

BYLAW NO. 3549/2015

Being a Bylaw of The City of Red Deer to provide a uniform levy of off-site costs in respect of previously undeveloped land.

- 1 WHEREAS pursuant to provisions of Section 648 of the Municipal Government Act, The City may by bylaw:
 - a) 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
 - b) Authorize an agreement to be entered into in respect of the payment of the levy.
- 2 An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:
 - a) New or expanded facilities for the storage, transmission, treatment, or supplying of water;
 - b) New or expanded facilities for the treatment, movement, or disposal of sanitary sewage;
 - c) New or expanded storm sewer drainage facilities;
 - d) New or expanded roads required for or impacted by a subdivision or development;
 - e) Land required for or in connection with any facilities described in clauses (a) to (d);

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 3 This bylaw may be cited as "The Off-Site Levy Bylaw".

- 4 Definitions:

For the purpose of this bylaw:

- 1) "Development" shall mean:
 - a) a change of use of land, or an act done in relation to land that results in or is likely to result in a change in the use of the land, or
 - b) a change in the intensity of the use of land or an act done in relation to land that results in, or is likely to result in, a change of the intensity of the use of the said land.

- 2) "Gross Development Area" means each and every hectare or part thereof as shown on the Plan of Subdivision for a development which has been approved by the Municipal Planning Commission, including any area which may be dedicated for roads, lanes, walkways, parks, reserve parcels, schools, or any other public use.
- 3) "Net Development Area" means the area remaining after the deletion of the following lands (deemed undevelopable) from the Gross Development Area:
 - a) previously developed lands for which off-site levies have already been paid;
 - b) expressway and arterial road right of ways as defined by The City;
 - c) Environmental Reserves as defined in the Municipal Government Act (e.g. native wetlands, rivers, creeks, lakes, ravines, steeply sloped areas);
 - d) major tree stands that are identified by the City for preservation and are in excess of the 10% municipal reserve dedication required by the MGA;
 - e) The power transmission right of way and facilities (e.g. substations) extending across the city. Parts of these lands that are subdivided from the right of way for development purposes would not be excluded from the Gross Development Area;
 - f) North East High School site (SW 26-38-27 W4) and accompanying recreation areas;
 - g) Oil and gas line rights-of-ways and / or facilities operated by the same company;
 - h) Railway rights-of-way.
- 4) "Trunk Water" means an existing or proposed water main; generally having an internal diameter of 350 mm or greater, complete with related pumping and storage facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Water Off-site Levy rate.
- 5) "Trunk Water Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Water facilities identified on Schedule "A" and "E" less the Water Off-site Levy revenues collected to date, plus interest on borrowed funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "A".
- 6) "Trunk Sanitary" means an existing or proposed sanitary sewer; generally having an internal diameter of 375 mm or greater, or having a depth of cover greater than 6.0 m, complete with related pumping facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Sanitary Off-site Levy rate.

- 7) "Trunk Sanitary Off -site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Sanitary facilities identified on Schedule "B" and "E" less the Sanitary Off-site Levy revenues collected to date, plus interest on borrowed funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "B".
 - 8) "Trunk Storm" means an existing or proposed storm sewer; generally defined as having an internal diameter of 1,200 mm or greater, as well as storm water storage facilities and associated outlet piping; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Storm Off-site Levy rate.
 - 9) "Trunk Storm Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Storm facilities identified on Schedule "C" and "E" less the Storm Off-site Levy revenues collected to date, plus interest on borrowed funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "C".
 - 10) "Major Thoroughfare" means an existing or proposed expressway, divided or undivided arterial roadway, including the land for right of way, storm drainage, traffic signals, and street lighting, that has been designated as a major thoroughfare by The City; the cost of same having been included in the calculation of the Major Thoroughfare off-site levy rate.
 - 11) "Major Thoroughfare Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Major Thoroughfare facilities identified on Schedule "D" and "E" less the Major Thoroughfare Off- site Levy revenues collected to date, plus interest on borrowed funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "D".
- 5 That effective January 1, 2015, The City of Red Deer hereby levies an off-site levy upon all land within The City boundaries to be subdivided or developed within the areas described below and calculated as follows:
- 1) In all the area outlined in the attached Schedule "A", the sum of ¹\$14,107 per hectare for each hectare or part thereof within the Net Development Area for Trunk Water Infrastructure (the "Trunk Water Off-site Levy Rate").
 - 2) In all the area outlined in the attached Schedule "B", the sum of ²\$30,370 for each hectare or part thereof within the Net Development Area for Trunk Sanitary Sewer Infrastructure (the "Trunk Sanitary Off - site Levy Rate").

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- 3) In all the area outlined in the attached Schedule "C", the sum of ³\$66,372 for each hectare or part thereof within the Net Development Area for Trunk Storm Sewer Infrastructure (the "Trunk Storm Off-site Levy Rate").
 - 4) In all the area outlined in the attached Schedule "D", the sum of ⁴\$104,934 for each hectare or part thereof within the Net Development Area for Major Thoroughfares (the "Major Thoroughfare Off-site Levy Rate").
- 6 Service Basin areas lying beyond City limits are used for purposes related to calculation of Off Site Levy rates only. Off-site Levies shall not apply to areas beyond The City's jurisdiction.
- 7 All levies imposed under this bylaw shall be in addition to the fee payable for development permits or building permits, and shall be paid to The City following approval of a subdivision plan and prior to the issuance of a development permit or a building permit, as the case may be.
- 8 Off-site levies imposed and collected under Bylaw 3498/2013 shall be deemed to have been imposed and collected under this Bylaw.
- 9 Bylaw 3498/2013 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of May 2015.

READ A SECOND TIME IN OPEN COUNCIL this 22nd day of June 2015.

READ A THIRD TIME IN OPEN COUNCIL this 22nd day of June 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this 22nd day of June 2015.

“Mayor Tara Veer”

“Angie Keibel”

MAYOR

ACTING CITY CLERK

³ 3549/A-2016

⁴ 3549/A-2016