

BY-LAW NO. 2702
OF THE
COUNTY OF GRANDE PRAIRIE NO. 1

Bylaw 2702 Amended by Bylaw 3086
March 26, 2018 #CM20180326.1008

Bylaw 2702 Amended by Bylaw 3121
July 15, 2019 #CM20190715.011

A By-law of the County of Grande Prairie, in the Province of
Alberta to impose and collect off-site levies for new or expanded
roads required for or impacted by a subdivision or development.

WHEREAS new development and redevelopment of residential and non-residential sites is occurring within the County;

AND WHEREAS the County will be required to develop, upgrade or expand its road network to accommodate the growth that is occurring and the growth that is projected in the County;

AND WHEREAS development contributes to the necessity of said developing, upgrading or expansion of roads, therefore it is deemed just and reasonable that development should bear a share of those costs.

NOW THEREFORE, pursuant to the Municipal Government Act, Chapter M 26, Revised Statutes of Alberta 2000, and amendments thereto, the Council of the County of Grande Prairie No. 1 duly assembled, enacts as follows:

1. This By-law may be cited as the "Offsite Levies By-law for new or expanded roads".
2. In this By-law:
 - (a) "Area" means the area of land, in acres, being developed or subdivided, less environmental reserve or municipal reserve.
 - (b) "Communication Facility" means the facilities where microwave telecommunication buildings are located through which internet access is made available to County residents.
 - (c) "Construction Costs" means the costs incurred or as estimated and adjusted annually by the Engineer, to complete the construction, upgrading or expansion of all roads identified as County Roads and all necessary improvements forming part of the County Roads, including lighting, landscaping and signals. Construction Costs shall include design, engineering, land costs, surveying and carrying costs. Estimated costs will be supported by technical data and analysis. Actual construction costs will be verified by the Engineer.
 - (d) "Council" means the Councillors of the County of Grande Prairie No. 1 acting in its capacity at duly assembled meetings pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, and amendments thereto.
 - (e) "County" means the Municipal Corporation of the County of Grande Prairie No. 1, in the Province of Alberta, and where the context so requires means the land included in the boundaries of the County.
 - (f) "County Roads" means collectively the County Roads identified in Schedules "A1"; "A2"; "A3".
 - (g) "Development" means activities as defined as development in the Municipal Government Act, Revised Statutes of Alberta 2000, and amendments thereto.
 - (h) "Development lands" means those lands contained within Schedules "A1"; "A2"; "A3" which are proposed for multi-parcel

residential, commercial, confined feeding operations or industrial development and are located within one of "ZONE 1; ZONE 2, ZONE 3".

- (i) "Engineer" means the County Administrator or his designate.
 - (j) "Gross Developable Acres" means the Area.
 - (k) Offsite levy means the amount calculated in accordance with Schedule C, to be paid to the County of Grande Prairie No. 1, as the Owner's contribution to the costs of construction and upgrading of County Roads required for or impacted by the Owner's development or subdivision, for development, upgrades or expansion to the road network pursuant to Schedules "A1"; "A2"; "A3" contained herein.
 - (l) "Owner" means the registered owner or person entitled to become the registered owner of undeveloped land, which land is subject to an application for a development permit or an application for subdivision.
 - (m) "Net Construction Costs" means the sum of the Estimated Construction Costs for County Roads not yet constructed, upgraded or expanded and the actual construction costs for County Roads constructed, upgraded or expanded in each of Zone 1, Zone 2, and Zone 3, less, for each zone, the total money paid to the County in Offsite levy for that zone which remains on deposit with the County and not yet committed to be spent by the County to pay for Construction Costs.
 - (n) "Subdivision" means an approval to subdivide land approved by the Subdivision Authority, the Subdivision and Development Appeal Board or the Court of Appeal of Alberta.
3. This bylaw applies to those lands identified as being residential, commercial, industrial or confined feeding operation on Schedules A1; A2 and A3.
4. The offsite levy is determined and shall be calculated in accordance with Schedule B.
5. Where an application is made to the County for a development permit or subdivision approval in respect of any portion of the Development lands, the Applicant or the Owner, as the case may be, shall enter into a development agreement with the County.
6. Notwithstanding paragraph 5 of this bylaw, no offsite levy is payable and a development agreement is not required in the following circumstances, unless otherwise specifically directed by Council pursuant to this bylaw:
- a) where offsite levies for new or expanded roads have previously been collected in full respect to all of the lands which are the subject of the development permit or subdivision approval application;
 - b) where the application for development is in respect to the construction of one single family or duplex dwelling unit;
 - c) where the application for development or subdivision is in respect to lands contained within hamlets excluding the hamlet of Clairmont;

