

BYLAW C-7535-2015

- THIS BEING** a Bylaw of the Rocky View County in the Province of Alberta, to authorize an off-site stormwater levy to pay for the cost of new or expanded stormwater infrastructure required for or impacted by Subdivision or Development occurring on certain lands within Rocky View County;
- WHEREAS** the *Municipal Government Act*, R.S.A.2000 Chapter M-26 permits a Council to impose a levy known as an Off-Site Levy in respect of land to be developed or subdivided within a municipality's jurisdictional limits, and to authorize an agreement to be entered into for payment of the levy;
- AND WHEREAS** the Rocky View County Council deems it desirable to establish offsite levies for the purposes described in Section 648 of the **Municipal Government Act**, R.S.A. 2000, Chapter M-26;
- AND WHEREAS** the County received advice and reports respecting upgrades to the new or expanded stormwater infrastructure which set out a fair and equitable calculation of Off-Site Levies in accordance with the purpose of the **Municipal Government Act**; R.S.A. 2000 Chapter M-26;
- AND WHEREAS** the County has advertised its intention to consider the provision of this Bylaw pursuant to the requirements of the *Municipal Government Act*,
- NOW THEREFORE** pursuant to the authority conferred upon it by the laws of the Province of Alberta, the Rocky View County Council, duly assembled, enacts as follows:

PART 1 – SHORT TITLE

1) The short title of this bylaw is the “Stormwater Off-Site Levy Bylaw”.

2) DEFINITIONS

For purposes of this Bylaw the following definitions apply:

- a) “Act” means the *Municipal Government Act*, R.S.A.2000 Chapter M-26, as amended;
- b) “Base Levy Rate” means that Levy rate calculated in accordance with Schedule “A”;
- c) “Buildings” shall have the same meaning as within the Land Use Bylaw;
- d) “Business” shall have the same meaning as within the Land Use Bylaw;
- e) “Boundary Adjustment” means the adjustment of lot boundaries without the creation of additional lots;
- f) “Bylaw” means this bylaw including all schedules;

- g) “Capital Costs” means “capital costs” of the new or expanded stormwater infrastructure and the lands required for in connection with the stormwater infrastructure as referred to in Section 648 of the Act;
- h) “Commercial” means any development or subdivision for commercial use as contemplated under the Land Use Bylaw;
- i) “Council” means the Rocky View County Council;
- j) “County” means the Rocky View County or the geographical area within its jurisdictional boundaries, as the context may require;
- k) “CSMI” means the Co-operative Stormwater Management Initiative which is a partnership consisting of Rocky View County, Strathmore, City of Calgary, City of Chestermere, Wheatland County, Western Irrigation District and Calgary Regional Partnership;
- l) “CSMI Water Water Balance and Erosion Report September, 2015” means the report prepared by MPE Engineering in September, 2015 which provides the basis for the County’s proposed infrastructure costs included within the calculations of this bylaw;
- m) “Development” means “development” as defined in the Act and requires a Development Permit under the Land Use Bylaw;
- n) “Development Area” is used to define the portion of lands utilized directly for development purposes, and includes: the driveway access; all structures (buildings), the storage and display areas directly associated to the use; and the required parking area (as defined in the Land Use Bylaw).
 - i) For Development Permits for horticultural uses issued on agricultural or residential lands, the outdoor growing area of the specialized crop is not considered to be part of the storage or display area for the purposes of the *Development Area* calculation;
 - ii) For Development Permits for a Golf Course as included within the use *Outdoor Participant Recreation Services*, the *Development Area* only includes all structures and areas listed above.
- o) “Development Agreement” means a development agreement as contemplated under Section 650 or 655 of the Act;
- p) “Development Permit” means “development permit” as defined in the Land Use Bylaw;
- q) “Farmstead” shall have the same meaning as within the Land Use Bylaw;
- r) “First Parcel Out” shall have the same meaning as within the Municipal Development Plan;
- s) “Industrial” means any Development or Subdivision for Industrial use as contemplated under the Land Use Bylaw;
- t) “Institutional” shall have the same meaning as within the Land Use Bylaw;

