

BYLAW 14380
ARTERIAL ROADS FOR DEVELOPMENT

Office Consolidation February 2017

Prepared by:

City of Edmonton

Bylaw 14380, as amended, was adopted by City Council on September 26, 2006. In June 2012, this document was consolidated by virtue of the incorporation of the following bylaws, which were amendments to the original bylaw.

Bylaw 14479 Approved February 13, 2007

A house keeping bylaw to correct errors and omissions in the original bylaw, and to update the lists of arterial improvements and right-of-way dedications being cost shared by development.

Bylaw 14588 Approved September 10, 2007

A bylaw to reflect the changes to the Lewis Farms Area Structure Plan proposed under Bylaw 14676.

Bylaw 14642 Approved December 12, 2007

A bylaw to reflect the changes to The Grange Area Structure Plan proposed under Bylaw 14698.

Bylaw 14806 Approved January 17, 2008

A bylaw to reflect the changes to Big Lake Area Structure Plan proposed under Bylaw 14802.

Bylaw 15015 Approved September 22, 2008

A bylaw to reflect the changes to the Southeast Area Structure Plan proposed under Bylaw 14979.

Bylaw 15273 Approved December 16, 2009

A bylaw to reflect the changes to the Heritage Valley Town Centre Neighbourhood Area Structure Plan and the proposed amendments to the Heritage Valley Servicing Concept Design Brief proposed under Bylaw 15295 and Bylaw 15296.

Bylaw 15311 Approved February 16, 2010

A bylaw to reflect the changes to the Winterburn Industrial Area Structure Plan proposed under Bylaw 15356.

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- Bylaw 15324 Approved March 11, 2010
A bylaw to reflect the changes to the Maple Ridge Industrial Neighborhood Area Structure Plan proposed under Bylaw 15357.
- Bylaw 15080 Approved June 9, 2010
A bylaw to reflect the Horsehills Energy and Technology Park Area Structure Plan proposed under Bylaw 15093.
- Bylaw 15716 Approved June 22, 2011
A bylaw to reflect the Edgemont Area Structure Plan proposed under Bylaw 15717.
- Bylaw 15730 Approved July 4, 2011
A bylaw to reflect the changes to the Windermere Area Structure Plan proposed under Bylaw 15802 and the proposed amendments to the Ambleside and Glenridding Neighbourhood Structure Plans proposed under Bylaw 15806 and 15803.
- Bylaw 15945 Approved May 28, 2012
A house keeping bylaw to correct errors and omissions in the current bylaw; including updates to the lists of arterial roadway improvements and rights-of-way dedication being cost shared by development, as well as minor boundary amendments to match approved Area Structure Plan boundaries.
- Bylaw 16164 Approved July 16, 2012
A bylaw to incorporate additional land into the Terwillegar Heights Catchment.
- Bylaw 16672 Approved February 24, 2014
A bylaw to reflect the Goodridge Corners Neighbourhood Area Structure Plan proposed under Bylaw 16714.
- Bylaw 17032 Approved April 28, 2015
A bylaw to reflect the Horse Hill Area Structure Plan proposed under Bylaw 17021 and the Marquis Neighbourhood Structure Plan proposed under Bylaw 17022.
- Bylaw 17181 Approved September 22, 2015
A bylaw to reflect the Riverview Area Structure Plan proposed under Bylaw 17267.
- Bylaw 17383 Approved October 19, 2015
A bylaw to reflect the amendments to the Windermere Area Structure Plan proposed under Bylaw 17404, and to revise City and Developer contributions within the basin.

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Bylaw 17666 Approved November 28, 2016

A bylaw to amend text and schedules to clarify the definition of highway penetrator roads and their associated construction and land dedication requirements as arterial roads, as well as minor text edits to the 'assessable area' definition.

Bylaw 17791 Approved January 23, 2017

A bylaw to reflect the amendments to the Ellerslie and south East Area Structure Plan proposed under Bylaw 17802 and 17803.