- d) where the application is for a farmstead separation or for the first and or second parcel out of a quarter of land;
 - e) where the application is for an agriculture operation as defined in the County of Grande Prairie No. 1 Land Use Bylaw;
 - f) where the application is for a public or institutional use;
 - g) where the application is for a boundary adjustment;
 - h) where the application is for a communication facility.
7. Where Council is of the opinion that a development agreement is appropriate for any application for a development permit or subdivision approval made regarding any of the situations set out in paragraph 6, Council may direct that a development agreement be entered into and that provision be made for the payment of the offsite levy as specified in this Bylaw or that provision be made for the deferring of the payment of the off site levies for new or expanded roads to a future time certain or uncertain, provided that no further off-site levies shall be required to be paid under development agreements pursuant to this or any other bylaw.
8. Council may from time to time adopt policies or guidelines for the assistance and direction of the County Administration in determining which development permit and subdivision applications are to be referred to Council pursuant to paragraph 7 of this Bylaw.
9. Except as otherwise provided herein, each development agreement entered into by the County in respect of any of the Development Lands shall make provision for the payment of off site levies for new or expanded roads imposed by this bylaw at the times specified in the applicable schedules of this bylaw.
10. Nothing in this bylaw precludes the County from imposing further or different off-site levies, duly enacted by bylaw, on any portion of the Development lands in respect of which the County has not collected the offsite levy or other off-site levies imposed under this bylaw or any off-site levy bylaw authorized by statute.
11. Where prior to 2006 a development agreement which makes provision for the payment of off site levies for new or expanded roads has been entered into between the County and an owner of a portion of development lands, the provisions of the offsite levy so imposed shall continue in force as if this bylaw or any intervening off-site levy bylaw had not been enacted.
12. The offsite levy provided for in this bylaw shall be levied and become payable in accordance with Schedule C.
13. Council shall be at liberty from time to time by resolution to exempt or defer or to partially exempt or defer the collection of the offsite levy in the case of the development of lands owned in whole or in part by a public service body or bodies where the development of the lands will be used in whole or in part for public service purposes.
14. Where lands have been approved for subdivision prior to the passage of this bylaw and no Offsite levy or similar has been collected for those lands, the Offsite levy may be collected at the time specified in the development permit issued for the lands.
15. Should any provision of this Bylaw be found to be contrary to law by any Court of competent jurisdiction and thereby become invalid, void,

illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.

16. This bylaw shall take effect as and from the third and final reading.

**READ A FIRST, SECOND AND BY UNANIMOUS CONSENT, A THIRD
AND FINAL TIME AND FINALLY PASSED THIS 15th DAY OF**

January, A.D. 2008.


REEVE


COUNTY ADMINISTRATOR

SCHEDULE "B" (CONTINUED)

The offsite levy proposed is based upon the estimated costs for the total estimated road improvement costs, per Zone as follows:

Zone 1 – Clairmont Centred Area Identified costs	
Potential Signalized Intersections (15 @ \$260,000)	\$3,900,000.00
Two Flyovers at Highway #43 (@ \$10,388,000.00 / flyover)	\$20,776,000.00
Intersection Improvements: Bauman Rd. @ Highway 2	\$780,000.00
Arterial Road construction* (10.9 miles of 4 lanes)	\$36,486,162.00
Collector Road Construction* (37.25 miles of 2 lanes)	\$61,984,000.00
Intersection Improvements: RR 63 @ Highway 43	\$592,000.00
Intersection Improvements: RR 55 @ Highway 43	\$744,000.00
Intersection Improvements: TWP 724 @ Highway 2	\$758,000.00
Intersection Improvements: TWP 730 @ Highway 2	\$2,500,000.00
<i>* Costs based on \$1040.00 / linear metre for two lane rural cross section (\$1,664,000/mile)</i>	
TOTAL IMPROVEMENT COSTS	\$128,520,162.00
ENGINEERING (10%)	\$12,852,016.20
TOTAL COSTS	\$141,372,178.20

The Zone 1 offsite levy boundary is congruent with the 50 year growth boundary for the Hamlet of Clairmont. The Clairmont Urban Area is intended to be a focal point for major subdivision and development activity in the County and is designed to accommodate much of the County's overall demand for growth. As a result, the infrastructure needs in this area are significant. The gross area identified within the 50 year boundary is 23,969.46 acres. The offsite levy for roads has been collected on approximately 1259.58 acres (as of 2011) within this zone thus far, leaving a balance of 22,709.88 acres within Zone 1. Total identified costs including engineering in this area are \$141,372,178.20. The County contribution through divisional funding, grants and other contributions will equate to approximately 30%. The total cost to development then becomes: \$98,960,524.74 within the 50 year time frame.

