



Province of Alberta
Order in Council

O.C. 102 /2018

MAY 01 2018

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Off-site Levies
Amendment Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
as ALBERTA REGULATION 53/2018
ON May 1st 20 18

REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Municipal Affairs

Authority: Municipal Government Act
(section 694)

APPENDIX
Municipal Government Act
OFF-SITE LEVIES AMENDMENT REGULATION

1 The *Off-site Levies Regulation* (AR 187/2017) is amended by this Regulation.

2 Section 1 is amended

(a) by repealing clause (b) and substituting the following:

(b) “infrastructure” means the infrastructure, facilities and land required for the purposes referred to in section 648(2)(a) to (c.1) of the Act;

(b) by adding the following after clause (d):

(e) “transportation infrastructure” means the infrastructure and land referred to in section 648(2)(c.2) required to connect or improve the connection of a municipal road to a provincial highway.

3 Section 2 is amended

(a) in clause (a) by striking out “section 648(2) of the Act” and substituting “section 648(2)(a) to (c.1) of the Act and any land required for or in connection with these purposes”;

(b) by adding the following after clause (a):

(a.1) for the purposes of section 648(2)(c.2) of the Act and any land required for or in connection with these purposes, must apply the principles and criteria specified in sections 3, 3.1, 4, 5 and 5.1,

4 Section 3 is amended

(a) by repealing subsection (1) and substituting the following:

General principles

3(1) Subject to section 3.1, the municipality is responsible for addressing and defining existing and future infrastructure, transportation infrastructure and facility requirements.

(b) in subsection (3) by adding “, transportation infrastructure” after “infrastructure”;

(c) in subsection (4)

(i) by adding “, transportation infrastructure” after “infrastructure”;

(ii) by striking out “and services”;

(d) by adding the following after subsection (4):

(5) Notwithstanding anything to the contrary in this Regulation, the levy is of no effect to the extent it directs the Government of Alberta to expend funds, to commit to funding transportation infrastructure or arrangements to undertake particular actions or to adopt particular policies or programs.

(6) A municipality cannot compel an applicant for a development permit or subdivision approval to fund the cost of the construction of infrastructure, transportation infrastructure or facilities to be funded by a levy beyond the applicant’s proportional benefit.

(7) A municipality and an applicant for a development permit or subdivision approval may enter into an agreement whereby the applicant agrees to fund the entire cost of the construction of infrastructure, transportation infrastructure or facilities to be funded by a levy, subject to terms and conditions agreed to by both parties.

(8) An agreement made under subsection (7) may include provisions for the reimbursement of the cost incurred or payment made in excess of the applicant’s proportional benefit of the infrastructure, transportation infrastructure or facilities together with interest calculated at a rate fixed by the municipality for the amount of the cost of the infrastructure, transportation infrastructure or facilities until

all land in the benefiting area for the specific infrastructure, transportation infrastructure or facilities is developed or subdivided.

5 The following is added after section 3:

Transportation infrastructure — general principles

3.1(1) The municipality, in consultation with the Minister responsible for the *Highways Development and Protection Act*, is responsible for defining the need, standards, location and staging for new or expanded transportation infrastructure.

(2) All transportation infrastructure constructed must adhere to the standards, best practices and guidelines acceptable to the Minister responsible for the *Highways Development and Protection Act* and are subject to that Minister's approval.

6 Section 4 is amended

(a) in subsection (1)

(i) by repealing clause (b) and substituting the following:

(b) recognizes variation among infrastructure, facility and transportation infrastructure types,

(ii) by repealing clause (c) and substituting the following:

(c) is consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and

(b) by repealing subsection (2) and substituting the following:

(2) Notwithstanding subsection (1)(c), the methodology used in determining the calculation of a levy may be different for each specific type of infrastructure, transportation infrastructure or facility.

7 Section 5(1) is amended



(a) by repealing clause (a) and substituting the following:

- (a) a description of the specific infrastructure, facilities and transportation infrastructure;

(b) by repealing clause (c) and substituting the following:

- (c) supporting studies, technical data and analysis;

8 The following is added after section 5:

Additional principles and criteria to apply to transportation infrastructure

5.1(1) In calculating a levy imposed pursuant to section 648(2)(c.2) of the Act, the municipality must take into consideration the following:

- (a) supporting traffic impact assessments or other applicable technical studies;
- (b) statutory plans;
- (c) policies;
- (d) agreements that identify
 - (i) the need for and benefits from the new transportation infrastructure,
 - (ii) the anticipated growth horizon, and
 - (iii) the portion of the estimated costs of the transportation infrastructure that is not covered by the Crown that is proposed to be paid by
 - (A) the municipality,
 - (B) the revenue raised by the levy, and
 - (C) other sources of revenue;
- (e) any other relevant documents.

(2) In addition to the principles and criteria set out in sections 3, 3.1, 4 and 5, the additional criteria set out in subsections (1), (3) and (4) apply when determining a levy for transportation infrastructure.

(3) Once the need for transportation infrastructure has been identified by a municipality in consultation with the Minister responsible for the *Highways Development and Protection Act*, the municipality

- (a) must determine the benefitting area, and
- (b) must base the benefitting area on a reasonable geographic area for the use of the transportation infrastructure.

(4) A levy under this section must apply proportionally to a benefitting area determined under subsection (3).

9 Section 7 is amended

(a) in subsection (1)

(i) in clause (a) by adding “, transportation infrastructure” after “infrastructure”;

(ii) in clause (b)

(A) by striking out “each participating municipality” and substituting “participating municipalities”;

(B) by adding “, transportation infrastructure” after “infrastructure”;

(b) by adding the following after subsection (2):

(2.1) In addition to the criteria set out in subsection (1), the principles and criteria set out in sections 3.1 and 5.1 apply when determining an intermunicipal levy for transportation infrastructure referred to in section 648(2)(c.2) of the Act.

10 Section 8 is amended

(a) in subsection (1) by adding “, transportation infrastructure” after “infrastructure”;

(b) in subsection (4) by striking out “subsections (2), (3) and (4)” and substituting “subsections (1), (2) and (3)”.

11 Section 10 is amended by adding “for a purpose referred to in section 648(2.1) of the Act” **after** “levy”.

12 This Regulation comes into force on May 1, 2018.