- u) "Land Use Bylaw" means the land use bylaw in force within Rocky View County, as amended or replaced by Council from time to time.
- v) "Lands" means the private titled lands in accordance with the Lands Title Act, as amended, lying within the Development Area which were previously exempted from the imposition of an off-site levy but which are now subject to the imposition of the off-site levy pursuant to paragraph 5(c).
- w) "Levy" means off-site levy imposed pursuant to this Bylaw under the authority of the Act which is comprised of the Base Levy Rate and, where applicable, the Base Levy Rate and the Special Levy Rate;
- x) "Reports" mean the reports as set out in Schedule "B"
- y) "Residential" shall have the same meaning as within the Land Use Bylaw;
- z) "Stormwater" means water that originates during precipitation events and snow/ice melt. Stormwater can soak into the soil (infiltrate), be held on the surface and evaporate, or runoff and end up in nearby streams, rivers, or other water bodies (surface water).
- aa) "Subdivision" means "subdivision" as defined in the Act.

3) OBJECT AND SCOPE

- a) The object of this Bylaw is to establish a Levy which shall be imposed upon Lands within the County which are the subject of Subdivision or Development, where no previous off-site levies have been collected for the same services under any previous bylaw, for the purpose of collecting funds to be allotted towards financing of the Capital Cost of:
 - i) new or expanded Stormwater Infrastructure required for or impacted by Subdivision or Development; and
 - ii) the acquisition of Lands required for or in connection with any such new or expanded Stormwater Infrastructure.
- b) The attached Schedules and Maps which form part of this Bylaw include:
 - i) Schedule "A" – Base Levy Calculation
 - ii) Map "A" – County Map: Lands Subject to Levy

4) LEVY RATES

- a) **BASE LEVY**
Pursuant to the rationale and calculations shown on Schedule "A"; all Lands within the County upon which the Stormwater Off-Site Levy Bylaw applies shall be subject to the imposition of a Base Levy Rate of \$13556 per gross hectare (\$5488 per gross acre).
- b) The Levy rates set out in this Bylaw shall be reviewed annually and, if applicable, will be adjusted each year to reflect changes based on changes in conditions including the prior average yearly construction costs within the County, as calculated by the County.

5) LEVY APPLICABILITY

- a) The Stormwater Off-Site Levy shall be imposed in the approval of Subdivision or Development applications for which approvals are obtained after the date of passing the within Bylaw.
- b) A Levy imposed under this Bylaw can only be imposed once in respect of Land that is the subject of a Subdivision or Development as referenced in this Bylaw.
- c) Where any Lands are exempted from the imposition of the Levy under the terms of this Bylaw with respect to any particular Subdivision or Development, nothing shall prevent the imposition of the Levy on those Lands, or portions thereof, which are subject to any subsequent Subdivision or Development in accordance with the terms of this Bylaw.
- d) Nothing in this Bylaw precludes the County from Imposing a different or other off-site Levy, duly enacted by Bylaw, on any portion of the Lands in respect of which the County has not collected a Levy for that particular infrastructure or service.
- e) The Stormwater Off-Site Levy shall be imposed in the approval of the following Subdivisions and for which Administration believes the development will gain benefit from the CSMI Stormwater Infrastructure:
 - i) All Lands within the subject area as shown on Map "A" of the County for which approval of a Residential Subdivision with parcel sizes less than **4.0 hectares** (9.88 acres).
 - ii) Notwithstanding the above, all Lands within the subject area as shown within the hatched areas on Map A of the County for which approval of a Residential Subdivision with parcel sizes equal or greater than **4.0 hectares** (9.88 acres) in which the County is of the opinion will not be subdivided or redeveloped further due to technical limitations.
 - iii) All Lands within the subject area as shown within the hatched areas on Map "A" of the County which are granted Subdivision Approval for new Business, or Institutional parcels for all parcel sizes.
 - iv) All Lands outside of the hatched areas on Map "A" which the County believes gain direct benefit from the CSMI Stormwater Infrastructure.
- f) The Stormwater Off-Site Levy shall be imposed in the approval of the following Development Permits:
 - i) All Lands within the subject area as shown within the hatched areas on Map "A" of the County which are granted Development Approval for Agricultural, Business, Residential or Institutional parcels for all parcel sizes.
 - ii) All Lands outside of the hatched areas on Map "A" of the County which are granted Development Approval for Agricultural, Business, Residential or Institutional parcels for all parcel sizes and which the County believes gain direct benefit from the CSMI Stormwater Infrastructure.