A 30 year growth area is identified within Zone 1 for which a majority of the projected road improvements are located. As such the levy calculation is based on the need to acquire significant funds within a shorter timeframe than the 50 year ultimate horizon and to cover the improvements required within the shorter planning time frame. The projected 30 year growth area costs include a total of 10.9 miles of four lane arterial road. Of this, 7 miles have been completed to a two lane standard and would still require an additional two lanes upgrading to a full four lane standard. This leaves 3.9 miles of full four lane road to be completed. Between the partially finished and unconstructed arterial road, this equates to approximately 14.8 miles of two lane road still required to be constructed to complete the arterial road network within the 30 year growth area. The estimated cost based on \$1,664,000/mile is: \$24,627,200.00.

13.75 miles of two lane collector road are identified within the 30 year growth area; 3.5 miles have been completed leaving a total of 10.25 miles still requiring construction in this area. The estimated cost based on \$1,664,000/mile is: \$17,056,000.00.

Additional costs include 2 flyovers and multiple intersection improvements including additional lane configurations and signalization. The estimated costs are \$10,388,000 per flyover and a total of \$5,374,000.00 in intersection improvements. The affected area for the 30 year period is 6700 acres. The total improvement cost identified within the 30 year growth area is approximately \$67,833,200.00. Engineering costs would be approximately \$6,783,320.00 in addition. The total cost to new development is then \$74,616,520.00. The levy in this zone should be approximately \$11,136.79 / acre or \$27,518.64 / ha. **The proposed levy within this zone is \$11,000.00 / acre.**

SCHEDULE "B" (CONTINUED)

ZONE 2 City of Grande Prairie Centred Area Identified Costs	
Paved Collector Roads - 40 miles 2 lane @ \$1,664,000/ mile	\$66,560,000.00
Arterial Roads - 18.4 miles 4 lane @ \$3,328,000/mile	\$61,235,200.00
Traffic Signals (2 @ \$260,000)	\$520,000.00
Intersection Improvements: TWP710 @ Highway 40	\$77,000.00
Intersection Improvements: TWP 710 @ RR60	\$77,000.00
Intersection Improvements: Resources Rd / Wedgewood Access	\$2,000,000.00
TOTAL IMPROVEMENT COSTS	\$131,487,200.00
ENGINEERING (10%)	\$13,148,720.00
TOTAL COSTS	\$144,635,920.00

The projected improvements required over the 30 year horizon include a total of 40 miles of two lane collector roads of which 9.5 miles have been completed leaving a total of 30.5 miles of road still requiring construction/upgrading. The estimated cost of the remaining road improvements based on \$1,664,000/mile is: \$50,752,000.00. Engineering costs would be an additional \$5,075,200.00.

18.4 miles of four lane arterial road has been identified within the 30 year time horizon. Of this, 8.5 miles have been completed to a two lane standard leaving 9.9 miles of full four lane arterial road still requiring construction. Balancing both the partially completed and undeveloped arterial road network leaves an equivalent of 28.3 miles of two lane road to be constructed. The estimated cost based on \$1,664,000/mile for two lane road is \$47,091,200.00. Engineering costs would be an additional \$4,709,120.00. Additional costs include traffic signals and multiple intersectional improvements totaling \$2,674,000.00, engineering costs for this work would be an additional \$267,400.00. The total area within the zone is 18,595.75 acres. The offsite levy for roads has been collected on 367.15 acres (as of 2011) within Zone 2. If previously collected lands, non-developable and existing developed are deleted from the total, the total area in the zone is decreased to 12,790.79 acres. The cost to new development in the 30 year horizon is \$110,568,920.00. The potential levy within this zone is \$8,644.42 / acre or \$21,360.07 / ha. **The proposed levy within this zone is \$8,600.00 / acre.**

SCHEDULE "B" (CONTINUED)