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Editor's Note:

This is an office consolidation edition of Bylaw 14380 – Arterial Roads for Development, as approved by City Council on September 26, 2006. This edition contains all amendments and additions to Bylaw 14380. For sake of clarity, new maps and a standardized format were utilized in this edition of the Bylaw. All reasonable attempts were made to accurately reflect the original Bylaw and its amendments.

This office consolidation is intended for convenience only. In case of uncertainty, the reader is advised to consult the original Bylaws, available at the office of the City Clerk.



THE CITY OF EDMONTON

BYLAW 14380

ARTERIAL ROADS FOR DEVELOPMENT

Whereas ss. 650 and 655 of the *Municipal Government Act* RSA 2000 ch. M-26 allows a municipality to impose conditions on development permits and subdivision approvals requiring the applicant to construct or pay for the construction of, among other things, public roads;

Whereas s. 655 of the *Municipal Government Act* RSA 2000 ch. M-26 allows a municipality to enter into an agreement with an applicant who has constructed a road with an excess capacity to recover a portion of that roadway cost from a future developer who benefits from that road;

Whereas s. 648 of the *Municipal Government Act* RSA 2000 ch. M-26 allows a municipality to pass a bylaw to require payment for the construction of new or expanded roads as a condition of subdivision approval or development permit;

And whereas s. 649 of the *Municipal Government Act* RSA 2000 ch. M-26 states that a bylaw authorizing an off-site levy shall state the purposes of the levy and the method by which it was calculated;

Therefore Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

- 1 The Arterial Roadway Assessment collected under this Bylaw will be used to pay for the costs of designing and constructing new Arterial Roads, to a designed size of four or five lanes, along with any associated land costs. Applicants for subdivision or development permit within a Catchment will be responsible to pay this assessment. The total Construction Costs of the Arterial Roads within a Catchment will be shared proportionately based on the area of the Subject Lands within the Catchment.

- 2 The fee collected under this bylaw will be used to fund the costs of administering and maintaining this bylaw.

DEFINITIONS

- 3 In this bylaw, unless the context otherwise requires:
- (a) **“Applicant”** means any applicant for subdivision or development permit within a Catchment, or any person, including the City of Edmonton, that has incurred Construction Costs for an Arterial Road.
 - (b) **“Arterial Road”** means a road that serves as a major transportation route between different areas of the City and as defined by the Transportation Systems Bylaw, and in the case of Highway Penetrator Roads, also serves areas outside of the City, but as more specifically identified in the Schedules attached hereto;
 - (c) **“Arterial Roadway Assessment”** means an amount of money equal to:
 - (i) the total Construction Costs of the Arterial Improvements left to be constructed in a Catchment;
 - (ii) plus any Over-Expenditures being carried by Previous Applicants in the Catchment;
 - (iii) all divided by the total remaining Assessable Area of the Catchment that is yet to be developed;
 - (iv) all multiplied by the Assessable Area of the Subject Lands.
 - (d) **“Arterial Improvements”** means the improvements constructed within the Arterial Road right-of-way necessary for the Arterial Road to function properly and efficiently, and includes the improvements as more specifically described in section 9 of this Bylaw;
 - (e) **“Assessable Area”** means the total area of a given piece of land less:
 - (i) the area of land designated or to be designated as a public utility lot, environmental reserve, municipal reserve, school reserve or municipal and school reserve;
 - (ii) the area of land dedicated or to be dedicated for

Arterial Roads, or Transit Centre Lands;

- (iii) titled pipeline or overhead power transmission line rights of way and any land which, at the sole discretion of the City, is sufficiently encumbered by pipeline or overhead power transmission line rights of way that no reasonable development may take place;
 - (iv) the area of land used for a provincial highway; and
 - (v) the area used or to be used for Highway Penetrator Roads beyond that required for six lanes of Arterial Road.
- (f) **“Catchment”** means an area of the City that is served by a particular Arterial Roads and other Arterial Improvements as more specifically identified in the Schedules attached hereto.
- (g) **“City”** means the Municipal Corporation of the City of Edmonton;
- (h) **“City Manager”** means the Chief Administrative Officer of the City or his/her designate;
- (i) **“Construction Cost”** means:
- (i) in the case of Arterial Improvements that have been constructed, the actual costs of constructing the Arterial Improvements;
 - (ii) in the case of improvements that are the subject of detailed design prepared by a Professional Engineer, the estimated cost of construction based on the detailed design; or
 - (iii) in the case of improvements that are the subject of conceptual design, the estimated cost of construction based on conceptual design;
- and in all cases includes the dollar value assigned to any lands dedicated for Arterial Road right-of-way and Transit Centre Lands, and a reasonable amount for the cost associated with engineering and administering the design and construction of the Arterial Road;
- (j) **“Council”** means the Municipal Council of the City of

