

BYLAW NO. 1363/22

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO ADOPT AN OFF-SITE LEVY FOR LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE PALM COVE AREA ON SYLVAN LAKE

WHEREAS pursuant to the provisions of Section 648 of the *Municipal Government Act*, Lacombe County Council may by bylaw provide for the imposition of an Off-Site Levy to recover the cost of providing regional wastewater services to the development area identified in the *Palm Cove Area Off-Site Levies* report carried out by Stantec dated April 18, 2022 herein attached to as Schedule 'A' and forming part of this bylaw, and Lacombe County Council wishes to enact this Bylaw for that purpose;

AND WHEREAS Lacombe County has consulted with landowners and developers affected by the levies hereby imposed;

AND WHEREAS notice was given of Council's intention to adopt the Off-Site Levy Bylaw in the following local newspapers:

Lacombe County News	February 17, 2023
Sylvan Lake News	February 23 and March 2, 2023

AND WHEREAS a public hearing was held on February 9, 2023 pursuant to Section 606 of the *Municipal Government Act* to allow the general public and landowners and developers to comment and make submissions in regard to the proposed Bylaw;

NOW THEREFORE Lacombe County Council duly assembled, pursuant to the *Municipal Government Act*, RSA 2000, c. M-26-1, as amended, hereby enacts as follows:

1. This Bylaw may be referred to as the *Palm Cove Area Off-Site Levy Bylaw*.
2. In this Bylaw, the following words and terms shall have the following meanings:
 - a. "Council" means the duly elected Council of Lacombe County;
 - b. "County" means Lacombe County;
 - c. "Development Area" means those lands identified as "Proposed Development Area" in Schedule 'A' attached hereto and forming part of this Bylaw.
 - d. "Net Developable Area" means the developable area of land calculated on a net hectare basis that excludes lands designated as Environment Reserve, Municipal Reserve or open space dedication.
3. An Off-site Levy in the amount of \$9,284 per hectare of net developable area is hereby imposed upon all lands within the Development Area to be developed or subdivided and for which no Off-Site Levy has been previously collected. Where the land to be subdivided or developed will be greater or lesser than a hectare, the Off-Site Levy shall be calculated proportionately based upon per hectare levy identified herein.

Agricultural, residential and home based businesses, as defined by the *Land Use Bylaw*, will be exempt from this Bylaw at Lacombe County Council's discretion.

4. The levy hereby imposed shall be in addition to any fees or charges payable related to the subdivision or development of land, and shall be paid to the County upon approval of a subdivision, or the approval of a development permit application, as the case may be.
5. Where a request is made to connect to the regional wastewater service for exempted uses detailed in section 3, and the wastewater services are adjacent and/or immediately available to those lands, the levy will be imposed at the discretion of Lacombe County.
6. The Council of Lacombe County may, in its sole discretion, waive or defer or otherwise deal with any portion of the levies or charges required to be paid pursuant to this Bylaw, including, without restricting the generality of the foregoing, where the County has entered into an agreement with the developer or owner of the lands within the Development Area to construct a portion of the infrastructure which would otherwise form part of the costs which would be subject to the Off-site Levies hereby imposed.
7. The preamble and schedules to this Bylaw are incorporated into and form part of this Bylaw.
8. The County Manager, or his or her designate shall review this Bylaw, every three (3) years or other time frame as deemed necessary, and report to Council so that the levies provided for hereby, and the information utilized to calculate those levies, is kept current.
9. All funds collected pursuant to this bylaw shall be accounted for in a special fund and expended only as permitted under the provisions of the *Municipal Government Act*.
10. This Bylaw shall come into full force and effect on the third and final reading hereof, and signature by the Reeve and County Manager.

This Bylaw shall come into effect upon final passage thereof.