ZONE 3 Grande Prairie Rural Area Identified Costs	
Paved Roads - 127.9 miles @ \$1,664,000/mile	\$212,825,600.00
Traffic Signal (1 @ \$260,000)	\$260,000.00
Intersection Improvements: TWP732 @ Highway 2	\$330,000.00
TOTAL COSTS	\$213,415,600.00

The projected improvements required over the 30 year horizon include 127.9 miles of two lane collector road. To date, 38 miles have been constructed/upgraded which leaves a balance of 89.9 miles of two lane road. The estimated cost of the remaining road improvements based on \$1,664,000 / mile is \$149,593,600.00. Engineering costs would be an additional \$14,959,360.00. Of the constructed roads, approximately 11.5 miles still require final stage pavement totaling an amount of approximately \$6,454,400.00. Engineering costs would amount to \$645,440.00. Additional costs include traffic signals and intersection improvements totaling \$590,000.00. Engineering costs for these improvements would total \$59,000.00. The total cost to development then becomes: \$172,301,800.00. The levy will be directed to the paving and regrades of roads within Zone 3. The boundaries of Zone 3 are described in Schedule "A3". The levy in this zone is calculated on the basis of a requirement to generate significant funds in a short period of time that will be directed towards the upgradings required. Improvements identified are likely to be required in the short to medium term (1-20 years). Where a developer is required to provide a collector road as part of the subdivision, the final cost of the road may be deducted from the amount of levy required for the subdivision area. The total area within the zone is 93,791.08 acres. The offsite levy for roads has been collected on 1658.62 acres within this zone thus far leaving a balance of 92,132.46 acres. The potential levy within this zone would be approximately \$1,870.15 / acre or \$4,621.08 / ha. **The proposed levy within this zone is \$1,800.00 / acre.**

The Offsite levy shall be calculated annually by the Engineer on or before April 1 of each year.

The Offsite levy amounts so calculated by the Engineer shall be effective as of November 1 of the year of the calculation and remain in effect until October 31 of the next year.

Notwithstanding the foregoing, for the period up to and including October 31, 2014:

- (a) Zone 1 Offsite levy shall be \$11,000.00 per acre;
- (b) Zone 2 Offsite levy shall be \$8,600.00 per acre;
- (c) Zone 3 Offsite levy shall be \$1,800.00 per acre;

Levies shall be applied as follows:

- (a) Zone 1

A levy of \$11,000.00 per acre shall be payable on the basis of the gross developable acres included in a plan of subdivision within Zone 1.

- (b) Zone 2

A levy of \$8,600.00 per acre shall be payable on the basis of the gross developable acres included a plan of subdivision within Zone 2.

- (c) Zone 3

A levy of \$1,800.00 per acre shall be payable on the basis of the gross developable acres included a plan of subdivision within Zone 3.

SCHEDULE "B" (CONTINUED)

The Offsite Levy Proposed is based upon estimated costs for the total estimated road improvement costs per zone as follows

(a)	Zone 1	=	Net Construction Costs for the Zone 1 County Roads
			Area of the Zone 1 Lands yet to be Developed or Subdivided (in acres)
(b)	Zone 2	=	Net Construction Costs for the Zone 2 County Roads
			Area of the Zone 2 Lands yet to be Developed or Subdivided (in acres)
(c)	Zone 3	=	Net Construction Costs for the Zone 3 County Roads
			Area of the Zone 3 Lands yet to be Developed or Subdivided (in acres)

The Offsite levy shall be calculated annually by the Engineer on or before April 30 of each year.

The Offsite levy amounts so calculated by the Engineer shall be effective as of November 1 of the year of the calculation and remain in effect until April 30 of the next year.

Notwithstanding the foregoing, for the period up to and including October 31, 2014:

- (a) Zone 1 Offsite levy shall be \$11,000.00 per acre;
- (b) Zone 2 Offsite levy shall be \$8,600.00 per acre;
- (c) Zone 3 Offsite levy shall be \$1,800.00 per acre;

SCHEDULE "C"

1. The Offsite levy to be paid by the Owner shall be calculated in accordance with the following formulas:

a) For Development Permits:

Offsite levy to be paid by Owner	= Area of land of the Subdivision approval within which the lots are located	X Offsite levy in effect for the respective Zone in which the land subject to the Subdivision approval is located as of the date that the County approves an agreement for the construction of municipal improvements to service the lands being subdivided or the date of endorsement of consent to register the subdivision plan, which ever first occurs
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b) For Subdivisions:

Area of land	X	Offsite levy to be paid by Owner	= Area of land of the Subdivision approval within which the lots are located	X Offsite levy in effect for the respective Zone in which the land subject to the Subdivision approval is located as of the date that the County approves an agreement for the construction of municipal improvements to service the lands being subdivided or the date of endorsement of consent to register the subdivision plan, which ever first occurs
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2. The Offsite levy shall be paid by the Owner of the land being developed or subdivided at the time specified in the development permit approving the development or prior to the County's approval of an agreement between the County and the Owner of the land related to the construction of municipal improvements to service the lands being developed or subdivided, or endorsement of the County's consent to register the subdivision plan, which ever first occurs.