Edmonton;

- (k) **“Highway Penetrator Road”** means a higher standard Arterial Road that is an extension of a roadway of provincial significance identified under the Highway Penetrator Agreement;
- (l) **“Interest”** means the Interest Rate times the number of years an Applicant has carried an Over-Expenditure rounded down to the nearest whole number of years. The Interest begins to accrue on the later of:
 - (i) the Applicant’s completion of the Arterial Roadway such that it is open and operational to the satisfaction of the City; or
 - (ii) the Applicant’s payment of a contribution towards a previous Applicant’s Over-Expenditure.
- (m) **“Interest Rate”** means the lesser of:
 - (i) an annual rate equal to the prime rate charged by the Main Branch of the Toronto Dominion Bank in Edmonton plus one per cent (1%), on January 1 of the year for which interest is to be calculated; or
 - (ii) an annual rate of interest equal to the percentage change in the Edmonton Non-Residential Construction Price Index, published from time to time by Statistics Canada, from the third quarter of two previous calendar years to the third quarter of the previous calendar year from the year in which interest is to be calculated. Notwithstanding anything herein, if the change in the Edmonton Non-Residential Price Index for any period is a negative sum then the value of the annual rate pursuant to this Bylaw shall be equal to zero (0).
- (n) **“Over-Expenditure”** means the amount by which:
 - (i) an Applicant’s Construction Costs for completed Arterial Roads; and
 - (ii) an Applicant’s contribution to a previous Applicant’s Over-Expenditure; and
 - (iii) any Interest that that may have accrued on a

previous Applicant's Over-Expenditure,

which exceeds its Arterial Roadway Assessments. For greater clarity, an Applicant has not incurred an Over-Expenditure until such time that the Arterial Road has been constructed and the actual Construction Costs have been approved by the City.

- (o) **"Professional Engineer"** has the same meaning as in the *Engineering, Geological and Geophysical Professions Act* RSA 2000 ch. E-11; and
- (p) **"Subject Lands"** means:
 - (i) a parcel or parcels that are the subject of a development permit application; or
 - (ii) the parcel or parcels that are to be created through a subdivision application and may include any unsubdivided remnant which, in the opinion of the subdivision authority, is unlikely to be subdivided again.
- (q) **"Transit Centre Lands"** means the area of land designated as a transit centre which is or is to be dedicated to the City, and more specifically those transit centres identified in the Schedules attached hereto;
- (r) **"Zoning Bylaw"** means the City of Edmonton Zoning Bylaw #12800 or any other bylaw that fulfills the requirements of a land use bylaw under the *Municipal Government Act* RSA 2000 ch. M-26, as amended.

RULES FOR INTEPRETATION	4	The marginal notes and headings in this bylaw are for reference purposes only.
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PART II - SCHEDULES OF CATCHMENTS & ARTERIAL ROADS

CATCHMENTS & ARTERIAL ROADS	5	Each Catchment has a boundary that identifies the Subject Lands for which any and all Applicants are responsible to construct or pay for the construction of the Arterial Improvements needed for that particular Catchment.
SCHEDULES	6	The Schedules attached hereto include Catchment maps that identify both the Catchment boundaries and the Arterial Roads to

be cost-shared through out that Catchment. The Schedules also define the number of lanes of the Arterial Roads and any other specific Arterial Improvements to be constructed and cost shared within the Catchment. A list of the attached Schedules is as follows:

