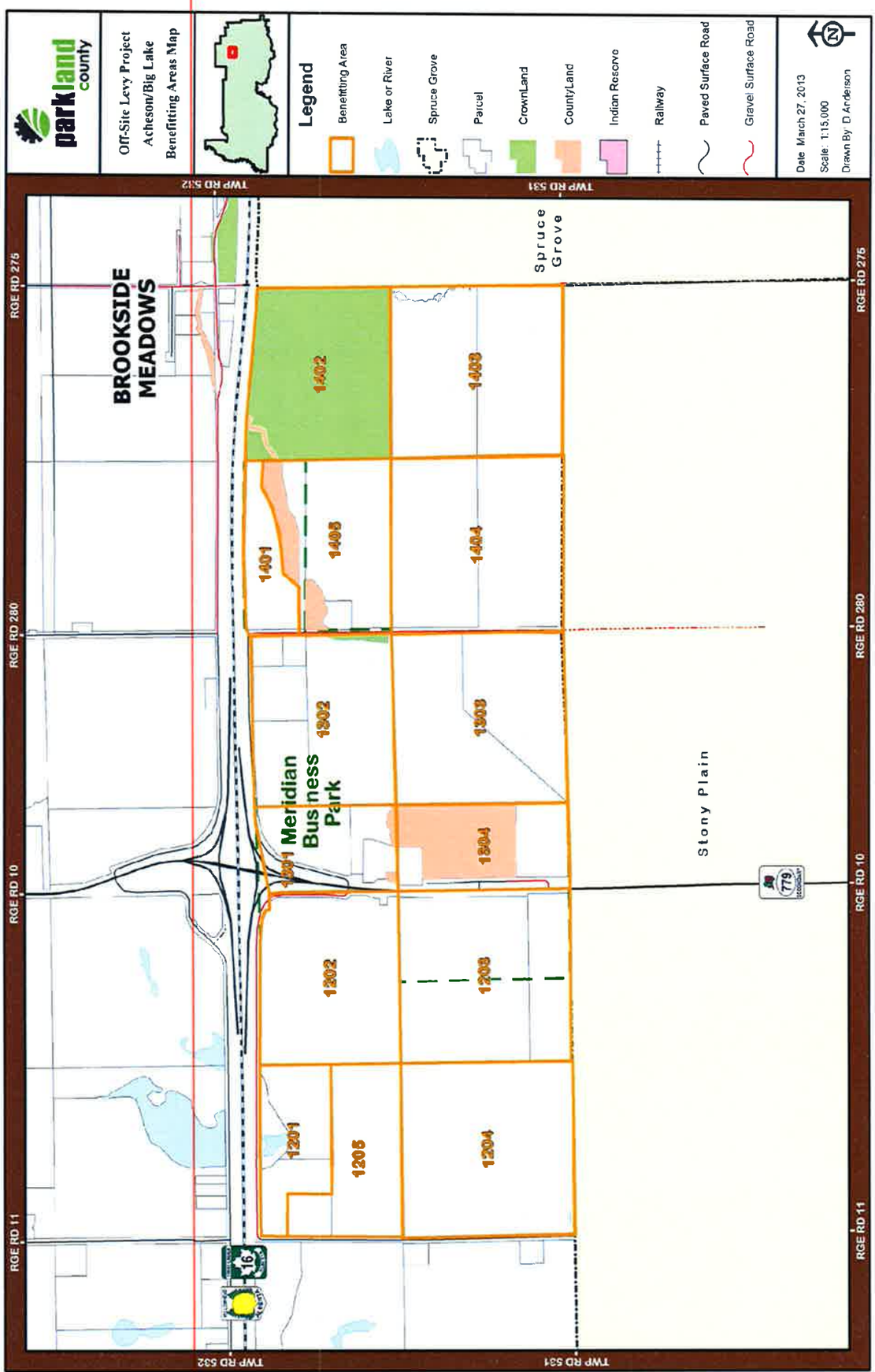
Mayor

Manager, Legislative and Administrative Services

Schedule "A"
Acheson/ Big Lake Benefitting Areas



Schedule "B"
Fifth Meridian Benefitting Areas



Schedule "C"
Water Projects and Estimated Costs

| Project Description | Project Estimated Cost | County Share % | Other Stakeholder Share & Oversizing % | OSL / Developer Share % |
|---|---|---|---|---|
| Zone 4 Reservoir Expansion | $ 2,100,000 | | 20.657% | 79.343% |
| Zone 3 Pump Upgrade | $ 70,000 | | 20.657% | 79.343% |
| Zone 3 Pump Upgrade | $ 70,000 | | 20.657% | 79.343% |
| Zone 3 New Reservoir | $ 18,900,000 | | 59.935% | 40.065% |
| Zone 3 (Existing) Reservoir Expansion | $ 2,400,000 | | 59.935% | 40.065% |
| Zone 1 Water Mains | $ 680,316 | | 19.832% | 80.168% |
| Zone 2 Water Mains | $ 2,745,275 | | 40.577% | 59.423% |
| Big Lakes East Water Mains | $ 3,077,800 | | 48.255% | 51.745% |
| Big Lakes West Water Mains | $ 2,794,550 | | 0.005% | 99.995% |
| Zone 3 Water Mains | $ 544,000 | | 0.000% | 100.000% |
| 5th Meridian - Supply Line From Regional Line | $ 3,240,100 | | 72.205% | 27.795% |
| 5th Meridian - Water Reservoir | $ 7,800,000 | | 72.205% | 27.795% |
| 5th Meridian (Area A) Water Mains | $ 2,424,400 | | 0.003% | 99.997% |
| 5th Meridian (Area B) Water Mains | $ 3,955,400 | | 48.270% | 51.730% |
| 5th Meridian (Area C) Water Mains | $ 6,245,100 | | 100.000% | 0.000% |
| Old Bylaw #52-2003 (A5 - Hunter's Water Main) | $ 347,683 | 6.606% | | 93.394% |
| Zone 4 Water Mains | $ 1,056,700 | | 53.072% | 46.928% |
| Zone 5 Water Mains | $ 3,244,600 | | 39.333% | 60.667% |
| Zone 6 Water Mains | $ 208,200 | | 54.856% | 45.144% |
| | **$ 61,904,124** | | | |

Schedule "D"
Sanitary Sewer Projects and Estimated Costs

| Project Description | Project Estimated Cost | County Share % | Other Stakeholder Share & Oversizing % | OSL / Developer Share % |
|---|---|---|---|---|
| 5th Meridian (Area A) Gravity Main | $ 1,020,250 | | | 100.000% |
| 5th Meridian (Area B) Gravity Main | $ 3,199,075 | | 41.785% | 58.215% |
| 5th Meridian (Area C) Gravity Main | $ 2,657,463 | | 100.000% | 0.000% |
| Parkland Business Park (Sewer Main Upsizing, etc) | $ 1,935,808 | | | 100.000% |
| Parkland Industrial Estates (Sewer Main Upsizing, etc) | $ 349,092 | | | 100.000% |