Payment from Roadway Off-Site Levy Funds

3. If the County constructs all or any portion of a County Road the County shall be paid from the appropriate Offsite Levy Fund an amount equal to the Construction Costs incurred by the County. The County shall become eligible for repayment of their Construction Costs for the County Road as of the date of the completion of the construction of the County Road as evidenced by the issuance of a Construction Completion Certificate or its equivalent. Payment to the County shall be made within thirty (30) days of the issuance of the Construction Completion Certificate or its equivalent. If a developer constructs or upgrades all or a portion of a County Road, other than a County Road required to give access to the Developer's subdivision or development, which the Developer is required to construct or upgrade as a condition of a development approval or subdivision approval, the developer is eligible for repayment from the appropriate Offsite levy Fund in the same manner as is the County.
4. If the balance in the appropriate Roadway Off-Site Levy Fund is insufficient to cover all of the County's or developer's applicable Construction Costs, the County or the developer shall be paid any insufficiency in payment from the appropriate Levy Fund as soon as additional Roadway Off-Site Levies are paid to the Roadway Off-Site Levy Fund. Such payments shall continue until all of the County's or

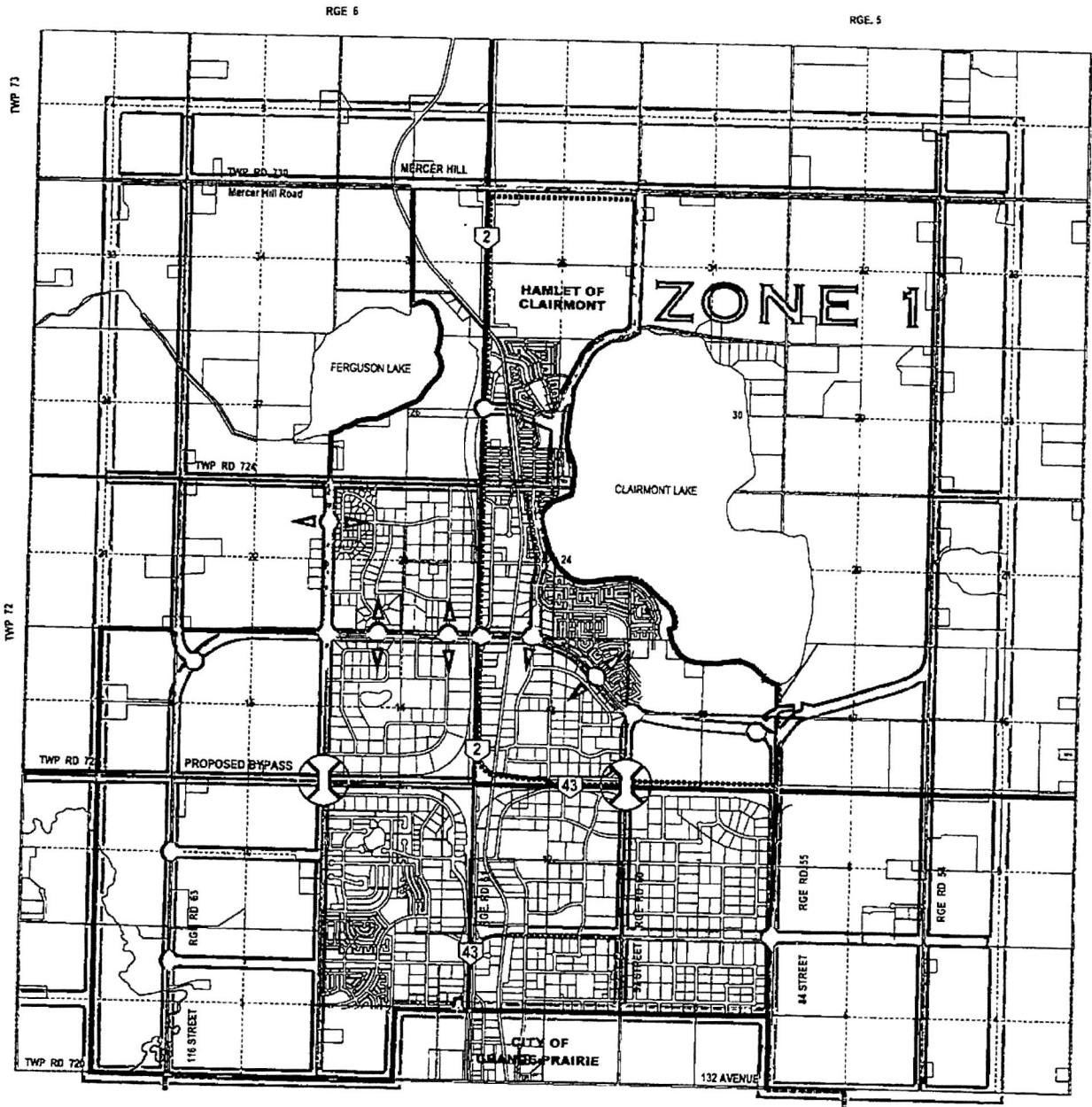
developer's Construction Costs have been refunded to the County or the developer.