INTRODUCED AND GIVEN FIRST READING this 9th day of February, 2023

GIVEN SECOND READING this 9th day of March, 2023

GIVEN THIRD AND FINAL READING this 9th day of March, 2023



Barb Shepherd
Reeve




Tim Timmons
County Manager

Schedule 'A'



Memo

To: Dale Freitag and Cajun Paradis From: Brad Vander Heyden
Lacombe County Red Deer
Project/File: 1101000014 Date: April 18, 2022

Reference: Palm Cove Area Off-Site Levies

Introduction

There are three areas of proposed development in Lacombe County between Palm Bay and Sunbreaker Cove, as illustrated in Figure 1.0. These include Palm Cove (NW&SW34 39-2-W5), Skyy Country Golf and RV (NE34 39-2-W5), and SE34 39-2-W5, which currently does not have an outline plan. These developments will have communal wastewater systems that connect to and benefit from the recently constructed Joint Line upsizing through Sunbreaker Cove and the Sylvan Lake Regional Wastewater Commission line, which pumps the sewage from Blissful Beach to Sylvan Lake, where it is then pumped to Red Deer to be treated at the wastewater treatment plant. The purpose of this memo is to outline the costs for the off-site levies for the off-site infrastructure.

Developable Area

As illustrated in Figure 1.0, the three areas have a combined gross area of approximately 172 ha. Lacombe County's Sylvan Lake Area Structure Plan has identified that 40% of the gross area must be kept as open space plus 10% of the gross area shall be dedicated to Municipal Reserve (MR) space. Therefore, the gross developable area for which off-site levies will be recovered for is considered to be 50% of the gross (total area).

$$\text{Gross Developable Area} = 50\% \text{ of Gross Area} = 0.50 \times 172\text{ha} = 86 \text{ ha}$$

Off-Site Infrastructure

As illustrated in Figure 2.0, there are two components to the off-site wastewater infrastructure that the Palm Cove area will have to contribute to the cost of:

- **Sunbreaker Cove Force Main Upsizing** –Prior to the construction of Sunbreaker Cove's wastewater collection system, an agreement was prepared to upsize the main line on Breakers Way and Sunhaven Way so that it can accommodate both the Summer Village and the ultimate buildout of the Palm Cove area. This line became known as the "Joint Line" and through the cost-sharing arrangement, saved money for both Lacombe County and the Summer Village. The agreement identified that the cost-sharing mechanism should largely be based on the estimated volumes of each area, which is 56% for Lacombe County and 44% for Sunbreaker Cove (please refer to the memo entitled "*Lacombe County Sewer Servicing – Sylvan Lake North Developments – Hydraulic Analysis*" by Stantec, December 17, 2020 for more information). Additional measures for odor control and enhanced flushouts were also required along the Joint Line to accommodate

Reference: Palm Cove Area Off-Site Levies

interim low flows that are expected until the construction of the Palm Cove lift station. Lacombe County's cost contribution for this was \$663,576.

Off-Site Levy Rate = \$663,576 / 86 ha = \$7,716/ha

- **The Sylvan Lake Regional Wastewater Line from Birchcliff to Sylvan Lake** – Much of the project was funded with grants, but Lacombe County contributed \$661,792 toward the upsizing of the forcemains, which was not grant-eligible. In addition, Lacombe County has paid \$185,146 toward the debt portion of the project, which including principal, interest, and close-out. In total, Lacombe County's cost contribution to the Commission's infrastructure was \$846,938.

The Sylvan Lake Area Structure Plan identified that approximately 1,543 ha of land will ultimately be developed in Development Areas 1 and 2. It is extremely unlikely that full buildout will happen within the lifespan of the regional system. Over a 50-year lifespan, it is estimated that 70% of that will be built out and benefit from the regional line contributions that have been paid (see attached marked up ASP figure). Therefore, the Palm Cove Area's contribution to this cost is calculated as follows:

Palm Cove Area's contribution to the regional line = $\$846,938 / (1,543\text{ha} \times 0.70 \times 0.50) = \$1,568/\text{ha}$

Summary

The total Palm Cove area off-site levy rate is summed as follows:

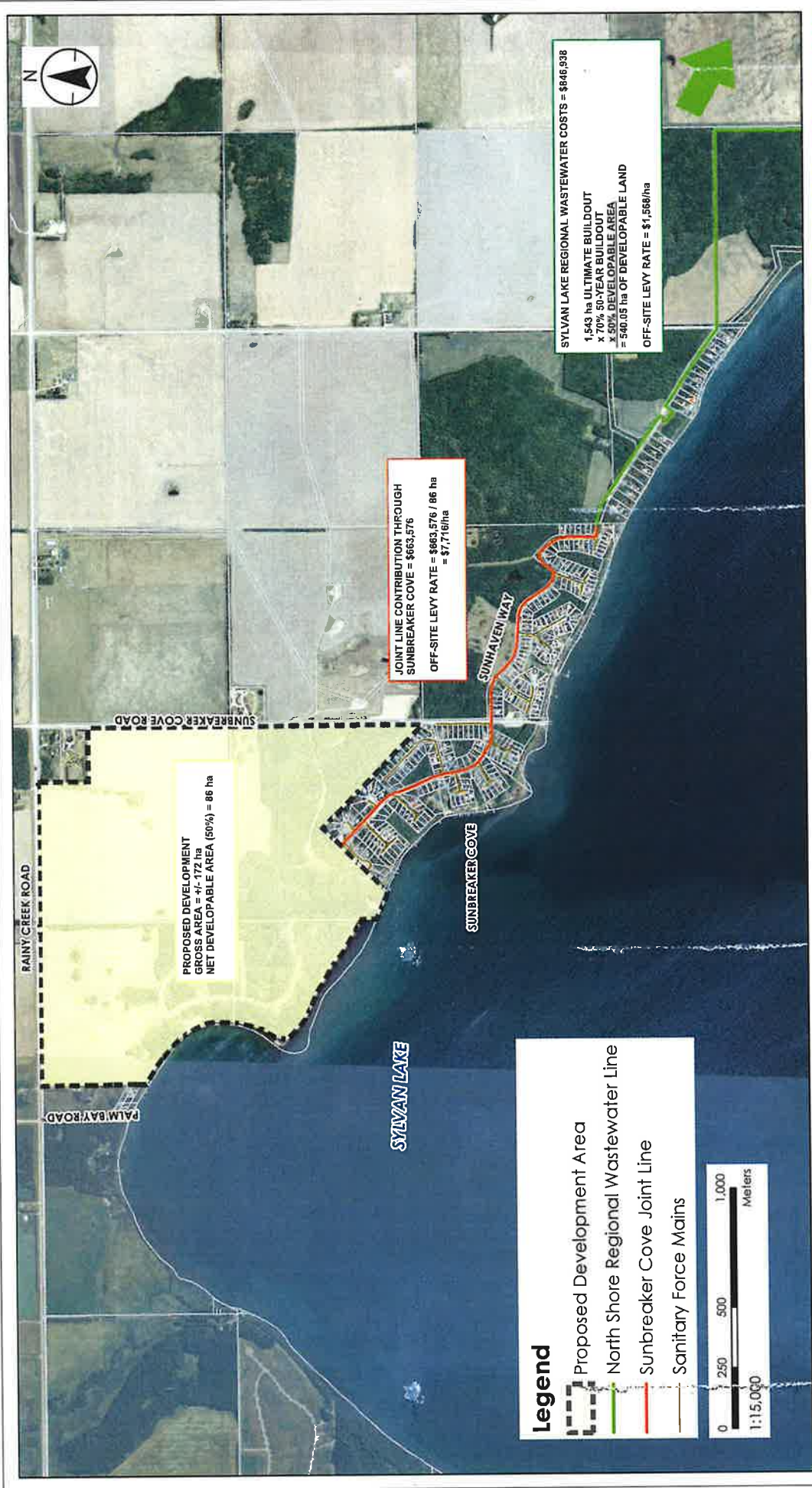
Sunbreaker Cove Force Main Upsizing	\$7,716/ha
Sylvan Lake Regional Wastewater Line	\$1,568/ha
Total	\$9,284/ha

Stantec Consulting Ltd.