| Kalwin Business Park (Sewer Main Upsizing, etc) | $ (49,762) | | | 100.000% |
| Acheson Road (Sewer Main Upsizing, etc) | $ 377,893 | | | 100.000% |
| Glowing Embers (Sewer Main Upsizing, etc) | $ 735,890 | | | 100.000% |
| Residential (Meridien Avenue) Creek Crossing (Sewer Main Upsizing, etc) | $ 597,408 | | 72.939% | 27.061% |
| Bevington Trunk (Hwy 16 A to Hwy 16 Parkland Industrial Estates) | $ 2,915,939 | | 47.155% | 52.845% |
| Old Bylaw #52-2003 (A1 - Acheson Trunk) | $ 411,841 | 2.768% | | 97.232% |
| Old Bylaw #52-2003 (A2 - Hunter's Trunk) | $ 270,165 | 8.700% | | 91.300% |
| Old Bylaw #52-2003 (A3 - Acheson Collection) | $ 458,109 | 7.951% | | 92.049% |
| Bevington Trunk (Oversizing for parts of Acheson Zone 6 & 8) | $ 743,873 | | 35.645% | 64.355% |
| | **$ 15,623,045** | | | |

Schedule "E"
Stormwater Projects and Estimated Costs

| Project Description | Project Estimated Cost | County Share % | Other Stakeholder Share & Oversizing % | OSL / Developer Share % |
|---|---|---|---|---|
| Outfall - Stage 1, Zone 4 & 5 | $ 4,138,456 | | 23.227% | 76.773% |
| Outfall - Stage 2, Zone 4, 5 & 6 | $ 2,364,832 | | 19.834% | 80.166% |
| Collector Stage 1, Zone 5 N-111 to N-112 | $ 270,000 | | 57.485% | 42.515% |
| Collector Stage 1, Zone 5 N-112 to N-113 | $ 1,498,419 | | 53.561% | 46.439% |
| Collector Stage 1, Zone 5 N-113 to N-114 | $ 225,763 | | 41.559% | 58.441% |
| Collector Stage 1, Zone 5 N-114 to N-115 | $ 393,703 | | 58.712% | 41.288% |
| Collector Stage 1, Zone 5 N-115 to N-116 | $ 269,201 | | 52.983% | 47.017% |
| Collector Stage 1, Zone 5 N-116 to N-117 | $ 264,473 | | 41.811% | 58.189% |
| Collector Stage 1, Zone 5 N-117 to N-118 | $ 916,533 | | 39.333% | 60.667% |
| Collector Stage 1, Zone 5, 6, 7 & 8 N-118 to N-110 | $ 1,117,749 | | 79.048% | 20.952% |
| Collector Stage 1, Zone 5, 6, 7 & 8 N-110 to N-104 | $ 2,272,091 | | 79.048% | 20.952% |
| Collector Stage 2, Zone 4 N-200 to N-201 | $ 619,623 | | 0.000% | 100.000% |
| Collector Stage 2, Zone 4 & 6 N-201 to N-202 | $ 64,609 | | 87.129% | 12.871% |
| Collector Stage 2, Zone 4 & 6 N-202 to N-203 | $ 1,765,641 | | 76.679% | 23.321% |
| Collector Stage 2, Zone 4 & 6 N-203 to N-104 | $ 945,451 | | 62.881% | 37.119% |
| | **$ 18,709,335** | | | |