5. If two or more entities are entitled to reimbursement of Construction Costs from a Roadway Off-Site Levy Fund, the entity, be it the County or a developer, who became eligible for repayment of Construction Costs as of the earliest date and paid in full prior to any monies from the Roadway Off-Site Levy Fund being paid to others who are entitled to be repaid for Construction Costs incurred in constructing Zone Roadways.

Annual Report on Off-Site Roadway Levies

6. On or before April 1 of each calendar year starting in 2007, the Engineer shall prepare and submit to County Council an annual report on the Offsite levy . The annual report shall identify:
 - (a) County Roads constructed during the previous calendar year;
 - (b) Construction Costs of such County Roads;
 - (c) Amounts paid by the County as Construction Costs for the County Roads and details as to whom the payments have been made;
 - (d) Estimated Construction Costs for the County Roads yet to be constructed and an explanation as to any adjustments to the estimates since the previous annual report;
 - (e) Details as to the amounts collected ink Offsite levy by the County from Owners in the previous calendar year; and
 - (f) Specifics as to the total value of the Offsite levy being held by the County which are yet to be expended on the construction of the County Roadways, including specifics as to the amount of interest earned on such Offsite levy Funds and information regarding any commitments made for the expenditure of monies in the Offsite levy Funds that have not yet been expended.

