

April 21, 2015 - Presentation to Council Public Hearing on Bylaw 2015-07 – Bob Horton

Mr. Mayor and Members of Council

The first item I would like to raise is an issue of process.

We received notification regarding this bylaw coming forward around 3 p.m. on **April 2**, the just before the Easter long weekend.

Through persistence from the Executive Director of the UDI, Administration agreed to meet with him and us (other developers could not fit it into their schedule) on **April 13** at 2:00 p.m.

At that meeting a question was asked regarding a document referred to in Bylaw 2015-07, specifically the Off-site Levy Report. Administration had not previously sent that document out for industry review but did so later that day at 3:52 p.m.

A specific question was asked regarding storm levy for which a response was sent **April 20** (yesterday) @ 9:52 a.m.

Under the Municipal Government Act Regulation 48/2004 the Municipality has a duty to negotiate in good faith, be full and open regarding disclosure of levy costs and payments, work with all developers to address existing and future infrastructure requirements

and consult affected land owners in determination of the calculation of the levy. (Regulation attached)

While the Annual Off-Site Levy Report appears on the face of it to be well thought out and put together, there has not been sufficient time to review the report in detail and consult with Administration on the outputs.

One specific item is on Schedule G of the bylaw which shows area 206 as being developed greater than 25 years which is inconsistent with the County's new Acheson ASP showing that area as readily developable. The documents should line up.

There are many other areas that we would like to discuss with Administration and ask that Council allow adequate time to do so and defer closure of this Public Hearing of the bylaw until such time as those discussions have taken place and resolution is reached as contemplated in the MGA Regulation.

(Consolidated up to 54/2015)

**ALBERTA REGULATION 48/2004**

**Municipal Government Act**

**PRINCIPLES AND CRITERIA FOR OFF-SITE  
LEVIES REGULATION**

**Definition**

- 1** In this Regulation, “levy” means an off-site levy referred to in section 2.

**Application generally**

- 2** A municipality, in establishing an off-site levy for the purposes of Division 6 of Part 17 of the Act, shall apply the principles and criteria specified in section 3.

**Principles and criteria specifically**

- 3(1)** In determining the levy costs, the municipality is to retain the flexibility to negotiate the levy in good faith and in a manner that recognizes the unique or special circumstances of the municipality.
- (2)** There is to be full and open disclosure of all levy costs and payments.
- (3)** There is a shared responsibility between the municipality and developers for addressing and defining existing and future infrastructure requirements and all beneficiaries of development are to be given the opportunity to participate in the cost of providing and installing infrastructure in the municipality on an equitable basis related to the degree of benefit.
- (4)** Where necessary and practicable, the municipality is to coordinate infrastructure provisions and services with neighbouring municipalities.
- (5)** There is to be a correlation between the levy and the impacts of new development.
- (6)** The methodology for determining the levy is to be consistent across the municipality, while recognizing variations among infrastructure types.
- (7)** The method of calculation for the levy is to be clear.
- (8)** The information used to calculate the levy is to be kept current.
- (9)** The calculation of the levy is to include, but is not limited to,
- (a)** a description of the specific infrastructure facilities,
  - (b)** a description of the benefiting areas,
  - (c)** supporting technical data and analysis, and
  - (d)** estimated costs and mechanisms to address cost increases over time.
- (10)** Calculation of the levy is to be determined in consultation with affected landowners and developers.
- (11)** The levy is subject to annual reporting requirements.

**Expiry**

4 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2018.

AR 48/2004 s4;19/2011;54/2015