Schedule "F"
Off-Site Levy Rates ($/ha)

*Benefitting areas that are not shown are either, lands that are fully developed or assumed not to develop within the next 25 years.

| Benefitting Area | Water Charges | Sanitary Charges | Storm Charges | Total |
|---|---|---|---|---|
| 101.0 | $ 10,215 | $ 710 | $ - | $ 10,925 |
| 102.0 | $ 10,215 | $ 710 | $ - | $ 10,925 |
| 103.0 | $ 10,215 | $ 33,653 | $ - | $ 43,868 |
| 103.1 | $ 10,215 | $ 34,223 | $ - | $ 44,438 |
| 104.1 | $ 10,215 | $ 33,653 | $ - | $ 43,868 |
| 105.0 | $ 10,215 | $ 710 | $ - | $ 10,925 |
| 105.1 | $ 17,330 | $ 36,572 | $ - | $ 53,902 |
| 108.0 | $ 8,124 | $ - | $ - | $ 8,124 |
| 109.0 | $ 8,124 | $ - | $ - | $ 8,124 |
| 111.0 | $ 10,215 | $ 710 | $ - | $ 10,925 |
| 111.1 | $ 17,330 | $ 3,629 | $ - | $ 20,959 |
| 202.0 | $ 17,920 | $ - | $ - | $ 17,920 |
| 203.0 | $ 17,920 | $ - | $ - | $ 17,920 |
| 204.0 | $ 15,829 | $ 10,408 | $ - | $ 26,237 |
| 207.0 | $ 17,920 | $ - | $ - | $ 17,920 |
| 208.0 | $ 17,920 | $ 75,727 | $ - | $ 93,647 |
| 208.1 | $ 25,035 | $ 78,646 | $ - | $ 103,681 |
| 301.0 | $ 84,163 | $ - | $ - | $ 84,163 |
| 402.0 | $ 11,831 | $ - | $ - | $ 11,831 |
| 405.0 | $ 9,740 | $ 10,408 | $ - | $ 20,148 |
| 407.0 | $ 11,831 | $ - | $ 27,425 | $ 39,256 |
| 408.0 | $ 11,831 | $ 31,146 | $ 16,970 | $ 59,947 |
| 501.0 | $ 19,722 | $ 710 | $ 47,037 | $ 67,469 |
| 502.0 | $ 19,722 | $ 710 | $ 44,300 | $ 64,732 |
| 502.1 | $ 19,722 | $ 9,265 | $ 44,300 | $ 73,287 |
| 503.0 | $ 19,722 | $ 710 | $ 30,142 | $ 50,573 |
| 504.0 | $ 19,722 | $ 20,106 | $ 24,213 | $ 64,041 |
| 504.1 | $ 19,722 | $ 28,661 | $ 26,447 | $ 74,830 |
| 505.0 | $ 19,722 | $ - | $ 25,189 | $ 44,911 |
| 601.0 | $ 6,667 | $ 2,591 | $ 11,092 | $ 20,350 |
| 602.0 | $ 6,667 | $ 2,591 | $ 15,037 | $ 24,295 |
| 604.0 | $ 6,667 | $ 2,591 | $ - | $ 9,258 |
| 608.0 | $ 6,667 | $ 2,591 | $ 11,092 | $ 20,350 |
| 901.0 | $ 27,713 | $ - | $ - | $ 27,713 |
| 902.0 | $ 27,713 | $ - | $ - | $ 27,713 |
| 903.0 | $ 27,713 | $ - | $ - | $ 27,713 |
| 904.0 | $ 27,713 | $ - | $ - | $ 27,713 |
| 1001.0 | $ 21,156 | $ - | $ - | $ 21,156 |
| 1002.0 | $ 21,156 | $ - | $ - | $ 21,156 |
| 1005.0 | $ 21,156 | $ - | $ - | $ 21,156 |
| 1006.0 | $ 21,156 | $ 8,164 | $ - | $ 29,320 |
| 1102.0 | $ 8,239 | $ - | $ - | $ 8,239 |
| 1202.0 | $ 57,487 | $ 31,168 | $ - | $ 88,655 |
| 1203.0 | $ 53,888 | $ 12,926 | $ - | $ 66,814 |
| 1301.0 | $ 57,487 | $ 31,168 | $ - | $ 88,655 |
| 1304.0 | $ 53,888 | $ 12,926 | $ - | $ 66,814 |
| 1501.0 | $ 6,148 | $ - | $ - | $ 6,148 |
| 1502.0 | $ 6,148 | $ - | $ - | $ 6,148 |
| 1600.1 | $ 21,156 | $ 10,408 | $ - | $ 31,564 |
| 1600.3 | $ 17,920 | $ 10,408 | $ - | $ 28,328 |
| 1600.4 | $ 17,920 | $ 10,408 | $ - | $ 28,328 |
| 1600.7 | $ 11,831 | $ 10,408 | $ - | $ 22,239 |