SCHEDULE "A-1"
BYLAW 2702



COUNTY OF GRANDE PRAIRIE No.1

MAP 2
TRANSPORTATION LEVY ZONES

LEGEND

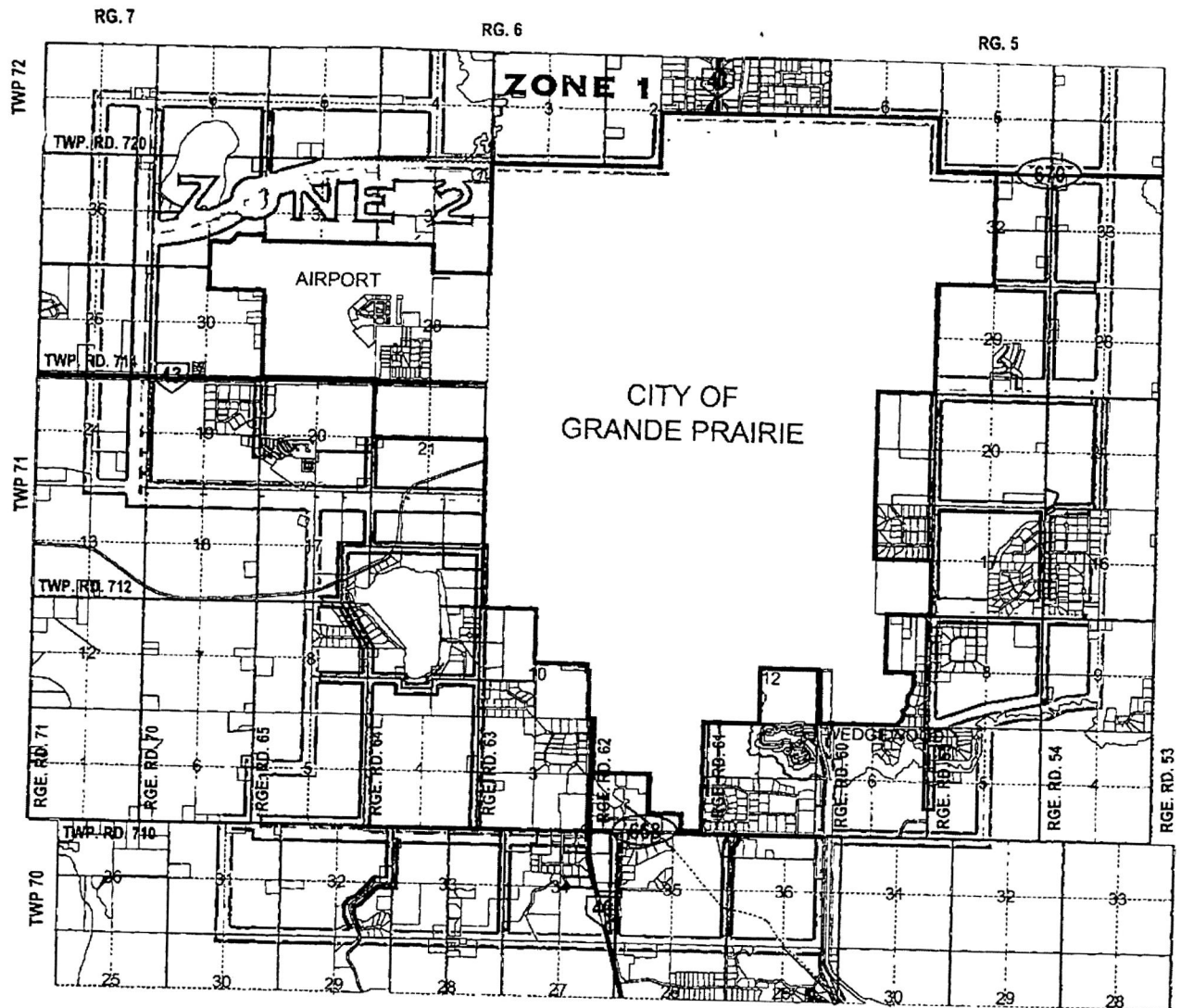
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|--|---------------------------------|
| ARTERIAL ROAD (4 LANES) 10.9 MILES | 20 YEAR BOUNDARY |
| COLLECTOR ROAD (2 LANES) 34.4 MILES | HAMLET OF CLAIRMONT BOUNDARY |
| TRAFFIC SIGNALS - INTERSECTION IMPROVEMENT | CITY OF GRANDE PRAIRIE BOUNDARY |
| OVERPASS | HIGHWAY |
| LONG TERM HIGHWAY 43 BYPASS ROUTE | SECONDARY HIGHWAY |
| LEVY BOUNDARY | COUNTY ROAD |

NUMBER OF ACRES IN ZONE
ZONE 1 22,623.27 Ac

SCALE: N.T.S.
MAP 2 TRANS LEVY ZONES.DWG
ADRIAN-CLARK DESIGN



SCHEDULE "A-2"
BYLAW 2702



COUNTY OF GRANDE PRAIRIE No.1

MAP 3
TRANSPORTATION LEVY ZONES

LEGEND

- | | | | | |
|---|---------------------------|------------|---|---------------------------------|
|  | FUTURE PAVED ROADS | 40.0 MILES |  | HAMLET OF CLAIRMONT BOUNDARY |
|  | EXISTING PAVED ROADS | 1.7 MILES |  | CITY OF GRANDE PRAIRIE BOUNDARY |
|  | ARTERIAL ROAD (4 LANES) | 18.4 MILES |  | HIGHWAY |
|  | LEVY BOUNDARY | |  | SECONDARY HIGHWAY |
| | | |  | COUNTY ROAD |