- (a) Schedule “A” – Aurum & Cloverbar Industrial
- (b) Schedule “B” – Big Lake
- (c) Schedule “C” – Castledowns Extension
- (d) Schedule “D” – Dechene, Donsdale, Jamieson & Wedgewood
- (e) Schedule “E” – Ebbers & Gorman
- (f) Schedule “F” – Ellerslie
- (g) Schedule “G” – The Grange
- (h) Schedule “H” – Heritage Valley
- (i) Schedule “I” – Lake District
- (j) Schedule “J” – Lewis Farms
- (k) Schedule “K” – Maple Ridge & South East Industrial
- (l) Schedule “L” – The Meadows
- (m) Schedule “M” – Mistatim Industrial
- (n) Schedule “N” – Palisades
- (o) Schedule “O” – Pilot Sound
- (p) Schedule “P” – Place La Rue
- (q) Schedule “Q” – Poundmaker Industrial
- (r) Schedule “R” – Pylypow Industrial
- (s) Schedule “S” – Rampart Industrial
- (t) Schedule “T” – South East ASP
- (u) Schedule “U” – Sunwapta Industrial

- (v) Schedule “V” – Terwillegar Heights
- (x) Schedule “X” – Windermere
- (y) Schedule “Y” – Winterburn Industrial
- (z) Schedule “Z” – Edmonton Energy & Technology Park
- (aa) Schedule “AA” – Edgemont

- (bb) Schedule “BB” – Goodridge Corners
- (cc) Schedule “CC” – Horse Hill
- (dd) Schedule “DD” – Riverview

PART III - CONSTRUCTION & COST SHARING OF ARTERIAL ROADS

CONSTRUCTION OF ARTERIAL ROADS

- 7 As a condition of granting a subdivision approval or development permit for any lands located within any of the Catchments identified in the Schedules attached hereto, the subdivision authority or development officer may require the Applicant to construct or pay for the construction of such portions of the Arterial Improvements identified in the Schedules attached hereto as are required to ensure the safe and efficient movement of traffic through the Catchment while the Catchment is being developed and to ensure that all Arterial Roads in the Catchment are completely constructed by the time the Catchment has been fully developed. Without limiting the generality of the foregoing, the subdivision authority or development officer shall require the Applicant to construct or pay for the construction of any portion of an Arterial Road that is located within the Subject Lands or any portion of an Arterial Road that is required to provide access to the Subject Lands.

- 8 When an Applicant is required to construct an Arterial Road that is deemed to be a four or six lane road in its ultimate design, the Applicant shall construct the first four lanes of the Arterial Road. If the Arterial Road to be constructed is deemed to be a five or seven lane road in its ultimate design, the Applicant shall construct the first five lanes. Exceptions to this requirement will only be considered by Administration in the event of:

- (a) insufficient Arterial Road right-of-way being present to construct the full four or five lanes; or
- (b) if the Arterial Roadway bisects an existing Catchment and a future (currently undefined Catchment) and the traffic volumes on that Arterial Roadway only require two or three lanes.

In the event that Administration does grant an exception based on this section, then the additional lanes to be constructed will be constructed by future Applicants.

- 9 When an Applicant is required to construct an Arterial Road the Applicant shall construct any and all improvements necessary for the functioning the Arterial Roadway, which may include:

- (a) storm sewers needed to service the Arterial Road
- (b) sub-grade preparation;
- (c) curb and gutter
- (d) pavement and pavement markings;
- (e) sidewalks and multi-use trails;
- (f) street lighting and any associated power requirements;
- (g) medians;
- (h) turn-bays;
- (i) acceleration, deceleration and auxilliary lanes;
- (j) traffic control signs and signals;
- (k) landscaping;
- (l) creek crossings; and
- (m) any additional improvements identified in the Schedules attached hereto

but will not include:

- (n) grade-separated railway crossings
- (o) grade-separated intersections

unless such an improvement is identified in the Schedules attached hereto.

- 10 The Construction Costs of the Arterial Improvements will, in part, be used to determine and calculate the Arterial Roadway Assessments. The City Manager shall update the Construction Costs no less than once a year, and may update them at more frequent intervals as required.