6) EXEMPTIONS

- a) The following Subdivision Approvals are exempted from the imposition of the Base Levy Rate:
 - i) the Subdivision of a Farmstead; or
 - ii) the Subdivision for the First Parcel Out of a previously un-subdivided quarter section; or
 - iii) the Subdivision is for Boundary Adjustment only; or
 - iv) those portions of Lands designated Environmental Reserve within a Subdivision Approval.
- b) The following Development Approvals are exempted from the imposition of the Base Levy Rate:
 - i) all Lands which are contained within a Farmstead district; or
 - ii) any portion of the Lands which lie outside of the Development Area of the Lands actually being developed pursuant to the Development Permit; or
 - iii) all Lands designated as either a residential or an agricultural land use district, and the issuance of the permit is:
 - (1) directly associated with construction of a dwelling; or
 - (2) is a renewable permit.
- c) Any Lands or portions thereof where Council has determined, in its sole and unfettered discretion, that it is appropriate in the circumstances to not impose the Levy upon such portion of the Lands as a result of the Development contemplated in the applicable Development Permit or Subdivision Approval.

7) COLLECTION AND EXPENDITURE OF LEVY AMOUNTS

- a) The Levy imposed herein shall be paid at the earliest of the following times:
 - i) in the case of a Subdivision, before the related plan of subdivision is endorsed by the County and registered pursuant to the Land Titles Act; or
 - ii) in the case of Development, before the issuance of the Development Permit; or
 - iii) in the case of Subdivision or Development where a Development Agreement is required, before the applicable Development Agreement is executed by the County.
- b) All funds collected pursuant to this Bylaw herein shall be accounted for and expended only as permitted under the provisions of the Act and this Bylaw.
- c) The interest earned upon funds collected by the Levy imposed pursuant to this Bylaw will be retained by the County.
- d) There will be no refunds on collected Levies.
- e) The collection of the Levy will offset the upgrade costs of completing the CSMI Stormwater Infrastructure.

8) TRANSITIONAL

Bylaw C-7535-2015 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the CAO or Designate, as per the *Municipal Government Act*.

Division: 4,5
File:

READ A FIRST TIME IN COUNCIL this

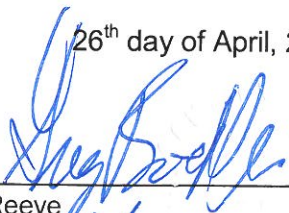
26th day of January, 2016

READ A SECOND TIME IN COUNCIL this

12th day of April, 2016

READ A THIRD TIME IN COUNCIL this

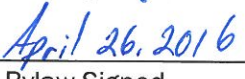
26th day of April, 2016



Reeve



CAO or Designate



Date Bylaw Signed

SCHEDULE "A"

ATTACHED TO AND FORMING PART OF BYLAW C-7535-2015

Rationale and calculations of the Stormwater Off-Site Levy within the subject area within Rocky View's boundaries on Map "A" to pay for the cost of new or expanded stormwater infrastructure required for or impacted by subdivision or development. These costs are based on the Co-operative Stormwater Management Initiative (CSMI) - Water Balance and Stream Erosion Analysis Report September 2015 prepared by MPE Engineering Ltd.

Rationale:

- 1) Calculations are based on the figures provided within the Co-operative Stormwater Management Initiative Water Balance and Stream Erosion Analysis September, 2015 report prepared for CSMI by MPE Engineering Ltd.
- 2) With the increase of stormwater run off within the County Boundaries due to newly created residential, agricultural, business and institutional development, the County requires the development of stormwater infrastructure to efficiently treat and transport stormwater to receiving water bodies.
 - a) Construction costs for the CSMI Stormwater Infrastructure @ \$53,748,000. This total takes into account the construction, and land acquisition if required.
- 3) Developable area subject to the levy within Rocky View's Boundary on Map A is 3965 Ha consisting of the undeveloped lands within the County as identified within the CSMI Water Balance and Stream Erosion Analysis report within Table 5.5 of the report.

Total applicable fee to subdivision and development is:

$\$53,748,000/3965\text{HA} = \$13556/\text{HA}$ or $\$5488/\text{acre}$

MAP "A"

