

## **BYLAW 3730/2025**

Being a Bylaw of the City of Red Deer to provide for the imposition of an off-site levy on land to be subdivided or developed within the City of Red Deer.

WHEREAS Section 648 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, empowers Council to pass a bylaw to:

- (a) provide for the imposition and payment of a levy to be known as an "off-site levy" in respect of land within the city that is to be developed or subdivided, and
- (b) authorize an agreement to be entered into in respect of the payment of the levy

AND WHEREAS the *Municipal Government Act* provides that 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 transportation facilities required for or impacted by a subdivision or development;
- (e) Subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from subdivision or development;
- (f) land required for or in connection with any facilities described in clauses (a) to (e).

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

### **Short Title**

1. This bylaw may be cited as the "**Off-Site Levy Bylaw**".

### **Purpose**

2. The purpose of this Bylaw is to provide for the imposition of off-site levies for water, storm sewer, sanitary sewer and transportation infrastructure on land within the City that is developed or subdivided in accordance with the provisions and requirements of the *Municipal Government Act*.

### **Definitions:**

3. In this Bylaw, the following definitions shall apply.
  - (a) "**Applicant**" means the person who applies for subdivision or development approval and against whom the Levy shall be imposed.
  - (b) "**Development**" means:
    - (i) 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

- (ii) 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.
- (c) “**Basin**” means one of the benefitting areas shown on the map attached as Appendix “A” to this Bylaw.
- (d) “**City**” means the City of Red Deer.
- (e) “**Council**” means the municipal council of the City.
- (f) “**Gross Development Area**” means each and every hectare or part thereof as shown on a plan for a development which has been approved by the Development Authority, or on a Plan of Subdivision which has been approved by the Subdivision Authority, including any area which may be dedicated or used for roads, lanes, walkways, parks, reserve parcels, schools, or any other public use.
- (g) “**Levy**” means the Off-Site Levy for any of water, sanitary sewage, storm sewer drainage or roadways imposed and collected pursuant to this Bylaw.
- (h) “**Net Development Area**” means the area remaining after the deletion of the following lands from the Gross Development Area:
  - (i) previously developed lands for which off-site levies have already been paid;
  - (ii) road rights-of-way for expressways and arterial roadways as designated by the City;
  - (iii) Environmental Reserves as defined in the *Municipal Government Act*;
  - (iv) Oil and gas pipeline rights-of-way and facilities necessary for the operation of the pipeline; and
  - (v) Railway rights-of-way.
- (i) “**Sanitary Sewer Off-Site Infrastructure**” means the new or expanded facilities for the storage, transmission, treatment or disposal of sanitary sewage identified in Schedule “C” of this Bylaw for which a Sanitary Sewer Off-Site Levy shall be imposed.
- (j) “**Sanitary Sewer Off-Site Levy Rate**” means the per hectare rate to be used to determine the Sanitary Sewer Off-Site Levy to be imposed and collected from land being developed or subdivided in each basin for the Sanitary Sewer Off-Site Infrastructure.
- (k) “**Storm Sewer Off-Site Infrastructure**” means the new or expanded storm sewer drainage facilities identified in Schedule “C” of this Bylaw for which a Storm Sewer Off-Site Levy shall be imposed.

- (l) **"Storm Sewer Off-Site Levy Rate"** means the per hectare rate to be used to determine the Sanitary Sewer Off-Site Levy to be imposed and collected from land being developed or subdivided in each basin for the Sanitary Sewer Off-Site Infrastructure.
- (m) **"Transportation Off-Site Infrastructure"** means the new or expanded expressways and divided or undivided arterial roadways identified in Schedule "C" of this Bylaw for which a Transportation Off-Site Levy shall be imposed.
- (n) **"Transportation Off-Site Levy Rate"** means the per hectare rate to be used to determine the Transportation Off-Site Levy to be imposed and collected from land being developed or subdivided in each basin for the Transportation Off-Site Infrastructure.
- (o) **"Water Off-Site Infrastructure"** means the new or expanded facilities for the storage, transmission, treatment or supply of water identified in Schedule "C" of this Bylaw for which a Water Off-Site Levy shall be imposed.
- (p) **"Water Off-Site Levy Rate"** means the per hectare rate to be used to determine the water off-site levy to be imposed and collected from land being developed or subdivided in each basin for the Sanitary Sewer Off-Site Infrastructure.

#### **Basins / Rates**

- 4. For the purposes of calculating and imposing Off-Site Levies the City shall be divided into 20 Basins as shown in Schedule "A".
- 5. The Off-Site Levy Rates (Schedule "B") for each category of Off-Site Levy Infrastructure for each Basin shall be calculated based on the costs of the Off-Site Levy Infrastructure that benefit that Basin.
- 6. The Off-Site Levy Rates (Schedule "B") will be reviewed annually in accordance with the MGA to ensure that the Rates accurately reflect actual construction costs and are adjusted for inflationary increases. The annual review process is outlined in Schedule F.

#### **Agreements for Payment**

- 7. The City may enter into agreements in respect of the payment of Off-Site Levies.

### **Imposition of Levy**

- 8.** An Off-Site Levy shall be imposed on each hectare of Net Development Area (Schedule E) within the City at the time an approval is given for the subdivision of the land or on the date a Development Permit is approved for development on the land.
- 9.** Levies are deemed to have been imposed whether or not the imposition of the Levies is made a specific condition of the subdivision approval or development permit.

### **General**

- 10.** Nothing in this Bylaw precludes the City from imposing further or different levies, duly enacted by bylaw on any portion of the Lands within the Basin in respect of which the City has not collected Off-Site Levies.
- 11.** Documents used to determine infrastructure requirements are listed in Schedule “D”.
- 12.** Infrastructure Requirements are listed in Schedule C.

### **Transition**

- 13.** This Bylaw applies to any:
  - (a) subdivision approved on or after the date this Bylaw comes into force; and
  - (b) development where the issuance of the development permit occurs on or after the date this bylaw comes into force.

### **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.

### **Repeal**

- 15.** Bylaw 3631/2019 is hereby repealed.
- 16.** Any off-site levies imposed under previous bylaws but not yet paid shall continue to be imposed and collected as though the bylaw under which they were enacted was never repealed.

**Effective Date**

- 17.** This Bylaw shall take effect and come into force as of the date the Bylaw is signed by the Mayor and City Clerk.

READ A FIRST TIME IN OPEN COUNCIL this	10 day of	March, 2025.
READ A SECOND TIME IN OPEN COUNCIL this	7 day of	April, 2025.
READ A THIRD TIME IN OPEN COUNCIL this	7 day of	April, 2025.
AND SIGNED BY THE MAYOR AND CITY CLERK this	7 day of	April, 2025.

"Mayor Ken Johnston"

MAYOR

"Jessica Robinson"

CITY CLERK