COST SHARING

- 11 As a condition of granting a subdivision approval or development permit for any lands located within any of the Catchments identified in the Schedules attached hereto, the subdivision authority or development officer may require the Applicant to enter into an agreement with the City to pay:

- (a) an administrative fee pursuant to section 14 of this Bylaw;
- (b) an Arterial Roadway Assessment; and
- (c) some or all of the remaining Over-Expenditures incurred by previous Applicants in the same Catchment.

Any portion of an Over-Expenditure collected pursuant to this section shall be distributed to the previous Applicants who incurred the Over-Expenditure.

- 12 If an Applicant or a previous Applicant has already paid an Arterial Roadway Assessment as a condition of the subdivision or development of the Subject Lands, the subdivision authority or development officer may not require an applicant to pay another Arterial Roadway Assessment for those same Subject Lands."
- 13 Arterial Roadway Assessments collected from a particular Catchment, shall only be expended on the construction of Arterial Roads within that Catchment or for the repayment of Over-Expenditures previously incurred in that Catchment.

PART IV - THE ADMINISTRATION FEE

**THE
ADMINISTRATION
FEE**

- 14 An administration fee, plus any applicable sales tax, shall be collected with each agreement that is entered into pursuant to a subdivision approval or development permit, where said agreement collects Arterial Roadway Assessments and/or incurs an Over-Expenditure.

- 15 This administration fee will be used to fund:
- (a) Staff operating and capital expenses to administer the collection and accounting of the assessments;
 - (b) Annual audits of the Arterial Roadway Assessment and Over-Expenditure tracking accounts for each Catchment; and
 - (c) Annual reviews of land development projections, construction cost estimates, assessment rates and required amendments to this Bylaw.

PART V - GENERAL

- EFFECTIVE DATE** 16 This Bylaw takes effect and applies to any subdivision application or development permit granted on or after October 1, 2006, regardless of when those applications were made.

Schedule "Z" - Edmonton Energy and Technology Park - Catchment & Associated Roadways



Schedule “Z”

Edmonton Energy & Technology Park – Catchment & Associated Roadways

The following Arterial Road Improvements are included in the Edmonton Energy & Technology Park Catchment:

1. 18 Street N.W. (four lanes) – 259 Avenue to Manning Drive
2. 195 Avenue N.W. (four lanes) – Manning Drive to approximately 800 metres west of 50 Street N.W.
3. 66 Street N.W. (four lanes) – Transportation Utility Corridor to Highway 37 (259 Avenue)
4. 50 Street N.W. (four lanes) – Transportation Utility Corridor to Highway 37 (259 Avenue)
5. Un-Named Road 1 (four lanes) – 50 Street N.W. to Manning Drive
6. Un-Named Road 2 (four lanes) – Un-Named Road 1 to 18 Street N.W.
7. Un-Named Road 3 (four lanes) – Un-Named Road 1 to 259 Avenue
8. Un-Named Road 4 (four lanes) – 34 Street N.W. to 18 Street N.W.
9. Un-Named Road 5 (four lanes) – 50 Street N.W. to Manning Drive
10. Un-Named Road 6 (four lanes) – Un-Named Road 3 to Un-Named Road 5
11. Rail Crossing at Un-Named Road 4
12. Rail Crossing at Un-Named Road 5
13. Bridge Creek Crossing and Rail Crossing at Un-Named Road 1
14. Bridge Creek Crossing at Un-Named Road 3 north of Un-Named Road 5
15. Creek Crossing at 18 Street N.W. south of Un-Named Road 4
16. Creek Crossing at 34 Street N.W. south of 195 Avenue N.W.
17. Creek Crossing at 34 Street N.W. north of 195 Avenue N.W.
18. Creek Crossing at 34 Street N.W. north of Un-Named Road 1
19. Creek Crossing at 50 Street N.W. north of 195 Avenue N.W.
20. Creek Crossing at 50 Street N.W. south of Un-Named Road 1
21. Creek Crossing at 50 Street N.W. north of Un-Named Road 1