NUMBER OF ACRES IN ZONE

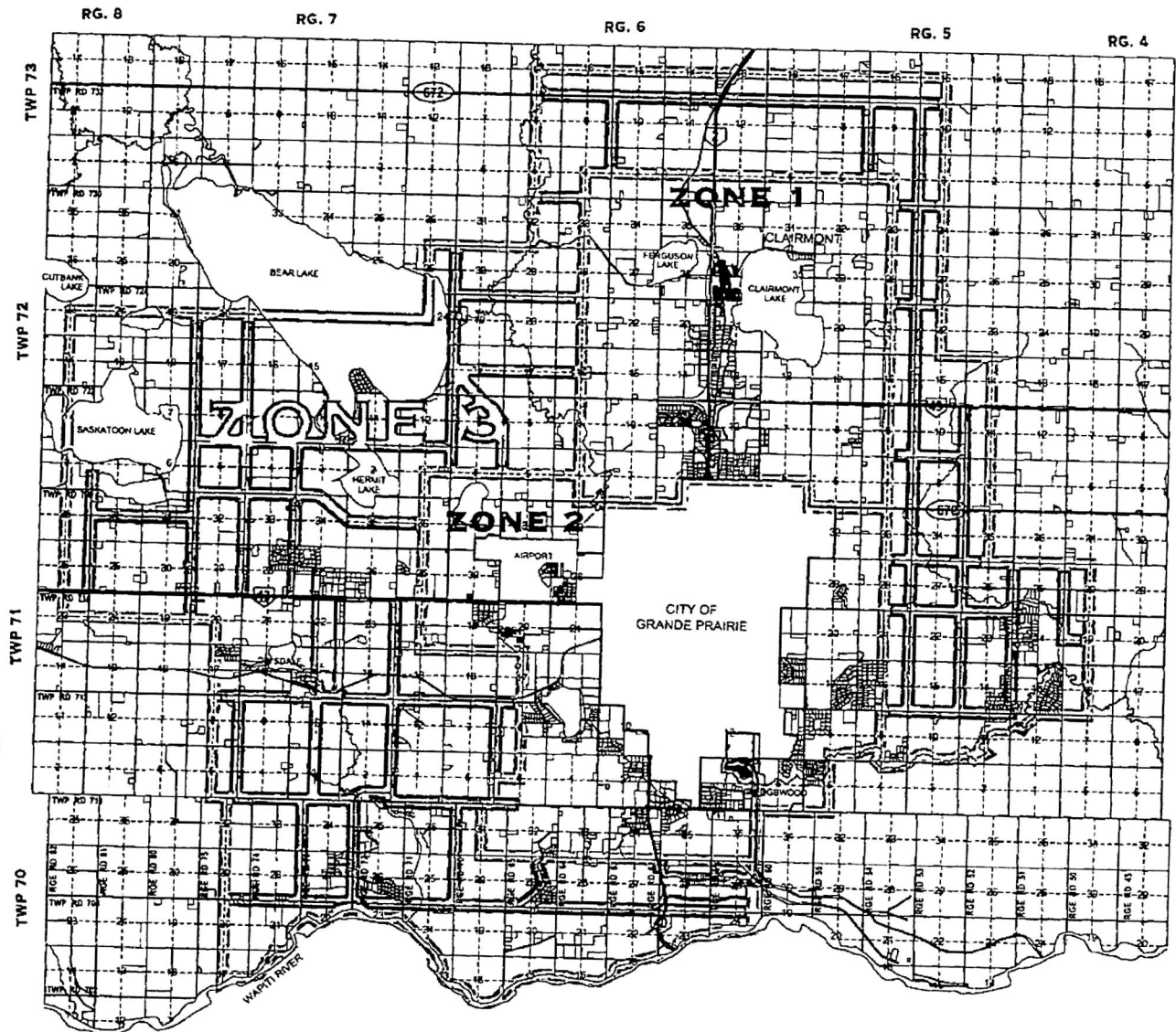
ZONE 2 20,445.33 AC.

SCOTT'S

MAP 3 TRANS LEVY ZONES DWG
ADRIAN-CLARK DESIGN



SCHEDULE "A-3"
BYLAW 2702



COUNTY OF GRANDE PRAIRIE No.1

MAP 4
TRANSPORTATION LEVY ZONES

LEGEND

- | | | | | |
|--|----------------------|-------------|--|---------------------------------|
| | FUTURE PAVED ROADS | 127.9 MILES | | HAMLET OF CLAIRMONT BOUNDARY |
| | EXISTING PAVED ROADS | 7.0 MILES | | CITY OF GRANDE PRAIRIE BOUNDARY |
| | LEVY BOUNDARY | | | HIGHWAY |
| | | | | SECONDARY HIGHWAY |
| | | | | COUNTY ROAD |

NUMBER OF ACRES IN ZONE
ZONE 3 97,897.03 Ac.

SCALE: N.T.S.
02/20/2007
MAP 4 TRANS LEVY ZONES DWG
ADRIAN-CLARK DESIGN