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Attachment: Figures 1.0 and ASP Map With Ultimate Areas



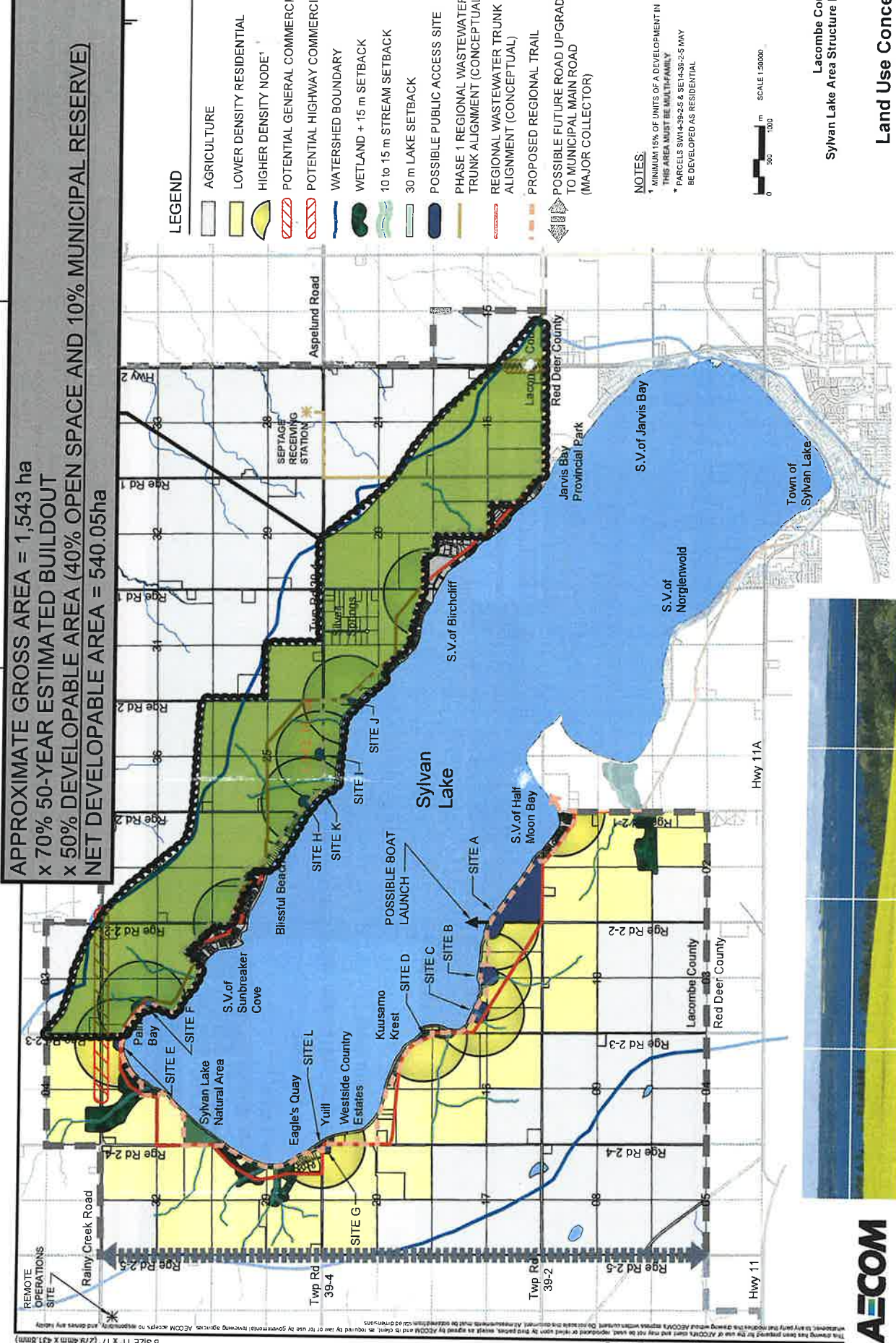
Project No.: 1101000014

Figure 1.0: Off-Site Infrastructure Costs
 Lacombe County
 Development Concept
 Offsite Levies - 2022

Notes:
 Aerial Imagery by Vallus September 22, 2013
 Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



APPROXIMATE GROSS AREA = 1,543 ha
 x 70% 50-YEAR ESTIMATED BUILDOUT
 x 50% DEVELOPABLE AREA (40% OPEN SPACE AND 10% MUNICIPAL RESERVE)
 NET DEVELOPABLE AREA = 540.05ha



AECOM

Lacombe County
 Sylvan Lake Area Structure Plan

Land Use Concept
 Figure 4