

1984 BILL 13

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

PLANNING AMENDMENT ACT, 1984

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

1984

PLANNING AMENDMENT ACT, 1984

(Assented to , 1984)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

- 1 The Planning Act is amended by this Act.*
- 2 Section 1 is amended by repealing clause (q) and substituting the following:*
 - (q) “public utility” means the right of way for one or more of the following:
 - (i) telecommunications systems;
 - (ii) waterworks systems;
 - (iii) irrigation systems;
 - (iv) systems for the distribution of gas, whether natural or artificial;
 - (v) systems for the distribution of artificial light or electric power;
 - (vi) heating systems;
 - (vii) sewage systems;
- 3 Section 76 is amended*
 - (a) in subsection (1) by repealing clause (a)(ii);*
 - (b) in subsection (3) by striking out “be imposed” and substituting “be collected”.*

Explanatory Notes

1 This Bill will amend chapter P-9 of the Revised Statutes of Alberta 1980.

2 Section 1(q) presently reads:

(q) "public utility" means the right of way for a public utility as defined in the Municipal Government Act;

3 Section 76 presently reads in part:

76(1) For the one or more purposes referred to in subsection (2), a council may by by-law

(a) provide for the imposition and payment of a levy to be known as an off-site levy, in respect of land that

(i) is to be developed or subdivided, and

(ii) was not previously the subject of an off-site levy under this Act or section 242.1 of the Municipal Government Act as it read immediately before April 1, 1978;

(b) authorize an agreement to be entered into in respect of the payment of the levy.

(3) An off-site levy imposed under this Act may be imposed once only in respect of land that is the subject of a development or a subdivision.

4 *The following is added after section 76:*

76.1 A by-law that authorizes a redevelopment levy or an off-site levy shall set out the object of each levy and shall indicate how the amount of the levy was determined.

5 *The following is added after section 77:*

77.1(1) An agreement under section 76, 77 or 92 may require that the applicant for a development permit or subdivision approval shall pay for all or a portion of an improvement in excess of the requirement for the proposed development or subdivision.

(2) An agreement requiring payment in accordance with subsection (1) may also provide for the reimbursement of the excess cost paid in accordance with that agreement.

(3) If a municipality has entered into an agreement providing for reimbursement in accordance with subsection (2), the municipality shall, at such time as other land that is benefited by the improvement is developed or subdivided, as the case may be, enter into agreements with applicants for development permits or subdivision approval for that land requiring those applicants to contribute a proportionate share of the cost of the improvement.

(4) An agreement under subsection (3) may include an allowance for interest charges accumulating from the time that the payment was made under subsection (1) until the contribution is made under subsection (3).

(5) In this section, “improvement” means

(a) a facility or land referred to in section 76(2), or

(b) a roadway, walkway, utility or facility referred to in section 77(1) or 92(1).

6 *Section 98(c) is amended*

(a) *by adding “or” at the end of clause (b);*

(b) *by repealing clause (c).*

- 4 Contents of redevelopment levy by-law and off-site levy by-law.
- 5 Development and subdivision agreements for oversize improvements.

6 Section 98 presently reads:

98 Subject to section 97, a subdivision approving authority may require the registered owner of a parcel that is the subject of a proposed subdivision to provide part of that parcel as environmental reserve if it consists of

- (a) a swamp, gully, ravine, coulee or natural drainage course,*
- (b) land that is subject to flooding or is, in the opinion of the subdivision approving authority, unstable,*
- (c) land that, in the opinion of the subdivision approving authority, is unsuitable in its natural state for development, unless the applicant for subdivision approval can show to the authority's satisfaction that that land can be made suitable for development, or*
- (d) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of*
 - (i) preventing pollution, or*
 - (ii) providing public access to and beside the bed and shore.*

7 *Section 105 is amended*

- (a) *by repealing subsection (2);*
- (b) *in subsection (6) by adding “or within the extended period prescribed under subsection (7)” after “section”;*
- (c) *by adding the following after subsection (6):*

(7) The Board may from time to time extend

(a) the one-year period referred to in subsection (1), or

(b) the one-year period referred to in subsection (6),

whether the time period under those subsections has or has not expired.

8 *Section 152(5) is repealed and the following is substituted:*

- (5) If a decision of the Board is appealed, the Board
 - (a) shall be a respondent in the application and appeal, if any, and
 - (b) is entitled to be represented by counsel at the application and appeal, if any.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

7 Section 105(1), (2) and (6) presently read:

105(1) The applicant for subdivision approval shall submit to the subdivision approving authority the plan of subdivision or other instrument that effects or will effect the subdivision within one year after the latest of the following dates:

(a) the date on which the subdivision approval is given to the application;

(b) if there is an appeal to the Board in respect of the application, the date of the Board's decision unless the appeal is sooner discontinued;

(c) if there is an appeal to the Court of Appeal under section 152, the date on which the judgment of the Court is entered or the date on which the appeal was discontinued.

(2) The Board may from time to time extend the one-year period referred to in subsection (1).

(6) If the plan of subdivision or other instrument is not registered in a land titles office within one year after the date on which it is endorsed pursuant to this section, the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument shall not be accepted by a Registrar for registration.

8 Section 152(5) presently reads:

(5) The Board shall be a respondent on the application and, if leave is granted, a respondent to the appeal, and is entitled to be represented by counsel on the application and, if leave is granted, on the appeal.