

Proposed amendments to the Edmonton and Calgary City Charters

(30) The following is added after Part 16 of the Act:

Part 16.1 Climate Change ~~Mitigation and~~ Adaptation Plans

Definitions

~~615.3~~ In this Part,

~~(a) “climate change adaptation plan” means a plan under section 615.5;~~

~~(b) “climate change mitigation plan” means a plan under section 615.4.~~

Definition

615.3 In this Part, “climate change adaptation plans means a plan under section 615.5

Climate change mitigation plan

~~615.4(1)~~ The City must, in accordance with this section, establish a plan for the purpose of addressing and mitigating the effects of climate change:

~~(2) A climate change mitigation plan must establish requirements for regular public reporting respecting~~

~~(a) initiatives undertaken by the City for the purpose of~~

~~(i) improving the energy efficiency of City-owned buildings, facilities and fleets of vehicles;~~

~~(ii) developing and encouraging the development of renewable electricity; and~~
~~(iii) mitigating the effects of climate change;~~

~~(b) the greenhouse gas emission levels of City-owned buildings, facilities and fleets of vehicles;~~

~~(c) any actions taken~~

~~(i) for a purpose referred to in clause (a), or~~

~~(ii) to reduce the emission levels referred to in clause (b);~~

~~during the period to which the report relates, and any progress made during that period;~~
~~and~~

~~(d) the manner in which the City has taken matters referred to in clauses (a), (b) and (c) into account in making decisions during the period to which the report relates.~~

~~(3) A climate change mitigation plan may contain any provisions or address any matters that the City considers necessary or desirable for a purpose referred to in subsection (1):~~

~~(4) A climate change mitigation plan must be adopted by a resolution of the council:~~

~~(5) A climate change mitigation plan must be reviewed no later than 5 years after it is established and at least once every 5 years thereafter:~~

~~(6) The results of a review must be advertised and public participation must be provided for in accordance with the City’s public participation policy:~~

Definition removed to align with the repeal of s.615.4 below.

Removes the requirement for the cities to complete a climate change mitigation plan. Plans are now optional.

~~(7) On completion of a review, and after taking the public response into consideration, a climate change mitigation plan may be updated as the council considers appropriate.~~

~~(8) A climate change mitigation plan that is established or updated under this section must be published on the City's website or made publicly available in another manner that the City considers likely to bring it to the attention of substantially all residents of the City.~~

~~(9) The City must establish its first climate change mitigation plan on or before December 31, 2020.~~

(35.1) Subject to subsection (35.2), section 648 of the Act is to be read as follows:

Off-site levy

648(1) The council for the City may by bylaw

- (a) provide for the imposition and payment of a levy, to be known as an off-site levy, in respect of land that is to be subdivided, developed or redeveloped,
- (b) define the infrastructure for which an off-site levy will be imposed,
- (c) establish the method that will be used to determine the degree that the land that is to be subdivided, developed or redeveloped benefits from each type of infrastructure identified, and
- (d) authorize the collection of an off-site levy as a condition of
 - (i) a subdivision approval,
 - (ii) a development permit, or
 - (iii) a development agreement.

~~(2) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the Education Act.~~

(2) A bylaw may not impose an off-site levy on land required for a

(a) school building project that is owned by a school board or charter school,

(b) school building project that is leased to

(i) a school board in accordance with section 187.1(4)(b) of the Education Act, or

(ii) a charter school,

(c) development for a school building on land that is owned by an accredited independent school, or

(d) development for a school building on land that is leased by an accredited independent school.

(3) An off-site levy under this section may only be used to pay

- (a) the capital cost of the infrastructure forming the subject of the off-site levy,
- (b) the capital cost of the land required for or in connection with the infrastructure, and
- (c) the interest cost of borrowing to finance the capital costs in subsections (a) and (b), if any.

New provisions
added to align
charters with Bill 28
amendment
exempting charter
and independent
schools from OSL.

New provisions added to align charters with Bill 28 changes that restrict operational and certain capital costs from OSL.

(3.01) An off-site levy under this section may not be used to pay for the following:

(a) operational costs;

(b) capital costs relating to commercial retail facilities included in the design of a facility that are not required to deliver the facility's core services;

(c) anything not permanently affixed to a facility;

(d) capital costs for a facility incurred to build to a standard higher than the standard required under any applicable building codes.

(35.4) Section 648.1 of the Act is to be read as follows:

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with sections 648.11 to 648.15, appeal an of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(3) to the Land and Property Rights Tribunal on any of the following grounds:

(a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the applicable provisions of the regulations;

(b) that the principles and criteria referred to in the applicable provisions of regulations made under section 694(4)(b) that must be applied by the City when passing the off-site levy bylaw have not been complied with; (c) that the determination of the benefitting area was not determined in accordance with the applicable provisions of regulations made under section 694(4)(c);

(d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(3) or the interest cost of borrowing to finance those capital costs, if any;

(d.1) that the off-site levy or any portion of it is used to pay for anything referred to in section 648(3.01)(a) to (d);

(e) that the calculation of the off-site levy is inconsistent with the applicable provisions of regulations made under section 694(4) or is incorrect;

(f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

New appeal provision added, as a consequence of the new subsection (3.01) above.